

Meeting Notes

April 20, 2010

Community Involvement Advisory Committee

Members Present: William Pelham, Robert Frederick, Dr. Bethany Hall-Long, Pamela Meitner, La Vaida Owens-White, Marvin Thomas, and Harold Truxon. **Quorum met.**

Members Absent: Bruce Allison, Douglas Corey, Dr. Anthony Julis, and Brian Lewis.

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 10:00 a.m.

II. Meeting Protocol Review

The protocol was mentioned as in evidence on the backside of members' nameplates.

III. Approval of Meeting Minutes

MOTION by Mr. Pelham with second by Ms. Meitner to approve the meeting notes of March 16, 2010 with one correction on page 5, second paragraph of "Mr. Pelham instead of Ms. Pelham". All in favor, and the motion passed.

MOTION by Ms. Owens-White with second by Ms. Meitner to approve the meeting notes of December 1, 2009. All in favor, and the motion passed.

IV. Grant Recommendations

NEW CASTLE COUNTY

Bear Babe Ruth

Ms. Meitner said the subcommittee's concern was the Council as their major source of funding.

Mr. Frederick said his concern was the viability of the whole project.

Ms. Hall-Long said the project is viable and will be completed in phases. "Health for communities" is part of a legislative mandate. She said the project is not going away and they are providing a recreational opportunity for children in an area of pollution.

Mr. Brunswick said the council received new information that the project is broken into phases. He also said the project had gone to a large foundation for monies and the foundation felt they were not far enough long in their fund raising efforts.

Mr. Pelham said the project needs a better plan since the current one seems to be piecemealed.

Ms. Owens-White asked why they were doing all 8 fields instead of one at a time.

Ms. Meitner said she understands they have to do land preparation, but if they come back 8 different times for each field that would be costly. She understands phasing and doing some elements early on, but the council gave them \$150,000 and to date they have only raised \$600,000 with the council at 25 percent. If the project costs 5 million dollars, is the council willing to contribute a million dollars? She thinks the project does not look like it is going to make it and the council should not put any more money into it.

Mr. Truxon asked if the council should request the project raise a specific dollar amount.

Mr. Brunswick said that in general capital fund raising projects will have raised around 75 percent of the goal before going public.

Ms. Hall-Long said the council will not be their ongoing funding stream and the \$75,000 was to advance towards the next level of the special field.

Mr. Pelham said the 5 million dollars was for everything, not just the special field, and asked what the cost of the capital expenditures is for the special field.

Ms. Meitner said their financial statements are not in the appropriate form, and that Boyer and Boyer were supposed to review them, but did not express an opinion on them. She expressed her concern about the financial statements.

Mr. Brunswick explained the financial statements were a compilation of statements. A compilation is the initial step before having the full audit done. The Auditor of Accounts has required that applicants provide an audited financial statement as proof of fiscal soundness before a grant is given to an organization. The Delaware Code states that before a contract for professional services is given, the financial capability of grant recipients has to be determined.

Ms. Meitner said she is not opposed to every giving them money, but an audit and clear explanation of what was done with the last funding and what will be done with the new funding is needed.

Mr. Frederick expressed his concern that this is a one stop project with us as the single large funding source, and that as the project goes forward we will continue to see funding requests.

Ms. Meitner said we should reject this proposal, but not foreclose them from preparing a better package.

Mr. Pelham said we could say we like your idea, and would like to participate, and give the \$74,000 with certain conditions.

Mr. Thomas said he did not like that suggestion because we would be giving them a false impression. If the proposal does not meet the requirements as presented, it should be rejected.

Mr. Pelham asked if the guidelines for the requirements were clear.

Mr. Frederick said the subcommittee gave the project staff feedback about the audit. We supported the project with \$150,000 and we should not continue supporting it if it is not clear that the project is going to be successful.

MOTION by Mr. Frederick with second by Mr. Truxon to approve the project as presented. Ms. Hall-Long and Mr. Truxon approved the motion. Ms. Meitner, Mr. Frederick, Mr. Pelham, Mr. Thomas and Ms. Owens-White opposed the motion. The motion failed 5 to 2.

Edgemoor Revitalization Cooperative

Ms. Owens-White said the project had an incomplete report. Senator McDowell wrote a letter of support for the project on March 24, 2010. Since the last meeting, she made an initial drive through the Edgemoor Community and saw first-hand the need for the funding. She was initially concerned about funding the salaries but is willing to support the project now.

Mr. Pelham asked if the application is now complete.

Mr. Brunswick said he received additional information about the project. It has been included in the New Castle County Community Block Grant plan. It is receiving funding to rehabilitate 6 vacant homes and to make them energy efficient. A meeting was held last Tuesday with Sean Finnigan, Senator McDowell's Legislative Aide, and with Labor Unions 55 and 199. The labor unions will be working with the community on developing employment opportunities in the weatherization and retrofitting of buildings. The project could be a model for the Governor's Climate Prosperity Initiative which promises to generate economic development and well paying jobs by developing the green economy. I am not aware of any local projects with a focuses on producing energy efficiency, energy savings, and green jobs in a low income community.

MOTION by Mr. Frederick with second by Ms. Owens-White to approve the project as presented. All in favor and the motion passed.

Transportation Management Association

Ms. Owens-White wanted to see how the money was spent.

Ms. Meitner said her concern was originally about the percentage of money dedicated to salaries, but they explained that most of what was involved is donated including the passes. The program will not happen without people at the helm to administer the project.

Mr. Brunswick said that TMA produced a financial statement that does show that TMA has not raised all of the funding for staff salaries for the entire year. The project would not go forward without funding.

MOTION by Frederick with a second by Mr. Truxon to approve the project as presented. All in favor, and the motion passed.

KENT COUNTY

Dover Kent County MP

MOTION by Ms. Owens-White and second by Mr. Frederick to approve the project as presented. All in favor and the motion passed.

SUSSEX COUNTY

Delaware Center for Horticulture

Ms. Meitner said they want to plant trees and the project is very well organized and well thought out.

Mr. Brunswick said the council suggested the Delaware Center for Horticulture be required to bid, so they would get lower prices. The project does meet the state threshold that requires a bidding process. He informed the project director and she agreed that DCH would follow the state requirements for procurement.

MOTION by Ms. Owens-White with a second by Ms. Meitner to approve the project as presented. All in favor and the motion passed.

Nature Conservancy

Ms. Meitner said it seems to be a high value property and will create a buffer and a connection to Redden State Forest.

Mr. Pelham asked to recuse himself from the vote because he is related to the seller, Mary Lou Spicer.

The project had received unanimous support of the Grant Review Subcommittee. It was the highest ranked application. There were no questions or concerns for discussion.

MOTION by Mr. Truxon with a second by Ms. Owens-White to approve the project as presented. All approved and the motion carried.

City of Rehoboth Beach Urban Forest Assessment

Ms. Owens White said her concerns were answered at the previous meeting. The City of Rehoboth made a complete and thorough presentation of the project. There were no questions or concerns for discussion.

MOTION by Mr. Owens-White with a second by Mr. Frederick to approve the project as presented. All approved and the motion carried.

V. Community Ombudsman Report

Claymont Community March 22 Meeting

In the final report from Phase I of the Claymont Community Air Monitoring project, the Claymont Community Dust Study Committee identified the pollution controls that would have the most effect on emissions and suggested a timeframe for their completion. This laid the foundation for a September 2009 meeting involving: Evraz CEO and environmental engineer, Claymont Dust Study Committee, and DNREC staff, Deputy Director, David Small, DAWM Acting Director, Marjorie Crofts, AQM Chief, Ali Mirzakahili, Compliance Engineer, Brad Klotz, and me. State Representative, Tom Kovach, served as a mediator in the meeting.

The purpose of the meeting was to provide the community with input that will shape the Secretary's Order that the Department is developing for Evraz to meet DNREC regulations. It looks feasible now that the Order could be in place sometime around June 2010.

A major obstacle had been financing, but we have learned since the meeting that Evraz Claymont Steel Board of Directors has approved the money for upgrades to the facility. The big ticket item in the controls was the bag house. Evraz estimated a new bag house would cost around \$12 million dollars and involve other considerable investments to repair the building that houses it.

On March 22 there was a community meeting to explain the monitoring results and report the new developments in the project to the community. The new Environmental Engineer from Evraz laid out about 32 new steps it has taken to curb the dust emissions from the facility. He was the hit of the meeting.

I discovered that information is the key to developing working relationships with communities. Communities need information to ask questions and the Department needs information to respond correctly. The grant that the CIAC recommended to the Secretary was very helpful. It allowed them to come to the table with information and negotiate with real data. It gave them the technical assistance and monitoring tools to create a collaborative problem-solving relationship with the Department and Evraz. It has transformed their relationship with the Department. The Department perceived coming together with the community to resolve the problem. Rep. Kovach described the process as a text book model for collaboration

Ms. Meitner asked what testing Public Health is doing, and is it similar to what has already been done so improvements can be seen.

Mr. Brunswick answered they are taking a base line study with a number of samples which they will use for comparison with the CCC data. One big concern of the CCC is the presence of manganese in their sample results. The environmental health consultant for CCC has advised that the exposure pathway for manganese is through the nasal membrane, and from there directly into the brain. He described new data which indicates that manganese has similar effects to lead. The initial comments from Dr. Llewellyn, the Department of Public Health Chief Toxicologist, casts some doubts on those concerns, based on dosage and his doubt that the duration of the exposure is significant enough for a real danger.

Ms. Owens-White asked if the report you gave to the Council will go into in a big report for the community to view.

Mr. Brunswick answered yes. The contract calls for a midterm and a final report. The March meeting was a part of the agreement to report to the community. There was some debate about what to produce in the midterm report. The Department of Health did not think there would be any validity to a report based on incomplete sampling data. The decision was made not to give a written midterm report at the community meeting, but a verbal one using a power point presentation on the findings.

Mr. Pelham asked if Evraz gave a cost estimate and time frame.

Mr. Brunswick answered a two year time frame. The Department engineers feel the bag house will have the major impact on emissions. Both the Department and the community would like to see the time frame moved up. There have been changes in Claymont Steele leadership with a new CEO, a new Board, and a new plant manager that we hope will not delay progress.

Mr. Pelham said this is an impressive story that needs a press release from DNREC.

Mr. Brunswick said that would be done when the Secretary's Order comes out. Ms. Long left at 11:11 to go to Legislature.

Eden/Hamilton Park March 29 meeting

The air monitoring group on the asthma project requested an extension of their contract to monitor the air quality from May to October because of the snow.

The meeting involved an impressive lineup of public and elected officials: State Representative, JJ Johnson; Secretary O'Mara; Deldot Secretary, Carol Ann Wicks; New Castle County Economic Development Director, Karl Kalbacher; and New Castle County Land Use Director, Jim Smith.

The community was represented by the leadership and members from seven area civic associations. There were sixty to seventy people in the audience.

Secretary O'Mara pledged to cooperate on the dust complaints. DNREC has been very active since the meeting. The Division of Air & Waste assigned two engineers to inspect area facilities for issues that contribute to fugitive dust. Each facility will be asked to produce a dust control plan that uses best practices to curb dust emissions.

DNREC's Environmental Protection Unit investigated complaints of dumping from Mr. & Ms. Gonzalez on Pyles Lane. The dumping and a vacant trailer have been removed. Deldot has addressed their complaints about pot holes. The street has been paved. Also, three cameras will be placed on Pyles Lane to monitor any future dumping.

Rev. Louis McDuffy produced a report from a 2004 sample of Diamond Materials which showed high levels of carcinogenic PAH's. SIRB checked it out with the company that took the sample and the lab analysis showed that the sample was largely asphalt, which does not present an environmental health threat. SIRB is investigating complaints about soil contamination and will remediate any sites that are identified as polluted.

Trinity Port Service located at the corner of New Castle Avenue and Rogers Road is a site where as many as 75 diesel trucks run generators to maintain their refrigerated trailers. The emissions from the generators impact Oakmont, a development that sits directly above the lot. DNREC's Air Quality Section will inspect the property to determine if the truck idling operation requires an air quality permit. WILMAPCO is also doing a traffic study for a plan to recommend rerouting the truck traffic to reduce the exposure of residents around Terminal Avenue to diesel exhaust. The Asthma Action Project has identified the area as suffering from diesel emissions that exceed regulatory standards.

According to the Air Quality Management Section the source of the problem is not merely the idling as trucks wait to enter the Port, but the acceleration as they moving forward at a very slow speed releasing particulate matter. The WILMAPCO project will look at eliminating the lineup of trucks by establishing a staging area, and equipping the staging area with alternative power so they do not have to idle. The Asthma Action monitoring project will document exposure of people to diesel exhaust and will help support the recommendations of the staging area and rerouting of traffic. There has been a request to extend the project deadline to support this effort. Secretary Wicks of DELDOT agreed to work on alternative traffic routes and to place signage in the area to support the project.

Ms. Owens-White asked who would enforce the truck anti idling.

Mr. Brunswick said he got an opinion from the Attorney General office that the state, city and new castle police can enforce anti idling in addition to the EPO's.

Star Hill Update

Mr. Brunswick said this Dover African American community located on Route 113 has complained about drainage problems for 15 years. He met with them in August and progress has been made every month since. A test ditch was completed and DELDOT has agreed to cut a new pipe on Peach Tree road to allow runoff to go into a large ditch. Written approvals were received from all the property owners to construct a new drainage ditch and the project should be ready within a few months.

Capital Park Fish Consumption Advisory

The St. Jones River runs through this Dover Community and is under a fish consumption advisory with a limit of 2 fish per year. This river was contaminated from the dumping from old generators. Public Health has not posted signs about the fish consumption advisory because of the private land. Public Health has agreed to meet with the Civic Association and have the residents post the signs.

VI. Adjourn

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,

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.