

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

October 2021

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

Meeting information can be accessed via the [public meeting calendar](#).

[Meeting materials available on the State Board of Education's eBoard site](#). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Health Care Quality

PUBLIC NOTICE

4405 Free Standing Surgical Centers

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the Delaware Code, Chapter 1, Section 122(3)(p), Delaware Health and Social Services (DHSS)/ Division of Health Care Quality (DHCQ) is proposing regulations governing Free Standing Surgical Centers.

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 by email to Corinna.Getchell@Delaware.gov or by fax to 302-292-3931 by 4:30 p.m. on November 1, 2021. Please identify in the subject line: Regulations Governing Free Standing Surgical Centers.

The action concerning the determination of whether to adopt the proposed regulations 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.

The purpose of this notice is to advise the public that Delaware Health and Social Services /Division of Health Care Quality is proposing regulations governing Free Standing Surgical Centers.

In accordance with the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services/Division of Health Care Quality gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on November 1, 2021.

Division of Medicaid and Medical Assistance

PUBLIC NOTICE

Program of All-Inclusive Care for the Elderly (PACE)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 *Del. C.* § 512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan to incorporate the current version of the Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment preprint.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on

November 1, 2021. Please identify in the subject line: Program of All-Inclusive Care for the Elderly (PACE)

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 Air Quality

PUBLIC NOTICE

1102 Permits

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing to amend 7 **DE Admin. Code** 1102, subsections 12.3.2 and 12.4.2 for public notice publication requirements for general permits. In 2016, US Environmental Protection Agency (EPA) issued a final rule which updated the list of contents to be identified in the public notices for Title V facilities. The Division is proposing to amend the public notice requirements in 7 **DE Admin. Code** 1102, to ensure consistency with the wording of EPA's final rule and 7 **DE Admin. Code** 1130 Title V public notice requirements.

A virtual public hearing (Docket # 2021-R-A-0010) will be held on Wednesday, October 27, 2021 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 DAQRegs. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 179 845 2350. 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 October 1, 2021 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Taylor Englert by phone at 302-739-9402 or by email at Taylor.Englert@delaware.gov.

The Department will accept public comment through the close of business on Thursday, November 11, 2021. 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:

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

Division of Air Quality

PUBLIC NOTICE

1103 Ambient Air Quality Standards

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing to amend 7 **DE Admin. Code** 1103, Section 6.0 to update the ambient air quality standard for ground level ozone. On December 23, 2020, the U.S. Environmental Protection Agency (EPA) issued a final rule to retain the primary and secondary ozone National Ambient Air Quality Standards (NAAQS). The standards, established in 2015, are set at 0.070 parts per million (ppm). Currently, the primary and secondary ozone standards in 7 **DE Admin. Code** 1103, Section 6.0 are 0.075 ppm. This action will amend the current ozone standards in 7 **DE Admin. Code** 1103 to 0.070 ppm.

In addition, this action will update Code of Federal Regulations (CFR) reference dates for all NAAQS in 7 **DE Admin Code** 1103, and will remove 7 **DE Admin. Code** 1103, subsections 4.2 (SO₂ 24-hour primary standard) and 4.3 (SO₂ annual primary standard), as EPA revoked these two standards in 2010.

A virtual public hearing (Docket # 2021-R-A-0011) will be held on Wednesday, October 27, 2021 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](https://de.gov/dnrehearings). If prompted for a password, please use DAQRegs. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 179 845 2350. Closed-captioning is available by request if made at least 7 days before the event.

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

Division of Air Quality
PUBLIC NOTICE
1130 Title V State Operating Permit Program

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing to amend 7 **DE Admin. Code** 1130 in the following aspects:

- a) Amendment of 7 **DE Admin. Code** 1130, Section 7.0 "Permit Issuance, Renewal, Reopenings, and Revisions", subsection 7.10.2 regarding public notice publication requirements. The Environmental Protection Agency (EPA) issued a final rule in 2016 which updated the list of contents to be identified in the public notice for Title V permits. The proposed amendments are to revise the public notice requirements in 1130, to ensure consistency with the specific wording of EPA's final rule.
- b) Amendment of 7 **DE Admin. Code** 1130, Section 6.0 "Permit Contents", to update affirmative defense requirements. 7 **DE Admin. Code** 1130 is based on 40 CFR Part 70, which outlines requirements for state operating permit programs. Subsection 6.7 of 1130 includes guidance on claiming affirmative defenses for emission exceedances for emergencies and malfunctions. The Division is proposing to remove the term "malfunction" from 7 **DE Admin. Code** 1130, to maintain consistency with the current federal requirements.
- c) Amendment of 7 **DE Admin. Code** 1130, Section 2.0 "Definitions", Table 2-1 to update the list of greenhouse gases (GHG) and their global warming potential (GWP) values. EPA issued a final rule in 2013 that revised the GWP values of 23 of the 32 compounds listed in Table 2-1. EPA issued an additional final rule in 2014 that added 30 new compounds to the list of GHG. Accordingly, this action will revise 7 **DE Admin. Code** 1130 Table 2-1 to update the GWP values and to include the new GHG compounds as provided in the above two EPA final rules.

A virtual public hearing (Docket # 2021-R-A-0009) will be held on Wednesday, October 27, 2021 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 DAQRegs. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 179 845 2350. Closed-captioning is available by request if made at least 7 days before the event.

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The proposed amendments may be inspected online starting October 1, 2021 at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Taylor Englert by phone at 302-739-9402 or by email at Taylor.Englert@delaware.gov.

The Department will accept public comment through the close of business on Thursday, November 11, 2021. 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:

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

DEPARTMENT OF STATE
Division of Professional Regulation
100 Board of Accountancy
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §105(a)(1), the Delaware Board of Accountancy has proposed revisions to its rules and regulations. The proposed rules are designed to implement the Revised Accountancy statute. A public hearing was originally scheduled for September 22 at 9:30 a.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. The original *Register* notice was published on August 1, 2021, in Volume 25, Issue 2 of the *Register* beginning at page 160. The September 22, 2021, public hearing could not go forward due to the lack of publication of required newspaper notices. A rescheduled public hearing will occur at the Board's meeting on November 17, 2021, where members of the public can offer comments on the proposed 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 Accountancy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Written comments will be accepted until December 2, 2021, in accordance with 29 **Del.C.** §10118(a).

Division of Professional Regulation
1900 Board of Nursing
PUBLIC NOTICE

The Delaware Board of Nursing, pursuant to 24 Del. C. § 1904(c), proposes to revise its regulations to clarify what percentage of a nursing course's clinical experience may be through simulation; clarify who may go inactive and the procedure to do; and amends the advanced practice registered nurse regulations in order to comply with changes to the law, which among other changes, eliminate the collaborative agreement and independent practice application requirements and change the make-up of the APRN committee.

The Board will hold a public hearing on the proposed regulation changes on November 10, 2021 at 9:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until November 29, 2021 pursuant to 29 Del. C. § 10118(a).

Public Service Commission
PUBLIC NOTICE
3001 Rules for Certification and Regulation of Electric Suppliers

On September 17, 2021, the Governor of the State of Delaware signed into law Senate Bill 2, which removes certain barriers to the adoption of community-based solar photovoltaic systems in Delaware and establishes a regulatory process to be implemented by the Public Service Commission relating to community-owned energy generating facilities ("CEFs"). Senate Bill 2 instructs the Commission to promulgate regulations: (1) to provide for customers participating in a CEF to be credited on their electric bills for the customers' subscribed percentage of generation produced by the CEF; and (2) to provide consumer protections for customers of CEFs. Under Senate Bill 2, the new regulations will apply only to CEFs located in the service territory of -- and serving only the customers of -- a Commission-regulated electric distribution company, which at this time consists only of Delmarva Power & Light Company ("Delmarva").

By Order No. 9883 dated September 15, 2021 (the "Order"), the Commission now proposes to revise its *Rules for Certification and Regulation of Electric Suppliers*, codified at 26 *Del. Admin. C.* § 3001 ("Supplier Rules") to reflect the Senate Bill 2 amendments and to govern the process by which CEFs may obtain (1) a Certificate to Operate from the Commission and (2) permission to interconnect to Delmarva's electric distribution system.

The text of the revised *Supplier Rules* is attached to the Order. The Order and related exhibits are reproduced in the October 1, 2021 edition of the *Delaware Register of Regulations* and may also be reviewed online at the Commission's website at www.depsc.delaware.gov. You may also obtain a paper copy of the Orders at the Commission's Dover office for a fee of \$0.25 per page.

The Commission will conduct a public hearing on the revised *Supplier Rules* on Wednesday, November 17, 2021, beginning at 1:00 PM, in accordance with 26 *Del. C.* § 209(a). Based on Governor John Carney's Declaration of a Public Health Emergency, effective July 13, 2021, the hearing will be conducted via teleconference. All persons who wish to be heard by the Commission should call in toll free 1-866-299-7945, access code 5979551#. Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the Amendments. Such material may be submitted to the Commission on or before December 2, 2021, by email to dimitar.kozhuharov@delaware.gov or at the following address:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Bldg., Suite 100
Dover, Delaware, 19904
Attn: PSC Reg. Dckt. 49

To be considered at the November 17, 2021 hearing, however, written materials must be submitted on or before November 1, 2021.

If you are handicapped and need assistance or aids in participating in this matter, please contact the Commission to discuss any needed assistance or aids. You may contact the Commission with questions or requests about this matter at the Commission's toll-free telephone number (800) 282-8574 (Delaware only) or (302) 739-4333 (including text telephone). You may also send inquiries by Internet e-mail addressed to psc@delaware.gov.

OFFICE OF THE STATE TREASURER

Cash Management Policy Board

PUBLIC NOTICE

1201 Statement of Objectives and Guidelines for the Investment of State of Delaware Funds

In accordance with the procedures set forth in 29 *Del. C.* Ch. 11, subch. III, and 29 *Del. C.*, ch. 101, the Cash Management Policy Board (the "Board") is proposing to amend previously adopted regulations governing the deposit and investment of State funds, as permitted by 29 *Del. C.* § 2716.

Members of the public may receive a copy of the proposed regulations at no charge by U.S. mail by writing, emailing or calling Mr. Jordan Seemans at the Office of the State Treasurer ("OST"), 820 N. French St., Suite 201, Wilmington, Delaware 19801, Jordan.W.Seemans@delaware.gov, (302) 577-4211. Members of the public may present written comments on the proposed regulations by submitting such written comments to Mr. Seemans at the address above. Written comments must be received on or before November 1, 2021.

The Board is authorized to establish policies (a) for the investment of all money belonging to the State or on deposit from its political subdivisions, except money deposited in any State pension fund or the State deferred compensation program, and (b) to determine the terms, conditions, and other matters relating to those investments including the designation of permissible investments. See 29 *Del. C.* § 2716(a). The Board is required to approve by majority vote all financial institutions that are selected to provide banking and investment services to the State. See 29 *Del. C.* § 2716(a)(2).

The Board's existing regulations (the "Guidelines"), among other things, establish requirements related to the deposit of State funds in demand deposit accounts and establish permissible investments and percentage limits for State funds held for investment. See 1 *Del. Admin. C.* § 1201. The proposed Guideline amendments will increase

to 25% the allowable investment limits for private placement securities (Rule 144A securities) held in liquidity accounts.

The Guidelines apply to and govern the conduct of the State's approved depository banks, custodians and investment managers and will have no direct impact on individuals or businesses that do not serve in such capacity for the State.

The Board believes that it has authority to promulgate deposit and investment policies without complying with the formal regulatory requirements of Delaware's Administrative Procedures Act, 29 *Del. C.* Ch.101 (the "APA"). The Board is promulgating amended regulations under the APA out of an abundance of caution, consistent with prior practices.
