

DELAWARE HOME RELOCATION AUTHORITY TRUST FUND

NOTICE OF PUBLIC HEARING

The Delaware Manufactured Home Relocation Authority (the "Authority") will hold a public hearing to discuss proposed regulations relating to the administration of the Delaware Manufactured Home Relocation Trust Fund ("Trust Fund") established pursuant to 25 **Del.C.** §7012. The Authority was established by the Delaware Legislature pursuant to 25 **Del.C.** §7011. The primary purpose of the Authority is to: (a) provide financial assistance to manufactured homeowners who are tenants in a manufactured home community where the community owner changes the use of land or converts the manufactured home community to a condominium or cooperative community; and (b) to provide financial assistance to manufactured home community owners for the removal and/or disposal of non-relocatable or abandoned manufactured homes when there is a change in use or conversion. The Authority has set an initial \$3.00 monthly assessment for deposit into the Trust Fund, effective April 1, 2004. Under the statute, one-half of the monthly assessment is the obligation of the Tenant of a rented lot and one-half of the assessment is the obligation of the Landlord. The monthly assessments collected by the Authority are deposited into the Trust Fund, and the Authority is responsible for administering this fund. To carry out its statutory responsibilities, the Authority has been directed to, among other things, establish procedures under which applicants for payment from the Authority may be approved and to set maximum benefits that may be payable to applicants under certain circumstances.

Pursuant to its statutory authority, the Authority is proposing for adoption a comprehensive set of regulations to be used for the administration of the Trust Fund. The proposed regulations published herein will, among other things: (a) establish criteria for tenant benefits, including the maximum relocation payment available to a tenant for a single section home and a multi-section home and the maximum benefits available to a Tenant whose home has been determined to be non-relocatable; (b) criteria for Landlord benefits, including the maximum relocation benefits for manufactured homes that have been abandoned or determined to be non-relocatable; (c) application procedures to be followed by applicants for benefits; and (d) application review procedures.

The public hearing will be on Tuesday, November 30, 2004 beginning at 3:30 p.m. and ending at 6:30 p.m. in the Richardson Conference Room located at the offices of the Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901.

Copies of the proposed regulations are available for review by contacting:

William A. Denman, Esquire
Parkowski, Guerke & Swayze, P.A.
116 W. Water Street
Dover, DE 19904
(302) 678-3262
Email: wdenman@pgslegal.com

Anyone wishing to present oral comments at this hearing should contact Mr. William A. Denman at (302) 678-3262 by November 22, 2004. Anyone wishing to submit written comments as a supplement to, or in lieu of oral testimony, should submit such comments by December 1, 2004 to:

William A. Denman, Esquire
Parkowski, Guerke & Swayze, P.A.
116 W. Water Street
Dover, DE 19904
(302) 678-3262
Email: wdenman@pgslegal.com

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION

**BOARD OF LANDSCAPE ARCHITECTS
PUBLIC NOTICE**

The Delaware Board of Landscape Architects is proposing to revise its rules and regulations pursuant to 24 **Del.C.** §205(a)(1). The Board is proposing changes to the following Regulation:

Regulation 7.1.2 regarding the Definition and Scope of Continuing Education.

Continuing Education Hourly Requirements and Continuing Education Reporting and Documentation.

A public hearing will be held on the proposed Rules and Regulations on Thursday, December 9, 2004 at 9:00 a.m. in the Second Floor Conference Room "A" of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, 19904. If the number of persons desiring to testify at the Public Hearing is large, the amount of time allotted to each speaker will be limited.

The Board will receive and consider input in writing from any person on the proposed Rules and Regulations. Any written comments should be submitted to the Board in care of Sherry Clark at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Persons may view the proposed changes to the Regulations between the hours of 8:15 a.m. to 4:15 p.m., Monday through Friday, at the Board's office at the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. There will be a reasonable fee charged for copies of the proposed changes.

This notice will be published in two newspapers of general circulation not less than twenty (20) days prior to the date of the hearing.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF CHIROPRACTIC
PUBLIC NOTICE**

The Delaware Board of Chiropractic in accordance with 24 **Del.C.** §706(a)(1) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identifies crimes that are substantially related to the provision of chiropractic services.

A public hearing will be held on December 16, 2004 at 8:45 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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Chiropractic, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF ELECTRICAL EXAMINERS
PUBLIC NOTICE**

The Delaware Board of Electrical Examiners in accordance with 24 **Del.C.** §1406(b) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identifies crimes that are substantially related to the work of an electrician.

A public hearing will be held at 9:00 a.m. on December 1, 2004 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 Board Electrical Examiners, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF MEDICAL PRACTICE
PUBLIC NOTICE**

Pursuant to 74 Del. Laws. c.262, (Senate Bill No. 229 of the 142 General Assembly, 2004, as amended), the Board was directed to promulgate regulations specifically identifying those crimes which are substantially related to the practice of medicine and the practice of licensed respiratory care and practice as a licensed physician's assistant.

The Board of Medical Practice believes that the State of Delaware has a compelling public policy interest in ensuring that its licensed professionals not only have specified levels of educational and professional competence but also possess sufficient character and judgment necessary to practice safely in their chosen fields and to do so in a manner which will not undermine the community's confidence in the expertise and professionalism of the members of the profession. Licensed professionals, particularly those in health care related fields, often come into contact with clients and patients and other members of the public at times when they may be sick, infirmed or otherwise extremely vulnerable to undue influence or other forms of misuse, fraud and abuse. It is therefore critical that all reasonable steps are taken to determine, to the extent possible, that the regulation of such professionals takes into consideration not only the individual's technical competence but his or her demonstrated propensity to behave in a way that does not expose the client population to risk or diminish legitimate expectations of honest and honorable behavior by such licensed health care professionals.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF MEDICAL PRACTICE RESPIRATORY CARE PRACTICE ADVISORY COUNCIL
PUBLIC NOTICE**

PLEASE TAKE NOTICE, pursuant to 29 Del.C. Ch. 101 and 24 Del.C. §1770B(e)(5), the Respiratory Care Practice Advisory Council of the Delaware Board of Medical Practice proposes to revise its Rules and Regulations. The proposed revisions will delete a subsection regarding the accumulation of continuing education and add a new section to address and regulate the administration of sedation and analgesia by Respiratory Care Practitioners.

A public hearing will be held on the proposed Rules and Regulations on January 18, 2005 at 1:00 p.m. in the Second Floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Council will receive and consider input in writing from any person concerning the proposed Rules and Regulations. Any written comments should be submitted to the Council in care of Gayle Franzolino at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Anyone wishing to obtain a copy of the proposed Rules and Regulations or to make comments at the public hearing should notify Gayle Franzolino at the above address or by calling her at (302) 744-4520.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF PLUMBING EXAMINERS
PUBLIC NOTICE**

The State Board of Plumbing Examiners in accordance with 24 Del.C. §1805(b) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identified crimes that are substantially related to plumbing services.

A public hearing will be held at 9:00 a.m. on December 14, 2004 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 State Board Plumbing Examiners, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF OPTOMETRY
PUBLIC NOTICE**

The Delaware Board of Optometry in accordance with 24 **Del.C.** §2104(a)(1) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identifies crimes that are substantially related to the provision of optometric services.

A public hearing will be held on December 16, 2004 at 6:45 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 Optometry, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF VETERINARY MEDICINE
PUBLIC NOTICE**

The Delaware Board of Veterinary Medicine in accordance with 24 **Del.C.** §3306(a) has proposed changes to its rules and regulations as mandated by SB 229. The proposed regulations have identified crimes that are substantially related to the provision of veterinary medicine.

A public hearing will be held at 1:00 PM on December 14, 2004 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 Board of Veterinary Medicine, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE**

The Delaware General Assembly has enacted legislation which granted the Delaware Public Service Commission (the "Commission") jurisdiction over wastewater utilities serving fifty or more customers in the aggregate. The legislation also made applications by such wastewater utilities for a Certificate of Public Convenience and Necessity ("CPCN") subject to the jurisdiction of the Commission. The new law is found at 74 **Delaware Laws**, Ch. 317. In the past, wastewater utilities filed applications for CPCNs with the Department of Natural Resources and Environmental Control ("DNREC"). The new legislation became effective on July 6, 2004.

In connection with the exercise of jurisdiction over wastewater utilities, the Commission is promulgating proposed new regulations to govern wastewater utilities. The first regulation contains definitions of terms used in the regulations. The second addresses the scope of the regulations themselves, which are intended to govern certain practices and procedures before the Commission relating to wastewater utilities.

Two regulations set forth requirements for an application for a CPCN, including requirements for a new wastewater utility that has never before been awarded a CPCN. A related regulation addresses the review, by the Commission's Staff, of a new CPCN application for compliance with statutes, applicable Rules of the Commission, and the regulations. A second related regulation requires the Commission Staff to cooperate with DNREC, the Department of Public Health, and other interested state, local and federal authorities, when an application for a CPCN is under review.

Two of the regulations address the notice to be given landowners in the proposed service territory covered by a

wastewater utility's CPCN application, and the time limits within which affected landowners must object to the CPCN, and/or request a public hearing. One of the regulations governing notice contains a proposed statement to the landowners that would have to be included in the notice sent by a wastewater utility applying for a CPCN.

One of the new regulations is designed to govern proceedings to suspend or revoke a CPCN, and identifies the factors that must be present for the Commission to make a finding of good cause to suspend or revoke a CPCN. The same regulation confirms that such proceedings before the Commission must be conducted in accordance with applicable provisions of the Delaware Administrative Procedures Act, 29 *Del. C. Ch. 101, Subchapter III*.

The final regulation relates to municipalities, government agencies, and wastewater authorities and districts that engage in or desire to engage in the business of a wastewater utility.

The Commission has authority to promulgate the regulations pursuant to 26 *Del. C. § 209 (a)*, 29 *Del. C. § 10111 et seq.*, and 74 *Delaware Laws, Ch. 317*.

The Commission hereby solicits written comments, suggestions, and compilations of data, briefs, or other written materials concerning the proposed regulations. Ten (10) copies of such materials shall be filed with the Commission at its office located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware, 19904. **All such materials shall be filed with the Commission on or before November 30, 2004.** Persons who wish to participate in the proceedings but who do not wish to file written materials are asked to send a letter informing the Commission of their intention to participate on or before November 30, 2004.

In addition, the Commission will conduct at least one public hearing concerning the proposed regulations on December 8, 2004, beginning at 10:00 AM. The hearing will continue on December 9, 2004 at 10:00 AM, if necessary. The public hearing will be held at the Commission's Dover office, located at the address set forth in the preceding paragraph. Interested persons may present comments, evidence, testimony, and other materials at that public hearing.

The regulations and the materials submitted in connection therewith will be available for public inspection and copying at the Commission's Dover office during normal business hours. The fee for copying is \$0.25 per page. The regulations may also be reviewed, by appointment during normal business hours, at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801 and will also be available for review on the Commission's website: www.state.de.us/delpsc.

Any individual with disabilities who wishes to participate in these proceedings should contact the Commission to discuss any auxiliary aids or services needed to facilitate such review or participation. Such contact may be in person, by writing, by telephone, or otherwise. The Commission's toll-free telephone number (in Delaware) is (800) 282-8574. Any person with questions may also contact the Commission Staff at (302) 739-4247 or by Text Telephone at (302) 739-4333. Inquiries can also be sent by Internet e-mail to knickerson@state.de.us.

DEPARTMENT OF AGRICULTURE THOROUGHBRED RACING COMMISSION PUBLIC NOTICE

The Thoroughbred Racing Commission proposes to enact a new Rule, Rule 11.14.6, to provide for a recommended \$1,000 fine for owners or trainers who scratch their horses in Delaware in order to race in another jurisdiction. The Commission also proposes to amend Rule 19.3.2 to raise the appeal bond from \$250 to \$400 to cover increased costs associated with court reporter fees. The Commission will hold a public hearing on these proposed changes on January 11, 2005 at 10:15 a.m. at the Delaware Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. The Commission will accept written comments on the proposed rules until January 10, 2005. Written comments should be sent to John Wayne, Administrator of Racing.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, November 18, 2004 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
PUBLIC NOTICE

The Department of Health and Social Services, Division of Long Term Care Residents Protection, has drafted proposed regulations pertaining to training and qualifications of nursing assistants and certified nursing assistants. These proposed regulations clarify and amend certain eligibility criteria for certification as a certified nursing assistant.

These proposed regulations also clarify the responsibility of federally certified nursing facilities to pay the costs of training nursing assistants in accordance with federal regulations at 42 CFR §483.152. The proposed regulations pertaining to payment of the costs of training nursing assistants have been the subject of previous public hearings and have been revised in response to comments received at the public hearings. A discussion of the comments received at those public hearings which were not incorporated into the proposed regulations will appear with the final order when the proposed regulations are published as final regulations.

Invitation For Public Comment

Public hearings will be held as follows:

Tuesday, November 30, 2004, 9:00 AM
Room 301, Main Building, Herman Holloway Campus
1901 North DuPont Highway, New Castle

Thursday, December 2, 2004, 10:00 AM
Department of Natural Resources & Environmental
Control Auditorium
89 Kings Highway, Dover

For clarification or directions, please call Gina Loughery at 302-577-6661.
Written comments are invited on these proposed regulations and should be sent to:

Elise MacEwen, RN
Division of Long Term Care Residents Protection
Mill Road, Suite 308
Wilmington, DE 19806

Written comments will be accepted until the conclusion of the December 2 public hearing.

DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE

Temporary Assistance for Needy Families

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 the Division of Social Services Manual (DSSM) regarding Delaware's Temporary Assistance for Needy Families Welfare Reform Program.

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, and P.O. Box 906, New Castle, Delaware 19720-0906 by November 30, 2004.

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 DONNA LEE H. WILLIAMS hereby gives notice that a **PUBLIC HEARING** will be held on Thursday, December 2, 2004, at 10:00 a.m. in the Consumer Services Conference Room of the Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, Delaware. The hearing is to consider amending **Regulation 1501** (formerly Regulation 41) relating to **Medicare Supplement Insurance Minimum Standards**.

The purpose for amending Regulation 1501 is to adopt the changes to the model regulation approved by the National Association of Insurance Commissioners as of September 8, 2004, changes to guaranteed insurability and miscellaneous style and semantic changes.

The hearing will be conducted in accordance with 19 **Del.C.** § 311 and the Delaware Administrative Procedures Act, 29 **Del.C.** Chapter 101. Comments are being solicited from any interested party. Comments may be in writing or may be presented orally at the Hearing. Written comments, testimony or other written materials concerning the proposed change to the regulation must be received by the Department of Insurance no later than 4:30 p.m., Wednesday December 1, 2004, and should be addressed to Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, telephone 302.739.4251.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

AIR QUALITY MANAGEMENT SECTION

PUBLIC NOTICE

Title of the Regulation:

Regulation No. 43 – Not To Exceed Heavy Duty California Engine Standards

Brief Synopsis of the Subject, Substance And Issues:

The Clean Air Act Amendments of 1990 (CAAA) allows Delaware and all states to submit to the U₂S₂ Environmental Protection Agency (EPA) a SIP revision which adopts engine standards after, and only after, the State of California has adopted those standards. The purpose of this action is to adopt the Heavy Duty Diesel (HDD) portion of the federal Rule on 2007 and later Heavy Duty Engines in order to preserve the emission reduction benefits of that federal Rule should EPA delay, diminish or perhaps even delete their adopted Rule. This action could best be described as a “backstop” action that would only become necessary and in effect on 2007 and later model year HDDs, should EPA take any of the three options described above. This action will be an additional section to existing Regulation No. 43, which is a similar “backstop” regulation on strictly model year 2005 and 2006 HDDs. The standards for 2007 and later HDDs is more stringent than on pre-2007 HDDs.

Notice of Public Comment:

A public hearing will be held on December 1, 2004 beginning at 6:00 PM in the Priscilla Building, 156 South State Street, Dover, Delaware.

Prepared by:

Philip Wheeler, (302) 323-4542, October 8, 2004

**DIVISION OF AIR AND WASTE MANAGEMENT
TANK MANAGEMENT BRANCH
PUBLIC NOTICE**

Title of the Regulations:

Regulations Governing Aboveground Storage Tanks

Brief Synopsis of the Subject, Substance and Issues:

Senate Substitute No. 1 for Senate Bill No. 344 amended several sections of Title 7, Chapter 74A, The Jeffrey Davis Aboveground Storage Tank Act which required subsequent changes in the Delaware Regulations Governing Aboveground Storage Tanks. Other changes were made to add clarification to the existing Regulations.

Notice of Public Comment:

A Public Hearing will be held November 22, 2004 at 6:00 p.m. at the DNREC, 391 Lukens Drive, New Castle, DE office.

Prepared by:

Jill Williams Hall , 302-395-2500, October 7, 2004

**DIVISION OF WATER RESOURCES
PUBLIC NOTICE**

Title of the Regulations:

Regulations Governing the Control of Water Pollution

Brief Synopsis of the Subject, Substance and Issues:

When the Delaware Regulations Governing Aboveground Storage Tanks became effective on June 11, 2004 an overlap between the Regulations Governing Aboveground Storage Tanks and the Regulations Governing the Control of Water Pollution was created.

The definition of "Aboveground Storage Tank" as stated in Title 7, Del.C. Ch. 74A and the Regulations Governing Aboveground Storage Tanks and the definition of "Bulk storage facility" in the Delaware Regulations Governing the Control of Water Pollution encompass the same set of aboveground storage tanks. The definition of "Bulk storage facility" is being amended to remove from the Regulations Governing the Control of Water Pollution those aboveground storage tanks that are included by definition in the Regulations Governing Aboveground Storage Tanks.

Notice of Public Comment:

A Public Hearing will be held November 22, 2004 at 6:00pm at the DNREC, 391 Lukens Drive, New Castle, DE office.

Prepared by:

Jill Williams Hall, 302-395-2500, Date October 7, 2004

**DIVISION OF WATER RESOURCES
PUBLIC NOTICE**

Total Maximum Daily Loads (TMDLs) for Little Assawoman Bay Watershed, Delaware

Brief Synopsis of the Subject, Substance, and Issues

The Department of Natural Resources and Environmental Control (DNREC) is proposing to adopt Total Maximum Daily Loads (TMDLs) Regulation for nitrogen and for phosphorous for the Little Assawoman Bay Watershed. A TMDL sets limit

on the amount of a pollutant that can be discharged into a waterbody and still protect water quality. TMDLs are composed of three components, including Waste Load Allocations (WLAs) for point source discharges, Load Allocations (LAs) for nonpoint sources, and a Margin of Safety (MOS).

Notice of Public Comment

A public hearing will be held on Tuesday, November 30, 2004, at 3:00 p.m., at Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, Delaware. The hearing record will remain open until 5:00 p.m., November 30, 2004. Please bring written comments to the hearing or send them to Lisa A. Vest, DNREC, 89 Kings Highway, Dover, DE, 19901; facsimile: (302) 739- 6242. For planning purposes, those individuals wishing to make oral comments at the public hearing are requested to notify Marianne Brady, (302)-739-4590; facsimile: (302) 739-6140; email: (marianne.brady@state.de.us) by 4:30 p.m., November 29, 2004.

Additional information and supporting technical documents may be obtained by contacting Hassan Mirsajadi, Watershed Assessment Section, Division of Water Resources, Department of Natural Resources and Environmental Control, 820 Silver Lake Boulevard, Suite 820, Dover, DE 19904-2464, (302) 739-4590, facsimile: (302) 739-6140, email: (hassan.mirsajadi@state.de.us)

6.0 Prepared By:

Hassan Mirsajadi, Watershed Assessment Branch, 739-4590

**DIVISION OF AIR AND WASTE MANAGEMENT
REGISTER NOTICE**

Title Of The Regulations:

DELAWARE 2002 MILESTONE COMPLIANCE DEMONSTRATION FOR KENT AND NEW CASTLE COUNTIES: Demonstrating Adequate Progress toward Attainment of the 1-Hour National Ambient Air Quality Standard for Ground-Level Ozone.

Brief Synopsis Of The Subject, Substance And Issues:

The Clean Air Act Amendments of 1990 (CAAA) require Delaware to submit to the US Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision for each of the milestone years (1996, 1999, 2002, and 2005) to demonstrate that the actual emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) in Kent and New Castle Counties do not exceed the required emission targets specified in Delaware's Rate-of-Progress Plans. The document presented herein is for the milestone year of 2002, and thus termed as Delaware's 2002 Milestone Compliance Demonstration. The document analyzes VOC and NOx emission data in 2002 and concludes that Delaware's 2002 milestone for complying with the CAAA's VOC and NOx emission reduction requirements has been successfully met.

Notice Of Public Comment:

A public hearing will be held on December 1, 2004, beginning at 6:00 pm, in AQM Conference Room, Priscilla Building, 156 South State Street, Dover, DE 19901.

Prepared By:

Frank F. Gao, Project Leader, (302) 323-4542, October 12, 2004.

**DIVISION OF AIR AND WASTE MANAGEMENT
REGISTER NOTICE**

Title Of The Regulations:

AMENDMENTS TO DELAWARE PHASE II ATTAINMENT DEMONSTRATION FOR THE PHILADELPHIA-WILMINGTON-TRENTON OZONE NON-ATTAINMENT AREA: Mid-Course Review on

Progress toward Attainment of the 1-Hour Ozone National Ambient Air Quality Standard.

Brief Synopsis Of The Subject, Substance And Issues:

The Clean Air Act Amendments of 1990 (CAAA) require Delaware to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard (NAAQS) for the ground-level ozone in Kent and New Castle Counties by 2005. This SIP revision, termed the Phase II Attainment Demonstration, was initially submitted to the EPA in May 1998, and amended in October 1998, January 2000, December 2000, October 2001, and June 2003.

The document presented herein amends Delaware's Phase II Attainment Demonstration SIP revision again. The document analyzes emission trends of VOC and NOx and ambient air quality data regarding ground level ozone. The document concludes that (1) Delaware's current control strategies are adequate toward attaining the 1-hour ozone standard by 2005 and, (2) those control strategies have ensured a beginning of an adequate progress toward attaining of the 8-hour ozone standard.

Notice Of Public Comment:

A public hearing will be held on December 1, 2004, beginning at 6:00 p.m., in AQM Conference Room, Priscilla Building, 156 South State Street, Dover, DE 19901.

Prepared By:

Frank F. Gao, Project Leader, (302) 323-4542, October 12, 2004.

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY
BAIL ENFORCEMENT AGENTS
PUBLIC NOTICE**

Notice is hereby given that the Department of Safety and Homeland Security, Division of State Police, in accordance with 24 **Del.C.** §5404(a) proposes to amend Adopted Rule 1.0 - Licensing. This amendment will clarify items and fees that a Bail Enforcement Agent will receive when applying or renewing. If you wish to view the complete Rule, contact Ms. Peggy Anderson at (302) 739-5991. Any persons wishing to present views may submit them in writing, by November 8, 2004, to Delaware State Police, Detective Licensing, P.O. BOX 430, DOVER, DE, 19903.

**ELECTRONIC RED LIGHT SAFETY PROGRAM
Public Notice Of Rescheduled Public Hearing**

Notice is hereby given that the Secretary of the Department of Safety and Homeland Security, formerly the Secretary of the Department of Public Safety, in accordance with 21 **Del.C.** § 4101(d) and 73 **Del. Laws**, c. 350, sec. 92 intends to promulgate regulations.

These regulations will regulate the administration of the Electronic Red Light Safety Program in unincorporated areas of the State of Delaware. The Electronic Red Light Safety Program through the use of traffic light signal monitoring systems will impose monetary liability on owners or operators of motor vehicles for failure to comply with traffic light signals.

These regulations were published in the October issue (8 **DE Reg.** 524 (10/1/04)) of the *Register of Regulations*. The public hearing originally scheduled for November 1, 2004, has been rescheduled for Monday, November 22, 2004, at 1:00 P. M. in the second floor main conference room (rm. 205) of the Safety and Homeland Security Building, 303 Transportation Circle, Dover, DE. The Secretary of Safety and Homeland Security will receive and consider input in writing from any person on the proposed regulations. Any written comments should be submitted to the Department of Safety and Homeland Security, in care of William G. Bush, IV, at P.O. Box 818, Dover, DE 19903-0818 on or before November 22, 2004. Anyone wishing to obtain a copy of the proposed regulations may do so by sending a written request to the Department of Safety and Homeland Security, P.O. Box 818, Dover, DE 19903-0818 or may obtain a copy in room 220 of the Safety and Homeland Security Building, 303 Transportation Circle, Dover, DE. This notice will be published in two newspapers of general circulation not less than twenty (20) days prior to the date of the hearing.