

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING

Proposed Amendments to the *Water Code* and *Comprehensive Plan* to Implement a Revised Water Audit Approach to Identify and Control Water Loss

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, September 24, 2008 beginning at 10:30 a.m. The meeting location could not be confirmed as of the deadline for this notice. For more information, including the meeting location, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

DELAWARE STATE FIRE PREVENTION COMMISSION
PUBLIC NOTICE

**Delaware State Fire Prevention Regulations, Part VIII, Fire Department and Ambulance Company
Administrative Standards, Chapter 1 Financial Audit Regulations**

The Delaware State Fire Prevention Commission will hold a public hearing pursuant to 16 **Del.C.** §6622 and 29 **Del.C.** §101 on Tuesday, October 21, 2008 at 1:00 P.M. in the Commission Chamber, Delaware State Fire School, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, Delaware. The Commission is proposing new regulations as the result of the enactment of H.B. 329, codified at 16 **Del.C.** §6622. The new regulations will be included as Delaware State Fire Prevention Regulations, Part VIII, Fire Department and Ambulance Company Administrative Standards, Financial Audit Regulations.

Persons may view the proposed changes to the Regulations between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Delaware State Fire Prevention Commission, Delaware State Fire School, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, Delaware, 19904. You can find the meeting announcement and proposed changes on the Delaware Website <http://www.delaware.gov/egov/calendar.nsf>. There will be a reasonable fee charge for copies of the proposed changes or the proposed changes may be retrieved from the webpage for free.

Persons may present their views in writing by mailing their views to the Commission at the above address prior to the hearing. The final date to submit written or oral comments shall be at the public hearing. If the number of persons desiring to testify at the public hearing is large, the amount of time allotted to each speaker may be limited.

The Commission will consider promulgating the proposed regulations immediately following the public hearing.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, September 18, 2008 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

Medical Assistance During Transition to Medicare Program Attachment 2.2-A, Page 18 and Supplement 6 to Attachment 2.6-A DSSM 17800

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 Medicaid State Plan and the Division of Social Services Manual (DSSM) concerning covered groups of optional categorically needy individuals.

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 September 30, 2008.

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

3006 Delaware Temporary Assistance for Needy Families (TANF) Employment and Training Program 3006.1 Mandatory Participants

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 (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding the TANF Employment & Training 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, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by September 30, 2008.

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 AND WASTE MANAGEMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD 1147 CO₂ Budget Trading Program

This new regulation will create Delaware's portion of a multi-state Carbon Dioxide (CO₂) Budget Trading Program. The Budget Trading also known as a cap-and-trade program was developed by the Regional Greenhouse Gas Initiative, or RGGI, which is a cooperative effort amongst a number of Northeastern and Mid-Atlantic States

which include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The purpose of RGGI is to reduce the emissions of CO₂ from the Power Sector's Electric Generating Units (EGUs). CO₂ is a greenhouse gas that contributes to global warming.

Between 2009 and 2015 the emissions of CO₂ from any EGU with a maximum rated heat input capacity of equal to or greater than 25 megawatts that is located in a RGGI state would be capped at current levels. After 2015 the cap would be reduced incrementally to achieve a 10 percent reduction by 2019. Under the cap-and-trade program one allowance will be issued for each ton of CO₂ emissions allowed by the cap. Each subject EGU will be required to have enough allowances to cover its reported emissions each year. The EGUs may buy or sell allowances, but individual EGU emissions shall not exceed the amount of allowances it possesses. The total amount of the allowances will be equal to the emissions cap for the RGGI states. Section 11 of these proposed regulations constitutes the elements of the auction program that must be published in the *Register of Regulations* as required by 7 **Del.C.** section 6045(b).

Public Hearing scheduled September 22, 2008 6:00 pm DNREC Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901

Contact: Valerie Gray, (302) 739-9402, valerie.gray@state.de.us, August 1, 2008

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Controlled Substance Committee
PUBLIC NOTICE

Consistent with a recent statutory amendment which relocated the Office of Controlled Substances to the Division of Professional Regulation, Department of State, the Secretary of State, in accordance with 29 **Del.C.** Chapter 101 and 16 **Del.C.** §4731, proposes establishment of a Controlled Substance Committee and to amend previously issued controlled substance regulations.

A public hearing was held on March 11, 2008. James L. Collins, Director of the Division of Professional Regulation, conducted the hearing as the designee of the Secretary of State. As a result of the public comment and upon the recommendation of the Director, the Secretary has determined to make both substantive and non-substantive revisions to the proposed amendments originally published in the *Delaware Register of Regulations* on February 1, 2008 at 11 **DE Reg.** 1024

A second public hearing is scheduled for October 20, 2008 at 10:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover. The Secretary will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Secretary care of the Office of Controlled Substances, Division of Professional Regulation, Cannon Building, 861 Silver Lake Blvd. Suite 203, Dover, DE 19904. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Office of Controlled Substances at the above address or by calling (302) 744-4500.

The Secretary will consider promulgating the proposed regulations immediately following the public hearing.

PUBLIC SERVICE COMMISSION

**NOTICE OF PROPOSED RULE-MAKING AMENDING "RULES AND PROCEDURES TO IMPLEMENT THE
RENEWABLE ENERGY PORTFOLIO STANDARD"**

Under the "Renewable Energy Portfolio Standards Act," 26 **Del.C.** §§351-363 (2006 Supp.) ("the Act"), each electric supplier making retail electric sales in Delaware must, beginning in 2007, accumulate a portfolio of "renewable energy credits" equivalent to a specified percentage of its overall retail electric supply sales. In 2006,

the Public Service Commission ("PSC") adopted its "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" ("RPS Rules"), which were revised in April of 2008 to reflect legislative changes to the Act enacted in 2007. See 11 DE Reg. 1670-1678 (June 1, 2008).

On June 25, 2008, the General Assembly and Governor enacted two additional provisions to the Act. See 76 Del. Laws ch. 248 §§ 1-2 (June 25, 2008) ("Chapter 248"). In light of those statutory amendments, the PSC now proposes revisions to its RPS Rules to have those rules reflect, and be consistent with, the recent statutory changes. See PSC Order No. 7422 (Aug. 5, 2008). Accordingly, the revisions (1) incorporate the new 350% credit multiplier for energy derived from off-shore wind energy installations sited off the Delaware Coast on or before May 31, 2017, and (2) call for the costs arising out of contracts entered into by a Commission-regulated electric company pursuant to 26 **Del.C.** §1007(d) to be distributed among the entire Delaware customer base of such companies through an adjustable non-bypassable charge. The PSC is authorized to make rules to implement the Act under 26 **Del.C.** §362.

You can review PSC Order No. 7422 (Aug. 5, 2008) and the proposed revised RPS Rules in the September 1, 2008 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed, revised RPS Rules, at the PSC's Internet website located at <http://depssc.delaware.gov>. If you wish to have written copies of the Order and proposed revised Rules, you can obtain them at the PSC's office at the address located below for \$0.25 per page.

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its RPS Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before September 30, 2008. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building
Suite 100
Dover, Delaware, 19904
Attn: Reg. Dckt. No. 56

If possible, you should accompany such written comments with an electronic version of the submission. Such electronic copy may be filed on a copy-capable CD-Rom disk or sent as an attachment to an Internet e-mail addressed to karen.nickerson@state.de.us.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on Thursday, November 13, 2008 at 10:00 AM at the Commission's office at the address set forth above. You may also submit comments and materials at such public evidentiary hearing.

If you are disabled and need assistance or help to participate in the proceedings, please contact the PSC to discuss that assistance. If you want more information or have questions, you can contact the PSC about this matter at (800) 282-8574 (toll-free in Delaware) or (302) 736-7500. Inquiries can also be sent by Internet e-mail addressed to pamela.knotts@state.de.us.