



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

## BOARD OF DIRECTORS' MEETING MINUTES

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*Center for the Inland Bays  
Indian River Inlet Facility  
DEC 16, 2016  
Approved MAR 03, 2017*

### ATTENDANCE

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

### CALL TO ORDER/MEETING AGENDA REVIEW/WELCOME

Chair Joanne Cabry called the meeting to order at 1:32 p.m. and noted that the Secretary's report would be provided by Vickie York.

## **SECRETARY'S REPORT:**

V. York requested any corrections to the minutes and heard none. Susie Ball motioned to approve the report and was seconded by Ed Kee. The report was approved unanimously.

## **TREASURER'S REPORT**

David Baird provided the report. He directed the Board's attention to the notes of the Finance Committee meeting and asked Chris Bason to present the FY17 Board Budget Summary. C. Bason presented and asked if anyone had any questions; none were raised.

## **COMMITTEE REPORTS**

### **Citizens Advisory Committee (CAC)**

Susan Ball reported that the CAC met on November 17th. Per the CAC's focus on water access and preservation, Dennis Forney presented about the Sussex Landtrust and its preservation objectives. The CAC has 10 active members.

### **Scientific & Technical Advisory Committee (STAC)**

S. Andres reported that the STAC met in conjunction with the State of the Bays Report on NOV 15. The STAC is assisting with organizing an Emerging Contaminants Symposium in March to take the place of its next quarterly meeting. Emerging contaminants are chemicals not commonly monitored that may have harmful effects on human or environmental health.

### **Executive Committee**

Joanne Cabry directed the Board's attention to the Executive Committee meeting notes in their packets and requested any questions; there were none.

## **BOARD UPDATES**

### **Sussex County**

Hans Medlarz reported that the County's ordinance pertaining to drainage and roadways was rewritten with the assistance of the Sussex Conservation District and multiple stakeholders, and will go to the Council for approval. The ordinance will help address stormwater pollution by allowing linear stormwater practices in the right-of-ways of privately maintained roads. DelDOT code currently excludes these practices from state maintained roads. He reported that the County is assuming ownership of land in the watershed's headwaters to allow for expansion of the airport runway by providing water quality improvement options.

### **Department of Natural Resources & Environmental Control**

Sec. David Small reported that DNREC continues to process permit applications for the ocean outfall to dispose of treated wastewater from the City of Rehoboth Beach. DNREC continues to work with the Stormwater Regulatory Advisory Committee to revise regulations governing stormwater runoff -- public workshop in first quarter of 2017 to review the revisions is anticipated. DNREC, the County, and interested parties are working to assist communities/home owners associations with wastewater treatment and disposal systems by exploring the formation of a non-profit organization that could provide support. Boater

registrations will increase on January 1 to generate \$1 to \$1.3 million for waterway management.

### **Sussex Conservation District**

David Baird reported that the District and the Center submitted their final project report for the Living Shoreline Siting and Concept Design Study to DNREC yesterday. \$7.4 million will be available throughout the State from the NRCS (this is a typical annual amount) for conservation practices. Last year's demand from farmers for conservation cost share from the State was ~\$3.5 million and the State allocated \$1.4 million. The District seeks to maintain this allocation next year. Most of the cost share is for cover crops which covered 39,000 acres statewide in 2015 and 43,000 acres statewide in 2016 (~10% increase).

### **Delaware Department of Agriculture**

Ed Kee reported that the Nutrient Management Program has a young staff of educated soil scientists and agronomists. DDA has requested an additional \$85,000 in the next budget for manure relocation which is part of its phosphorus management strategy. Sec. Kee will retire from DDA in January. J. Cabry thanked the Secretary for his service.

### **Sussex County Association of Towns**

Diane Hanson reported that she distributed copies of the State of the Bays report to SCAT at its last meeting and has arranged for a presentation from CIB at a future meeting.

### **Environmental Protection Agency**

Mike Hoffmann reported that the EPA office is reorganizing but that will not affect the NEP. There will be no annual EPA-NEP meeting in DC in 2017. The Delaware River Basin Conservation Act has been passed by Congress.

### **General Assembly Updates**

J. Cabry had nothing to report from the General Assembly.

## **OLD BUSINESS**

### **Removal of Point Source Discharge of Treated Wastewater from the Allen Harim Facility**

J. Cabry directed the Board to a proposed resolution in their packet, put the resolution on the table, and requested discussion. D. Small reviewed this history of the facility and its permit and reported that DNREC's next step is to request a permit application from the facility. A discussion of the facility and its permitting ensued. H. Medlarz recommended the resolution's 'therefore' be modified to include that any new permit require removal of the point source discharge. More discussion ensued. H. Medlarz restated the 'therefore' at the Chair's request and the Chair added that DNREC report back on progress at the next Board meeting. Ed Kee motioned to approve the resolution as amended and was seconded by S. Ball. The vote was to approve with 7 voting yes and 2 abstaining (D. Small and V. York). *Resolution Attached.*

### **Wolfeneck Wastewater Treatment and Disposal Facility Project Update**

H. Medlarz reported that the County and DNREC Div. of Parks and Recreation have reached agreement to terminate the lease with the farmer holding the lease on the property. DNREC

will extend the County's lease on the property by one year to allow for project planning. CIB will reforest the property, DNREC is planning the trail system, University of Delaware will study changes in nutrient loads from the property, and a third party is involved with providing sanitary facilities for users of the property. The County Council will consider the lease extension and its contribution to financially implement the project on January 10. C. Bason added that an additional ~75 acres to be reforested were added to the project scope.

## **NEW BUSINESS**

### **Approval of CAC Membership from Ian Kauffman**

S. Ball reviewed the application. V. York motioned to accept the application and was seconded by Diane Hanson. The vote for was unanimous.

### **Election of Board-Elected Director Jonathan Forte**

J. Cabry discussed her meeting with Jonathan and requested his nomination. Ed Kee made the motion and was seconded by Susie Ball. The vote was unanimous to elect him to the Board.

### **Presentation of CIB Development Program**

Steve Maternick presented an overview plan for private development for the next two years. He requested Members think of five people that could support the plan and be prepared to discuss with him. He reviewed the goals for the James Farm Master Plan (\$1.1 million), Program Support (\$250,000 - \$400,000), and Operating Reserves (\$120,000) and discussed potential revenue by action. Steve requested input on the Decked Out event. H. Medlarz requested that accepting donations of land should be included in the Center's plans. V. York requested that asks of corporations be given effort, particularly developers. H. Medlarz requested that cost-effectiveness of work be included within fundraising communications.

### **Formation of Development Committee**

Joanne Cabry announced her intention to form a Development Committee as a standing committee of the Board and requested a motion to do so. D. Hanson made the motion and was seconded by E. Kee. The vote was unanimous.

### **Presentation on County Facilitated Conversion of Septics to Central Sewer**

H. Medlarz presented the purpose and history of the County's work to implement central sewer. He discussed CPCNs (issued by Delaware Public Service Commission) and the interaction between the County and private wastewater utilities. He discussed future plans and a brief discussion ensued.

## **OPEN FORUM**

## **ADJOURNMENT**

The Chair adjourned the meeting at 4:05 p.m.

Respectfully submitted,

## RESOLUTION

Whereas the Center for the Inland Bays (CIB) is charged to oversee the implementation of the Inland Bays Comprehensive Conservation and Management Plan (CCMP) and,

Whereas the CCMP includes implementation of the Department of Natural Resources and Environmental Control's [DNREC's] Total Maximum Daily Loads (TMDLs) of nitrogen and phosphorus for each impaired water body, defined as the maximum amount of a pollutant that can enter surface waters from point and nonpoint sources and still meet water quality standards and,

Whereas in addition to the TMDLs, DNREC's 2008 Inland Bays Pollution Control Strategy, also requires by regulation the systematic elimination of all point sources of pollution to the Inland Bays and,

Whereas of the original thirteen point sources discharging to the Inland Bays, the Allen Harim Facility near Indian River is one of two remaining facilities still discharging and,

Whereas the NPDES discharge permit (DE 0000736) for the facility expired 10/31/2013 and as of July 2016 the facility continues to discharge to Wharton's Branch which flows to Iron Branch and thence to the Indian River and,

Whereas the non-point source TMDL for nitrogen for Iron Branch is 145 lbs./day and the average daily load from 2006-2014 was 710 lbs./day and,

Whereas the maintenance of the expired permit provides the opportunity for the current or future owner or lessee of the facility to renew the permit as evidenced by Allen Harim's March 2, 2015 renewal application and,

Whereas there is no current plan for elimination of the Allen Harim Facility discharge,

Therefore, the Board of Directors of the Center for the Inland Bays requests DNREC contact Allen Harim to initiate a discharge permit application process for the facility;

The Board further recommends that no permit be issued for point source discharge, and that a permit only be granted for land-based discharge that achieves TMDL non-point source reductions for Iron Branch;

The Board further requests DNREC report back on progress at the first Board meeting of 2017.