

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

August 2023

DELAWARE RIVER BASIN COMMISSION

Public Notice

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 9, 2023 commencing at 1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions and draft resolutions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Thursday, September 7, 2023 commencing at 10:30 a.m.** The business meeting will be held remotely. An agenda will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

Pamela M. Bush, J.D., M.R.P.
Commission Secretary and Assistant General Counsel

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

PUBLIC NOTICE

806 Regulations for Invasive Plants

Summary

Pursuant to the authority granted by Title 3 chapter 29 of the Delaware Code, the Department of Agriculture proposes to amend its regulations. The purpose of the amended regulations is to establish exemptions to the Invasive Plant List to match research efforts taken in establishing the sterility of these cultivars. The Delaware Department of Agriculture is approving these exemptions in order to allow the import, export, purchase, sale, transport, distribution, and/or propagation of these cultivars as they have been conditionally determined as noninvasive as they will not propagate and spread throughout the state. The Delaware Department of Agriculture has presented these exemptions to the Delaware Nursery and Landscapers Association (DNLA) and Delaware Native Species Commission (DNSC). These regulatory amendments will additionally assist the Nursery Industry and small business within the state to increase sales.

The Department of Agriculture is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the August 1, 2023, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Delaware Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations indicating whether these proposed regulations should be adopted, rejected or modified. Interested parties may hand deliver to the Department, any written suggestions, data, briefs or other materials at the above address Pursuant to 29 Del.C. § 10118(a), public comments must be received on or before September 1, 2023. Written materials submitted will be available for inspection at the above address.

Adoption of Proposed Regulation

On or after September 3, 2023, following review of the public comment, the Department of Agriculture will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Department of Agriculture, the amendments shall take effect ten days after being published as final in the *Delaware Register of Regulations*.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1351 Underground Storage Tank Systems

SAN # 2023-04

DOCKET # 2023-R-WH-0006

1. TITLE OF THE REGULATIONS:

ADMIN. CODE 1351, *UNDERGROUND STORAGE TANK SYSTEMS*

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The DNREC Division of Waste and Hazardous Substances (DWHS) is proposing to amend regulatory requirements for owners/operators of underground storage tanks to: improve clarity for the regulated community, and to incorporate by reference three documents (Delaware Risk Based Corrective Action Protocol; Hydrogeologic Investigative Guidance; Vapor Intrusion Guidance) to be used as standards for soil sampling and analysis as well as for corrective action purposes.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Chapter 60, Section 6010(a), and

7 **Del.C.** Chapter 74, Delaware Underground Storage Tank Act.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted.

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2023-R-WH-0006) will be held on Wednesday, August 30, 2023, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC website at <https://de.gov/>

[dnrehearings](#). To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the meeting ID: 984 4462 0083. If prompted for a passcode, please use 962375. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The proposed amendments may be inspected online starting August 1, 2023 on the Delaware Register of Regulations' website (https://regulations.delaware.gov/services/current_issue.shtml) or on the DNREC website at <https://dnrec.alpha.delaware.gov/waste-hazardous/regulations/>.

The Department will accept public comment through Thursday, September 14, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY: Eileen M. Butler

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE
1352 Aboveground Storage Tanks
SAN # 2023-03
DOCKET # 2023-R-WH-0007

1. TITLE OF THE REGULATIONS:

ADMIN. CODE 1352, *ABOVEGROUND STORAGE TANKS*

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The DNREC Division of Waste and Hazardous Substances (DWHS) is proposing to amend regulatory requirements for owners/operators of aboveground storage tanks to: improve clarity for the regulated community, and to incorporate by reference three documents (Delaware Risk Based Corrective Action Protocol; Hydrogeologic Investigative Guidance; Vapor Intrusion Guidance) to be used as standards for soil sampling and analysis as well as for corrective action purposes.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Chapter 74A, Section 7401A, The Jeffrey Davis Aboveground Storage Tank Act.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted.

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2023-R-WH-0007) will be held on Wednesday, August 30, 2023, beginning at 6 p.m., directly following a virtual public hearing on Admin. Code 1351, *Underground Storage Tank Systems*. The web link to the virtual hearing can be accessed through the DNREC website at <https://de.gov/dnrehearings>. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the meeting ID: 984 4462 0083. If prompted for a passcode, please use: 962375. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The proposed amendments may be inspected online starting August 1, 2023 on the Delaware Register of Regulations' website (https://regulations.delaware.gov/services/current_issue.shtml) or on the DNREC website at <https://dnrec.alpha.delaware.gov/waste-hazardous/regulations/>.

The Department will accept public comment through Thursday, September 14, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY: Eileen M. Butler

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
1700 Board of Medical Licensure and Discipline

The Delaware Board of Medical Licensure and Discipline, pursuant to 24 **Del.C.** §1713(a)(12) and §1770A, proposes to amend its regulations to comply with a law change regarding physician's assistants. The new law changed the relationship between physicians and PAs to one of collaboration versus supervision. The proposed regulation changes replace supervision with collaboration and clarify when a physician is limited to collaborating with only four PAs.

The Board will hold a public hearing on the proposed regulation change on September 12, 2023, at 3:00 p.m., virtually and in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Alison Warren, Executive Director of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until September 27, 2023 pursuant to 29 Del. C. § 10118(a).

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
2000 Board of Occupational Therapy Practice

Pursuant to 24 **Del.C.** §2006(a)(1), the Delaware Board of Occupational Therapy Practice ("Board") has proposed revisions to its Rules and Regulations. The revised subsection 1.1, the additions to subsection 1.2.1, and the deletion of former subsections 1.2.2, 1.2.3, and 1.2.4 are designed to address modifications to the supervision of occupational therapy assistants. These revisions will ensure that occupational therapy assistants are properly supervised in the interests of public protection. The remaining alterations to subsection 1.2 propose non-substantive formatting changes consistent with the other revisions. The addition to subsection 3.4.2 adds the Delaware Occupational Therapy Association as a sponsor or provider of continuing education that will be automatically approved. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

This proposed amendment is offered in place of a previous proposal that was published in the *Register* at Vol. 26, Issue 9 because the new proposal is substantively different than the original submission. The previously proposed amendments were published on page 683 of the February 1, 2023 issue of the *Delaware Register of Regulations* (26 **DE Reg.** 683 (2/01/23)). The Board planned to hold a hearing at its March 1, 2023 meeting at 4:30 p.m. but at that meeting, and subsequently at its May 3, 2023 meeting, the Board determined to delay voting on the proposed amended regulations. At its July 5, 2023 meeting, the Board determined to propose a substantively different amendment to its Rules and Regulations. As a result, the Board will now hold a public hearing on September 6, 2023, at 4:30 p.m. in the second-floor conference room B of the Cannon Building, 861 Silver Lake

Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Occupational Therapy Practice, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at Jessica.Lobaccaro@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be September 21, 2023. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

**DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
2930 Council on Real Estate Appraisers**

Pursuant to 24 **Del. C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers has proposed revisions to its rules and regulations. The rules pertaining to continuing education are amended to allow for blended and nano learning. The Council is also taking the opportunity of this proposal to update citations contained in the regulations.

A public hearing will be held on September 19, 2023 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del. C.** §10118(a). Written comments will be accepted until October 4, 2023.

**DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
PUBLIC NOTICE
2266 Vehicle Document Fees**

Pursuant to the authority provided by 21 **Del.C.** §302, 29 **Del.C.** §8404(8), and 30 **Del.C.** §3003, the Delaware Division of Motor Vehicles (DMV), adopted the Vehicle Document Fees.

The Division of Motor Vehicles seeks to adopt general revisions to its existing regulation, Vehicle Document Fees, to add an additional scenario whereby document fees are waived for customers to whom the exemption applies. Additional verbiage and grammatical edits are administrative in nature and serve in part to clarify the intent of the Division as enacted through these regulations.

Public Comment Period

DMV will take written comments on these proposed general revisions to Section 2266 of Title 2, Delaware Administrative Code, from August 1, 2023 through August 31, 2023. The public may submit their comments to:

Valerie Carey, Chief of Vehicle Services Division of Motor Vehicles
(Valerie.carey@delaware.gov) or in writing to their attention,
Delaware Department of Transportation (DelDOT)
Division of Motor Vehicles
PO BOX 698
Dover, DE 19903
