

**COMMUNITY INVOLVEMENT ADVISORY COUNCIL**

**MEETING MINUTES**

**DECEMBER 6, 2011**

**SMYRNA AREA REST STOP**

**Members Present:** Sarah Bucic, Robert Frederick, Dr. Jay Julis, Bethany Hall-Long, Pamela Meitner, William E. Pelham, Marvin Thomas, Harold Truxon, and La Vaida Owens-White.

**Members Absent:** Dr. Bruce Allison.

**A quorum was met with nine members present and one member absent.**

**Guests:** James Brunswick, David Presley and Abby Poses of the Clean Air Council; Reverend Robert Hall of the Delaware Ecumenical Council on Families and Children; Paula Holloway of the DE Museum of Natural History; Pat Emory, Director of DNREC's Community Services; and Jim Black of the Partnership for Sustainability and Donald Clifton.

**I. Meeting Called to Order**

Chairman Pelham called the meeting to order at 9:42 a.m.

**II. Meeting Protocol Review**

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

**III. Review/Approval of Meeting Notes**

The meeting minutes of the October 16, 2011 meeting were reviewed by the Council. Mr. Pelham asked that the minutes be distributed sooner to the Board members.

**MOTION was made by Mr. Frederick to approve the minutes with the two corrections and a second was made by Mr. Julis. All in favor and the motion carried.**

**IV. CIAC Mission Review**

**Subcommittee Report**

**Ms. Meitner** reported on the meeting of the subcommittee with Secretary O'Mara on November 30, 2011. The original Community Involvement Advisory Committee. It was called a Committee before it was established as a formal Governor's Council. The Committee brought together representatives from industry, academia and government and they spent a year and half creating a report on communities that were impacted by multiple environmental stressors, were

underserved, and recommended ways they could be better served by the Department. The Committee produced 33 recommendations. Their report is available on line. Among the 33 recommendations was a call for a standing committee to be established to continue the work. The resulting legislation, SB33, enacted the CIAC. The Council's initial focus was to implement the recommendations of the Committee and to work with DNREC to improve communications with communities.

The Legislature passed another bill which created the CEPF which states that 25 percent of penalties would go back into the communities that have been impacted to improve their environmental conditions. Under this legislation, this council was set up to advise the Secretary on those projects. Since then, the work of the Council has been consumed with these funding decisions and the monitoring of CEPF Projects. Implementation of the other recommendations have largely fallen by the way side. The CIAC thought it was time to review what we are doing and reconsider if we were fulfilling our mission. The Council felt it was time to talk with the Secretary since his support is key to implementing our goals.

At the November 30 meeting, Secretary O'Mara thanked the Council for their work. He expressed his appreciation for their sacrifice. The Secretary indicated he does not want the Council to focus solely on the project funding. He would prefer the Council work more closely with communities and lend assistance to the Department in communicating with the communities. Secretary O'Mara wants the Council to work in formally identifying stressed communities. He suggested that by working more closely with community concerns, the Council could be more involved in helping to shape project funding requests. The Council would already be familiar with the communities and could direct them to the programs that would be beneficial to them.

**Ms. Bucic** shared that the Secretary would like for us to focus on mitigation and offset with specific communities.

**Mr. Frederick** shared that it was timely that the Council was thinking the same thing and created a strategy. The meeting established that the Council is an independent body and a bridge between communities and DNREC.

**Ms. Meitner** shared that one interesting thing that came out of the meeting was that DNREC has been reorganized and now has an Office of Community Services, with Patrick Emory as the Director. The subcommittee invited Mr. Emory to today's meeting to get an understanding of what his office does, and to develop a relationship between it and the Council.

**Mr. Emory** said that the Secretary felt it was important to establish one office that other groups and agencies could contact and not have to guess who to call to get an answer. The Office of Community Services started on January 31, 2010. The office contains Kim Chesser; the Small Business Ombudsman, Jenny Bothell; the Enforcement Coordinator; James Brunswick, the Community Ombudsman, and the Environmental Crimes Unit. From January through June he worked with the Legislature on constituent relations along with David Small and the Secretary. Mr. Emory is looking at coordinating the Enforcement Section of Parks and Fish & Wildlife with

the Environmental Crimes Section. He also wants to establish a public outreach with environmentally stressed communities. Mr. Emory said he needs the Council input on how to further develop the Office of Community Services.

**Ms. Meitner** said the Secretary mentioned that he met with Marjorie Crofts, Director of Waste and Hazardous Substances, and they discussed a state-wide Brownfields mapping project that had been completed recently. Ms. Meitner said the mapping of the brownfields sites location, by the Site Investigation and Remediation Section (SIRS), is one indicator of stressed communities. The brownfields sites are concentrated mainly in Wilmington. She said the Council should look at that program in identifying stressed communities. The Secretary spoke about the down state water and sewer issues as issues of concern. Truck idling and the industries in South Wilmington and New Castle that create a lot of fugitive dust are also issues that could merit the Council's attention. They reviewed some of the areas on which the Council had focused and agreed to continue that work, rather than being consumed with CEPF funding decisions. Ms. Meitner said the Council does not have much flexibility in terms of additional meetings or regular changes in meeting locations. The Council could work more with subcommittees and when possible, call on other DNREC programs for assistance and report back to the entire Council.

**Ms. Hall-Long** said she has been working with the Healthy Homes Project with Public Health which will naturally fit with the Community Services Office.

**Mr. Brunswick** said the Secretary promised to get other Division program managers to address community concerns at our Council meetings. He encouraged the Council to have communities come more often to our meetings to address their concerns. Mr. Brunswick asked the Council if they would like to establish a subcommittee to develop an agenda of issue concerns to address in the upcoming year.

**Ms. Meitner** said that DNREC has looked at a Public Hearings Regulation for several years and now has a policy that is very close to being put on line. The CIAC could ask someone from DNREC to come and explain the new Regulation. She said a great idea would be for the Council to sit down and give their thoughts on issues we would like covered. It would be reasonable to identify one issue and one speaker and announce it on the website in advance.

**Ms. Meitner** said that we are moving into the project funding portion of the year. She asked if the Council wants to have a subcommittee look at those projects beforehand and give feedback to the Council.

**Mr. Pelham** said that Ms. Owen-White should continue to chair the subcommittee.

**Mr. Julis** said the subcommittee begins the process by reviewing the projects and rating them. Their report goes to Mr. Brunswick to get answers to questions raised by the subcommittee from the applicants. The projects are rated again and their report goes to the full Council.

## V. 2012 CEPF Application

### 2012 Penalty Deposits and Application Booklet

**Mr. Brunswick** said the online application is going to take a little more time. He said there is a possibility that the time line for reviewing applications will need to change. The applicant's presentations may have to be moved until the April CIAC meeting.

*MOTION was made by Mr. Julis to move the applicant's presentations to April and a second was made by Ms. Owens-White. All in favor and the motion carried.*

**Mr. Brunswick** said he will get a prototype of the one line application this week and send it out to the Council members to look at it.

**Ms. Meitner** said that deadline should not go past April.

**Mr. Thomas** asked if there is a learning curve for the applicants to comply with what we need.

**Mr. Brunswick** said the application that has been developed by the Office of Information Technology (OIT) was very user-friendly, and he will be conducting workshops to provide training and inform the public.

**Mr. Frederick** said the Secretary offered to come to the April 2012 meeting.

**Mr. Brunswick** said the GIS application will also include an interactive penalty spreadsheet. The applicant will be able to click on the spreadsheet to view the actual locations of the violations and be able to see copies of the Secretary's Orders.

**Mr. Pelham** asked about HB 197's requirement for funding to go to the Drainage Basins where they occurred if when reviewing the applications if the Sussex county projects exceed the money available for that county would that create a problem.

**Mr. Brunswick** said no. Both the subcommittee and the Secretary usually consider the transient nature of air and water pollution, and the Secretary has the discretion to consider other factors, not just the location of the violation.

**Ms. Hall Long** said it is not about the money but the best use of the monies for the communities. We can technically look at the whole state.

**Mr. Brunswick.** There are about 94 different watersheds, if we used them as the geographic basis for determining eligibility, it could in some cases, restrict the availability of penalty funds to a mile. There are only 5 water basins in the state to help shape the criteria for funding.

**Mr. Pelham** said that HB 197 spoke to the concept of Watersheds and not Water Basins.

**Mr. Brunswick** said that Water Basins are an aggregation of watersheds. The larger geographic area will make more substantial amounts of penalty funds available, but still allow there to be a tight nexus between the location of violations and their proximity to the impacted communities. The application will calculate the total distance from violation to the proposed projects. The Council can take other criteria into consideration when making the funding recommendations.

## **VI. Community Ombudsman Report**

### **CEPF Interim Reports**

**Mr. Brunswick** said that the Division of Parks and Recreations staff has been tied up with a 5 million DELDOT project on a statewide trail network. The Parks staff have not met with the Friends of Lums Pond to work out the Project Agreement yet. He said he will speak with Matt Chesser, the project administrator, to see when he will be ready to implement this project.

**Ms. Meitner** asked why they cannot free up one guy to get started on this project.

**Mr. Brunswick** said it speaks to the shortages of staff and resources. Apparently, Parks and Recreation's staff are all focused on the trails project.

**Ms. Meitner** asked Mr. Brunswick to have Pat Emory speak with Chazz Salkin and see if there is a way to move the project along more promptly.

**Mr. Brunswick** said he will do that and get back to the Council.

**Ms. Paula Holloway** spoke on the report of the Delaware Museum of Natural History Project. The Museum of Natural History instructs children about the environment and nature with an interactive room for children to learn about certain things with boxes. They have also purchased DVD's and backpacks to help children connect with the outdoors. Their goal is to reach children between the ages of 2 to 5 and give them a positive outlook towards nature which will be with them the rest of their life and possibly change their parent's outlook too.

**Reverend Hall** with the DECCF said this is their 2<sup>nd</sup> project to promote environmental health. He said they try to reach the very young and the very old constituents in their faith communities that are affected by poor air quality. They remind people of the health consequences and what they can do to reduce it.

**Ms. Bucic** said the Environmental Coalition kicked off their health initiative in January with home health hazards assessments. She said the bulk of the grant will take place in March when the bulk of the monitoring is completed.

**Mr. Brunswick** asked if they were any comments on the flaring incident.

**Ms. Bucic** said the main concern was that the community notification lines went down and DNREC lines were busy.

**Mr. Brunswick** said he will talk with Pat Emory about the contact person for an emergency.

**Mr. Jim Black** said he is working with Sarah on this. This particular event was not at a level that would cause health risks. But if it was, there was no warning for people.

**Ms. Meitner** said we should invite someone from the refinery to come and talk along with someone from DNREC.

**Mr. Julius** said the newspaper said it was a legal flaring and it was done as a safety measure to burn off the toxics.

**Ms. Bucic** said this is the first one since they reopened. There are some issues on how they get the message out and why the DNREC lines were too busy to handle all the calls from area residents.

### **Port Area Traffic Study**

**Mr. Brunswick** said one of the concerns raised at the meeting with Southbridge and Hamilton Park was the truck traffic and the exposure of people in Southbridge and New Castle County to diesel fumes. WILMAPCO along with DNREC's Air Quality have agreed to fund a traffic study. Originally, the traffic study was going to focus on the Port of Wilmington but after a meeting with the Port of Wilmington, there are as many as 18 sites with high diesel truck traffic that are within a two mile radius of the Port that could be included in the study. The traffic study will identify sources of the truck traffic in neighborhoods and the Port of Wilmington. The study will look at the feasibility of the Port of Wilmington acquiring some land to be used as a staging area. The project would outfit the staging areas with electrification units. Trucks could park there instead of idling and be dispatched directly to the Port. This could be a significant project. It would be a great example of what could be accomplished by working directly with communities and the Department to solve local environmental problems.

He said this project fits well with the Enforcement Unit location within the Office of Community Services because it involves DNREC's anti-idling enforcement. The Attorney General issued an opinion that all law enforcement agencies have the power to enforce the anti-idling law.

### **Septic Financing Outreach**

**Mr. Brunswick** said he was working with the Financial Assistance Branch (FAB) in an outreach program for the FAB septic loan program. The goal of project is to create community outreach groups, and to have actual focus groups with community residents on how and why they should apply for a septic loan in January. He said they hope to make 100 loans in the next year. DNREC's Public Affairs is involved in the planning of the Septic Outreach and will provide media exposure.

**Mr. Truxon** said he is glad that First State took control because they operate state wide.

## **USDA Quarterly Meeting/EPA Environmental Justice Initiative**

**Mr. Brunswick** said that in July the EPA Environmental Justice Advocates and DNREC met with the DHSS Drinking Water Program to discuss environmental justice outreach to communities that have missed opportunities for funding drinking water and waste water infrastructure. Many communities are reluctant to put in public systems because of the cost to the homeowners. The monthly fee of around \$38 a month is too much of a burden for many people. He said they are looking for a way of explaining the need more clearly to the communities and identify alternative funding. He also discussed the meeting at the quarterly USDA Rural Development meetings that he regularly attends. The group discussed the possibility of creating an education program to help people understand the cost and health effects from contaminated well and septic systems. He said that the group will invite the EPA to participate on that outreach.

**Mr. Pelham** asked if there is any reason why penalty funds could not be used to help fund this type of project.

**Mr. Brunswick** said that this is funding for individual homeowners so CEPF funding would not be appropriate. The Septic Financing study that the CEPF funded in 2008 had identified state funding programs for residential and community systems. The State of Maryland has a Flush Tax that provides funding for construction and maintenance of residential and community systems. The Delaware legislators that participated in our focus groups said that this alternative was not realistic for Delaware.

## **VII. Open Forum**

**Ms. Meitner** asked the Council if there any particular topics they would like to be addressed next year from speakers.

**Mr. Pelham** said the lightering in the river and the safety of the dredging of the Delaware Bay.

**Mr. Thomas** said that on the south side of the City of Wilmington a company stores materials at a height higher than a house and DNREC does not have the power to regulate the height of mounds. When the wind blows the dust from the mound spreads throughout the community. DNREC may be reluctant to enforce the height issue because the state purchases materials from those companies for roads.

**Ms. Owens-White** would like to know more about the brownfields. How do communities get some economic development out of brownfields? Many areas could result in job creation.

**Mr. Pelham** has done projects in Southbridge and found it to be expensive and when funding is short DNREC is contracted to remediate sites. Their emphasis is on non profit.

**Don Clifton** from Milford said he found the Council's meeting to be very interesting. He was a USDA state executive for ten years and left last March to run his family business. As a USDA executive he understood the necessity of effective outreach. He was pleasantly surprised to see that this Council existed and he is excited about the attitude of the Council members. He said that the Council could be a very effective communication vehicle with the communities. He has seen a great deal of misperception by businesses regarding what DNREC does.

**MOTION was made by Ms. White at 11:36 a.m. to adjourn the meeting and a second was made by Ms. Meitner. All in favor and the motion carried.**

Respectfully submitted,

*s/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.*