

## DELAWARE RIVER BASIN COMMISSION

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, May 6, 2009 beginning at 10:30 a.m. at the Commission's office building, 25 State Police Drive, West Trenton, New Jersey. For more information visit the DRBC web site at [www.drbc.net](http://www.drbc.net) or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

### DEPARTMENT OF AGRICULTURE DELAWARE STANDARDBRED BREEDERS' FUND PUBLIC NOTICE

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to adopt such measures found at 29 *Del.C.* §4815(b)(3)b.2.D and in compliance with Delaware's Administrative Procedures Act, 29 *Del.C.* §10115. The proposed amended regulations constitute a modification of three existing regulations. The first two proposed amendments of regulations 4.0 and 9.0 drop the caps on bonus money paid to Breeders which will allow the program to maintain its competition level with neighboring programs. The third proposed amendment to regulation 14.0 allows a reasonable period of time for a sustaining payment to be received, thus avoiding the disqualification of a horse from a race due to the slow delivery of mail. This would also comply with the national standard.

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 delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by June 1, 2009.

### THOROUGHBRED RACING COMMISSION PUBLIC NOTICE

The Thoroughbred Racing Commission, in accordance with 3 *Del.C.* §10103(c) proposes changes to its rules and regulations. The proposal amends Section 15 of the rules and regulations by amending existing Rule 15.14 to allow conditional use of shock wave therapy, extracorporeal shock wave therapy, or radial pulse wave therapy treatments. A public hearing will be held on May 12, 2009 at 10:00 AM, in the Horsemen's Office at Delaware Park, 777 Delaware Park Blvd., Wilm., DE, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Thoroughbred Racing Commission, 777 Delaware Park Blvd., Wilm., DE. Copies are also published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml). Persons wishing to submit written comments may forward these to the attention of Mr. John F. Wayne, Executive Director, at the above address. The final date to receive written comments will be at 10:00 AM on May 12, 2009.

## **DEPARTMENT OF EDUCATION**

### **PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, May 21, 2009 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

## **DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

### **DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

#### **PUBLIC NOTICE**

#### **1915(c) Home and Community-Based Services Waiver for the Elderly and Disabled**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, and, in compliance with State Notice procedures as set forth in the Federal Register, September 27, 1994, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) will submit an application to the Centers for Medicare and Medicaid Services (CMS) for renewal of its 1915(c) Home and Community-Based Services waiver entitled, Elderly and Disabled Services Program, for an additional five years.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning extension of the this waiver must submit same to Sharon L. Summers, Planning & Policy Development 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 May 31, 2009. A copy of the draft waiver application is available upon request.

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 SOCIAL SERVICES**

### **PUBLIC NOTICE**

#### **Child Care Subsidy Program**

#### **DSSM 11003.7.8 Special Needs Children**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Special Needs*.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by May 31, 2009.

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 SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**Child Care Subsidy Program**  
**DSSM 11006.4.1 Absent Day Policy**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Absent Days*.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by May 31, 2009.

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 INSURANCE**  
**PUBLIC NOTICE**

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt proposed Department of Insurance Regulation 305 relating to actuarial appointments, actuarial opinions and memoranda of insurance companies. The docket number for this proposed amendment is 1089.

The purpose of the proposed amendment to regulation 305 is to update the existing regulation with respect to statutory law. The text of the proposed amendment is reproduced in the May 2009 edition of the Delaware *Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday June 1, 2009, and should be addressed to Mitchell G. Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to [mitch.crane@state.de.us](mailto:mitch.crane@state.de.us).

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

**DIVISION OF AIR AND WASTE MANAGEMENT**

**REGISTER NOTICE**

**SAN #2009-03**

**Title of the Regulation:**

Amendment to Regulation 1101 "Definitions and Administrative Principles," Section 2.0 - "Definitions."

**Brief Synopsis of the Subject, Substance and Issues:**

The United States Environmental Protection Agency (EPA) has determined that the following organic compounds have negligible photochemical reactivity and has exempted them from regulation as ground-level ozone precursors; t-butyl acetate (TBAC), HFE-7000, HFE-7500, HFE-7300, HFC 227ea, methyl formate, propylene carbonate and dimethyl carbonate. This action updates the Delaware definition of a volatile organic compound (VOC) to be the same as the federal definition. This allows Delaware users of solvent containing products (e.g. coatings, adhesives, cleaning compounds, aerosol propellants and blowing agents) to utilize these VOC exempt compounds which may provide desired product properties without contributing to ozone formation.

**Notice of Public Comment:**

There will be a hearing on this proposed amendment on May 26, 2009 beginning at 6pm in the Priscilla Building conference room in Dover. Interested parties may submit comments in writing to Gene Pettingill, Air Quality Management Section, 715 Grantham Lane, New Castle, DE 19720 and/or statements and testimony may be presented either orally or in writing at the public hearing.

**Prepared By:**

Gene Pettingill (302) 323-4542 gene.pettingill@state.de.us April 13, 2009

**DIVISION OF AIR AND WASTE MANAGEMENT**  
**REGISTER NOTICE**  
**SAN #2009-04**

**Title of the Regulation:**

Amend 7 **DE Admin. Code** 1146, Electric Generating Unit (EGU) Multi-Pollutant Regulation.

**Brief Synopsis of the Subject, Substance and Issues:**

Regulation 1146 provides sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and mercury emissions limitations for Delaware's coal-fired and residual fuel oil-fired EGUs with nameplate capacity ratings greater than or equal to 25 megawatts (MW). Among the limitations established by Regulation 1146 is an annual SO<sub>2</sub> mass emissions cap of 2427 tons per year for Conectiv Delmarva Generation's Edge Moor Unit 5. The SO<sub>2</sub> mass cap is identified in Table 5-1 of Regulation 1146. Edge Moor Unit 5 is a residual fuel-oil fired EGU with a nameplate rating of 446 MW.

Regulation 1146 was promulgated in November 2006, and on December 5, 2006 Conectiv appealed essentially all of the Regulation 1146 provisions that applied to their Edge Moor facility. On December 17, 2008, Conectiv and DNREC signed an agreement that resolves the appeal. The purpose of this proposed action is to satisfy one provision of that agreement: to propose an amendment to Regulation 1146 that modifies the SO<sub>2</sub> mass emissions limit associated with Edge Moor Unit 5 (as constrained in Regulation 1146's Table 5-1) from 2427 tons per year to 4600 tons per year, beginning in calendar year 2009. No other changes to Regulation 1146 are being proposed, to include the requirement for Unit 5 to burn only low sulfur oil.

**Notice of Public Comment:**

DNREC will hold a public hearing on this proposed amendment on May 26, 2009 beginning at 6pm in the Priscilla Building conference room, 156 S. State St., in Dover. Interested parties may submit comments in writing to Bob Clausen, Air Quality Management Section, 156 S. State St., Dover DE 19901 and/or statements and testimony may be presented either orally or in writing at the public hearing.

**Prepared By:**

Bob Clausen (302) 739-9402

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**3500 BOARD OF EXAMINERS OF PSYCHOLOGISTS**  
**PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §3506(a)(1), the Board of Examiners of Psychologists has proposed revisions to its rules and regulations.

A public hearing will be held on June 1, 2009 at 9:15 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 Board of Examiners of Psychologists, 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 amendments to Rule 10.0, which addresses the continuing education requirements for licensees. Effective as of the license renewal period beginning August 1, 2009, both psychologist and psychological assistants will be required to complete three hours of continuing education in ethics.

The Board also proposes an addition to Rule 13.0, pertaining to license renewal. The new Rule 13.5.3.7 expressly gives the Board the authority to conduct hearings and impose the full range of sanctions available under 24 **Del.C.** §3514 when licensees fail to comply with the continuing education requirements.

The proposed amendments strengthen continuing education standards and give the Board express authority to sanction licensees who do not comply with those standards. Therefore, the proposed revisions will serve to protect the public from unsafe practices and enhance practitioner competence.

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

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF TRANSPORTATION SOLUTIONS**  
**PUBLIC NOTICE**

**Delaware Manual on Uniform Traffic Control Devices, Parts 2, 6 and 9**

Under Title 17 of the **Delaware Code**, Sections 134 and 141, as well as 21 **Delaware Code** Chapter 41, the Delaware Department of Transportation (DelDOT), adopted a Delaware version of the Federal Manual on Uniform Traffic Control Devices (MUTCD). The Department has now drafted revisions to Parts 2, 6 and 9 of the Delaware MUTCD. A description of the proposed changes accompanies this notice.

The Department will take written comments on the draft changes to the Delaware MUTCD from June 1, 2009 through June 30, 2009. Copies of the Draft Delaware MUTCD Revisions to Parts 2, 3, and 6 can be obtained by reviewing or downloading a PDF copy at the following web address: <http://regulations.delaware.gov/>

Questions or comments regarding these proposed changes should be directed to: Donald Weber, P.E. Assistant Director of Transportation Engineering Division of Transportation Solutions Delaware Department of Transportation 169 Brick Store Landing Road Smyrna, DE 19977 (302) 659-2002 (telephone) (302) 653-2859 (fax) don.weber@state.de.us