



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

BOARD OF DIRECTORS'

Meeting Minutes

Center for the Inland Bays
Indian River Inlet Facility
May 27, 2016
Approved SEP 23, 2016

ATTENDANCE:

<i>Board Members Present</i>	<i>Board Alternates Present</i>
Joanne Cabry (<i>Chair, House</i>)	Hans Medlarz (Sussex County)
Diane Hanson (<i>SCAT</i>)	
Rob Robinson (<i>Senate</i>)	<i>Center for the Inland Bays Staff</i>
Susie Ball (<i>Secretary, CAC</i>)	Chris Bason
Dr. Scott Andres (<i>STAC</i>)	Marianne Walch
David Baird (<i>Treasurer, SCD</i>)	
Sec. David Small (<i>DNREC</i>)	<i>Members of the Public</i>
Sec. Ed Kee (<i>DDA</i>)	Maddie Lauria (<i>Cape Gazette</i>)
Vickie York (<i>Board Elected</i>)	
<i>Board Members Absent</i>	
Heidi Gilmore (<i>Board Elected</i>)	
Ed Ambrogio (EPA)	
Todd Lawson (Sussex County)	

CALL TO ORDER/MEETING AGENDA REVIEW/WELCOME:

Chair Joanne Cabry called the meeting to order at 9:30 a.m. and verified everyone had time to look over the agenda and request any changes; there were no requests. J. Cabry led the Board in the pledge of allegiance. J. Cabry introduced Vickie York as a new Board-Elected 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. Ed Kee made the motion and was seconded by David Baird. The report was approved.

TREASURER’S REPORT:

D. Baird provided the treasurer’s report. He directed the Board’s attention to the minutes of the Finance Committee and then the FY16 Board Budget Summary. He requested a motion to approve the Summary; Rob Robinson motioned and was seconded by S. Ball. The vote was unanimous to approve.

D. Baird directed the Board’s attention to the proposed FY17 budget and asked Chris Bason to describe it. C. Bason explained that the new budget format integrated all of the Center’s revenues and did so by Program; it also incorporated an indirect cost rate. This change in format did not allow comparison to previous years. However, there were no significant changes to expenditures and no new capital requests. D. Baird recommended approval and J. Cabry made the motion to be seconded by Susie Ball. The vote was unanimous for approval.

COMMITTEE REPORTS:

Citizens Advisory Committee (CAC)

S. Ball reported that the CAC met in March and May. The Outreach Committee continues to work on Love Creek. The CAC has ten members now, and is seeking a realtor. The CAC is considering a sub-committee on recreation areas.

Scientific & Technical Advisory Committee (STAC)

S. Andres reported STAC met and entertained presentations on the role of the Center’s Watershed Coordinator and Environmental Scientist. C. Bason added that Chris Main from DNREC presented on a positive relationship between phytoplankton and *Vibrio*, a species of bacteria potentially harmful to human health.

WUPIC

C. Bason informed the Board that WUPIC met on April 13th and they are focused on the June 11th Inland Bays Cleanup. He invited Board participation in the event.

Executive Committee

Joanne Cabry reported that the Committee met on April 27th to prepare the board agenda.

BOARD UPDATES:

Sussex County

Hans Medlarz reported that the Center is in the County's budget at \$20,000 for operational funds and \$37,500 for capital funds. The County has also budgeted for a study of nutrient migration from wastewater disposal sites. DNREC has released the County from oversight related to a violation at the Wolfe Neck Wastewater Treatment Plant. July 9th is the Herring Creek Sanitary Sewer District referendum where 18,000 lbs. of nitrogen entering the Bays is at stake. Misinformation on the cost of hookup is being communicated by some residents. Costs for hookup are actually \$100 plus plumbing expense.

A discussion ensued on septic conversion to central sewer that involved history, costs, environmental quality, and resistance to hookup. R. Robinson asked if the Center should conduct education on the issue. C. Bason asked the Board for clarity on how to proceed on the subject and J. Cabry and E. Kee encouraged material to be produced in the short and long-term (five years) focused in general on sewerage. Ed Kee remarked on the importance of mobilizing proponents. D. Small remarked that the first year of the new requirements for septic inspection at property transfer, 65% of inspected septic systems needed repair or replacement. J. Cabry directed C. Bason to develop a press release on sewerage.

Department of Natural Resources & Environmental Control

David Small reported that multiple pieces of legislation have been introduced to the General Assembly to create exemptions to DNREC's stormwater regulations. Examples were presented to the legislature by the regulated community on how the regulations are not working. DNREC is working with bill sponsors on compromises that would retain the integrity of the regulatory program and allow time for the Storm Water Regulatory Advisory Committee to complete its work.

A bill to raise boater registration fees was introduced to the legislature that would raise and estimated \$1 million to fund waterway management; most of which would be in Sussex County. The money is not enough to fund a robust and fully functional management program but it is a good start.

The Clean Water Task force is finishing its work.

A DNREC public hearing on the statewide activity approval for shellfish aquaculture is scheduled in Millville in the near future. DNREC continues to receive opposition on aquaculture even though shellfish aquaculture areas were reduced in the proposed activity approval.

DNREC and the Sussex County Association of Realtors will hold an educational workshop for realtors on requirements for septic systems at property transfer at the end of the summer season.

Delaware Department of Agriculture

Ed Kee reported that DDA is working with the Center on potential lawn fertilizer legislation. The Board is awaiting estimates from Center staff of the effectiveness of proposed legislation and regulation on reducing nutrient loads from Center staff. He reported that poultry farmers are building more poultry houses. However, the density of birds in houses is decreasing. There are 1 million birds less per year produced now than twenty years ago. Sec. Kee attended a water quality conference produced by Eden and found it worthwhile.

Sussex Conservation District

David Baird reported that important voluntary best management practices for agriculture that might not be cost-shared are now being tracked by DNREC and the District. The enrollment period for cost-share will open in June.

Sussex County Association of Towns

Diane Hanson reported that the Center received a grant from DNREC to support stormwater planning in Dewey Beach; Dewey is matching the grant with \$50,000 cash. This grant will help educate SCAT on stormwater control.

Environmental Protection Agency

EPA was not in attendance.

General Assembly Updates

House & Senate

J. Cabry and R. Robinson deferred their report to the report that D. Small provided previously. J. Cabry notified the Board that the Clean Water Rally is on June 7.

OLD BUSINESS

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

D. Small reported that Dogfish Head Brewery is transporting wastewater to the facility for processing and to keep the wastewater treatment plant running. The facility is being leased as warehouse space by Allen Harim. DNREC suggested to Allen Harim that they apply for a surface water planning grant for the facility and they replied that they were not interested at this time due to other priorities.

J. Cabry circulated the following draft recommendation of the Board:

In 1998, the State of Delaware required elimination of all point source discharges of nutrient to the Inland Bays with the Total Maximum Daily Load (TMDL) regulation. Therefore, the Board of Directors of the Center for the Inland Bays recommends that DNREC expeditiously terminate the expired NPDES surface

water discharge permit for wastewater from the Allen Harim facility (#0000736) to Wharton's Branch on the Indian River. The Board further recommends that any permits for land-based disposal of wastewater for this facility achieve pollution reductions of the TMDL needed to restore the water quality of Wharton's Branch and Indian River.

Ed Kee spoke in opposition to the recommendation not because of the intent but because he felt it would almost put pressure and burden on a company acting in good faith in an uncertain business environment as they determine the fate of their property. He also stated the environmental impact of the discharge is very small relative to septic impacts. He asked that three months or six months be granted for DNREC to determine what to do with the permit.

J. Cabry questioned why the potential sale of a property would influence the Board recommending that existing regulations be followed. E. Kee responded that acting on the permit now could affect the fate of the property.

C. Bason reminded that Allen-Harim originally presented to the Board a proposal for a processing facility with a land-based wastewater discharge, but then applied for a large point-source discharge permit. He felt that everyone wanted to see use of the existing facility, and that the proposed recommendation sends that message that that should occur in accordance with existing regulations. E. Kee said there was no land-based alternative for the company and questioned how one could market a property for sale with no such alternative. He questioned if the 1998 TMDL was a viable solution for the environment and the economy of the watershed. He stated the discussion was good and reiterated a preference to table the discussion.

D. Baird shared that he could not support calling for the termination of the permit today but it is an option that should be kept open. He questioned taking options for disposal off the table. He felt the science has changed over the past 15 years. From his experience, other point source removals have been cost ineffective.

H. Medlarz felt that if the Board did support this recommendation, that they should also directly urge voters in the proposed Herring Creek Sewer District to vote for the District because they are both consistent with the Pollution Control Strategy.

S. Andres responded that he did not believe the science on the TMDL has changed and that the recommendation is consistent with the science. He recognized the balance between economy and environment and that sometimes the Center's charge places it in opposition to economic interests. He stated that if the value of the property is dependent upon the issuance of a permit for a large wastewater discharge, then that is a big risk for a buyer and the Center.

J. Cabry reminded the Board that it is charged with implementing the CCMP and the facility is not in compliance. D. Small reported the company understands that, and in the long-term the

company understands that they must eliminate the point source. He was uncertain of the facilities capacity to land-dispose of the waste. He offered to continue to work with Allen Harim more to plan for how they manage their wastewater. E. Kee mentioned that management change at the company and the opportunity for discussion is another reason to revisit in 3 to 6 months.

D. Hanson asked what the problem would be in waiting. J. Cabry responded that little progress had been made since the last meeting. C. Bason remarked CIB first raised the issue with DNREC in February. J. Cabry asked D. Small if he would continue to work with Allen Harim and report back on progress at the fall meeting and he agreed.

NEW BUSINESS

Strategic Plan Update and Approval of FY17 EPA Workplan

Due to time constraints, C. Bason only provided a summary of the workplan. He directed the Board's attention to the summary provided in their packets and reviewed the projects. S. Andres asked if the Center would be utilizing groundwater nutrient monitoring data collected for years at the Bulls Eye Ferry site to assess the success of their reforestation project. C. Bason replied staff wasn't aware of that data and would look into it and he suggested it be discussed at STAC. R. Robinson asked how the next oyster reef creation project would be different from a failed project off the James Farm years before. C. Bason replied that the Center's Shellfish Enhancement Plan would help determine a more suitable location. C. Bason agreed to publish a press release on the workplan at J. Cabry's request.

Decked Out Annual Fundraising Event

C. Bason reported that the goal of the event is to raise \$30,000, he thanked the sponsoring Board Members and those Members seeking sponsorships.

State of Love Creek Report

Marianne Walch provided the Report. D. Hanson asked why phosphorus loads to the creek were low (meeting standards) while nitrogen loads were high (not meeting standards). M. Walch replied that agricultural nutrient management has reduced phosphorus loads preferentially. C. Bason added that in the upper tributaries, relative to the lower tributaries and open bays, phosphorus tends to bind to sediments reducing its concentration in the water. R. Robinson asked about the frequency of monitoring. S. Andres replied that continuous monitoring of dissolved oxygen would be helpful on Love Creek. H. Medlarz suggested the Center be involved in the County's Comprehensive Planning Effort to advocate for water quality buffers.

CAC Bacterial Source Tracking Recommendation

S. Ball directed the Board's attention to the recommendation in their packet which was largely written by the CAC's Vice Chair Dr. Steve Britz. She summarized the resolution and asked S. Andres to express some concerns that he had on how the recommendation was written. He did

and suggested that the recommendation be made more general by replacing item numbers 8 and 9 of the recommendation with the following as read by S. Ball:

The Board therefore recommends that DNREC design and implement a comprehensive bacterial source tracking study for the Love Creek Watershed that includes molecular and landscape level components and that informs (to the maximum extent practicable) management actions to reduce any human contributions to bacterial pollution.

D. Hanson asked if Sec. Small had been consulted. S. Andres replied that he has been. J. Cabry requested a motion to deliver the recommendation to DNREC. S. Andres made the motion and was seconded by E. Kee; the vote was unanimous.

OPEN FORUM

E. Kee explained that fundraising for the Center by DDA and DNREC has constraints due to the regulatory nature of the agencies but that the Secretaries can recommend people that staff can approach for fundraising. J. Cabry and others acknowledged this and reaffirmed how it necessitates additional community board members for fundraising.

ADJOURNMENT

J. Cabry adjourned the meeting at 12:10 p.m.

Respectfully submitted,
Susie Ball, Secretary –
SB/cwb