

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

MEETING NOTES

June 19, 2012

SMYRNA AREA REST STOP CONFERENCE ROOM

Members Present: William Pelham, Sarah Bucic, Pamela Meitner, LaVaida Owens-White, Marvin Thomas, Harold Truxon, & Dr. Jay Julis.

Members Absent: Dr. Robert Frederick and Bethany Hall-Long.

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

I. Meeting to Called to Order

Chairman Pelham called the meeting to order at 9:39 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. Truxon to approve the minutes and a second was made by Mr. Julis. All in favor and the motion carried.

IV. 2012 CEPF Funding

Mr. Brunswick said that Secretary O'Mara notified him by email that he will not be making the decisions regarding CEPF funding before today's meeting.

Mr. Pelham asked if he made any decisions.

Mr. Brunswick said the Secretary wants to announce all the decisions at one time.

Ms. Meitner suggested the Council send a letter to encourage the Secretary to make his decision soon.

Ms. Bucic agreed with Ms. Meitner's suggestion stating we are already in the grant cycle.

Ms. Meitner said the chair should send a letter that we have concerns about the nonprofits ability to meet their commitments for this year.

Mr. Brunswick said that once they are approved he can get started on contracts and purchase orders.

Mr. Julis said we got behind because of the air maps and that all of our decisions were to be made months earlier than we did this year.

Mr. Pelham said he will see that the Secretary gets a letter.

Mr. Emory said we should have the decisions from the Secretary very soon.

Mr. Julis asked if the council could receive the decisions made by the Secretary as soon as he decides.

2012 Balance & 2013 Funding Cycle

Mr. Brunswick said there is a positive balance of \$17,000 and he is waiting for the penalty deposits made this year from Fiscal. He said he will update the Council at the next meeting. He also said there will not be a substantial amount of money by the next funding cycle and asked whether the council would want to consider a minimum thresh hold for grant making in the next funding cycle.

Ms. Meitner said we may not have the authority to say we are not granting money because the money is low, but we could announce how much money there is.

Mr. Brunswick said in the past several years that agreements with the Delaware City Refinery, and all three of the coal fired power plant operators will result in fewer violations and less penalty money for the community Environmental Penalty Fund.

Ms. Meitner asked if the way to do this is to look at last year in September and this September.

Mr. Emory said the Departments goal is for the penalties to decrease.

Ms. Meitner asked if Mr. Brunswick could give the Council a 5 year history to determine trends.

V. CIAC Meeting Recording and Transcription

Mr. Brunswick said as a Public Body under FOIA Regulations, Title 29, Section F, Page 11 the Council is required to maintain minutes for public inspection. The minutes should note the members present and reflect the votes cast by each member. The Council is not required to maintain an electronic recording of meetings. He confirmed the regulation with the Deputy Secretary, David Small and with the Department's FOIA Coordinator, Jennifer Bothell. Mr. Brunswick said he checked into the cost of recording and transcribing the meeting minutes and found that transcribing the meetings would cost around \$786 and transcribing the meetings with recording will cost approximately \$1736.

Ms. Meitner said there is no reason to pay for transcription or recording.

Mr. Julis said there is no need to record.

Ms. Bucic said it would be a better to have a recording for the public to listen to if they have any questions.

Mr. Thomas said this money could be better spent in the environment.

Mr. Pelham said we should become more vigilant in checking the minutes.

Ms. Meitner said the statute does require recording who votes and how they vote.

MOTION was made by Mr. Pelham that going forward the secretary will record how each individual votes on each given motion and a second was made by Mr. Julis.. All in favor and the motion passed.

MOTION was made by Ms. Meitner that every meeting of the council should be recorded and a second was made by Mr. Julis. The Council was polled. Ms. Owens-White voted No, Ms. Meitner voted No, Mr. Julis voted No, Mr. Truxon voted No, Mr. Thomas voted No, Mr. Pelham voted No and Ms. Bucic voted Yes. The motion failed with a vote of six opposed and one in favor.

Ms. Bucic made a suggestion Mr. Brunswick investigate alternatives that are less costly.

Mr. Brunswick said that the Council would have to establish the procedures for any request to listen to the recordings. He also said that he would look into the cost recording with a MP3 as suggested by Sarah Bucic.

VI. DE City Environmental Coalition Air Quality

Ms. Bucic gave a presentation on the DE City Environmental Coalition Air Quality Project. The DCEC was formed by community residents in 2010. The project monitors the air in three locations, DE City Refinery, the Dock, and Delaware City. In Delaware City the wind blows downwind most of the time and there are also 2 superfund sites nearby. The coalition combined information from the Cancer Cluster report and information from DNREC's website.

Ms. Meitner asked if anyone was reviewing this data.

Mr. Brunswick answered that Air Quality will begin analyzing the data in July.

Ms. Meitner made a suggestion that someone from Air Quality be invited to speak to the Council on what they find.

Mr. Brunswick said they are very limited samples, but the level of contaminants in samples obtained from the dock area might raise some issues that the Division of Air Quality will address in their analysis of the data.

Ms. Meitner said she would like to know if the sampling is consistent with the Refinery sampling that is required by DNREC.

VII. Ombudsman Report

Mr. Truxon said that 25 houses have reported having bad drinking water in the City of Frankford. He called Ed Hallock of the States Drinking Water office and Mr. Brunswick for help. Mr. Truxon said he is waiting to see what the state is going to do to help, but if the state does not respond, he is going to go to the community at the end of the month.

Mr. Brunswick responded the 25 houses are in the Country Side Hamlet mobile home community. Country Side Hamlet is a low income community with a record of septic systems issues. DNREC has had some interest in Countryside Hamlet several times since it was known as Lazy Lagoon back in the 1980's. On several occasions the Department has investigated the possible contamination of drinking water by failing septic systems, flooding and from nearby poultry and farming operations. However, drinking water does not fall under the regulatory authority of DNREC. It is regulated in DHSS in the Division of Public Health under the Office of Drinking Water.

Mr. Brunswick said he spoke with Ed Hallock in the Office of Drinking water who is aware of the issues at Country Side Hamlet. The community has a small drinking water system which is operated by White Marsh Environmental Systems who has conducted an inspection and found the drinking water quality in compliance with Delaware Code. Mr. Hallock mentioned that the operator and the owner of the mobile home community are making an effort to upgrade the drinking water system to address the poor taste and odor complaints. He also spoke with Jim Cassidy in the Groundwater Discharges Section to make sure there are no septic related issues. Mr. Cassidy offered to do a cursory drive through of the community to check for any obvious septic violations. Mr. Brunswick said he will report back to the Council if he finds anything significant.

Mr. Brunswick also said that Countryside Hamlet was one of the communities targeted in the 2007 Septic Financing Initiative. It is near the City of Frankford and not from the Frankford and Selbyville water systems. At one time there were discussions about incorporating it into Frankford's sewer district. But ultimately Frankford decided not to include Countryside Hamlet. Mr. Brunswick said that under the EPA Small Grant that SERCAP received, DNREC will be partnering with SERCAP and working with Sussex County to explore opportunities to incorporate communities like this. He spoke to the SERCAP Technician, Deanna Campagnini, and they are going to have a meeting with the community about their septic and drinking water issues.

Vandever Avenue Civic Association

Mr. Brunswick said he and Pat Emory, Jim Faedtke and Enforcement Officer Casey Fountain all met with members of the Vandever Avenue Civic Association on their complaints about odors from the Cherry Island Landfill. Representatives of the Delaware Solid Waste Authority (DSWA), and Mike Perkowski were also in attendance. The DSWA does not believe that the odors are coming from the landfill. The Cherry Island Manager explained that they conduct a daily census. Their air sampling confirms that landfill gases are contained by the gas collection

system. Officer Casey Fountain explained that the Department is looking into other facilities nearby that might be contributing to the odor.

Mr. Brunswick said he met with the Civic association last year on their odor complaints. The community was interested in a CEPF grant for a community air monitoring project, but the group did not submit an application. He will meet with the group again this year prior to the new round of CEPF funding to help with a CEPF application if the odors persist and the group is interested in pursuing a CEPF grant again this year.

Trinity Transportation Project

Mr. Brunswick said that Trinity Transportation is the facility reported on in past meetings where residents were complaining about asthma and respiratory problems caused by emissions from idling diesel generators. The generators provide power for refrigerated tractor trailers that service the fruit operations at the Port of Wilmington. The facility was able to take advantage of an offset agreement under the Coastal Zone Act to eliminate the diesel generators and power the refrigeration units through a reefer electrification unit. The offset agreement was made possible by community outreach and collaborative work by DNREC's Coastal Zone Program and the Division of Air Quality. Our CEPF grantee, the Clean Air Council, received the funding from the DuPont Company and administered the offset funding to Trinity Transportation.

Mr. Brunswick said the Governor, Secretary Collin O'Mara, EPA Region III Administrator Shawn Garvin, Representative JJ Johnson and New Castle County Councilman Jea Street all participated in a May 4, 2012 press event and celebration with Trinity Trucking and around 50 residents of the community. Trinity Trucking owner, Darryl Banning, received a community service award from New Castle County. It was a fine example of collaborative problem-solving by DNREC, working with state and county government to find the resources and resolve a significant environmental health problem.

VIII. Open Forum

Mr. Julis asked how many reports we have received from all the projects funded last year.

Mr. Brunswick responded that he has received all but two interim and final project reports from 2011 CEPF grantees. Several organizations have asked for contract amendments and project extensions. He will give a report at the next CIAC meeting.

Ms. Meitner asked if the Council has talked about what issues are timely that we need reports on.

Mr. Pelham suggested a report from someone at DNREC on barge lightering.

Mr. Brunswick said the Council could try to tour Delaware City on October 16, 2012.

Mr. Truxon suggested that the Council members have business cards to hand out.

Ms. Meitner said she is concerned about asking the state to pay for their business cards.

Ms. Owens-White suggested name tags on plastic badges or lanterns.

Mr. Brunswick shared he organized a May 29 Division Directors meeting in the Secretary's Conference Room at the request of the Secretary with Paul Calistro, Executive Director, of the West End Neighborhood House. The West End Neighborhood House was seeking to partner with DNREC on the West End Grows Initiative. The focus of the initiative involves development of green spaces in blighted areas on the west side of Wilmington, urban gardening, and urban agriculture projects. The project has been developed with the most extensive community involvement that he has seen in the City in a very long time.

Mr. Brunswick said the Secretary has agreed to partner with West End Neighborhood House on the West End Grows Initiative. DNREC's Directors and selected staff will take a tour of targeted areas in the West End later next month. James offered to invite Paul Calistro and Christian Willauer of the West End Neighborhood House Planner to make a presentation on the West End Grows Initiative.

Mr. Pelham said the Council now has two vacancies since Mr. Bruce Allison resigned officially. He asked Mr. Brunswick to ask Secretary O'Mara to send the two Council members that resigned a thank you letter and to press him to appoint two replacements.

Mr. Brunswick said the Governor makes the appointments and the Secretary reviews them.

Mr. Pelham said suggested the Council needs to press the Governor.

MOTION was made by Ms. Meitner to adjourn the meeting and a second was made by Mr. Julis. All in favor and the motion carried.

The meeting adjourned at 11:52 a.m.

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.