

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

Notice of Proposed Rulemaking and Public Hearing

Proposed Amendments to the Administrative Manual and Special Regulations Regarding Natural Gas Development Activities; Additional Clarifying Amendments

Summary: The Commission will hold public hearings and accept written comment on a proposal to amend its *Special Regulations* by the addition of a section on hydraulic fracturing in shale and other rock formations, including: the prohibition of high volume hydraulic fracturing in such formations; provisions related to water use for hydraulic fracturing; and provisions related to the management of produced water from hydraulic fracturing. The Commission also proposes to amend its *Administrative Manual - Rules of Practice and Procedure* by the addition of project review classifications and fees related to the management of produced water from hydraulic fracturing of hydrocarbon bearing rock formations. Minor amendments to the project review classifications unrelated to hydraulic fracturing are also proposed.

DATES:

Written comments: Written comments will be accepted through 5 p.m. on February 28, 2018.

Public hearings:

1. January 23, 2018, 1 p.m. to 4:30 p.m., Waymart, Wayne County, PA
2. January 23, 2018, 6 p.m. to as late as 9:30 p.m., Waymart, Wayne County, PA
3. January 25, 2018, 1 p.m. to 4:30 p.m., Philadelphia, PA
4. January 25, 2018, 6 p.m. to as late as 9:30 p.m., Philadelphia, PA

On November 30, 2017, a notice including these public hearing dates, times and locations was posted on the DRBC website and circulated directly to DRBC notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additional comment opportunities or changes to the information provided above.

ADDRESSES:

Written comments will be accepted through the Commission's on-line public comment collection system at: <http://dockets.drbc.commentinput.com>. Requests to submit comments by another method will be granted based on lack of access to the web-based comment system. Requests may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

The hearing locations are:

1. Ladore Camp, Retreat and Conference Center, 287 Owego Turnpike, Waymart, PA 18472 (Jan. 23 hearings)
2. DoubleTree by Hilton Hotel Philadelphia Airport, 4509 Island Avenue, Philadelphia, PA 19153 (Jan. 25 hearings)

Additional opportunities for comment or changes to the public input process will be published on the Commission's website, drbc.net and through its Twitter account. To receive direct notice of such additions or changes, please subscribe through the Commission's website at: <http://www.nj.gov/drbc/contact/interest/>.

Public hearing registration procedures are set forth below.

Registration to Attend and Speak at a Public Hearing

To reduce uncertainty on the part of attendees about whether they will have a seat and an opportunity to speak at a public hearing, and to provide for a safe and orderly hearing process, the Commission is requiring on-line or on-site registration to attend each public hearing and is encouraging use of the on-line registration system, which will track and publish in real time the available capacity for each hearing. Advance registrants will be eligible to request speaking time and will be informed in advance if they have a reserved speaking slot. Those who register on site may sign up to speak if time allows or may be added to a waiting list. Key elements of the procedure are as follows:

- On-line or on-site registration is required to attend each public hearing.
- On-line registration will remain open until the beginning of each hearing.
- On-site registration will be available at the hearing venues.

- Available capacity for each hearing will be posted on the web-based registration system. When users access the system, they will see the number of seats still available or if the venue is at capacity.
- If capacity has been reached for a specific hearing, registrants will be placed on a waiting list.
- Those who do not register in advance are advised to check the availability of seats BEFORE planning travel to a hearing.
- **Those who pre-register on-line will be eligible to reserve an opportunity to speak at a hearing.**
- Prior to the hearing dates, the DRBC will contact all those who have pre-registered and provide them with an opportunity to request speaking time.
- If more people request to speak than time allows, those not assigned time will be placed on a waiting list.

Written and oral comment will receive equal consideration. See the "Public Process" subsection of **Supplementary Information** for additional details concerning the public hearings and submission of written comments.

Preamble

For background on the draft rule and a description of its contents, click here: http://regulations.delaware.gov/register/january2018/proposed/DRBC_preamble.pdf

Additional Information Regarding the Public Process

Substance of comments. The Commission expressly seeks comment on the effects the proposed rules may have within the basin on: water availability, the control and abatement of water pollution, economic development, the conservation and protection of drinking water supplies, the conservation and protection of aquatic life, the conservation and protection of water quality in Special Protection Waters, and the protection, maintenance and improvement of water quantity and quality basinwide. Comment is also requested on whether use of base fluids other than water for HVHF is practical within the basin and if so, how it should be addressed in these rules, and on any alternatives to the proposed rules that the commenters would like the Commission to consider, as well as on draft guidance published simultaneously with the rules for determining background concentrations of certain pollutants. The Commission welcomes and will consider any other comments that concern the potential effects of the draft rules on the conservation, utilization, development, management and control of the water and related resources of the Delaware River Basin. Comments on matters not within this scope may not be considered.

Non-digitized voluminous materials such as books, journals or collected letters/petitions will not be accepted. Digital submissions of these, as well as articles and websites, must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments may be submitted through the Commission's web-based comment system (<http://dockets.drbc.commentinput.com>) until 5 P.M. on February 28, 2018. All materials should be provided in searchable formats, preferably in.pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through a method other than the designated on-line method, including via email, fax, postal/delivery services or hand delivery, will be included in the rulemaking record if an express exception has been granted. Requests for exceptions to the submission of comments using the web-based system will be granted based on lack of access to the Internet and may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearings. Details regarding registration to attend public hearings and to request speaking time are set forth in the fourth section of this notice, captioned "Registration to Attend and Speak at a Public Hearing". Additional procedures are described here. Notably, municipal, county, state, and federal elected officials (and staff speaking on behalf of elected officials) will be asked to identify themselves as such when registering. The number of speakers and the number of attendees will be limited by the space and time available. In order to provide as many individuals who wish to speak as possible with an opportunity to do so, each person will be limited to one time slot at one hearing location. Depending on the number who wish to be heard, speakers will be limited to two or three minutes.

The Commission appreciates the public's participation and input on this important matter. In order to ensure that scheduled public hearings are orderly and safe, it is essential that public hearing procedures be followed. The Commission's policies related to speaker conduct, audience conduct, safety, security, signs, placards and banners will be in effect at these public hearings. Participants are requested to review all DRBC public hearing procedures on DRBC's website at:

http://www.state.nj.us/drbc/library/documents/procedures_public-hearings050317.pdf.

The public is reminded that oral and written comments will receive the same consideration.

Supplementary Information:

The Delaware River Basin Commission (DRBC or "Commission") is a regional interstate and federal agency formed by

concurrent compact legislation of the four basin states and the federal government in 1961 to manage the water resources of the Delaware River Basin without regard to political boundaries. Its members are, *ex officio*, 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. Most actions of the Commission, including the adoption of rules to effectuate, apply and enforce the compact, require a majority vote of the Commission's five members. The Commission is not subject to the requirements of the Delaware Administrative Procedure Act.

Detailed and up-to-date information about the public process, including links to the proposed rules and guidance are available on the Commission's website, drbc.net, and specifically, at:

http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html.

Proposed Rule Text

The draft rule text may be viewed here: <http://regulations.delaware.gov/register/january2018/proposed/DRBC Rule Text.pdf>

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, Sections 14.2 and 14.3 by clarifying that Delaware certified EMTs are required to obtain and maintain National Registry of Emergency Medical Technicians certification and providing a path for recertification for out of state EMTs.

The Board will hold a public hearing on the proposed regulation change on February 20, 2018 at 10:00 a.m., in the Commission Chamber, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments 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 will be accepted until March 8, 2018 pursuant to 29 **Del.C.** §10118(a).

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, January 18, 2018 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

Child Care Assistance

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) is proposing to amend Division of Social Services Manual regarding Child Care Assistance, specifically, *to clarify policy related to determination of eligibility*.

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 January 31, 2018. Please identify in the subject line: Child Care Assistance.

The action concerning 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
906 Use of Credit Information

The Department of Insurance (Department) hereby gives notice of the proposed repeal of existing Regulation 906, Use of Credit Information, effective on May 1, 2018.

HS1 for HB 80 replaced then existing Chapter 83 of the Delaware Insurance Code with a new chapter. The new chapter was signed into law on August 1, 2017, and it becomes effective on May 1, 2018. The new chapter sets forth the permissible uses of credit information in rating personal insurance, and prohibits insurance companies from increasing rates on current customers solely for having reached the age of 75 or above or for having a change in marital status due to the death of a spouse.

Regulation 906 is now outdated as it lacks many of the requirements in the new statute. Additionally, HS1 for HB 80 is sufficiently prescriptive to not warrant implementing regulations. Accordingly, the Department proposes to repeal existing Regulation 906. The repeal would be effective on May 1, 2018.

The Department does not plan to hold a public hearing on the proposed repeal. The text of the regulation to be repealed appears below and can also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>. The Department's docket number is DOI Docket No. 3690- 2017.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. 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 31st day of January, 2018. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
DOI Docket No. 3690-2017
Delaware Department of Insurance
841 Silver Lake Drive
Dover, DE 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
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 will be open January 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 amendments will be held on January 25, 2018 beginning at 6:00 PM in the DNREC Richardson and Robbins Building Auditorium, 89 Kings Highway Dover, DE 19901. Comments will be accepted in accordance with 29 **Del.C.** §10118.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
700 BOARD OF CHIROPRACTIC
PUBLIC NOTICE

The Delaware Board of Chiropractic, pursuant to 24 **Del.C.** §706(a)(1), proposes to revise its regulations. The proposed regulation increases the number of continuing education hours that can be taken in an asynchronous format from 6 to 12.

The Board will hold a public hearing on the rule change on February 1, 2018 at 8:30 a.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to LaTonya Brown, Administrator of the Board of Chiropractic, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, DE 19904. Written public comments will be accepted until February 16, 2018.

DIVISION OF PROFESSIONAL REGULATION
2600 EXAMINING BOARD OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2604(a)(1), the Delaware Examining Board of Physical Therapists and Athletic Trainers ("Board") has proposed revisions to its rules and regulations.

Revisions to Section 9.0 amend the requirements for physical therapist and physical therapist assistant applicants who were trained outside of the United States. Most such applicants will need to provide the Board with an evaluation of professional education and training prepared by a Board approved credentialing agency. For initial applicants, that is, applicants who are not applying by reciprocity, the evaluation must be based on the most recent Course Work Tool adopted by the Federation of State Boards of Physical Therapy. However, for applicants who are applying by reciprocity, the evaluation must be based on the Course Work Tool corresponding to the applicant's year of graduation. This change will facilitate licensure for applicants who were trained outside of the United States, but who have already been evaluated and licensed by another State. Where an applicant received a degree from a school accredited by an accrediting agency recognized by the Board, the school is considered equivalent to a domestic accredited school and the applicant is exempt from the requirement of evaluation by a credentialing agency. Finally, a new subsection 7.2 requires licensees to update addresses on a timely basis.

A public hearing will be held on January 23, 2018 at 4:30 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 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 Examining Board of Physical Therapists and Athletic Trainers, 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 February 7, 2018, 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

DIVISION OF PROFESSIONAL REGULATION
3100 BOARD OF FUNERAL SERVICES
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services has proposed revisions to its rules and regulations. Rules pertaining to cremation and crematoriums and inspection of funeral establishments are proposed to be added.

A public hearing will be held on January 23, 2018 at 10 a.m. in the second floor conference room B 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 Funeral Services, 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). Written public comments will be accepted until February 7, 2018.