

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

March 2025

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Commission's quarterly business meeting will be held on **Wednesday, March 12, 2025**, commencing at **10:30 a.m.** The business meeting will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

For additional information, including a link to the live stream of this event, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE

DELAWARE NUTRIENT MANAGEMENT COMMISSION

PUBLIC NOTICE

1204 Nutrient Management Turf Specific Regulations

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §§2201(5) and 2220(a), proposes the adoption of 3 **DE Admin. Code** 1204 Nutrient Management Turf Specific Regulations to regulate the application of nutrients to turf, including home and commercial lawns, over ¼ acre in size. The proposed regulations exclude athletic fields, golf courses, residential lots less than ¼ acre in size, and land used in the production for sale of sod or seed and only applies to commercial nutrient handlers who are paid to apply such nutrients.

Written comments should be sent to Brooke Walls, Acting-Administrator of the Delaware Nutrient Management Commission, 2320 S. DuPont Highway, Dover DE 19901. Written comments will be accepted until 5:00 p.m. on March 31, 2025 pursuant to 29 **Del.C.** § 10118(a).

FOOD PRODUCT INSPECTION

PUBLIC NOTICE

303 Delaware Raw Milk Regulations

Summary

The Delaware Department of Agriculture, in consultation with the Delaware Department of Health and Social Services, proposes to adopt a new regulation regarding fresh milk and raw milk in accordance with Title 3, Section 3181 of the Delaware Code. The purpose of the proposed regulation is to administer and enforce the permitting, testing, and inspection requirements applicable to the sale and distribution of fresh milk, raw milk, and other products derived from raw milk that are intended for human consumption. Other regulations issued by the Delaware Department of Agriculture are not affected by this proposal. The Delaware Department of Agriculture is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the March 1, 2025 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture Food Products Inspection, 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.

A public hearing will be held on March 25, 2025 at 9:30 a.m. in Conference Room A at the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware. Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before April 11, 2025. Written materials submitted will be available for inspection at the above address.

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 HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Juvenile Justice Initiative

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Supplement 5 to Attachment 3.1-A page 7, Supplement 5 to Attachment 3.1-A page 8, Supplement 5 to Attachment 3.1-A page 9, Supplement 5 to Attachment 3.1-A page 10, Supplement 5 to Attachment 3.1-A page 11, Supplement 5 to Attachment 3.1-A page 12, Supplement 5 to Attachment 3.1-A page 13, Attachment 3.1-M page 1, Attachment 3.1-M page 2, and Attachment 4.19-B page 30, specifically, to expand services provided for incarcerated individuals.

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 by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2025. Please identify in the subject line: Juvenile Justice Initiative.

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 PUBLIC HEALTH

PUBLIC NOTICE

4104 Delaware Conrad State 30/J-1 Visa Waiver Program

Pursuant to 16 **Del.C.** §122(3), the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to Regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program and intends to hold them open for public comment per Delaware law. The revisions include the addition of a definitions section, updated forms, and technical changes that will bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the March 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302)

744-4951.

Public comments will be accepted until 4:30 p.m. on April 1, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

**DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4461 State of Delaware Milk Code**

Pursuant to 16 **Del.C.** §122, the Health Systems Protection section within the Division of Public Health, Department of Health and Social Services, is proposing revisions to the State of Delaware Milk Code, as described in subsection 2.1 of this regulation. A summary of the major changes can be found below:

Item 12r	Positive ventilation during cleanings in automatic milking installation (AMI) milking unit rooms may not be required in installations where AMI milking rooms are separated from the housing unit.
Section 3	The following clarification language was added. Food manufacturing facilities that are only receiving Grade "A" milk products for use as an ingredient in another food that is not a Grade "A" milk product defined in the Ordinance are exempt from the permit requirements of Section 3.
FDA Forms	The following Food and Drug Administration (FDA) forms used during ratings have been updated: <ul style="list-style-type: none">• Form 2359 - Milk Plant Inspection Report• Form 2359d - Report of Certification• Form 2359i - Interstate Milk Shippers (IMS) Report• Form 2359j - Milk Sanitation Rating Report• Form 2359L - Status of Milk Plants• Form 2359p - National Conference on Interstate Milk Shipments (NCIMS) Aseptic Processing and Packaging Program and Retort Processed After Packaging Program Critical Listing Elements
Section 5	Industry plant samplers have been added to the list of approved certified industry inspections that can be conducted cooperatively.
Appendix N	A definition section and flowcharts have been added to Appendix N of the code to standardize the understanding of the testing requirements of raw milk.
MMSR	Milk plants not in compliance with Appendix T during re-inspections will not be removed from the IMS list. Instead, corrections to be implemented by the facility will be jointly developed with the FDA and the State regulatory authority.

Delaware is proposing amendments to the 2015 Delaware milk code by incorporating, by reference, all model documents from the 2023 NCIMS. This includes the FDA Grade "A" Pasteurized Milk Ordinance, 2023 revision; Procedures Governing the Cooperative State-Public Health Service/FDA Program of the NCIMS, 2023 revision; Evaluation of Milk Laboratories, 2023 revision and Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers, 2023 revision.

Copies of the proposed regulations are available for review in the March 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4700.

Public comments will be accepted until 4:30 PM on April 2, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE REGISTER NOTICE 3801 Shellfish Aquaculture

The hearing record on the proposed changes to **3801 Shellfish Aquaculture** opens March 1, 2025 (Hearing Docket No. 2024-R-F-0018). The virtual public hearing will be held on Tuesday, March 25, 2025, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID: 832 8651 9336 Passcode: 428469 To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed captioning is available in over 20 languages, including English and Spanish, to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

The proposed amendments may be inspected online starting March 1, 2025 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be received until close of business Wednesday, April 9, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION
Board of Funeral Services
PUBLIC NOTICE
3100 Board of Funeral Services

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services ("Board") has proposed revisions to its Rules and Regulations. This proposed amendment is required by 84 **Del.Laws**, c. 261 §§15-16 (requiring the Board to promulgate regulation concerning the practice of human natural organic reduction). *See also*, 24 **Del.C.** §3105(a)(17).

The Delaware General Assembly passed, and on May 16, 2024 Governor John Carney signed, 84 **Del.Laws**, c. 261 (formerly House substitute no. 1 for House bill no. 162 as amended by House amendment no. 5). That action requires the Board to promulgate regulations, within 1 year of May 16, 2024. This law requires the Board to define those practices that are necessary to establish the practice of the natural organic reduction of human remains and the operation of facilities offering the service of the natural organic reduction of human remains and to coordinate with other relevant State agencies and instrumentalities to reach a conclusion. Amendments proposed to Sections 4.0, 13.0, and 14.0 respond to the requirement established by law to do so.

Other amendments, in Sections 13.0 and 14.0, are intended to clarify and improve the Board's inspection program of funeral establishments. That program was created pursuant to 24 **Del.C.** §3105(a)(15).

Further amendments in Section 4.0 define and clarify the Board's requirements for funeral establishments and branch funeral establishments, each of which are permitted pursuant to 24 **Del.C.** §3117. These proposed amendments include requirements for obtaining permits for funeral establishments and branch funeral establishments. The proposed amendments also provide the way permitted establishments shall be required to identify their facilities to the Board. The proposed amendments also set forth the required disclosures to be made to the Board concerning the facilities available at permitted establishments and branch establishments as well as the requirements for decommissioning previously available facilities.

Amendments to Section 7.0 propose to delete outdated provisions that are no longer relevant to the Board or its licensees and permit holders.

The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The Board will hold a public hearing on the proposed regulation changes on March 25, 2025, at 10:00 a.m. in the second-floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. 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 or to Pamela.Zickafoose@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be April 9, 2025. The Board will deliberate on all public comments at its next scheduled meeting on April 10, 2025.

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
PUBLIC NOTICE
Rule 203 (Formerly Rule 36) Delivery, Sale and Consumption of Alcoholic Liquors for On-Premises Consumption

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 edit the existing regulation at 4 **DE Admin. Code** 203 to allow on-premises licensees to sell, serve or deliver and patrons to

consume alcoholic liquors 1 hour earlier, at 8 a.m., from the former time of 9 a.m., to comply with amendments to 4 **Del.C.** §709.

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. 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 p.m. EST, April 1, 2025.

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.
