

DEPARTMENT OF AGRICULTURE
OFFICE OF THE STATE VETERINARIAN
PUBLIC NOTICE
901 Poultry Disease Prevention Regulations

The Department of Agriculture proposes to amend its Regulations adopted in accordance with Title 3, Chapter 1 of the Delaware Code to revise the Poultry Disease Prevention Regulations at 3 **DE Admin. Code** 901. The purpose of the amended regulations is to update terminology, definitions, requirements for entry to Delaware and reference to federal rules, and to add a new Section 6.3 to prohibit the slaughter, other than for humane euthanasia or disease control, of any poultry on the premises of any dealer or broker of poultry or on the premises of any poultry sales establishment. Other regulations issued by the Department of Agriculture are not affected by this proposal. The Department of Agriculture 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 December 1, 2018 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 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.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Department of Agriculture 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 December 31, 2018. Written materials submitted will be available for inspection at the above address.

On or after December 31, 2018, following review of the public comment, the Department of Agriculture will determine whether to amend its regulations by adopting the proposed rules 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, December 20, 2018 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
PUBLIC NOTICE
1150 Outer Continental Shelf Air Regulations

The Division of Air Quality (DAQ) is proposing to amend 7 **DE Admin. Code** 1150 to incorporate updates to the federal Outer Continental Shelf (OCS) regulations at 40 CFR 55, which have been made since the regulation was adopted in 2010.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Monday, January 7, 2019 beginning at 6:00 PM at the Division of Air Quality's office located at State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904. Interested parties may submit comments in writing to: Mark A. Prettyman, DNREC - Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904. Public comments will be received until close of business Tuesday, January 22, 2019.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE
1375 Regulations Governing Hazardous Substance Cleanup

The premise of the Brownfields Development Program (BDP) is to provide liability protections to parties who did not cause or contribute to the release of a hazardous substance on a real property. The intent is to investigate the property, ascertain the quantity and quality of contamination, its fate, transport, and pathways from the source material, and ultimately the potential harm to affected receptors. Upon completion of the investigation, an eligible brownfield developer would have to remediate the property before putting the property back into reuse. This would cleanup the property for the intended use and prevent any further migration of contamination off of the certified brownfield property.

Remediation of contamination that extends beyond the boundaries of a Brownfield property is not the responsibility of

the Brownfield developer but rather all otherwise potentially responsible parties. As the regulations are currently written, certified brownfields are "facilities" which mandates the investigation and cleanup of hazardous substance releases wherever they may be located - on or off the certified brownfield property. The amendments to the Regulations create a definition of a "certified brownfield" to ensure the remedial responsibilities of the Brownfield Developer are limited only to the area of the certified brownfield.

In addition the terminology of "abandoned, vacant or underutilized" to define a potential brownfield has been changed to "the redevelopment, reuse or expansion may be hindered by the reasonable belief that the real property is environmentally contaminated" to mirror the language in the Brownfields Development Program enabling statute, 7 Del.C. Chapter 91. The statutory change was made to more closely align with the federal brownfield statute and regulations. While the change is not required by any federal mandate it will create consistency between the state and federal brownfields program that will assist in grant writing.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, January 9, 2019 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 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. 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 January 24, 2019, unless a longer period is designated by the hearing officer at the public hearing.

DNREC - Site Investigation and Restoration Section

Subject: HSCA Regulations Hearing

Attn: Jill Williams-Hall

391 Lukens Drive

New Castle, DE 19720

Jill.hall@state.de.us

DIVISION OF WATERSHED STEWARDSHIP
PUBLIC NOTICE
7402 Shellfish Sanitation Regulations

The Atlantic Ocean is currently classified as an Approved Shellfish Growing Area (GA-7) but there is no commercial or recreational bi-valve shellfish harvest that occurs in this growing area and the State resources to maintain current sampling and classification work are costly and provide no added benefit to the State. The purpose of this action is to change the classification of the Atlantic Ocean from an Approved Shellfish Growing Area to a Prohibited Shellfish Growing Area. By changing the classification status, it will save the State thousands of dollars annually with no impact to the public which utilizes the State's shellfish resources. If a viable fishery was determined to exist in the Atlantic Ocean in the future, the area could be reclassified to support the fishery.

The Delaware Fishing Guide has listed that clamming cannot occur within seagrass beds. This addition will make the Prohibited Shellfish Growing Area classification consistent with the restriction of clamming in seagrass beds referenced in the Delaware Fishing Guide for over ten years.

The definition of Shellfish Seed and Maximum Seed Size will be added to Shellfish Sanitation Regulations to be consistent with current Fish and Wildlife Shellfish Aquaculture Regulations for the Inland Bays.

There are no costs associated with these regulatory changes and there is minimal or no impact to commercial or recreational bi-valve shellfish harvesters. This action will save the State of Delaware thousands of dollars annually and continue to protect the State's seagrass restoration efforts.

The hearing record on the proposed changes to 7402 Shellfish Sanitation Regulations will be open December 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. Public comments will be accepted through close of business Friday, February 1st 2019. A public hearing on the proposed amendment will be held on January 17, 2019 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
DELAWARE COUNCIL ON POLICE TRAINING
PUBLIC NOTICE
801 Regulations of the Delaware Council on Police Training

The Council on Police Training (COPT), pursuant to 11 **Del.C.** §8404(a)(14), proposes to revise its regulations. The

proposed amendments, which were voted on in a regular meeting by the COPT on October 16, 2018, seek to update, clarify and provide more detailed information regarding training requirements and records, employment status, COPT certification, and procedures for non-compliance.

The COPT 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: Christopher Klein, Public Safety Building Suite 220, P.O. BOX 818, Dover, Delaware 19903-0818 or e-mail Christopherm.klein@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 December 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.

DELAWARE COUNCIL ON POLICE TRAINING
PUBLIC NOTICE
802 COPT K-9 Training Standards and Requirements

The Council on Police Training (COPT), pursuant to 11 **Del.C.** §8404(a)(14), proposes to create regulations. The proposed regulations, which were voted on in a regular meeting by the COPT on October 16, 2018, seek to establish basic training and qualification standards for police K-9 teams.

The COPT 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: Christopher Klein, Public Safety Building Suite 220, P.O. BOX 818, Dover, Delaware 19903-0818 or e-mail Christopherm.klein@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 December 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.

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 rule in 24 **DE Admin. Code** 5500 Bail Enforcement Agents: Rule 2.0 Badges, Patches, and Advertisements. If you wish to view the complete Rule, contact Ms. Ashley Hughes at (302) 672-5337. Any persons wishing to present views may submit them in writing, by December 31, 2018, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, February 14, 2019, 10:00am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

DEPARTMENT OF STATE
OFFICE OF THE STATE BANK COMMISSIONER
PUBLIC NOTICE
102 Procedures Governing the Creation and Existence of an Interim Bank

The State Bank Commissioner proposes to amend Regulation 102 - Procedures Governing the Creation and Existence of an Interim Bank. The proposed amendments to the Regulation would add an additional permissible purpose for the formation of an interim bank and, a technical amendment, which removes a reference to the former Regulation number. This proposed amendment is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Other Regulations issued by the State Bank Commissioner are not affected by this proposed amendment. The State Bank Commissioner is issuing this proposed amended Regulation in accordance with Title 5 of the Delaware Code. This Notice is issued pursuant to the requirements of Title 29 of the Delaware Code, Chapter 11, Subchapter III, Chapter 101, Subchapter II, and Chapter 104, Sections 10404A(b)(1) and 10404B(b)(1).

A copy of the proposed amended Regulation is being published in the December 1, 2018 edition of the Delaware *Register of Regulations*. Copies are also on file in the Office of the State Bank Commissioner, 43 South DuPont Highway, Edgehill Shopping Center, Dover, DE 19901 and are available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed amended Regulation or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner at the above address as to whether the proposed amended Regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before January 3, 2019. Written materials submitted will be available for inspection at the above address.

On or after January 3, 2019, following review of the public comment, the State Bank Commissioner will determine whether to adopt the proposed amended Regulation, or make additional changes because of the public comments received.

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

PUBLIC NOTICE

2408 Performance-Based Contractor Evaluation Procedures

Senate Bill 208 of the 149th General Assembly made changes to 29 **Del.C.** §6962 relating to public works contracting requiring the Delaware Department of Transportation (DelDOT) to implement a performance-based rating system for contractors that is defined in regulations. To fulfill this requirement, the Department, through its Division of Transportation Solutions, seeks to promulgate a new regulation entitled Performance-Based Contractor Evaluation Procedures.

DelDOT will take written comments on this proposed Section 2408 of Title 2, Delaware Administrative Code, from December 1, 2018 through December 31, 2018. The public may submit their comments to:

Robert McCleary, Chief Engineer, Division of Transportation Solutions

(Robert.McCleary@state.de.us) or in writing to his attention,

Chief Engineer

Delaware Department of Transportation

P.O. Box 778

Dover, DE 19903