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# CENTER FOR THE INLAND BAYS

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## BOARD OF DIRECTORS'

## **DRAFT** Meeting Minutes

Center for the Inland Bays Office  
Rehoboth Beach, Delaware

September 23, 2011

### IN ATTENDANCE:

<i>Board Members Present</i>	<i>Sussex County Representatives</i>
Rick Eakle ( <i>Chair</i> )	David Baker
Dr. Bill McGowan ( <i>Vice-chair</i> )	
Joanne Cabry ( <i>Treasurer</i> )	<i>Center for the Inland Bays Staff</i>
Dr. Bill Ullman ( <i>STAC Chair</i> )	Ed Lewandowski
Secretary Ed Kee ( <i>DDA</i> )	Chris Bason
Gordon Wood ( <i>SCAT</i> )	Sally Boswell
Todd Lawson ( <i>Sussex County</i> )	Jenn Jones
	Loretta Smith
<i>Board Alternates Present</i>	Roy Miller
Frank Piorko ( <i>DNREC</i> )	Eric Buehl
Hal Godwin ( <i>Sussex County</i> )	
	<i>Public Attendees</i>
<i>Board Members Absent</i>	Melissa Steele
Secretary Collin O'Mara ( <i>DNREC</i> )	Paul Sample
Bill Zak ( <i>CAC</i> )	Ron Wuslich
	John Austin
<i>EPA Representatives</i>	Bob Batky
Ed Ambrogio	Buzz Henefin
Sue McDowell	Doug Parham

# DRAFT

## SUMMARY OF MOTIONS

1. Motion by R. Eakle to accept the Secretary's report including the minutes of the JUN 17 2010 meeting of the Board of Directors as written; seconded by J. Cabry. Passed unanimously.
2. Motion by Sec. Kee to accept the Treasurer's report as written; seconded by B. Ullman. Passed unanimously.
3. Motion by B. McGowan to endorse the testimony of the CAC, STAC, and Deputy Director that were presented at the AUG 31, 2011 DNREC public hearing of the construction permit application for the Wandendale Regional Wastewater Treatment Facility; seconded by J. Cabry. Passed with 6 ayes, and 2 abstentions (SCAT and DNREC).

## CALL TO ORDER/WELCOME

Chairman R. Eakle called the meeting to order at approximately 9:30 a.m. and welcomed those in attendance. Meeting participants were asked to join in reciting the Pledge of Allegiance.

### *Administrative Items*

The Chair brought to the attention of the Board a letter from the CAC asking the Board to endorse the comments of the CAC, STAC, and Deputy Director that were presented at the AUG 31, 2011 DNREC public hearing of the construction permit application for the Wandendale Regional Wastewater Treatment Facility. He asked the Board to read the letter from the CAC prior to the committee reports.

The Chair requested the Board be brief in their reports to allow adequate time for the State of the Bays presentation.

The Chair announced the intended departure of Executive Director Ed Lewandowski from the CIB and informed the Board that the Executive Director would be acknowledged later in the meeting.

## MINUTES:

Copies of the State of the Delaware Inland Bays Report 2011 and the letter from the CAC seeking Board endorsement of comments on the Wandendale Facility were distributed to the Board.

# DRAFT

## *Secretary's Report/Approval of Minutes*

Secretary Bill Zak and an alternate were not present. R. Eakle asked the Board to refer to the Secretary's report include in the Board packet. R. Eakle made a motion to accept the report including minutes of the JUN 10 2011 Board of Director's meeting as written. J. Cabry seconded the motion. The motion passed unanimously.

## *Treasurer's Report/Work Plan Amendments*

J. Cabry asked the Board to refer to the Board budget summary for the Treasurer's Report. Secretary Kee made a motion to accept the Treasurer's report; B. Ullman seconded the motion. The motion passed unanimously.

B. Ullman questioned the amount of funds remaining in the FY'11 budget. The Executive Director informed him that this was carry-over money obligated during the previous workplan that will be spent in FY'12.

J. Cabry announced CIB's new auditor, William Russ. She reported he has experience working with the Maryland Coastal Bays Program and understands how National Estuary Program's function.

J. Cabry announced that, at the request of a CIB staff member, a provision was added to the CIB benefit plan to allow hardship withdrawal of up to 50% of the balance of a staff member's retirement fund dependent on a letter of justification.

## **COMMITTEE REPORTS:**

### *Citizens Advisory Committee (CAC)*

R. Eakle asked that the CAC letter requesting Board endorsement of comments on the Wandendale Facility be addressed at the end of the Committee reports. In the absence of a CAC Chair and alternate, R. Eakle asked if the Executive Director had anything to add concerning the CAC report. The Executive Director reported that CAC continues to work on two major issues: the Wandendale Regional Wastewater Treatment Facility and the Burton's Island Coal Ash Landfill Remediation Plan. He also reported the next CAC meeting was scheduled for OCT 6 and that the CAC was seeking a speaker on Confined Animal Feeding Operations (CAFOs).

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

B. Ullman reported the STAC had not met since the last Board meeting. The next meeting is scheduled for OCT 7. The STAC provided technical review for the 2011 State of the Bays Report. On AUG 30, The STAC sponsored a Nutrient and Water Management Workshop to discuss wastewater in Delaware in coordination with Joe

# DRAFT

Farrel and Bill McGowan of the University of Delaware. Another workshop on the same topic is intended.

## *Executive Committee Update*

R. Eakle referred to the minutes provided from the most recent Executive Committee meeting.

## *Water Use Plan Implementation Committee Update*

E. Lewandowski reported the Inland Bays Clean-up was again a successful event in 2011 with participation by close to 100 volunteers including Colin O'Mara and U.S. Senator Chris Coons. He remarked that the Committee generally goes on hiatus in the summer and reconvenes in the fall.

## *Strategic Planning Committee*

E. Lewandowski reported that the Committee met to work collaboratively on the comments regarding the Wandendale Facility. He remarked that he felt the collaboration and the quality of the testimony were outstanding.

## *Citizen's Advisory Committee Request*

R. Eakle asked the Board to consider the letter from the CAC requesting the Board endorse the position of the CAC, STAC, and Deputy Director presented at the AUG 31, 2011 DNREC public hearing of the construction permit application for the Wandendale Regional Wastewater Treatment Facility. B. McGowan motioned to endorse the position. J. Cabry seconded.

B. Ullman mentioned that the three sets of comments had slightly different perspectives but agreed that the best possible wastewater management should be the goal for all wastewater facilities.

G. Wood indicated that, as a representative of SCAT, he would abstain from voting on the motion. He mentioned he did not understand certain words in the letter from the CAC to the Board including "relatively untested." R. Eakle clarified that the motion was to approve the testimony made at the public hearing. B. Ullman clarified that "relatively untested" referred to the rapid infiltration basins, the primary method of proposed wastewater disposal for the Facility. G. Wood also questioned the meaning of the words "independent monitoring," which were included in the CAC letter. B. Ullman replied that "independent monitoring" meant monitoring by DNREC or another agency independent of the wastewater operator. J. Cabry indicated that the Board was asked to approve the testimony made at the hearing, not the CAC letter itself. G. Wood clarified that he was reading exact words from the testimony and indicated that the Board had

# DRAFT

submitted testimony that it could not explain. B. Ullman again attempted to clarify the words “independent monitoring.” G. Wood questioned the words “as advertised” in the testimony.

The Chair requested a vote on the motion to endorse the testimony. There were 6 ayes; motion passed with 2 abstentions (SCAT and DNREC).

## **AGENCY REPORTS:**

### *Sussex County*

H. Godwin expressed appreciation for the service of E. Lewandowski and wished him well on behalf of Sussex County. He reported on improvements to County sewer systems including a new gravity sewer pipe installed on Oak Orchard road, a new pumping station on route 54, a new force main to the South Coastal Treatment Plant, and a new collection system on White’s Neck near Millville. B. Ullman asked about construction at the Inland Bays Wastewater Treatment Plant. H. Godwin replied that there is work underway at the Plant to improve wastewater treatment and to increase capacity. The work is to be completed in roughly one year.

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

F. Piorko congratulated E. Lewandowski on his new position and thanked him for his service on behalf of DNREC. He reported that the Clean Water Advisory Council is discussing the expansion of the State Revolving Fund loans to private organizations under Section 320 of the Clean Water Act. The Council will soon decide on how loan eligibility for projects under Section 320 will be determined.

The Remedial Investigation Report for the Operating Unit # 2 of the Burton’s Island Coal Ash Landfill has been finalized after incorporating comments from DNREC staff. DNREC will begin scoping the Feasibility Study in early November.

The Clean Water Advisory Council Community Water Quality Grants program has short-listed for funding a CIB stormwater retrofit project in the Anchorage Canal Drainage Area.

R. Eakle acknowledges David Baker and Todd Lawson of Sussex County who entered the meeting during the DNREC report. D. Baker introduces T. Lawson as the new Sussex County Administrator. T. Lawson comments on his fond memories of growing up on the Inland Bays.

# DRAFT

## *Delaware Department of Agriculture*

Sec. Kee comments that E. Lewandowski made great contributions to the Center. The new CAFO regulations have a letter of approval from EPA. Sec. Kee requested the opportunity for a presentation from DDA on agriculture and nutrient management at future meetings of the BOD, STAC, and CAC.

## *Sussex Conservation District*

B. McGowan congratulated and thanked E. Lewandowski for his service on behalf of the Sussex Conservation District. Dr. McGowan reported on cover crop acreage and cost share funding. He reported that DNREC stormwater regulation promulgation has been pushed back until May with their effectiveness coming in August of 2012.

## *Sussex County Association of Towns*

G. Wood had nothing to report.

## *Environmental Protection Agency*

E. Ambrogio provided the Agency's report. He presented a certificate of appreciation to E. Lewandowski for outstanding leadership on behalf of the EPA. He reported that the work of CIB and the Maryland Coastal Bays Program will be highlighted during an EPA Office of Water Program in October. He reported that the Partnership for the Delaware Estuary annually holds a joint Management Committee and STAC meeting and suggested CIB could consider holding such a meeting in the future. Ed Lewandowski thanked S. McDowell for providing an opportunity to meet with EPA senior managers in region three during the summer.

## *General Assembly Updates*

### House

J. Cabry presented to E. Lewandowski a tribute for his dedicated service to the Delaware Inland Bays on behalf of the House.

### Senate

R. Eakle presented to E. Lewandowski a tribute for his 20 years of service to the Delaware Inland Bays on behalf of the Senate.

## **OLD BUSINESS**

D. Baker of Sussex County took the opportunity to thank E. Lewandowski for his many years of service on behalf of Sussex County.

# DRAFT

R. Eakle thanked E. Lewandowski for his service and presented him with a gift on behalf of the Center.

## NEW BUSINESS

### *State of the Inland Bays*

Chris Bason of CIB presented the 2011 State of the Delaware Inland Bays Report.

Secretary Kee suggested that the nutrient management goals for the watershed should be readdressed.

G. Wood commented on the increase in the flow through the Indian River Inlet and questioned the magnitude of its effect on natural resources.

F. Piorko commented that the report demonstrated the need for continued monitoring. He commented it will help the Department in educating during regulation development.

Ed Ambrogio complemented the report's comprehension to a public audience.

Ron Wuslich questioned why the Inland Bays had such little eelgrass.

D. Baker asked about the time it takes for septic conversion to central sewer to demonstrate benefits. B. Ullman responded that groundwater flowpaths to surfacewaters were found to have a median travel time of 15 years.

E. Lewandowski thanked the Board for their support and the autonomy they afforded him in operating the Center.

## OPEN FORUM

There were no requests from the public to speak during the Open Forum.

## ADJOURNMENT

At approximately 11:00 a.m., the Chair called for adjournment.

Respectfully submitted,

Bill Zak, Secretary

BZ/cwb