

DEPARTMENT OF AGRICULTURE

HARNESS RACING COMMISSION

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del.C.** §10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the Uniform Classification Guidelines of Foreign Substances to include cobalt, reference 8.3.1.5, 8.3.2.5.1 and 8.3.2.5.2.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on June 2, 2015, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On June 9, 2015, at its regular monthly meeting, the DHRC unanimously approved these amendments. The DHRC rules committee meetings and regular monthly meetings are noticed public meetings. Subsequent to a 30-day comment period from July 1 to 31, 2015 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on August 11, 2015 during its regularly scheduled monthly meeting. The DHRC August 2015 monthly meeting is public and is noticed on the state meeting notice website. Those meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB August 10, 2015. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, July 16, 2015 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

Telemedicine Services

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) intends to submit a state plan amendment regarding telemedicine services, specifically, to recognize the Medicaid beneficiary's place of residence as an originating site.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by July 31, 2015.

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

4462 Public Drinking Water Systems

On July 1, 2015, the Department of Health and Social Services, Division of Public Health, Office of Drinking Water, plans to publish revised Regulations Governing Public Drinking Water Systems and hold them out for public comment per Delaware law.

The purpose of the regulations is to establish minimum training requirements for the certification of animal control officers and animal cruelty agents working in the State of Delaware. They also establish procedures for documenting all complaints filed against officers/agents, and conducting investigation of complaints concerning violations of this chapter.

The regulations are being revised to include:

- Revised Total Coliform Rule (RTCR) as section 7.4. This rule was finalized by EPA on April 1, 2012.
- Reorganization of the regulations by breaking up the large sections into smaller sections, allowing for easier reviews and checking of regulatory requirements. The Regulations are going from 10 sections to 20 sections.
- Section 4.1.6 on page 16 is being expanded to provide specific examples of unusual events so water system owners/operators have a more clear idea of when they need to contact DPH.
- Incorporate revisions identified by EPA when they reviewed the previous regulations.
- Sections that are no longer relevant or that have been superseded by more recent regulations have been deleted.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by Tuesday, August 11, 2015 to:

Jamie Mack, Executive Assistant
Office of the Director
Delaware Division of Public Health
Jesse Cooper Building
417 Federal St.
Dover, DE 19901
Email: jamie.mack@state.de.us
Fax: 302-739-3984

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

PUBLIC NOTICE

1138 Emission Standards for Hazardous Air Pollutants for Source Categories

The Clean Air Act Amendments of 1990 stipulated a 2-phase rulemaking process that the EPA must use to protect the public health from exposure to hazardous air pollutants (HAPs). Consistent with this 2-phase process, the EPA adopted the maximum achievable control technology (MACT) standard (phase 1) applicable chromium electroplating and chromium anodizing facilities on January 25, 1995 as Subpart N in 40 CFR Part 63 and later amended those requirements (phase 2) by promulgating the more health-protective residual risk requirements on September 19, 2012.

Delaware adopted the federal MACT standard, i.e. the Subpart N requirements, as Section 6 of 7 **DE Admin. Code** 1138 on November 1, 2001 and later, amended Section 6 on September 1, 2013 to incorporate the more health-protective residual risk requirements.

On February 27, 2014, the EPA finalized, under a single rulemaking, over 80 additions to and revisions of the test methods and the testing provisions in various standards in order to improve the quality of test data and to provide testers the additional flexibility of using these newly approved alternative procedures. Subpart N was one of the changed standards.

Prior to that February 27 rulemaking, subsection §63.344(c) of Subpart N provided the owners or operators of affected chromium electroplating and chromium anodizing facilities up to 4 test methods to demonstrate compliance with the standard. In the February 27 final rule, the EPA provided the owners or operators subject to Subpart N with an optional 5th test method to select from by adding the South Coast Air Quality Management District "Test Method 205.1". The Department is proposing to amend Section 6 by adding the same optional, alternative test method, in order (1) to maintain the consistency of Delaware's air regulatory requirements under Section 6 with the national requirements under Subpart N and (2) to give owners or operators of Delaware's affected facilities and their testers the additional flexibility to use the EPA's newly approved testing alternative.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Tuesday, August 4, 2015 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. If you are unable to attend or wish to submit your comments in advance of the public hearing, please send your comments to address below. Interested parties may also submit written comments to the Department, to the same address below, up until the end of the comment period, which will extend through August 19, 2015, unless a longer period is designated by the hearing officer at the public hearing.

DNREC – Division of Air Quality
Subject: August 4 Public Hearing
715 Grantham Lane
New Castle, DE 19720

DIVISION OF AIR QUALITY

PUBLIC NOTICE

1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products

New Castle and Sussex Counties are in non-attainment under the 2008 ground-level ozone National Ambient Air Quality Standards (NAAQS) and further reduction in the emissions of volatile organic compounds (VOC), a precursor to ground-level ozone, is needed to meet the NAAQS. The amendments include adding 10 more products and/or product types to be regulated for VOC content and lowering the VOC content limits for 14 existing products and/or product types. This brings the total product types regulated under this regulation to 120 and will show a reduction in Delaware VOC emissions of 330 tons per year.

There will be a hearing on this proposed amendment on August 4, 2015 beginning at 6pm in the DNREC Auditorium in the Richardson & Robbins Building located at 89 Kings Highway in Dover Delaware. Interested parties may submit comments in writing to David Fees, Division of Air Quality, Blue Hen Corporate Center, Suite 5N, 655 South Bay Road, Dover, DE 19901 and/or statements and testimony may be presented either orally or in writing at the public hearing.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DELAWARE DEVELOPMENTAL DISABILITIES COUNCIL

PUBLIC NOTICE

The Delaware Developmental Disabilities Council is an agency mandated by the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to improve the services and lives for individuals with developmental and other disabilities. To celebrate the 25 year anniversary of the signing of the Americans with Disabilities Act, the Delaware Developmental Disabilities Council will be participating in a collaborative event to be held on July 18, 2015 on Loockerman Street and Legislative Mall in Dover. Please come and celebrate this historical event with the Council. For more information, please contact the Developmental Disabilities Council at 302-739-3333.

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

2100 BOARD OF EXAMINERS IN OPTOMETRY

PUBLIC NOTICE

The Delaware Board of Examiners in Optometry, pursuant to 24 **Del.C.** §2104(a)(1), proposes to revise its regulations. The proposed regulatory overhaul seeks to bring the regulations into conformity with current law and remove outdated and inconsistent provisions. For example, the proposed changes update the ethics section to more succinctly define unprofessional conduct. In addition, the proposed changes remove several regulations which are nothing more than a verbatim recitation of the Board's practice act and thus unnecessary.

The Board will hold a public hearing on the proposed rule change on July 22, 2015 at 4:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Lisa Smith, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

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.

A public hearing will be held on August 19, 2015 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 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 liaison, Christine Mast, at the above address.

The proposed revisions address the subject of pharmaceutical compounding. Regulation 5.1.7 is amended to provide that compounded products may not be sold to a practitioner for use in his or her office to administer to patients. Regulation 10.0 is re-written to establish comprehensive requirements for non-sterile and sterile compounding consistent with USP Chapters 795 and 797.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be September 3, 2015 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its next regularly scheduled meeting, 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
3800 BOARD OF DIETETICS/NUTRITION
PUBLIC NOTICE

The Delaware Board of Dietetics/Nutrition, pursuant to 24 **Del.C.** §3805(11), proposes to revise its regulations. The proposed amendments to the regulations seek to further clarify the scope of practice of a Dietitian/Nutritionist by defining various terms set forth in the Board's enabling statute.

The Board originally scheduled a hearing on this matter for May 8, 2015 at 1:30 p.m. but was unable to hold the hearing due to insufficient notice of the hearing under the Delaware Administrative Procedures Act. The Board will now hold a public hearing on the proposed rule change on August 14, 2015 at 1:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to LaTonya Brown, Administrator of the Delaware Board of Dietetics/Nutrition, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until August 29, 2015.

DIVISION OF PROFESSIONAL REGULATION
CONTROLLED SUBSTANCE ADVISORY COMMITTEE
PUBLIC NOTICE
Uniform Controlled Substances Act Regulations

Pursuant to 16 **Del.C.** §4731, the Delaware Controlled Substance Advisory Committee ("Committee") has proposed revisions to its rules and regulations. New Section 9.0 is added to provide requirements for the prescribing of opiates in order to address potential prescription drug overdose, abuse and diversion. The Section puts safeguards in place with respect to prescribing practices and patient monitoring. These safeguards will serve to protect patients and the public. Former Sections 9.0 and 10.0 have been renumbered.

A public hearing will be held on July 29, 2015 at 9:00 a.m., Buena Vista Conference Center, 661 South DuPont Highway, New Castle, DE 19720. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Controlled Substance Advisory Committee, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Committee at the above address. In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be August 13, 2015 which is 15 days following the public hearing. The Committee will deliberate on any public comment at its next regularly scheduled meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to public comment.
