

**DELAWARE SOLID WASTE AUTHORITY**  
**PUBLIC NOTICE**  
**501 Regulations of the Delaware Solid Waste Authority**

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") is proposing amendments to the Regulations of the Delaware Solid Waste Authority (adopted by DSWA Board January 29, 2009) and the Statewide Solid Waste Management Plan (adopted May 26, 1994)..

A public hearing will be held Wednesday, October 7, 2009, immediately following the hearing scheduled at 5:00 p.m. addressing contemporaneous amendments to the Statewide Solid Waste Management Plan, at Delaware Technical Community College, Terry Campus, Corporate Training Center, Room 400, Dover, Delaware 19903. The hearing is to provide an opportunity for public comment on the proposed amendments. The public record will close at the close of the hearing, unless the hearing officer extends the comment period at the close of the hearing.

The DSWA will receive written comments, suggestions briefs or other written material until the close of business, October 2, 2009. Written comments, suggestions, compilations of data, briefs or other written material shall be submitted to Michael D. Parkowski, Manager of Business Services and Government Relations, Delaware Solid Waste Authority, 1128 South Bradford Street, PO Box 455, Dover, Delaware 19903. Anyone wishing to obtain a copy of the proposed amendments may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, PO Box 455, Dover, Delaware 19903, (302) 739-5361.

**DEPARTMENT OF AGRICULTURE**  
**HARNESS RACING COMMISSION**  
**NOTICE OF PUBLIC HEARING**

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rules 7 and 10. The Commission will hold a public hearing on the proposed rule changes on October 13, 2009. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. 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 September 1, 2009.

The proposed changes are for the purpose of updating Rule 7 and reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml)

A copy is also available for inspection at the Harness Racing Commission office.

**THOROUGHBRED RACING COMMISSION**  
**PUBLIC NOTICE**  
**1001 Thoroughbred Racing Rules and Regulations**

The Thoroughbred Racing Commission, in accordance with 3 **Del.C.** §10103(c) proposes changes to its rules and regulations. The proposal amends Section 11 of the rules and regulations by amending existing Rule 11.4.1 by striking the last sentence. A public hearing will be held on September 22, 2009 at 10:00 AM, in the Horsemen's Office at Delaware Park, 777 Delaware Park Blvd., Wilm., DE, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Thoroughbred Racing Commission, 777 Delaware Park Blvd., Wilm., DE. 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). Persons wishing to submit written comments may forward these to the attention of Mr. John F. Wayne, Executive Director, at the above address. The final date to receive comments will be at 10:00 AM on September 22, 2009.

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

The State Board of Education will hold its monthly meeting on Thursday, September 17, 2009 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**  
**Diamond State Health Plan 1115 Demonstration Waiver**

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 an application to the Centers for Medicare and Medicaid Services (CMS) to renew Delaware's Section 115 demonstration waiver, entitled "Diamond State Health Plan" for an additional three years.

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 Development 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 September 30, 2009. The draft Diamond State Health Plan 1115 waiver application is available upon request.

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 MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**  
**Medicaid for Workers with Disabilities**

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) is proposing to amend the Division of Social Services Manual (DSSM) related to the implementation of the Medicaid Buy-In program for the working disabled.

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 Development 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 September 30, 2009.

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 MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**

## **Reimbursement Methodology for Inpatient Hospital Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) with 42 CFR §447.205, 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) is amending the Title XIX Medicaid State Plan to revise the reimbursement methodology for inpatient hospital services.

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 Development 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) 255-4454 by September 30, 2009.

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 SOCIAL SERVICES**

### **PUBLIC NOTICE**

#### **DSSM 2001.1 Redetermination: Eligibility Review Periods**

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 Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding redeterminations.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by September 30, 2009.

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 SOCIAL SERVICES**

### **PUBLIC NOTICE**

#### **DSSM 4002 Resources**

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 Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding available resources, excluded resources and disposal of real property.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by September 30, 2009.

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.

## **DEPARTMENT OF JUSTICE**

### **DIVISION OF SECURITIES**

#### **PUBLIC NOTICE**

#### **Notice of Proposed Revision to the Rules and Regulations Pursuant to the Delaware Securities Act**

In compliance with the State's Administrative Procedures Act (APA-Title 29, Chapter 101 of the Delaware Code) and section 7325(b) of Title 6 of the Delaware Code, the Division of Securities of the Delaware Department of Justice hereby publishes notice of a proposed revision to the Rules and Regulations Pursuant to the Delaware Securities Act. The Division hereby proposes numerous changes to the rules and regulations governing administrative proceedings before the Securities Commissioner for the State of Delaware.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

James B. Ropp  
Securities Commissioner  
Department of Justice  
State Office Building, 5th Floor  
820 N. French Street  
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the *Delaware Register of Regulations*.

## **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

### **DIVISION OF AIR AND WASTE MANAGEMENT PUBLIC NOTICE**

#### **1142 Specific Emission Control Requirements**

The Clean Air Act Amendments of 1990 (CAA) requires Delaware, as part of the Philadelphia-Wilmington-Atlantic City non-attainment area, to attain the 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.08 ppm by 2010. Since nitrogen oxides (NO<sub>x</sub>) are a major precursor to the formation of ozone in the lower atmosphere, Delaware must reduce NO<sub>x</sub> emissions in order to reduce ambient ozone concentrations, and thus attain the NAAQS. As a part of the overall effort towards attainment, in July 2007, the Delaware Department of Natural Resources and Environmental Control (DNREC) promulgated 7 **DE Admin. Code** 1142 Section 2, which required large industrial boilers and process heaters with heat input capacities equal to or greater than 200 million British thermal units per hour (mmBTU/hour) at Delaware petroleum refineries to meet certain NO<sub>x</sub> emission limits.

DNREC is proposing to repromulgate the regulation and revise the emission limits for 3 boilers in the Premcor Refinery at Delaware City and to submit the regulation to EPA as a revision to Delaware's SIP. DNREC believes that the new limits are adequate for achieving necessary and timely NO<sub>x</sub> emission reductions from the subject sources. The revisions are being proposed pursuant to a settlement of an appeal to the Environmental Appeals Board by the Premcor Refinery on 7 **DE Admin. Code** 1142 Section 2 as promulgated in July 2007.

A public hearing will be held on September 30, 2009, beginning at 6:00 pm, in DNREC Conference Room A, 391 Lukens Drive, New Castle, DE 19720.

### **DIVISION OF FISH AND WILDLIFE PUBLIC NOTICE**

#### **Regulation No. 3512, Winter Flounder Size Limit; Possession Limit; Seasons**

In order to come into compliance with Addendum 1 to Amendment 1 of the Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder as administered by the Atlantic States Marine Fisheries Commission, Delaware must decrease its daily recreational harvest limit and cap daily commercial landings. Specifically, Delaware must reduce its recreational daily harvest limit to two winter flounder per person per day and the daily commercial harvest limit for any commercial fishermen is capped at 50 pounds. No other changes are proposed to the minimum size of winter flounder that may be taken during the open season, or to the allowable recreational harvest season. These changes are considered necessary because the Southern New England/Mid-Atlantic winter flounder stocks are considered to be overfished, and overfishing is still occurring. Winter flounder stocks taken in federal waters or those taken by commercial fishermen in possession of a federal permit are subject to the catch

restrictions currently in place for federal waters.

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901 or phone (302)-739-9914. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control auditorium at 6:00 PM on Wednesday, September 30, 2009. Individuals may present their opinions and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901, or via email to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us).

**DIVISION OF FISH AND WILDLIFE**  
**PUBLIC NOTICE**  
**Regulation 3711 Conch Minimum Size Limits (Formerly S-48)**

Revised regulation 3711 will establish a tolerance for undersize knobbed whelks (knobbed conchs) in the dredge and pot commercial fisheries similar to the existing tolerance established in Regulation 3711 2.0 for the channeled or smooth whelks (conchs). The purpose of the proposed regulation is to allow the retention of up to five (5) undersized knobbed whelks (that is conchs that are less than the applicable minimum length or diameter measurement in effect during the year in question) per 60 pound bag or basket of whelks per day. The allowance of a few undersized knobbed whelks during the course of normal harvesting operations will be a convenience for harvesters who have to pay crews of widely varying experience to cull undersize conchs from the harvest. Also such a tolerance is in recognition that occasionally conch shells are partially broken off either during or prior to harvesting. This proposed regulation should ease the burden on Department enforcement staff who during the course of checking the harvest for compliance with applicable minimum size limits.

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901 or phone (302)-739-9914. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control auditorium at 6:00 PM on Wednesday, September 30, 2009. Individuals may present their opinions and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901, or via email to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us).

**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 Del. Code Title 10 Chapter 27 proposes to amend Rule 3.0 – Law Enforcement Exemption and Rule 4.0 – Employment. These amendments give the Board of Examiners the authority to oversee all training for Constables. If you wish to view this adoption, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by September 30, 2009, to Delaware State Police, Detective Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold their regular meeting in May 2010, at the Delaware State Police Headquarters Conference Room, 1441 North DuPont Highway in Dover, Delaware.

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**3600 Board of Registration of Geologists**  
**NOTICE OF PUBLIC HEARING**

The Delaware Board of Geologists in accordance with 24 Del.C. §3606 has proposed amendments to Rule 2.0 Procedures for Licensure and Rule 6.0 Continuing Education of its rules and regulations. The proposed amendments to subsection 2.2.1.3 clarify that an applicant for licensure by reciprocity must have an active license in the jurisdiction from which the applicant is applying and must have actually worked for at least 2 years in the

jurisdiction from which they are applying to meet the statutory requirements for licensure. The first proposed amendment to Rule 6.0 deletes language in subsection 6.1 that provided for a waiver of continuing education for the first renewal period after the continuing education requirements were enacted because it is no longer applicable. Finally, the Board is proposing to amend Rule 6.0 by adding new subsections 6.11 through 6.15 clarifying the continuing education audit process and the process for hearings for non-compliance, including the imposition of sanctions.

A public hearing will be held on October 9, 2009 at 10:15 a.m. in the second floor conference room B 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 Board of Geologists, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

## **PUBLIC SERVICE COMMISSION**

### **PUBLIC NOTICE**

#### **Notice of Comment Period On Proposed Revised Regulations Concerning the Adoption of an "Integrated Resource Planning Regulation"**

**To: All Standard Offer Service Retail Customers Of Delmarva Power & Light Company And Other Interested Parties**

In 2006, the General Assembly and Governor enacted the "Electric Utility Retail Customer Supply Act," 75 Del. Laws. Ch. 242 § 6 (Apr. 6, 2006) (the "Act"). The Act required Delmarva Power & Light Company ("DP&L") to submit an Integrated Resource Plan ("IRP") with the Public Service Commission (the "Commission"), the Controller General, the Director of the Office of Management and Budget, and the State Energy Office (collectively the "State Agencies"). The IRP is a document that reflects the end result of an integrated resource planning process by DP&L during which it has systematically evaluated all actions or options for procuring, creating, or load-managing electric supply to meet, at minimal cost, the needs of its Standard Offer Service ("SOS") retail customers over a ten-year planning period. DP&L filed its initial IRP with the State Agencies on December 1, 2006.

In order to comply with the new legislation, on December 4, 2007, the Commission promulgated regulations intended to govern DP&L's IRP process pursuant to the Act. The Proposed Regulations and a notice regarding the Proposed Regulations were published in the [Delaware Register of Regulations](#).

Following publication of the Proposed Regulations, the Commission Staff and certain interested parties have made material revisions to the Proposed Regulations. Accordingly, the Commission entered PSC Order No. 7628, requiring that the revised Proposed Regulations be re-published for public comment. The Commission hereby solicits written comments, suggestions, compilations of data, briefs and other written materials concerning the revised Proposed Regulations. Ten (10) copies of such material shall be filed with the Commission at its offices located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. **All such materials shall be filed with the Commission on or before October 5, 2009.**

The revised Proposed Regulations and the materials submitted in connection therewith will be available for public inspection and copying at the Commission's Dover office during normal business hours. The fee for copying is \$0.25 per page. The regulations may also be reviewed, by appointment, at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4<sup>th</sup> Floor, 820 North French Street, Wilmington, Delaware 19801 and will also be available for review on the Commission's website: [www.state.de.us/delpsc](http://www.state.de.us/delpsc).

Any individual with disabilities who wishes to participate in these proceedings should contact the Commission to discuss any auxiliary aids or services needed to facilitate such review or participation. Such contact may be in person, by writing, by telephone, or otherwise. The Commission's toll-free telephone number (in Delaware) is (800) 282-8574. Any person with questions may also contact the Commission Staff at (302) 736-7500 or by Text Telephone at (302) 739-4333. Inquiries can also be sent by Internet e-mail to [Katie.rochester@state.de.us](mailto:Katie.rochester@state.de.us).



**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MOTOR VEHICLES**  
**Rules and Regulations Pertaining to the Regulation of Public Carriers**  
**PUBLIC NOTICE**

Under Title 2 of the **Delaware Code**, Section 1802, as well as 29 **Delaware Code** Section 8404, the Delaware Department of Transportation (DelDOT), is empowered to adopt regulations concerning public carriers, such as taxicabs, limousines, and charter buses operated by private entities. The Department has now drafted revisions to its existing Public Carrier regulations. A copy of the proposed changes accompanies this notice.

The Department will take written comments on the draft changes to the Delaware Public Carrier Regulations from September 1, 2009 through September 30, 2009.

Questions or comments regarding these proposed changes should be directed to: Michael Harrell, Administrator, DelDOT DMV Transportation Services, P.O. Drawer E, Dover, DE 19903 (302) 744-2730 (telephone) (302) 739-6299 (fax) [michael.harrell@state.de.us](mailto:michael.harrell@state.de.us).

**13 DE Reg. 428 (09/01/09)**