

CIAC
DECEMBER 19, 2013
AIR QUALITY CONFERENCE ROOM
BLUE HEN MALL
DOVER

Members Present: Robert G. Frederick, Dr. Jay Julis, LaVaida Owens-White, Pam Meitner, William Pelham, Marvin Thomas, and Joseph Farrell. Seven members were present and the Quorum was met.

Members Absent: Harold Truxon.

Guests: Pat Emory, Stephen Borleske of the Delaware Greenways, and Christina Wirtz.

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 9:50 a.m.

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. Frederick to approve the October 15, 2013 meeting notes and a second was made by Mrs. Owens-White. All in favor and the motion carried.

IV. Vlastic Pinnacle Workshop

Mr. Frederick said everything went as well as it could have at the workshop. He said Deputy Secretary David Small sent him and Mr. Farrell an email thanking them for their great job leading the meeting. Mr. Frederick said he felt they accomplished their goal of informing the public that the CIAC is a semi-independent body, and does not report to DNREC. He said the flow of the workshop and the question and answer section went well and the 150 people in attendance did not leave before the end of the workshop. Mr. Frederick said some of the people from the public requested to have the comment period extended and DNREC agreed. He also said that both DNREC and the Public Health staff did a good job with their presentations and with the question and answer section. Mr. Frederick also said a man named Ken Currie from Millsboro with technical expertise, and a retired EPA employee is interested in becoming a member of the CIAC.

Ms. Wirtz said the hearing was an opportunity for providing comments on the proposed plan of remediation and there were two presentations that went 20 or 30 minutes. Ms. Wirtz said that one

presentation was given by John Austin and the other was a power point presentation given by a previous EPA employee. She said that SIRB has a proposed plan of remedial action and the comments that were generated are a part of the record of decision and will be reviewed by the Hearing Officer who will then prepare a report. She said if an individual type of investigation is warranted, the Secretary will decide if it is appropriate to issue a Secretary's Order of the final plan of remedial action. Ms. Wirtz said the recommendation comes from the Hearing Officer to the Secretary who then makes the decision.

Mr. Brunswick said there may be an opportunity for the Agency for Toxic Substances and Disease Registry (ATSDR) to step in and help the community. He said they work with communities to help them understand the health risk and their exposure. Mr. Brunswick said they also identify all the contaminants on the site and they may bring together state agencies to help with getting the community involved in addressing their concerns. He said that ATSDR would not move forward because there was no collaborative effort from the community. Mr. Brunswick said this is an opportunity for the CIAC to help pull together stakeholders from Sussex County to go forward and meet with the ATSDR.

V. White House Task Force on Climate Preparedness and Resilience Visit

Mr. Thomas was part of a press conference which was called by the Governor to announce his appointment to the White House Task Force on Preparedness and Resilience. He said the press conference included the EPA Region III Director, Shawn Garvin, representatives from the White House Office of Intergovernmental Affairs, the Council on Environmental Quality, DNREC's Secretary Collin O'Mara, Wilmington's Mayor Dennis Williams, and the Wilmington City Council. He said the press conference highlighted the proposed Wetlands Park and Southbridge which is a low-lying residential community surrounded by industries that has suffered from decades of flooding. Mr. Thomas said that Southbridge floods during high tides and heavy rain and that a broken tidal gate allows tidal water to back up onto city streets, the sewer lines then gets clogged and storm water settles on the streets and can't drain back into the Christiana River during high tides.

Mr. Thomas said The City of Wilmington and DNREC have identified a pot of money to clean and repair the tidal gates and pipes, and to convert a wetlands area into a wetlands park that will retain the water. He said that after the repairs the water will flow into this location and be held there and will not go into the streets. Mr. Thomas said the Governor, the City of Wilmington, and DNREC wanted to show there can be good cooperation between city, state and local government in generating the money for resolving the problem they are facing right now. He said the EPA and the White House were impressed with the Wetlands Park concept and called a press conference to show what Delaware is doing in an environmental justice community as a model project.

Mr. Brunswick explained the Wetlands Park location is a 27 acre site on South Walnut Street behind the Shell Gas station. He said the plan is especially significant because Southbridge is an environmental justice community and the project revitalizes the community and solves a major environmental problem. He said that when it is fully developed it will include recreational areas

and link the neighborhood to the shopping center and the rest of the commercial development on the riverfront.

Mr. Thomas said the wetlands park came out of a 25 year Special Area Management Plan (SAMP) that was developed with federal monies resulting from the work of two DNREC staff, Susan Love and David Carter, and the plan identified this site for this purpose. He said the planning was a 3 to 4 year process that brought major stakeholders in the community together who continue to meet as the Southwest Network Planning Network (SWPN) which is central to launching all sorts of new community revitalization projects.

Mr. Thomas said the SAMP project that was launched is a model example of environmental justice and that Southbridge is one of the few communities in the US that has designed a plan. Mr. Thomas said the Governor's appointment to the Climate Change Environmental Task Force was as a result of the Southbridge Park since it is one of the best examples of Environmental Justice in the Country. He said that construction will begin in 2015 and that monies will be used to look at all the drainage issues in Southbridge and repairing all the flood gates surrounding the communities.

Mr. Brunswick said that another project highlight is the Southbridge Civic Association Community Benefit Agreements that are creating jobs, and cooperation between the community and local businesses.

Mr. Thomas said he was the President of the Southbridge Civic Association throughout the SAMP project and that the Southbridge Civic Association is the only community in Delaware with Community Benefit Agreements. He said they had 4 benefit agreements with local businesses and have asked that a certain percentage of contracts go to minority contractors, and a certain number of jobs will go to community residents. Mr. Thomas said a hotel is opening in April and some community residents have been hired for jobs there.

VI. Peninsula Composting Meeting Report

Mr. Pelham prepared a report on two meetings he attended, one at Rose Hill Community Center and the other at Peninsula Composting Property. He said there have been many complaints about the terrible smell coming from the Peninsula Composting Property especially when the wind flows from the east. Mr. Pelham said that because of the many complaints, a community meeting was called with at least 50 people attending. He said that DNREC provided information about the facility and responded to comments from residents who represented several civic associations from the surrounding neighborhood. Mr. Pelham also said the community made it very clear they could not tolerate the odor anymore.

Mr. Pelham said there were discussions about how to proceed including talks about permitting, zoning, monitoring, policing, inspections, employment, and site improvements. He said that at the end of the meeting the manager of the facility offered him an opportunity to tour the plant. Mr. Pelham said that Peninsula had a large contract agreement with a Canadian Company to buy hundreds of thousands of tons of recycled material over a short period of time, but the Canadian

Company went out of business leaving Peninsula with an excess supply of composting material which the significant cause of the odor.

Mr. Brunswick handed out copies of a newspaper article stating their fine was reduced from \$25,000 to \$15,000. He also said that according to the Division of Air Quality, the Waste and Hazardous Substances staff has been documenting improvements and the company has agreed to pay for a Supplemental Environmental Project (SEP) by providing composting training and giving away mulch to nonprofit organizations.

Mr. Pelham said the name of the company is actually Wilmington Organic Recycling Center (WORC) and they have plants in two other states. He said they received zoning approval and a DNREC permit in 2008 and their marketing claims the company benefits the community by providing significant economic and environmental benefits. He said if you look up Peninsula Compost Group, find the title GORE and click on a video it will show the nice tarps that seal in the material, and shows how the plant operates and what the GORE fabric does. Mr. Pelham suggested the Company prepare a master plan that shows the solution to the problems and make it very reader friendly and not too technical. He also suggested they give a date to resolve some aspects of the problem. Mr. Pelham said it is important for the company to remain in operation, but they have to solve their problems. He said they are trying two things; one is an earth berm on the southeastern side so the wind will not pull the odors into Southbridge; and the second is planting trees to make a buffer so it reduces the wind from the southeast and picks up some of the northwest side.

Mr. Thomas said the representatives from the Recycling Center have been honest and up front. He said they do not know how to fix it, but they are trying. He said that through one of the Community Benefit Agreements with the Southbridge Civic Association, they had chemists look at their package of operations. He said that four residents from the civic association flew out to two of their other sites and they came back endorsing their operations, because there was no smell. Mr. Thomas said that through an agreement between the community and the company a hot line number was created for residents to call about odors and trucks coming through the community. He said that each truck is supposed to stay on a route that keeps them from going through the community and if they don't, they are fined \$500. Mr. Thomas said the recycling center hired some residents from the community, but the work was too labor intensive and hard to keep people working in the plant. Mr. Thomas also said the odor only started about a year ago but they have been there for five years.

Mr. Julis asked if it was just a matter of the quantity of material.

Mr. Thomas answered yes and said they have a lot of material on site and the market has dried up.

Mr. Brunswick said he went to the Southbridge Civic Association and found out there is going to be a court date in March in New Castle County Superior Court and the members of the civic association plan to attend.

Mr. Brunswick said that Jim Faedtke, Chief of DNREC's Enforcement, has done some research on the corporation. He said they have had problems with odors in other states and they had one facility closed down. He said the Clear Air Council is working on the issue through an Environmental Justice Small Grant they received last year. Mr. Brunswick said they are researching how the community was able to close down that plant.

Mr. Emory said that according to the best use practices, the location is probably not the best area for that business and it might be more accepted in an agricultural area.

Mr. Pelham said because of his field of work is architecture, he always thinks about the wind direction. He said that 90 percent of the time, when the wind shifts around on low pressure days the smell goes a long ways and it would have been better on the western border, and not on the south east or east side.

Mr. Emory said according to regulation, the burden of proof is whether it disrupts a person from enjoyment of their home. He said that DNREC has decided to go ahead and charge them.

VII. Delaware Greenways 2012 CEPF Budget Revision Request

Steve Borleski said he is a member of the Delaware Greenways Board of Directors, and that Delaware Greenways started out with a mission focused on connecting open spaces and have now become involved in healthy lifestyles and healthy sustainable communities. He said the Historic Penn Farm had been a tenant farm that was run as a community property under the jurisdiction of New Castle County. He said that New Castle County had been searching for a new tenant for a couple of years, and Delaware Greenways was the only interested non-profit organization. Mr. Borleski said that Delaware Greenways partnered with the Trustees of the Historic Penn Farm and formed a community advisory group to decide on how to use it to advance the surrounding communities. In 2012, Delaware Greenways received a CEPF grant of \$45,000 and in Phase I they used about \$11,000 to go out and build the William Penn Partnership with William Penn High School, one of the largest in the state. He said the first phase was about learning better ways to spend the money.

Mr. Borleski said they have a talented team of leaders who are focused on connecting with students to help them in their career pathways to complete their educations and move forward. He said that William Penn High School made investments in their culinary arts and agriculture programs and today they have 600 students from culinary arts, agriculture, business, and communications programs. Mr. Borleski said the historic Penn Farm serves as an outdoor classroom for these students where the students learn to grow healthy produce and have hands on experience with health lifestyles. He said the program has been so successful that there is never an opening and there is a whole line of students waiting to be a part of the program.

Mr Boerleski said the farm was in bad condition when they started and they teamed with friends in government, DNREC Nonpoint Source Program, the University of Delaware Water Resources Agency, USDA, DelDOT, New Castle County and others. He said they started with trying to

understand how the water flows on the property and learn how to control the growth of invasive species. Mr. Boerleski said they planned to put a herd of goats of the farm to control invasive species but found they could not put goats there because of the way the water flows. The Delaware Nature Society and Delaware Center for Horticulture are upgrading and enhancing the infrastructure, and developing community programs to reach the public. He said the DE Center for Horticulture is asking to reprogram about \$25,000 of the grant to put together a comprehensive plan.

Ms. Pelham asked if they are saying for this money to pay their planner, Andrea Trabelsi, to develop the plan.

Mr. Borleski said that part of it will pay her salary and other people's salaries. He said that most will be used by Ms. Trabelsi to conduct public meetings and he said he will give the Council a breakdown of the shift in the use of funding

Mr. Pelham said that the Council wants that information before we have further discussion and debate. He said the Council will not approve it unconditionally but would need all the information before making a decision.

Mr. Borleski said that Ms. Trabelsi is out for the holidays and she has the breakdown on the money. He said they have a milk shed they want to turn into a bathroom facility and they need to hire the individual that will help us get that information.

Mr. Farrell asked if Delaware Greenways has a long term committed relationship with the trustees.

Mr. Borleski answered they have a five year lease and they are looking forward to see where they want to be in 10 years from now to be an asset to the community.

Mr. Thomas asked if they get funding from other organizations.

Mr. Borkesli said there are a variety of organizations that contribute and they go after a number of grants.

Ms. Wirtz asked if they need the money by the end of January for the bathrooms.

Mr. Borleski said that in order to make the trustee cutoff they need to have a bathroom design.

Mr. Brunswick asked if they have other monies they can use in January to tide them over.

Mr. Borleski answered that would be difficult for a nonprofit. He said that when Ms. Trabelsi gets back she will get the information to Mr. Brunswick as soon as possible with a breakdown.

VIII. 2014 CEPF Funding Cycle Review

Mr. Brunswick said he wanted clarification on the Council's vote in October on the \$100,000 reserve.

Mr. Julis said that we would hold the \$100,000 and have \$128,721.00 for grant applications and limit the grant amount to \$20,000.

Mr. Brunswick said he looked for the definition of the Administrative /Personnel Costs and he found one from the IRS. He asked if the Council wants to allow organizations to pay consultants or do we want to add personnel.

Mr. Julis asked if the Council wants to pay for personnel since they would not want to get into trouble paying for staff and plans that do not happen.

Ms. Meitner said it may force companies to get contractors instead of people on staff.

Mr. Julis said because the grants are so small we would like to give money to organizations that have staff in place.

Ms. Meitner said she prefers to pay for tangibles but asked if the Council is absolute sure they want to exclude this completely.

Mr. Frederick said that in some cases it would be preferable.

MOTION made by Mr. Frederick to approve the definition of Administrative Costs as written in the IRS with a second by Ms. Meitner. All in favor and the motion passed.

Mr. Frederick said that the Council has addressed this question of salary as not exceeding 25 percent.

Mr. Pelham asked Mr. Brunswick to come back to the Council with more information.

Mr. Brunswick suggested that an organization could submit their application via their Fiscal sponsor. He said that in 2012 the Delaware City Environmental Coalition would not have been able to apply directly and they would have to use Main Street Delaware City to make the application on their behalf.

Ms. Meitner said she has concerns with informal organizations because there is no fiscal responsibility with an unincorporated organization.

Mr. Brunswick said the State Grant-In-Aid program regularly funds organizations that do not have tax-exempt status. He said the Grant-In-Aid program has an alternative set of documents and fiscal reporting requirements for non-tax-exempt organizations. Mr. Brunswick said the fiscal sponsor is required to provide all their fiscal information, along with documentation of Board approval for the fiscal sponsor arrangement.

Ms. Meitner asked if the Council feels comfortable with discussing this at the next meeting.

Motion was made by Ms. Meitner made to only allow 501C3 organizations to receive grants and a second was made by Mr. Joe Farrell. All in favor and the Motion passed.

Mr. Brunswick said the suggestion is that we come back and look at administrative costs. He said if we consider that before we put out the application then the workshops would be towards the end of January, the deadline for the application will be March 7, and the April 15 meeting will be to hear the presentation.

The meeting adjourned 12:10 pm.

Respectfully submitted,

Gail L. 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.