

# DELAWARE RIVER BASIN COMMISSION

## PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Tuesday, September 15, 2015** beginning at 1:30 p.m. A business meeting will be held on the following day, Wednesday, September 16, 2015 beginning at 1:30 p.m. The hearing and meeting are open to the public and will be held at the Chase Center on the Riverfront, Dravo Auditorium, 815 Justison Street, Wilmington, Delaware. 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.

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# DELAWARE STATE FIRE PREVENTION COMMISSION

## PUBLIC NOTICE

### 701 Administration and Enforcement

### 702 Fire Protection in Building Construction

### 703 Installation, Operation, Maintenance, Testing and Sales of Signaling Systems, Fire Protection Systems and Fire Extinguishers

### 704 Hazardous Processes and Operations

### 705 General Fire Safety

### 706 Specific Occupancy Requirements

The Delaware State Fire Prevention Commission, pursuant to 16 Del.C. § 6604(1), proposes to revise:

- Regulation 701 by removing the limitation that the regulations apply only to buildings modified by 50% or more following the enactment of the regulations. The revision also removes Annexes A and B and reorganizes the content into a newly created Chapter 7. Finally, the revision removes references to Appendixes that are no longer part of the regulations.
- Regulation 702 by making changes to the occupancy conversion regulation, clarifying the building rehabilitation requirements, clarifying the automatic sprinkler system, and standpipe regulations to prevent a submission for review and approval of a project in such stages that would have the effect of being less than 50% of the square footage of any building. These proposed changes also make substantive additions to the regulations regarding floor level identification and fire pumps.
- Regulation 703 by adding a definition for "major deficiency," clarifying that at the time of renewal, a certificate holder must maintain current NICET certification at the minimum level that was required at the time of original licensure. The proposed changes also remove reference to the Annexes and Appendixes which are no longer part of the regulations.
- Regulation 704 by deleting Regulation 4.3 in its entirety, eliminating the requirement that a member of a local fire department be present on the scene of any fireworks display from the time the fireworks are delivered until the termination of the display, and reverting to Regulation 4.2, leaving the level of fire protection to the discretion of the local fire department.
- Regulation 705 to clarify that one elevator car in any building must be of sufficient size to accommodate an ambulance cot in its horizontal position, and further clarifying that elevator cars existing as of September 1, 2015 are exempt from this requirement. These changes further clarify that all gates at gated communities must be either automatic or manual, and establishes guidelines for demarcating both primary and secondary entrance doors.
- Regulation 706 by removing bond requirement for electricians added to the list of installers for the hard-wired smoke detector program.

The public hearing on the proposed regulation changes originally scheduled on September 15, 2015 has been rescheduled for September 22, 2015 at 10:00 a.m., in the Commission Chamber, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments will be accepted until fifteen days following the public hearing, pursuant to 29 Del.C. §10118(a).

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# DEPARTMENT OF AGRICULTURE

## DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

## PUBLIC NOTICE

### 701 Farmland Preservation Program

The Delaware Agricultural Lands Preservation Foundation (the "Foundation"), pursuant to 3 Del.C. §928, will hold a public hearing to discuss proposed regulations relating to the administration of the Delaware Agricultural Lands Preservation Program established pursuant to 3 Del.C. §901. The Foundation was established by the Delaware Legislature pursuant to 3 Del.C. §903. The Foundation is responsible for, among other things, adopting criteria for the establishment and maintenance of Agricultural Preservation Districts and Forestland Preservation Areas and establishing criteria for the purchase of Agricultural Preservation Easements and Forestland Preservation Easements. To carry out its statutory responsibilities, the Foundation has been directed to, among other things, adopt rules of practice and procedure for the acquisition of Preservation Easements, including the process and timeframe for submitting applications for the sale of Easements, the establishment of the purchase price for the easements through the use of appraisal information, the manner in which offers to sell such easements are accepted, and the basis upon which offers for sale of such easements are accepted.

Pursuant to its statutory authority, the Foundation is proposing for adoption a comprehensive set of guidelines and regulations to be used for the administration of the agricultural lands preservation program. The proposed regulations will replace all of the existing regulations set forth in 3 Delaware Administrative Code, Part 701, Sections 1.0 through and including 30.0, including Appendix A through G, and will, among other things: (a) establish eligibility criteria, (b) establish application procedures, (c) establish criteria for the purchase of Agricultural Lands Preservation Easements and methods by which the purchase price will be determined, and (d) provide for additional means of creating priority for acquisition of preservation easements in designated areas which are near or adjacent to any growth zones that may be indicated by each of the three respective counties. No changes are being proposed to the Forestland Preservation regulations set forth in 3 Delaware Administrative Code, Part 702.

The public hearing will be on Wednesday, September 23, 2015 beginning at 10:00 a.m. and ending at 12:00 p.m. at the Foundation's office located at 2320 S. DuPont Highway, Dover, Delaware 19901.

Copies of the proposed regulations are available for review by contacting:

Rebecca Vaughn  
Delaware Agricultural Lands Preservation Foundation  
2320 S. DuPont Highway  
Dover, DE 19901  
(302) 698-4531  
Email: Rebecca.Vaughn@state.de.us

Anyone wishing to present oral comments at this public hearing should contact the designated Hearing Officer, Mr. William A. Denman at (302) 678-3262 prior to the hearing. Oral comments and written comments may be presented at the hearing, and anyone wishing to submit written comments as a supplement to, or in lieu of oral testimony, should submit such comments by October 1, 2015 to:

William A. Denman, Esquire  
Parkowski, Guerke & Swayze, P.A.  
116 W. Water Street  
Dover, DE 19904  
(302) 678-3262      Email: wdenman@pgslegal.com

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**HARNES RACING COMMISSION**  
**DELAWARE STANDARDBRED BREEDERS' FUND**  
**PUBLIC NOTICE**

**502 Delaware Standardbred Breeders' Fund Regulations**

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of its intention to adopt an amended regulation pursuant to the General Assembly's delegation of authority to do so found at 29 Del.C. §4815(b)(4)b.2 and in compliance with Delaware's Administrative Procedures Act at 29 Del.C. §10115. The proposed amended regulation under 13.0 defines and allows consolidation of consolation races to afford more racing opportunity to participants and fuller wagering fields.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*. Any such submissions should be mailed or hand-delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund Program whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by October 1, 2015.

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## DEPARTMENT OF EDUCATION

### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, September 17, 2015 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### **Physical Therapy, Occupational Therapy, and Services for Individuals With Speech, Hearing and Language Disorders Hippotherapy**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 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 proposed to amend the amend the Title XIX Medicaid State Plan and the Delaware Medical Assistance Program Provider Specific Policy Manual to revise and update Independent Therapist Provider Specific Policy Manual regarding Physical Therapy, Occupational Therapy, and Services for Individuals With Speech, Hearing and Language Disorders, specifically, *to establish coverage criteria, provider qualifications, service limitations and reimbursement methodology for Hippotherapy.*

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 September 30, 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.

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### DIVISION OF PUBLIC HEALTH

#### PUBLIC NOTICE

#### **4452 Clean Indoor Air Act**

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the Delaware Clean Indoor Air Act. The purpose of the amendments is to add electronic smoking devices to the regulations. On September 1, 2015, HSP plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

A public hearing will be held on Wednesday, September 30, 2015 at 10:00 a.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the September 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Jamie Mack by Friday, October 9, 2015, at:

Jamie Mack

Division of Public Health

417 Federal Street

Dover, DE 19901

Email: [jamie.mack@state.de.us](mailto:jamie.mack@state.de.us)

Phone: (302) 744-4951

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### DIVISION OF PUBLIC HEALTH

#### PUBLIC NOTICE

#### **4462 Public Drinking Water Systems**

On September 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 update the regulations to align them with federal requirements and clarify the current regulations. 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.

A public hearing will be held on Wednesday September 30, 2015, at 2:00 p.m. in the Large Conference Room, Office of Drinking Water, Edgehill Shopping Center, 43 South DuPont Highway, Dover, Delaware.

Copies of the proposed regulations are available for review in the September 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by Thursday, October 8, 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](mailto:jamie.mack@state.de.us)  
Fax: 302-739-3984

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**DEPARTMENT OF INSURANCE**  
**OFFICE OF THE COMMISSIONER**  
**PUBLIC NOTICE**  
**606 Proof of Automobile Insurance**

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 606 relating to Proof of Automobile Insurance [Formerly Regulation 31]. The docket number for this proposed AMENDED regulation is 2464-2015.

The proposed amended regulation supports the established requirements to govern the form of the standardized insurance identification (ID) card for each insured vehicle pursuant to Delaware law and will follow new requirements passed under H.B. 258 HA1, for the 147<sup>th</sup> General Assembly. The Delaware Code authority for the change is 18 **Del.C.** §§311 and 2741, and 21 **Del.C.** §2118(o).

The Department of Insurance does not plan to hold a public hearing on the proposed amended regulation. The proposed amended regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

[www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml](http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml)

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Wednesday, September 30, 2015. Any such requests should be directed to:

Regulatory Specialist Rhonda West  
Delaware Department of Insurance  
841 Silver Lake Boulevard  
Dover, DE 19904  
Phone: (302) 674-7379  
Fax: (302) 739-5566  
Email: [rhonda.west@state.de.us](mailto:rhonda.west@state.de.us)

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**DEPARTMENT OF LABOR**  
**DIVISION OF INDUSTRIAL AFFAIRS**  
**OFFICE OF WORKERS' COMPENSATION**  
**PUBLIC NOTICE**  
**1341 Workers' Compensation Regulations**

The Workers' Compensation Oversight Panel, pursuant to 19 **Del.C.** §2322B(9), proposes to revise Regulation 1341, subsection 4.13.1 by removing references to specific percentages and dollar amounts to be used in calculating the amounts permitted to be paid for prescribed drugs. In addition, the Workers' Compensation Oversight Panel, pursuant to 19 **Del.C.** §2322B(3)(a), proposes to revise subsection 4.20.1 by removing references to specific dollar amounts to be used in calculating the amounts permitted to be paid for anesthesia services provided to employees.

The Panel will hold a public hearing on the proposed regulation changes on September 21, 2015 at 4:00 p.m., in the Department of Labor Fox Valley Annex, 19 W. Lea Blvd, Wilmington, DE 19802. Written comments should be sent to Stephanie K. Parker, Administrator for the Office of Workers' Compensation, 4425 N. Market Street, Wilmington, DE 19802. Written comments will be accepted until September 30, 2015 pursuant to 29 **Del.C.** §10118(a).

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**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF FISH AND WILDLIFE**  
**PUBLIC NOTICE**  
**3900 Wildlife**

The purpose of this action is to establish reporting requirements for gray fox taken, killed or captured; also to ensure consistency with and to clarify the allowable timeframe and methodology for reporting coyote and nutria harvests.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3900 Wildlife – 4.0 and 23.0 pertaining to Seasons and Non-native/Invasive Wildlife will be open September 1, 2015. 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 September 22, 2015 beginning at 6:30 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

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

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to adopt the federal ignitable compressed gas provisions in §261.21 and to correct clerical and typographical errors.

Amendments to DRGHW are proposed and amended in accordance with the provisions found at 7 Delaware Code, Chapters 60 and 63.

The public hearing on the proposed amendments to DRGHW will be held on Wednesday, September 30, 2015 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

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**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1725 POLYSOMNOGRAPHY ADVISORY COUNCIL**  
**PUBLIC NOTICE**

The Delaware Polysomnography Council of the Board of Medical Licensure and Discipline, pursuant to 24 **Del.C.** §1799W(c), proposes to amend its rules and regulations. The proposed regulation change clarifies that polysomnographic trainees are limited to a total of two years of training before they are required to either obtain a license or cease practicing.

The Council will hold a public hearing on the proposed regulation change on September 28, 2015 at 9:00 a.m., Second Floor Conference Room C, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Shauna Slaughter, Executive Director of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861

**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 October 13, 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 October 28, 2015 pursuant to 29 **Del.C.** §10118(a).

A hearing for the proposed regulation change was originally scheduled to take place on July 14, 2015 in Conference Room B of the Cannon Building; however, the regularly scheduled Board of Home Inspectors meeting was canceled on that date. As such, the proposed regulation is being republished without change in order to change the hearing date to October 13, 2015 as set forth above.