

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

Notice of Expanded Public Process on Revised Draft Hydraulic Fracturing Regulations

The Delaware River Basin Commission (DRBC) on January 8 announced that it would extend to March 30, 2018 the period for written comment on proposed regulations concerning hydraulic fracturing activities in the basin. Additional public hearings on the draft regulations also were announced and will take place in Schnecksville, Pennsylvania on February 22 and by telephone on March 6. The revised draft regulations and notice of public hearings were originally published on November 30, 2017. Details regarding the additional comment opportunities are provided below.

Those interested in commenting are encouraged to review the full text of the draft rules along with related materials and information on the public input procedures on the Commission's web site at http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html.

Public Hearings. To supplement the four previously scheduled public hearings – two on January 23 in Waymart, Pennsylvania, and two on January 25 in Philadelphia – the Commission is adding the following two hearings:

1. **February 22, 2018**, 3 p.m. to as late as 7 p.m. at the Lisa Scheller-Wayne Woodman Community Services Center, Lehigh Carbon Community College, 4525 Education Park Drive, in Schnecksville, Pennsylvania. Register in advance to attend at <http://bit.ly/2ql1tBC> or register on-site. Persons who have registered to attend by 5 p.m. January 26, 2018 will be contacted by DRBC prior to the hearing date and provided with an early opportunity to request speaking time. Registrants may also sign up to speak at the hearing and will be heard *if time allows*. Elected government officials and their staff will have the opportunity to identify themselves when registering.
2. **March 6, 2018**, 1:30 p.m. to 3:30 p.m. The Commission will host a moderated public hearing by telephone. Members of the public are encouraged to listen by calling 1-866-831-8713 and asking the operator to connect them to the DRBC call. Those wishing to address the Commission at this hearing can register for an opportunity to speak at <http://bit.ly/2pdqxQ9>.

Addresses for Written Comment. Written comments on the draft regulations will receive the same consideration as oral comments and will be accepted until 5 p.m. on **March 30**. Written comments and attachments should be submitted through the DRBC's online comments webpage at <http://dockets.drbc.commentinput.com/>. Requests for exceptions to use of the online registration and written comment collection systems may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearings should contact the Commission Secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional information relating to the hearings may be provided by contacting Peter Eschbach, 609-883-9500, ext. 208 or Clarke Rupert, ext. 260.

The DRBC is a federal/interstate government agency responsible for managing the water resources within the Delaware River Basin without regard to political boundaries. The five Commission members are the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the commander of the U.S. Army Corps of Engineers, North Atlantic Division, who represents the federal government.

To learn more about the Commission, please visit www.drbc.net or follow DRBC on Twitter at @DRBC1961.

Pamela M. Bush
Commission Secretary and Assistant General Counsel
January 12, 2018

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, February 14, 2018** beginning at **1:30 p.m.** A business meeting will be held the following month on **Wednesday, March 14, 2018** beginning at **10:30 a.m.** The hearing and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

PUBLIC NOTICE
402 State Forest Regulations

3 **DE Admin. Code** 402 State Forest Regulations are being proposed for amendment to comply with the decision of the Delaware Supreme Court in *Bridgeville R&P Club v. DNREC* (Dec. 7, 2017) that invalidated portions of the existing regulations governing firearms. The emergency regulations promulgated on December 26, 2017 will be superseded by these regulations.

These regulations are issued by the Secretary pursuant to the power conveyed by the General Assembly for the Delaware Department of Agriculture to promulgate necessary regulations to protect forest lands, 3 **Del.C.** §1011, and to "[e]stablish and promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State;" 29 **Del.C.** §8103(8).

The hearing record on the proposed changes to 3 **DE Admin. Code** 402 State Forest Regulations will open February 1, 2018 and public comments will be accepted in accordance with 29 **Del.C.** §10118. Individuals may submit written comments regarding the proposed changes via e-mail to 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 March 12, 2018 beginning at time 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, February 15, 2018 at 4:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Managed Care Hearings

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, 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 Division of Social Services Manual regarding Managed Care Hearings, specifically, *to align DMMA Medicaid Managed Care Policy with the new Federal Requirement, Medicaid Managed Care Final 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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on March 5, 2018. Please identify in the subject line: Managed Care Hearings.

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
Title XXI CHIP Compliance with MHPAEA

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, 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 Title XXI CHIP Plan regarding MHPAEA specifically, *to align the Delaware CHIP Plan with new Federal 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, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on March 5, 2018. Please identify in the subject line: **Title XXI CHIP Compliance with MHPAEA**.

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 INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

1318 Compensation for Chiropractic Services

At 21 DE Reg. 19 (July 1, 2017), the Department published a notice of its intent to codify proposed new Regulation 1318, Compensation for Chiropractic Services, and solicited written comments from the public for thirty (30) days as mandated by 29 **Del.C.** §10118(a).

The Department received several timely submitted comments, copies of which are on file with the Department. In response to the comments received, the Department redrafted the proposed new regulation, and hereby gives notice of its re-proposal. The proposed new regulation as redrafted would prohibit insurance carriers and third party administrators who are regulated by the Department from including in any insurance policy terms and conditions that unreasonably discriminate against access to chiropractic care or services. It would also prohibit compensation of doctors of chiropractic that is unreasonable or discriminatory, as detailed in the proposed new rule. The Delaware Code authority for the proposed new regulation is 24 **Del.C.** §716(c) and 18 **Del.C.** §§102, 311 and 329.

The Department of Insurance does not plan to hold a public hearing on the redrafted version of the proposed new regulation. The proposed new regulation appears below and may also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed new regulation. Any written submission in response to this notice and relevant to the proposed new regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, the 5th day of March, 2018. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
841 Silver Lake Drive
Dover, 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3300 Non-Tidal Finfish

3301 Definitions

To expand recreational freshwater trout angling opportunities, this action proposes to amend Delaware's non-tidal finfish regulation (7 **DE Admin Code** 3301 (1.0)) by defining that portion of Red Clay Creek from the dam just below the boundary between the State of Delaware and the Commonwealth of Pennsylvania to the bridge at Yorklyn Road as a designated trout stream. Trout stream stocking provides an important recreational fishing opportunity in a densely populated area of the State, which has few other freshwater fishing opportunities. Red Clay Creek was formerly included as a designated trout stream, but fish tissue contamination resulting from industrial discharges precluded stocking since 1986. Research trout stockings conducted in Red Clay Creek by the Department in 2011 and 2016 demonstrated that trout once again can be safely stocked and consumed as a result of improving water quality.

Waters designated as trout streams are closed to all fishing 14 days prior to the first Saturday in April to provide for stocking time and fair access and to deter poaching. Such designation also requires an annual trout stamp (\$2.10 resident youth/ \$4.20 resident adult/ \$6.20 non-resident) to fish from the first Saturday in April through June 30 and the first Saturday in October through November 30. No environmental impact is expected as the result of the proposed amendment. The proposed amendment will increase angling opportunities for Delaware's trout anglers and it is anticipated that the return of trout fishing to Red Clay Creek will better distribute trout angling pressure.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3301 Definitions will open February 1, 2018. Individuals may submit written comments regarding the proposed changes via e-mail to 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 February 22, 2018 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Friday, March 9, 2018.

DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
3900 Wildlife

7 **DE Admin. Code** 3900 Wildlife is being proposed for amendment to comply with the decision of the Delaware Supreme Court in *Bridgeville R&P Club v. DNREC* (Dec. 7, 2017) that invalidated portions of the existing regulations governing firearms. The emergency regulations promulgated on December 26, 2017 will be superseded by these regulations.

These regulations are issued by the Secretary pursuant to the power conveyed by the General Assembly for DNREC to promulgate necessary regulations to protect wildlife, 7 **Del.C.** §103, and to "[e]stablish and promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State". 29 **Del.C.** §8003(7).

The hearing record on the proposed changes to 7 **DE Admin. Code** 3900 Wildlife will open February 1, 2018 and public comments will be accepted in accordance with 29 **Del.C.** §10118. Individuals may submit written comments regarding the proposed changes via e-mail to 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 March 12, 2018 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF PARKS AND RECREATION
PUBLIC NOTICE
9201 Regulations Governing State Parks

7 **DE Admin. Code** 9201 Regulations Governing State Parks are being proposed for amendment to comply with the decision of the Delaware Supreme Court in *Bridgeville R&P Club v. DNREC* (Dec. 7, 2017) that invalidated portions of the existing regulations governing firearms. The emergency regulations promulgated on December 26, 2017 will be superseded by these regulations.

These regulations are issued by the Secretary pursuant to the power conveyed by the General Assembly for DNREC to "[m]ake and enforce regulations relating to the protection, care and use of the areas it administers", 7 **Del.C.** §4701(a)(4), and to "[e]stablish and promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State". 29 **Del.C.** §8003(7).

The hearing record on the proposed amendments to 7 **DE Admin. Code** 9201 Regulations Governing State Parks will open February 1, 2018 and public comments will be accepted in accordance with 29 **Del.C.** §10118. Individuals may submit written comments regarding the proposed changes via e-mail to 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 March 12, 2018 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE
1353 Boiler Safety Regulations For Boilers, Pressure Vessels, and Nuclear

The proposed regulations reflect changes that will reduce the likelihood of an incident involving the loss of life and property from a boiler or pressure vessel due to an explosion, equipment failure, or harmful exposure to carbon monoxide. The proposed regulations require owners of boilers located in places accessible to the public such as commercial businesses, churches, hospitals, and schools, to conduct monthly inspections of their boiler systems and record any maintenance, testing, or service performed on the boiler. The proposed regulations also require owners to hire a licensed heating, ventilation, and air conditioning technician to perform an annual service check on the boiler system.

The proposed regulations also amend the inspection and testing requirements for pressure vessels associated with air cannons. The thickness of the wall of the pressure vessels must now be checked using ultrasonic testing technologies to ensure that the wall is thick enough to sustain the maximum allowable working pressure originally assigned to the pressure

vessel when it was manufactured. There are also requirements for owners to conduct penetrant testing and necessary repairs on the pressure vessel when a commissioned inspector detects cracks or surface defects during an inspection.

The hearing record on the proposed amendments to 7 **DE Admin. Code** 1353 Boiler Safety Regulations For Boilers, Pressure Vessels, and Nuclear Installations was open on January 1, 2018 and remains open. Public comments will be accepted through March 15th 2018, pursuant to Section 10118 of 29 Del. Code Chapter 101, Administrative Procedures. Individuals may submit written comments regarding the proposed changes via e-mail to 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 amendments will be held on Wednesday February 28, 2018 beginning at 6:00 PM in the DNREC Richardson and Robbins Building Auditorium, 89 Kings Highway Dover, DE 19901. The hearing originally was scheduled for January 25, 2018 but had to be rescheduled due to severe weather which prevented a legal notice from appearing in two newspapers with statewide circulation 20 days prior to the scheduled public hearing.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1400 BOARD OF ELECTRICAL EXAMINERS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1406(a)(1), the Delaware Board of Electrical Examiners has proposed revisions to its rules and regulations. The rules pertaining to late renewal for Electrical Inspection Agencies have been modified.

A public hearing will be held on March 7, 2018 at 8:30 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 on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be 15 days following the public hearing.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE

3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard (Opened August 23, 2005)

The Delaware Public Service Commission, in compliance with the Memorandum Opinion, issued December 30, 2016, in *Delaware Division of the Public Advocate v. Delaware Public Service Commission*, C.A. N15A-12-002 AML, and pursuant to 26 **Del.C.** §362(b), proposes to revise its regulations for the limited purpose of complying with the Memorandum Opinion, issued December 30, 2016, in *Delaware Division of the Public Advocate v. Delaware Public Service Commission*, C.A. N15A-12-002 AML; that is, specifically to promulgate regulations to amend 26 *Del. Admin. C.* §3008-3.2.21 and related regulations as needed to specify the procedures for freezing the minimum cumulative solar photovoltaic and eligible energy resource requirements under 26 **Del.C.** §354(i) and (j).

You can review the proposed revised Rules in the February 2018 issue of the Delaware *Register of Regulations*. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system DelaFile at <http://delafile.delaware.gov/> and for docket # input "Reg. 56." If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302) 736-7500. Copies in excess of the first twenty pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in DelaFile at <http://delafile.delaware.gov/> by filling out the Public Comment Form located under Public Links. Written comments can also be mailed to Joseph DeLosa, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904 or via email to joseph.delosa@state.de.us, with the subject line "Regulation Docket No. 56." Written comments will be accepted until Wednesday, March 14, 2018, pursuant to 29 **Del.C.** §10118(a).