

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

April 2024

### DELAWARE RIVER BASIN COMMISSION

#### PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, May 8, 2024**, commencing at **1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions and draft resolutions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Wednesday, June 5, 2024**, commencing at **10:30 a.m.** at the Tusten Theatre, 210 Bridge Street, Narrowsburg, NY 12764. An agenda will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at [www.drbc.gov](http://www.drbc.gov) or contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

Pamela M. Bush, J.D., M.R.P.  
Commission Secretary and Assistant General Counsel

---

### DELAWARE STATE FIRE PREVENTION COMMISSION

#### PUBLIC NOTICE

#### 710 Ambulance Service Regulations

The Delaware State Fire Prevention Commission, pursuant to 16 **Del.C.** § 6604(1), proposes to revise regulation 710. The proposed regulations change the age requirement for EMT students in subsection 15.4.3. This amendment will be in addition to amendments recently proposed in February 2024.

The Board will accept written comments, which should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: [fire.commission@delaware.gov](mailto:fire.commission@delaware.gov). The Public Comment period will end on Friday, May 3, 2024.

The proposed additions to the rule are reflected in underline. Deletions are reflected in strike through.

---

### DEPARTMENT OF AGRICULTURE

#### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

#### Summary

The Harness Racing Commission (the "Commission") proposes to amend its Regulation in accordance with 3 **Del.C.** §10005. The proposed regulations amend Rules 3.3, 5.3.2.1, 5.3.5, 7.4.1.6, 8.3.5.9.6, and 8.5.1 to change Racing Office operating procedures, impose accountability on substitute trainers for horse conditions on the day of a race, and change horse qualifying eligibility to adhere to the practice used by the Commission. Other sections of the Regulation issued by the Commission are not affected by the aforementioned proposals.

#### Comments

A copy of the proposed regulations is being published in the April 1, 2024 edition of the Delaware Register of Regulations. A copy is also on file in the office of the Harness Racing Commission 2320 South Dupont Highway, Dover, Delaware 19901 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](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 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 May 1, 2024. Written materials submitted will be available for inspection at the above address.

#### Adoption of Proposed Regulation

On or after May 1, 2024, following review of the public comment, the Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

#### Effective Date of Amendments to Regulations

If adopted by the Commission, the amendments shall take effect ten days after being published as final in the Delaware Register of Regulations.

Delaware Harness Racing Commission

Mark A. Davis, Executive Director

---

## **DELAWARE STANDARDBRED BREEDERS' FUND PUBLIC NOTICE 502 Standardbred Breeders' Fund Regulations**

#### Summary

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of its intention to amend its Regulation in accordance with 29 **Del.C.** §4815(b)(4)b.2. The proposed regulation amends Rules 10.2.2 and 10.2.3 by eliminating the restriction on Delaware stallions from being able to breed during racing season, and instead, permits stallions to compete and breed simultaneously. This proposal is an attempt to allow greater flexibility to small breeders. Other sections of the Regulation issued by the Commission are not affected by the aforementioned proposals.

#### Comments

A copy of the proposed regulations is being published in the April 1, 2024 edition of the Delaware Register of Regulations. A copy is also on file in the office of the Standardbred Breeders' Fund, 2320 South Dupont Highway, Dover, Delaware 19901 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](https://regulations.delaware.gov/register/current_issue.shtml).

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the *Delaware Register of Regulations*. Any such submissions should be mailed or hand-delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund Program whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by May 1, 2024.

#### Adoption of Proposed Regulation

On or after May 1, 2024, following review of the public comment, the Fund will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

#### Effective Date of Amendments to Regulations

If adopted by the Fund, the amendments shall take effect ten days after being published as final in the Delaware Register of Regulations.

Delaware Standardbred Breeders Fund

Judy Davis-Wilson, Executive Administrator

---

## **DEPARTMENT OF EDUCATION PUBLIC NOTICE**

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

---

## **DEPARTMENT OF FINANCE OFFICE OF THE STATE LOTTERY PUBLIC NOTICE 203 Video Lottery and Table Game Regulations**

### **A. Type of Regulatory Action Required**

Amendment to Existing Regulations

### **B. Synopsis of Subject Matter of the Regulation**

Pursuant to 29 **Del.C.** §4805, the Delaware State Lottery proposes to amend 10 **DE Admin. Code** 203 Video Lottery and Table Game Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to subsections 4.18, 4.19, 14.14.1, 14.14.2, 14.14.3 in 10 **DE Admin. Code** 203.

The amendment to these subsections will simplify current regulations that unnecessarily assign different term lengths to initial gaming licenses versus renewal gaming licenses.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before May 1, 2024 at the offices of the Delaware State Lottery at 1575 McKee Road, Suite 102, Dover, DE 19904. A copy of these regulations is available from the above address or may be viewed at the Delaware State Lottery office at the same address.

### **C. Summary of Proposal**

The first proposed amendment is to subsection 4.18 and makes all Gaming Vendor licenses valid for 3 years.

The second proposed amendment is to subsection 4.19 and makes all Non-Gaming Vendor licenses valid for 4 years.

The third proposed amendment is to subsection 14.14.1 and makes all Gaming Room Service licenses valid for 5 years.

The fourth proposed amendment is to subsection 14.14.2 and makes all Gaming Service licenses valid for 4 years.

The fifth proposed amendment is to subsection 14.14.3 and makes all Key licenses valid for 3 years.

---

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF AIR QUALITY PUBLIC NOTICE 1130 Title V State Operating Permit Program

1. TITLE OF THE REGULATIONS:

7 **DE Admin. Code** 1130 "Title V State Operating Permit Program"

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

The Department of Natural Resources and Environmental Control (DNREC) is proposing to amend 7 **DE Admin. Code** 1130, Section 6.0 "Permit Contents", subsections 6.7 and 6.1.3.3.3.1 to remove emergency affirmative defense provisions and references. 7 **DE Admin. Code** 1130 is based on Title 40 of the Code of Federal Regulations (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.

On July 21, 2023, the Environmental Protection Agency (EPA) issued a final rule (88 FR 47029) which removed all emergency affirmative defense provisions for state and federal operating permit programs in 40 CFR Part 70.6(g) and 71.6(g). Therefore, the Division is proposing to remove the emergency affirmative defense provisions and references from 7 **DE Admin. Code** 1130, to maintain consistency with the current federal requirements.

Additional amendments correct a typographical error (7 **DE Admin. Code** 1130, Section 8.0 of Appendix A "Insignificant Activities"). This correction is not substantive and does not change the intent or purpose of the regulation.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

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

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

None.

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2023-R-A-0015) will be held on Thursday, April 25, 2024, 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: 098243. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 889 9258 3729. Closed captioning in over 20 languages, including English and Spanish, is available to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC 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 302-739-9001.

The proposed amendments may be inspected online starting April 1, 2024 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml), or in-person, by appointment only, by contacting Taylor Englert by phone at 302-323-4542 or by email at [Taylor.Englert@delaware.gov](mailto:Taylor.Englert@delaware.gov).

The Department will accept public comment through the close of business on Friday, May 10, 2024. Comments will be accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer

DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:  
Taylor Englert  
Division of Air Quality-DNREC  
715 Grantham Ln, New Castle, DE 19720  
Phone: (302)323-4542; email: [Taylor.Englert@delaware.gov](mailto:Taylor.Englert@delaware.gov)
- 

**DEPARTMENT OF STATE**  
**OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER**  
**PUBLIC NOTICE**  
**601 (Formerly Rule 35.1) Gathering Licenses**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to update its rules related to gathering licenses issued by the Office of the Alcoholic Beverage Control Commissioner.

The Commissioner previously noticed and published proposed changes to 4 **DE Admin Code** 601 in the January 1, 2024 edition of the *Delaware Register of Regulations* and afforded a 30 day period for public comment. The Commissioner published a General Notice on February 1, 2024, to extend the public comment period an additional 30 days, until March 4, 2024, because of a nonfunctioning email address included in the notice.

Based upon the comments received during the public comment period, which has expired, the Commissioner determined that substantive changes to the regulation are needed and hereby notices and proposes additional changes for public comment. These additional changes relate primarily to how a nonprofit organization is defined; the new proposed changes track specific language used by the Internal Revenue Service. In addition, the proposed changes include a specific post-gathering event report, a report which requests 3 numbers related to the sales and net proceeds of alcohol, including total alcohol sales and/or portion of ticket sales related to alcohol; costs of the alcohol; and the net proceeds from the sale of alcohol at the event.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Doug Denison  
Deputy Commissioner  
Office of the Delaware Alcoholic Beverage Control Commissioner  
820 N. French St., 10th Floor  
Wilmington, DE 19801

Comments may also be directed via electronic mail to [oabccquestions@delaware.gov](mailto:oabccquestions@delaware.gov). Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, May 2, 2024.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

---

**OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER**  
**PUBLIC NOTICE**  
**911 A Rule Permitting Limited Self-Delivery of Beer**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to establish a new rule related to permitting limited self-delivery of beer in the State.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Doug Denison  
Deputy Commissioner  
Office of the Delaware Alcoholic Beverage Control Commissioner  
820 N. French St., 10th Floor  
Wilmington, DE 19801

Comments may also be directed via electronic mail to [OABCCrulescomments@delaware.gov](mailto:OABCCrulescomments@delaware.gov). Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, May 2, 2024.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

---