

**DEPARTMENT OF AGRICULTURE  
HARNESS RACING COMMISSION  
NOTICE OF PUBLIC HEARING**

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change DHRC Rules 2 and 8. The Commission will hold a public hearing on the proposed rule changes on August 15, 2006. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901.

**PESTICIDES SECTION  
NOTICE OF PUBLIC HEARING**

The State of Delaware, Department of Agriculture, will hold a public hearing on September 5, 2006, 6 p.m., in Conference Room 1, Delaware Department of Agriculture building, 2320 S. Dupont Hwy., Dover, DE.

The hearing is being held for the purpose of receiving information, factual evidence, and public reaction as it relates to proposed amendments to the Pesticide Regulations under Title 3, **Delaware Code**, Chapter 12, Pesticide Law. The hearing will be conducted in accordance with Title 29, Chapter 101, Administrative Procedures Act.

Beginning at 6 p.m. comments will be received relating to: additional commercial pesticide application record keeping requirements, increased commercial applicator certification fees, and modifications to the pesticide storage and containment rules.

Title 3, **Delaware Code**, Section 1237, provides the Department with the authority to issue regulations pursuant to this statute.

Interested parties may obtain a copy of the proposed amendments by calling the Department at 1-800-282-8685; by writing the Delaware Department of Agriculture, Pesticides Section, 2320 S. Dupont Hwy., Dover, DE 19901; or, by visiting the *Register of Regulations* site <http://regulations.delaware.gov/>.

**DEPARTMENT OF EDUCATION**

The Department of Education will hold its monthly meeting on Thursday, August 17, 2006 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DELAWARE HEALTH AND SOCIAL SERVICES  
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE  
NOTICE OF PUBLIC COMMENT PERIOD**

**DRA 2005 Income First Rule**

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) intends to amend the Division of Social Services Manual (DSSM) regarding Section 6013 of the Deficit Reduction Act (DRA) of 2005 requiring all states follow the "Income First" rule.

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 and Program 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) 255-4454 by August 31, 2006.

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  
NOTICE OF PUBLIC COMMENT PERIOD**

**Temporary Assistance for Needy Families (TANF) Employment and Training 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 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 Temporary Assistance for Needy Families (TANF) Employment and 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 and 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) 255-4454 by August 31, 2006.

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 WATER RESOURCES**

**Proposed Total Maximum Daily Loads (TMDLs) for the Army Creek, Blackbird Creek, Broadkill River, Cedar Creek, Dragon Run Creek, Leipsic River, Little Creek, Mispillion River, Red Lion Creek, Smyrna River, and St. Jones River Watersheds, Delaware**

**NOTICE OF PUBLIC HEARINGS**

**Brief Synopsis of the Subject, Substance, and Issues**

The Department of Natural Resources and Environmental Control (DNREC) plans to conduct Public Hearings regarding Proposed Total Maximum Daily Loads (TMDLs) Regulations for nitrogen, phosphorous, and bacteria for the Army Creek, Blackbird Creek, Broadkill River, Cedar Creek, Dragon Run Creek, Leipsic River, Little Creek, Mispillion River, Red Lion Creek, Smyrna River, and St. Jones River Watersheds. A TMDL sets a limit on the amount of a pollutant that can be discharged into a waterbody and still meet water quality standards. TMDLs are composed of Waste Load Allocations (WLAs) for point source discharges, Load Allocations (LAs) for nonpoint sources, and a Margin of Safety (MOS) to account for uncertainties.

Draft TMDL Regulations for these watersheds were published in the May 1, 2006 issue of the *Delaware Register of Regulations* and were reviewed during public workshops held in May, 2006. All comments received at the workshops and during the May 1 through 31 comment period were considered by the Department. Comments relative to the Blackbird Creek, Broadkill River, Cedar Creek, Leipsic River, Little Creek, Mispillion River, Smyrna River, and St. Jones River did not result in changes to the Draft TMDL Regulations. However, comments did result in enhancements to the technical support documents. Comments relative to Army Creek, Dragon Run Creek, and Red Lion Creek, as well as additional technical analyses, resulted in minor changes to the TMDL Regulations and enhancements to the technical support document. The revised proposed TMDL Regulations for the Army Creek, Dragon Run Creek, and Red Lion Creek watersheds are published, following this notice, in this issue of the *Register*.

### **Notice of Public Hearings and Comment Period**

The Public Hearing for the proposed Broadkill River, Cedar Creek, and Mispillion River Watersheds will be held at 6:00 p.m., Tuesday, August 22, 2006 in Room 104, Cannon Lab, University of Delaware College of Marine Studies, Lewes, DE.

The Public Hearing for the proposed TMDLs for the Blackbird Creek, Leipsic River, Little Creek, Smyrna River, and St. Jones River Watersheds will be held at 6:00 p.m., Thursday, August 24, 2006 at the Delaware National Estuarine Research Reserve, 818 Kitts Hummock Road, Dover, DE.

The Public Hearing for the proposed TMDLs for the Army Creek, Dragon Run Creek, and Red Lion Creek Watersheds will be held at 6:00 p.m., Tuesday, August 29, 2006 at DNREC's Lukens Drive Building, 391 Lukens Drive, New Castle, DE.

The hearing records for these watersheds will remain open until 4:30 p.m., Friday, September 15, 2006. Please send written comments to Hassan Mirsajadi, Watershed Assessment Section, Division of Water Resources, Department of Natural Resources and Environmental Control, 820 Silver Lake Boulevard, Suite 220, Dover, DE 19904-2464, (302) 739-9939, facsimile: (302) 739-6140, email: ([Hassan.Mirsajadi@state.de.us](mailto:Hassan.Mirsajadi@state.de.us)). All written comments must be received by 4:30 p.m., Friday, September 15, 2006. Electronic submission is preferred.

Copies of the Proposed TMDL Regulations for these watersheds will be available as of Tuesday, August 1, 2006 on the Department's website ([www.dnrec.delaware.gov](http://www.dnrec.delaware.gov)) by clicking on "TMDLs" under "Information" or by contacting Hassan Mirsajadi, Watershed Assessment Section, Division of Water Resources, Department of Natural Resources and Environmental Control, 820 Silver Lake Boulevard, Suite 220, Dover, DE 19904-2464, (302) 739-9939, facsimile: (302) 739-6140, email: ([Hassan.Mirsajadi@state.de.us](mailto:Hassan.Mirsajadi@state.de.us)). Copies of the TMDL reports and technical support documents for these watersheds will be available on the Department's website as of Monday, August 14, 2006.

## **DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**

### **DIVISION OF FAMILY SERVICES Office of Child Care Licensing NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, pursuant to 31 **Del.C.**, Chapter 3, Subchapter III, Subsections 341-345, and 29 **Del.C.**, Chapter 90, Subsection 9003 (7), Delaware's Office of Child Care Licensing is proposing to revise the *Delacare: Requirements For Day Care Centers* that were previously adopted in 1988. From September of 2001 to February of 2003, a task force consisting primarily of early care and education and school-age care program directors along with Licensing Specialists and those whose interests could be affected by the rule changes reviewed the proposed revisions and reached consensus on each rule. Those proposed changes were first presented in early 2004. At the conclusion of those public hearings, a decision was made to withdraw the revisions and conduct a financial analysis on the impact of the rule changes. Based on the previous comments received from the first set of public hearing and the information gained through the financial analysis, compromises were made and a new version was developed. These proposed revisions represents the task force's and the Office of Child Care Licensing's efforts to improve standards based on what we have learned through research and experience since last revising this set of rules. Over the years, we have become increasingly aware of what children really need from early care and education and school-age care experiences to optimally develop, stay safe and healthy, and learn in order to be ready for and succeed in school. Also, as stated above, *Delacare: Requirements for Day Care Centers* were previously adopted in 1988. Currently this makes Delaware's Day Care Center rules the oldest in the United States. All other States have Day Care Center rules that have been revised or readopted sooner than 1988.

The proposed changes are available for review (see the "*Registrar of Regulations*" version) on the Office of Child Care Licensing's website at <http://www.state.de.us/kids/occl/occl.shtml>

Written comments or emails on the rule changes will be accepted until September 22, 2006 and should be addressed to the **Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, DE 19805, Attention: Lynn Jezyk, Rule Development Manager** or emailed to [lynn.jezyk@state.de.us](mailto:lynn.jezyk@state.de.us). Comments will also be heard at public hearings scheduled as follows:

#### Public Hearing Schedule

- Monday, September 11, 2006, 7:00PM to 9:00P at Newark United Methodist Church, 69 E. Main Street, Newark, DE 19711 (parking in the back of church)
- Wednesday, September 13, 2006, 7:00PM to 9:00PM at Stockley Center, All Stars Building, 26351 Patriot's Way, Georgetown, DE 19947
- Monday, September 19, 2006, 7:00PM to 9:00PM at Zion Lutheran Church, 2101 Lancaster Pike, Wilmington, DE 19805
- Thursday, September 21, 2006, 7:00PM to 9:00PM at Department of Natural Resources (DNREC) Auditorium, 89 Kings Highway, Dover, DE 19901

For information on cancellations of the Public Hearings due to bad weather or an unforeseen event, please check the Office of Child Care Licensing website, <http://www.state.de.us/kids/occl/occl.shtml> or call the Office of Child Care Licensing in Wilmington, 892-5800 or in Dover, 739-5487 or listen to your local radio station.

### **DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION 500 Board of Podiatry NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, pursuant to Title 29, Chapter 101 and Title 24, Section 506(a)(1) of the **Delaware Code**, the State Board of Podiatry proposes changes to its Regulations 5.0 and 6.0 relating to In-Training licensure and online license renewal. Specifically, the changes to Regulation **5.0 Licenses (Renewal, Inactive, Temporary)** provide for the new In-Training license in Title 24, Section 513(d) of the **Delaware Code** created by Senate Bill 32 and signed into law on February 1, 2006. The changes to Regulation **6.0 Continuing Education** provide for the online renewal of licenses, including the attestation of completion of continuing education requirements by licensees and the post-renewal random audit of licensees by the Board to check the veracity of attestations. Regulation **5.2.4** was created in relation to online renewal. Other grammatical, typographic, or stylistic changes are also included.

A public hearing will be held on the proposed regulations on Thursday, September 21, 2006 at 5 p.m. in the 2<sup>nd</sup> floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person on the proposed regulations. Any written comments should be submitted to the Board in care of Sherry Clark at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Sherry Clark at the above address or by calling (302) 744-4530.

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

### **DIVISION OF PROFESSIONAL REGULATION 2500 Board of Pharmacy NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, pursuant to Title 29, Chapter 101 and Title 24, Section 2509 of the **Delaware Code**, the State Board of Pharmacy proposes changes to its regulations affecting the licensure of wholesale distributors. The proposed changes to **8.0 Requirements for Obtaining a Permit to Distribute Drugs on a Wholesale Basis** were prompted by recent changes in the National Association of Boards of Pharmacy's Model Rules for the Licensure of Wholesale Distributors (Model Rules). The proposed changes incorporate some but not all of the changes to the Model Rules. A few minor grammatical, typographic, or stylistic changes are also included.

A public hearing will be held on the proposed regulations on Wednesday, September 20, 2006 at 9:30 a.m. in the 2<sup>nd</sup> floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person on the proposed regulations. Any written comments should be submitted to the Board in care of Mariah Krass at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Mariah Krass at the above address or by calling (302) 744-4526.

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

**DIVISION OF PROFESSIONAL REGULATION  
2600 Delaware Examining Board of Physical Therapists and Athletic Trainers  
NOTICE OF PUBLIC HEARING**

The Delaware Examining Board of Physical Therapists and Athletic Trainers in accordance with 24 **Del.C.** §2604(a)(1) has proposed changes to its rules and regulations to allow for online renewal of licenses and online attestation of completion of continuing education units. The proposed changes also revise the Mandatory Continuing Education Unit ("CEU") deadline and the license renewal deadline to correspond, so that CEU's must be completed before January 31 of any odd numbered year, the same date that licenses are renewed. Furthermore, the proposed revisions allow for flexibility in changing Board-approved independent agencies that may evaluate the credentials of foreign trained applicants by removing the names and addresses of those agencies from the regulations. Finally, the proposed changes revise Regulation 11.0 to correct a typographical error and to clarify that any applicant previously licensed in the State of Delaware who has allowed his or her license to lapse must complete 3.0 required CEU's to again obtain a Delaware license.

A public hearing will be held on September 12, 2006 at 5:00 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Examining Board of Physical Therapists and Athletic Trainers, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
3000 Board of Mental Health and Chemical Dependency Professionals  
NOTICE OF PUBLIC HEARING**

The State Board of Mental Health and Chemical Dependency Professionals is proposing changes to its Regulations 6.0 Renewal of Licensure. The changes provide for the online renewal of licenses, including the attestation of completion of continuing education requirements by licensees and the post-renewal random audit of licensees by the Board to check the veracity of attestations. Other grammatical, typographic, or stylistic changes are also included.

A public hearing will be held at noon on September 27, 2006 in the 2nd floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public can offer comments.

Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the State Board of Mental Health and Chemical Dependency Professionals, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the board at the above address. The final date to receive written comments will be at the public hearing.

The board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
3900 Delaware Board of Clinical Social Work Examiners  
NOTICE OF PUBLIC HEARING**

The Delaware Board of Clinical Social Work Examiners in accordance with 24 **Del.C.** §3906(a)(1) has proposed changes to its rules and regulations. The proposal amends Board Regulation 5.0: *Application and Examination*; Board Regulation 6.0: *Renewal*; Board Regulation 7.0: *Continuing Education*; Board Regulation 8.0: *Inactive Status*; and Board Regulation 11.0: *Crimes Substantially Related to the Practice of Social Work*. The regulations as amended would allow licensees the ability to renew their licenses online. In connection with the Board's decision to move to online renewal, the regulations change the time period for earning CE credits to be concurrent with the biennial licensing periods and change the time frame for the Board's audit of continuing education to occur after the license period expires. The regulations also clarify the circumstances under which the Board will approve certain continuing education hours, and require that all grants of inactive status expire on the same date each year. The changes also correct cross-references in the regulations and revise a citation in one item on the crime list for clarification.

A public hearing will be held on September 18, 2006 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Accountancy, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulation at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
4400 Delaware Manufactured Home Installation Board  
NOTICE OF PUBLIC HEARING**

The Delaware Manufactured Home Installation Board, in accordance with 24 **Del.C.** §4416(b)(1) has proposed the rules and regulations to implement the Manufactured Home Installation Act, 24 **Del.C.** §4400. A public hearing will be held on September 11, 2006 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Manufactured Home Installation Board, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**10 DE Reg. 374 (08/01/06)**