

**DEPARTMENT OF EDUCATION  
PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, July 19, 2012 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**

**Estate Recovery and Civil Unions and Medicare Cost Sharing**

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 update current regulations in the Division of Social Services Manual (DSSM) regarding Medicaid Estate Recovery, *specifically 1) asset protections recognized for civil union partners; and, 2) eliminating Medicare cost-sharing expenses from estate recovery.*

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 August 31, 2012.

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**

**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 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 establish PACE Program enrollee eligibility 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 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 August 31, 2012.

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**

**Emergency Assistance Services**

**PUBLIC NOTICE**

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 is proposing to amend the Division of Social Services Manual (DSSM) regarding *Emergency Assistance Services.*

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 August 31, 2012.

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**  
**1120 New Source Performance Standards**  
**PUBLIC NOTICE**

Congress sought to reduce public health impacts due to the exposure to criteria pollutants in the 1990 Amendments to the Clean Air Act. Under Section 111(b), the EPA Administrator is required to establish Federal standards of performance for new sources in prescribed source categories. Under Section 111(d)(1), each State is required to submit a plan to the EPA Administrator which establishes standards of performance for existing sources in those prescribed source categories.

On September 15, 1997, the EPA adopted a New Source Performance Standard and an Emission Guideline, 40 CFR Part 60 Subparts Ec and Ce, respectively, which were applicable to new and existing hospital, medical and infectious waste incinerator (HMIWI) units. As required under the Clean Air Act, Delaware adopted Section 29, "New Source Performance Standards for Hospital/Medical/Infectious Waste Incinerators" into Regulation 1120 on September 1, 1998. At the time of the adoption of Section 29, there were 3 existing Delaware HMIWI units in operation. Since the 1998 adoption of Section 29, those 3 existing HMIWI units have been dismantled and no new HMIWI units have been built.

Delaware is proposing to repeal Section 29 as its inherent regulatory requirements are currently outdated and its continuance is no longer justified by present realities. Any new HMIWI units would be regulated under the amended 40 CFR Part 60, Subpart Ec that the EPA adopted on October 6, 2009.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, August 22, 2012 beginning at 6:00 PM in the DNREC's Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

**DIVISION OF AIR QUALITY**  
**1138 Emission Standards for Hazardous Air Pollutants for Source Categories**  
**PUBLIC NOTICE**

Under Section 112(k) of the 1990 Clean Air Act Amendments, Congress mandated that the EPA identify not less than 30 hazardous air pollutants (HAPs) which pose the greatest threat to public health in urban areas, identify the area source categories emitting those HAPs, and develop regulations to address 90% of the emissions of those same HAPs. In 1999, the EPA identified 33 HAPs that posed the greatest threat to public health and has since that time, identified over 60 new area source categories for which regulations would be developed.

On January 5, 2010, the EPA promulgated one of these area source category standards that would affect existing and future Delaware sources, the area source standard for prepared feed manufacturing facilities, under 40 CFR Part 63 Subpart DDDDDDD.

Delaware is proposing to amend Regulation 1138 by adding a new Section 17 that addresses the emissions of chromium and manganese compounds from prepared feed manufacturing facilities. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against a variety of potential adverse health effects. The major health effects from chronic inhalation exposure are diseases associated with the respiratory tract (chromium compounds) and the central nervous system (manganese compounds). The proposed amendment will provide greater consistency between Delaware's air toxics standards for these types of facilities and the recently promulgated federal standard (40 CFR Part 63 Subpart DDDDDDD) on which this proposed amendment is heavily based.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, August 22, 2012 beginning at 6:00 PM in the DNREC's Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

**DIVISION OF FISH AND WILDLIFE**  
**3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas**  
**PUBLIC NOTICE**

The Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum XXII to the Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass. Addendum XXII established a regional management approach and requires the southern region states (Delaware to North Carolina) to implement management measures consistent with those required for federal waters. The Department was notified on May 17, 2012 by the National Oceanic and Atmospheric Administration that a federal rule was approved that included among its provisions an open season for the recreational

black sea bass fishery from May 19 through October 14. In response, the Department issued an Emergency Order (2012-F-0019) to remain consistent with Addendum XXII and to prevent Delaware anglers and dependent businesses from being disadvantaged by remaining closed to recreational sea bass fishing through May 21.

The purpose of this action is to formally adopt the full provisions of the federal rule for the recreational black sea bass fishery and remain compliant with Addendum XXII by amending Tidal Finfish Regulation 3507 Black Sea Bass Size Limit; Trip Limits; Seasons; Quotas through the normal regulatory process. The federal rule establishes a 12.5-inch minimum size limit; an open season from January 1 through February 28 with a corresponding 15-fish per person possession limit; and open seasons from May 19 through October 14 and from November 1 through December 31 with corresponding 25-fish per person possession limits.

Based on the stock projections completed in 2011, the black sea bass stock is not overfished and overfishing is not occurring. The projections indicate the stock is at about 111% of its biomass target.

The hearing record on the proposed changes to the black sea bass regulation will be open August 1, 2012. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on August 30, 2012 beginning at 7 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF WATERSHED STEWARDSHIP**  
**Surface Water Discharges Section**  
**Proposed Total Maximum Daily Load (TMDL) for the Lums Pond Sub-Watershed, Delaware**  
**PUBLIC NOTICE**

The Department of Natural Resources and Environmental Control (DNREC) plans to conduct a Public Hearing regarding a Proposed Total Maximum Daily Load (TMDL) Regulation for nutrients and oxygen consuming materials for the Lums Pond Sub-Watershed. 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.

The proposed TMDL Regulation calls for pollutant load reductions from point and nonpoint sources of the Lums Pond State Park, an area managed by the Division of Parks and Recreation, DNREC, and from nonpoint sources from the area surrounding the Lums Pond State Park. DNREC will work with local citizen groups and internally among the Division of Parks and Recreation, the Division of Water's Surface Water Discharges Section, and the Division of Watershed Stewardship to implement the point and nonpoint source load reduction requirements.

The Public Hearing for the proposed TMDL Regulations for the Lums Pond Sub-Watershed will be held at 3:00 p.m., Tuesday, August 21, 2012, at the New Castle Conservation District, 2430 Old Country Road, Newark, DE 19702.

The hearing record for this proposed TMDL Regulation will remain open until 4:30 p.m., Friday, September 14, 2012. Please send written comments to Hassan Mirsajadi, Watershed Assessment and Management Section, Division of Watershed Stewardship, 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 14, 2012. Electronic submission is preferred.

Copies of the Proposed TMDL Regulations and technical support document will be available as of Wednesday, August 1, 2012 on the Department's website at <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx> or by contacting Hassan Mirsajadi, Watershed Assessment and Management Section, Division of Watershed Stewardship, 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)).

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1400 Board of Electrical Examiners**  
**PUBLIC NOTICE**

The Delaware Board of Electrical Examiners in accordance with to 24 Del.C. §1406 (a)(1) proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt to define electrical work more broadly to include any work covered by the National Electrical Code and specifically adding solar, generators and windmills to the list of work that is considered electrical services or electrical work. This rule change will also add the continuing education credits required for licensed Journeypersons and Apprentices and except Journeypersons and Apprentices from rules that do not apply to them.

A public hearing will be held on September 5, 2012 at 9:15 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 Jennifer Witte, Administrative Assistant for the Delaware Board of Electrical Examiners, 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 15 (fifteen days) after the public hearing.

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

## **DEPARTMENT OF TRANSPORTATION**

### **DIVISION OF PLANNING AND POLICY**

#### **PUBLIC NOTICE**

#### **2309 Standards and Regulations for Subdivision Streets and State Highway Access**

##### **Background**

The Delaware Department of Transportation, through its Division of Planning, seeks to adopt amendments to its existing regulations regarding subdivision streets and state highway access, with respect to the current provisions concerning Traffic Impact Studies and Traffic Operational Analyses. Changes are proposed several areas of Chapter 2, Traffic Impact Studies and several sections from Chapter 3, Site Plan Design, are proposed for movement to Chapter 2.

As detailed in the current Manual, the Department has broad statutory authority to regulate the process of determining whether and under what conditions property developers may gain access to the state highway system. These authorities include Sections 131, 141, 146, 507, and 508 of Title 17, Delaware Code; Chapter 41 of Title 21, Delaware Code; Section 6103 of Title 29, Delaware Code; and certain provisions in Title 9 of the Delaware Code.

The Department previously entered into agreements with county governments regarding traffic impact studies and traffic operational analyses. For New Castle County, for example, the agreement calls for the Department, as part of its scoping of the study areas for TIS work, to assure that the study looks at a minimum number of intersections from the proposed site entrance(s). However, what is considered an intersection for this purpose may be subject to differing interpretations, and may risk unduly limiting or unduly expanding the TIS study area.

The draft regulations are intended to provide sufficient guidance to the state, local governments, the development community, and those interested in development matters in this regard. The Department wishes to assure that the study areas selected match well with what intersections the Department reasonably expects to be significantly affected by the traffic from the subject property, given its proposed uses.

The proposed changes also include a new section on Transportation Improvement Districts, which were previously discussed in much less detail. The Department seeks to promote the creation of such districts as a superior approach to assessing the transportation impacts of development relative to Traffic Impact Studies for individual developments.

Other proposed changes include the addition of rules for the requirement of Traffic Operational Analyses, previous published as informal guidelines, and the changes to how contributions to the Traffic Signal Revolving Fund should be calculated.

##### **Public Comment Period and Public Workshop Schedule**

The Department will accept written comments on the proposed Amendment to its Standards and Regulations for Subdivision Streets and State Highway Access from August 1, 2012 through October 1, 2012. The proposed Regulations appear below.

The Department will hold public workshops on the proposed Amendment, as follows:

- New Castle County: Thursday, September 13, 2012, Troop 2 Conference/Training Room, Newark, Delaware.
- Kent County: Monday, September 17, 2012, Felton/Farmington Room, DeIDOT Administration Building, Dover, Delaware.
- Sussex County: Thursday, September 20, 2012, DeIDOT South District Conference Room, Georgetown, Delaware.

The workshops shall be held from 4 p.m. to 7 p.m. at each location.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Shailen P. Bhatt, Secretary  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903

(302) 760-2303 (telephone)  
(302) 739-2895 (fax)  
shailen.bhatt@state.de.us

**DIVISION OF TRANSPORTATION SOLUTIONS  
PUBLIC NOTICE  
2404 Traffic Calming Manual**

The Delaware Department of Transportation Division of Transportation Solutions hereby gives notice of its intention to adopt revisions to the existing Delaware Traffic Calming Manual pursuant to 29 **Del.C.** §8404(8) and in compliance with the Delaware Administrative Procedures Act, 29 **Del.C.** §10115. Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. The regulations contained in this manual are an attempt to control speeding and cut through traffic, primarily on neighborhood streets, through use of physical measures and education.

The Department solicits, and will consider timely filed written comments from interested individuals and groups concerning these proposed regulations. The deadline for the filing of such comments will be thirty (30) days after the proposed amendments are promulgated in the Delaware Register of Regulations. Any such submissions should be mailed, emailed or hand-delivered to Michael Somers, whose address is Delaware Department of Transportation, 169 Brick Store Landing Road, Smyrna, DE, 19977, or Michael.Somers@state.de.us by August 31, 2012.

**EXECUTIVE DEPARTMENT  
DELAWARE ECONOMIC DEVELOPMENT OFFICE  
PUBLIC NOTICE**

**402 Procedures Governing The Delaware Strategic Fund, 451 Matching Grants Program, 452 Direct Grants Program, 453 Co-Op Advertising Program, 454 Procedures Governing Delaware Tourism Grant Program**

The State of Delaware, Delaware Economic Development Office ("DEDO") and The Delaware Economic Development Authority (the "Authority") hereby give notice of their intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to adopt such measures found at 29 **Del.C.** §§5029(a) and 5054(e)(1) and in compliance with Delaware's Administrative Procedures Act, 29 **Del.C.** §10115. The proposed regulations constitute a regulatory adoption of Strategic Fund procedures used to administer the Fund to retain, attract and expand Delaware employment, and the deletion of obsolete programs.

DEDO and the Authority solicit, 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 delivered to Lee Porter, 99 Kings Highway, Dover, DE 19901 by September 30, 2012.