

CENTER FOR THE INLAND BAYS

Citizens' Advisory Committee Draft Meeting Minutes

Center for the Inland Bays
Rehoboth Beach, DE
November 10, 2011

IN ATTENDANCE:

CAC Members Present	Todd Smallwood
William Zak, Chair	Randy Spence
Robert Adams	David Truitt
John Austin	Helen Truitt
Steve Callanen	CAC Alternates Present
Bob Collins	Judy Denver, STAC
Robert Cubbison	Members of the General Public
Tom Ford	Bob Batky
Harry Haon	Bill Moyer
Pete Keenan	Dustin Oldfather
Doug Parham	Nancy Santos
Cheryl Rehrig	Ron Wuslich
	DNREC-Speaker
	Greg DeCowsky
	Tim Ratsep
CAC Members Not In Attendance	Paul Will
Carl Alesi	Center for the Inland Bays Board -none
Robert Gallagher	Center for the Inland Bays Staff
Barbara Lifflander	Sally Boswell
Carl Mantegna	Eric Buehl
Vicky Mertes	Press
Shirley Price	Melissa Steele, Cape Gazette

MINUTES

WELCOME AND INTRODUCTIONS

Citizens' Advisory Committee (CAC) Chairman Bill Zak called the meeting to order at 4:07 p.m. and welcomed those in attendance. This was followed by the Pledge of Allegiance and then introductions.

ANNOUNCEMENTS

Bill Zak thanked Sally Boswell and Eric Buehl and the CIB staff for their support and assistance,

and Chris Bason for his counsel and help during his tenure as CAC Chair.

Bill Zak reported that he sent an email about the civil suit regarding coal ash pit. He wanted members to be apprised of that situation and would like the CAC to go on record, recommending that we send a letter to our senators stating our opposition to a bill that passed the house a couple of weeks ago regarding the coal ash dump on Burton Island. The HR 2273 blocks efforts by the EPA to set enforceable regulations for coal ash. Harry Haon read a draft of a proposed letter.

Harry made a motion that the letter be approved by the Committee and sent to state senators with copies to the Governor, Congressman Carney and Secretary O'Mara. Steve Callanen seconded the motion. During discussion, a number of concerns were raised. Bob Collins ask if the letter had been passed through the public policy committee. Harry Haon responded that it had not been. Bob said that it is important that CAC has a process for bringing recommendations to the committee. Steve Callanen said that he thought that it was more important that it be brought to the whole committee and that individual members can decide if they wish to sign it. Tom Ford stated that he read the HR 2273 bill differently and questioned why it had to be acted on before there was more time to consider the bill...felt that time is not of the essence. Tom thanked Harry for monitoring these issues, but expressed his concern about fast tracking it; he stated that the bill is complex and that there has not been time to fully understand the bill. He expressed the concern that it is important that we have done our homework when we are writing to legislators and that he does not know enough to put his name on it. Ford: As a citizen you can do anything you want; as a committee we need to make sure that we are very accurate. Bob Collins: We should follow good process; it should be considered by the public policy committee before it is brought to the full committee.

The chairman called for a vote. In favor: 8 Opposed: 2 The motion carried. The letter will be sent to our senators over the signatures of those CAC members who wish to sign it.

NEW BUSINESS

Progress Report and Q/A Session on the Burton's Island Remediation Plan

In attendance from DNREC: Greg DeCowsky, Tim Ratsep, and Paul Will of the Department of Natural Resources and Environmental Control (DNREC) Site Investigation and Remediation Branch (SIRB)

The Site Investigation and Remediation Branch staff reported that the second Shaw study's investigation clearing the closed coal ash storage facility on Burton's Island of posing any immediate danger of groundwater contamination was and is merely one aspect of their larger investigation.

Their analysis of the environmental damage and threats on and around the island is nearing completion, but will not be finalized for several more months. At that time, their final recommendations will be made public and a public hearing will be scheduled to provide the opportunity for citizen input and response.

The report from the SIRB staff was unable to provide much in the way of details because SIRB had just begun feasibility negotiations with the present owner, NRG, the day before visiting us at CAC. They did indicate that they had done an evaluation of the effects of the coal ash on the

island's terrestrial life, but said that they did not presently foresee any empirical study of benthic communities immediately offshore (though later, under questioning, Greg DeCowsky did say that fish and clam testing might yet prove necessary.) The CAC will have an opportunity to express concerns, make suggestions and review the scope of the SIRB's proposed recommendations at a DNREC public hearing sometime early in 2012.

Questions:

Zak: Was there anything in your request that speaks to the benthic community and fish?

Ans: No...nothing offshore. Further down the road when investigative work is completed we will consider those kind of recommendations, but we are not requiring further actions for groundwater at this time...sediment data is typically more informative, less subject to fluctuations over time.

Batky: Has a Natural Resource Damage Assessment been done?

Ans: An NRDA is being conducted on part of the project.

Callanen: Are you looking at high water situations? How is this evaluated?

Ans: Hopefully, this information will be captured in ongoing sampling. There had been no erosion around the shoreline stabilization and no evidence of going over the structure. This is the first time we are taking into account sea level rise. We had them evaluate increase in mass loading as sea level rise and inundation increases. Estimate that there will be slight increase in contaminant levels.

Callanen: To guarantee that the rip rap accomplished its objective you 'd have to come back and test again.

Ans: That is the purpose of the O and M sampling. One of the stipulations: DNREC O and M plan needs to be established and followed.

Zak: With regard to sea level rise, is there any thought about requiring a cover of all exposed interior areas of the island?

Ans: That's still on the table.

John Austin: How bad do selenium levels have to get? Levels are higher than allowed. Found high levels at that site five times.

Ans: We retested and found acceptable limits.

Zak: Why can't we have a study of the fish? If you're looking at the terrestrial community, shouldn't you look at the marine life as well? Callanen said it is disturbing that marine life is not tested.

Ans: We may need to do some of that. They said that when possible they prefer to do 'modeling' rather than kill the organisms.

Zak: Can we expect something to be reported to the public in about six months and that there will be a public hearing?

Ans: You'll have another opportunity to respond at a public hearing of the proposed plan.

Chris Bason: One recommendation regarding the public hearing; I encourage you to present the layman's explanation so that the public can understand what you are presenting.

Ans: Agreed: Linguistic detoxification

In closing, Greg DeCowsky said, 'We at DNREC are the third party looking out for the interest of the Delaware and the habitats.'

Discussion of Future Orientation and Priorities of the Citizens' Advisory Committee-Doug Parham, Chair-Elect

Doug began by thanking Bill Zak for his service to CAC. He introduced two new prospective members whose names will be presented to the Board of Directors at their December meeting. Nancy Cabrera-Santos- Nancy is the Conservation Chair for the Lord Baltimore Women's Club and a supporter of the CIB. She looks forward to assisting on outreach.

Bob Batky- Bob is retired after a career in fish and wildlife-coastal ecology. He said that his interest is as a homeowner, and that he hopes to bring a biological perspective to the table.

In introducing the two new prospective members, Doug Parham stated that his goal is to have a full complement of 28 CAC members. He plans to start all meetings at 4 p.m. so that working people can attend, and will continue the tradition of providing dinner so that members can stay and get to know each other. All meetings will be scheduled on regular dates and times. Unless otherwise notified, all meetings will be held at the CIB. It was noted that they can be held in another location as long as they are publicly announced in advance.

The full CAC meetings will be held on the 2nd Tuesday of the month at 4 p.m. He urged those who will be away during the winter months to name an alternate to attend and vote on their behalf so that we can have a quorum and ask that members send the names, address, and emails of their alternate so that we can notify them of meetings. The meeting schedule will go as follows: The first 30 minutes of each meeting will be used for presentations with outside experts/speakers. The next 30 minutes will be Doug's, followed by 30 minutes for old business, 30 minutes for new business and 30 minutes for dinner/social.

At our CAC meeting in December, we will have invited guests from the industry join us for a round table discussion about moving poultry manure out of the watershed. The Public Policy Committee will consider all that is brought up at the meeting and make recommendations. In January, we will look at public sewer in the county and eliminating septic systems. In February, we will look at how to increase buffer areas in our watershed. In April and May, the Public Policy Committee will bring recommendations to the full committee to establish priorities.

The Public Policy meetings will be held on the 3rd Thursday of each month at 4 p.m. He set a goal for the Public Policy Committee to create three new initiatives to improve water quality in the Inland Bays; to gather information this spring and to have their findings and recommendations ready to present to the board at the June 2012 meeting. Two primary sources of nutrients are phosphorous and nitrogen; knowing the current environment of the board, and state, we need to find low cost, efficient solutions. He asked members to sign up for the public policy committee.

He set a goal for the Outreach subcommittee to reach 1000 stakeholders again this year. He said that to re-visit all groups we visited in 2010 we will need additional volunteers and ask that members sign up to be a helper or a speaker for the CIB Speakers Bureau. He also asked members to solicit organizations to speak to and noted that a volunteer is needed to chair the

outreach committee. He also stated the need for a secretary of the CAC to take the minutes and get them to Sally or Eric for distribution. All CAC members must be a member of one of the two subcommittees. He encouraged members to become familiar with the founding documents of the CAC, including the bylaws.

Members were reminded that the hearing re the buffer lawsuit is scheduled for November 30, 1:45 in Dover.

The Chair asked if there was approval of the minutes from the October meeting. Bob Collins made a motion to approve the minutes as distributed. Bob Adams seconded. The minutes were approved.

Next Meeting

The next CAC is scheduled for Thursday, December 8th at 4:00 p.m.

Adjournment

The meeting was adjourned at 6:08 p.m.

Respectfully submitted,
Bill Zak, Chair