

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

February 2024

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Wednesday, February 7, 2024, 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 Wednesday, March 6, 2024, 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

DELAWARE STATE FIRE PREVENTION COMMISSION

PUBLIC NOTICE

710 Ambulance Service Regulations

The Delaware State Fire Prevention Commission, pursuant to 16 **Del. C.** § 6604(1), proposes to revise regulation 710, by updating language and labels. The proposed regulations add Emergency Medical Responder and Field Training Officer positions. Finally, the proposed regulations list specific crimes which could result in discipline.

The Board will accept written comments, which should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: fire.commission@delaware.gov. The Public Comment period will end on Monday, March 4, 2024.

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 HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE
4306 Stroke System Regulation

Pursuant to 16 **Del.C.** §9704, the Department of Health and Social Services, Division of Public Health, is proposing new 4306 Stroke System Regulation.

A copy of the proposed regulation is available for review in the February 1, 2024 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov>, or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs, or other written materials concerning the proposed regulations must submit them by 4:30 p.m. on Monday, March 4, 2024, to:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4459 Lead-Based Paint Hazards

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection section, is re-proposing revisions to Regulation 4459 Lead Based Paints Hazards. The revisions include:

- Changes to the definition of "Target Housing";
- Technical changes to the soil lead concentration in subsection 5.6.7.1;
- Addition of electronic payments for accreditation of training programs;
- Removal of the requirement for the Secretary to maintain a list of parities whose accreditation has changed status; and
- Addition of the ability for an abatement worker to apply for a 1-year provisional certification.

These amendments were previously published in the December 2023 issue of the Register (27 **DE Reg.** 407 (12/01/23) (Prop.) and are hereby re-proposed to with substantive changes resulting from the public comment received (between December 1, 2023, and January 8, 2024).

Copies of the re-proposed regulations are available for review in the February 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov>, or by calling the Division of Public Health at (302) 744-4700.

Public comments will be received until the close of business Monday, March 4, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE

4459A Regulations Governing the Childhood Lead Poisoning Prevention Act

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection section, is re-proposing revisions to 4459A Regulations Governing the Childhood Lead Poisoning Prevention Act. The revisions include:

- Amending the age limits for elevated blood lead level screening or testing in subsection 3.2;
- Clarified the acronym "DPH" in subsections 3.6, 5.0, and 10.3.2;
- Amended the use of the word "Program" in subsections 10.3.3.2 and 10.6;
- Amended references to "elevated blood lead levels" in subsection 11.1;
- Addition of the Division's investigation and reporting obligations; and
- Technical and renumbering revisions.

These amendments were previously published in the December 2023 issue of the *Register* (27 **DE Reg.** 409 (12/01/23) (Prop.) and are hereby re-proposed to with substantive changes resulting from the public comment received (between December 1, 2023, and January 8, 2024).

Copies of the re-proposed regulations are available for review in the February 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov>, or by calling the Division of Public Health at (302) 744-4700.

Public comments will be received until the close of business Monday, March 4, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

Division of Social Services PUBLIC NOTICE Food Benefit Certification

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 4, 2024. Please identify in the subject line: Food Benefit Certification.

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.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

Statutory Authority

7 CFR 273.10 (f)

Background

DSSM 9068 is being amended to reflect the changes from 24-month to 12-month certification periods for households in which all members are elderly or disabled, and from 12-month to 6-month certification periods for all other households participating in SNAP. DSS is shortening SNAP certification period lengths to eliminate the SNAP periodic review and to help reduce errors caused when households do not report changes in circumstances during the certification period. DSSM 9068 was also updated with current case processing procedures and DSSM 9068.1 through DSSM 9068.5 will be sunset with relevant information from these policies added to DSSM 9068.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to sunset DSSM 9068.1 through DSSM 9068.5 and add relevant information from these policies to DSSM 9068. The proposed policy will also explain the requirements for certification periods in the Supplemental Nutrition Assistance Program (SNAP), including assigning certification periods, when the certification period begins and ends, and adjusting or terminating certification periods based on household circumstances.

Summary of Proposed Changes

Effective for services provided on and after April 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

Public Notice

In accordance with the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments should be received by 4:30 p.m. on March 4, 2024.

Fiscal Impact

DSSM 9068 is already in effect and there are no new financial responsibilities associated with the regulation.

DIVISION OF SOCIAL SERVICES PUBLIC NOTICE Processing Applications for Child Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 4, 2024. Please identify in the subject line: Processing Applications for Child Care

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.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

Statutory Authority

45 CFR 98.20

Background

DSSM 11004.1 Processing Applications for Child Care explains the requirements for parents and caretakers to apply for childcare assistance, including application methods and verification requirements. Additional language is being added to the existing policy to explain when authorizations for childcare may begin along with examples. The revision also includes a detailed definition of required documentation for a special need and who is authorized to

complete the documentation.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend policy 11004.1 Processing Applications for Child Care.

Summary of Proposed Changes

Effective for services provided on and after April 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

Public Notice

In accordance with the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 4, 2024.

Fiscal Impact

This policy is currently in effect and the amendment will not cause any fiscal changes.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Dentistry and Dental Hygiene
PUBLIC NOTICE
1100 Board of Dentistry and Dental Hygiene

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del. C.** 1106(a)(1), proposes to revise its regulations. The proposed amendments clarify that limited licensees are subject to general supervision while training and eliminate redundancies in the Supervision regulations.

The Board will hold a public hearing on the proposed rule change on March 21, 2024 at 3:00 PM virtually and at the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. The virtual meeting information will be included on the meeting's public agenda. Written comments should be sent to Jennifer Witte, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 5, 2024.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE

3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities

IN THE MATTER OF THE ADOPTION OF RULES
AND REGULATIONS TO
IMPLEMENT THE PROVISIONS OF 26 **Del. C.**
CH. 10 RELATING TO THE CREATION OF A
COMPETITIVE MARKET FOR RETAIL ELECTRIC
SUPPLY SERVICE (OPENED APRIL 27, 1999;
RE-OPENED JANUARY 7, 2003; SEPTEMBER
22, 2009; SEPTEMBER 7, 2010; JULY 17, 2012;
JULY 14, 2021; AND OCTOBER 12, 2022)

PSC REGULATION DOCKET NO. 49

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission ("Commission" or "PSC") proposes to revisit the *Rules for Certification and Regulation of Electric Suppliers*, codified at 26 *Del. Admin. C.* § 3001 ("Reg. 49") for the purpose of clarification

and administrative adjustment. The Commission proposes to create two new sections of Title 26 Administrative Code in its proposed amendment to Reg. 49.

You can review the proposed regulations in the February 2024 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 49"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Pursuant to 29 *Del. C.* § 10118(a), written comments on the proposed regulations will be accepted until **March 21, 2024**. Comments should be submitted via email to PSC@delaware.gov with the subject line "Regulation Docket No. 49" or mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. **There will be a public hearing on the proposed regulations on March 6, 2024 at 1:00 p.m. at the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the March 6, 2024 hearing, however, written comments must be submitted on or before February 27, 2024.**

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3012 Rules for Regulation of Net Metering**

IN THE MATTER OF THE ADOPTION OF RULES
AND REGULATIONS TO
IMPLEMENT THE PROVISIONS OF TITLE 26
§1014 OF THE DELAWARE CODE RELATING TO
NET METERING (OPENED OCTOBER 25, 2023)
(FILED OCTOBER 25, 2023)

PSC REGULATION DOCKET NO. 65

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission ("Commission" or "PSC") proposes to issue regulations governing its regulation of net energy metering, which is currently codified in the *Rules for Certification and Regulation of Electric Suppliers*, at 26 *Del. Admin. C.* § 3001. The proposed regulations, the *Rules for Regulation of Net Energy Metering* are proposed to be codified at 26 *Del. Admin. C.* § 3012. In summary, the Commission proposes to remove net energy metering subject matter from *Rules for Certification and Regulation of Electric Suppliers*, at 26 *Del. Admin. C.* § 3001 into its own section for the purpose of public clarification and administrative efficiency.

You can review the proposed regulations in the February 2024 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 65"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Pursuant to 29 *Del. C.* § 10118(a), written comments on the proposed regulations will be accepted until **March 21, 2024**. Comments should be submitted via email to PSC@delaware.gov with the subject line "Regulation Docket No. 65" or mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. **There will be a public hearing on the proposed regulations on March 6, 2024 at 1:00 p.m. at the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the March 6, 2024 hearing, however, written comments must be submitted on or before February 27, 2024.**

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3013 Rules for and Regulation of Community Energy Facilities**

IN THE MATTER OF THE ADOPTION OF RULES
AND REGULATIONS TO
IMPLEMENT THE PROVISIONS OF SENATE
BILL NO. 2 (SEPT. 2021) WHICH AMENDED
TITLES 6, 26, AND 29 OF THE DELAWARE
CODE RELATING TO COMMUNITY OWNED
ENERGY GENERATING FACILITIES (OPENED
OCTOBER 25, 2023)

PSC REGULATION DOCKET NO. 66

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission ("Commission" or "PSC") proposes to issue regulations governing its regulation of community energy facilities, which is currently codified in the *Rules for Certification and Regulation of Electric Suppliers*, at 26 *Del. Admin. C.* § 3001. The proposed regulations, the *Rules for Regulation of Community Energy Facilities* are proposed to be codified at 26 *Del. C.* § 3013. In summary, the Commission proposes to remove community energy facilities subject matter from Rules for Certification and Regulation of Electric Suppliers, at 26 *Del. Admin. C.* § 3001 into its own section for the purpose of public clarification and administrative efficiency.

You can review the proposed regulations in the February 2024 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 66"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Pursuant to 29 *Del. C.* § 10118(a), written comments on the proposed regulations will be accepted until March 21, 2024. Comments should be submitted via email to PSC@delaware.gov with the subject line "Regulation Docket No. 66" or mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. **There will be a public hearing on the proposed regulations on March 6, 2024 at 1:00 p.m. at the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the March 6, 2024 hearing, however, written comments must be submitted on or before February 27, 2024.**

**DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SOLUTIONS
PUBLIC NOTICE
1207 Electronic Speed Monitoring System**

Pursuant to the authority provided by 21 *Del.C.* §4170A, the Delaware Department of Transportation (DelDOT) established an Electronic Speed Monitoring System (ESMS) program along qualifying roadways across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt this regulation to administer the ESMS program, which is established in support of DelDOT's Highway Safety Improvement Program and, in particular, its Strategic Highway Safety Plan, which has identified speeding as an emphasis area to target the overall program goal of reducing fatalities and serious injuries on all public roads. This new proposed regulation was previously published in the December 2023 issue of the Register (27 **DE Reg.** 416 (12/01/23) (Prop.)). After the

public comment period closed, revisions were made to the December proposal. This re-proposed regulation replaces the proposed regulation published in December.

Public Comment Period

DeIDOT will take written comments on the proposed Regulation 1207 of Title 2, Delaware Administrative Code, from February 1, 2024 through March 4, 2024. The public may submit their comments to:

Peter Haag, P.E.
Chief of Traffic Engineering
(Peter.Haag@delaware.gov) or in writing to his attention,
Delaware Department of Transportation
Division of Transportation Solutions
169 Brick Store Landing Road
Smyrna, DE 19977
