

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Tuesday, July 9, 2013 beginning at 1:30 p.m. A business meeting will be held on the following day, Wednesday, July 10, 2013 beginning at 12:15 p.m. Both the hearing and the meeting are open to the public and will be held at the Carvel State Office Building, 820 North French Street, 2nd Floor Auditorium, Wilmington, Delaware 19810. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
101 On-Farm Home Processing of Non-Potentially Hazardous Foods
PUBLIC NOTICE

On June 14, 2012, Governor Jack Markell signed Executive Order No. 36, which requires each executive branch agency to examine their existing regulations, with a view toward streamlining or eliminating unnecessary or unduly burdensome regulations. Executive Order No. 36 requires each executive branch agency to solicit input from the public, as well as conduct its own examination of agency regulations.

The proposed regulatory changes set forth below are the result of the above process.

The Department of Agriculture will take written comments on the proposed Regulations until July 31, 2013. Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Dan Shortridge, Chief of Community Relations
2320 South DuPont Highway, Dover, DE 19901
(302) 698-4500
daniel.shortridge@state.de.us

OFFICE OF THE SECRETARY
1201 Nutrient Management Certification Regulations
PUBLIC NOTICE

On June 14, 2012, Governor Jack Markell signed Executive Order No. 36, which requires each executive branch agency to examine their existing regulations, with a view toward streamlining or eliminating unnecessary or unduly burdensome regulations. Executive Order No. 36 requires each executive branch agency to solicit input from the public, as well as conduct its own examination of agency regulations.

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DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, June 17, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF FINANCE
OFFICE OF THE STATE LOTTERY
206 Internet Lottery Regulations
PUBLIC NOTICE

Delaware Department of Finance ("Department"), Office of the State Lottery, pursuant to 29 Delaware Code, Section 4826 (29 Del.C. §4826) is proposing amendments to 10 DE Admin. Code 206 in response to the signing of House Bill 333, the Delaware Gaming Competitiveness Act of 2012, on June 28, 2012 which authorized Internet Lotteries.

These amendments will update Lottery regulations to include new Internet Lottery regulations. Internet Lotteries are defined by 29 **Del.C.** §4801(i) as "all lottery games in which the player's interaction with the game operated by the Office occurs over the Internet (which, for purposes of this chapter, shall include any public or private computer or terminal network, whether linked electronically, wirelessly, through optical networking technology or other means), including Internet ticket games, the Internet video lottery and Internet table games." The proposed regulations will set forth parameters for minimum internal controls, vendor licensing, employee licensing, approval of gaming equipment, and other operational standards.

Interested persons may submit comments in writing to Rebecca Goldsmith, Delaware Lottery Office, 1575 McKee Road, Suite 102, Dover, Delaware 19904.

The comment period will close on July 31, 2013.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
4462 Public Drinking Water Systems
PUBLIC NOTICE

Health Systems Protection, Office of Drinking Water, Division of Public Health, has proposed amendments to the State of Delaware Regulations Governing Public Drinking Water Systems. Amendments have been made to the following Sections:

- "Section 2.0, page 9, added definition of Health Advisory
- "Section 2.0, page 13, modified definition of Sanitary Survey
- "Section 4.3.3.4.1.3, page 46, added requirement to provide information on detected unregulated contaminants for which the US EPA has developed and published a health advisory

On July 1, 2013, the Division plans to publish proposed amendments to the Delaware Regulations Governing Public Drinking Water Systems and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the July 1, 2013 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 Wednesday, July 31, 2013 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 LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Office of Workers' Compensation
1341 Workers' Compensation Regulations
PUBLIC NOTICE

The Secretary of Labor, in accordance with 19 **Del.C.** §§2322B,C,D,E, and F, has proposed revisions to the rules and regulations relating to the Delaware Workers' Compensation Health Care Payment System (HCPS). These proposals 1) update the fee schedule and fee schedule guidelines to significantly reduce the number of medical codes with fees designated as POC85 (85 percent of charge); 2) remove the anchor date for medical codes to allow annual coding updates; 3) add the methodology used for hospital and ambulatory surgery center annual rate change reports; 4) change the anesthesia, pathology, durable medical equipment, and radiology fee methodologies; 5) change the pharmacy reimbursement and formulary; 6) change the initial date providers use to determine the two year deadline for completing

the mandatory continuing education course; 7) remove the UR appeal deadline that is now part of the statute; and 8) remove the "Employer's Modified Duty Availability Report" and "Physicians Report of Workers' Compensation Injury" previously embedded in the regulations.

A public meeting will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on July 29, 2013, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules may obtain a copy from Donna Forrest, Medical Component Manager, Office of Workers' Compensation, Division of Industrial Affairs, Department of Labor, 4425 N. Market Street, Wilmington, Delaware, 19802. Persons wishing to submit written comments may forward them to the Panel at the above address. The final date to receive written comments will be August 13, 2013, which is 15 days following the public meeting.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public meeting.

DIVISION OF INDUSTRIAL AFFAIRS
Office of Workers' Compensation
1342 Health Care Practice Guidelines
PUBLIC NOTICE

The Secretary of Labor, in accordance with 19 Del.C. §§2322C, has proposed revisions to the rules and regulations relating to the practice guidelines in the Delaware Workers' Compensation Health Care Payment System (HCPS). The proposals are as follows:

PART A Carpal Tunnel Syndrome Guidelines: removes the reference to maximum medical improvement.

PART B Chronic Pain Treatment Guidelines: 1) remove the reference to maximum medical improvement; 2) correct the Office of Workers' Compensation name; and 3) change the number of allowable maximum visits primarily in section 6.0, Therapeutic Procedures – Non-Operative.

PART C Cumulative Trauma Disorder Treatment Guidelines: removes the reference to maximum medical improvement.

PART D Low Back Treatment Guidelines: remove the reference to maximum medical improvement; correct typographical errors; revise the maximum number of treatments allowed, primarily in two sections, Therapy – Passive and Therapy – Active; and revise the section on Artificial Lumbar Disc Replacement.

PART E Shoulder Treatment Guidelines: changes the maximum duration allowed for Superficial Heat and Cold Therapy.

PART F Cervical Treatment Guidelines: adds the effective date; deletes references to maximum medical improvements; and changes the number of maximum allowable treatments or visits, primarily in the section Therapy - Passive.

PART G Lower Extremity Treatment Guidelines: adds the effective date; deletes references to maximum medical improvements; and changes the number of maximum allowable treatments for superficial heat and cold therapy.

A public meeting will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on July 29, 2013, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules may obtain a copy from Donna Forrest, Medical Component Manager, Office of Workers' Compensation, Division of Industrial Affairs, Department of Labor, 4425 N. Market Street, Wilmington, Delaware, 19802. Persons wishing to submit written comments may forward them to the Panel at the above address. The final date to receive written comments will be August 13, 2013, which is 15 days following the public meeting.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public meeting.

DIVISION OF UNEMPLOYMENT INSURANCE
PUBLIC NOTICE
1202 Unemployment Insurance Regulations

The State of Delaware, Department of Labor's Division of Unemployment Insurance ("the Division") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to do so found at 19 Del.C. §3122 and 29 Del.C. §10115. The proposed amended regulations will streamline unemployment insurance procedures, reduce the number of regulations confronting unemployment insurance claimants and employers, reduce paperwork, and contribute to the efficient operation of the government of the State of Delaware. The proposed regulations will be considered at a public hearing scheduled for Monday, July 22, 2013 from 10 a.m. to 12 noon in the third floor

conference room of the offices of the Delaware Department of Justice located at 102 West Water Street, Dover, Delaware, 19904. Copies of the proposed amended regulations may be obtained from the Division of Unemployment Insurance (see address below).

The Division solicits, and will consider, timely filed written comments from persons with interest concerning these proposed amended regulations. The filing deadline for such written comments will be thirty (30) days after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*, **or by July 31, 2013**. Any such submissions should be mailed or hand-delivered to W. Thomas MacPherson, Director, Division of Unemployment Insurance whose address is Delaware Department of Labor, Division of Unemployment, 4425 North Market Street, Wilmington, Delaware 19809.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
1101 Definitions and Administrative Principles
PUBLIC NOTICE

This revision to 7 **DE Admin. Code** 1101 was identified in an April 1, 2013 Department of Natural Resources and Environmental Control (DNREC) report titled, "Executive Order 36 Report to The Office of the Governor." In 2008 Delaware's air regulations were recoded and established in 7 **DE Admin. Code** 1100. The regulatory language in 1101 was inadvertently not updated, and continues to reference to the prior "Regulations Governing the Control of Air Pollution." The outdated references could lead to citizens and industry searching for documents that no longer exist, or potentially to an incorrect regulatory interpretation. Revisions are proposed to correct the outdated references.

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR QUALITY
1103 Ambient Air Quality Standards
PUBLIC NOTICE

This revision to 7 **DE Admin. Code** 1103 was identified in an April 1, 2013 Department of Natural Resources and Environmental Controls (DNREC) report titled, "Executive Order 36 Report to The Office of the Governor." Revisions are proposed to bring the regulatory standards up-to-date with current federal requirements. 1103 currently contains outdated test methods and emission standards. This requires citizens and industry to review both state regulations and federal regulations, and to reconcile the two, in order to understand the requirements that apply in Delaware. This could also lead to state and federal requirements being incorrectly applied. This unnecessary regulatory burden will be eliminated with this revision to 1103. The revised regulation will also be submitted to the EPA as a revision to Delaware's State Implementation Plan (SIP).

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR QUALITY
1104 Particulate Emissions from Fuel Burning Equipment
PUBLIC NOTICE

This revision to 7 **DE Admin. Code** 1104 was identified in an April 1, 2013 Department of Natural Resource and Environmental Controls (DNREC) report titled, "*Executive Order 36 Report to The Office of the Governor.*" Revisions are proposed to clarify that the exemptions 1.2 and 1.4 of this regulation are for the capacity of the unit, and not the operating rate. The revised Regulation will also be submitted to the EPA as a revision to Delaware's State Implementation Plan (SIP).

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR QUALITY
1114 Visible Emissions
PUBLIC NOTICE

This revision to 7 **DE Admin. Code** 1114 was identified in an April 1, 2013 Department of Natural Resources and Environmental Control (DNREC's) report titled, "*Executive Order 36 Report to The Office of the Governor.*" Revisions are proposed to delete the alternate opacity standard in Section 2.3. This alternate standard was established for a petroleum refinery unit prior to installation of modern pollution control equipment in 2006. The installation of the pre-scrubber on the catalytic cracking unit in 2006 makes this alternative opacity standard obsolete, and the unit is now subject to compliance with the general 20 percent opacity limit in Section 2.1. This is a burdensome requirement to administer and track and is no longer relevant or necessary. The revised Regulation will also be submitted to the EPA as a revision to Delaware's State Implementation Plan (SIP).

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR QUALITY
1139 Nitrogen Oxides (NO_x) Budget Trading Program
PUBLIC NOTICE

The repeal of 7 **DE Admin. Code** 1139 was identified in an April 1, 2013 Department of Natural Resources and Environmental Control (DNREC's) report titled, "*Executive Order 36 Report to The Office of the Governor.*" Repeal of this regulation is proposed. This regulation established Delaware's participation in the NO_x Budget Trading Program; a multi-state NO_x emissions cap and trade program established pursuant to Title 40, Part 96 of the Code of Federal Regulations (40 CFR Part 96) and 40 CFR Part 51.121. The underlying federal program was replaced by the federal Clean Air Interstate Rule (CAIR). Given this, 1139 no longer serves its intended purpose.

In addition, the adoption and submittal to the EPA of a SIP plan that demonstrates Delaware's compliance with the federal NO_x SIP Call requirements is also being proposed.

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR QUALITY
1143 Heavy Duty Diesel Engine Standards
PUBLIC NOTICE

The repeal of 7 **DE Admin. Code** 1143 was identified in a April 1, 2013 Department of Natural Resources and Environmental Controls (DNREC) report titled, "*Executive Order 36 Report to The Office of the Governor.*" Repeal of this regulation is proposed. The provisions of this regulation apply to heavy-duty diesel engines produced for the 2005 and 2006 model years, and to new motor vehicles with a gross vehicle weight rating (GVWR) of greater than 14,000 pounds containing such engines that are sold, leased, offered for sale or lease, imported, delivered, rented acquired, or received in the State of Delaware. This regulation was developed and adopted as a backstop to a then anticipated EPA regulation. EPA successfully adopted standards and this regulation is no longer needed. The repeal of this regulation will also be submitted to the EPA as a revision to Delaware's State Implementation Plan (SIP).

Interested parties may submit comments in writing to Ron Amirikian, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, August 1, 2013, beginning at 6:00 p.m. in DNREC's Richards and Robbins Building auditorium, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF FISH AND WILDLIFE

**3216 Prohibition on Possession or Use of Asian Horseshoe Crabs
PUBLIC NOTICE**

This proposed action seeks to define and prevent the possession and use of Asian horseshoe crabs (*Carcinoscorpius rotundicauda*, *Tachypleus gigas* and *Tachypleus tridentatus*) to protect human health and the shellfish resources of the State.

The Atlantic States Marine Fisheries Commission recently approved Resolution 13-01 recommending that member states take any and all action to ban the importation and use of Asian horseshoe crabs as bait as soon as possible. Reduced availability of Atlantic horseshoe crabs (*Limulus polyphemus*) has motivated seafood dealers in New York to import non-native Asian horseshoe crabs for use as bait in the American eel and whelk fisheries. There is concern that these animals may host parasites and pathogens that could have severe negative impacts on native horseshoe crabs and the ecosystem. In addition, *C. rotundicauda* is known to contain the powerful neurotoxin tetrodotoxin (TTX). Poisonings from this neurotoxin can be fatal. The potential for TTX accumulation in eel and whelk and subsequent risk to human health is unknown.

The hearing record on the proposed changes to 3200 Horseshoe Crabs will be open July 1, 2013. 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 July 25, 2013 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF FISH AND WILDLIFE
3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas
PUBLIC NOTICE**

Among the considerations of Executive Order 36, pertaining to the review and reform of state agency regulations, was a focused review of older, well-established regulations to ensure that State regulations continue to serve the original purpose for which they were adopted and provide for improvements. The Department's focused review of the existing tidal finfish regulations found that 7 **DE Admin. Code** 3507 pertaining to black sea bass failed to adequately provide for the transferability of commercial black sea bass permits. The current black sea bass regulation was enacted between 2001 and 2003 to, in part, limit the number of permits issued for the black sea bass commercial fish pot and commercial hook and line fisheries. However, the regulation did not provide a method for those permits to be transferred by the current permit holders. The proposed amendments to 7 **DE Admin. Code** 3507 (3.0), (5.0) & (6.0) allow the transfer of black sea bass commercial fishery permits consistent with transfer criteria established in 7 **Del.C.**, Ch. 29.

These amendments are needed because several of the current permit holders will be retiring from commercial fishing and the Department wants to allow other Delawareans to obtain these permits. The Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Plan for Black Sea Bass allocates Delaware an annual commercial black sea bass quota. This regulation will assure that there will be Delaware permit holders to harvest this valuable resource.

The hearing record on the proposed changes to the black sea bass regulation will be open July 1, 2013. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via 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 July 25, 2013 beginning at 6:30 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
1301 Regulations Governing Solid Waste
PUBLIC NOTICE**

The purpose of these solid waste, including infectious waste, regulatory proposals is to provide amendments that afford regulated parties opportunity to propose alternative packaging methods for infectious waste provided compliance is achieved with applicable federal Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) standards. It is also proposed to allow infectious waste package labeling consistent with federal DOT requirements, rather than applying inconsistent state and federal requirements. Finally, it is proposed to amend the regulations with regard industrial landfill capping and grading, to allow soil-equivalent material to be used as the final grading layer, as well as alternative materials if approved by the Department, providing more flexibility for landfill operators.

The public hearing for the proposed amendments will be held on August 7, 2013 from 6:30 P.M. to 7:00 P.M. in the DNREC Auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
1352 Aboveground Storage Tanks**

PUBLIC NOTICE

The Regulations Governing Aboveground Storage Tanks (the Regulations) were created under the authority of the Jeffrey Davis Aboveground Storage Tank Act, Title 7, **Del.C.**, Chapter 74A, in 2004. The Regulations were last updated in 2005. In response to Executive Order #36 the Delaware Department of Natural Resources and Environmental Control has conducted a periodic review of the AST Regulations to determine if the Regulations should be modified or eliminated. Three modifications have been identified:

- Part A, Section 4.6.3. has been modified to extend the required time frame for notification to the DNREC for a Retrofit or Upgrade from sixty (60) days to one (1) year.
- Part A, Section 5.3. has been modified to require a specific time frame in which the DNREC must respond to a request for alternative technology approval. Currently there is no time frame in which the DNREC must respond. The proposed change requires the DNREC to provide a written response within ninety (90) days of receiving a request.
- Part B, Section 1.7 has been modified to allow an Owner or Operator to request a one year extension of the DNREC approval for an installation of a new AST.

The DNREC will conduct a Public Hearing. The hearing is scheduled to begin at 6:00pm on August 6, 2013 in the conference room at the DNREC office located at 391 Lukens Drive, New Castle, DE. The public and interested parties are invited to attend the hearing and to make comments orally or in writing at the hearing. Written comments not presented at the hearing should be addressed to Mr. Alex Rittberg, DNREC/TMS, 391 Lukens Drive, New Castle, DE 19720 and must be received by the Department not later than August 6, 2013 unless a longer time is specified at the hearing.

Copies of the proposed regulations are available online at: <http://www.dnrec.delaware.gov/info/Rules.htm>

DIVISION OF WATER 7503 Oil Gas and Mineral Exploration Regulations PUBLIC NOTICE

The Regulations have been a part of Delaware Code since 1971 and the Department has no record of any applications or permits granted under this regulation. These regulations are being proposed for sunset.

As a part of the Department of Natural Resources and Environmental Control's Executive Order 36 review of all regulations, 7 **DE Admin. Code** 7503 *Oil Gas and Mineral Exploration* (Regulation) was identified as a regulation to be repealed. The Regulation was adopted in 1971 and based on a records review; there has never been an application received or a permit decision made under the Regulations. Therefore, the Regulation Governing Oil Gas and Mineral Exploration is proposed to be deleted from the Administrative Code. The Department of Natural Resource and Environmental Control, Division of Water will hold a public hearing to accept comments on the proposal to repeal the Regulations Governing Oil Gas and Mineral Exploration on August 7, 2013 at 6:00 p.m. in the auditorium of the Richards and Robbins Building located at 89 Kings Highway, Dover, DE 19901.

DIVISION OF WATERSHED STEWARDSHIP 7402 Shellfish Sanitation Regulations Appendix 1 Prohibited Shellfish Harvesting Areas Appendix 3 Conditional Shellfish Harvesting Area PUBLIC NOTICE

Reclassification of the Northwestern portion of Love Creek, a tributary of Rehoboth Bay, from Conditionally Approved to Prohibited for the harvest of shellfish. The Department, Division of Watershed Stewardship, has determined through the monitoring of water quality, analysis of shellfish growing area water data, and the review of sanitary shoreline survey information, that the closed areas includes those Inland Bay waters of Love Creek in Rehoboth Bay, located in Sussex County, Delaware, lying Northwest of a line running from the points: 38° 41' 21.14" N, -75° 8' 2.74" W and 38° 40' 59.85" N, -75° 8' 22.33" W.

The hearing record on the proposed changes to 7402 Shellfish Sanitation Regulations will be open July 1, 2013. 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 July 25, 2013 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WATER
7503 Oil Gas and Mineral Exploration Regulations
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As a part of the Department of Natural Resources and Environmental Control's Executive Order 36 review of all regulations, 7 **DE Admin. Code** 7503 *Oil Gas and Mineral Exploration* (Regulation) was identified as a regulation to be repealed. The Regulation was adopted in 1971 and based on a records review; there has never been an application received or a permit decision made under the Regulations. Therefore, the Regulation Governing Oil Gas and Mineral Exploration is proposed to be deleted from the Administrative Code. The Department of Natural Resource and Environmental Control, Division of Water will hold a public hearing to accept comments on the proposal to repeal the Regulations Governing Oil Gas and Mineral Exploration on August 7, 2013 at 6:00 p.m. in the auditorium of the Richards and Robbins Building located at 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES
DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING
201 Child Placing Agencies
PUBLIC NOTICE

The Office of Child Care Licensing proposes to amend the Delacare Requirements for Child Placing Agencies to provide clarity, reflect changes in laws and treaties, align with current best practices, and improve standards of care. No public comments were received as part of the public hearing process for Executive Order 36; however, the proposed changes are based upon a formal comprehensive review process. Through this process all providers were asked to participate, as well foster and adoptive parents, children previously or currently served in the foster care and adoption system, and representatives of the Court and advocacy groups. The revisions represent a consensus of all participants including licensed providers, parents, youth, and subject experts based on best practice and provider consensus.

It has been 16 years since the regulations were last changed. There have been many legal changes in the area of foster care and adoption as well as in best practices that have called for more structure and accountability. Many providers advocated for stronger regulations which could afford children receiving foster care or adoptive services a uniform set of standards under which they would receive the protection needed without regard to the specific service provider or circumstances of the placement.

A copy of the proposed regulations is being published in the July 1, 2013 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 August 6, 2013. Comments may also be offered at a public hearing to be held at the New Castle County Government Center, James H. Gilliam, Sr. Building, Multi-Purpose Room, 77 Reads Way, New Castle, DE 19720 on Wednesday, July 24, 2013, 4:00 to 6:00 p.m.

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

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF FACILITIES MANAGEMENT
Regulation Governing the State of Delaware Asbestos Certification and Training Program
PUBLIC NOTICE

This proposed regulation is intended to provide public notice regarding the manner in which the Program will operate and be applied by the Office of Management and Budget. The presently existing asbestos regulation can be found at:

<http://dfm.delaware.gov/docs/regulations.pdf> and shall be repealed upon the adoption of the proposed regulation which is the subject of this notice.

The proposed regulation is intended to safeguard the public by requiring that renovations or demolitions which disturb asbestos be conducted only by contractors, supervisors, and workers certified by the Office of Management and Budget's Division of Facilities Management.

It is the purpose and the policy of the Division of Facilities Management to insure the health, safety, and welfare of the public by ensuring that asbestos abatement is performed in a manner which will minimize the risk of exposure to asbestos by:

A) Reducing potential exposure from asbestos-containing materials through the training and certification of contractors, professional service firms and Project Monitors, project supervisors, and workers.

B) Providing the building owner with certificate(s) of analysis stating that the material that is to be disturbed is in fact asbestos-containing material.

C) Establishing a program for such standards, which shall include revocation, suspension, and/or denial to renew certifications.

D) Establishing an asbestos management program in public schools under the guidelines and regulations as established under the U.S. Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA). Establish a similar program in public buildings for the purpose of protecting public health against the dangers of exposure to students/staff and the general public.

Any person who wishes to make written suggestions, provide compilations of data, testimony, briefs or other written materials concerning to the proposed new regulations 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 August 30, 2013.

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 August 7, 2013 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. 109 (07/01/13)