

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, February 19, 2015 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MANAGEMENT SERVICES
PUBLIC NOTICE
Birth To Three Early Intervention System

The Birth to Three Early Intervention System, Division of Management Services, Department of Health and Social Services, is seeking public comment on five sets of policies. The purpose of the policies is to ensure compliance under Part C of the Individuals with Disabilities Education Improvement Act of 2004. On January 1, 2015, the Birth to Three Early Intervention System plans to publish the proposed policies specified below, and hold them out for public comment per Delaware law.

The Birth to Three Early Intervention System will hold public hearings to discuss the following policies:

Title
General Education Provisions Act (GEPA)
Public Participation
Eligibility Policy and Definition of Eligible Infants and Toddlers
Statewide System of Early Intervention Services
Early Childhood Transition

Public hearings will be held:
February 26, 2015 at 6:00 pm

Room 198, Main Administration Building on the Herman Holloway
Campus, 1901 N. Dupont Highway Street,
New Castle, Delaware 19720

March 2, 2015 at 10:00 am

Conference Room, Second Floor, 18 North Walnut Street,
Milford, Delaware 19963

Copies of the proposed policies are available for review in the January 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov/default.shtml> or by calling Inita Joyner at (302) 255-9134.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Susan Campbell by Wednesday, March 25, 2015 at:

Susan Campbell
Birth to Three Early Intervention System
1901 N Dupont Hwy
New Castle, DE 19720
Email: susan.campbell@state.de.us
Fax: 302-255-4407

Please Note: Links to the five proposed policies are provided below:

DE Part C Public Participation Policies:

<http://regulations.delaware.gov/register/february2015/calendar/policy1.pdf>

DE Statewide System of Early Intervention Services:

<http://regulations.delaware.gov/register/february2015/calendar/policy2.pdf>

DE Transition Operations Agreement:

<http://regulations.delaware.gov/register/february2015/calendar/policy3.pdf>

Eligibility Policy:

<http://regulations.delaware.gov/register/february2015/calendar/policy4.pdf>

General Education Provisions Act (GEPA):

<http://regulations.delaware.gov/register/february2015/calendar/policy5.pdf>

DIVISION OF PUBLIC HEALTH

**OFFICE OF ANIMAL WELFARE
PUBLIC NOTICE
Regulations For Animals Held in Shelter**

On February 1, 2015, the Department of Health and Social Services, Division of Public Health, Office of Animal Welfare, plans to publish proposed regulations for Animals Held in Shelter and hold them out for public comment per Delaware law.

The regulation has been established to promote and ensure the protection and care of companion animals in animal shelters and to increase opportunities for their placement and adoption. They also establish requirements for humane euthanasia of animals held in animal shelters.

These regulations apply to animal shelters only, and define:

- minimum standards of care and treatment;
- requirements for adoption and recovery;
- acceptable standards, methods and procedures of euthanasia;
- training and certification requirements for certified euthanasia technicians;
- record keeping obligations; and
- procedures for inspections and complaints.

The Office of Animal Welfare Section, under the Division of Public Health, Department of Health and Social Services, will hold a public hearing to discuss proposed regulations for animals held in shelter.

The public hearing will be held on February 23, 2015 at 10:00 a.m. in the Farmington/Felton Room, DeIDOT, 800 Bay Road, Dover, DE 19903.

Copies of the proposed regulation are available for review in the February 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov/default.shtml> or by calling the Office of Animal Welfare Section at 302-255-4626.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation as a supplement to or in lieu of oral testimony should submit such comments by Wednesday, March 10, 2015 to:

Christina Motoyoshi, Deputy Director
Office of Animal Welfare
Delaware Division of Public Health
Carvel Building
1901 N. Dupont Hwy
New Castle, DE 19720
Email: christina.motoyoshi@state.de.us
Fax: (302) 255-4621

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4408 Facilities that Perform Invasive Medical Procedures**

The Office of Health Facilities Licensing and Certification, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, has proposed amendments to the State of Delaware 4408 Facilities That Perform Invasive Medical Procedures.

Proposed amendments change the definition of "Anesthesia" in the 4408 Facilities That Perform Invasive Medical Procedures.

On February 1, 2015, the Department plans to publish proposed amendments to the 4408 Facilities that Perform Invasive Medical Procedures and hold them out for public comment per Delaware law.

Copies of the proposed regulation are available for review in the February 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov/default.shtml> or by calling the Office of Health Facilities Licensing and Certification at (302) 283-7220.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation must submit same to Nathan MacCormack by 4:30 p.m. on Tuesday, March 3, 2015 at:

Nathan MacCormack
Division of Public Health
417 Federal Street

Dover, DE 19901
Email: Nathan.MacCormack@state.de.us
Phone: (302) 744-4700

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3502 Striped Bass Spawning Season and Area Restrictions

3503 Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit

3504 Striped Bass Possession Size Limit; Exceptions

3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements

3506 Striped Bass; Total Length Measurement

The purpose of this action is to adopt provisions consistent with Addendum IV to Amendment 6 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for Atlantic Striped Bass. Addendum IV adopted new biological reference points based on the results of the 2013 benchmark stock assessment. The assessment indicated that the 2012 spawning stock biomass (SSB) was well below the target SSB and was approaching the overfished threshold. Projections show that SSB is likely to fall below the threshold in coming years. In response, Addendum IV requires states to reduce their coastal striped bass harvest by 25%.

Delaware will accomplish the specified 25% commercial fishery reduction through a direct administrative adjustment to the annual commercial quota. The 25% recreational fishery reduction will be achieved through a specific combination of lengths, seasons and possession limits approved by the Commission.

This action also seeks to clarify the commercial tagging and reporting requirements and proposes minor editorial changes, not intended to change meaning.

The hearing record on the proposed changes to 7 DE Admin. Code §§3502, 3503, 3504, 3505, 3506 pertaining to striped bass will be open February 1, 2015. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on February 23, 2015 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1301 Regulations Governing Solid Waste

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to modify the solid waste transporter exemptions and to remove the obsolete dry waste transporter section as dry waste transporters are no longer treated any differently than solid waste transporters. SHWMS also proposes to replace "approval" with "permit" in the composting and recycling section to increase enforceability and oversight available to the Department and to provide greater consistency and fairness. SHWMS also proposes to delete the provision allowing facilities solely accepting source separated materials to not be considered a transfer station as there is no legitimate reason to treat facilities accepting source separated vs. non-source separated materials differently. SHWMS also proposes to modify the provision addressing approval or denial of a permit to add additional guidance as to when a permit can be modified, denied, terminated, or revoked for greater transparency and fair application. To ease the regulatory burden for small businesses generating only a small amount of infectious waste, SHWMS proposes a modification to the infectious waste regulations allowing sharps to be transported without a transporter permit if certain conditions are met. Finally, SHWMS also proposes to add a definition for "non-commercial capacity" and to correct a mistake in the name of the Section.

The public hearing on the proposed amendments to DRGSW will be held on Thursday, February 26, 2015 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1301 Regulations Governing Solid Waste

The DNREC public hearing concerning proposed regulation amendments to DRGSW ("Scrap tires") previously scheduled to be held on January 26, 2015, was postponed due to inclement weather. Said hearing will now be held on Monday, February 9, 2015 at 6:00 p.m. at the DNREC Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE
1302 Regulations Governing Hazardous Waste

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to clarify the requirement of Small Quantity Generators of hazardous waste to document employee hazardous waste training. SHWMS also proposes to clarify the requirement of documentation of weekly inspections for owners or operators of treatment, storage, and disposal facilities.

To facilitate the electronic transmission of the uniform manifest form and make the use of the uniform manifest much more cost-effective and convenient for users, SHWMS proposes to adopt the federal e-manifest rule.

The public hearing on the proposed amendments to DRGHW will be held on Thursday, February 26, 2015 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
1725 Polysomnography Advisory Council

The Delaware Polysomnography Council of the Board of Medical Licensure and Discipline, pursuant to 24 **Del.C.** §1799W(c), proposes to amend its rules and regulations. The proposed regulation changes clarify that the practice of polysomnography is always deemed to occur where the patient is located, regardless of whether the testing is in or out of center. In other words, if a polysomnographer is analyzing and scoring data collected during sleep monitoring which occurs in Delaware, the polysomnographer must have a Delaware license.

The Council will hold a public hearing on the proposed regulation change on March 2, 2015 at 1:00 p.m., Second Floor Conference Room C, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Shauna Slaughter, Administrative Specialist of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until March 17, 2015 pursuant to 29 **Del.C.** §10118(a).

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

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 automatically approve, for continuing education credit, courses sponsored or offered by other states' surveying societies and to clarify the statutory definition of "responsible charge." The Board will hold a public hearing on the proposed rule changes on March 19, 2015 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.

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
5200 Board of Examiners of Nursing Home Administrators

The Delaware Board of Examiners of Nursing Home Administrators, pursuant to 24 **Del.C.** §5206(1), proposes to revise its regulations. The proposed revisions to the regulations would mandate that AIT registrants take additional training in preparation for the National Association of Long Term Care Administrator Boards and the practice of nursing home administration. The Board has always strongly recommended that applicants take the course and now recommends that the course become mandatory pursuant to 24 **Del.C.** §5209(a)(1).

The Board has rescheduled a public hearing on the proposed rule change to March 10, 2015 at 1:00 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Flora Peer, Administrator of the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904.

DEPARTMENT OF TRANSPORTATION

DIVISION OF MOTOR VEHICLES

PUBLIC NOTICE

2288 Special Group or Organization Registration Plates for Persons With Disabilities

The Delaware Department of Transportation Division of Motor Vehicles (DMV) is seeking public comment regarding the provision of Special License Plates for Persons with Disabilities.

Under Subchapter 2 of Chapter 21 of Title 21 of the Delaware Code, the DMV is authorized to issue special license plates to organizations and groups. The DMV is also authorized under Section 2134 of the same Title to issue special license plates for persons with disabilities which limit or impair the ability to walk. These plates feature the international person with disability wheelchair symbol. Some of these persons with disabilities may also wish to display their affiliation or support for an organization or group, while retaining their rights to consideration as a person with disabilities.

The draft regulations would authorize the DMV to design and issue special registration plates for groups and organizations that also include the international person with disability wheelchair symbol.

The Department will take written comments on the proposed Regulation for this alternative registration plate from February 1, 2015 through March 4, 2015. The proposed Regulation appears below.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Scott Clapper
Chief of Vehicle Services
Division of Motor Vehicles
Delaware Department of Transportation
303 Transportation Circle
Dover, DE 19904
(302) 744-2533 (telephone)
(302) 739-4750 (fax)
Scott.Clapper@state.de.us

18 DE Reg. 657 (02/01/15)