

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

September 2022

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold its quarterly business meeting on **Thursday, September 8, 2022** commencing at **10:30 a.m.** The business meeting will be conducted remotely. Details about the remote platform and an agenda will be posted on the Commission's website, www.drbc.gov, at least 10 days prior to the meeting date.

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

DEPARTMENT OF AGRICULTURE

THOROUGHBRED RACING COMMISSION

PUBLIC NOTICE

1001 Thoroughbred Racing Rules and Regulations

Summary

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the proposed regulations is to amend the rules regarding who can administer Bleeder medication (Furosemide/Salix), in light of an ongoing and nationwide shortage of veterinarians. This amendment permits veterinary technicians to administer Bleeder medication, under the supervision of a licensed veterinarian. This change has already been adopted on a temporary basis, and as there is no indication that the shortage of veterinarians will resolve soon, the Commission desires to implement this rule amendment on a permanent basis. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the September 1, 2022 edition of the Delaware Register of Regulations. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before October 3, 2022. Written materials submitted will be available for inspection at the above address.

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 (https://simbli.eboardsolutions.com/SB_Meetings/SB_MeetingListing.aspx?S=190001). (If you are having technical difficulties accessing the site, please try a different browser.)

The next meeting is scheduled for September 15, 2022.

Information regarding special meetings or Committee meetings of the State Board will be posted on the public meeting calendar.

Minutes from recent State Board of Education meetings can be found on the public meeting calendar.

Audio recordings are available after every Board meeting (<https://www.doe.k12.de.us/domain/225>).

Public meeting calendar: <https://publicmeetings.delaware.gov/#search?anyall=any&agencyid=22&startdateinclusive=2019-01-01>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Ambulatory Surgical Center Services Rate

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 regarding Ambulatory Surgical Center Services regarding adjusting the reimbursement methodology.

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 and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Kimberly.Xavier@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 3, 2022. Please identify in the subject line: Ambulatory Surgical Center Services Rate.

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 MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Medicaid Recovery Audit Contractors Program

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 regarding the Medicaid Recovery Audit Contractor (RAC) Program, specifically, to request an exception to the RAC contracting requirements.

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 and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Kimberly.Xavier@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 3, 2022. Please identify in the subject line: Medicaid Recovery Audit Contractors Program.

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 PUBLIC HEALTH

PUBLIC NOTICE

4459 Lead Based Paints Hazards

Pursuant to 16 **Del.C.** §122(3)(t), the Health Systems Protection Section of the Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Lead Based Paints Hazards. On September 1, 2022, the Division of Public Health plans to publish as "proposed" revisions to the Lead Based Paints Hazards regulations. The revisions include updates to lead levels in dust sampling results, which have been lowered to be consistent with EPA regulations; specific regulations for interim controls; and technical corrections. The proposed regulation published in the May 2022 *Register of Regulations* (25 **DE Reg.** 1005 (05/01/22) (Prop.)) is no longer being considered in favor of the amendments presented here pursuant to 29 **Del.C.** §10118(c).

Copies of the proposed regulations are available for review in the September 1, 2022 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 by Monday, October 3, 2022, at:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

DIVISION OF PUBLIC HEALTH PUBLIC NOTICE

4459B Residential Property Renovation, Repair and Painting

Pursuant to 16 **Del.C.** §122(3)(t), the Health Systems Protection Section of the Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Residential Property Renovation, Repair and Painting. On September 1, 2022, the Division of Public Health plans to publish as "proposed" revisions to the Residential Property Renovation, Repair and Painting regulations. The revisions include a definition of "occupant protection plan;" a requirement for certified renovators to develop an occupant protection plan prior to any lead renovation, repair, and painting work; and technical corrections.

Copies of the proposed regulations are available for review in the September 1, 2022 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 by Monday, October 3, 2022, at:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

DIVISION OF SOCIAL SERVICES PUBLIC NOTICE Food Benefit Certification

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 Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Kimberly.Xavier@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 3, 2022. Please identify in the subject line: Food Benefit Certification.

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

1126 Motor Vehicle Emissions Inspection Program

1. TITLE OF THE REGULATIONS:

PROPOSED 7 DE ADMIN. Code 1126 Motor Vehicle Emissions Inspection Program - Sussex County

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of this action is to amend Regulation 1126 to establish a statewide I/M program implemented in Kent, New Castle and Sussex Counties. The proposed amendments will establish identical emissions testing requirements statewide as well as exempt the first seven model years of a vehicle pursuant to House Bill 246.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Ch. 60 § 6010 (a) and (c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

PROPOSED 7 DE ADMIN. Code 1131 Motor Vehicle Emissions Inspection Program - Kent and New Castle Counties

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2022-R-A-0001) will be held on Thursday, September 29, 2022, 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: MVEIP. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter the event code 2339 665 6055. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of 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 September 1, 2022 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting Marvina Cephas by phone at 302-739-9402 or by email at Marvina.Cephas@delaware.gov.

The Department will accept public comment through the close of business on Friday, October 14, 2022. 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

7. PREPARED BY:Marvina Cephas marvina.cephas@delaware.gov 302.739.9402

DIVISION OF AIR QUALITY
PUBLIC NOTICE
1131 Low Enhanced Inspection and Maintenance Program

1. TITLE OF THE REGULATIONS:

7 DE ADMIN. Code 1131 Low Enhanced Inspection and Maintenance Program proposed to be amended to 7 DE ADMIN. Code 1131 Motor Vehicle Emissions Inspection Program - Kent and New Castle Counties

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of this action is to amend Regulation 1131 to establish a statewide I/M program implemented in Kent, New Castle and Sussex Counties. The proposed amendments will establish identical emissions testing requirements statewide as well as exempt the first seven model years of a vehicle pursuant to House Bill 246.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Ch. 60 § 6010 (a) and (c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

Proposed 7 DE ADMIN. Code 1126 Motor Vehicle Emissions Inspection Program - Sussex County

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2022-R-A-0002) will be held on Thursday, September 29, 2022, 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: MVEIP. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter the event code 2339 665 6055. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of 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 September 1, 2022 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting Marvina Cephas by phone at 302-739-9402 or by email at Marvina.Cephas@delaware.gov.

The Department will accept public comment through the close of business on Friday, October 14, 2022. 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

7. PREPARED BY: Marvina Cephas marvina.cephas@delaware.gov 302.739.9402

DIVISION OF AIR QUALITY

PUBLIC NOTICE

1131 Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI)

1. TITLE OF THE REGULATIONS:

1131 Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI)

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of this action is to amend Delaware's approved State Implementation Plan per 40 CFR 52. Delaware is requesting that 7 **DE Admin. Code** 1131 Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI) be struck from Delaware Administrative Code. The Department intends to correct an error that was made with regulatory amendments in 2012. The PFI was never intended to be regulatory language or included in Delaware Administrative Code. The PFI should be a stand alone document.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Ch. 60 § 6010 (a) and (c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

7 DE ADMIN. Code 1126 Motor Vehicle Emissions Inspection Program

7 DE ADMIN. Code 1131 Low Enhanced Inspection and Maintenance Program

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2022-R-A-0010) will be held on Thursday, September 29, 2022, 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/dnrechearings>. If prompted for a password, please use: MVEIP. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter the event code 2339 665 6055. Closed-captioning is available by request if made at least 7 days before the event.

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

The proposed amendments may be inspected online starting September 1, 2022 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting Marvina Cephas by phone at 302-739-9402 or by email at Marvina.Cephas@delaware.gov.

The Department will accept public comment through the close of business on Friday, October 14, 2022. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

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

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE SECRETARY

PUBLIC NOTICE

103 Regulations Governing the Delaware Large Capacity Magazine Compensation Program

Purpose: In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 11 of the Delaware Code, Chapter 5, Section 6901(c), the Delaware Department of Safety and Homeland Security proposes to adopt regulations to implement the Delaware Large Capacity Magazine Prohibition Act of 2022 compensation program.

Written Comments: The Delaware Department of Safety and Homeland Security will receive written comments, suggestions, briefs or other written material until the close of business, 4:30 p.m., October 3, 2022. Written comments shall be submitted via e-mail to Terry.Pepper@delaware.gov or via the USPS to Terry Pepper, Department of Safety and Homeland Security, Office of the Secretary, 800 S Bay Road, Suite 2, Dover, Delaware 19901.

DEPARTMENT OF TRANSPORTATION

DIVISION OF MOTOR VEHICLES

PUBLIC NOTICE

2203 Implied Consent and Administrative Per Se Other Administrative Hearings of Record (Formerly Reg. No. 17)

Pursuant to the authority provided by 21 *Del. C.* §302 and 29 Delaware Code, Section 8404(8), the Delaware Division of Motor Vehicles (DMV), adopted the Implied Consent and Administrative Per Se Other Administrative Hearings of Record.

The Division of Motor Vehicles seeks to adopt general revisions to its existing regulation, the Implied Consent and Administrative Per Se Other Administrative Hearings of Record, to address federal requirements. These collective changes are administrative in nature and serve in part to clarify the intent of the Division as enacted through these regulations.

Public Comment Period

DMV will take written comments on these proposed general revisions to Section 2203 of Title 2, Delaware Administrative Code, from September 1, 2022 through October 3, 2022. The public may submit their comments to:

Crystal Stump, DI Program Manager, Division of Motor Vehicles
(crystal.stump@delaware.gov) or in writing to their attention,
Delaware Department of Transportation (DelDOT)
Division of Motor Vehicles
PO BOX 698
Dover, DE 19903

DIVISION OF TRANSPORTATION SOLUTIONS

PUBLIC NOTICE

2405 Oversize/Overweight Hauling Permit Policy and Procedures Manual

Pursuant to the authority provided by 21 *Del. C.* §4504, the Delaware Department of Transportation (DelDOT) adopted the Oversize/Overweight Vehicle Hauling Permit Policy and Procedures Manual

The Department, through its Division of Transportation Solutions seeks to adopt these revisions to address procedural changes. These collective changes are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed revisions to Regulation 2405 of Title 2, Delaware Administrative Code, from September 1, 2022 through October 3, 2022. The public may submit their comments to:

Jeffrey Van Horn, P.E.
Chief of Traffic Operations
(Jeffrey.VanHorn@delaware.gov) or in writing to his attention,
Delaware Department of Transportation
Division of Transportation Solutions, Traffic Operations Section
169 Brick Store Landing Road
Smyrna, DE 19977

