



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  
 MAR 02, 2018  
 APPROVED JUN 01, 2018*

### ATTENDANCE

<i>Board Members Present</i>	<i>Board Alternates Present</i>
Pat Coluzzi (House)	Mike Hoffmann (EPA)
Jonathan Forte (Board Elected)	Austin Short (DDA)
Susie Ball (Chair, CAC)	Hans Medlarz (Sussex County)
Rob Robinson (Senate)	
Scott Andres (STAC)	<i>Center for the Inland Bays Staff</i>
Sec. Shawn Garvin (DNREC)	Chris Bason
Mike Dunmyer (Board-Elected)	Katie Young
David Baird (Treasurer, SCD)	Marianne Walch
Vickie York (Secretary, Board-Elected)	Michelle Schmidt
	Brittany Burslem
<i>Board Members Absent</i>	
Michelle Price-Fay (EPA)	<i>Members of Public</i>
Todd Lawson (Sussex County)	Richard Mais
Sec. Michael Scuse (DDA)	Tyler Monteith (DNREC)
	Sarah Dill (Book & Associates)

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

Chair Susie Ball called the meeting to order at 9:32 a.m. and led the introductions. Richard Mais was present as the Sussex County Association of Towns (SCAT) representative to be approved by SCAT prior to the next Board Meeting.

### SECRETARY'S REPORT

In Vickie York's unavoidable absence (she arrived later in the meeting), Chris Bason directed the Board to the minutes of the last meeting and requested any corrections or changes to the minutes; hearing none S. Ball requested a motion for approval of the minutes. Rob Robinson made the motion and was seconded by Pat Coluzzi. The vote for approval was unanimous.

## **TREASURER'S REPORT**

David Baird's reported that the Finance Committee met on FEB 12. He directed the Board's attention to the FY18 Board Budget Summary and asked for any questions. Hearing none, he introduced Sarah Dill of Book & Associates, the Center's Accountant, to review the FY17 audited financial statements. She discussed three management letter recommendations already been implemented by staff including: 1) the Executive Director must have a second signer on all checks to the Executive Director, 2) all invoices to the Center must be delivered first to the Office Manager, and 3) all raises to employees should be documented in writing in an employee's file. There were no questions from the Board. D. Baird moved that the Board accept the audited financial statements as presented, and was seconded by S. Ball; the vote was unanimous in the affirmative. S. Ball reminded the Board that they all should have received electronically the Center's FY17 IRS form 990.

## **REPORTS**

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

S. Ball had nothing to report.

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

Scott Andres reported that the STAC meets next Friday. The STAC is building a working group to address developing an estuarine hydrodynamic and water quality model and a watershed nutrient loading model.

### **Development Committee**

Mike Dunmyer reported that the Development Committee met in January to discuss the objectives and approach of the Committee which he reviewed. He shared the tracking of the annual appeal progress over the past three years which showed positives in amount raised and number of donors.

### **Legislative**

Pat Coluzzi reported that HB270 was not scheduled for a hearing at this time. The environmental license plate bill has been developed and sponsors secured by Speaker Schwartzkopf. C. Bason reported that the Governor's recommended FY19 budget has the Center's DNREC pass-through grant at level funding. Both Farmland Preservation and Open Space Preservation are proposed for funding at 10 million dollars each. He reported that Representative Gray agreed to explore legislation to transfer marine fuel tax revenues from the Transportation Trust Fund to support waterway management activities. CIB presented in support of DNREC's proposed budget at the Joint Finance Committee hearing. S. Ball appointed an ad-hoc legislative committee.

## **OLD BUSINESS**

### **Presentation and approval of report of the Mountaire ad hoc Subcommittee**

S. Ball reviewed the formation of the committee. C. Bason directed the Board's attention to the draft report included in their packets. The committee met twice to support development of the report. He provided a presentation of the report's findings and recommendations.

S. Ball opened up the floor to discussion. Shawn Garvin stated that he requested that the report not be released until DNREC had completed its investigation into the violations and that

he cannot support it as a Board Member or the Secretary of DNREC. He was not able to comment on much of the report due to DNREC's investigation, but he could discuss the report after the investigation was complete. He appreciated the Board's concern for water quality and shared it, but the investigation and action was complicated and that other pieces to it would make the investigation more difficult to conclude.

R. Robinson asked what the time frame for the investigation was. S. Garvin replied as quickly as possible. R. Robinson replied that if it was tied in with a civil litigation it could take years to conclude. S. Garvin that at least from where DNREC is, it is not tied to a civil action. P. Coluzzi remarked that no timeline puts the Board in a difficult. M. Dunmyer requested more information on timeline and S. Garvin remarked not decades, not years, but maybe months.

Hans Medlarz remarked that the Mountaire operation is a wastewater disposal operation and that groundwater nutrient concentrations spike throughout the year. The Mountaire facility has shed negative attention on other land-based wastewater disposal operators, but all operators should not be viewed that way. Hans rebuked some recent public interpretations of Sussex County wastewater discharge permits. Hans felt that a certain amount of time should be given to DNREC to conclude the investigation.

Mike Hoffmann shared comments from Michelle Price-Faye on the report. The EPA's 2003 consent order with Mountaire remains in effect. EPA is unable to provide information on on-going enforcement activities. Mike reiterated as the report state's that EPA's review of DNREC enforcement was limited to the NPDES program and not DNREC's groundwater discharges permits covering spray irrigation. EPA does not have jurisdiction on private wells unless they are or are likely to be contaminated at levels that are likely to cause an imminent and substantial endangerment to public health, there is a responsible party, and the state has failed to take action and request the EPA to take action on their behalf but does not have authority to take action. If the state has not taken appropriate action or requests that EPA take action because it does not have the authority to do so, EPA can issue an emergency executive order under the safe drinking water act if a contaminant poses as imminent and substantial endangerment to public health. The state and the EPA also have the option to work together. In this matter, the State has the lead and EPA is working closely with DNREC.

Hans remarked that the Dept. of Health and Social Services was referenced in the 2003 order and that many responsible employees in that agency have since retired. Hans asked what the role of DDA was in the nutrient management. Austin Short replied that the farm would need a nutrient management plan and they, DDA, would investigate the plan implementation if there was a complaint.

M. Dunmyer asked Sec. Garvin what he thought the ideal role of the Center should be in achieving compliance. He replied that the Center should focus on the water quality of the receiving waters and source waters to the Bays. He is concerned about reporting on specific issues absent the Department's ability to be engaged in a conversation. He was concerned in some conclusions that were drawn. R. Robinson said the Center has an obligation to go forward on this to provide information to the public at a time when the public is interested. S. Ball asked S. Garvin if he was questioning the data in the report. He replied that he did not put or ask his staff to put much time into rebutting the data in the report. His concern is that the report creates additional attention on the Department that makes it more difficult to do its job.

Jonathan Forte requested a timeline from the Sec. for when the Board should release the report but the Sec. again stated he could not provide one. S. Ball explained that the Board has a history of requesting action from DNREC repeatedly without action or timeline. Sec. Garvin said he understood and explained that he prefers to make decisions and take action as soon as due diligence is complete.

H. Medlarz responded that confidence should be had with the datasets in the reports; it is public information. He expressed concern about one statement that he could not support which was for wastewater facilities to be responsible for achieving groundwater quality standards because of the highly complex nature of local aquifers and pollution sources.

S. Ball asked members of the committee what they would like to do. R. Robinson remarked that even when DNREC completes their investigation, the public will be skeptical of their approach due to a trust deficit with the public. Sec. Garvin questioned why that would influence the Board's approach and hoped that should a trust deficit occur between the Board and DNREC it could be addressed privately. R. Robinson responded that he understands DNREC has its own interests and that the Center has many interests and that the public sees the Center as more of a neutral player and that the Center may end up helping DNREC or challenging DNREC. D. Baird asked if the Board would be better to be proactive or responsive in regards to DNREC's forthcoming solutions.

V. York asked Chris if the Center could put out some information in the report now and then wait to put out the rest until after DNREC concludes its investigation. C. Bason deferred to Sec. Garvin to determine what parts of the report would affect DNREC's investigation negatively and what parts would not. R. Robinson asked Sec. Garvin if there would be a chance for the public to comment on how DNREC will propose to handle the situation before action was taken. He remarked that the recommendations are just that and they could be considered by DNREC. Sec. Garvin did not have the answer and would have to check with legal counsel to see if that was an option. V. York requested a break and S. Ball recessed the Board for 15 minutes.

S. Ball resumed the meeting. P. Coluzzi wished to act proactively and quickly. She made a motion to remand the report back to the Committee with the intention to meet in about two weeks to vote on how to release the information. Vickie York seconded. S. Andres pleaded with the Secretary for more information on if information in the report is accurate. The Secretary responded that that conversation could be had on timing of the release of the report and on what information would not have an impact. S. Ball added that there is a concern that all these other groups are out there supplying information on the issue and that the Center has to wait with its information. The Sec. responded that he understood the Center should say that the situation was aggregious and that nutrients were a problem and that something needs to be done; it's just the details of the report could pose problems in getting where we need to go. V. York requested a DNREC staff member participate in the next Committee meeting. The Sec. said he would consider that but that time and effort was an issue and that he would get back on this. R. Robinson added that it is important for the Center to act while the public is interested. S. Ball called for a vote on the motion. The vote carried with 10 ayes and with Sec. Garvin abstaining.

Hans requested that the County be represented on the Committee. V. York replied that it is an open Committee and welcomed his input.

## **NEW BUSINESS**

### **CIB New Hires**

C. Bason informed the Board that Amy Barra has been hired as the Center's Outreach & Education Coordinator and that Mary Knight has been hired as the Center's Development Coordinator.

### **Nomination and Vote on Susie Ball as Board-Elected Director**

S. Ball informed the Board that she currently serves as the CAC Chair and that she is interested in moving to one of the two open Board-Elected Seat and finding a new CAC Chair. D. Baird motioned to elect Susie to the seat and was seconded by V. York. The vote to approve was unanimous.

### **Presentation and Approval of the CIB Finance Plan**

C. Bason presented a summary of the plan that was provided in the Board's packet. R. Robinson inquired about federal support for the NEP. C. Bason replied that the FY19 President's budget zeroed out the NEP again but that Congress was very likely to provide level or increased funding to the NEPs in addition to a competitive program. M. Hoffmann is working with headquarters on addressing some minor edits in the Finance Plan. EPA headquarters hopes to use the plan as a national model. S. Ball requested a motion to approve the Plan. D. Baird made the motion and was seconded by P. Coluzzi; the vote to approve was unanimous.

### **CIB 2018 Strategic Planning Process**

S. Ball reported that it is time to produce a new three-year strategic plan. She would like the Board to meet for a couple of hours for a strategic planning process led by Chris.

## **ADJOURNMENT**

The Chair adjourned the meeting at 11:52 a.m.

Respectfully submitted,  
Vickie York, Secretary/cwb –