

# DELAWARE RIVER BASIN COMMISSION

## PUBLIC NOTICE

### Proposed Amendments to the *Rules of Practice and Procedure* to Allow Each Signatory Party and the DRBC to Administer a Single Process for the Review and Adjudication of Projects

The Delaware River Basin Commission ("DRBC" or "Commission") is a federal-interstate compact agency charged with managing the water resources of the Delaware River Basin without regard to political boundaries. Its commissioners are the governors of the four basin states – Delaware, New Jersey, New York, and Pennsylvania – and a federal representative, the North Atlantic Division Commander of the U.S. Army Corps of Engineers. The Commission is not subject to the requirements of the Delaware Administrative Procedures Act. This notice is published by the Commission for information purposes.

The Commission will hold a **public hearing** to receive comments on proposed amendments to its *Administrative Manual Part III – Rules of Practice and Procedure* (18 C.F.R. Part 401) to provide for DRBC and each of the parties to the *Delaware River Basin Compact* (United States Public Law 87-328, Approved September 27, 1961, 75 Statutes at Large 688; and 53 Delaware Laws, Chapter 71, Approved May 1, 1961, ("the Compact") – Delaware, New Jersey, New York, Pennsylvania and the federal government ("Signatory Parties") – to coordinate and collaborate in the administration of a single process for the review and adjudication of projects. The program, called "One Process/One Permit," (also herein, "the Program") will allow DRBC and administrative agencies of the Signatory Parties participating in the Program to incorporate the requirements and determinations of both DRBC and the Signatory Party agency into a single permit or other approval instrument.

The **public hearing** will start on or around 2:00 P.M. on Tuesday, June 9, 2015, during the Commission's regularly scheduled public hearing. The hearing will continue until all those wishing to testify have had an opportunity to do so. Depending upon the number of people wishing to speak, the hearing officer may impose time limits on speakers. Written comments will be accepted by any of the means described below and must be received by 5:00 P.M. on Wednesday, July 1, 2015. More information regarding the procedures for the hearing and comments is set forth in the section "Oral Testimony and Written Comments."

The **public hearing** will be held at the Washington Crossing Historic Park Visitor's Center at 1112 River Road in Washington Crossing, Pennsylvania. Please check [washingtoncrossingpark.org/contact/](http://washingtoncrossingpark.org/contact/) for directions, as Internet mapping services provide unreliable directions to this location.

Persons wishing to testify at the hearing are asked to register in advance by contacting Paula Schmitt at 609-883-9500, ext. 224 or [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us). Written comments may be submitted as follows: If by email (preferred), to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by fax, to Commission Secretary at 609-883-9522; by U.S. Mail, to Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail, to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360. Comments also may be delivered by hand at any time during DRBC's regular office hours (Monday through Friday, 8:30 A.M. through 5:00 P.M. except on national holidays) until the close of the comment period. In all cases, please include the commenter's name, address and affiliation, if any, in the comment document and "One Process/One Permit" or "OPOP" in the subject line.

The rule text is available on the DRBC website, DRBC.net. Also posted to the website are an extensive FAQ document; DRBC Resolution No. 2015-4, authorizing the Executive Director to initiate rulemaking and enter into an administrative agreement with the New Jersey Department of Environmental Protection (NJDEP) for demonstration of the Program; and the administrative agreement between DRBC and the NJDEP to provide for the demonstration program, which includes provisions for fully implementing One Process/One Permit once a final rule has been adopted. Detailed procedures of the DRBC for public hearings, public meetings and "Public Dialogue" are available on the web at: <http://www.state.nj.us/drbc/library/documents/procedures120414.pdf>. For further information, please contact Commission Secretary Pamela M. Bush, 609-477-7203.

---

# DELAWARE RIVER BASIN COMMISSION

## PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Tuesday, June 9, 2015 beginning at 1:30 p.m. A business meeting will be held on the following day, Wednesday, June 10, 2015 beginning at 1:30 p.m. The hearing and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. For more information, visit the DRBC web site at [www.drbc.net](http://www.drbc.net) or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

---

# DEPARTMENT OF AGRICULTURE

**THOROUGHBRED RACING COMMISSION**  
**PUBLIC NOTICE**

**1001 Thoroughbred Racing Rules and Regulations**

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the amended regulations is to adopt the ARCI rule relating to cobalt. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the June 1, 2015 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml).

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before July 1, 2015. Written materials submitted will be available for inspection at the above address.

On or after July 1, 2015, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed new rule 15.21 relating to adoption of the ARCI cobalt rule or make additional changes because of the public comments received.

---

**DEPARTMENT OF EDUCATION**  
**PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, June 18, 2015 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

---

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF PUBLIC HEALTH**  
**OFFICE OF ANIMAL WELFARE**  
**PUBLIC NOTICE**

**4502 Regulations for Certification of Animal Control Officers and Animal Cruelty Agents**

On June 1, 2015, the Department of Health and Social Services, Division of Public Health, Office of Animal Welfare, plans to publish proposed regulations for Certification of Animal Control Officers and Animal Cruelty Agents 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 regulation has been established to include:

- "training and certification requirements for animal control officers and animal cruelty agents in Delaware;
- "procedures for obtaining a certification from the Office of Animal Welfare;
- "the training course approval process;
- "continued education and recertification obligations;
- "disciplinary sanctions; and
- "complaint documentation and investigation procedures.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by Tuesday, June 30, 2015 to:

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

**DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH**  
**PUBLIC NOTICE**  
**6001 Substance Abuse Facility Licensing Standards**

In accordance and compliance with the procedures set forth at 29 **Del.C.** §1131, *et seq.* and 29 **Del.C.** §10101, *et seq.*, the Delaware Department Health and Social Services (DHSS) / Division of Substance Abuse and Mental Health (DSAMH) is proposing to repeal the current Substance Use Treatment Program Licensure Standards, located at 16 **DE Admin. Code** 6001, and replace them in their entirety with the following proposed regulation. Copies of the proposed regulations are available in the June *Register of Regulations* or by contacting DSAMH as provided below.

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.

Under the provisions of Title 29, Chapter 101 of the Delaware Code, DHSS/DSAMH gives notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity for public input regarding any proposed change in its standards for establishing Substance Use Treatment Licensure Standards. Comments must submit them to:

Bryan Gordon  
Provider Relations Unit, Division of Substance Abuse and Mental Health  
1901 North DuPont Highway  
New Castle, Delaware 19720  
or by fax to 302-255-4427

All comments must be received no later than 4:30 p.m. on June 30, 2015.

Upon final adoption of these Standards by DHSS/DSAMH, they will be posted on the DSAMH web site and all current licensed programs will be notified via email of their adoption.

---

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF AIR QUALITY**  
**PUBLIC NOTICE**  
**1124 Control of Volatile Organic Compound Emissions**

Revision to Section 36 "Stage II Vapor Recovery" of 7 **DE Admin. Code** 1124 "Control of Volatile Organic Compound Emissions."

Gasoline vapors contribute to the formation of ground-level ozone pollution, and include hazardous air pollutants. Delaware has implemented, since 1993, Stage II vapor recovery requirements to control gasoline vapor emissions from motor vehicle fueling at gasoline dispensing facilities. In addition, since 1998, automobile manufacturers have been required by the federal clean air act to install on-board refueling vapor recovery (ORVR) systems on new motor vehicles. Now that a large percentage of vehicles on Delaware roads are equipped with ORVR systems DNREC is proposing a regulation revision to begin the phase out of Stage II vapor recovery in Delaware.

DNREC is proposing to revise Section 36 of 7 **DE Admin. Code** 1124 to allow new or modified gasoline stations the option to not install Stage II vapor recovery systems, and to instead install an enhanced Stage I vapor recovery system, and to either 1) conduct enhanced monthly inspections and pressure decay leak testing or, 2) participate in a 1-year trial to demonstrate whether or not a continuous pressure monitoring (CPM) system is able to accurately identify system leaks and times when emissions are being vented from the pressure/vacuum valve. DNREC plans to revise this regulation again in the future based on the data obtained from the trial tests. DNREC hereby withdraws the proposed regulation that was published in the August 2014 Delaware *Register*.

A public hearing will be held on June 25, 2015, beginning at 6:00 pm, in DNREC Auditorium, 89 Kings Highway, Dover, DE 19901.

---

**DIVISION OF FISH AND WILDLIFE**  
**PUBLIC NOTICE**  
**3500 Tidal Finfish**  
**3542 Tilefish**

Blueline tilefish (*Caulolatilus microps*) is an ocean dwelling, deep water species that is susceptible to overexploitation

due to its long-lived, sedentary nature. The species is federally managed from North Carolina through Florida by the South Atlantic Fishery Management Council (SAFMC) through the amended Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (1983).

The SAFMC sharply reduced the Annual Catch Limits in 2014 based on results from the 2013 coastwide stock assessment, which indicated the blueline tilefish was overfished and overfishing was occurring. The harvest reductions in the South Atlantic resulted in the commercial sector targeting blueline tilefish in unregulated Mid-Atlantic States, primarily New Jersey. Reported landings from Virginia and northward increased from approximately 11,000 pounds annually (average 2005-2013) to about 217,000 pounds in 2014. Most of these fish were caught in federal waters off the coast of Delmarva. Additionally, Northeast vessel trip reports from the recreational for-hire sector indicated that blueline tilefish landings significantly increased in the areas from approximately Cape Hatteras to mid-New Jersey (Federal Statistical Areas 616 - 636). Virginia and Maryland, although not SAFMC member states, enacted the SAFMC blueline tilefish regulations this year in response to the 2014 landings. The Mid-Atlantic Fishery Management Council (MAFMC) then formally requested that all member states consider adopting incidental commercial trip limits and recreational bag limits that mirror current Virginia and Maryland state regulations. This request was followed by an emergency meeting of the MAFMC in which the council voted to request that the National Marine Fisheries Service (NMFS) implement emergency rules to restrict commercial and recreational landings of blueline tilefish in the Mid-Atlantic.

Consistent with the MAFMC's request and input from Delaware's Advisory Council on Tidal Finfisheries, this action proposes two options for a new tilefish regulation. Both options include a commercial trip limit of 300 pounds and a recreational possession limit of no more than seven fish per person; however, one option limits the new regulation to blueline tilefish and one option applies the regulation more broadly (as in Maryland and Virginia) to include both blueline and golden tilefish (*Lopholatilus chamaelonticeps*).

The hearing record on the proposed addition of a new **7 DE Admin Code §3542 Tilefish** will be open June 1, 2015. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto: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 June 24, 2015 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

---

## DEPARTMENT OF SAFETY AND HOMELAND SECURITY

### DIVISION OF STATE POLICE

#### 2400 BOARD OF EXAMINERS OF CONSTABLES

##### PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 **Del.C.** Ch. 27 proposes to amend/adopt Rules: 3.0 – Criminal Offenses – defines moral turpitude, and 5.0 – Firearms Policy – clarifies the 40 hour course shoot requirements, disqualifications, when qualification shoot sheets are due and the instructor certification requirements. If you wish to view these amendments/adoption, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by June 30, 2015, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold a special meeting on a date to be determined after June 30, 2015, Room 112, Tatnall Building, 150 Martin L. King Jr. Boulevard, South, Dover, DE.

---

### DIVISION OF STATE POLICE

#### 5500 BAIL ENFORCEMENT AGENTS

##### PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Bail Enforcement Agents, in accordance with 24 **Del.C.** Ch. 55 proposes to amend the following adopted rules: Rule 1.0 – Licensing, clarifies penalties for not returning credentials and the training requirements for re-licensure; Rule 4.0 – Firearms Policy, clarifies the qualifications to obtain and maintain a firearms while working; Rule 6.0 – Training Requirements for Issuance of a License, mandates the initial classroom training and procedures and removes the field training and the internship requirement. If you wish to view the complete Rules, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by June 30, 2015, to Delaware State Police, Professional Licensing Section, P. O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Friday, August 28, 2015, 10:00am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

---

## DEPARTMENT OF STATE

**DIVISION OF PROFESSIONAL REGULATION**  
**4100 Board of Home Inspectors**  
**PUBLIC NOTICE**

The Delaware Board of Home Inspectors, pursuant to 24 **Del.C.** §4106(a)(1), proposes to amend its rules and regulations. The proposed regulation changes reiterate that a trainee home inspector must obtain his/her trainee registration prior to performing any supervised home inspections. The Home Inspector Practice Act mandates that anyone who performs inspections, even if supervised by a Delaware licensed home inspector, must first obtain a trainee registration. Board Regulation 10.1 requires trainees to complete 75 supervised home inspections before becoming eligible for full licensure, and, under 24 **Del.C.** §4107(c) a trainee can only begin to accumulate such inspections after his/her application for registration as a trainee is approved and granted by the Board.

The Board will hold a public hearing on the proposed regulation change on July 14, 2015 at 9:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrative Specialist of the Delaware Board of Home Inspectors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 29, 2015 pursuant to 29 **Del.C.** §10118(a).

---

**18 DE Reg. 1002 (06/01/15)**