

MEETING NOTES
COMMUNITY INVOLVEMENT ADVISORY COUNCIL
SEPTEMBER 17, 2013
SMYRNA STATE SERVICE CENTER

Members Present: William Pelham, Joseph Farrell, Pamela Meitner and Dr. Jay Julis.

Members Absent: Robert Frederick, LaVaida Owens-White, Marvin Thomas and Harold Truxon.

I. Meeting Called to Order

Chairman Pelham called the meeting to order at 9:34 am.

II. Meeting Protocol Review

Chairman Pelham reviewed the mission of the Council on the back of the nameplates.

III. Review/Approval of Meeting Notes Changes

MOTION was made by Mr. Julis to approve the minutes and a second was made by Ms. Meitner. No vote was taken because of a lack of a quorum. The Meeting Notes will be submitted at the next meeting.

IV. CIAC Vacancies and Recruitment

A. Recruitment Update

Mr. Brunswick said there are now two vacancies in the Council.

Mr. Emory said he is meeting with the Kent County Administrator for suggestions on someone to fill the vacancy for a public elected official from the Kent County area. He said they should have both empty positions filled by the next CIAC meeting in October.

B. Bethany Hall-Long Resignation

Mr. Brunswick said that Bethany Hall-Long submitted a letter of resignation on September 6, 2013 and that she filled the health care provider and local government representative slot on the CIAC.

C. CIAC Mission Subcommittee

Review of CIAC Recommendations and Practices

Mr. Brunswick said the Council had discussed their focus on grant-making and looked back at the Original 33 Recommendations of the Community Involvement Advisory Committee to explore other areas of their mission that need to be addressed. He said he brought some samples from state and national environmental agencies of the work of other advisory councils.

Compare State Environmental Justice Plans

Mr. Brunswick said he has examples from the State Environmental Resource Center, a national clearinghouse for innovative state environmental practices and the Environmental Protection Agency's Plan EJ 2014 of the State of Michigan Environmental Justice Plan, and the Alabama Department of Environmental Management (ADEM) Environmental Justice Action Plan. He said that both of these state agencies have similar origins as the CIAC. He said their work is generally focused on relieving the burden of multiple pollutants in minority communities, on the development of practices and policies that inform the community and engaging communities in decision-making. Mr. Brunswick said that each began as environmental justice advisory committees and both have drafted an initial set of recommendations which were narrowed down to a formal agenda. He said that Michigan began with a state-wide focus, and then moved forward with a set of regional plans based on air, water, solid waste, local priorities. Mr. Brunswick said that Alabama maintained a state-wide focus with strategies for attaining measurable goals and outcomes for air, water, enforcement and compliance and brownfields reclamation. He said the common elements in Michigan and Alabama are good practices according to the State Environmental Resource Center which include formal citizen's participation policies, mapping which defines the location of environmental justice communities that are also singled out for extensive community engagement and regulations such as permitting that are aimed at reducing the already high levels of specific pollutants.

Mr. Brunswick said that the Michigan Citizens Participation model is so good that he pulled it out for the Council's special attention. He said that Michigan has identified a whole continuum of Citizens Participation and the Michigan Department of Environmental Quality (MDEQ) identifies progressive stages of Citizens Participation and has figured out just how it wants to engage the public at each step. Mr. Brunswick said they use the "Do We Want to Inform You?" and the MDEQ identifies specific practices the MDEQ will perform to keep you informed. Mr. Brunswick said they also use the "Do We Want to Consult With Your community?" The MDEQ defines the next stage of citizen participation as listening to your concerns, acknowledging them, and taking the extra effort to inform your community how their input shaped the Department's final decision. He said the highest stage of citizen's participation on the scale is Collaboration and Collaboration is defined by the Department as working with a community organization as a partner with state and local agencies to resolve the problem. Mr. Brunswick said that at the last Council meeting, he pointed out that DNREC's example of this was while the CIAC was still an Advisory Committee and in the creation of the Southbridge Environmental Technical Assistance Task Force. Mr. Brunswick said that the CIAC held a community hearing and the Department

created the Task Force which developed the Land Use and Zoning ordinance that was enacted by the City of Wilmington.

Mr. Brunswick said that grant making is identified as a best practice, but it doesn't stand alone from other practices. He said that it is complimentary and a tool that is used for engaging communities along that spectrum of Citizens Participation.

Ms. Meitner said Delaware mapped the brownfields, superfund sites and stressed communities.

Mr. Brunswick said that would still be a great tool for the CIAC to develop as a guide for our Council. He said the CIAC and the Department could use it as a guide for action in those communities. Mr. Brunswick said that Michigan has established an Environmental Justice Grievance Procedure and the EJ communities on the map are empowered to file formal complaints about environmental concerns. He said the MDEQ department is obligated to respond to the complaint and has to explain what it is doing to correct the problem, or propose some action to address it.

Mr. Farrell asked if there is any way the Council can be a part of the process with the Pinnacle Plant and with the community concerns.

Mr. Brunswick said both issues are in Millsboro. He said he learned that the Site Investigation and Remediation Section (SIRS) has received has 132 written complaints about the Pinnacle brownfield site and they expect to have well over 200 complaints by the end of the week. He said that the Division of Air Quality has received enough significant comments about the Mountaire Farms chicken plant in Millsboro that there is going a Public Hearing scheduled in October.

Mr. Pelham asked Mr. Brunswick to give more information on these issues to the subcommittee to review.

Mr. Brunswick said he will also bring more information on these issues to the next meeting and he will send the internet links to the EJ state plans to the subcommittee members.

V. Community Environmental Project Fund

A. Administrative Reserve/B. Penalty Deposit Update

Mr. Brunswick said that Carla Cassell-Carter, DNREC's Comptroller called him on this issue yesterday and informed him that although they have not consulted with the attorney General's Office on the issue, that she and Bob Zimmerman (DNREC, Chief Operating Officer) had made an administrative decision to discontinue the practice of withholding money from the Community Environmental Penalty Fund for his salary and benefits. He said that will make \$242,952.71 for the 2014 funding cycle, if the Council chooses to make those funds available.

Mr. Pelham said there are two parts to the fund. One part is the portion that has been withheld to pay a half of Mr. Brunswick's salary and benefits for two years. The second is recent penalty

monies amounting to \$142,000. He asked that since Attorney General's office has not made a decision, should the Council consider the \$100,000 as funds available to them, or should the Council wait until the Attorney General's office makes a decision.

Mr. Emory said that he wants to clarify that there is \$242,000 available and it is the Council's decision whether to make it all available for CEPF grants this year or if the CIAC might want to put some portion aside for lean years or distribute it some other way.

Mr. Julis said he would recommend holding \$100,000 in reserve.

Ms. Meitner said the Council may not want to tie down the money before seeing the applications. She said the delay of holding the money for next year is not as important as when the event happens and helping the community be compensated for the injury.

Mr. Pelham said their recommendations should go to the Secretary for a Department review.

Mr. Brunswick said the availability of the Administrative Reserve funds will create some challenges around complying with HB 197. He that the Council is required to restrict the availability of funds to the drainage basin where the violations occurred and can't go backwards to identify the penalty funds withheld for my salary and benefits with the violation and the drainage basin where it occurred. Mr. Brunswick said the Council may have to make the additional \$100,000 available as unrestricted funding. He said the Council will have to review the Penalty Deposit Spreadsheet at our next meeting.

C. CEPF Timeline

1. Website Updates

Mr. Brunswick said the issue with the 2014 grant applications is timing. He said he needs to meet with IT people regarding the updates to the web application and the time that Public Affairs staff will need to upload the CEPF application and Secretary's Orders to the CIAC website. He said there are the CEPF workshops and he needs lead time to advertise, but that could move us close to the Thanksgiving holidays and create problems for attendance. Mr. Brunswick said he will check with the IT staff and will report back next month.

2. Funding Guideline Issues

501c3 Eligibility

Mr. Brunswick said the Council has established a new policy that makes only IRS tax-exempt organizations eligible organization for CEPF funding. The Council might want to consider how this new policy will impact community organizations in environmental justice communities. He said a common problem is that EJ communities are not well organized and the organizations that represent the community don't have much capacity to address environmental issues or have non-profit status. He said he looked back at the Councils funding decisions and found there

aren't many, but there are some significant projects that would not have been funded with that policy.

Mr. Brunswick said the Asthma Action project which had so many good outcomes would not have happened. He said the Ham Stream Run Restoration was a well-designed project and took several years to implement. Mr. Brunswick said there were tens of thousands in work completed by project partners before the CEPF portion of the project was ever started. He explained that the Purchase Order was still in place, but the project had changed so much that he had to ask the organization to re-submit the application with changes and the applicant balked at re-submitting and funding was returned to the CEPF. He said that project would never have gotten off the ground without the commitment of CEPF funding. Mr. Brunswick said the 11th Street Bridge Tree Planning Project, and Friends of Lums Pond Trail Design are the other projects.

Mr. Julis asked if the Council could exempt applications for under \$10,000.

Ms. Meitner said if the Council gives to an organization that is not established, there is a greater risk of how that money will be spent.

Mr. Julis said that some communities would be overwhelmed trying to get the paperwork done for a 501c3.

D. 2012 Project Extensions

Mr. Brunswick said that many of the 2012 of the groups are asking for an extension and altogether there are 8 organizations have requested extensions.

Ms. Meitner asked if the Council has completed reports from the four organizations that have completed their projects.

Mr. Brunswick said he received the final reports on the other projects.

VI. Community Ombudsman Report

A. Southeast RCACP HOA Project

Mr. Brunswick said that Morningside Village is a low income community near Bridgeville. He said the last report he received stated that only 10 of the 47 homes were paying for their water and sewer and the Homeowners Association has not shown they can collect monies for their bills. Mr. Brunswick said that he had spoken to the Division of Water Resources Director, Kathy Stiller who said she will include Morningside Village in the discussion the Financial Assistance Branch is having about with Tidewater about the possibility of their taking over the management of the Onsite Wastewater Treatment and Disposal systems in two other low-income communities.

Mr. Brunswick said that Sandy Ridge and Grants Way are the other communities for which Water Resources is discussing with Tidewater.

Mr. Pelham asked if some state agency like First State Community Action Grant can help with this situation.

Mr. Brunswick answered that he doubted they would have the interest in taking over that sort of day to day management. He said that the bottom line is that regulations establish the Homeowners Association as the owners of the system and the entity responsible for collecting the fees from the residents.

B. Frankford USDA Planning Grant

Mr. Brunswick reported that Sussex County has accepted the USDA Planning grant on behalf of the Delaware Avenue community which has asked the Town of Frankford to provide them with drinking water, but the Town refused because the community was not within the town limits. He said he has obtained the Title VI Guidance and will continue to pursue the issue.

VII. Open Forum

The next meeting will be held on Tuesday, October 15, 2013.

The Meeting adjourned at 11:17 a.m.