

**DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY
PUBLIC NOTICE**

On August 15, 2013, the Delaware Manufactured Home Relocation Authority (the "Authority") adopted Emergency Regulations to be used in the administration of the Rent Justification Dispute Procedures set forth in 25 Del.C. Section 7043, which were published in the Delaware *Register of Regulations* on September 1, 2013. 17 Del. Reg. 267 (09/01/13). These Emergency Regulations were effective September 10, 2013 and scheduled to expire 120 days thereafter. At its Board meeting on December 12, 2013, the Authority adopted a resolution to extend the effective date of the Emergency Regulations for an additional 60 day period, as authorized by law. After receiving and reviewing any public comments on the Emergency Regulations, the Authority intends to adopt final regulations to be used in the administration of the Rent Justification Dispute Procedures and will publish the final proposed regulations in the Delaware *Register* for public comment.

**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 3, Section 5, Rule 7.6.13.1.16 and 7.6.13.1.17 and Section 8 including Rule 8.3.5.2, 8.5.5.17, 8.6.2.3 and 8.6.2.5. The Commission will hold a public hearing on the proposed rule changes at Dover Downs on February 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 January 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 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, January 16, 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**

1915(i) Home and Community-Based Services State Plan Option Amendment

In accordance with the requirements of 42 U.S.C. §1396a (a)(13) and 42 CFR §447.205, Delaware Health and Social Services (DHSS), Division of Medicaid and Medical Assistance (DMMA) provides notice to the public that it intends to submit a 1915(i) Home and Community-Based Services (HCBS) State Plan amendment to the Centers for Medicare and Medicaid Services (CMS) to offer HCBS as an optional state plan benefit.

The public is invited to review and comment on the State's proposed 1915(i) State Plan concept paper and amendment request. Written comments may be sent 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 via fax to 302-255-4425. For consideration, written comments must be received by 4:30 p.m. on January 31, 2014. Please identify in the subject line: Proposed 1915(i) Home and Community-Based Services State Plan Amendment.

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.

**DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE**

4463 Licensing and Registration of Operators of Public Water Supply Systems

Health Systems Protection, Office of Drinking Water, Division of Public Health, has proposed amendments to the State of Delaware Regulations Governing the Licensing and Registration of Operators of Public Water Supply Systems. Amendments include the establishment of two new license categories, a limited license for small systems and a distribution system operator license. We are also proposing to raise the passing grade for examinations from 70% to 75%, require all operators to obtain 20 hours of continuing education each year, require half of all continuing education credits be directly related to operation, treatment or distribution of potable water as well as makes technical corrections to previously adopted federal regulations. In addition, the disciplinary procedures section has been revised to better comply with the administrative procedures act. Due to the extensive number of amendments the Division has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published.

On January 1, 2014, the Division plans to publish proposed amendments to the Delaware Regulations Governing the Licensing and Registration of Operators of Public Water Supply Systems and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the January 1, 2014 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Drinking Water at (302) 741-8630.

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 4:30 p.m. on Monday, February 3, 2014 at:

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL OFFICE OF THE SECRETARY PUBLIC NOTICE 103 Chronic Violator Regulation

The Regulation has been rendered moot by the passage of legislation (Senate Bill 92) in 2012 that amended state law and eliminated the Department's role as proposing and determining whether a party is a chronic violator. Under the amended law, DNREC proposes the designation to the Environmental Appeals Board. The most recent changes in the law spell out the process and alleviate the need for the regulations. This action is based on a recommendation by the Department of Justice to repeal the regulation in its entirety. Therefore, the Chronic Violator Regulation is proposed to be deleted from the Administrative Code.

The Department of Natural Resource and Environmental Control Office of Community Services will hold a public hearing to accept comments on the proposed repeal of the Chronic Violator Regulation on February 3, 2014 at 6:00 p.m. in the auditorium of the Richards and Robbins Building located at 89 Kings Highway, Dover, DE 19901. Written comments on the proposed repeal will be accepted until February 18, 2014 and may be submitted to Jenny Bothell, DNREC Office of Community Services, 89 Kings Highway, Dover, DE 19901, or by sending an email to Jennifer.Bothell@state.de.us.

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

To improve flexibility and service to the regulated community, the Solid and Hazardous Waste Management Section (SHWMS) proposes to add compliance self-certification provisions to DRGHW. This amendment will enable the SHWMS to offer customized compliance assistance and verification to identified business sectors, providing these selected hazardous waste generators regulatory guidance that is specific to their business needs.

The public hearing on the proposed amendment to DRGHW will be held on Monday, January 27, 2014 from 6:00 p.m. to 6:30 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

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 January 22, 2014 in the DNREC Auditorium located in the Richardson & Robbins Building at 89 Kings Highway, Dover, DE, with comments accepted until February 6, 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.

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

DIVISION OF WATERSHED STEWARDSHIP REGISTER 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.

This proposed action will amend the Waste Load Allocation component of the 2005 Murderkill River TMDLs Regulation. DNREC will work with Kent County Government to implement the requirements of the amended Waste Load Allocation.

The Public Hearing on proposed amendments to the 2005 Murderkill River Watershed TMDLs Regulation will be held at 5:00 p.m., Wednesday, January 22, 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). All written comments must be received by February 4, 2014. Electronic submission is preferred.

Copies of the Proposed amendments to the 2005 Murderkill River Watershed TMDL Regulation and technical support documents will be available as of Wednesday, January 1, 2014 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. Electronic comments are preferred; please e-mail comments to Hassan.Mirsajadi@state.de.us.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES DIVISION OF FAMILY SERVICES OFFICE OF CHILD CARE LICENSING 105 Residential Child Care Facilities and Day Treatment Programs

The Office of Child Care Licensing proposes to amend the Delaware Requirements for Residential Child Care Facilities and Day Treatment Programs in response to public comments received after the publication of revised regulations in the

June, 2013 and August, 2013 *Register of Regulations*.

A copy of the proposed regulations is being published in the January, 2014 edition of the Delaware *Register of Regulations*. Interested parties wishing to offer comments on the proposed regulations or submit written suggestions, data, briefs or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on January 31, 2014.

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

The Delaware Board of Accountancy, pursuant to 24 **Del.C.** §105(a)(1), proposes to revise its rules and regulations. The Board will hold a public hearing on the proposed rule change on February 19, 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 March 6, 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 regulation 2.4.1.7.4 and 7.2.3. The proposed change at rule 2.4.1.7.4 clarifies that LPN practice does not equate to RN practice for purposes of nursing educational programs, and the proposed change at 7.2.3 clarifies that the practice of nursing occurs at the location of the patient regardless of the location of the nurse.

The Board will hold a public hearing on the proposed regulation change on February 12 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 February 27, 2014 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
2500 Board of Pharmacy
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations. The rules pertaining to patient counseling are amended to provide that the pharmacist, or registered intern or pharmacy student, shall provide counseling to a new patient, an existing patient with a new prescription, or a patient with a prescription that has been modified. Rule 12.0, addressing health care facilities, has been revised to ensure appropriate oversight by a pharmacist where the pharmacist is providing contractual pharmaceutical services in a health care facility setting. Finally, Rule 17.0, listing the crimes substantially related to the practice of pharmacy, has been expanded to encompass certain sexual offenses and crimes against children.

A public hearing will be held on February 19, 2014 at 10:00 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 Board of Pharmacy, 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), the final date to receive written comments will be March 6, 2014 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting on March 19, 2014 at 10:00 a.m., at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

DIVISION OF PROFESSIONAL REGULATION
2900 Real Estate Commission
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to its rules and regulations.

A public hearing will be held on February 13, 2014 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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be February 28, 2014, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on March 13, 2014 at 9:30 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed an amendment to Rule 13.0 to add a new Rule 13.2.1.4 to clarify the CE hours required where an individual has been licensed for at least eighteen months but less than twenty-four months.

**DIVISION OF PROFESSIONAL REGULATION
2925 Real Estate Commission Education Committee
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to the Real Estate Commission Education Guidelines (the "Guidelines").

A public hearing will be held on February 13, 2014 at 9:15 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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be February 28, 2014, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on March 13, 2014 at 9:15 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed revisions to Rule 7.0 to specify that, where a student requests approval for a continuing education course, an instructor resume is not required for a Commission or ARELLO approved instructor. Rule 7.0 is further amended to state that Modules 1 – 6 automatically qualify for Module 7 credit. Rule 8.4 is revised to state that the course provider shall determine whether electronic devices may be used during the course.

**OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF FACILITIES MANAGEMENT
Drug Testing Regulation
PUBLIC NOTICE**

Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects (hereafter the "Drug Testing Regulation"). Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing Mr. Robert Scoglietti at the following address:

122 Martin Luther King Jr. Blvd South
Dover, DE 19901.

The proposed regulation is intended to safeguard the public by establishing the mechanism, standards and requirements of a Mandatory Drug Testing Program for Contractors and Subcontractors that will be incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 **Del.C.** §6962.

The key components of the Drug Testing Regulation include the following:

- Applicability for all public works projects bid under 29 **Delaware Code** 6962.
- A requirement that all Large Public Works RFP's require each Contractor and Subcontractor to have a program of drug testing.
- Conformance to federal (SAMHSA) standards for collection, chain of custody procedures, laboratory testing, and Medical Officer review.
- Requirements for Initial Testing, Random Testing, Reasonable Suspicion Testing, Return to Duty Testing, and Accident Triggered Testing.
- Consequences of a positive test result by an Employee of a Contractor or Subcontractor.
- Penalties for non-compliance with this regulation.

Any person who wishes to make written suggestions, provide compilations of data, testimony, briefs or other written materials concerning to the proposed Drug Testing Regulation must submit them to:

Robert Scoglietti

Delaware Office of Management and Budget
122 Martin Luther King Jr. Blvd. South
Dover, DE 19901

no later than the close of business on March 7, 2014.

The Director of the Office of Management and Budget, or an employee of the Office of Management and Budget designated by the Director, will hold a public hearing at which members of the public may present comments on the proposed regulation on February 11, 2014 in Room 219 of the Haslet Armory, 122 Martin Luther King Jr. Blvd South, Dover DE at 2:00 PM. It is requested that those interested in presenting statements at the public hearing register in advance by contacting:

Robert Scoglietti, Delaware Office of Management and Budget
122 Martin Luther King Jr. Blvd. South, Dover, DE 19901

17 DE Reg. 786 (01/01/14)