

**DEPARTMENT OF EDUCATION
PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, October 18, 2012 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
3220 Training and Qualifications for Nursing Assistants and Certified Nursing Assistants
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 29 of the **Delaware Code**, Section 7903(10), Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to amend Regulation 3220 - Training and Qualifications for Nursing Assistants and Certified Nursing Assistants.

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 Deborah Gottschalk, Chief Policy Advisor, Office of the Secretary, Main Admin Building, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4429 by Thursday, November 1, 2012.

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.

This regulatory proposal amends the existing regulations by establishing reporting requirements for Certified Nurse Aide training program providers and makes some minor revisions in training curricula.

**DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
3230 Rest (Residential) Home Regulations
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 29 of the **Delaware Code**, Section 7903(10), Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to amend Regulation 3230 – Rest (Residential) Home Regulations.

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 Deborah Gottschalk, Chief Policy Advisor, Office of the Secretary, Main Admin Building, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4429 by Thursday, November 1, 2012.

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.

This regulatory proposal amends the existing regulations as outlined below:

- Updates language and care techniques.
- Updates environment, emergency preparedness and personnel requirements.
- Conforms records and reporting requirements for Rest (Residential) Homes to the standards in effect for all other licensed facilities.
- Eliminates the list of Notifiable Diseases and incorporates by reference current CDC standards.

**DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE
3034 General Assistance Time Limits**

General Assistance is a State-funded program designed to provide cash assistance to families and unemployable individuals who meet the financial eligibility requirements of the program and who do not qualify for federally funded

programs, such as Temporary Assistance for Needy Families (TANF) or Social Security benefits.

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 Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding General Assistance, specifically, *General Assistance Time Limits*.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by October 31, 2012.

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 SOCIAL SERVICES
11003.2.1 Sanctioning TANF and Transitional Work Program Recipients
PUBLIC NOTICE

The proposed change described below amends Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *TANF and Transitional Work Program Sanctions*.

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 Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Sanctioning TANF and Transitional Work Program Recipients*.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by October 31, 2012.

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
OFFICE OF THE SECRETARY
104 Regulations for the Green Energy Program
PUBLIC NOTICE

The State of Delaware Green Energy Fund was created by House Bill 10 in 1999 as part of the deregulation of Delaware's electric utilities. Currently, the program regulations need to be revised due to changes to the program required by the recent legislative updates enacted by S.B. 266 in 2010. Additionally, revisions to the Green Energy Program regulations are needed to streamline the Green Energy Program requirements to increase process efficiency. The Green Energy Fund regulations are being revised to adhere to requirements in the Delaware Energy Act and to further streamline Green Energy Fund programs. The proposed draft regulations include changes to the programs which seek to make the administration of the programs more efficient and improve the sustainability of the Green Energy Fund programs.

DNREC will hold a public hearing for renewable energy installers and other interested parties on proposed revisions to the regulations for the Green Energy Fund on Wednesday, November 14, 2012 at 6:00 pm in the DNREC Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover. The hearing will present information about the proposed draft regulations and collect input from the public and stakeholders regarding these changes.

A copy of the proposed draft regulations and a summary of the major updates are available for review on DNREC's Green Energy Fund website http://www.dnrec.delaware.gov/energy/services/GreenEnergy/Pages/GEF_Regulations_Update.aspx. Interested parties may also obtain a copy of the proposed regulations by emailing DNREC_GreenEnergyProgram@state.de.us.

Written comments on the proposed regulations will be accepted until November 29, 2012 and may be submitted to the DNREC Division of Energy and Climate, attention: Suzanne E. Sebastian, 1203 College Park Drive, Suite 101, Dover, DE 19904, or by emailing DNREC_GreenEnergyProgram@state.de.us

DIVISION OF AIR QUALITY
REGISTER NOTICE

TITLE OF THE REGULATIONS:

State Implementation Plan (SIP) Revision to address the requirements of Clean Air Act (CAA) §§110(a)(2)(E)(ii) and 128.

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Department of Natural Resources and Environmental Control (DNREC), Division of Air Quality (DAQ) is proposing to revise the SIP to include a document that address the requirements of CAA §§110(a)(2)(E)(ii) and 128, which relate to disclosure and conflicts of interest. The SIP document consists of a determination that the applicable requirements of 29 Del.C., Ch. 58, "*Laws Regulating the Conduct of Officers and Employees of the State*," meet the requirements of CAA §110(a)(2)(E)(ii) and 128, and proposes to include these requirements into the SIP.

NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Thursday, October 23, 2012 beginning at 6:00 PM in the DNREC's Richardson & Robbins Building Auditorium, 89 Kings Hwy, Dover, DE 19901. Interested parties may submit comments in writing to: Ron Amirikian, DNREC Division of Air Quality, 655 S. Bay RD, Suite 5N, Dover, DE 19901.

**DIVISION OF AIR QUALITY
REGISTER NOTICE
SAN# 2012-14**

TITLE OF SIP REVISION:

State Implementation Plan (SIP) Revision: Delaware Redesignation Request and Maintenance Plan under the 1997 Annual PM_{2.5} National Ambient Air Quality Standard (NAAQS)

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Effective April 5, 2005 the EPA designated the Philadelphia-Wilmington, PA-NJ-DE area as non-attainment for the 1997 annual PM_{2.5} NAAQS. This area included New Castle County in Delaware; Burlington, Camden, and Gloucester Counties in New Jersey; and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties in Pennsylvania. The attainment date for this area was as expeditiously as practicable, but not later than five years from the date of designation (e.g., no later than April, 2010). In response to this non-attainment designation Delaware developed various regulations to reduce the emission of PM_{2.5}, and its precursors of sulfur dioxide (SO₂) and nitrogen oxides (NO_x). Monitoring data for 2007-2011 has confirmed attainment of the daily PM_{2.5} NAAQS for the entire Philadelphia Area. This action begins the process of submitting to the United States Environmental Protection Agency (EPA) SIP documents that request New Castle County be redesignated to attainment for the 1997 annual PM_{2.5} NAAQS.

NOTICE OF PUBLIC COMMENT:

Interested parties may submit comments in writing to Jack Sipple, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Tuesday, October 23, 2012 beginning at 6:00 pm, in DNREC's Auditorium, R & R Building, 89 Kings Hwy, Dover, DE 19901.

**DIVISION OF AIR QUALITY
REGISTER NOTICE
SAN# 2012-13**

TITLE OF SIP REVISION:

State Implementation Plan (SIP) Revision: Delaware Redesignation Request and Maintenance Plan under the 2006 Daily PM_{2.5} National Ambient Air Quality Standard.

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Effective December 14, 2009 the EPA designated the Philadelphia-Wilmington, PA-NJ-DE area as non-attainment for the 2006 24-hour PM_{2.5} NAAQS. This area included New Castle County in Delaware; Burlington, Camden, and Gloucester Counties in New Jersey; and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties in Pennsylvania. The attainment date for this area was as expeditiously as practicable, but not later than five years from the date of designation (e.g., no later than December, 2014). In response to this non-attainment designation Delaware developed various regulations to reduce the emission of PM_{2.5}, and its precursors of sulfur dioxide (SO₂) and nitrogen oxides (NO_x). Monitoring data for 2008-2011 has confirmed attainment of the daily PM_{2.5} NAAQS for the entire Philadelphia Area. This action begins the process of submitting to the United States Environmental Protection Agency (EPA) SIP documents that

request New Castle County be redesignated to attainment for the 2006 24-hour PM_{2.5} NAAQS.

NOTICE OF PUBLIC COMMENT:

Interested parties may submit comments in writing to Jack Sipple, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Tuesday, October 23, 2012 beginning at 6:00 pm, in DNREC's Auditorium, R & R Building, 89 Kings Hwy, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE
3521 Weakfish Size Limits; Possession Limits; Seasons.
PUBLIC NOTICE

The purpose of this action is to amend the definition of weekends and weekdays in 7 **DE Admin. Code** §3521 (5.0). Delaware was required to implement a 34-day commercial closure (when all fishing gear, except hook & line, were to be removed from the water) under the provision of Amendment III to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Weakfish (ISFMP). Delaware's present regulations include weeklong closures at the beginning of May and the end of June and all weekends in May and June to meet the ISFMP specifications. The Department has received several requests from the commercial fishing sector to change the weekend closure periods from Friday through Sunday to Saturday through Monday. This change would enable Delaware's commercial gill netters to more adequately supply the recreational bait market with fresh Atlantic menhaden for weekend anglers. The concept of the proposed action was endorsed by the Tidal Finfish Advisory Council at its June 20, 2012 meeting.

The hearing record on the proposed changes to the weakfish regulation will be open October 1, 2012. 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 October 31, 2012 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
Delaware's Regulations Governing Hazardous Waste (DRGHW)
PUBLIC NOTICE

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 is proposing to make miscellaneous changes to DRGHW that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations. Some of the changes DNREC is proposing to make are already in effect at the federal level. Additionally, DNREC is proposing to adopt required federal regulations and miscellaneous changes to correct errors and add consistency or clarification.

The public hearing on the proposed amendments to DRGHW will be held on Thursday, October 25, 2012 from 6:00 p.m. to 6:30 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

DIVISION OF WATER
Surface Water Discharges Section
REGISTER NOTICE
SAN #2008-29

Title Of The Regulations:

Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems

Brief Synopsis Of The Subject, Substance And Issues:

Substantial revisions to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems (On-site regulations) are proposed to incorporate the Guidance and Regulations Governing the Land Treatment of Wastes spray irrigation regulatory language. The on-site regulations have been revised to address large system site investigations, hydrogeological investigations, design considerations, operation and maintenance practices, updating of individual on-site wastewater treatment and disposal system design criteria, establishment of new licensees and inspection protocols, and to establish performance standards for small on-site systems utilizing alternative technologies and all large systems.

Notice Of Public Comment:

The proposed revisions to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems were initially published in this Register on April 1, 2012. The Department of Natural Resources and Environmental Control (DNREC) Division of Water then held a public hearing on these proposed revisions on May 3, 2012, at 6:00 p.m. in the DNREC Auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, DE 19901, to address the proposed changes that have occurred over the past three years as a result of discussions, public workshops, committee meetings and literature searches.

Subsequent to the public hearing held on May 3, 2012, DNREC made additional revisions to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, in order to thoroughly address the comments and concerns received to date in this matter. Accordingly, DNREC will now re-open the record in this matter for an additional thirty (30) days, beginning on Monday, October 1, 2012, through close of business on Tuesday, October 30, 2012, in order to vet these revisions to the public, and to enable DNREC to receive additional public comment on the aforementioned revisions to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems. Following the close of the record on October 30, 2012, the Secretary will review the entire record developed throughout this promulgation, and will issue his Order setting forth his final decision in this matter shortly thereafter.

The proposed regulation revisions may be inspected at the following locations:

Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

Department of Natural Resources and Environmental Control
20653 DuPont Blvd, Unit 5
Georgetown, DE 19947

The proposed regulation revisions may be inspected on the DNREC Division of Water, Groundwater Discharges Section website:

<http://www.wr.dnrec.delaware.gov/Information/GWDInfo/Pages/GWDS%20Design%20Install%20Operate%20Info%20For%20Proposed%20Wastewater%20Treatment%20Regulations.aspx>

For additional information or any appointments to inspect the proposed regulation revisions at DNREC, please contact Jack Hayes, DNREC Division of Water, Groundwater Discharges Section, 89 Kings Highway, Dover, DE 19901, (302) 739-9948, John.Hayes@state.de.us.

Interested parties shall submit written statements and comments in writing on the proposed regulation revisions, beginning October 1, 2012, but no later than close of business on October 30, 2012, as designated herein, addressed to:

Jack Hayes
DNREC - Division of Water
Groundwater Discharges Section
89 Kings Highway
Dover, DE 19901

DEPARTMENT OF STATE
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 revision to the rules increases the continuing education credits allowed for online and similar courses from 12 to 24 continuing education credits per renewal period. The proposed revision also allows Preceptors to receive 3 continuing education credits per student with a maximum of 6 credits allowed per licensure period.

A public hearing will be held on November 13, 2012 at 1:15 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from Michele Howard, Administrative Assistant for the Delaware Board of Examiners of Nursing Home Administrators, 861 Silver Lake Blvd, Cannon Office Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Written comments will be accepted until November 28, 2012.

OFFICE OF THE STATE BANK COMMISSIONER
2210 Short-Term Consumer Loans
PUBLIC NOTICE

The State Bank Commissioner proposes to adopt new Regulation 2210, "Short-Term Consumer Loans". This proposed new Regulation implements 78 **Del. Laws** Chapter 278 dealing with a type of short-term consumer loan commonly known as a "payday loan". The proposed new Regulation establishes standards for the administration and enforcement of the new statute, including among other things, the applicability of the new statutory requirements for short-term consumer loans, new procedures for making such loans, and the use of a new database for tracking such loans.

The State Bank Commissioner would adopt the proposed new Regulation 2210 on or after November 7, 2012. 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. November 7, 2012.

A public hearing on the proposed new Regulation will be held in the third floor hearing room of the Carvel State Office Building, 820 North French Street, Wilmington Delaware, 19801 on Wednesday, November 7, 2012, 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.

PUBLIC SERVICE COMMISSION

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

In 2006, the Delaware Public Service Commission ("PSC") adopted "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" (the "RPS Rules"), 10 DE Reg. 151-157 (July 1, 2006). The PSC has amended the RPS Rules several times since then to conform to subsequent RPS Act amendments.

The PSC now proposes to revise the RPS Rules to incorporate comments made by Mr. Gary Meyers in April 2012 recommending revisions to the RPS Rules to remove exempted load industrial customers from any responsibility for Delmarva's RPS compliance costs in accordance with the statutory exemption for industrial customers with loads exceeding 1500 kW; to clarify that electric suppliers could only recover their actual compliance costs from customers; and to provide that Delmarva succeeds to the rights and obligations of retail electric suppliers.

You can review PSC Order No. 8219 (September 18, 2012) (the "Order") and the proposed revised RPS Rules in the October 2012 issue of the Delaware Register of Regulations. You can also review the Order and the proposed revised RPS Rules at the PSC's Internet website located at <http://depsec.delaware.gov>. If you wish to obtain written copies of the Order and proposed revised RPS Rules, please contact the PSC at (302) 736-7500. Copies are \$0.50 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).

If you would like to review documents at the Commission's offices, please contact Monica Hall at monica.hall@state.de.us to arrange a time for your review.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=DOS>. There is also a link to the Freedom of Information Act Request Form on the Commission's website at <http://depsec.delaware.gov/default.shtml>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 Del. C. ch. 100.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to pamela.knotts@state.de.us.

The Commission encourages the public to submit written comments about the proposed revisions to its RPS Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before November 9, 2012 but the last date to submit written comments will be on January 2, 2013, which is 15 days after the noticed public hearing. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100

Dover, Delaware, 19904
Attn: Reg. Dckt. No. 56

If possible, you should accompany such written comments with an electronic version of the submission. Such electronic copy may be filed on a copy-capable CD-ROM disk or sent as an attachment to an Internet e-mail addressed to pamela.Knotts@state.de.us.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on December 18, 2012 at 1:00 P.M. at the PSC's office at the address set forth above.

Any individual with a disability desiring to participate in these proceedings or to review the filings should contact the PSC to discuss any auxiliary aids or services needed. The PSC Staff can also provide additional information about this docket. Please e-mail Staff Analyst Pamela Knotts at pamela.knotts@state.de.us. The PSC's toll-free telephone number within Delaware is 1-800-282-8574. The PSC may be reached at (302) 736-7500 (including text telephone communications).

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
2222 School Bus Driver Qualifications and Endorsements
PUBLIC NOTICE

The Delaware Division of Motor Vehicles gives notice of intent to implement proposed changes to The Division of Motor Vehicles Regulation 2222 relating to school bus driver qualifications and endorsements.

Any person who wishes to make written suggestions, briefs or other written materials concerning this proposed new regulation must submit the same to Summer Bowman, Management Analyst, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-2602 by November 7, 2012.

16 DE Reg. 457 (10/01/12)