

## **DELAWARE RIVER BASIN COMMISSION**

The Delaware River Basin Commission will hold a public hearing and business meeting on Thursday, May 10, 2012 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 HARNESS RACING COMMISSION 501 Harness Racing Rules and Regulations PUBLIC NOTICE**

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule 3.5.1. The Commission will hold a public hearing on the proposed rule changes at Harrington Raceway on June 8, 2012 at 10:15 AM. Written comments should be sent to Hugh J. Gallagher, Executive Director of Delaware Harness Racing Commission, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on May 1, 2012.

The proposed changes are for the purpose of updating Rule 3.5.1 and to more accurately reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml)

A copy is also available for inspection at the Harness Racing Commission office.

### **PLANT INDUSTRIES 801 Regulations for Noxious Weed Control PUBLIC NOTICE**

On March 29, 2012, the Noxious Weed Advisory Committee met to advise the Secretary of Agriculture on weed control. Membership of this Committee is detailed in 3 **Del.C.** §2402(f). A proposal was made by UD Plant and Soil Sciences Professor and Cooperative Extension Specialist, Mark van Gessel, to add two weeds to Delaware's Noxious Weed list. The motion was seconded by the Committee, and the vote for addition was unanimous.

The weeds being added and the justification for their addition are as follows. *Amaranthus palmeri* (Palmer Amaranth) has become an increasing problem in agricultural fields due to its high rate of seed production and development of resistance to herbicides used in corn and soybean production. *Uruchoia texana* (Texas Panicum) has become an increasing problem in agricultural fields due to the seeds' ability to germinate throughout the growing season. With this growth habit, an additional herbicide application or tillage is required for late season control.

The Department proposes to amend the Regulations for Noxious Weed Control by adding these two weeds to Section 2.0 Designation Of Species; Investigations; Control Programs; Grants; Weed Advisory Committee. The Department will take comments from the public until close of business on May 31, 2012. Questions and comments concerning this change, should be directed to and sent to Plant Industries Administrator Faith.Kuehn@state.de.us, 302-698-4587, or Noxious Weed Supervisor, Todd.Davis@state.de.us, 302-698-4581.

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

The State Board of Education will hold its monthly meeting on Thursday, May 17, 2012 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

### **DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE Medicaid Eligibility Conditions and Requirements PUBLIC NOTICE**

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 Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Delaware Medicaid State Plan

to align Medicaid eligibility conditions and requirements with current practice.

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, 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, 2012.

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**  
**11002.9 Definitions and Explanation of Terms**  
**PUBLIC NOTICE**

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 policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Definitions and Explanation of Terms*.

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, 2012.

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 WASTE AND HAZARDOUS SUBSTANCES**  
**1375 Delaware Regulations Governing Hazardous Substance Cleanup**  
**PUBLIC NOTICE**

The Hazardous Substance Cleanup Act was enacted in 1990, and the Regulations implementing the Act were completed in 1996. There was a revision in 2002 that established criteria for designating a Brownfield property. Since 1996, new protocols, investigatory techniques, legal requirements and the enactment of the Brownfields Development Program have occurred. These changes in the last sixteen years have mandated reviews and changes to meet current practices. Major issues include, but are not limited to, participation in the new brownfields program, consultant certifications, notification requirements, investigation procedures, long term stewardship, facility closure, and natural resource damage assessment.

The hearing record on the proposed changes to the Regulations Governing Hazardous Substance Cleanup will be open May 1, 2012. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto: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 May 31, 2012 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1400 Board of Electrical Examiners**  
**PUBLIC NOTICE**

The Delaware Board of Electrical Examiners pursuant to 24 Del.C. §1406(a)(1) proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt define electrical work more broadly to include any work covered by the National Electrical Code and specifically adding solar, generators and windmills to the list of work that is considered electrical services or electrical work. This rule change will also add the continuing education credits required for licensed Journeyman and Apprentices and except Journeyman and Apprentices from rules that do not apply to them.

The Board will hold a public hearing on the proposed rule change on June 6, 2012 at 9:00 am., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover DE 19904. Written Comments should be sent to Jennifer Witte, Administrator of the Delaware Board of Electrical Examiners, Cannon Building, 861 Silver Lake Blvd., Dover DE 19904.

**DIVISION OF PROFESSIONAL REGULATION**  
**2500 Board of Pharmacy**  
**PUBLIC NOTICE**

The Delaware Board of Pharmacy, pursuant to 24 **Del.C.** §2506(a)(1), proposes to revise its rules and regulations. The proposed changes create a requirement that Pharmacists in Charge complete annual self-inspections; clarifies that a cabinet is not an acceptable storage location for controlled substances; removes the requirement that the Office of Narcotics and Dangerous Drugs be notified in the event of pharmacy construction; makes a nonsubstantive change to 5.1.13.5; and adds a list of crimes to those defined as substantially related to the practice of pharmacy.

The Board will hold a public hearing on the proposed rule change on June 20, 2012 at 10:00 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Catherine Simon, Administrator of the Delaware Board of Pharmacy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

**DIVISION OF PROFESSIONAL REGULATION**  
**3900 Board of Clinical Social Work Examiners**  
**PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §3906(a)(1), the Board of Clinical Social Work Examiners has proposed revisions to its rules and regulations.

A public hearing will be held on June 18, 2012 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 Clinical Social Work Examiners, 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.

Specifically, the Board proposes revisions to Rule 4.0, which sets forth the requirements for professional supervision pursuant to 24 **Del.C.** §3907(a)(1). Rule 4.3 is amended to require that the 1,600 hours of supervision shall occur in not less than one year, and must include at least 100 hours of one-to-one, face-to-face supervision. This revision shall apply to supervision commencing after the effective date of the rule. The new rule will ensure that applicants have received adequate supervision and training with the goal of licensing competent professionals who will be able to protect the interests of the public.

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

**DIVISION OF PROFESSIONAL REGULATION**  
**5300 Board of Massage and Bodywork**  
**PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §5306(a)(1), the Delaware Board of Massage and Bodywork has proposed revisions to its rules and regulations.

A public hearing will be held on June 21, 2012 at 1:45 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Massage and Bodywork, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. The final date to receive written comments will be at the public hearing.

The Board has proposed revisions to Rule 3.0, pertaining to the examination required for licensure as a massage therapist. Currently, an applicant is required to take and pass the National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork ("NCBTMB"). The proposed revision will permit an applicant to take either the NCBTMB examination, or The MBLEx examination administered by the Federation of State Massage Therapy Boards. This revision will give applicants two methods to achieve licensure.

In addition, the Board has proposed a new Rule 7.9, which will permit professional Board members to use Board meeting attendance towards CE requirements, pursuant to the limitations of Rule 7.3.2.

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