

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

March 2020

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

[Docket D-2017-009-2]

Adjudicatory Hearing and Additional Written Comment Period

SUMMARY:

The Delaware River Basin Commission will hold an adjudicatory hearing (a trial-like proceeding) commencing April 15, 2020 on Docket D-2017-009-2, issued by the Commission on June 12, 2019, to Delaware River Partners, LLC for the project known as Gibbstown Logistics Center Dock 2. The purpose of the hearing is to afford objectors an opportunity to show that the Commission's docket approval should be changed. The Commission will accept additional written comment on this matter during the pendency of the hearing, through April 24, 2020.

DATES:

The hearing commencing on April 15, 2020 will run from 9 a.m. until no later than 4 p.m. and will continue on successive business days until complete. The start time on successive days will be determined by the Hearing Officer at the close of each day's proceedings and will be posted on the DRBC website, www.drbc.gov (see link under "Recent Postings") each day after 4 p.m. Additional written comments on Docket D-2017-009-2 will be accepted through 5 p.m. on April 24, 2020.

ADDRESSES:

The hearing will take place at the State of New Jersey Office of Administrative Law, Quakerbridge Plaza Building 9, Mercerville (Hamilton), NJ 08619, Hearing Room 1. Additional written comments on Docket D-2017-009-2 may be submitted through the Commission's web-based comment system, a link to which is provided at www.drbc.gov. Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance, please contact Giselle Hernandez at giselle.hernandez@drbc.gov.

SUPPLEMENTARY INFORMATION:

The Commission on June 6, 2019 held a duly noticed public hearing on a draft of Docket D-2017-009-2 for the Gibbstown Logistics Center Dock 2.

The Commission accepted written comment on the draft docket through 5 p.m. on June 7, 2019. Pursuant to Section 3.8 of the Delaware River Basin Compact, Pub.L. 87-328, 75 Stat. 688, the Commission by unanimous vote at its regularly scheduled quarterly business meeting on June 12, 2019 approved the final docket, incorporating changes made in response to comments received on the draft. In accordance with Article 6 (Subpart F) of the Commission's *Rules of Practice and Procedure*, The Delaware Riverkeeper and The Delaware Riverkeeper Network (collectively, "DRN") by letter dated July 11, 2019 requested an adjudicatory hearing on the docket approval, and during its business meeting of September 11, 2019, the Commission granted DRN's request. Copies of Docket D-2017-009-2 as approved, staff's memo responding to comments received on the draft docket, DRN's request for an administrative hearing on the approval, and Minutes of the Commission's meetings of June 12 and September 11, 2019 are available on the Commission's website at drbc.gov (see link under "Recent Postings").

Hearing Procedure. The adjudicatory hearing, a trial-like proceeding, will be conducted pursuant to Article 6 (Subpart F) of the *Rules of Practice and Procedure* – Sections 2.6.1 through 2.6.10 (18 CFR 401.71 – 401.90). Participants are limited to those interested parties who have been identified pursuant to Section 2.6.4(a) (18 CFR 401.84(a)), consisting of docket holder Delaware River Partners, LLC; objector DRN; and members of the Commission staff.

To attend the Adjudicatory Hearing. Limited seating – an estimated 40 places – will be available for the general public on a first-come first-served basis. Doors open at 8 a.m. Members of the public will not be afforded an opportunity to speak during the hearing.

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the adjudicatory hearing should contact the Commission Secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Updates. Because the daily start time and the duration of the adjudicatory hearing in its entirety cannot be pre-determined, between April 15, 2020 and the close of the hearing, the next day's start time will be posted after 4 p.m. on the

DRBC website, www.drbc.gov (see link under "Recent Postings").

Additional Information, Contacts. Additional public records relating to Docket D-2017-009-2 may be obtained through a request in accordance with Article 8 (Subpart H) of the Rules of Practice and Procedure. See <https://www.state.nj.us/drbc/about/public/records-access.html> for details, and/or contact Denise McHugh at 609-883-9500, ext. 240.

Dated: February 14, 2020

Pamela M. Bush
Commission Secretary and Assistant General Counsel

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission held a public hearing on **Wednesday, February 12, 2020** beginning at **1:30 p.m.** The hearing was open to the public and was held at the Delaware River Basin Commission Office, Goddard Conference Room, 25 Cosey Road, West Trenton, New Jersey 08628.

A business meeting will be held on **Wednesday, March 11, 2020** beginning at **10:30 a.m.** The business meeting is also open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania 18977. For more information, visit the DRBC web site at www.drbc.gov or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting March 19, 2020 at 5:00pm in the Smyrna School District (82 Monrovia Avenue, Smyrna, DE 19977).

DEPARTMENT OF ELECTIONS

Office of the State Election Commissioner

PUBLIC NOTICE

101 Procedures for Addressing Post-Election Voting Machine Audit Discrepancies

The Department of Elections, pursuant to 15 **Del.C.** §5012A(f), proposes to enact a new regulation. The proposed regulation outlines the procedures to be followed by the Department of Elections in the case of a discrepancy discovered during a post-election audit performed in accordance with the provisions of 15 **Del.C.** §5012A. The proposed regulation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Other regulations issued by the Department of Elections or the State Election Commissioner are not affected by this proposal. This Notice is issued pursuant to the requirements of 29 **Del.C.** Ch. 11, Subchapter III, 29 **Del.C.** Ch. 101, Subchapter II, and 29 **Del.C.** Ch. 104, §§10404A(b)(1) and 10404B(b)(1).

This proposed regulation is being published in the March 2020 edition of the *Delaware Register of Regulations*. Copies are also on file in the Office of the State Election Commissioner, 905 S. Governors Avenue, Suite 170, Dover, DE 19904 and are available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed regulation or submit written suggestions, compilations of data, briefs, or other materials to State Election Commissioner Anthony Albence at the above address as to whether the proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before April 3, 2020. Written materials submitted will be available for inspection at the above address.

On or after April 3, 2020, following review of the public comments received, the Department of Elections will determine whether to adopt the proposed regulation, or make additional changes because of the public comments received.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Public Health

PUBLIC NOTICE

4463 Licensing and Registration of Operators of Public Water Supply Systems

Pursuant to 16 **Del.C.** §122(3)c., Health Systems Protection, Division of Public Health, Department of Health and

Social Services, is proposing revisions to the regulations governing Licensing and Registration of Operators of Public Water Supply Systems. On March 1, 2020, the Division of Public Health plans to publish as “proposed” revisions to the Licensing and Registration of Operators of Public Water Supply Systems regulations. The revisions include clarification of definitions, licensing periods, and continuing education credits; updates to the Advisory Council for Certification of Public Water System Operators, including defining the chair, quorum, and reducing membership; and technical corrections to conform with statutes, other drinking water regulations, and legal precedents.

Copies of the proposed regulations are available for review in the March 1, 2020 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 them to Alanna Mozeik by Tuesday, March 31, 2020, at:

Alanna Mozeik
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Alanna.Mozeik@delaware.gov
Phone: (302) 744-4951

DEPARTMENT OF INSURANCE

Office of the Commissioner

PUBLIC NOTICE

903 Prompt Payment of Settled Claims [Formerly Regulation 81]

The Delaware Department of Insurance (the Department) is proposing to amend Regulation 903 to allow insurance carriers to pay settled insurance claims other than claims that are subject to the Workers Compensation Statute at 19 **Del.C.** §2344 by electronic means. The Department is also taking the opportunity of this proposal to make grammatical and formatting edits throughout the regulation.

The authority for the proposed amendments is 18 **Del.C.** §§311, 520, 2304(16), and 2312, in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101.

The Department does not plan to hold a public hearing on the proposed amendments to Regulation 903. The proposed amendments appear below and may also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 2nd day, April, 2020. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
ATTN: Docket 4233-2019
1351 West North St., Ste. 101
Dover, DE 19904
(302) 674-7379
Email: Leslie.Ledogar@delaware.gov

DEPARTMENT OF STATE

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 supervision for occupational therapy assistants are amended. The Board is also taking the opportunity of this proposal to make grammatical and formatting edits throughout the regulation.

A public hearing will be held on May 6, 2020 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 in accordance with 29 **Del. C.** §10118(a). Written public comments will be accepted until May 21, 2020.

Division of Professional Regulation
2900 Real Estate Commission
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission (“Commission”) has proposed revisions to its rules and regulations.

On December 1, 2019, proposed revisions to the rules and regulations were published in the Delaware *Register of Regulations*, Volume 23, Issue 6. Specifically, the Commission’s proposed regulations included a new subsection 8.5 which set forth requirements for real estate “teams”. New Section 9.0 addressed the scope of permissible activities under the property management licensure exemption. Revisions to the new Section 12.0, Renewal of Licenses, shortened the late renewal period from 60 to 30 days and clarified that the late renewal period is not an extension of the deadline to complete continuing education. Requirements for licensure reinstatement were amended. As set forth in the new subsection 14.13, new licensees would be required to complete twelve hours of education designed to assist individuals new to the real estate profession. Those twelve hours were to be completed within 90 days after the date of initial licensure and would not count towards the continuing education required for license renewal. New licensees would also be required to complete the continuing education applicable to all licensees pursuant to the pro-ration schedule. Finally, as set forth in the new subsection 14.6.7, a minimum fine of \$250 would be imposed for a finding of unjustified noncompliance with continuing education requirements, and a minimum fine of \$1,000 would be imposed for a second finding of unjustified noncompliance.

A public hearing was held on January 9, 2020. The Commission deliberated on February 13, 2020, and based on those deliberations, has made substantive revisions to the proposed rules and regulations. Therefore, the Commission strikes the rules and regulations as proposed in the December 1, 2019 *Register of Regulations* and proposes revised rules and regulations as attached hereto as Exhibit A.

A public hearing will be held on April 9, 2020 at 9:00 a.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 Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to Danielle Cross, administrative specialist for the Commission, at the above address or at danielle.cross@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be **April 24, 2020**, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its next regularly scheduled meeting.

Division of Professional Regulation
3100 Board of Funeral Services
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services has proposed revisions to its rules and regulations. Rules pertaining to internship requirements are proposed to be added. The Board is also taking the opportunity of this proposal to make grammatical and formatting edits throughout the regulation.

A public hearing will be held on March 24, 2020 at 10 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 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 Funeral Services, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a). Written public comments will be accepted until April 8, 2020.
