

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

MEETING MINUTES

OCTOBER 18, 2011

SMYRNA AREA REST STOP

Members Present: Sarah Bucic, Robert Frederick, Dr. Jay Julis, Pamela Meitner, William E. Pelham, and Harold Truxon.

Members Absent: Dr. Bruce Allison, Dr. Bethany Hall-Long, La Vaida Owens-White, Brian E Lewis, and Marvin Thomas.

A quorum was met with six members present and five members absent.

This is the first Council meeting for Sarah Bucic who replaces Douglas Corey, and the final meeting for Brian Lewis whose appointment has expired. A replacement for Mr. Lewis has not been appointed.

Guests: James Brunswick, Vicki Ward, Christina Wirtz and Terry Brixen of DNREC; Kristin Travis of Delaware Nature Society; Kate Hacket of Delaware Wild Lands; David Presley and Abby Poses of the Clean Air Council; and Reverend Robert Hall of the Delaware Ecumenical Council on Families and Children.

I. Meeting Called to Order

Chairman Pelham called the meeting to order at 9:42 a.m. and introduced the newest council member, Sarah B. Bucic.

Ms. Bucic shared she is from Delaware City and a registered nurse with a Masters in Psychological Nursing and work in Environmental Nursing. She is also a member of the Sierra Club and the Delaware City Refinery Community Advisory Panel as well as a mother of a three year old. Ms. Bucic explained that the environmental nursing occupation looks at the community as a patient.

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 August 16, 2011 were reviewed by the Council. Ms. Meitner noted some corrections to be made. On page two there are two abbreviations for Delaware Aerospace

Education Foundation (DAEF) which should be (DASEF). On page 6, first paragraph, an extra w should be removed. On page 7 first paragraph two grammatical corrections.

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

IV. 2012 CEPF Application

Mr. Pelham referred to the mission of the CIAC and said that with the new legislation the Council is called upon to concentrate on grant awards closer to the area of violations and to work within the two concepts of airshed and watershed.

Mr. Brunswick states that the original version of HB 197, prior to the approved Senate Amendment, proposed a 10-mile radius of infractions with the intent to narrow the focus of grant making. He spoke with the EPA and the Air Quality staff who work with monitoring and modeling and was told the use of the term airshed does nothing to narrow the focus. Airsheds can encompass entire states. Also, the GIS mapping would not have the intended effect within the broad geographic scope of an airshed. Mr. Brunswick said that we have 69 watersheds in the state, which could have the effect of narrowing the eligible penalty funds to within a few hundred yards, in some cases. He said that clarification is needed from Deputy Secretary, David Small. We are looking at other geographic locations such as water basins to help narrow the focus, but make a reasonable amount of funding available to organizations in each county, and still provide the Secretary with reasonable discretion. This appears to have been the intent of the legislation. A better definition is needed before a GIS demonstration is presented to Council.

Mr. Pelham suggested the Council go back to the Legislators who formed the amendment and make sure we are all on the same page.

Dr. Julis noted if the air pollution violations affect the airshed then it can be very broad. Also, if there is a statewide violation, we should be able to fund compensatory type projects even on far reaches.

Mr. Brunswick said the Council has historically tried to focus on grant-making to communities within the proximity of violations. About 90% of funding decisions have gone to impacted communities. His understanding of the legislation is to make awards more focused. Mr. Brunswick said that the Office of Information Technology (OIT) has a rudimentary GIS mapping process that will be ready for use when we have defined the purpose of the legislation more clearly.

Ms. Meitner made a request that a copy of the new legislation be provided at the next meeting and asked if the GIS demonstration would be held at the next meeting.

Mr. Brunswick said that the 2012 Penalty Deposits and Application Booklet must be updated with the changes in the GIS demonstration but first clarification is needed. Then the GIS system will be updated with the DNREC staff and posted on line.

The Council requested an electronic notification (note by US Mail to Mr. Truxon) when the booklet is on line.

Mr. Brunswick said that the next council meeting is scheduled for December 6 and the applicant due date for grant requests is the third Friday in January. By having the deadline so close, it results in a short time frame for applicants to apply. Hard copies of the applications will be available at the workshops and through mailing to interested parties. Since the Council likes access to the information prior to it going out to the public, a special meeting or a conference call might be needed.

Dr. Julis questioned if airshed is a sufficient restriction.

Mr. Brunswick said that watershed is too small; however, there are other bodies such as the 5 or 6 state wide water basins that may be the most practical markers.

Dr. Julis questioned if the Council might be over thinking the issue.

Mr. Pelham pointed out that the Council is within 90% proximity now.

Mr. Frederick agreed the Council has been honoring the intent for 10 years and a broader focus is good.

Dr. Julis said the air Shed was good and he could see the use of watershed cutting off some of the eligible penalties.

Ms. Meitner said it would not hurt for DNREC to tell the Council where the water basins are.

Mr. Brunswick said he will talk to Watershed Assessment and they will provide the Council with GIS maps.

Mr. Pelham pointed out that the law says watershed.

Mr. Brunswick said the water basin is comprised of watersheds.

Ms. Meitner questioned if a water body can run through several water basins.

Mr. Pelham said it would be helpful to ask someone from DNREC to come and talk about air sheds and water sheds. The Council should be part of the final decision.

V. CIAC Mission Review

Mr. Truxon emphasized the Council's mission is that no community is disparately affected by environmental impacts.

Ms. Meitner said the legislative amendments deal with the penalty monies whereas the card (mission statement) is the charter of the council and they are two different issues.

Mr. Brunswick gave a handout of power point slides referencing the development of the CIAC up to 2002. The PowerPoint showed the history of the CIAC from when it was first conceived. The whole issue started at the top with DNREC's Secretary and the Division Directors desire to reach out to communities. DNREC's staff was directly engaged with communities to address their environmental issues. Staff researched and helped communities define the issues in a practical, solvable way, then helped to implement their solution. They were hands-on with communities on projects throughout the entire process. Coverdale Crossroads was a project that DNREC developed in partnership with DHSS, the county government and local agencies. They installed new septic systems throughout that community. DNREC also conducted an odor study in South Wilmington and the Eastside. Community residents monitored and reported odor events to DNREC. The Department conducted the air sampling, air monitoring, to identify the sources of odors. Then it worked with industry to eliminate the sources of odors. In its early days, the Council helped to generate these projects through meeting in communities, setting up task forces and conducting surveys to identify local environmental concerns. The Council has also discussed industry with the Chamber of Commerce. In the original recommendations, the Council called for companies to be engaged and explain to residents how their operations would affect the community. All this work by the Department and the early Council was commendable.

Ms. Meitner commented that there is no question the council has changed dramatically due to fewer resources of time and money from DNREC, and the legislative directive to review grants. The Council should sit and review their mission, and be realistic about what we want to do. The original group did not review all the grants and there was no time mandate. Ms. Meitner said that originally, prior to the Community Environmental Project Fund legislation, the Secretary pulled together the Environmental Justice Coordinating Committee which came up with 33 items. DNREC looked at and supported the formation of the CIAC and the Ombudsman's function of working with the communities. There were no penalty funds in the beginning. Ms. Meitner noted we have been dominated by that process. She also said that the CIAC initially had nothing to do with the money since previously all penalty funds went into the General Funds. The funds dominate the Council now due to the legislative change. In the past the Council did more community work but now with the financial obligations the resources are less. The circumstances are so different and we have other responsibilities. We can change but not go back.

Dr. Julis asked if the state picks up more with the community work.

Mr. Brunswick answered there is some coordination across state agencies.

Ms. Meitner asked if there were other ombudsman to help connect the state and the communities.

Mr. Brunswick said a recommendation was made to develop an outreach staff team but the recommendation has dwindled.

Ms. Bucic stated that she was not aware of the lack of grant making in the beginning. Many people still don't know that money is available.

Mr. Pelham stated there has been admirable work with Ellendale and their septic systems and Southbridge with dust.

Mr. Brunswick said the Council was able to work through the Department to call on resources to commit to the odor study. The early initiatives often involved partnerships with other state agencies, even working directly with companies to come up with solutions. This is an example of the Council and the Department at their best. Doing the quantitative work and developing solutions to local environmental problems. The Council's original recommendations even called for the mapping of communities that are impacted by multiple pollutants. This information was to be used as basis for community outreach.

Mr. Frederick said that in the beginning there was a large amount of outcry from the public. The Community Involvement Advisory Council became a conduit between the public and the bureaucracy. Pam Meitner and Robert Frederick are original members.

Dr. Julis stated that some needs are met by the state and are routine. The committee has evolved as the state has evolved.

Mr. Brunswick added that the original recommendations also called on the Council and the Department to evaluate and comment on the environmental impact of land use and zoning decisions. Now, through the Office of Planning, DNREC planners meet and comment on land use and zoning decisions to the counties. He meets regularly with Environmental Justice staff from the EPA's region III and throughout the country. In his opinion, there is no other state that matches Delaware in the scope and effectiveness of the original 33 recommendations in terms of their impact on environmental justice.

Dr. Julis asked if there was a possibility of legislation taking the fund away.

Mr. Brunswick answered that HB 192 under the 142nd General Assembly allows DNREC to collect 25% of civil or administrative penalties to be appropriated to the Community Environmental Fund. It is possible legislation could be passed to rescind this funding; however, unless there is some reason that creates a public outcry, DNREC is not likely to get rid of the fund. The fund is really instrumental in helping the Council in its mission. A part of the Ombudsman salary, which is vital to community outreach part of our mission, is also pulled from this fund.

Mr. Pelham urged the Council to become smarter through inviting speakers to talk more about particular subjects such as littering, the Delaware River, or perhaps presentations from communities such as Ellendale.

Mr. Brunswick said that as part of the early recommendations, the focus also include capacity building for communities. Communities rarely come to DNREC with clearly defined problems and an understanding of how the Department can help to solve it. Communities can increase their capacity to put together funds and define their problems with projects such as air monitoring through the use of penalty funds.

Ms. Meitner suggested the Council look at what the Secretary's vision is. She said if we want to get things done, we need to find out what this Secretary deems to be important so we can get more support and resources. The Council should meet with the Secretary and Deputy Secretary to get their perspective and to say that we are rethinking our strategy and want to align with their thoughts.

The Council discussed having a subcommittee meet to gather information on DNREC's capabilities, available processes, and to gather data and facts to facilitate a meeting of all the Council members. It was decided that Ms. Meitner and Mr. Frederick as original members and Ms. Bucic as the newest member would comprise the subcommittee to look at the Council's mission. Mr. Truxon and Dr. Julis declined service on the subcommittee to keep the group smaller with no quorum needed. The subcommittee of Ms. Meitner, Mr. Frederick, and Ms. Bucic will meet and provide a preliminary report at the next meeting.

VI. Community Ombudsman Report

CEPF Report for 2010

Mr. Brunswick said that once Secretary O'Mara signs off on the report, he will distribute it to the council members.

Ms. Meitner requested the report be distributed electronically.

Mr. Brunswick agreed and stated the report will be posted on line.

Mr. Pelham mentioned the Council doesn't get to see much from the follow-up.

Mr. Brunswick said there have been calls from groups to see if they can make their reports at Council meetings. If the Council agrees we can do it as a matter of practice.

The Council agreed to see some of the tree pictures and to have one or two follow-ups with pictures of the projects at regular meetings.

Mr. Pelham indicated that \$246,000 was spent in FY 2010.

Dr. Julis added there was about \$100,000 unused and carried over. In 2011 we funded over \$400,000 with \$246,000 in the last cycle. The direction of the trend shows a decline in the funding level.

Ms. Bucic commented that the reduction may be due to the close of the Indian River Power Station.

Mr. Brunswick said that DHSS will be conducting a follow up to their cancer cluster study, and that the Body Burden testing will be conducted around and related to the cancer cluster near the Indian River Power station.

Mr. Pelham said this is the educational information he would like to see the Council receive.

Ms. Meitner noted that industry is down in the state.

Mr. Pelham asked if \$400,000 was available for 2011 what might be available for 2012.

Mr. Brunswick responded that about \$290,000 should be available. Projects such as Ham Run and Seal Island did not happen and the funds came back.

Claymont Community Coalition Contract Amendment

Mr. Brunswick stated that the Claymont Community Coalition (CCC) has a cash flow problem. All the funding from the state is provided on a reimbursement basis. The original contract has a balance of \$11,223 left over. On a strict reimbursement basis, the CCC didn't have the cash flow to spend their money up front. So the contract was restructured to allow 1/3 of the funds to be paid up front. This can work with small non profits.

Wilmington Wellness Day

Mr. Brunswick reported the Department set up a table with information and he talked about the CIAC. He made well over 400 to 500 contacts, and got 3 organizations signed up to receive CEPF applications. He was surprised to find most popular information was composting. Nearly all of the 300 composting pamphlets were given out.

Ms. Meitner asked about training sessions for projects.

Mr. Brunswick said they have not been set due to the GIS questions. He is hoping Kent and Sussex Counties will be held at DNREC in the first week in November and New Castle County in the last week of October at Lukens Drive. The training sessions will be advertised in the News Journal or the Delaware State News.

Ms. Meitner asked if people can sign up on line as an interested party.

Mr. Brunswick said that he hoped to have the application online by the first week in December. There will be a public notice, a press release, and an email to interested parties and past recipients.

Trinity Trucking Press Release

Mr. Brunswick said that he had hoped to share the press release announcing the Coastal Zone Program Offset funding for the Trinity Trucking electrification project by the DuPont Company. Public affairs had asked him not to distribute it. The final comments from the Secretary and the Governor had not been reviewed yet.

This project is a result of Asthma Action a Community Environmental Fund Project. The area civic associations conducted air monitoring to local sources of air pollution. This is a good project which addresses the surrounding community's air quality concerns.

It will allow for the construction of two new boilers at the company's DuPont Edgemoor Facility. Trinity Port Services is located on New Castle Avenue and Rogers Road. The emissions from the idling generators used to power the refrigerated trucks at Trinity Port Services have impacted the surrounding community for years. In exchange for a permit to construct the new boilers, DuPont Edgemoor will provide funding for electrical hookups to eliminate the use of diesel generators as a power source for the refrigerated containers which will reduce air pollution and noise. Air Quality estimates that the electrical hookups will eliminate the emission of 65 tons of Nitrogen Oxides and 42 tons of Carbon Monoxide to the surrounding community.

The area civic associations will be notified and there will be a community event celebrating the project when the electrification units go on line in the spring. Mr. Brunswick said the Council will be invited to the press event.

Mr. Brunswick informed the Council about the truck traffic study which is also a product of the Asthma Action project. It involves many of the same civic associations, and the Wilmington Area Planning Council, who was also a partner in Asthma Action.

The project is lead by WILMAPCO. WILMAPCO study the diesel truck traffic in the area as a result of operations in and around the Port of Wilmington. It will attempt to establish a staging area outside of the Port to help address the heavy truck traffic and truck idling concerns of the surrounding communities. The staging area would reduce the heavy truck traffic through neighborhoods and reduce the idling of trucks waiting along Terminal Avenue and other locations as they service the Port.

WILMAPCO will meet with Southbridge, Eden and Hamilton Park civic associations for their help in identifying the heavy truck traffic locations. DNREC has approximately \$300,000 that could be available to fund some of the electrification units that could further reduce truck idling.

Mr. Pelham questioned the average wait time, stating this is information we need to get.

Mr. Brunswick said the study will measure that, but the startup of the truck is the most dangerous time for air emissions.

VII. Open Forum

Dr. Julis asked if the application and training sessions will go forward after the subcommittee gets clarification on the definition of areas and the GIS can be applied.

Mr. Truxon requested the minutes be faxed in advance to him as he does not have email and at 82 he does not plan on getting email.

Dr. Julis reminded everyone the next CIAC meeting will be December 6, 2011.

Mr. Truxon requested an update from Mr. Brunswick at the next meeting on the company who went bankrupt on Route 13, and the benzene leaking from DE to MD into VA in the water.

Mr. Brunswick said the First State Community Action Agency outreach for septic financing is done and they are now working on the details of the final contract.

MOTION was made by Dr. Julis to adjourn the meeting and second by Mr. Truxon. All were in favor and the motion carried.

Respectfully submitted,

s/Vicki Ward

Vicki 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 of presentations.