

Meeting Notes
August 18, 2009

Community Involvement Advisory Council
Smyrna Rest Area Conference Room

Members Present: Robert Frederick, La Vaida Owens-White, Brian E. Lewis, Marvin Thomas, Harold Truxon. Five members present, six members absent, quorum not met.

Members Absent: Dr. Bruce Allison, Douglas Corey, Dr. Bethany Hall-Long, Dr. Jay Julis, Pamela Meitner, William Pelham

Others Present: James Brunswick, Vicki Ward of DNREC, Keith Rudy with McCrone, Inc., Bill Moyer, Reverend Robert Hall, Delaware Ecumenical Council on Children and Families

- I. **Meeting called to order**
- II. **Meeting Protocol Review**
- III. **Approval of Meeting Notes**

In the absence of Chair Bill Pelham, Vice-Chair La Vaida Owens-White presided over our meeting. La Vaida reviewed the protocol for our Community Involvement Advisory Council meeting. Giving time for meeting material review Ms. Owens-White called for a motion to approve the meeting notes of the June 9, 2009 CIAC meeting.

MOTION: Bob Frederick motioned the notes be approved and Harold Truxon second the motion.

Bob Frederick took the opportunity to thank council for amending the meeting time to allow his continued participation.

IV Discussion Items for October 20, 2009

James began by informing council he had made an initial inquiry to ask Secretary Collin O'Mara to attend our Oct 20 meeting. We have a tentative agreement for his attendance however, his schedule changes frequently. He does want to visit all councils but there is no guarantee for the 20th. In anticipation, what items or questions would the council like to bring up to the Secretary in order to prepare the secretary for the meeting?

Marvin questioned if the items would need to be specific to this body, or can this be from a community standpoint. James suggested he would be open to any questions. La Vaida noted this is part of our mission. We can bring issues from the community perspective.

Bob suggested members take a pulse of their communities. Give us a deadline to submit questions, due say one month before our next meeting by Sept 15th. This way, questions for the Secretary can focus on the council's function or specific questions. Members were in agreement with this approach and date.

IV. Community Ombudsman Report

A. Community Environmental Fund Project update

Council members reviewed the CEPF worksheet.

B. New and ongoing projects:

- **Peavey Con Agra**

The name is Gavilon Peavey Con Agra which is a granary located in Townsend. There has been some history of complaints about this facility from dust and corn chaff that floats off the boundaries, and settles onto residential properties on nearby Townsend Street. Residents complained of "bee's wings", or chaff that accumulates up to one-half foot high in their back yards. Dr. Llewellyn of the Department of Public Health issued masks to the residents of Townsend Street. Environmental Protection Officers responded to the most recent complaints, but were reluctant to write a Notice of Violation until Senator Ennis intervened. Regulatory enforcement in agricultural communities sometimes provokes a big public reaction. James stated that it was unfortunate that Senator Bethany Hall - Long was not here to shed more light on this subject, as this site was part of her district when she served the area as a State Representative.

In 2007 the Department of Public Health responded to resident complaints about respiratory problems from the fallout of chaff during loading and unloading. But there was no fine issued, or formal report generated by the Department of Public Health. The company agreed to a set of procedures established by the Department for loading and unloading. A letter from the company, at that time, indicated that the procedures that they agreed to were actually standard operating procedures.

Officer Mari Grehofsky wrote up a violation in this case. This is a criminal action that requires the facility operator to appear in court. Gavilon Con Agra is a national firm. The company flew their environmental Attorney in from Nebraska to respond to the court action and to meet with DNREC Air Quality Management staff; Ali Mirzakhilili and Paul Foster.

AQM fashioned new operating conditions that are similar to the 2007 procedures to reduce the release of chaff during loading and unloading. They included steps such as; controlling the rate of loading and unloading; using socks to cover downspouts; building a new enclosure for the loading area. Even though these are standard operating procedures, the new procedures are to be put are spelled out in an operating manual, not in a formal operating permit which would have legal consequences. Last Monday, 9 trucks made deliveries under the new procedures. Residents were happy to see that the dust emissions were controlled.

But a policy question I would like to raise with Paul Foster and Ali Mirzakhali is to ask why the procedures are not required in a formal operating permit. There are 66 granaries in the state. It would be worthwhile enforcing these conditions as permit conditions if all the granaries in those communities have a similar impact on nearby residential areas.

Marvin questioned if any negative impacts have been determined with regard to the dust from corn. James relayed that residents complained of serious respiratory problems. Some said they had suffered the onset of asthma for the first time after moving to area. They have also complained that the value of nearby homes has suffered due to their proximity to the facility. In addition, there is an infestation of wheat bugs.

Reverend Hall questioned if the state knows the location, of all the facilities, if there was an unusual number of people with respiratory problems and if it was a matter of technology or not. James replied yes, the locations are known, but they are not mapped. It would be worth the effort to map the facilities and nearby residential locations to get additional information for assessment.

Harold Truxon stated he was surprised there were no complaints from Laurel where the manufacturer of chicken pellets resides in the country.

La Vaida questioned that if Gaviion issues are being corrected, what is the action we should be concerned about? James stated that one issue emerging is the consistency of permits. There are clusters of dust emitting facilities around the Port of Wilmington and in Claymont. Are there SOPs (standard operating procedures) that would prevent fugitive dust. We may need to review the need for standard permit conditions and pollution controls across an entire area as a way of minimizing the presence of fugitive dust in a community.

Marvin questioned the health issue and if the affected residents were receiving treatment. Public Health must be involved. La Vaida stated if the situation gets corrected, it will alleviate the problem. Marvin wanted to know if people are getting treatment. James relayed that as a result of the Claymont Monitoring Project, DPH is conducting a public health study inhalation risks in that area. BUP public Health is limited by the same economic downturn just as DNREC. It remains to be seen if there are enough funds to do consistently have public health assessments of all the areas impacted by fugitive dust.

Marvin stated this is consistent with our charge also. James added we can look at the availability of CEPF funds to use for work with the DPH. Bob agreed, these are good questions for the Secretary regarding work with Public Health.

- **Virtual Policy Academy**

James explained that because of the January 2009, Environmental Justice In America conference he attended, that he had been planning to pursue an EPA grant that would build the capacity of state environmental agencies to work collaboratively with communities to resolve an environmental justice issue.

DNREC is leading the Governor's Climate Prosperity Initiative to develop green jobs. So the plan that James had been developing for CIAC support was to submit an application to the EPA for a project that would target green jobs for residents of environmental justice communities. This requires an analysis of the green industry sectors that pay living wages and benefits and an assessment of the needs of workers in environmental justice communities. James had identified a national organization that could work with the Department on the analysis, the Insight Center for Community and Economic Development. However, Deputy Secretary, David Small informed James that the Governor's Office was not prepared to submit the application to the EPA. So James continued to search for other resources for this project and found, The Virtual Policy Academy (VPA). The VPA is a project of the Insight Center for Community Economic Development in conjunction with; the National Network of Sector Partners, the National Governor's Association Center for BEST PRACTICES, and the Corporation For A Skilled Workforce. It has been established on years of state experience and the evaluation of sector strategies.

There is no cost to states for the Virtual Policy Academy. However, participation does require the participation of a high level intra-agency team and participation in three, one and a half hour webinars. We have established an interagency team. It involves; the Delaware Development Office, the Workforce Investment Board, Delaware technical and Community College. After the three webinars there will be a national meeting in October to determine where we want to go.

Secretary O' Mara is preparing an application for the Workforce Investment Board which will look at opportunities for employment in the green sector such as LEED certification.

Bob Frederick informed his wife as an architect has gone through vigorous training for this certification. Bob noted that high school would perhaps be required but there is also the SEED program to go to school for two years. James added that his one example of an energy sector position that can begin as an entry level residential energy auditor and follow a career path all the way up to a professional LEED Certified position.

- **Mapping Project**

James reminded the CIAC of the Pollution Control Strategy and the Septic Financing project that the CIAC supported in 2007. A recommendation emerging from the project was to establish a

subcommittee of the Clean Water Advisory Council (CWAC) to map all the septic community wastewater and central sewers to help target financial assistance.

James informed the Council that Terry Deputy, Director of the Financial Assistance Board had made some funding CWAC funding available to map environmental justice communities state wide. The project would require the council to define environmental justice. There is national guidance on the definition. It comes down to quantitative analysis. We are looking at race, income thresholds, and vulnerable populations. We will have to quantify the number of permitted facilities, statewide.

La Vaida prompted comments and discussion from council members. A long discussion ensued that touched on the value of mapping to target public spending and the criteria to be used in defining environmental justice.

- **Claymont Community Monitoring Project**

James stated he had hoped to have a report from the Department of Public Health on the health risks to the Claymont Community from the fugitive dust alleged from the Evraz Claymont Steel plant. The contract for the Phase II monitoring has been signed by the Secretary, and one project that has been held up, the Clean Air Council was also signed by the secretary.

La Vaida questioned whether the Public Health report would be available at the next meeting. If the public report is out next week, can we put it on our web site, and bring to the October meeting? La Vaida indicated she would like to see it before October.

James agreed to provide the report to the CIAC when it became available.

- **Asthma Action**

One Page Report Attached: The report from Denny Larson indicated the second training session has been completed. There were five (5) hot spots identified from the collection of 60 logs from community folks reporting emissions. A consistent report in the logs was mention of an incident on July 24 where people in New Castle and Southbridge reported a cloud of fog over the area. The second training focused on particle monitoring. Residents used a mini vol sampler to take particulate samples at 6 hour intervals.

Global Community Monitor sends the information to a lab, which at present show high levels of iron and steel alloys, manganese and lead. Sampling will continue. There will be another training session in September.

The Clean Air Council (CAC) is focusing on trying to get more community participation, as there was a low turnout of just 12 people from just two civic associations the target area. The CAC will need to contact the five other civic associations in the area to get them involved.

Rev. Hall mentioned Jim Black from Clean Air Council got started later than hoped. They have October community service weekend, to provide awareness for civil leaders and clergy. This would cover the south part of the 19801 zip code to New Castle. Lt. Governor is coming to speak. This should be good preliminary training to stir up more volunteers.

James stated other churches have agreed to locate monitors; Mount Joy and Coleman Memorial off Route 9. They are locations that are useful for monitoring.

Marvin indicated that there is the community awareness day in Southbridge on Oct. 24th

Marvin asked for the date of the second monitoring meeting to be e-mailed to him, as he has a Southbridge meeting tonight and wants to mention the meeting.

- **Peoples Settlement Energy Project**

The Peoples Settlement Association (PSA) Green Energy/Green Savings project is the subject of a state audit investigating the possible misuse of state funds. During the process, the State Auditor does not comment. We were told however, that the audit was nearly completed. It will be posted on the State Auditors web site sometime very soon.

In front of you is the request from Peoples Settlement Attorney, Frank Murphy, and a letter from Dr. John Byrne of University of Delaware. Both letters are requesting that we extend the project and continue the funding. PSA received \$42,850 of \$71,080 grant back in March 2008. The financial report indicates that PSA has only spent about \$37,000.

Mr. Keith Lake, the PSA Executive Director has also submitted a request to revise the budget and to renew grant. I met with Mr. Keith Lake and the new PSA finance person last month. They promised to document everything, to send checks, receipts, invoices, etc., so you will see how the money was spent.

The Finance office has suspended the Purchase Order which encumbers the funds. But the money will remain available pending the results of the audit and the recommendation of the CIAC on the continuation of the grant.

We do not expect any further action on this until the Auditor's report is released and we have received all the documentation. We will carry this report to next meeting.

Other:

James stated he has been working with the **Star Hill Community** in Dover. They have had longstanding problems with drainage and roads that flood out. Our Meetings with the Star Hill Civic Association have involved George Sweeney Kent County Commissioner, State Representative Donald Blakely and DNREC Frank Piorko, Administrator of the drainage section.

DNREC has completed an infiltration test, to assess the suitability of the soil for an infiltration ditch. In order to resolve it completely, it will be necessary to get DeDOT to grant permission to cut across Peachtree Road to the drainage pit on the other side of the road. Businesses and commercial property owners have gotten such access. DNREC can complete the drainage ditch. We hope that the drawings will be ready to be presented at the September meeting of the Civic Association.

V. Public Comments/Open Forum

Harold mentioned that during the last two meetings, there was no talk of leaking septic tanks. James indicated this was part of mapping and Clean Water Advisory Council. Keith mentioned there was a new regulation in draft form.

La Vaida seeing no other comments called for a motion to adjourn.

VI. Adjourn

Brian motioned to adjourn the meeting with a second by Bob. All were in favor, the meeting closed.

Respectfully submitted,

Vicki Ward
Administrative Specialist III, 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 for presentations.