

## DEPARTMENT OF AGRICULTURE

### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del.C.** §10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the "racing conditions" thereby allowing additional conditions and more racing opportunities for Delaware horsemen, reference 6.2.2.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on August 2, 2017, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On August 8, 2017, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publically noticed open meetings. Subsequent to a 30-day comment period from October 1 to 31, 2017 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on November 14, 2017 during its regularly scheduled monthly meeting. The meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB October 31, 2017. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

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## DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, October 19, 2017 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Division of Developmental Disabilities Services (DDDS) Lifespan Waiver

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) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Social Services Manual (DSSM) regarding the Developmental Disabilities Services (DDDS) Lifespan Waiver, specifically, to *clarify internal policy and procedures*.

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](mailto:Nicole.M.Cunningham@state.de.us), or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2017. Please identify in the subject line: Division of Developmental Disabilities Services (DDDS) Lifespan Waiver.

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.

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## DEPARTMENT OF INSURANCE

### OFFICE OF THE COMMISSIONER

#### PUBLIC NOTICE

#### 1801 Insurance Holding Company System Regulation With Reporting Forms and Instructions

THE DEPARTMENT OF INSURANCE hereby gives notice of a proposed amendment to Department of Insurance Regulation 1801 relating to reporting forms and instructions for Insurance Holding Company System Regulation.

The purpose of the proposed amendment to Regulation 1801 is to add new subsection 4.5. This new subsection puts filers of reporting forms on notice that any statement submitted to the Department pursuant to the National Association of Insurance Commissioners (NAIC) Insurance Holding Company System Regulatory Act, 18 **Del.C.** Ch. 50, should not be considered "filed" until the Commissioner of the Department of Insurance determines that the statement is complete. The Department is also making edits to Section 8.0, Definitions, to comport with the Delaware Administrative Code Drafting and

Style Manual.

The text of the proposed amendment appears below and can also be viewed at the Delaware Insurance Commissioner's website at <http://insurance.delaware.gov/information/proposedregs/>. The Department of Insurance does not plan to hold a public hearing on the proposed regulation.

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 regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, 1<sup>st</sup> day, November, 2017. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist  
Attn: Regulatory Docket No. 3607-2017  
Delaware Department of Insurance  
841 Silver Lake Drive  
Dover, 19904  
(302) 674-7379  
Email: [Leslie.Ledogar@state.de.us](mailto:Leslie.Ledogar@state.de.us)

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## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF AIR QUALITY

#### PUBLIC NOTICE

#### 1123 Standards of Performance for Steel Plants: Electric Arc Furnaces

The purpose of this action is to repeal 7 **DE Admin Code** 1123, pursuant to an HB-147 review. This regulation currently applies to no source in Delaware and other more restrictive State and Federal requirements would apply should a new electric arc furnace be constructed in the future.

A public hearing on the proposed repeal will be held on October 25, 2017 beginning at 6:00PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Individuals may present oral or written comments regarding the proposed changes at the public hearing, or via email to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. The hearing record will remain open until November 9, 2017.

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### DIVISION OF AIR QUALITY

#### PUBLIC NOTICE

#### 1136 Acid Rain Program

7 **DE Admin Code** 1136 adopts the federal acid rain regulations by reference. Pursuant to an HB-147 review DNREC has determined that there have been a number of updates to portions of 40 CFR Parts 72 -78 (Acid Rain Program provisions) that should be adopted. The purpose of this action is to update 7 **DE Admin. Code** 1136 to adopt the current federal requirements.

A public hearing on the proposed amendment will be held on October 25, 2017 beginning at 6:00PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Individuals may present oral or written comments regarding the proposed changes at the public hearing, or via email to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. The hearing record will remain open until November 9, 2017.

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### DIVISION OF AIR QUALITY

#### PUBLIC NOTICE

#### 1140 Delaware Low Emission Vehicle Program

Congress sought to reduce public health impacts due to air pollutants in various sections of the Clean Air Act. Under Subsection 202(a), Congress stipulated that the EPA promulgate standards applicable to the emissions of any pollutant from new motor vehicles or motor vehicle engines that contribute to the endangerment of the public health or welfare. To avoid disruption in the motor vehicle manufacturing industry, Congress prohibited State and local agencies from regulating new motor vehicles or motor vehicle engines under Subsection 209(a). Recognizing that California had been regulating this industry segment prior to March 30, 1966, Congress allowed California to continue adopting new motor vehicle standards, pending the EPA's review and approval of those standards under Subsection 209(b). Under Section 177, Congress allowed States in non-attainment areas to adopt new motor vehicle or motor vehicle engine standards, if such standards are identical to the California standards.

On December 1, 2013, Delaware adopted California's Low Emission Vehicle III standard and the Greenhouse Gas standard into 7 DE Admin Code 1140. On August 30, 2014, Delaware submitted 7 DE Admin Code 1140, requesting the EPA to incorporate this updated version of Delaware's low emission vehicle program into Delaware's State Implementation Plan (SIP). The EPA approved Delaware's low emission vehicle program SIP revision on October 14, 2015. California has subsequently revised 14 sections in those standards that Delaware incorporated by reference on December 1, 2013.

The purpose of this action is to update the adoption by reference of those 14 California sections in 7 DE Admin Code 1140 to ensure that Delaware's standards remained identical to the EPA approved California standards, as mandated in Section 177.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, October 25, 2017 in the DNREC Auditorium in the Richardson & Robbins Building located at 89 Kings Highway, Dover, DE. If you are unable to attend or wish to submit your comments in advance of the public hearing, please send your comments to address below. Interested parties may also submit written comments to the Department, to the same address below, up until the end of the comment period, which will extend through November 9, 2017, unless a longer period is designated by the hearing officer at the public hearing.

This hearing will be one of four separate hearings being held in succession, beginning at 6:00PM. Persons interested in one or more of the hearings should arrive by 6:00PM, as these changes are expected to be non-controversial and the hearings may progress quickly.

DNREC - Division of Air Quality  
Subject: 1140 Public Hearing 10/25/17  
100 W. Water Street, Suite 6A  
Dover, DE 19904

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**DIVISION OF WATER**  
**GROUND WATER DISCHARGES SECTION**  
**PUBLIC NOTICE**

**7102 Regulations Governing Underground Injection Control**

The purpose of the proposed revisions is to bring the regulations into compliance with current federal requirements, as determined by the United States Environmental Protection Agency (EPA). The EPA issued the *Revisions to the Underground Injection Control (UIC) Regulations for Class V Injection Wells*, effective April 2000 and December 2011. With this, the State of Delaware Regulations Governing Underground Injection Control is to be amended. The revised State regulations will also expand the existing regulations to include additional requirements for multiple water management activities. The regulations were published in the May 1, 2017, Delaware *Register of Regulations* and a public hearing was held on May 25, 2017. As a result of additional review and comments received, changes were made to the initial proposed UIC regulations. Since changes were made by the Department subsequent to the hearing record having closed for public comment, the decision was made to republish this revised proposed regulation and to reopen the public comment period for an additional 30 days to provide complete transparency to the public.

The hearing record on the proposed changes to State of Delaware Regulations Governing Underground Injection Control will be re-opened October 1, 2017 for a 30-day public comment period ending at the close of business on October 31, 2017. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042.

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**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**DIVISION OF GAMING ENFORCEMENT**  
**PUBLIC NOTICE**

**Interactive Fantasy Sports Contests Regulations**

The Delaware Division of Gaming Enforcement, pursuant to 29 Del.C. §4866, proposes to adopt the following regulations governing the practice of interactive fantasy sports contests in the State of Delaware. The Delaware Interactive Fantasy Contests Act was enacted on July 26, 2017. At that time the Governor designated the Delaware Division of Gaming Enforcement to promulgate regulations to implement the provisions of and effectuate the policy and objectives of the Act. These regulations are comprehensive, and all newly created.

Written comments regarding the proposed regulations should be sent to Gregory Nolt, Director of the Delaware Division of Gaming Enforcement, 655 S. Bay Road, Blue Hen Mall Corporate Center, Suite 1A, Dover, DE 19901. Written comments will be accepted until October 31, 2017 pursuant to 29 Del.C. §10118(a).

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# OFFICE OF MANAGEMENT AND BUDGET

## DIVISION OF FACILITIES MANAGEMENT

### PUBLIC NOTICE

#### 4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects

On June 1, 2017 (Volume 20, Issue 12), the Office of Management and Budget (OMB) published in the Delaware *Register of Regulations* its notice of proposed regulations, pursuant to 29 **Del.C.** § 6908(a)(6). It was requested that written materials and suggestions from the public concerning the proposed amendments to 19 **DE Admin. Code** 4104 be delivered to OMB by July 18, 2017, or be presented at a public hearing on June 23, 2017, after which time OMB would review information, factual evidence and public comment to the proposed regulations. Considerable public comment was received by individuals representing the following groups:

- Jake Collins, President, Regulations Solutions Inc.
- Brandi Redrow, President, American Flag Inc.
- Tamara Curran, Vice President of Finance, SC&A Construction

The comments that were received have been considered and resulted in substantive changes to the form and content of the initially proposed amendments to the regulation. In accordance with 29 **Del.C.** §10118(c), the amended regulation is hereby proposed as a newly amended regulation.

Members of the public may receive a copy of the existing regulation at no charge by United States Mail by writing Mr. Robert Scoglietti at the following address:

122 Martin Luther King Jr. Blvd South  
Dover, DE 19901.

Or by email at: [robert.scoglietti@state.de.us](mailto:robert.scoglietti@state.de.us)

The current regulation is intended to safeguard the public by establishing the mechanism, standards and requirements of a Mandatory Drug Testing Program for Contractors and Subcontractors that are incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 **Del.C.** §6962.

Proposed amendments to this regulation accomplish the following:

- A) Clarifies that a Contractor or Subcontractor's Program does not need to be Jobsite specific.
- B) Allows for a Contractor or Subcontractor to participate in a Consortium.
- C) Corrects and clarifies substances tested and thresholds.
- D) Increases pre-employment testing requirement from 60 - 180 days.
- E) Clarifies procedures for Accident Triggered Testing.
- F) Decreases the percentage of employees to be randomly tested per month from 10% to 5 % for drugs, and from 10% to 2.5% for alcohol.
- G) Removes the requirement that a Contractor or Subcontractor must submit testing forms to the project Owner.
- H) Allows for alternate methods of data review by the Owner in lieu of on site auditing of Contractor/Subcontractor records.

Any person who wishes to make written suggestions, provide compilations of data, testimony, briefs or other written materials concerning to the proposed new regulations must submit them to:

Robert Scoglietti  
Delaware Office of Management and Budget  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901

Or

Email: [robert.scoglietti@state.de.us](mailto:robert.scoglietti@state.de.us)

no later than the close of business on November 3, 2017.