

# DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

## PUBLIC NOTICE

### 202 Rent Increase Dispute Resolution Procedures

AND NOW, this 8th day of January, 2014, the Delaware Manufactured Home Relocation Authority (the "Authority"), issues the following Order and Public Notice:

1. Pursuant to its statutory authority, at the Authority's board meeting held on January 7, 2014, the Authority adopted a resolution proposing for adoption a comprehensive set of regulations and guidelines (the "Proposed Regulations") to be used in the administration of the Rent Justification Dispute Procedures set forth in 25 **Del.C.** §7043.

2. The Rent Justification Dispute Procedures, by statute, apply to all manufactured home community leases expiring on or after November 30, 2013. Due to time restraints, it was necessary to establish emergency regulations to provide manufactured home community owners and tenants with guidelines and procedures to be used pending the adoption of final regulations and guidelines by the Authority.

3. The emergency regulations, which were published in the Delaware *Register of Regulations* at 17 **Del. Reg.** 267 (09/01/13), are scheduled to expire on March 9, 2014.

4. After considering any and all comments to the emergency regulations, the Authority has decided to submit for public comment final "Proposed Regulations".

NOW THEREFORE, for the reasons set forth above, IT IS ORDERED:

1. That the "Rent Increase Dispute Resolution Procedures" (the "Proposed Regulations") attached hereto as Exhibit A are proposed for adoption pursuant to 25 **Del.C.** §7011 and §7043. The Proposed Regulations herein shall be published in the Delaware *Register of Regulations* on February 1, 2014 to provide the public with an opportunity to submit written comments for a period of 30 days after the "Proposed Regulations" are published in the Delaware *Register of Regulations*.

2. Copies of the Proposed Regulations are available by contacting Susanne Lantz, Executive Director of the Authority, at 1675 S. State Street, Suite E, Dover, DE 19901, 302-674-7768.

3. The Authority will entertain written comments to the Proposed Regulations. Anyone wishing to submit written comments should submit such comments by March 2, 2014 to Susanne Lantz, Executive Director of the Authority, at 1675 S. State Street, Suite E, Dover, DE 19901.

4. The Authority shall transmit a copy of this Order and the Proposed Regulations to the Delaware Registrar of Regulations for publication in the next issue of the Delaware *Register of Regulations*.

5. That the Authority reserves the right to hereafter alter, amend, or waive the Regulations adopted herein to the extent that the same may be allowed by law.

6. That the Authority reserves the jurisdiction and power to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE AUTHORITY:

Mitch Crane, Chairperson

Dated: January 8, 2014

## DEPARTMENT OF AGRICULTURE

### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rules in Section 6.0-6.1.2.2, 6.1.2.3, 6.1.2.4 in Section 7- 7.3.5, 7.6.13.14.1.1, 7.6.13.14.1.1.1, 7.6.13.14.1.3, 7.6.13.14.3.4, 7.6.13.14.2.6, 7.6.13.14.2.7 and 7.6.13.14.2.7.1 The Commission will hold a public hearing on the proposed rule changes at Dover Downs on March 11, 2014 at 10:15 am. Written comments should be sent to Mark Davis, Racing Administrator of the Delaware Harness Racing Commission, Department of Agriculture, 2320 South DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on February 1, 2014.

The proposed changes are for the purpose of updating the Rules to reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.html](http://regulations.delaware.gov/services/current_issue.html) A copy is also available for inspection at the Harness Racing Commission office.

## DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, February 20, 2014 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE  
PUBLIC NOTICE**

**Title XIX Medicaid State Plan - Reimbursement Methodology for Inpatient Hospital Outlier Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) with 42 CFR §447.205, and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is amending the Title XIX Medicaid State Plan regarding inpatient hospital services, specifically, *Medicaid Inpatient Hospital Outlier Payments*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4454 by March 3, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**NOTE:** Previous notice to the public, published in the December 24, 2013 issue of the *News Journal* and the December 25, 2013 issue of the *Delaware State News*, originally posted the effective date as January 1, 2014. Please note that the effective date for the proposed change in reimbursement methodology is now March 1, 2014.

The payment adjustment state plan amendment is subject to the approval of the Centers for Medicare and Medicaid Services (CMS).

**DIVISION OF PUBLIC HEALTH  
AUTHORITY ON RADIATION PROTECTION  
Delaware Radiation Control Regulations  
PUBLIC NOTICE**

The Office of Radiation Control, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, is proposing revisions to three State of Delaware Radiation Control Regulations. Due to the extensive number of amendments the Division has concluded that this set of three current regulations should be repealed and replaced in their entirety with the proposed regulations being published. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare standards and to align them more closely with current state administrative code and federal requirements. On February 1, 2014, the Division plans to publish as proposed the amended regulations specified below, and hold them out for public comment per Delaware law.

A public hearing will be held on February 24, 2014 at 3:00 p.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the February 1, 2014 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Radiation Control at (302) 744-4546.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by Friday, March 7, 2014 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES**

**REGISTER NOTICE**  
**7401 Surface Water Quality Standards**

The amended Surface Water Quality Standards presented here are the result of a review of the Standards that started with Start Action Notice #2013-32 in 2013. Department staff reviewed factors affecting human health criteria, Environmental Protection Agency (EPA) documents, staff recommendations, and documents related to site-specific criteria for the tidal Murderkill River. A markup of proposed amendments to the Surface Water Quality Standards was prepared for the Register. To ensure compliance with the Clean Water Act and EPA regulations, the State of Delaware, in accordance with 7 Del.C. §6010, will amend the State of Delaware Surface Water Quality Standards.

A public hearing on these regulations is scheduled for 5:00 PM on February 27, 2014 in the DNREC Auditorium located in the Richardson & Robbins Building at 89 Kings Highway, Dover, DE, with comments accepted until March 14, 2014.

Additional information, copies of the regulation and supporting documents are available on the internet at this URL: <http://www.dnrec.state.de.us/DNREC2000/Divisions/Water/WaterQuality/Standards.htm>. To request a copy of the proposed revisions to the regulations please contact David Wolanski, Watershed Assessment and Management Section at (302) 739-9939 or by email at [david.wolanski@state.de.us](mailto:david.wolanski@state.de.us).

The procedures for adopting regulations are established in 7 Del.C. §6006 and 29 Del.C. Chapter 101. Inquiries regarding comments should be directed to Robert Haynes at (302) 739-9039. Written comments should be addressed to: David Wolanski, Watershed Assessment and Management Section, Silver Lake Plaza-Suite 220, 820 Silver Lake Blvd, Dover, DE 19904-2464. Electronic versions of comments are preferred; please e-mail comments to David Wolanski at [david.wolanski@state.de.us](mailto:david.wolanski@state.de.us)

**DIVISION OF WATERSHED STEWARDSHIP**  
**PUBLIC NOTICE**  
**7408 TMDLs for the Murderkill River Watershed**

The Department of Natural Resources and Environmental Control (DNREC) plans to conduct a Public Hearing regarding proposed amendments to the Total Maximum Daily Loads (TMDLs) Regulation for nutrients and oxygen consuming materials for the Murderkill River Watershed, which was promulgated in June of 2005. A TMDL sets a limit on the amount of a pollutant that can be discharged into a waterbody and still meet water quality standards. TMDLs are composed of Waste Load Allocations (WLAs) for point source discharges, Load Allocations (LAs) for nonpoint sources, and a Margin of Safety (MOS) to account for uncertainties.

Since promulgation of the 2005 Murderkill River TMDLs, a multi-year monitoring, research, and modeling study of Murderkill River Watershed by DNREC and other cooperating agencies and institutions resulted in proposing scientifically-based, site-specific dissolved oxygen and nutrient criteria for the tidal Murderkill River. This proposed amendment of the WLA component of the 2005 TMDLs is to comply with these new site-specific dissolved oxygen and nutrient criteria for the tidal Murderkill River.

The Public Hearing on proposed amendments to the 2005 Murderkill River Watershed TMDLs Regulation will be held at 5:00 p.m., Thursday, February 27, 2014, in the DNREC Auditorium, 89 Kings Highway, Dover, Delaware.

Please send written comments to Hassan Mirsajadi, Watershed Assessment and Management Section, Division of Watershed Stewardship, Department of Natural Resources and Environmental Control, 820 Silver Lake Boulevard, Suite 220, Dover, DE 19904-2464, (302) 739-9939, facsimile: (302) 739-6140, email: ([Hassan.Mirsajadi@state.de.us](mailto:Hassan.Mirsajadi@state.de.us)). All written comments must be received by March 14, 2014. Electronic submission is preferred.

Copies of the Proposed amendments to the 2005 Murderkill River Watershed TMDL Regulation and technical support documents are available on the Department's website at <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx> or by contacting Hassan Mirsajadi, Watershed Assessment and Management Section, Division of Watershed Stewardship, Department of Natural Resources and Environmental Control, 820 Silver Lake Boulevard, Suite 220, Dover, DE 19904-2464, (302) 739-9939, facsimile: (302) 739-6140.

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**100 Board of Accountancy**

The Delaware Board of Accountancy, pursuant to 24 Del.C. §105(a)(1), proposes to revise its rules and regulations. The proposed addition to the regulation seeks to clarify the regulation to address unintended consequences resulting from the existing language.

The Board will hold a public hearing on the proposed rule change on April 23, 2014 at 9:30 AM, Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to

LaTonya Brown, Administrator for the Delaware Board of Accountancy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 8, 2014.

**DIVISION OF PROFESSIONAL REGULATION  
1900 Board of Nursing  
PUBLIC NOTICE**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise regulations 6.6.1.5, 6.8.5, 6.9.2, 8.11.4, 9.6.1, and 2.4.1.5. The proposed changes clarify the process for renewing licenses in light of the sole option for renewal, the on-line renewal, and eradication of the paper renewal. The changes to 2.4.1.5 are non-substantive and are merely an attempt to clarify a prior change that did not include appropriate renumbering and retitling of the regulations.

The Board will hold a public hearing on the proposed regulation change on March 12, 2014 at 1:00 p.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until March 27, 2014 pursuant to 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION  
2700 Board of Registration for Professional Land Surveyors  
PUBLIC NOTICE**

The Delaware Board of Professional Land Surveyors, in accordance with 24 **Del.C.** §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to allow professional development hours to be obtained by online courses. The additional changes are of an administrative nature.

The Board will hold a public hearing on the proposed rule changes on March 20, 2014 at 8:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrator of the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 3, 2014.

**DIVISION OF PROFESSIONAL REGULATION  
Board of Veterinary Medicine  
PUBLIC NOTICE  
3300 Board of Veterinary Medicine**

Pursuant to 24 **Del.C.** §3306(a)(1), the Board of Veterinary Medicine has proposed revisions to its rules and regulations.

A public hearing will be held on March 11, 2014 at 1:15 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Veterinary Medicine, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be March 26, 2014, which is 15 days following the public hearing. The Board will deliberate on all of the public comments at its regularly scheduled meeting on April 8, 2014 at 1:15 p.m., at which time the Board will decide whether to adopt the revisions as proposed.

The Board proposes amendments to Rule 11.0, addressing licensure of veterinary technicians. The revisions strike all references to licensure by educational and/or experiential alternatives. Pursuant to 24 **Del.C.** §3319(a)(1), these alternative methods of licensure expired effective October 1, 2013. As of October 1, 2013, all applicants for licensure as a veterinary technician must show a degree from a veterinary technician program accredited by the AVMA or from a foreign veterinary program approved by the AVMA. Other changes are needed to be consistent with Division of Professional Regulation procedures. Specifically, license renewal is accomplished online and the licensee attests to completion of the required continuing education.

**OFFICE OF THE STATE BANKING COMMISSIONER  
PUBLIC NOTICE  
Notice of Proposed Amendments to Regulations of the State Bank Commissioner**

**Summary**

The State Bank Commissioner proposes to amend 16 Regulations adopted in accordance with Title 5, Chapter 21 (Mortgage Loan Brokers), Chapter 22 (Licensed Lenders) and Chapter 29 (Financing the Sale of Motor Vehicles). Regarding Title 5, Chapter 21 (Mortgage Loan Brokers), the proposed amended Regulations are 2101 (Operating

Regulation), 2102 (Minimum Records), 2103 (Schedule of Charges), 2104 (Minimum Disclosure and Agreement Requirements), 2105 (Report of Delaware Loan Volume), and 2106 (Report of Delaware Assets). Regarding Title 5, Chapter 22 (Licensed Lenders), the proposed amended Regulations are 2201 (Operating Regulation), 2202 (Minimum Records), 2203 (Schedule of Charges), 2204 (Surety Bond or Irrevocable Letter of Credit), 2205 (Report of Delaware Loan Volume), and 2206 (Report of Delaware Assets). Regarding Title 5, Chapter 29 (Financing the Sale of Motor Vehicles), the proposed amended Regulations are 2901 (Operating Regulation), 2902 (Minimum Records), 2903 (Report of Delaware Loan Volume), and 2904 (Report of Delaware Assets). The purpose of the amended regulations is to clarify, streamline, and update the existing regulations for ease of understanding and increased relevance to current licensee operations. Other regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing these proposed regulations in accordance with Title 5 of the Delaware Code. This notice is issued pursuant to the requirements of Subchapter III of Chapter 11 and Chapter 101 of Title 29 of the Delaware Code.

### **Comments**

A copy of the proposed regulations is being published in the February 1, 2014 edition of the Delaware *Register of Regulations*. A copy is also on file in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, Dover, DE 19901 and is available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before March 5, 2014. Written materials submitted will be available for inspection at the above address.

### **Adoption of Proposed Regulation**

On or after March 5, 2014, following review of the public comment, the State Bank Commissioner will determine whether to adopt the proposed amended Regulations 2101, 2102, 2103, 2104, 2105, 2106, 2201, 2202, 2203, 2204, 2205, 2206, 2901, 2902, 2903, and 2904 or make additional changes because of the public comments received.

## **DEPARTMENT OF TRANSPORTATION DIVISION OF TECHNOLOGY AND SUPPORT SERVICES PUBLIC NOTICE**

### **2501 External Equal Opportunity Complaint Procedure**

#### **Background**

As authorized under 17 **Delaware Code** Section 132(e) and 29 **Delaware Code**, Section 8404(8), the Delaware Department of Transportation, ("DelDOT"), through its Division of Technology and Support Services, seeks to adopt amendments to its existing regulations regarding procedures for addressing, investigating and responding to complaints of discrimination on the grounds of race, color, religion, sex, age, national origin or disability with respect to its External EEO Programs.

DelDOT previously submitted a version of these regulations for public comment in September of 2012. Those regulations were never finalized, however. The draft submitted here is a complete revision of the existing regulations, first adopted in 2008.

DelDOT will take written comments on these proposed revisions to its External Equal Opportunity Complaint Procedures from February 1, 2014 through March 7, 2014. The proposed Regulations appear below.

Any questions or comments regarding this document should be directed to:

John R. McNeal, ADA Title II/Section 504 and Title VI Coordinator  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903  
(302) 760 - 2467 (phone)  
(302) 739 - 2254 (fax)  
john.mcneal@state.de.us

**17 DE Reg. 864 (02/01/14)**