



DELAWARE CENTER FOR THE
INLAND BAYS
 Research. Educate. Restore.

BOARD OF DIRECTORS'

Meeting Minutes

Center for the Inland Bays
 Indian River Inlet Facility
 April 1st, 2016
Approved May 25, 2016

ATTENDANCE:

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| <i>Board Members Present</i> | <i>Board Alternates Present</i> |
| Joanne Cabry (<i>Chair, House</i>) | Chris Brosch (<i>DDA</i>) |
| Diane Hanson (<i>SCAT</i>) | Michael Hoffmann (<i>EPA</i>) |
| Rob Robinson (<i>Senate</i>) | |
| Susie Ball (<i>Secretary, CAC</i>) | <i>Center for the Inland Bays Staff</i> |
| Dr. Scott Andres (<i>STAC</i>) | Chris Bason |
| David Baird (<i>Treasurer, SCD</i>) | Emily Seldomridge |
| Todd Lawson (<i>Sussex County</i>) | Marianne Walch |
| Heidi Gilmore (<i>Board Elected</i>) | Brittany Burslem |
| David Small (<i>DNREC</i>) | Andrew McGowan |
| | Jenn Jones |
| <i>Board Members Absent</i> | |
| Secretary Ed Kee (<i>DDA</i>) | <i>Members of the Public</i> |
| Ed Ambrogio (<i>EPA</i>) | Hans Medlarz (<i>Sussex County</i>) |

CALL TO ORDER/MEETING AGENDA REVIEW/WELCOME:

Chair Joanne Cabry called the meeting to order at 9:32 p.m. and verified everyone had time to look over the agenda and requested any changes, to which there were none. J. Cabry led the Board in the pledge of allegiance. J. Cabry introduced Heidi Gilmore as a new member of the board.

SECRETARY’S REPORT:

Susan Ball requested any corrections to the minutes and heard none. S. Ball requested a motion to approve the Secretary’s report. David Baird made the motion and was seconded by Scott Andres. The report was approved.

TREASURER’S REPORT:

D. Baird provided the treasurer’s report. D. Baird directed the Board’s attention to the board budget summary as of February 11th 2016 which was reviewed by the Finance Committee and the Executive Committee and recommended for approval to the board. Rob Robinson motioned to approve the budget summary and was seconded by Diane Hanson. The report was accepted as presented.

D. Baird presented the annual financial statement and auditor’s report. He informed the board the audit was clean and recommended the board except the auditor’s report. S. Ball seconded and the report was accepted.

Scott Andres inquired about the recommendation to move from a cash accounting system to an accrual accounting system. Chris Bason explained that accrual accounting is required by the EPA on end of year reports and it was also suggested by the auditor to switch to accrual accounting in order to save time and money at the end of the year.

COMMITTEE REPORTS:

Citizens Advisory Committee (CAC)

S. Ball reported that the CAC is continuing to work towards diversity. Within the new CAC operating rules the committee is limited to 16 members with a current count of 8 members. CAC will continue to recruit from the underrepresented groups. S. Ball requested board members brainstorm candidates for CAC with a particular need for someone from the real estate community.

Previously the Outreach Committee meetings were combined with Love Creek meetings; this has been reversed with the goal of working towards a Love Creek friends group that would operate outside of the Center.

S. Ball informed the board the fertilization committee has formed a resolution to be addressed later in the meeting. S. Ball read a statement from the CAC unanimously recommending that the board support legislation to regulate lawn fertilization inline with neighboring states and with the intent to reduce nitrogen and phosphorus input into the Inland Bays.

There were no questions.

Scientific & Technical Advisory Committee (STAC)

S. Andres reported STAC had not held a meeting since the last board meeting but had one scheduled for the following week.

WUPIC

C. Bason informed the board there was no report from WUPIC.

Executive Committee

Joanne Cabry reported that the Committee met on March 14th to prepare the board meeting agenda.

AGENCY REPORTS:

Sussex County

Todd Lawson reaffirmed Sussex County's participation with the Center and committed to have more of a presence on the board and in mutual activities. T. Lawson informed the board the county was beginning a 2 year process of rewriting their comprehensive land use plan and welcomed CIB's input.

Hans Medlarz updated the board on the violation by the Wolfe Neck treatment plant and the steps being taken to improve the conditions at the plant.

Rob Robinson asked about the particulars of rewriting the comprehensive plan and whether there were issues with the old comprehensive plan. T. Lawson answered that the county had changed so much in the past 10 years that the previous comprehensive plan doesn't necessarily apply to the current conditions. Also, a number of items in the previous comprehensive plan were not followed through with. The goal for the rewrite is to have the ability and willingness to implement all items.

Department of Natural Resources & Environmental Control

David Small gave an update on storm water regulations, informing the board that the regulatory advisory committee had been meeting regularly and will be looking at most of the major elements of the regulatory framework. A resolution introduced in the house would require the regulatory advisory committee complete work and present recommendations by the end of May.

D. Small informed the board the Clean Water Task Force continues to meet and is beginning to wrap up its work. The fee structure has moved from a school tax model to a waste water use model with fees ranging from \$45 (residential)-\$500 (large business) and a total amount collected in the \$12M-\$15M range.

D. Small reported on a meeting between the agency and the Sussex Delegation of the General Assembly on funding issues pertaining to beaches and waterway management. DNREC has proposed doubling the current boat registration fees in order to raise money specifically for waterway management.

D. Small commented on Aquaculture, informing the board they have reduced the number of plots available through the statewide activity permits. He also informed the board DNREC is finishing up dredging and added a new boat ramp at Holt's Landing.

Diane Hanson asked where the storm water regulations initiated, whether DNREC supported them and what the key issues were. D. Small answered the regulations had been in place for about 18 months but were proving difficult to manage onsite. The current solution is a fee in lieu of compliance but the goal is to obtain compliance on site.

H. Gilmore questioned D. Small about septic regulations in relation to real estate transactions. D. Small offered to hold a class in combination with Sussex County Association of Realtors to educate realtors on the regulations and how they're being enforced.

Delaware Department of Agriculture

Chris Brosch informed the board that the Nutrient Management program will be releasing its annual report within the next week, the Nutrient Management Commission will be meeting the following Tuesday, and the memo establishing the first of 4 CAFO general permits was signed and will begin to be implemented.

Sussex Conservation District

David Baird reported SCD is working with members of the General Assembly on the annual appropriation for their cover crop cost share program. D. Baird told the board of an additional cost share program, with sign-ups taking place currently, devoted to bank stabilization for land owners and agriculture producers. D. Baird informed the board SCD was also working on storm water regulations in conjunction with DNREC and other partners. D. Baird also reported on work with the county towards improvements in drainage.

Sussex County Association of Towns

Diane Hanson had nothing to report.

Environmental Protection Agency

Mike Hoffmann had nothing to report.

General Assembly Updates

House & Senate

J. Cabry reported there were several resolutions that she hoped to see come out of the committee and onto the floor within the next few weeks and she hoped to have more to report in June.

OLD BUSINESS

Reporting Guidelines for Board Meetings

J. Cabry verified that all members were satisfied with the suggested reporting time of 3 minutes and a focus on the Inland Bays for agency updates.

Lawn Fertilizer Legislation Recommendation

S. Ball presented a resolution on lawn fertilizer legislation and asked for the board's support. Diane Hanson moved to accept the resolution, Scott Andres seconded the motion. The resolution was passed unanimously.

NEW BUSINESS

Guidelines for Board Members Document

Document was reviewed by members prior to meeting. S. Ball motioned to accept the proposed guidelines, D. Hanson seconded. The guidelines were passed unanimously.

Approval of CAC member applications

S. Ball presented the application of Gary Cannon who owns a restaurant in Dewey Beach and owns and operates a solar panel business. G. Cannon's recommendation as a CAC member was passed unanimously.

S. Ball presented the application of Jocelyn Wardrup, an environmental scientist. J. Wardrup's recommendation as a CAC member passed unanimously.

Nomination for Board Elected Director

J. Cabry nominated Vickie York as a potential Board-Elected Director. S. Ball motioned to accept. David Baird seconded. V. York was elected to the Board unanimously.

Removal of Point Source Discharge of Treated Wastewater from the Former Pinnacle Foods/Current Allen Harim Facility

Presentation by Chris Bason and Emily Seldomridge

C. Bason gave a short intro to the presentation, giving the board background on the point source discharge located at the former pinnacle foods/current Allen Harim Facility. Previously the board heard a presentation from representatives of Allen Harim proposing the facility be used as a poultry processing plant with land based discharge of treated wastewater, which would have been beneficial to the bays. At some point after this presentation Allen Harim proposed extending their surface water discharge permit rather than using a land based discharge which would have resulted in a significant discharge into the bays. Allen Harim has since made a decision to move their processing operation to Harbeson and the facility is essentially vacant.

E. Seldomridge took over the presentation at this point explaining that a goal of the CIB is to systematically eliminate point source discharge within the inland bays. This goal is found within the CIB's CCMP, PCS and TMDLs. Since 1994, eleven point sources have been eliminated and two are slated for removal or mitigation. The former Pinnacle plant discharge is the only point source discharge that remains in the Inland Bays without plans for removal.

A current permit exists for the surface discharge; however the permit is expired and has been administratively extended. Although the facility is vacant, Dogfish Head Brewery is trucking in waste resulting in continued discharge into an impaired waterbody. The current permit allows for 1,040 pounds per year of phosphorus while the pollution goals for the receiving waterbody are 1,670 pounds per year and the actual average loading is 4,550 pounds of phosphorus per year. The recommendation of the CIB is to eliminate this point source discharge.

After a discussion, the board agreed and reiterated that it was a goal of the CIB to eliminate all point source discharges in the Inland Bays. The decision to end the permit is ultimately up to DNREC and it was decided that DNREC secretary D. Small would stay in contact with Allen Harim and report back with more information at the June meeting.

OPEN FORUM

None

ADJOURNMENT

J. Cabry adjourned the meeting at 11:20AM.

Respectfully submitted,
Susie Ball, Secretary –
SB/blb