

CENTER FOR THE INLAND BAYS

BOARD OF DIRECTORS' DRAFT Meeting Minutes

Irish Eyes Restaurant
Lewes, Delaware

December 12, 2008

IN ATTENDANCE:

Board Members Present	EPA Representatives
Rick Eakle (<i>Chair</i>)	Ed Ambrogio
Pat Campbell-White (<i>Vice-chair</i>)	Susan McDowell
Dr. Sergio Huerta, DNREC (<i>STAC Chair</i>)	
Ron Wuslich (<i>Secretary and CAC Chair</i>)	Center for the Inland Bays Staff
Austin Short (<i>Acting Secretary for DDA</i>)	Ed Lewandowski
Dell Tush (SCAT)	Sally Boswell
	E.J. Chalabala
Board Alternates Present	Loretta Smith
Debbie Absher (<i>Sussex Conservation District</i>)	Jenn Jones
Richard Kautz (<i>Sussex County</i>)	Chris Bason
David Small (<i>Deputy Secretary DNREC</i>)	Eric Buehl
Board Members Absent	
John Hughes (<i>Secretary DNREC</i>)	
Dr. Bill McGowan (<i>Treasurer</i>)	
Dave Baker (<i>County Administrator</i>)	

Summary of Motions

1. Motion to accept the Secretary's report and approval of minutes by Ron Wuslich; seconded by Dell Tush; passed unanimously.
2. Motion to accept the Treasurer's report by Debbie Absher; seconded by Ron Wuslich; passed unanimously.
3. Motion to accept David Truitt as a new member of CAC made by Ron Wuslich; seconded by Dell Tush; passed unanimously.
4. Motion to adopt the CAC resolution was made by Dell Tush; seconded by Pat Campbell-White; the motion passed (abstentions by Sussex County and Acting-Secretary Short; recusals by Deputy Secretary Small and Dr. Huerta)
5. Motion to adjourn made by Pat Campbell-White; seconded by Dell Tush; meeting adjourned at 11:40 a.m.

Action Items

Executive Director to draft a letter to Sussex County and its staff acknowledging the County's receipt of the Environmental Protection Agency award.

Executive Director to forward to Department of Natural Resources & Environmental Control and members of the General Assembly a copy of the Citizens' Advisory Committee resolution as adopted by the Board.

MINUTES:

Call to Order/Welcome

Chairman Rick Eakle called the meeting to order at 9:32 a.m. and welcomed those in attendance. Meeting participants were asked to join in reciting the Pledge of Allegiance.

Secretary's Report/Approval of Minutes

Ron Wuslich gave the Secretary's Report. Being no corrections, Ron Wuslich moved to accept the September board meeting minutes as presented. Dell Tush seconded the motion. The motion passed unanimously.

Treasurer's Report

Debbie Absher, sitting for Dr. Bill McGowan, gave the Treasurer's report. Ms. Absher moved to accept the Treasurer's report as presented. Ron Wuslich seconded the motion. The motion passed unanimously.

CAC Update

Citizens Advisory Committee: Ron Wuslich, Citizens' Advisory Committee Chair, gave the CAC report, in which it was stated that the CAC had gained significant momentum over the last few months. A motion to accept David Truitt to the CAC membership was made by Ron Wuslich and seconded by Dell Tush; the motion passed unanimously.

Mr. Wuslich provided a presentation, which included background information concerning the operations and permitting of the cooling systems at the Indian River Generating Station. Mr. Wuslich explained the language defining Best Available Technology, or BAT, according to the Clean Water Act and described the compliance schedule for retrofitting Unit 3 at the power plant. A resolution from the CAC was then introduced with requested action as follows:

“Now therefore, inasmuch as the BTA exists to minimize fish and crab losses as a result of “once-through cooling,” and that the BTA has existed for over thirty years, the Citizens' Advisory Committee believes that the Department of Natural Resources & Environmental Control should not grant NRG additional time to retrofit unit 3 with a cooling tower similar to that of unit 4.

Accordingly, the CAC recommends that the State give NRG until May 2011 to retrofit unit 3 with a cooling tower. Following Board approval of this resolution, we

request that copies of the resolution shall be forwarded to the Governor-elect and members of the General Assembly.”

Consideration of the resolution was tabled until the Deputy Secretary of DNREC arrived.

STAC Update

Scientific & Technical Advisory Committee (STAC): Dr. Sergio Huerta reported that the STAC met on December 5th, when three presentations were provided concerning Rapid Infiltration Basin Systems (RIBS), Coal Ash Production & Use, and Investigating Groundwater Discharge Into Coastal Bays.

Board Updates

Sussex County: Richard Kautz, sitting for Dave Baker, provided the County’s update. Mr. Kautz reported that following the November election, three new Council members will be sworn in during early January. Rick Kautz acknowledged the Citizens Advisory Committee for its outreach efforts concerning the Indian River Generating Station. Mr. Kautz also reported that the County has been consulting with Department of Natural Resources & Environmental Control regarding the Super Green program and considering how it might benefit Sussex County.

Pat Campbell-White recognized Sussex County for receiving the EPA’s regional environmental excellence award for its outstanding operation and maintenance of the South Coastal Regional Wastewater Treatment Plant. Ms. Campbell-White asked that the Executive Director be directed to draft a letter to Sussex County and its relevant staff members congratulating them for their diligent efforts.

Department of Agriculture

Acting-Secretary Austin Short stated that the department is offering a grant to install new irrigation systems on agricultural lands that are enrolled in the Agricultural Lands Preservation Program. Funds will be derived from a USDA grant award in the amount of \$250,000. The cap for the individual project awards is \$50,000 and recipients will be announced in early 2009. Mr. Short said he believed that this program will be exceptionally useful in the Inland Bays watershed on lands on which fertigation is being practiced.

Acting-Secretary Short also stated that the Delaware Department of Agriculture is very concerned about the current budget situation and the large shortfall that is anticipated for FY2010.

Delaware Department of Natural Resources and Environmental Control (DNREC): Deputy Secretary David Small stated that the Department is in continuing discussions with the budget office concerning both its FY2009 and its FY2010 recommended budget. The Department was asked to account for a \$5+ million dollar cut for 2009 and a proposed 15% reduction for in operating expenses for FY2010. DNREC is considering a revision of its current fee structure to account for the loss in state funds.

Deputy Secretary Small reported that DNREC had been served with a lawsuit from the County concerning the Department's authority to promulgate an Inland Bays buffer strategy because it may pose a conflict with the County's land use decisions.

Sussex Conservation District (SCD): Debbie Absher updated the board on the cover crop acreage in the Inland Bays watershed for 2008. Of the 27,476 acres enrolled in the program, approximately 8,200 acres had been planted to date. The total acreage enrolled represents a 6% reduction from 2007.

Ms. Absher described other District activities, including the assistance it provided with the relocation of the Lightship Overfalls in Lewes. She also reported that the Sussex Conservation District had purchased new equipment that will assist tax-ditch associations with maintenance requirements. In addition, the District will again be hosting stormwater maintenance seminars in 2009.

Sussex County Association of Towns: Dell Tush advised the Board that the SCAT steering committee had recently met to discuss its legislative concerns in preparation for the next session of the Delaware General Assembly. Ms. Tush also stated that she continues to be concerned about stormwater and flooding issues in Dewey Beach. She suggested that CIB should share any of its concerns or recommendations about municipal issues affecting the Inland Bays to the SCAT for consideration and support.

Environmental Protection Agency (EPA): Ed Ambrogio announced that Lisa Jackson is expected to be appointed by President Obama to head the Agency. She currently serves as Administrator of New Jersey's DEP and has previously been involved in programs with the Environmental Protection Agency. Mr. Ambrogio reported that the Environmental Protection Agency is increasing its focus on climate change issues and energy policy to align itself with the new Administration's priorities as emphasized by the transition office. He also described Region III's new assignment as the lead region for water programs, which might assist with National Estuary Program priorities. In addition, Mr. Ambrogio described EPA's "Healthy Watersheds" program, which is under the direction of the non-point source program. He also reported that the Delaware Inland Bays Estuary Program (CIB) will undergo a Program Evaluation in 2009.

Ed Lewandowski acknowledged the recent visit from Sue McDowell, the CIB's new Project Officer from Region III.

Old Business

The Chair returned to the resolution previously introduced by the Ron Wuslich on behalf of the Citizens' Advisory Committee, which concerned the use of "once-through" cooling at the Indian River Generating Station. A motion was made by Dell Tush to adopt the resolution; this was seconded by Pat Campbell-White. Discussion ensued concerning the resolution.

Deputy Secretary Small described the pending decision regarding the draft NPDES permit for the Indian River Generating Station. NRG had been directed by the

Department to conduct a study of the impacts of its thermal discharge for consideration of the technology needed to mitigate these impacts. Mr. Small provided information concerning EPA's determination of Best Available Technology and suggested that the Secretary was reconsidering the Department's resolution of this issue from a regulatory perspective, which may include a new compliance schedule.

Deputy Secretary Small thanked the Board, Citizens' Advisory Committee and Scientific & Technical Advisory Committee for their investigation of the impacts and issues surrounding the Indian River Generating Station.

Pat Campbell-White commented on the validity of the Inland Bays CCMP as the basis of CAC's resolution on this matter. Ron Wuslich suggested that in accordance with the Clean Water Act, a cooling tower is the appropriate Best Available Technology, but there remains substantial debate at the Federal level due to the Environmental Protection Agency's determinations about the application of this language.

The question was called and two abstentions were acknowledged (Acting-Secretary Short and Mr. Kautz); the Chair also recognized two recusals (Deputy Secretary Small and Dr. Huerta). The motion to approve the Citizens' Advisory Committee's resolution was passed unanimously by the remaining voting members.

New Business

Evaluation of Rapid Infiltration Basin Systems (RIBS) for Watershed Disposal and Water Quality: Scott Andres provided a presentation based on his findings. Mr. Andres suggested that development of a program to address the use of RIBS might benefit from input outside of DNREC and the regulated community.

Permitting and the Management of RIBS: Ron Graeber from the Division of Water Resources gave a presentation based on how the Department permits and manages RIBS.

Year in Review: Ed Lewandowski updated the board on activities related to the CIB for the year 2008.

Adjournment

At 11:40 a.m., Pat Campbell-White made a motion to adjourn the meeting. Dell Tush seconded the motion. The motion passed unanimously.

Respectfully submitted,

Ron Wuslich, Secretary
RW/ej