

Meeting Notes  
**Community Involvement Advisory Council**  
June 10, 2008

**Members Present:** Dr. Bruce Allison, Robert Frederick, Dr. Jay Julis, Pamela Meitner, William E. Pelham, and Marvin Thomas (6 members present, quorum is met)

**Members Not Present:** Janice A. Durham (term ended 3/31/08), Dr. Bethany Hall-Long, La Vaida Owens-White, Donald B. Scholfield (term ended 3/31/08), and Harold Truxon

**Non Members Present:** Dee Whilden, David Small, James Brunswick, Vicki Ward

**I. Meeting Called to Order**

Chairman Bill Pelham called the meeting to order, greeting the group and wishing all a good morning.

**II. Meeting Protocol Review**

Bill continued with a review of the Community Involvement Advisory Council's protocol and what the mission the group has been charged to ensure.

**III. Approval of Meeting Notes**

The meeting notes of the February 12, 2008 meeting were discussed. Dr. Jay Julius moved and Bob Frederick seconded the motion to approve the minutes. All in agreement the minutes were approved.

**IV. Community Involvement Advisory Council Expired Terms**

- Mr. Donald Scholfield
- Ms. Jan Durham

James Brunswick raised two Council vacancies for discussion. Mr. Donald Scholfield and Ms. Jan Durham have both elected not to seek another term on the CIAC. While the enabling legislation does not require geographic representation, both of the vacancies are with Kent County appointees, so this creates a significant vacancy on the Council in terms of being able to address community involvement in those communities.

Bob questioned appointments by the DNREC Secretary. James explained that appointments to the CIAC are formally made by the Governor through the Office of the Governor, Director of Boards & Commissions. In the past we have asked the Secretary to make recommendations that we would pass on to the Governor's Director of Boards and Commissions for consideration.

James has asked for help identifying interested people, but to date no one has followed through by submitting an application for review by the Governor's office.

## **V. Community Ombudsman Report**

### **A. Community Environmental Project Fund Policy Recommendations**

In March (3/4/08) Bob Frederick, Bill Pelham and Marvin Thomas attended a grant review subcommittee meeting in which James outlined some of the administrative challenges created by delegating Community Environmental Project Fund projects to other DNREC divisions for fiscal oversight and project implementation.

First of all, in reviewing the Community Environmental Project Fund procedures Vicki Ward and I met with Administrators in each division and with DNREC project sponsors before meeting with Bob Zimmerman and Tina Haszard in the Fiscal office. We found that some divisions, for example Parks and Recreation, Soil and Water Conservation will use Project Agreements for CEPF projects while others used the standard State Contract for Professional Services. In the meetings with the Division Administrators and Project Sponsors some suggested that we might want to move away from using professional services contracts to using Project Agreements. Project Agreements would make their administration of CEPF projects consistent with their own division's internal processes. In some cases Division Administrators had incurred legal expenses and wanted to avoid those costs in the future. However in follow up meetings we found that Fiscal was not agreeable with this approach.

While both contracts and project agreements are legitimate means of administering a project, DNREC's Fiscal Office wants the CEPF to use a single operating procedure. Fiscal prefers the use of the standard State Contract for Professional Services. The standard contract has more language that is protective of state government and its Departments. It contains clauses that indemnify the Department; grant it rights to end the contract, rights to reproduction and use of materials. It limits subcontracting. It requires bidding, and so on.

The strongest reason for Fiscal's preference for the standard contract is most likely because it establishes standard accounting procedures; contracts, purchase orders, manager reviews and sign offs on expenditures, bidding, etc.

We serve a different population with the CEPF. The eligible recipients for nearly all the Departments' other grant programs are local governments, small businesses, entities with sophisticated accounting experience. Eligible entities for CEPF funds are more often nonprofits, civic organizations with limited financial management systems and experience. So we will use the document and process that requires more systems and accountability, the Standard Professional Services Contract. This process gives fiscal a solid audit trail in the event that any CEPF expenditure is ever questioned.

Secondly, I found that by delegating the project to sponsors outside the Office of the Secretary, that Community Environmental Project Funds were moving from OTS accounts into the account(s) of the sponsoring division without the standard accounting checks and balances. By the end of the fiscal year there was no trigger to remind the

fiscal office to ask for the return of unexpended funds to the CEPF account. All of the remaining CEPF funds we awarded for two projects sat in the division or program when the project ended or remained there at the end of the fiscal year. In two cases, a Parks and Recreation CEPF project, and a Coastal Programs sponsored project, the result of moving funds out of OTS was that we lost some principal and earned interest on the CEPF account.

James pointed out some of the areas where the CIAC could improve fiscal oversight by conforming to the standard professional contract. He referred to a handout that was produced for the subcommittee. Some issues such as the requirement that contracts could only be altered by a written agreement that is signed by the contractor and the DNREC Secretary would have to become standard operating procedures. Others issues such as bidding requirements might require an opinion from Fiscal or the Office of Management and Budget.

From this point forward every project has been administered through OTS and we follow the guidelines in the Standard Contract for Professional Services. This is now standardized, so there is a Purchase Order and professional services contract for each project. Fiscal has now assigned codes for every expenditure. James is now taking more responsibility on the sign off and payment of invoices and the approval of invoices on projects as they come in.

In addition to these steps Vicki and I have established standard format for the files, how we keep records and what the content of each file should be. We are now working with Parks and Recreation to create an Access database. We will both be taking ACCESS training and we will both be able to work with the database to monitor and track CEPF projects.

James would like the CIAC to consider some innovations with the Community Environmental Project Fund. He would be asking the subcommittee to meet to look at a CIAC manual. The manual will cover the application process, the evaluation criteria and funding process. This manual could be developed, distributed at workshops and be available to applicants in each funding cycle.

A pre-application process would be very helpful if it involved DNREC project sponsors reviewing a project before our subcommittee meeting. The sponsors could help to sort out those difficult complex development projects. Help us determine whether projects are feasible, when we want to buy in, etc.

Another innovation to consider could be the creation of a capacity building small grant. James explained a problem that we often encounter in Environmental Justice (EJ) communities are that environmental problems go unresolved because they end up being nobody's business.

Some issues are very complex. They include overlapping problems. Some aspects of the environmental problem are land use issues that have to be addressed at the county

level. Another component of the problem could involve zoning and ordinances that are the responsibility of local governments. You can add still another layer that could involve state agencies; DNREC, DelDOT, the Department of Public Health.

Lots of environmental issues are overlapping problems that do not fall strictly under the scope of the department to resolve. Some CIAC members might remember the encounter with Coverdale Crossroads. Coverdale is a small unincorporated community with tremendous wastewater issues. DNREC took on the septic issues and uncovered other problems with; deeds, surveys, replacement of plumbing, electrical hookups. There were conflicting state/county regulations on septic system requirements. We found that to resolve the wastewater issues we had to build the capacity of the Coverdale community to get information, to plan, to organize themselves, and to bring all the stakeholders in the issues together to develop a plan of action and have each agency do their part in resolving the problems.

Issues like Coverdale Crossroads are typical in the communities that the CIAC is charged to work with. There is a similarly complex issue with drainage problems in the Star Hill community, in Kent County. But the problem there won't be addressed until the community leaders and their organization has more capacity. Communities need information and training to organize themselves. Their leaders need to understand concepts like exposure and risk. DNREC needs information to respond appropriately to their problems.

At the EJ in America Conference, several workshops addressed models for capacity building and collaborative partnerships. James talked with the Executive Director of the Environmental Assistance Center. These centers offer capacity building services to communities that include training to develop their organization, funding to bring in technical assistance to train community leaders to understand environmental concepts, training to develop plans of action that include building collaborative problem solving partnerships. The capacity building grants the CIAC might consider would fund these kinds of capacity building projects and activities.

One of the charges in our mission is to increase the flow of information between DNREC and communities, so capacity building grants would do this better and would be consistent with the CIAC mission.

The Council members discussed capacity building and collaborative problem solving partnerships.

Jay questioned if the partnerships are coupled with existing ones. James indicated that yes, the purpose is to build capacity of organizations and leadership in communities so they could bring together all the appropriate stakeholders.

Bill questioned what requirements small grants would have, would we have the same standards? James provided the example of the New York State DEP Capacity Building grant. New York State has a program, with application about 1 ½ pages long.

Bill inquired if others had the non-profit 501c3 requirement. James replied that it was not a requirement, because groups could use the grant to establish a non profit environmental organization. Perhaps we should consider that requirement for larger CEPF grants. Right now the CEPF requires that at a minimum groups are incorporated and have a business license.

Bill questioned the requirement for matching monies to which David replied that there is nothing in law that dictates us to require that of the applicant.

Jay stated that based on our experience with the Septic Initiative, when applicants hit a roadblock, they can come back, with the specific needs.

Pam arrived.

Marvin voiced his concern relating to James' role as Ombudsman, and more of an administrator within the department, questioning how the responsibilities here conflict. This is a huge challenge and perhaps encompasses more than the job description for Ombudsman. David Small spoke up that this has also been a concern of his.

David stated: We see James evolving as a grants manager. Small grants would help to replicate activities that James as one person is able to put on the ground. Are there people out there that can serve as the glue, to do the networking and capacity building that James has been doing? Is there a way to outsource what James has been doing? David voiced his agreement with Marvin and urged the council to strongly consider a small grants program.

## **B. Review of original Community Involvement Advisory Council Recommendations**

James narrated a power point presentation of the original recommendations. He commented that the 33 original recommendations of the founding CIAC suggested a team of community assistance providers, perhaps another Ombudsman. Another possibility would be a staff person to help in administering grants, paid with Environmental Project funds.

Marvin stated EPA provides grants for environmental discrimination workshops, which may be one possibility for CEPF funded activities.

Bill expressed concern for low income communities in all three counties.

James referred to his presentation of the original recommendations of the CIAC. One called for mapping, identification of environmentally stressed communities in all 3 counties and building relationships with them to solve the environmental issues. We could offer planning grants to map the issues and identify patterns of discrimination. The CIAC would be better equipped to focus more on building capacity with these communities to identify and solve their environmental problems. The capacity building

approach is a good match with HB 192 CEPF funding priorities, environmental enhancement and pollution mitigation. This would make us less focused on grant making and more focused on our mission.

Marvin agreed this is more consistent with our charge.

Pam felt there was an inherent conflict of interest with someone from a statewide position or someone working for their local community. What kind of people are we calling on? Advocates for communities?

James said a start can be made with the leadership of community based organizations in communities with existing environmental problems. Planning would help those communities having difficulty defining or solving, their specific needs. Can this be identified? Is there immediate, health effects that are realizable and we can do something about?

Pam stated in the past when reviewing grants we have been reluctant for funds to go to people. We don't want to fund people. Pam clarified she was referring to small grants, nothing as large as \$50,000. If large, we would look at other criteria, fundraising and plans for funding.

David noted the next item would be a matching fund requirement. We have stopped short of that. We may need to seriously consider, capacity building, and a commitment to make applicants make it work, a benefit that that makes our dollars go farther.

James stated that matching grants are standard criteria with most other DNREC grant programs.

Bill said this is action and reaction; grants will be funded both ways.

James asked if a subcommittee meeting was needed. Will we meet to have criteria together for a September meeting? Bill agreed a subcommittee meeting should be in July and September. We have a regular meeting in August. Marvin and Bob were in agreement.

Bill questioned the prequalification process. James assured this would be the job of the Council with subject matter experts from throughout the Department to lend their expertise in assessing projects. Prequalification would consist of a group related to the project and the process would make a determination of a group's capacity for pulling the project off. Applicants would fill out a pre-application. A group of people from various disciplines from throughout the department would make an initial review.

We can see the need for this from the applications that we have reviewed for parks projects. They are complicated, long term. They involve permitting, land use issues, long term leases, easements, and capitol improvements. We are not in the

business of developing parks, so it is unrealistic for us to make funding decisions without the needed expertise. It would be wise to have people from different disciplines within the department to inform us in our grant review subcommittee meetings.

Jay clarified that applicants would be advised to answer these questions prior to a review.

Bill felt there would be no problem for the committee to meet with the DNREC sponsors.

Jay questioned what happened with the asthma actions project? James informed that the Public Health person involved had moved on, they have been preoccupied with the cancer cluster. We need a fiscal sponsor but I expect to be able to report movement at our next meeting.

The Bear Babe Ruth project is delayed with no contract yet. We need some details from the contractor and information about their lease with the county. The Bear Babe Ruth project lease is hinged on the comprehensive plan for Valero Park which involves parking, lavatories etc. The project is still moving forward but must address many complicated issues we were not aware of as a Council.

There is no contract with North St Georges Park but expect to work out the Professional Services contract prior to fiscal year end, if not it will be after July. The North St Georges Civic Association needs to produce their W9 and 501c3 info.

### **C. Environmental Justice In America 2008 Conference Report**

Comments from presentation:

Company/industry/community collaborative partnerships help to bring together, developing leadership in the communities or cadres of people with a better understanding of their issues and the Department's powers. We would like to build toward these practices.

During the workshop similarities appeared between states. EPA wants to write an article to share practices. Professor David Padgett advocates for Geographical Information Services (GIS) training for communities, showing them how to use handheld GIS devices. DNREC has utilized GIS technology in mapping septic systems in unincorporated communities. We can figure out locations of septic systems, Sussex County needs help in coordinating the systems with the wastewater treatment and sewer plans for the County. We may be able to develop a project using this technology. The EPA announced a \$160k, multi year grant to 5 states. DNREC would have to address an environmental issue with communities using this collaborative approach. DNREC could partner with multiple stakeholders in state, county local governments and the affected communities to go after the EPA Grant.

David noted DNREC engaged the Environmental Finance Center, on how we can help communities with their pollution control strategy (PCS). Here is a way we can work with the county and communities where the greatest needs are. Some systems predate our data management system. This will make an impact on onsite systems in the Inland Bays. This group could be a partner with Sussex County, for example First State Community Action did a lot of work with workshops, networking and getting programs on the ground. There are many potential opportunities in the early stages. A GIS unit would cost around \$300 with software needed. Dr. Padgett would be available to train individuals on GIS units.

## **VI. Claymont Community Coalition Air Monitoring Project – Dee Whilden**

Dee Whilden, a leader in the Claymont Collation was present to speak about getting the project with Global Community Monitor off the ground.

Dee expressed appreciation for all that Jim has done. We had been dealing with this problem since 2003, and we have been unable to get people to listen. Finally in 2005 samples were taken, steel dust was found. Dana LaSage an engineer at Claymont Steel said it was not dust from their plant. But we were able to pick up the dust residue on cars with a magnet. Dee indicated Carol Slone proved it was not Sun Oil. Sun Oil performed some tests to confirm for us that it was steel dust. Carol can only take samples when Sun Oil is accused.

Finally in 2006 and 2007 Claymont Steel was hit with big fines for steel dust and high mercury emissions. From this fine a grant of \$55,000 was received from Claymont Steel and managed for the Coalition by DNREC.

We interviewed three environmental firms to independently monitor the air quality in Claymont. Three companies were interviewed; Global Community was selected. When we do our sampling, the samples will be sent to a firm in California for analysis and we will confirm the source and health effects it has on our community.

Working with Jeff Bradley, the CEO of Claymont Steel, got attention. He was willing to help with projects. However Claymont Steel was sold to a Russian firm, Evraz Steel. Victor Clark is now VP in charge in this community. We want them to stop the dust. Old equipment is in use.

Dee expressed concern regarding the Russian ownership. We had an arrangement with Jeff Montgomery (News Journal) to take pictures for a News Journal article he was writing about our monitoring process. Victor Clark, The Evraz CEO was unable to make it. He asked to reschedule, but now can't do it without permission from Moscow. Jeff Bradley was the decision maker. Bradley gave us \$50,000 before Russia bought it. There is no goodwill, from this new ownership.

This stuff is horrible. A sample of 2 grams of steel dust collected off a car, which represents one day's collection, was displayed. This is killing us, we have an increase in respiratory problems in children, more asthma and our wildlife eats this. Public Health said we couldn't breathe the dust because it's too big. We are living in this, children are playing and animals are eating this 24 hours a day. We need help Jim has done a great job.

Marvin questioned the advice the department has provided.

We have diesel fumes, noise, and constant venom. We have asked DNREC about help with the noise.

Bill questioned if concerns were made known in a letter to DNREC, to which Dee replied that DNREC has copies of all this information. Adding she documents on her calendar when a call is made to DNREC. Issues are brought up in collation meetings with DNREC and all newsletters to DNREC.

James stated DNREC has a presence at each coalition meeting, this is how residents communicate to DNREC, and an Environmental Scientist has been stationed for several years now to monitor emissions. The Secretary has issued two Orders addressing the dust and mercury emissions. One of the Secretary's Orders required Claymont Steel to hire a consultant to develop a plan to install pollution controls that will stop the emissions. The community was not pleased with Earth Tech's plan for monitor placement. So in DNREC negotiations with Claymont Steel the company was asked to fund independent monitoring by the Claymont Coalition.

The Coalition hired Global Community Monitor to help them based on their unique ability to teach communities to monitor air quality. The Coalition will learn to use a variety of air monitoring tools; pollution logs to record the instances of fall out, swipes and pie pans to collect samples of particulate matter. A tool called the Mini Vol Sampler will be used to collect 8- 24 hour air samples and can determine if any of the particulate matter is the dangerous PM<sub>2.5</sub> size. What the community will learn is sampling and chain of custody techniques according EPA protocol. Labs and environmental health organizations affiliated with Global Community Monitor will help to interpret the data and whether the community is facing a health risk.

Marvin questioned how will this new monitoring differ from what is already done, and secondly are the current emissions in violation of DNREC regulations and if so have they been fined? What is the dollar amount?

David explained the Order by the Secretary, addressed injunctive items.

Bill stated DNREC has pressured the steel company to make changes.

James added that DNREC was key in advocating to make the funding available to the collation.

Dee stated, yes we got \$50,000 with DNREC handling the funds. We will submit invoices to DNREC.

David advised that Brad Klotz is the Engineer assigned. The community lost trust in DNREC. The community wanted their own samples. We will try to help you with that. James is facilitating a third party advocacy group with experience with monitoring facilities. Maintain integrity of samples so it means something.

Bill mentioned the history of Knollwood whereby the steel company originally built the homes as housing for its workers. The company built houses were privatized and let go. The steel company management has always been arrogant.

Dee said, this project will take up to 1 year. We are trying to swamp them with complaints. When we called in to DNREC Environmental Complaints, we want them to itemize each call. Not say that we already received a complaint.

Bill questioned if there were any other projects Dee would like to submit.

Dee stated we need monitors in north Claymont. Earth Tech ordered up to 4 monitors. One on top of the community center is too far from Claymont Steel we thought, another is at Woodshaven Cruse, one at Knollwood. We wanted one in Pennsylvania cemetery but were refused. DNREC has an air monitor at Edgemore but it is probably too far away.

We have a cluster of polluters in an area and industry partners have been brought in. We have Honeywell, Epsilon. Sun Oil keeps us informed. Honeywell informs us. Claymont was not present. I appreciate your hearing me today.

Bill stated there is funding available for additional work. We are not here to spank the wrist of DNREC. Marvin stated that sometimes the council should spank DNREC's hands.

James added we have been helping the Coalition to build capacity. Global Community Monitor helps communities to develop a plan of action and take it through the implementation stage, into evaluation. Work has begun with leadership training, teaching groups of community folks about air monitoring and pollution concepts. Then there will be a series of house meetings followed by a larger community meeting to further discuss the project and to build a base of volunteers for monitoring.

This past Saturday Archmere Academy allowed the group to use classrooms for training. Training focuses on the use of the logs. The monitoring will occur in the five communities that have reported the fugitive dust. Each area has one coordinator for the pollution logs. Residents will record their incidences of exposure and the time there is flair up. They record if there was a loud noise, what did you see, how did you physically feel or smell? All this information will go into a database. Based on the information

gained by the pollution logs, the community can begin to identify hot spots, where to place monitors, then they will use wipe samples following certain procedures. Next step is identification of what was collected. Identify what was on the swipes to narrowly pinpoint the metals that will be identified and prioritized on the mini vol samplers. Their analysis will confirm the responsible party and determine if the emissions contribute to health problems.

The process in terms of building capacity, helps the communities organize, taking samples, identifying metals and their health effects. This builds community capacity to help solve their problems. With information they are in a better negotiating position with both the company and DNREC. My goal is to get the community into a position to advocate for themselves. Global Community Monitor calls their campaigns a good neighbor policy; make Claymont Steel accountable. Make all the local facilities good neighbors. This needs to be done in communities that experience multiple stressors sitting side by side with many facilities.

Bob extended congratulations to Dee and questioned who the community's elected officials were. Dee responded: New Castle County Council, John Cartier, State Representative Bob Valihura, Senator Catherine Cloutier, Representative Greg Lavell, and Representative Diana McWilliams.

Bill thanked Dee for her presentation and bringing such a burning and passionate issue to the Council.

## **VII. Public Comments/Open Forum**

Dee: Thank you.

## **VIII. Adjournment**

Bob Fredrick motioned and Bruce Allison second the motion to conclude the meeting. All approved and the meeting ended.

Respectfully submitted,  
Vicki E. 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.*