

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

The State Board of Education will hold its monthly meeting on Thursday, August 18, 2011 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF PUBLIC HEALTH**

**4447 Regulations Governing the Sanitation of Migratory Agricultural Labor Housing Camps and Field Sanitation  
(Hand Labor)**  
**PUBLIC NOTICE**

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), is proposing revisions to the State of Delaware Regulations Governing the Sanitation of Migratory Agricultural Labor Housing Camps and Field Sanitation/Hand Labor Operations. Due to the extensive number of amendments the Department has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. On August 1, 2011, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the August 1, 2011 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

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 Wednesday, August 31, 2011 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700  
Fax: (302) 739-6659

**DIVISION OF PUBLIC HEALTH**  
**4453 Cosmetology and Barbering**  
**PUBLIC NOTICE**

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), is proposing revisions to the State of Delaware Regulations governing Cosmetology and Barbering. Due to the extensive number of amendments the Department has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. On August 1, 2011, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the August 1, 2011 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

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 Wednesday, August 31, 2011 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700

Fax: (302) 739-6659

**DIVISION OF PUBLIC HEALTH**  
**4457 Regulations Governing the Manufacture and Sale of Ice**  
**PUBLIC NOTICE**

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), is proposing revisions to the State of Delaware Regulations Governing the Manufacture and Sale of Ice. On August 1, 2011, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the August 1, 2011 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

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 Wednesday, August 31, 2011 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700  
Fax: (302) 739-6659

**DIVISION OF PUBLIC HEALTH**  
**4460 Mattresses, Pillows and Bedding**  
**PUBLIC NOTICE**

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), is proposing revisions to the State of Delaware Regulations Governing Mattresses, Pillows and Bedding. Due to the extensive number of amendments the Department has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. On August 1, 2011, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the August 1, 2011 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

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 Wednesday, August 31, 2011 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700  
Fax: (302) 739-6659

**DEPARTMENT OF INSURANCE**  
**1314 Health Premium Consumer Comparison**  
**PUBLIC NOTICE**

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance Regulation 1314 relating to Health Premium Consumer Comparisons. The docket number for this proposed regulation is 1530.

The proposed regulation would require health insurance companies to provide survey data to the Department of Insurance for the purposes of allowing consumers of health insurance the opportunity to compare rates from different companies. The survey data would have to be filed with the Department on an annual basis. The regulation would also require the insurers to provide direct email responses to the consumer. The Delaware Code authority for the change is 18 Del.C. §§ 311 and 2501 et seq.

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed 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, August 31, 2011. 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) 739-7651  
Email: [rhonda.west@state.de.us](mailto:rhonda.west@state.de.us).

**DEPARTMENT OF JUSTICE  
FRAUD AND CONSUMER PROTECTION DIVISION  
103 Consumer Protection Unit Administrative Enforcement Proceedings  
PUBLIC NOTICE**

The Attorney General in accordance with 29 Del.C. §2520, et seq., has proposed to adopt amendments to the rules and regulations for administrative enforcement of the various consumer protection statutes.

A public hearing will be held at 10:00 a.m. on Wednesday, September 21, 2011, in the Attorney General's conference room on the 6th floor of the Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, where members of the public may offer comments. Anyone wishing to receive a copy of the proposed amendments to the rules and regulations may obtain a copy from the Consumer Protection Unit of the Department of Justice at Carvel State Office Building, 5th floor, 820 N. French Street, Wilmington, DE 19801. Persons wishing to submit written comments may forward these to the Director of the Consumer Protection Unit at the above address. The final date to submit written comments will be at the public hearing.

The proposed changes are intended to:

1. provide for the appointment of hearing officers who are members of the Delaware Bar but not employees of the Department of Justice,
2. provide for alternative means of service of process, including personal delivery and service under the "long-arm" statute,
3. provide for default orders where the respondent fails to respond, and 4) eliminate extended treatment of the pre-hearing conference and pre-hearing submission provisions, which procedures in many cases may be unnecessary.

**VICTIMS' COMPENSATION ASSISTANCE PROGRAM ADVISORY COUNCIL  
301 Victims' Compensation Assistance Program Rules and Regulations  
PUBLIC NOTICE**

The Department of Justice Victims Compensation Assistance Program proposes to add an additional regulation, Rule 30.0, to section 301 relating to payment of claims. VCAP has recently adopted regulations providing for reimbursement of medical professionals at 80% of the usual and customary charges for such services [Rule 28.0], and for reimbursement of mental health professionals at 80% of usual and customary charges for such treatment [Rule 29.0]. VCAP currently reimburses victims who lack applicable insurance for the cost of dental procedures attributable to a covered violent crime. VCAP is the payer of last resort for these dental claims. Both private dental insurance plans and any available Medicaid or

Medicare benefits are primary. To the extent that the victim is responsible for a deductible or co-pay amount, VCAP benefits may be available to cover such deficits.

This regulation would require that VCAP pay all dental providers at 80% of the established usual and customary charge for such services or procedures. This amount would be deemed payment in full, and the dental provider would be unable to collect any additional monies from the victim, or from third parties, through so-called "balance billing". VCAP would cover any co-pay or deductible amounts, in the event of a covered victim. Enactment of this proposed regulation would help preserve and extend the Victims Compensation Assistance Program funds and bring VCAP more in line with the practices of insurers and other governmental programs in paying dental claims.

The Department of Justice Victims Compensation Assistance Program will hold public hearings on these proposed amendments on August 23, 2011 at 10:00 am at the Dover Police Department Public Assembly Room, 400 S Queen St, Dover, Delaware. Interested persons may submit comments in writing to Lisa Ogden, Director, VCAP, 900 King Street, Suite 4, Wilmington Delaware. Statements and testimony may be presented either orally or in writing at the public hearings.

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

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

#### **1138 Emission Standards for Hazardous Air Pollutants for Source Categories PUBLIC NOTICE**

In 2001, Delaware adopted by reference the federal Maximum Achievable Control Technology (MACT) standard applicable to halogenated solvent cleaning operations (40 CFR Part 63 Subpart T) into Section 8.0 of Regulation 1138. Since that initial adoption, the EPA has revised this federal MACT standard several times. The most significant of these revisions was the adoption of facility-wide 12-month rolling total halogenated solvent emission limits (72 FR 25138, May 3, 2007). This more stringent requirement was incorporated after the EPA determined that following the full implementation of the MACT requirements, the original MACT requirements did not protect the public's health with an ample margin of safety.

Delaware is proposing to amend Section 8.0 of Regulation 1138 by adding the facility-wide emission limits and their associated monitoring, recordkeeping and reporting requirements that the EPA promulgated on May 3, 2007. The purpose of this proposed amendment is to protect the public's health with an ample margin of safety and to provide greater consistency between Delaware's air toxics standards for halogenated solvent cleaning operations and the revised federal standard (40 CFR Part 63 Subpart T).

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, August 24, 2011 beginning at 6:00 PM in DNREC's Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

### **DIVISION OF WATER RESOURCES Surface Water Discharges Section**

#### **7201 Regulations Governing the Control of Water Pollution, 9.5 The Concentrated Animal Feeding Operation (CAFO) PUBLIC NOTICE**

These proposed regulations have been developed pursuant to 3 Del.C. §2201-2290 and 7 Del.C. §6000 et.al. and under DNREC's delegated authority. These statutory and regulatory authorities establish the requirement that a National Pollutant Discharge Elimination System (NPDES) permitting program for Concentrated Animal Feeding Operations (CAFOs) be implemented. These proposed regulations amend the current regulations and will function as the baseline CAFO standards for compliance of NPDES CAFO permits applicable to certain farms. The Delaware Department of Natural Resources and Environmental Control (DNREC) will administer these regulations with the assistance of the Delaware Department of Agriculture (DDA). In general, NPDES CAFO permits, as provided in these regulations, are effective for five years. These regulations were developed by the Delaware Department of Agriculture and the Delaware Department of Natural Resources and Environmental Control.

The revised regulation will clarify the current application, approval and reporting requirements for CAFO NPDES permits. Failure to promulgate revised regulations compliant with requirements of the Clean Water Act may result in forfeiture of the State NPDES program and subject Delaware farmers to federal enforcement action and third party lawsuits.

The proposed regulations are posted on the Delaware Department of Agriculture website ([www.dda.delaware.gov](http://www.dda.delaware.gov)) and the DNREC website at [www.dnrec.delaware.gov](http://www.dnrec.delaware.gov). Hard copies of the proposed regulations may be obtained from the Delaware Department of Agriculture. Comments may be submitted in writing and/or e-mail to the Mark Davis, Nutrient

Management Program Administrator (mark.davis@state.de.us), at the Delaware Department of Agriculture, on or before 4:30 PM on August 31, 2011, and/or in person at a public hearing to be held on August 25, 2011 at 7pm at the Department of Agriculture, 2320 South DuPont Highway, Dover, DE 19901. Statements and testimony may be presented either orally or in writing at the public hearing. It is requested that those interested in presenting statements at the public hearing register in advance and that written statements and comments be addressed to:

Mark Davis  
Department of Agriculture  
2320 South DuPont Highway  
Dover, DE 19901  
Mark.davis@state.de.us

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**Genetic Counselor Advisory Council**  
**1799 Genetic Counselor Advisory Council**  
**PUBLIC NOTICE**

Consistent with a recent statutory amendments creating the Genetic Counselor Advisory Council (the "Council"), of the Board of Medical Licensure and Discipline (the "Board" and providing for the licensing and regulation of genetic counselors, the Council in accordance with 24 **Del.C.** §1799(c) and 29 **Del.C.** Ch. 101, has developed and is proposing to recommend to the Board the approval of regulations regarding the practice of genetic counseling in the State of Delaware.

A public hearing will be held on Friday, September 9, 2011 at 3:15 p.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Practice, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward the written comments to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Council may vote on whether to promulgate the proposed regulations subject to the approval of the Board immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION**  
**2600 Examining Board of Physical Therapists**  
**PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §2604(a)(1), the Examining Board of Physical Therapists and Athletic Trainers has proposed revisions to its rules and regulations.

A public hearing will be held on August 23, 2011 at 5:15 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Examining Board of Physical Therapists and Athletic Trainers, 861 Silver Lake Boulevard, Dover, Delaware 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 proposes the re-organization of the rules and regulations for greater clarity for both licensees and members of the public. Rules 1.2.3 and 1.2.8 are modified with respect to the requirements for supervision. Rule 12.1.23 is added to state that a licensee is required to report to the Division of Professional Regulation any licensee who is in violation of the Board's laws or rules. Rule 13.0, pertaining to continuing education, is amended to add requirements for ethics hours and completion of a CPR course. In addition, Rule 13.2.2 specifies that course approval is good for three years, unless the course is modified. Rule 13.4.4 is added to make explicit that the Board has the authority to conduct continuing education audits and sanction licensees not in compliance with continuing education requirements. Finally, the revisions correct typos and grammatical errors.

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