

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 15, 2018** beginning at **1:30 p.m.** at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, Ewing, New Jersey. A business meeting will be held the following month on **Thursday, September 13, 2018** beginning at **10:30 a.m.** at the RiverWinds Community Center, 1000 RiverWinds Drive, Thorofare, New Jersey. The hearing and meeting are open to the public. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203 and pamela.bush@drbc.nj.gov.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, August 16, 2018 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

CHIP Premium Requirements

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 (DMMA) is proposing to amend Title XIX Medicaid State Plan and the Delaware Social Services Manual (DSSM) regarding Cost Sharing and Payment, specifically, *to update CHIP Premium Requirements*.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2018. Please identify in the subject line: **CHIP Premium Requirements**.

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

Asset Verification System

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 (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding the Asset Verification System, specifically, to identify the contractor selected to implement the system.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2018. Please identify in the subject line: Asset Verification System.

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

4471 Massage and Bodywork Facilities

The Division of Public Health, Department of Health and Social Services, is proposing new regulations for facilities that offer massage and body work services. The regulations are in response to the revisions to 24 **Del.C.** §§5306(b) and 5314(b) which provide the Division of Public Health the authority to promulgate these regulations. On August 1, 2018, DPH plans to publish as proposed the new regulations, and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the August 1, 2018 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the DPH 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, September 7, 2018, at:

Jamie Mack
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: jamie.mack@state.de.us
Phone: (302) 744-4832

DIVISION OF SOCIAL SERVICES PUBLIC NOTICE Purchase of Care Plus

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) is proposing to amend the Division of Social Services Manual regarding Purchase of Care Plus, specifically, to clarify program policy and requirements.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2018. Please identify in the subject line: Purchase of Care Plus.

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF AIR QUALITY PUBLIC NOTICE 1147 CO₂ Budget Trading Program

Since 2009 Delaware and nine other states have implemented a regional program to reduce CO₂ emissions; known as the Regional Greenhouse Gas Initiative (RGGI). The Regional Greenhouse Gas Initiative is composed of individual CO₂ Budget Trading Programs in each RGGI participating state. Each participating state's CO₂ Budget Trading Program is based on the RGGI Updated Model Rule, which was developed to provide guidance to states as they implemented the RGGI program. RGGI participating states have been conducting a Program Review, which is a comprehensive evaluation of program successes, program impacts, the potential for additional reductions, imports and emissions leakage, and offsets. In December 2017 Delaware and these other participating states announced revisions to the RGGI program and published an updated Model Rule.

The purpose of this action is to amend 7 **DE Admin. Code** 1147 to reflect these revisions announced by the RGGI participating states in December 2017. The proposed amendments to 1147 will include a reduction in the state's budget to reflect Delaware's portion of a new regional cap beginning in 2021-2030; adding the Emissions Containment Reserve; amending the quantity of allowances in the Cost Containment Reserve, private bank adjustments; deletion of two offset categories and other minor program adjustments.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, August 29, 2018 in the DNREC Auditorium in the Richardson & Robbins Building located at 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 the address below or email to valerie.gray@state.de.us. 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 September 14, 2018, unless a longer period is designated by the hearing officer at the public hearing.

This hearing will begin at 6:00PM.

DNREC - Division of Air Quality
Subject: 1147 Public Hearing 8/29/18
100 W. Water Street, Suite 6A
Dover, DE 19904

DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE

3531 Tautog; Size Limits, Creel Limits and Seasons

The Atlantic States Marine Fisheries Commission (ASMFC) approved Amendment 1 to the Interstate Fishery Management Plan for Tautog in October 2017. Amendment 1 provides for the regional management of the tautog resource based on the most recent stock assessment findings. The stock assessment indicated that the Delaware, Maryland and Virginia (DelMarVa) component of the stock is overfished but overfishing is not occurring. The recreational and commercial management measures proposed in this action will improve the stock condition and are required by Amendment 1.

Specifically, Amendment 1 requires that Delaware implement recreational and commercial management measures consisting of a 16-inch minimum size limit, a four fish possession limit and a closed season from May 16 through June 30. In addition, based upon evidence from law enforcement officials that indicated significant illegal sales of tautog, states with commercial tautog fisheries must implement a commercial harvest tagging program by January 1, 2019. Implementation of such a program will require preregistration, harvest tagging and tag reporting and accountability measures to deter the illegal sale of tautog.

Finally, to prevent or reduce mortality from lost commercial fishing gear, Amendment 1 requires certain degradable materials on pot and trap gear from which tautog are retained.

Although the required minimum size limit, possession limit and closed season and are currently in place through emergency Secretary's Order 2018-F-0035, these measures and the other proposed measures must be promulgated through the full provisions of the Administrative Procedures Act.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3531 Tautog; Size Limits, Creel Limits and Seasons will open Wednesday, August 1, 2018. 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 Thursday, August 23, 2018 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Friday, September 7, 2018.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE SECRETARY

PUBLIC NOTICE

102 Regulations Governing the Destructive Weapon Compensation Program (DWCP)

The Department of Safety and Homeland Security (DSHS), pursuant to 11 **Del.C.** §1444(f)(1), seeks to adopt regulations that will clarify and provide more detailed information regarding the Destructive Weapon Compensation Program (DWCP), as identified in 11 **Del.C.** §1444(f)(2).

The DSHS will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the Department of Safety and Homeland Security Attn: Terry Pepper, Public Safety Building Suite 220, P.O. BOX 818, Dover, Delaware 19903-0818 or e-mail Terry.pepper@state.de.us. Any written submission in response to this notice and the relevant proposed regulations must be received by the Department of Safety and Homeland Security no later than 4:30 p.m. (EST) on August 31, 2018. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml.

DEPARTMENT OF STATE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
PUBLIC NOTICE

901 Historic Preservation Tax Credit Program

The Historic Preservation Tax Credit Act (30 **Del.C.** Ch. 18, Subch. II) was first enacted by the General Assembly in 2001 and was amended in 2002, 2003, 2004, 2005, 2010 and 2014. Program regulations were adopted on July 11, 2002 (6 DE Reg. 108 published 07/01/02), and were amended on July 11, 2004 (8 DE Reg. 194 published 07/01/04), on January 11, 2005 (8 DE Reg. 1031 published 01/01/05), on October 11, 2010 (14 DE Reg. 485, published 11/01/2010) and on September 11, 2014 (18 DE Reg. 237 published 09/01/14). The purpose of these proposed regulatory amendments is to specify under what circumstances a Credit Award would be withdrawn, to establish a time frame during which rehabilitation work may qualify for a Credit Award, and to amend the fee schedule. Clarifications and technical corrections are also made throughout the regulation.

Section 5.5 proposes regulatory revisions that would limit applicants to applying for credits only for rehabilitation work that is proposed; work that has been completed prior to approval of the Part 2 application will now be ineligible for tax credits. A change to Section 4.4 eliminates the exemption for submitting a Part 1 application that had applied to certain applicants.

Sections 5.9, 5.10, and 6.3 propose or clarify circumstances in which an applicant must forfeit or the Delaware State Historic Preservation Officer can withdraw a Credit Award. Section 5.9 also eliminates the conflict between §1816(a) of the promulgating legislation which limits credit awards in any tax year to the amount authorized and §1816(c) which allows for re-assignment of forfeited credits. As forfeited tax credits were rarely available in the tax year in which they were awarded, they are essentially precluded from being awarded to other applicants. In §1815(b)(1) of the promulgating legislation, the State Office is given the power to charge a fee for inspections and other expenses. Section 7.1 proposes altering the timing for submittal of a Request for Credit Award, and subsection 7.2 is deleted as it would be rendered unnecessary by the change in 7.1.

Section 8.1 proposes an increase in the fees being charged for this activity, and indicates how the fees will be collected. Section 8.2 indicates how the State may use the fees collected. In addition, these proposed regulatory amendments modify definitions in Section 3.0 to update legal citations as well as clarify four definitions. Finally, there are minor changes made in sixteen sections of the regulations in order to clarify the regulatory process, particularly the coordination process with the Division of Revenue (Sections 5.1, 5.2, 5.4, 5.5, 5.6, 5.7, 5.9, 5.11, 5.12, 6.1, 6.2, 6.4, 6.5, 6.6, 7.3, and 7.5.). The Historic Preservation Tax Credit Act is designed to promote community revitalization and redevelopment through the rehabilitation of historic property by providing tax credits for expenditures made to rehabilitate a certified historic property.

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.** Ch. 101, the Division of Historical and Cultural Affairs proposes to amend rules and regulations pursuant to its authority under 30 **Del.C.** §1815(b). The Division will receive and consider all written comments on the proposed rules and regulations related to implementation of amendments to the Historic Preservation Tax Credit Act. Submit comments to the Division in care of Timothy A. Slavin, Director, Division of Historical and Cultural Affairs, 21 The Green, Dover, DE 19901. The final date to submit comments is September 4, 2018. Anyone wishing to obtain a copy of the proposed amendments to the rules and regulations should notify Timothy A. Slavin at the above address or call 302-736-7400. This notice will be published in two newspapers of general circulation.

DIVISION OF PROFESSIONAL REGULATION 2000 BOARD OF OCCUPATIONAL THERAPY PRACTICE PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2006(a)(1), the Delaware Board of Occupational Therapy Practice has proposed revisions to its rules and regulations. The rules pertaining to continuing education are proposed to be amended.

A public hearing will be held on September 5, 2018 at 4:30 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 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 Occupational Therapy Practice, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address no later than the close of business on September 20, 2018, in accordance with 29 **Del.C.** §10118(a).