

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

November 2020

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Thursday, November 12, 2020** beginning at **1:30 p.m.** In light of COVID-19 mitigation measures in effect for DRBC member states, the Commission will conduct the public hearing on a remote platform. Please check the Commission's website, www.drbc.gov, on or after October 28, 2020 for details regarding the resolutions and draft docket decisions that will be subjects of the public hearing and for information on how to attend and participate in this remote public hearing.

The Commission's quarterly business meeting will be held the following month, on **Wednesday, December 9, 2020**, beginning at **10:30 a.m.** The business meeting will also be conducted remotely. Please check the Commission's website, www.drbc.gov, on or after October 28, 2020 for details about the meeting format and how to attend.

For additional information, please visit the DRBC website at www.drbc.gov or contact Denise McHugh at denise.mchugh@drbc.gov or Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

PUBLIC NOTICE

702 Regulations Governing the Delaware Agricultural Forestlands Preservation Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Section 904(b)(20) and (21), the Agricultural Lands Preservation Foundation (the "Foundation") is proposing amendments to regulations governing the Delaware Agricultural Forestlands Preservation Program.

The regulations are being revised to create a more efficient and flexible application and appraisal process by eliminating the references to unnecessary form information and review procedures. The revisions also eliminate the bonus for properties located in a State Resource Area (SRA) and replace it with a bonus for properties located in a Forest Legacy Area (FLA). Other changes are typographical.

A copy of the proposed regulations is being published in the November 1, 2020 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 S Dupont Hwy, 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.

A virtual public hearing will be held on November 24, 2020 at 10:00 a.m. via Zoom. Members of the public may join using the link: <https://us02web.zoom.us/j/83411172427>, with the mobile app: Meeting ID: 834 1117 2427, or by call in (voice only): 646-558-8656. Persons wishing to submit written comments may forward these to the Foundation at the above address. In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be December 9, 2020, which is 15 days following the public hearing.

The Board will deliberate on all the public comments at its regularly scheduled meeting.

DELAWARE FOREST SERVICE

PUBLIC NOTICE

402 State Forest Regulations

3 **DE Admin. Code** 402 State Forest Regulations are being proposed for amendment to comply with current

practices and agency procedures. These regulation changes are for the following sections: 5.0 General Rules and Regulations, 7.0 Camping Rules and Regulations, 8.0 Hunting Rules and Regulations, and 9.0 Forest Use Permits.

These regulations are issued by the Secretary pursuant to the power conveyed by the General Assembly for the Delaware Department of Agriculture to promulgate necessary regulations to protect forest lands, 3 **Del.C.** §1011, and to "[e]stablish and promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State;" 29 **Del.C.** §8103(8).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same to, the Department of Agriculture, Forest Service, 2320 S DuPont Hwy, Dover Delaware 19901 or by email to Kyle.Hoyd@Delaware.gov by 4:30 p.m. on December 1, 2020. Please identify in the subject line: 2020 State Forest Regulation Changes.

HARNES RACING COMMISSION
PUBLIC NOTICE
501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del. C.** 10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the "trainer rules" for clarity by simplifying some language, adding definitions, and specifically stating that all trainers of a horse are responsible for its fitness.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on September 1, 2020, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On September 15, 2020, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publically noticed open meetings. Subsequent to the initial 30-day comment period from November 1 to 30, 2020 and notice in the Register of Regulations, the DHRC plans to finalize the regulations on December 8, 2020 during its regularly scheduled monthly meeting. The meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB December 1, 2020. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (<https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01>). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (<https://simbli.eboardsolutions.com/index.aspx?s=190001>). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 Del.C. §122(3)(a) and §504, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Control of Communicable and Other Disease Conditions. On November 1, 2020, the Division of Public Health plans to publish as "proposed" revisions to the Control of Communicable and Other Disease Conditions regulations. The revisions clarify that all novel coronavirus causing severe acute respiratory disease, including the 2019 novel coronavirus disease COVID-19, are considered notifiable and are required to be reported to the Division of Public Health in accordance with these regulations. Other revisions include technical changes to conform with the Delaware Administrative Code Style Manual.

Copies of the proposed regulations are available for review in the November 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, December 1, 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

PUBLIC NOTICE

1124 Control of Volatile Organic Compound Emissions

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing to amend Section 33.0 to update control requirements based upon a 2012 Ozone Transport Commission model rule. The U.S. Environmental Protection Agency (EPA) has designated certain areas of Delaware in non-attainment of the federal standard for ground-level ozone. Ground-level ozone is formed through the reaction of VOC and other compounds in the air in the presence of sunlight. High levels of ground-level ozone can cause or worsen difficulty in breathing, asthma and other serious respiratory problems. These amendments will reduce emissions of volatile organic compounds from solvent cleaning operations. Delaware also will submit the amendments as a State Implementation Plan revision to the EPA.

A virtual public hearing (Docket # 2019-R-A-0029) will be held on Wednesday, December 2, 2020 beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use Solvent. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 613 8246. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The proposed amendments may be inspected online starting November 1, 2020 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Renae Held by phone at 302-739-9402 or by email at renae.held@delaware.gov.

The Department will accept public comment through the close of business on Thursday, December 17, 2020. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

DIVISION OF AIR QUALITY
PUBLIC NOTICE

1124 Control of Volatile Organic Compound Emissions

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing amendments to section 36.0 in order to update the California Air Resources Board Executive Orders referenced in this section regarding Stage I enhanced vapor recovery systems used at Delaware gasoline dispensing facilities. The proposed amendments include updates of the latest executive order numbers and effective dates, and will provide the regulated community with additional Stage I enhanced vapor recovery system component flexibility.

A virtual public hearing (Docket #2020-R-A-0022) will be held on Tuesday, December 8, 2020, beginning at 6 p.m.. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use 36VEC@GDF. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 779 4117. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The proposed amendments may be inspected online starting November 1, 2020 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Frank Gao by phone at 302-739-9402 or by email at Frank.Gao@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, December 23, 2020. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
TANK MANAGEMENT SECTION
PUBLIC NOTICE

1351 Underground Storage Tank Systems

The objectives of revising 7 **DE Admin. Code** 1351 "Underground Storage Tank Systems" are to clarify existing regulatory language, add clarifying language, include a federally mandated compliance deadline, and to correct typographical and grammatical errors. The State of Delaware regulations must be at least as stringent as the federal regulations under the requirements of 40 CFR 281, State Program Approval. The storage of petroleum products and other hazardous liquids in underground storage tanks has been known to be a major cause of groundwater contamination in the State. These regulatory clarifications and corrections serve to increase protection of public health and the environment, in particular Delaware's groundwater resources. The regulatory clarifications and corrections do not have any new or additional costs associated with them.

The proposed amendments may be inspected online starting November 1, 2020 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Jason Sunde, by phone at 302-739-9403 or by email at Jason.Sunde@delaware.gov.

A virtual public hearing will be held on Wednesday, Dec. 9, 2020, beginning at 6 p.m. The web link to the virtual meeting is found on the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use USTRegAmend. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 639 9600. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The Department will accept public comment through the close of business on Thursday, December 24, 2020. Comments pertaining to the above matter will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address: Lisa Vest, Hearing Officer, DNREC-Office of the Secretary, 89 Kings Highway, Dover, DE 19901

DIVISION OF WATERSHED STEWARDSHIP
PUBLIC NOTICE

7201 Regulations Governing the Control of Water Pollution

The Delaware Construction General Permit (CGP) under the National Pollutant Discharge Elimination System (NPDES) program is being converted from a permit by regulation, which currently falls under 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3, to a stand-alone general permit authorizing discharges from construction. As the Delaware CGP becomes effective, the conflicts between the language in 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3 and the Delaware CGP will be removed with the adoption of these proposed regulation revisions.

The Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship will conduct a virtual public hearing (Docket #2020-R-W-0012) on proposed revisions to 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3 "Regulations Governing the Control of Water Pollution, Part 2 - Special Conditions for Storm Water Discharges Associated with Construction Activities".

Concurrently a virtual public hearing will be conducted for proposed NPDES Permit Number DE 0051268 "General Permit Authorization for Discharges from Construction Activities Under the National Pollutant Discharge Elimination System and the Laws of the State of Delaware", also referenced as the Delaware Construction General Permit (Delaware CGP).

The virtual public hearing will be held on **Tuesday, December 1, 2020, beginning at 6:00 PM.**

Virtual Meeting Information

A web link to the virtual meetings will be posted on the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>.

To access the audio-only portion of the virtual hearing, dial in at 408-418-9388 and enter event code 350 344 904. If prompted for a password, please use WaterPollAmend.

The proposed regulation revisions and the proposed permit may be inspected in the Delaware Register of Regulations after November 1, 2020 at https://regulations.delaware.gov/register/current_issue.shtml

The proposed regulation revisions and proposed permit may also be inspected on the DNREC Division of Watershed Stewardship's Sediment and Stormwater Program website: <http://www.dnrec.delaware.gov/swc/pages/sedimentstormwater.aspx>

For additional information contact Elaine Webb, 285 Beiser Boulevard, Suite 102, Dover, DE 19904; by phone at 302-739-9921; or by email at elaine.webb@delaware.gov.

For more information about the virtual hearing, visit <https://dnrec.alpha.delaware.gov/public-hearings/>

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register using the form at <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>.

Written comments may be submitted to the Hearing Officer via the online comment form at <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>, via email to DNRECHearingComments@delaware.gov, or via USPS to the below address. The Department will accept public comment through the close of business on Wednesday, December 16, 2020.

Lisa Vest, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901
