

DELAWARE SOLID WASTE AUTHORITY

PUBLIC NOTICE

501 Regulations of the Delaware Solid Waste Authority

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406, 6421 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") will conduct a hearing to consider amendments to the Regulations of the Delaware Solid Waste Authority (adopted June 7, 2001).

The hearing is to provide an opportunity for public comment on the proposed amendments. The public record will close at the close of the hearing, unless the hearing officer extends the comment period at the close of the hearing.

The hearing will be held Thursday, November 6, 2008 at 5:00 P.M. at Delaware Technical Community College, Terry Campus, Corporate Training Center, Room 400 Dover, Delaware 19903.

The Delaware Solid Waste Authority will receive oral and written comments, suggestions, compilations of data, briefs or other written material until the close of the hearing on November 6, 2008. Written comments, suggestions, compilations of data, briefs or other written material may be submitted at the hearing or sent to Michael D. Parkowski, Manager of Business Services and Governmental Affairs, Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19903. Anyone wishing to obtain a copy of the proposed rules and regulations may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19903, (302) 739-5361.

The proposed amendments encompass numerous changes to the comprehensive regulations of the Delaware Solid Waste Authority, which were last amended in the year 2001. The proposed regulations are intended to update the current regulations consistent with current practices and objectives. Significant highlights of proposed amendments include the following: (a) changes to licensing requirements, including a new requirement of a license to haul dry waste; (b) contractors with certain governmental entities to use DSWA facilities for the disposal of certain waste; (c) a requirement for the filing of an annual registration statement by owners and operators of recycling programs and facilities; and (d) numerous textual and definitional changes to the current regulations.

DEPARTMENT OF AGRICULTURE

DIVISION OF ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION

PUBLIC NOTICE

304 Exotic Animal Regulations

The Delaware Department of Agriculture proposes these regulations in accordance with the General Assembly's mandate to enforce Chapter 72 of Title 3 of the **Delaware Code** and to specify the means by which citizens of the State of Delaware may obtain a permit from the Delaware Department of Agriculture to possess, sell, or exhibit, exotic animals within the state. It should be noted here that these regulations do not supersede **Delaware Code** Title 7 Chapter 6 regarding Endangered Species.

The Delaware Department of Agriculture solicits written comments from the public concerning these proposed regulations. Any such comments should be submitted to the Acting State Veterinarian, Caroline Hughes, VMD, at Delaware Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901 on or before November 1, 2008. Copies of the proposed regulations are available on request.

THOROUGHBRED RACING COMMISSION
PUBLIC NOTICE
1001 Thoroughbred Racing Rules and Regulations

The Delaware Thoroughbred Racing Commission in accordance with 3 **Del.C.** §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 11 of the rules and regulations to address Entries, Subscriptions, Delegations by amending existing Rules 11.4.2 and 11.4.3.

A public hearing will be held on October 21, 2008 at 10:00 a.m. in the second floor conference room of the Horsemen's Office at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml. Persons wishing to submit written comments may forward these to the attention of John F. Wayne, Executive Director, at the above address. The final date to receive written comments will be at the public hearing.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, October 16, 2008 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
4406 Home Health Agencies--Aide Only (Licensure)

The Department Health and Social Services is proposing regulations which establish standards for regulation of the operation of Home Health Agencies. The regulations for Home Health Agencies apply to any program that provides directly or through contract arrangements, to individuals primarily in their place of residence either (1) home health aide services only; or (2) two or more home care services one of which must be either licensed nursing services or home health aide services.

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), will hold a public hearing to discuss the proposed Delaware Regulations for Home Health Agencies. The regulations for Home Health Agencies apply to any program that provides directly or through contract arrangements, to individuals primarily in their place of residence either (1) home health aide services only; or (2) two or more home care services one of which must be either licensed nursing services or home health aide services.

The public hearing will be held on October 23, 2008 at 10:00 a.m. in the Felton-Farmington Room, located in the Delaware Department of Transportation Building, 800 Bay Road, Dover, Delaware.

Copies of the proposed regulations are available for review in the October 1, 2008, edition of the Delaware Register of Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Facilities Licensing and Certification at (302) 995-8521.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by October 20, 2008. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments, by October 30, 2008, to:

Deborah Harvey, Hearing Officer

Division of Public Health
417 Federal Street
Dover, DE 19901
Fax (302) 739-6659

DIVISION OF PUBLIC HEALTH
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
4410 Skilled Home Health Agencies (Licensure)

The Department Health and Social Services is proposing regulations which establish standards for regulation of the operation of Home Health Agencies. The regulations for Home Health Agencies apply to any program that provides directly or through contract arrangements, to individuals primarily in their place of residence either (1) home health aide services only; or (2) two or more home care services one of which must be either licensed nursing services or home health aide services.

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), will hold a public hearing to discuss the proposed Delaware Regulations for Home Health Agencies. The regulations for Home Health Agencies apply to any program that provides directly or through contract arrangements, to individuals primarily in their place of residence either (1) home health aide services only; or (2) two or more home care services one of which must be either licensed nursing services or home health aide services.

The public hearing will be held on October 23, 2008 at 10:00 a.m. in the Felton-Farmington Room, located in the Delaware Department of Transportation Building, 800 Bay Road, Dover, Delaware.

Copies of the proposed regulations are available for review in the October 1, 2008, edition of the Delaware Register of Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Facilities Licensing and Certification at (302) 995-8521.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by October 20, 2008. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments, by October 30, 2008, to:

Deborah Harvey, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901
Fax (302) 739-6659

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF AIR AND WASTE MANAGEMENT
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
1302 Regulations Governing Hazardous Waste

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State regularly amends the *DRGHW* by adopting amendments previously promulgated by EPA. In addition, the State is proposing to make

miscellaneous changes to the *DRGHW* that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations.

The public hearing on the proposed amendments to *DRGHW* will be held on Thursday October 23, 2008 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

PREPARED BY:

Bill Davis, Environmental Scientist, Solid and Hazardous Waste Management
(302) 739-9403

DIVISION OF FISH AND WILDLIFE

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

**3203 Seasons and Area Closed to Taking Horseshoe Crabs, and
3214 Horseshoe Crab Annual Harvest Limit**

The Department adopted regulations (Order Number 2007-F-0044) effective November 11, 2007 to implement the horseshoe crab mandatory harvest provisions in Addendum IV of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the Horseshoe Crab. As a follow-up to this Order, the Department is proposing regulations designed to be in compliance with the provisions of the Atlantic States Marine Fisheries Commission Addendum V to the Interstate Fishery Management Plan for Horseshoe Crab. These regulations would extend for another year the prohibition on the harvest and landing of all horseshoe crabs in Delaware waters from January 1 through June 7, and prohibit the harvest and landing of female horseshoe crabs for the remainder of the year as well. During the period June 8 through December 31, up to 100,000 male horseshoe crabs may be harvested from approved harvest areas in Delaware. These harvest limits may be extended for a second year according to the provisions of Addendum V provided the Atlantic States Marine Fisheries Commission elects to do so. In addition it is proposed that where beach collecting is presently legal, that beach collecting of horseshoe crabs to be allowed to continue until July 31 of each year. Since no harvesting is allowed prior to June 8, and most of the migratory shorebirds that feed on horseshoe crab eggs will have departed from Delaware Bay by then, there should be no additional impacts to shorebirds from allowing harvesting to extend beyond the last day of June until the end of July. By harvesting only male horseshoe crabs, females would be further protected and will be available to participate in the annual spawn without being subject to harvest at any point during the year. No other changes to reporting requirements or other horseshoe crab regulations are proposed.

This regulation may be extended for an additional year beyond 2009 pending approval by the Atlantic States Marine Fisheries Commission.

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, (302) 739-9914. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control Auditorium, at 89 Kings Highway, Dover, DE at 7:00 PM on October 30, 2008. Individuals may present their opinion and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901 or via e-mail to Lisa.Vest@state.de.us. The hearing record will remain open for written or e-mail comments until 4:30 PM November 3, 2008.

Prepared By:

Roy W. Miller

302-739-9914

September 15, 2008

DIVISION OF WATER RESOURCES
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
7404 Total Maximum Daily Load (TMDL) for Zinc in the Red Clay Creek, Delaware

The Department of Natural Resources and Environmental Control (DNREC) is proposing to adopt an amended Total Maximum Daily Load (TMDL) Regulation for zinc in the Red Clay Creek. The original TMDL Regulation for zinc in the Red Clay Creek was published in the Delaware Register of Regulations on December 1, 1999 (3 DE Reg. 806 (12/1/99)). That TMDL Regulation was appealed by the National Vulcanized Fiber (NVF) Company to the State Environmental Appeals Board and the State Superior Court. The Department entered into a Settlement Agreement with the NVF Company in February of 2007, thereby resolving the appeal subject to the conditions of the Agreement. One condition of the Settlement Agreement was for the Department to consider an amended TMDL based upon a lognormal probability modeling approach. Such an approach provides an improved match between the strength, location, and timing of zinc mass loading to the Red Clay Creek with the inherent ability of the Red Clay Creek to assimilate the zinc loading without adverse impact. The lognormal probability modeling has been completed and the Department is now proposing to adopt an amended TMDL based upon the approach.

Following adoption of the amended Total Maximum Daily Load for zinc in the Red Clay Creek, the Department will submit the Final TMDL Regulation to the U.S. Environmental Protection Agency (EPA) for their review and approval. The Department will also monitor compliance with the terms of the Settlement Agreement between the Department and the NVF Company to ensure commitments are being met.

The authority to develop (and amend) a TMDL is provided by Title 7 of the **Delaware Code**, Chapter 60, and Section 303(d) of the federal Clean water Act, 33 U.S.C. 1251 et. seq., as amended.

A public hearing will be held on the proposed regulation to amend the Department of Natural Resources and Environmental Control's Total Maximum Daily Load regulation for zinc in the Red Clay Creek, Delaware. The public hearing will be held on Tuesday, October 28, 2008, beginning at 6:00 p.m., at the Delaware Department of Natural Resources and Environmental Control, 391 Lukens Drive, New Castle, Delaware.

If you are unable or do not wish to attend the hearing, you may submit written comments to the Department by 4:30 p.m., November 5, 2008. Comments should be directed to the attention of Maryann Pielmeier, DNREC, Watershed Assessment Section, 820 Silver Lake Blvd., Suite 220, Dover, DE, 19904-2464, (maryann.pielmeier@state.de.us), fax: (302) 739-6140.

Additional information and supporting technical documents may be obtained from the Watershed Assessment Section, Division of Water Resources, Department of Natural Resources and Environmental Control, Silver Lake Plaza, Suite 220, 820 Silver Lake Blvd., Dover, DE 19904-2464, (302) 739-9939. Supporting technical documents will also be available beginning October 1, 2008 at the following DNREC web site: <http://www.dnrec.state.de.us/water2000/Sections/Watershed/TMDL/tmdlinfo.htm>.

Prepared By:

Richard Greene, Watershed Assessment Section, (302) 739-9939.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
BOARD OF EXAMINERS OF CONSTABLES
PUBLIC NOTICE
2400 Constables

Notice is hereby given that the Board of Examiners of Constables, in accordance with **Delaware Code** Title 10 Chapter 27 proposes to amend Rule 4.0 – Employment. This amendment will clarify the employment requirements of a Constable. If you wish to view this adoption, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by October 31, 2008, to Delaware State Police, Detective

Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold a special meeting in the Fall 2008, at the Delaware State Police Headquarters Conference Room, 1441 North DuPont Highway in Dover, Delaware.

DEPARTMENT OF STATE
OFFICE OF THE STATE BANK COMMISSIONER
PUBLIC NOTICE
2401 Mortgage Loan Originator Licensing

The State Bank Commissioner proposes to adopt new Regulation 2401 ("Mortgage Loan Originator Licensing"). This proposed regulation implements a new Chapter 24 of Title 5 of the **Delaware Code** dealing with the licensing of mortgage loan originators. It establishes criteria and procedures relating to license applications, exemptions, denials, suspensions, revocations, inactive status, surrender, expiration, record keeping and reporting. It also specifies applicable fees and the duties of originating entities that employ mortgage loan originators. The State Bank Commissioner would adopt the proposed new Regulation 2401 on or after November 6, 2008. Other regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing this regulation in accordance with Title 5 of the **Delaware Code**.

A copy of the proposed new regulation is published in the *Delaware Register of Regulations*. A copy is also on file in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, Dover, DE 19901 and is available for inspection during regular office hours. Copies are available upon request.

Interested parties are invited to comment or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner as to whether this proposed new regulation should be adopted, rejected or modified. Written materials submitted will be available for inspection at the above address. Comments must be received at or before the public hearing scheduled for 10:00 a.m. Thursday, November 6, 2008.

A public hearing on the proposed regulation will be held in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, Dover, DE 19901 on Thursday, November 6, 2008, commencing at 10:00 a.m. This notice is issued pursuant to the requirements of Subchapter III of Chapter 11 and Chapter 101 of Title 29 of the **Delaware Code**.