

**Community Involvement Advisory Council
Meeting Notes
Smyrna Area Rest Stop Conference Room
October 15, 2013**

Members Present: Robert G. Frederick, Dr. Jay Julis, LaVaida Owens-White, William Pelham, Marvin Thomas, and Joseph Farrell. Six members present, Quorum met.

Members Absent: Harold Truxon and Pam Meitner

I. Meeting Called to Order

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

II. Meeting Protocol Review

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

III. Approval of Meeting Notes

MOTION was made Mr. Julis to approve the June 18, 2013 meeting notes and a second was made by Mr. Frederick. All in favor and the motion carried.

MOTION was made by Mr. Julis to approve the September 17, 2013 meeting notes and a second was made by Mr. Farrell. All in favor and the motion carried.

IV. Community Environmental Project Fund

Mr. Brunswick said there is a total of \$128,721.80 in penalty monies and passed out a spreadsheet of the 2014 Community Environmental Project Fund. He said the best the Council could do is to show there is \$100,000 in money available.

Mr. Julis said that is a great idea, but is there enough time to do a funding cycle.

Mr. Brunswick said he has spoken with DNREC's IT Department and they have all the data. He said that DNREC's Chief Operating Office and Comptroller said they would stop withholding the reserved money.

Mr. Thomas asked if we used the reserve plus the penalty deposits the total would be \$228,721.80.

Mr. Pelham asked if the Council should put aside some of the money.

Mr. Frederick said the Council does have the legal authority to put some aside, but will the application process be worth it for the applicant for a smaller amount.

Mr. Thomas said based on the volume of requests the Council gets, it might not be worth have a funding cycle this year and it might be better to wait another year.

Mr. Farrell asked if there is a danger of the Council losing the money.

Mr. Pelham said it would be authorized by the Secretary.

Mr. Brunswick said that there was around \$300,000 in penalty monies available in 2012 and in 2011 the amount was even larger. He said that at the April meeting he gave the Council a chart that showed the steady decline of penalties. Mr. Brunswick said that there are currently three or four Secretary's Orders with penalties of around \$500,000 and two air brush penalties that will be available in 2014.

Mr. Thomas said the Council should be considering adjusting their funding cycle.

Mr. Pelham said the general consensus seems to be not using the money this year.

Mr. Emory said the better job DNREC does the less money is available for projects. He said the Council might want to consider keeping a minimum balance to carry over for the next year.

Mr. Farrell said he defers to the members of the Council who been on the board and have more experience.

Mr. Julis said we should keep \$100,000 in reserve and only grant requests up to \$20,000.

Ms. Owens-White said she would like to see the Council continue the funding practice and use due diligence.

Mr. Brunswick said the funding cycle is it still possible. He said the workshops could be held in November and the final deadline would be Friday, January 17, 2014. He said the council would keep it the total funding available this year at \$100,000. Mr. Brunswick also made a suggestion to eliminate funding staff and administrative fees.

Mr. Julis said that one of the problems is the Council funding large projects and turning away small projects. He said the cap of \$20,000 is a way the Council can fund more projects.

Mr. Thomas said he in favor of eliminating administrative funding which will also reduce the number of applications.

Mr. Thomas said it might eliminate some of the smaller projects who do not know where to find additional funding for the administrative costs He said if the Council does funding this year, the Council should eliminate all administrative costs.

Mr. Owens-White said these companies should have other resources for administrative fees.

Mr. Farrell asked how the Council determines what are administrative fees.

Mr. Brunswick answered the costs a project would have if they did not do the project.

Kim, DE Center for Horticulture said they have received three different grants from the CIAC, one to grow 100 trees in Seaford, one was a project with New Destiny in Wilmington involving transferring their surface parking lot with the planting of 73 trees as canopy over a parking lot to help clean the air and reduce the temperatures, and to capture storm water runoffs. The third was a project in partnership with DE City improving their community center, establishing an active community garden, improving the landscaping and leveraging a return to work program.

Mr. Pelham asked how her organization would be impacted if on her next application the administrative costs were not covered.

Kim said the costs would still be there and they would have to look at the mission of the organization and try to rectify the harm that has to be done.

MOTION was made by Mr. Julis to hold \$100,000 in reserve and set a maximum of \$20,000 for applications with no coverage of administrative costs which will be defined. A second was made by Ms. Owens-White. All in favor and the motion passed.

Mr. Emory suggested that Mr. Brunswick lay out the perimeters of the administrative costs and then bring that information to the Council to review.

Mr. Brunswick said there was discussion of eliminating nonexempt organizations that do not have a 501C. He said he is afraid that might eliminate EJ communities. Mr. Brunswick also said that he suggests these organizations provide their 501C information up front and he will ask them for a sponsor and minutes of their Board showing their approval. He said that also the role of the fiscal sponsor should be defined along with financial information.

Mr. Pelham said if the Council is limiting grant amounts to \$20,000 and ones at \$10,000 do not have to present 501C credentials, then the Council should get a lot of more informal organized taxable organizations.

MOTION was made by Mr. Julis that grant requests for \$10,000 or under do not require a 501C with some legitimacy to be furthered defined and a second was made Ms. Owens-White. All in favor and the motion passed.

Mr. Brunswick said the application should be available next week. He said a change will be made to the application requiring all applicants to have a DNREC fiscal sponsor. He said he wants the sponsor identified upfront with a signature. He said the Council could hold a workshop in New Castle on November 4, Kent and Sussex County on November 11 and the final application deadline would be January 17, 2014. Mr. Brunswick also said that the optimal week for the subcommittee to meet would be February 4, 2014.

V. Ombudsman Report

Mr. Brunswick said there are two issues in Millsboro; one is with Mountaire Farms, and the other is Vlastic Peninsula. He said he had a conversation with Deputy Secretary, David Small, regarding SIRB holding a workshop with Vlastic Peninsula. He said he thought this might be an opportunity for the Council to participate. Mr. Brunswick said that in the past the CIAC has participated in community hearings and they have always been EJ communities. He said this involved issues where there is a question about an additional facility that might create further problems in air quality. He said this is an issue of what value the Council could give and what difference they could make. He said there has to be a process and criteria for the Council's community involvement.

Mr. Farrell said the Council could address environmental impacts on communities and increase the flow of information between the communities and DNREC.

Mr. Brunswick said the Mountaire chicken processing plant is opening soon. He said that Mountaire received \$220,000 from DEDO and the community perception is that the plant would receive DNREC approval because they already received funding from DEDO.

Tim Ratsep, Administrative of SIRB and Brownfields Section, said the Vlastic Pickle Plant which is being changed into a chicken factory is being evaluated for possible remedial actions and so far the site looks pretty clean. He said SIRB is going to hold a public hearing around the 1st week in December. He said they are waiting on a report from their consultant. Mr. Ratsep said they have received numerous letters from concerned citizens and outside organizations expressing opposition to the development of the site. He said that David Small sent a letter to those concerned citizens and addressed any misconceptions of the Brownfields programs. He said if the Council is willing to sponsor a workshop DNREC would give them another opportunity to talk about what work DNREC is doing there. He said the local elected officials do not want a conversation with the Community until they get a report from DNREC. He said there would be no cost to the Council and DNREC will pay for all the meeting arrangements. Mr. Ratsep said they would invite DEDO to talk about the road and DHSS to talk about drinking water.

Mr. Brunswick asked what the role of the Council would be at the workshop. He said that some of the Council members would have to facilitate the meeting so they would need to get involved right away.

Mr. Frederick said he was not optimistic the Council could mitigate some of their fears.

Mr. Emory said security would be provided.

Mr. Julis and Mr. Frederick asked what the Council could accomplish and what positive would they bring to the table.

Mr. Ratsep said the Council might break the ice between the public and DNREC.

Mr. Farrell said the Council might be a conveyor in helping to share information.

Mr. Emory said the idea of workshop is that the people can ask a variety of questions with less perimeters. He said the Vlastic pickle plant has been there for years, and now that is going to change and the community is upset.

Mr. Farrell said he is willing to participate.

Mr. Julis said it might be difficult to get people from the three different organizations together. He said he would not want to go without those people who can answer the questions.

Mr. Emory said that the Councils role and responsibility will be to run the meeting.

Ms. Owens-White said she wants to know the environmental impact on the communities before participating.

Mr. Frederick said he is concerned about the timeline and when the workshop would take place.

MOTION was made by Mr. Fredrick to recommend attempting to facilitate a public workshop in Millsboro regarding the plant situation. A second was made by Mr. Julis. All in favor and the motion passed.

Mr. Brunswick said the workshop would be scheduled for November 21, 2013 and the public hearing would be on December 3, 2013. He said that each agency could have their own table for providing information and answering questions.

Mr. Emory said the only down side to separate tables is that each person cannot hear all the questions and answers made by other people. He said that maybe a certain amount of time for questions from the whole group read from cards already prepared could be arranged.

Peninsula Composting

Mr. Brunswick said that over the past several months the Southbridge Community near Peninsula Compost has been complaining about the odor coming from the organic recycling center. He said that in 2007, the Southbridge community had a benefit agreement with developers and the first one was with Peninsula Compost which included employment opportunities with community organizations. He said Southbridge does not have a disagreement with the contract, but with the odor the compost is omitted. He said that representatives from Peninsula Compost have answered the questions, but it has not resolved the issue. Mr. Brunswick said the community has been provided with buttons with the 800 number for DNREC. He said the facility agreed to provide an 800 number in their contract and they have done that, but they have not been able to resolve the odor that is constant within the community. He said the community wants the Clean Air Council and DNREC to become involved in getting the facility to meet the requirements of their contract and eliminate the odor. Mr. Brunswick said that DNREC has fined the facility \$25,000.

Mr. Thomas said he would like the Council to work with the community and the Clean Air Council to document the problem and submit something in writing to DNREC asking them to take more measures to get the organic recycling center to eliminate the problems that are causing the odor.

Waylan Pleasanton, Quality Control Manager, Peninsula Compost said the odor problem is a multifaceted situation. He said that according to the Community Benefits Agreement with Southbridge and their Solid Waste permit they cannot omit odors, but they have odors. He said DNREC issued them a NOV with a \$25,000 fine. He said they identified a piece of equipment, permitted that equipment with Air Quality, installed the equipment, which only helped with a small portion of the odor but did not help with Southbridge. He said they put together a community action group with representatives from all the local communities and offered tours of the facility. He said this way the community will have a voice at the facility and they will go to civic association meetings as often as possible. Mr. Pleasanton said they have talked to Southbridge about trying to fix the problem but they need more time. He said he knows the level of frustration is growing, but they are working on a solution. He said they welcome input from the communities and as they put in devices they will let the community know what they are doing. He said they have a large amount of material on site that was not addressed in their permit but the material has been slowly going away.

Waylan Pleasanton said they are improving their process and trying to work on the odor problem. He said they plan to bring in companies to show how they could take care of the problem. He said they have reduced the odors but not enough for the communities and he does not have a timeframe when it will be taken care of. He said the Division of Air has an air monitoring plan but it does not offer corrective action. He said they have asked DNREC for help and they have started working with UOD on a natural tree line buffer. He said he encourages the surrounding communities to communicate at the time the problem is happening and their input is valuable.

Mr. Pelham said the next meeting of the Council will be on December 10, 2013.

VI. Adjourn

Motion was made to adjourn the meeting by Mr. Thomas and a second was made by Mr. Frederick. All in favor and the motion passed.

The meeting adjourned at 11:50a.m.

Respectfully submitted,

Gail Henderson

Gail Henderson
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.