

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

MEETING MINUTES

FEBRUARY 21, 2012

SMYRNA AREA REST STOP

Members Present: William Pelham, Sarah Bucic, Robert Frederick, Dr. Jay Julis, Pamela Meitner, La Vaida Owens-White and Marvin Thomas.

Members Absent: Dr. Bruce Allison, Dr. Bethany Hall-Long, and Harold Truxon.

A quorum was met with seven members present and three members absent.

Guests: James Brunswick, Pat Emory, Director of DNREC's Community Services; Todd Keyser, Hydrologist with DNREC's Site Investigation & Restoration Section; Ravi Rangan of the Division of Air Quality; Matthew Chesser of Parks and Recreation; Pat Emory, Director of Community Services; and Melony Armstrong, News Anchor with WDEL.

I. Meeting Called to Order

Chairman Pelham called the meeting to order at 9:35 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

MOTION was made by Mr. Meitner to approve the minutes with the two corrections and a second was made by Ms. Owens-White. All in favor and the motion carried.

IV. Metachem Update

Todd Keyser, Hydrologist with DNREC's Site Investigation and Restoration Section gave the Council a PowerPoint handout on Metachem/Standard Chlorine of Delaware. Metachem is a 64 acre site on Governor Lea Road, north of the refinery complex in Delaware City. It became a National Priorities List (Superfund) site in 1987 after two large product spills in the rail yard, the failure of an above ground storage tank, and a lack of compliance.

Ms. Meitner asked about the solar power feasibility study, would there be solar power created on the site?

Mr. Keyser said the field of solar panels could potentially power the remediation systems at the site, or possibly a larger system could generate power for offsite users.

Ms. Meitner asked who owns the land.

Mr. Keyser answered the bankruptcy LLC trustee.

Mr. Thomas asked who will operate the solar facility.

Mr. Keyser said the operation of the infrastructure will be done by a private entity.

Mr. Thomas asked if any there was any ongoing negotiations between DNREC and Metachem.

Ms. Meitner said the Court appoints a trustee to manage the situation and Metachem no longer exists because of bankruptcy.

Mr. Keyser said the feasibility study will give us the information to market the property for someone who might want to do a solar farm.

Ms. Bucic asked if anything changed because of this situation. She asked if there was a limitation for other companies in using certain chemicals.

Mr. Keyser said that what Metachem did was perfectly legal. DNREC is taking steps to find a different way in to recover funds.

Mr. Frederick asked if any study has been done on to assess the exposure of the employees to toxic chemicals in that environment.

Mr. Keyser said that under OSHA regulations, the company was responsible for doing an assessment when the company shut down. Those records are the property of Metachem. We have no way of knowing whether there was any exposure to employees.

Mr. Thomas asked if DNREC is looking at LLC's and asked if a policy or regulations have been developed that will limit LLC's from going into this type of industry.

Mr. Chesser said there was legislation changes suggested because of Metachem, but there was no ability to get those changes through legislation.

V. DE City Release Update

Chief Faedtke of the Environment Crimes Units spoke on the DE City Refinery incident of November 27, 2011 which resulted in a flaring. He said that shortly after the incident, DNREC conducted an investigation and meet with representatives of the DE City area. He explained that DE City Refinery's notification system for the flaring was not an emergency notification but a DNREC Environmental Release Notification (DERNS). DERNS informs the public of the release or discharge of contaminants or pollutants locally or statewide when the reportable quantity thresholds limits of releases are exceeded. Any releases from the refinery are posted within an hour to two hours of the actual release. If it had been an emergency, then there are other notification mechanisms in place.

Mr. Rangan said that the DE City Refinery sounds audible alarms to notify their own staff to get their people out of the plant. He also said that based on our assessment of refinery performance, we have never seen downward models that trigger harm to the environment. When upsets happen it will take pollution concentrations to downward communities. He said they look at every one of these incidents through a rigorous internal review and if necessary enforcement actions are taken.

Mr. Thomas asked if there have been any meetings with the community to lessen their anxiety.

Mr. Rangan said they met in December with the DE City community.

Ms. Bucic asked if Public Health is involved in any way with the monitoring process.

Chief Faedtke said that the Department of Health and Social Services (DHSS), Division of Public Health monitors air quality along with the DNREC Division of Air Quality.

Ms. Bucic asked if any study was done on the exposures of vulnerable populations over a life time.

Mr. Rangan said they have been studied by EPA. Ambient Air Quality Standards allow for a limited amount of these emissions. The standards are established by modeling. He said he has never seen emissions from a refinery operating at maximum rates modeled. The refinery has monitors that have been positioned to capture emissions based on wind direction.

Mr. Julis asked what would sound for a regular emergency.

Chief Faedtke said that DEMA would implement the Delaware Emergency Notification System (DENS). Reverse 911 calls would go out to homes. Officers with megaphones would go to neighborhoods.

The Emergency Release Notification information includes:

- The chemical name or identity of any substance involved in the release.
- Location of the release.
- An indication of whether the substance is on the extremely hazardous substance list.
- An estimate of the quantity of any such substance that was released into the environment.
- The time and duration of the release.
- The medium or media into which the release occurred.
- Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.
- Proper precautions to take as a result of the release, including evacuation, or shelter in place.
- The names and telephone number of the person or persons to be contacted for further information.

Mr. Emory said the Department is dedicated to protecting the health of people around the refinery. He said they would go to the communities and talk with them to lessen the stress.

Mr. Pelham said there is a need for an ongoing educational process or program from the Refinery to keep the community informed regularly and accurately on what is taking place.

Ms. Meitner said the groups that meet with the community need to explain that the flares are a safety feature and are a good thing so far as protecting the environment.

Mr. Rangan said we did have several flaring incidents after November 27. He said it is not possible to notify prior to the flaring because we cannot predict when the flaring will be needed. The permits that are written do not authorize any flaring and therefore any releases are handled as violations. The refinery has had releases of several thousand pounds in a very few minutes. They have approached DNREC about modifying the permit. The refinery wants some mechanisms to allow for some releases without violation.

Ms. Meitner said that DEMA activates the Delaware Emergency Notification System (DENS) to notify the public through the reverse 911 system. This system is based on land lines. This would not work with mobile phones. Now that mobile phones are used more than land lines, is there a mechanism for people to register their mobile phones for notification?

Chief Faedtke said the fire company goes street by street notifying people. However, anyone wishing to use a cell phone may contact 866-484-3264 to register that cell phone in the system.

Ms. Meitner said it is in everyone's best interest to promote the need to register for notification in the community. She also asked if Mr. Turner, from DEMA, could be invited to our June 19 meeting along with the New Castle County Manager.

Ms. Bucic said the emergency management plan will be released by April 13, 2012.

VI. 2012 CEPF application

Friends of Lums Pond

Mr. Brunswick said that a 2011 \$50,000 CEPF grant had been awarded to The Friends of Lums Pond to develop the plans for walking and biking trails. The Division of Parks and Recreation has not been able to implement the project because of the large demand on their staff and resources to develop the Governor's state-wide trails project. The President of the Friends of Lums Pond has asked for an extension of this Council's funding agreement to implement the project in the 2012 funding cycle.

Mr. Chesser said their staff has been cut down to only 8 people. This small staff has been extremely busy since the economy turned around and there are now monies for large projects such as Cape Henlopen's waste water, and the pier and the Assawoman canal. He has brought on board some consultants to help with the Lums Pond project. He anticipates starting on the project in the next month and the work to be done in the next two or three months.

MOTION was made by Mr. Julis to grant the extension of the Cape Henlopen project and a second was made by Mr. Frederick. All in favor and the motion carried.

2012 CEPF Application

Mr. Brunswick said the on line application is finally available. He said an applicant can identify all of the available violations by going to the CIAC website below and clicking on the link below to the online penalty spreadsheet.

<http://www.dnrec.delaware.gov/ciac/Pages/CIAC.aspx>.

Once there, the applicant simply enters the address for their project, in any format, in the box that appears. The website generates a map of the drainage basin where your project is located. The violations that have occurred in that drainage basin appear as bright yellow yield signs. The applicant clicks on these signs to reveal the Secretary's Order. The Order describes the nature of the violation, and provides the amount of penalty funds that are available from that specific violation.

By clicking on a second button; "Get Sites" the applicant gets a list of every available violation, by Drainage Basin, and the distance of the project from each violation. The CIAC will use distance as a factor in the grant award decision. Where two or more projects compete for the same penalty funds, the project closest to the violation win will.

A total of 25 organizations attended the New Castle and Kent/Sussex County workshops. We will normally receive about as many applications as workshop attendees. This will be a very competitive funding cycle.

The application deadline is March 16 at 4:30 P.M. The grant review subcommittee comprised of Lavaida Owens-White, Mr. Marvin Thomas, Dr. Jay Julis, Bob Frederick, Pam Meitner, and Sarah Bucic will meet on April 3 at 1:00 pm in the Secretary's Conference Room in the Richardson & Robbins Building.

Community Ombudsman Report

Mr. Brunswick said the affordability of waste water disposal systems is an ongoing problem for low income communities throughout the state. He said that the Groundwater Discharges Section has identified 10 homeowners associations where individual homeowners cannot afford to pay the monthly utilities bills. The associations have placed liens on the sale of those properties, but without revenues for the operation and maintenance of the systems, entire communities are left with inoperable waste water treatment and disposal.

Mr. Brunswick said he participates in quarterly meetings with USDA Rural Development, Southeastern Rural Community Assistance Program (SERCAP), the DHSS Drinking Water Program, the First State Community Action and other agencies. The EPA Environmental Justice Advocates were guests at the most recent quarterly meeting. SERCAP and our local partners are collaborating on an EPA Environmental Justice Small Grant to jointly address the problems of these low-income communities. He expects the EPA Environmental Justice Advocates to become active partners in the project.

Mr. Brunswick said the Department will be looking at the public policy options to resolve these problems. Some options are created if several communities can be brought together as a single sanitary sewer district. The larger base of paying customers could create a sustainable revenue source. In some cases communities, the County government might be willing to take control from the Homeowners Associations. The County has greater power to collect monthly fees. There will have to be detailed plans for the creation of new sewer districts. The groups in our collaborative will support the communities in pursuing planning grants from USDA and from our Financial Assistance Branch to perform feasibility studies for the new drinking water and waste water systems in the new districts. They will look at the kinds of systems that would be required and the number of users needed to create affordable water systems. He said the plan is to bring communities that have been successful in managing their systems together with the struggling communities to see what lessons they might learn from one another.

Mr. Thomas stated the wastewater could become a health issue.

Mr. Pelham suggested that in 2013 the Council might include a proposal for funding for projects like that.

Mr. Brunswick said that grants from FAB and USDA could be used for construction costs. He said that the CEPF Community Financing study found that several surrounding states have established fees and taxes to finance these systems in high poverty communities, but a tax in this economy would be highly unlikely.

Sussex Community Correctional Center Tour

Mr. Emory said that he, James, Kim Chesser, and Jenny Bothell went to the Sussex Correctional Center and toured their recycling project of tons of cardboard and cans. The projects next challenge is the recycling of agricultural plastic. They are willing to take the film from agriculture to the landfills and save the farms and the communities their removal. Their key is their untapped workforce. They keep the inmates busy and the money goes back into prison system. The inmates chop up wood which is sold for camp fires. They also have green houses and grow sweet potatoes. The Prison is going to return for a grant for an additional bailer for recycling. The Warden runs the Violation of Parole Program and Mr. Emory has a good relationship with him. There is also a partnership between Dept. of Agriculture, DNREC and the Prison. The prisons' butcher shop filled the need to get more deer off the landscape. The deer are dropped off then the meat is processed and given to the needy. They set up locations throughout the state with coolers for the deer to be dropped off. The butcher shop has a certified butcher sign off on their abilities.

VII. Open Forum

Mr. Emory said he would like to set up a date for the Council to tour the Sussex Correctional Center.

VIII. Adjournment

MOTION was made by Mr. Julis for adjournment and a 2nd was made by Ms. White. 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.