

# PROPOSED REGULATIONS

## 8.0 Renewals and Eligibility

- 8.1 An employer must annually apply for the Workplace Safety Program ~~each year~~.
- 8.2 For each year after the initial qualification, the inspection requirement for the Workplace Safety Program insurance premium credit will consist of one unannounced inspection. The Department will maintain a list of inspection charges for inspections conducted pursuant to ~~paragraph 7.4 subsection 7.2.1 of this regulation~~, which will be sent to interested parties upon request.

## 9.0 Premium Size Ranges and Corresponding Credits

- 9.1 The Workplace Safety ~~credits~~ insurance premium credit will be ~~granted~~ calculated according to the following formula:
- $$20\% \times [1.0000 - C]$$
- where "C" is the credibility of the qualified employer in the uniform Experience Rating Plan for the policy period expiring immediately prior to the application of the Safety credit. If the qualified employer was not experience-rated in the policy period expiring immediately prior to the application of the Safety credit, "C" will be set at 0.050. Safety credit packages will be rounded to the nearest whole percent.
- 9.2 If the inspector confirms that an employer maintains a drug-free workplace program that meets the criteria set forth in subsection 7.1 of this regulation, the carrier may offer an additional discount in accordance with rate filings submitted to and approved by the Department.

## 10.0 Effect upon Mutual Rates and Schedule Rating Credits

- 10.1 Workers' Compensation manual rates shall be adjusted because of implementation of this program. A Delaware Workplace Safety Program Factor shall be included in loss costs and residual market rates. This factor may offset credits given to qualified employers, so that the Workplace Safety Program will neither increase nor decrease premiums for eligible employers in the aggregate.
- 10.2 Schedule rating plan credits given to policyholders for "competitive" reasons cannot be withdrawn. Schedule credits given for safety reasons may be reduced to offset the Workplace Safety Program premium credit.
- 10.3 A Merit Rating Plan shall be implemented which will provide incentives for employers paying less than \$3,161 of annual Delaware Workers' Compensation premiums to maintain safe workplaces.

## 11.0 Effective Date

This Regulation ~~shall become~~ became effective on November 11, 2013. ~~The 2019 amendments to this regulation shall become effective~~ 10 days after being published as a final regulation.

## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 Del.C. §6010(a) & (c))  
7 DE Admin. Code 1124

### REGISTER NOTICE SAN #2018-07

1124 Control of Volatile Organic Compound Emissions

#### 1. TITLE OF THE REGULATIONS:

7 DE Admin. Code 1124 Section 26 "Gasoline Dispensing Facility Stage I Vapor Recovery" and Section 36 "Vapor Emission Control at Gasoline Dispensing Facilities."

#### 2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Since the early 1990s, Delaware's ambient air quality has been in nonattainment for the health based air quality standard for the pollutant ground-level ozone. Because gasoline vapors contain volatile organic compounds (VOC) and contribute to the formation of ground-level ozone, Delaware implemented, in 1993, 7 DE Admin. Code 1124 Section 26 and Section 36. Sections 26 and 36 contain requirements to control gasoline vapor emissions from gasoline tanks and motor vehicles at any gasoline dispensing facility (GDF) with a monthly throughput greater than 10,000 gallons (Stage I and Stage II vapor recovery). In addition, since 1998, automobile manufacturers have been required by the federal Clean Air Act (CAA) to install on-board refueling vapor recovery (ORVR) systems on new vehicles.

The ORVR system is effective for controlling gasoline vapor emissions from refueling the ORVR equipped vehicles. However, when Stage II vapor recovery equipped GDF's are refueling ORVR equipped vehicles, fresh air is ingested into the GDF gasoline storage tanks, which leads to vapor growth in the gasoline storage tanks and vapor emissions from those tanks through leaks and pressure relief valves. The CAA allows Delaware to phase-out Stage II vapor recovery requirements, provided overall emissions do not increase.

The Division of Air Quality (DAQ) of the Department of Natural Resources and Environmental Control (DNREC, or the Department) is proposing amendments to Section 26 and Section 36 to require (1) any new GDF to install a Stage I Enhanced Vapor Recovery (EVR) system, instead of a Stage II vapor recovery system, at construction, and (2) any existing GDF to decommission its Stage II vapor recovery system by December 31, 2021 and to install a Stage I EVR system by December 31, 2025. The proposed amendments will also require a regulated GDF to monitor vapor-tight status of its gasoline storage tanks by performing annual pressure decay tests or by installing a continuous pressure monitoring (CPM) system.

DAQ is also proposing to submit to EPA a revision to Delaware State Implementation Plan (SIP), entitled "Decommissioning Stage II Vapor Recovery Systems and Requiring Stage I Enhanced Vapor Recovery Systems at Gasoline Dispensing Facilities." The objectives of the proposed SIP revision are to (1) analyze the regulatory impacts of the above regulation amendments on Delaware's emissions of volatile organic compounds (VOC), and (2) demonstrate that the above regulatory amendments meet the anti-backsliding requirements of the CAA Sections 182(b)(2) and 110(l).

**3. POSSIBLE TERMS OF THE AGENCY ACTION:**

None.

**4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

7 Del.C. Ch. 60, Sections 6010(a) and 6010(c).

**5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:**

None.

**6. NOTICE OF PUBLIC COMMENT:**

A public hearing will be held on January 8, 2020, beginning at 6:00 pm, in DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. Persons wishing to comment on the proposed amendments may do so either orally or in written form at the public hearing on January 8, 2020. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via the online comment form at <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>, via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or via USPS to the below address. The Department will accept public comment through the close of business on Thursday, January 23, 2020.

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

**7. PREPARED BY:**

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**\*Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<http://regulations.delaware.gov/register/december2019/proposed/23 DE Reg 438RFA 12-01-19.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

1124 Control of Volatile Organic Compound Emissions

## DEPARTMENT OF SAFETY AND HOMELAND SECURITY

### DIVISION OF STATE POLICE

#### 1300 BOARD OF EXAMINERS OF PRIVATE INVESTIGATORS & PRIVATE SECURITY AGENCIES

Statutory Authority: 24 Delaware Code, Section 1305 (24 Del.C. §1305)

24 DE Admin. Code 1300

### PUBLIC NOTICE

#### 1300 Board of Examiners of Private Investigators & Private Security Agencies

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with 24 Del.C. Ch. 13 proposes to amend the following adopted rules in 24 DE Admin. Code 1300 Board of Examiners of Private Investigators and Private Security Agencies: Rule 1.0 Firearms, and Rule 4.0 Training Requirements. If you wish to view the complete Rule, contact Ms. Ashley N. Bauguess at (302) 672-5337. Any persons wishing to present views may submit them in writing, by January 2, 2020, to Delaware State Police, Professional Licensing Section, P. O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Monday, January 27, 2020, 10:00am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/december2019/proposed/23 DE Reg 440RFA 12-01-19.pdf>

#### 1300 Board of Examiners of Private Investigators & Private Security Agencies

### 1.0 Firearm's Policy

#### *(Break in Continuity Within Section)*

1.10 Private investigative, private security, and armored car agencies shall be held responsible for monitoring all firearm certification or recertification for their employees for compliance with promulgated rules and regulations.

4.101.11 All firearms licenses, armed security guard and armed armored car guard, are valid for a period of one year, subject to proof of compliance of Section 1.0 by submission of shoot certification or recertification forms to the Professional Licensing Section, by January 15<sup>th</sup> of each year, for the previous calendar year. Private investigative, private security, and armored car agencies must provide the Professional Licensing Section with documentation that employees are compliant with firearm certification and recertification requirements of Section 1.0 by January 15<sup>th</sup> of each year for the previous calendar year.

4.11.12 If an individual requests to carry a different approved weapon, while in the performance of their duties as an armed security guard or armed armored car guard, other than the one on file with the Professional Licensing Section, he/she must have approval from the Director of Professional Licensing