

DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
1201 Nutrient Management Certification Regulations
PUBLIC NOTICE

Nutrient Management Certification Regulation Amendments: Certification by the Delaware Nutrient Management Program, 2320 S. Dupont Hwy., Dover, DE 19901, is required (3 **Del.C.** §2201 - 2290) for all who apply fertilizer and/or animal manure greater than 10 acres or who manage animals greater than 8,000 pounds of live animal weight. The proposed changes to the certification regulations establish nutrient handling requirements for certain nutrient handlers. The proposed regulatory amendments address field staging and stockpiling of poultry manure.

Comments on the proposed changes will be accepted from October 1, 2010 until October 31, 2010. Any comments should be provided to the Nutrient Management Program office located at 2320 S. Dupont Hwy., Dover, DE 19901, ATTN: Mark Davis

The revised regulations are being amended to clarify the Delaware Nutrient Management Commission's and the Delaware Department of Agriculture's regulatory position related to the temporary outdoor storage of manure. The amended regulations will also now be aligned with the new confined animal feeding operation regulations.

The proposed regulations are posted on the Delaware Department of Agriculture website (www.dda.delaware.gov) Hard copies of the proposed regulations may be obtained from the Delaware Department of Agriculture. Comments may be submitted in writing and/or e-mail to the Mark Davis, (mark.davis@state.de.us), at the Delaware Department of Agriculture, on or before October 31, 2010. A public hearing on these regulations will NOT be held unless the Secretary of Agriculture and the Delaware Nutrient Management Commission (in accordance with 3 **Del.C.**, Section 2221) receive a request within 30 days from this notice, or if the Secretary determines that a public hearing is in the public interest. A request for a hearing shall be in writing and shall state the nature of the issues to be raised at the hearing. It must show familiarity with the proposal and a reasoned statement of the proposed regulations impact. It is requested that written comments, or requests for a hearing be addressed to:

Mark Davis
Department of Agriculture
2320 South DuPont Highway
Dover, DE 19901
Mark.davis@state.de.us

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, September 16, 2010 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Durable Medical Equipment (DME) Provider Specific Policy Manual
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 Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding *Durable Medical Equipment*.

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 October 31, 2010.

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
4459A Regulations for the Childhood Lead Poisoning Prevention Act
PUBLIC NOTICE

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services, will hold a public hearing to discuss the proposed Delaware Regulations governing the Childhood Lead Poisoning Prevention Act.

Currently, the State of Delaware requires lead poisoning screening for children at 12 months of age. The Childhood Poisoning Prevention Act requires a formal screening process be developed so that children at high risk for lead exposure can receive an additional screening test at 24 months of age, while children at lower risk will continue to receive only the currently required screening at 12 months of age. The Division of Public Health plans to promulgate regulations governing the Childhood Lead Poisoning Prevention Act that address a new blood lead screening, record retention protocol, and the requirements of compliance, enforcement, and penalties for violators.

The public hearing will be held on October 22, 2010, at 10:00 a.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the October 1, 2010 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4705.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by October 20, 2010. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by November 1, 2010 to:

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

DEPARTMENT OF INSURANCE
506 Crop Insurance Adjusters and Producers
NOTICE OF PUBLIC COMMENT PERIOD

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 506 relating to Crop Producers and Adjusters. The docket number for this proposed amendment is 1456.

The purpose of the proposed Regulation 506 is to delineate licensing and continuing education requirements for producers and adjusters specifically for Crop Insurance. The text of the proposed amendment is reproduced in the October 2010 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday, November 1, 2010, and should be

addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

DEPARTMENT OF INSURANCE
507 Workers' Compensation Insurance Adjusters
NOTICE OF PUBLIC COMMENT PERIOD

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 507 relating to Workers Compensation Adjusters. The docket number for this proposed amendment is 1457.

The purpose of the proposed Regulation 507 is to delineate licensing and continuing education requirements for adjusters specifically for Workers' Compensation Insurance. The text of the proposed amendment is reproduced in the October 2010 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday, November 1, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION
CONSUMER PROTECTION UNIT
103 CPU Administrative Enforcement Proceedings
PUBLIC NOTICE

The Attorney General in accordance with 29 **Del.C.** §2521 has proposed to adopt rules and regulations for administrative enforcement of the consumer protection statutes.

A public hearing will be held at 10:00 a.m. on Wednesday, November 3, 2010, in the Attorney General's conference room on the 6th floor of the Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, where members of the public may offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Consumer Protection Unit of the Department of Justice at Carvel State Office Building, 5th floor, 820 N. French Street, Wilmington, DE 19801. Persons wishing to submit written comments may forward these to the Director of the Consumer Protection Unit at the above address. The final date to submit written comments will be at the public hearing.

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Office of Labor Law Enforcement
1327 Notice of Independent Contractor or Exempt Person Status
PUBLIC NOTICE

The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement gives notice

that it has created a form for employer to complete which contains guidelines of the notice required to be provided to an individual of their classification as either an independent contractor or an exempt person. The Office of Labor Law Enforcement will receive written public comment as to the notice form beginning Friday, October 1, 2010 and ending on Thursday, October 31, 2010, at the Delaware Department of Labor, 225 Corporate Blvd., Suite 104, Newark, Delaware 19702.

The Office of Labor Law Enforcement proposes to adopt the Notice of Independent Contractor or Exempt Person Status form as presented in this notice. The proposed form is published in the Delaware Register of Regulations. Copies are available at the Department of Labor, Division of Industrial Affairs, 225 Corporate Blvd., Suite 104, Newark, DE 19702. A copy can be obtained by contacting Francis Chudzik, Supervisor in the Office of Labor Law Enforcement at (302) 451-3401. Persons may submit written comment to the Office of Labor Law Enforcement c/o Francis Chudzik at the address and for the time period set forth above.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT 1125 Requirements for Preconstruction Review 1130 Title V State Operating Permit Program PUBLIC NOTICE

The Department proposes to revise Section 3.0 "Prevention of Significant Deterioration of Air Quality "(PSD) of 7 **DE Admin. Code** 1125, and Section 2.0 "Definitions" of 7 **DE Admin. Code** 1130 to clarify how air permitting requirements apply to greenhouse gas emissions. The Departments proposal is based on an Environmental Protection Agency rule, 75 FR 31514 Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (June 3, 2010).

The Department will hold a public hearing on these proposed amendments on Thursday, October 28, 2010 beginning at 6:00pm in the Richardson and Robbins Building auditorium, located at 89 King's Highway in Dover. Interested persons may submit comments in writing to Ronald A. Amirikian, Division of Air Quality, 655 South Bay Road, Suite 5N, Dover, DE 19901 and/or statements and testimony may be presented either orally or in writing at the public hearing.

DIVISION OF AIR AND WASTE MANAGEMENT 1140 Delaware Low Emission Vehicle Program PUBLIC NOTICE

The provisions of this regulation establish in Delaware a LEV program, which incorporates the requirements of the California LEV program.

The LEV program shall apply to all model year 2013 and subsequent motor vehicles that are passenger cars and light-duty trucks subject to the California LEV program and delivered for sale in Delaware on or after January 1, 2013.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Friday, October 22, 2010 beginning at 6:00 p.m. in DNREC's R & R Building auditorium, Dover, DE. Interested parties may submit comments in writing to:

Kristoffer Gontkovsky
DNREC Division of Air Quality
BHCC 655 South Bay Road Suite 5N
Dover, DE 19901

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 their rules and regulations. The proposed revisions to the rules are an attempt to better organize and clearly establish the standards governing licensed chiropractors in the State of Delaware.

The Board will hold a public hearing on the proposed rule change on November 4, 2010 at 09:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Nancy Fields, Administrator of the Delaware Board of Chiropractic, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION
5200 Board of Examiners of Nursing Home Administrators
PUBLIC NOTICE

The Delaware Board of Examiners of Nursing Home Administrators, pursuant to 24 **Del.C.** §5206(1), proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt to better organize and clearly establish the standards governing licensed nursing home administrators in the State of Delaware.

The Board will hold a public hearing on the proposed rule change on November 9, 2010 at 2:00 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michele Urbaniak, Administrator of the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904.

PUBLIC SERVICE COMMISSION
3001 Regulations Governing Service Supplied by Electrical Corporations
PUBLIC NOTICE

That this docket is reopened to consider further revisions to the Commission's *Rules For Certification And Regulation Of Electric Suppliers*, adopted by PSC Order No. 5207 (Aug. 31, 1999) and revised from time to time (the "Regulations"). The proposed revisions are required by the recent amendments to Sections 1001 and 1014 of Title 26. A copy of the Regulations, showing in red-line the proposed revisions, is appended as Exhibit "A" to this Order.

That, pursuant to 29 **Del.C.** §§10113 and 10115, the Commission Secretary shall transmit to the Registrar of Regulations for publication in the October 2010 *Delaware Register of Regulations* a copy of this Order; a copy of the Regulations, showing the proposed changes; and a copy of a notice attached hereto as Exhibit "B." In addition, the Secretary shall cause the notice attached as Exhibit "B" to be published in *The News Journal* and the *Delaware State News* newspapers on or before September 30, 2010. The Secretary shall include proof of such publication in the docket file before the public hearing in this matter. Further, the Secretary shall serve (by regular mail or by electronic e-mail) a copy of such Notice on: (a) the Division of the Public Advocate; (b) the State Energy Office; (c) Delmarva Power & Light Company; (d) all certificated electric suppliers; and (e) each person or entity who has made a timely request for advance notice of regulation-making proceedings.

That, pursuant to 29 **Del.C.** §§10115(a) and 10116, persons or entities may file written comments, suggestions, compilations of data, briefs, or other written materials, on or before October 31, 2010. Pursuant to 29 **Del.C.** §10117, the Commission will conduct a public hearing on the proposed revisions to the Regulations on December 7, 2010, beginning at 1:00 p.m. at the Commission's office at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware.

That the Commission will defer for the time being referring this matter to a Hearing Examiner under 26 **Del.C.** §502 and 29 **Del.C.** §10116. Depending on what, if any, comments are received to the proposed revisions to the Regulations, the Commission may determine at a later time that it is necessary to appoint a Hearing Examiner.

That at such time as these regulations are approved in an order as final by the Commission, tariffs in compliance with the final regulations as approved by the Commission shall be filed by Delmarva Power & Light Company within 45 days of such a final order.

That, pursuant to 26 **Del.C.** §§114 and 1012(c)(2), all electric suppliers and electric public utilities are hereby notified that they will be charged the costs incurred in connection with this proceeding under the provisions of 26 **Del.C.** §114(b)(1).

The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

PUBLIC SERVICE COMMISSION

3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard PUBLIC NOTICE

The Public Service Commission proposes to revise its "Rules and Procedures to Implement the Renewable Energy Portfolio Standard," originally adopted by PSC Order No. 6931 (June 6, 2006) and published at 10 DE Reg. 151-57 (the "RPS Rules").

That, pursuant to 29 **Del.C.** §§1133 and 10115(a), the Secretary shall transmit to the Registrar of Regulations for publication in the *Delaware Register of Regulations* a copy of this Order, along with copies of the proposed revised RPS Rules (Exhibit "A") and the Notice of Proposed Rule-Making, attached as Exhibit "B." The Secretary shall also cause such Notice of Proposed Rule-Making to be published in *The News Journal* and the *Delaware State News* newspapers on or before October 1, 2010. The Secretary shall include proof of such publication in the docket file before the public hearing in this matter. Further, the Secretary shall serve (by regular mail or by electronic e-mail) a copy of such Notice on: (a) the Division of the Public Advocate; (b) the Delaware Energy Office; (c) Delmarva Power & Light Company; (d) all certificated electric suppliers and rural electric cooperatives; and (e) each person or entity who has made a timely request for advance notice of regulation-making proceedings.

That, pursuant to 29 **Del.C.** §§10115(a) and 10116, persons or entities may file written comments, suggestions, compilations of data, briefs, or other written materials, on or before October 31, 2010. Pursuant to 29 **Del.C.** §10117, the Commission will conduct a public hearing on the proposed revisions to the RPS Rules on November 18, 2010 beginning at 1:00 P.M. at the Commission's office at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware.

That the Commission will defer for the time being referring this matter to a Hearing Examiner under 26 **Del.C.** §502 and 29 **Del.C.** §10116. Depending on what, if any, comments are received to the proposed revisions to the Regulations, the Commission may determine at a later time that it is necessary to appoint a Hearing Examiner.

That, pursuant to 26 **Del.C.** §§114 and 1012(c)(2), all electric suppliers and electric public utilities are hereby notified that they will be charged the costs incurred in connection with this proceeding under the provisions of 26 **Del.C.** §114(b)(1).

The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

14 DE Reg. 327 (10/01/10)