

MEETING NOTES

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

April 15, 2014

Smyrna Area Rest Stop Conference Room

Members Present: LaVaida Owens White, Bill Pelham, Pam Meitner, Jay Julis, and Robert Frederick, Marvin Thomas, Harold Truxon and Joseph Farrell.

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 9:36 a.m.

II. Meeting Protocol Review

The protocol was mentioned as in evidence on the backside of members' nameplates.

III. Review/Approval of Meeting Note

MOTION was made by Ms. Meitner to approve the February 24, 2014 meeting notes and a second was made by Mr. Frederick. All in favor and the motion carried.

IV. CEPF Projects Update

Mr. Brunswick advised that the online Community Environmental Project Fund application and Penalty Deposit Spreadsheet applications are now functional and loaded onto the Community Involvement Advisory Council website. He said the Council needs to establish the deadline. He explained that we would ordinarily allow applicants 60 days to complete and return the CEPF applications, but with the week that we allow for the Grant Review Subcommittee meeting that pushes our meeting schedule into the 4th of July holiday. Mr. Brunswick said we will have to consider giving applicants 30 to 45 days to return the CEPF applications, or perhaps moving the deadline to September. The members discussed how long the applicants would have to turn in applications.

Mr. Julis proposed the time allowed be from 60 days to 30 days.

Ms. Meitner discussed spring time restrictions.

MOTION was made by Mr. Julius and second by Mr. Frederick that the due date for all applications will be June 13, 2014. All were in favor and the motion carried.

Mr. Farrell inquired if Mr. Brunswick had any workshops scheduled.

Mr. Brunswick advised that he will be scheduling two of them and it will be published in press releases issued through the Office of Public Affairs and in Public Notices that we place in Wednesday and Saturday editions of the News Journal and Delaware State News.

Mr. Farrell asked for clarification of the amount available.

Mr. Brunswick advised that there was approximately \$128,721.45 in the fund for distribution.

Mr. Thomas asked how the money would be spilt among applicants.

Mr. Brunswick explained that applicants that are 501(c) 3 organizations could receive up to \$20,000 and applicants that are not tax-exempt organization are eligible for a maximum of \$10,000 with a Fiscal Sponsor and a formal Fiscal Sponsor Agreement.

V. Community Ombudsman Report

A. DNREC's Civil Rights and ADA Review Committee

Mr. Brunswick explained the Secretary's mandate for the Office of Community Services to establish a Civil Rights and Americans with Disabilities Act Committee. The DNREC Secretary has given the Office of community Services responsibility for reviewing DNREC Compliance with state and federal Civil Rights Compliance statutes and developing recommendations to strengthen Compliance. He said the Committee will be composed of a Chairperson, who is appointed by the DNREC Secretary, and representatives from each Division.

Ms. Meitner inquired as to why CIAC is involved with federal funds.

Mr. Brunswick explained that all recipients of Federal funds have to comply with all of the Federal non-discrimination statues and under the provisions of Title VI of the Civil Rights Act, DNREC must have both internal and external Civil Rights Complaints procedures. He said that EPA Title VI Guidance requires that each state that receives federal funding must have a Public Involvement Plan and an external complaint procedure so that communities have a means to address disparate environmental impacts in the Permitting process. Mr. Brunswick said that the Public Involvement Plan and the external complaint procedures are each a responsibility of the CIAC.

Mr. Pelham asked if CIAC as a whole had to participate or just a single representative.

Mr. Brunswick said that he would probably represent the Office of Community Services addressing internal Civil Rights concerns on the DNREC side of the Committee. He said that he is still working on the strategic plan right now and that there will be committee roles for CIAC members helping to shape the Public Involvement Plan.

Ms. Meitner said that there is already a huge burden on a volunteer committee and that CIAC should use caution in moving forward and reminded the Council that they represent the community not DNREC.

Mr. Emory advised that the Secretary doesn't want to charge this group with the whole process, but to have input from CIAC on initial startup.

Mr. Thomas inquired if there had been a violation and if this was stemming from it.

Mr. Emory advised that it is a way of streamlining the process across the State for uniformity.

Mr. Pelham asked Mr. Emory if other Departments were involved.

Mr. Emory answered there is no template, but they are looking to the Department of Transportation for guidance as they already have a plan in place.

Ms. Meitner advised she would like the members to see a copy of the federally mandated non-discriminatory act.

Mr. Brunswick advised he would send out the pages to the board members.

Public comment from Ms. Ruth Ann Purchase asking board members to identify who the “we” and “they” were when speaking within the meeting.

B. Main Street Delaware City Bucket Brigade

Mr. Brunswick said there were some ongoing issues with the project since a coordinator of the Main Street DE City Bucket Brigade placed a monitor on refinery property. He said the Project Coordinating Committee has not been able to sustain the community involvement in the project. Mr. Brunswick said that he has met with the project stakeholders, the City Manager of Delaware City, Dick Cathcart, and Main Street Delaware City Director, Mark Chura. He said they will be utilizing the Division of Air Quality to complete the sampling going forward. Mr. Brunswick said that Mr. Cathcart confirmed that merchants in the business area have suspected that odors in the central business district may come from on loading and offloading activity at the refinery’s port. He said the plan is to place the Division of Air Quality mobile platform in the downtown area and to collect remaining samples.

Mr. Pelham asked what will happen with the current contract.

Mr. Brunswick advised that it is possible that Main Street Delaware City could remain as the grantee.

Ms. Meitner advised that the board has an obligation to see how money is spent and if certain money is going to be used by outside consultation, they shouldn’t receive full payment. She asked if the State was doing the sampling and did they plan to charge Main Street Delaware City or just provide the service.

Mr. Brunswick advised that the Division of Air Quality would provide the staffing at no charge, but the cost of the sampling and the analysis would have to come out of the remainder of the project budget.

Ms. Meitner inquired if they had checked with an attorney to make sure that 25% of penalties fund is allowed to come back to fund this.

Mr. Emory advised that they will come back with cost associated.

Public comment from Stephanie Herron of the Sierra Club. What would air monitoring nature be? Would it be the same monitoring and nothing to do with bucket brigade?

Mr. Brunswick said that DAQ will collect gas samples and particulate matter samples.

Mr. Emory advised that they will establish the protocol on who is sampling and what they are sampling.

Mr. Pelham stated that he hopes there is a way to continue to involve the citizens.

C. Peninsula Composting Update

Mr. Brunswick said he was asked by the Division of Waste and Hazardous Substances Director, Marjorie Crofts to be the liaison with the City of Wilmington and New Castle Area Civic Associations that are meeting on the Peninsula Composting odors. He said he met with the group in a planning meeting as a follow up to the February All Civic Associations Meeting with DNREC. Mr. Brunswick said that Mr. Lee Jarmon put together a chart of the actions required by Peninsula Composting in the Secretary's Order and asked for confirmation of the issues that Peninsula has complied with. He said that the Waste and Hazardous Substances Division completed the chart and returned it to Mr. Jarmon. Mr. Brunswick said the group has also asked about the Freedom of Information Act (FOIA) and record-keeping policies. He said that on April 23, 2014 at 7 PM they will have another meeting at the Rosedale Community Center.

Ms. Meitner wanted to know what a BUD is.

Mr. Brunswick explained it's a Beneficial Use Determination.

Mr. Thomas advised that the citizens are being told to call in and then nothing is done so they feel there is no need to call in.

Mr. Brunswick explained that the department complaint line is what is used in litigation. The callers are the plaintiff in a criminal charge against the company. He said the Odor Regulation requires that the caller is a resident or business owner who is unable to enjoy their home or business as a result of the odor. He said that DNREC has to build the record of complaints and is responsible for enforcement of the regulation.

Mr. Farrell asked aside from moving the place, what could be done?

Public comment from Ms. Ruth Ann Purchase said that she has been studying composting and believes there shouldn't be an odor at all and that improper process is being used because there are no standards.

Mr. Thomas said the company has identified the problem, but doesn't know how to fix it.

Mr. Thomas said he would like to have a DNREC representative come in and see what else they can do to enforce them to comply.

Mr. Frederick asked to invite DNREC and Peninsula Composting to the August 19, 2014 CIAC meeting.

D. Marcus Hook Industrial Complex

Mr. Brunswick said that the Claymont Coalition meeting is April 28, 2014 and he handed out the Marcus Hook Industrial Complex handout. He said this is a new proposal to utilize the existing Evraz Claymont Steel facility to offload gas and transport it to the Marcus Hook refinery. Mr. Brunswick said that DNREC, EPA, the Department of Health & Social Services, and Sunoco Logistics will be attending the meeting. He said that DNREC has not received an application for the operation, so the Department is not able to comment at this time.

E. Newark Data Center

Mr. Brunswick said that on May 1, 2014 the Newark Residents Against the Power Plant asked him to attend their May 1 meeting. He said he will update everyone after the meeting has taken place.

VI. Open Forum

Mr. Truxon stated that the drinking water in several places in Sussex County, including Ellendale, have high nitrates.

Mr. Julius advised there are high nitrate filters that you can purchase to remove it from your water.

Mr. Truxon said they don't work. He said that The Office of Drinking Water tested the water, but the church is still buying bottled water and a few homes have still reported having issues.

Mr. Pelham asked if a grant would be considered in any of these places and if so, can CIAC look into it.

Mr. Truxon said there will be a news conference on April 28, 2014.

MOTION to adjourn at 11:45 am was made by Mr. Julius and second by Ms. Owens-White. All in favor and the motion carried.

Respectfully submitted,

[s/Nicole Bixby](#)

Nicole Bixby
Administrative Specialist II, DNREC

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall of presentations.