

**CITY OF NEWARK
DELAWARE**

**CONSERVATION ADVISORY COMMISSION
MINUTES**

May 9, 2017

MEETING CONVENED: 7:03 p.m. Council Chambers

MEMBERS PRESENT: George Irvine (presiding), Ajay Prasad, Sheila Smith, John Wessells, John Horner, Kass Sheedy, Bob McDowell

ABSENT: Kismet Hazelwood, Jason Kramer, John Horner

STAFF: Tara Schiano, Deputy City Secretary

Mr. Irvine called the meeting to order.

1. APPROVAL OF MINUTES FROM MEETING HELD ON APRIL 6, 2017

MOTION THAT THE MINUTES FROM THE APRIL 6, 2017 MEETING BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY

2. PUBLIC COMMENT

Sarah Bucic came forward to speak. Ms. Bucic handed out some information she had brought for the CAC's attention. Ms. Bucic stated that she is bringing up an issue that affects 163 water towers in Delaware. Ms. Bucic advised that currently these water towers are not covered under DNREC permitting when they are sandblasted. Ms. Bucic distributed papers that detailed an upcoming project for the Newark South Well water tower which is 53 feet from a residence. Ms. Bucic stated that she has been speaking with DNREC and State Senators since July 31, 2016 and they currently have a resolution with the Civic League of New Castle County and the League of Women Voters of Delaware supporting DNREC's removal of the exemption of lead paint sandblasting. Ms. Bucic advised that she is bringing this to the board's attention tonight because there are currently no permits required when sandblasting is done. Ms. Bucic is aware of a project that took place in 2016 in the Windy Hills development. Ms. Bucic has contacted Tom Coleman, Public Works and Water Resources Director, to ask what processes were in place when that was done. Ms. Bucic was told there were no issues. Ms. Bucic stated that she has met with Secretary Shawn Garvin from DNREC who is very interested in getting protocol in place for notification to the community when lead paint is being removed from these large structures. Mr. Garvin is very interested in how to accomplish this under the current DNREC structure. Ms. Bucic is seeking to have municipal water tanks placed under the DNREC structure so that there is permitting in place.

Ms. Bucic advised that this issue came to her attention when there was a water tower sandblasted next to her house which was about a six-month project. Ms. Bucic noted that there was a lot of noise, about 80 decibels for 12 hours a day. Ms. Bucic stated that they were removing lead paint and that it was curtailed. Ms. Bucic noted that other states like Rhode Island and Minnesota already do not exempt these kinds of

projects so that they would fall under the standard permitting structure. In Delaware, these projects are exempt along with things like fireworks, backyard fire pits, etc. Ms. Bucic feels that the large scale of the water tower projects should fall under the DNREC structure. Ms. Bucic noted that she has been in contact with multiple DNREC employees and that they had met with Mr. Coleman. Ms. Bucic is still waiting to hear the results from that meeting. Ms. Bucic stated that she has made State Senator Bryan Townsend aware of the new project as that is his district. Ms. Bucic noted that two more projects will occur in Newark in 2020 and 2021. Ms. Bucic would like to see this issue placed on the CAC agenda for them to discuss and also would like to see if the CAC could bring this issue before Council for discussion. Ms. Bucic noted she had more information if the CAC was interested and offered to answer any questions.

Mr. Irvine thanked Ms. Bucic for bringing this issue to the board's attention. Mr. Irvine asked what permitting process Ms. Bucic would like to see in place. Ms. Bucic stated that any permitting process would be better than the current exemption for this project. Ms. Bucic noted that currently the only requirement is that they are compliant, meaning lead certified removers. Ms. Bucic advised that she asked for air monitoring when the project was done at her house. The company stated that they could do ambient air monitoring but that the results were not accessible to the public because they are a private company not under a permit. Ms. Bucic stated that if it fell under the normal permitting structure, DNREC would be able to oversee the processes and confirm that they are appropriate. Ms. Bucic noted that some states have rules in place if the tower is within a certain proximity to a school or daycare center. Ms. Bucic would like to see these projects go under the category of air quality permitting. Mr. Prasad asked for clarification on the curtaining process. Ms. Bucic advised that the sandblasting is done under a large tent with the curtain raised and lowered at certain times, including during high winds. Ms. Bucic stated that she had noticed large drums of HAZMAT material on site and that it was hard to know exactly what was going on. This issue was what led her to research the lack of permitting structure. Ms. Bucic advised that there is no notification to the community of the lead component. Ms. Bucic stated that she had received a letter notifying her that they would be blasting particulates but that it did not specify what kind.

Mr. Irvine asked if it was correct that Ms. Bucic's main concern was lack of notification about what the project actually entails. Ms. Bucic agreed and felt that DNREC has little knowledge about the projects because of the lack of permitting. Mr. Irvine noted that the removal of the lead paint is a good thing. Ms. Bucic felt that if people have concerns about these projects, they should be able to call DNREC as an accountable party. Ms. Sheedy asked what entity the contracting is answering to. Ms. Bucic advised that it varies for different water towers and that for the tower by her house, it was Suez but there can be different groups. Ms. Sheedy noted that it sounded like the companies were contracted by the owner of the tower. Ms. Sheedy asked if there was any oversight of scheduling for when this happens. Ms. Bucic advised there was not and that was Secretary Garvin's understanding as well. Ms. Smith asked if water companies generally owned the water towers. Ms. Bucic believed that was true but that some may be owned by municipalities. Ms. Smith clarified that Ms. Bucic wants the CAC to recommend to Council that this permitting process be considered. Ms. Bucic agreed. Ms. Smith asked about soil testing. Ms. Bucic agreed that did pose a problem because there were no hazardous waste permits. Ms. Bucic noted that she did not find out whether Newark has any procedures in place for this issue. Ms. Smith asked if Ms. Bucic had looked into how other states or municipalities handled this and whether any of them had permitting in place. Ms. Bucic confirmed that she had and referred to her handout from the Civic League for New Castle County which includes examples of other states that have regulatory agencies that oversee this process.

Ms. Bucic stated that during her conversations with Senator McDowell she learned that these exemptions were put in place so that regulations were not overly burdensome to agriculture. Ms. Bucic stated that other exemptions include running a tractor, lawnmower, etc. Ms. Bucic advised that she had a petition signed by

over 140 people in the community. Ms. Bucic stated that this is not something that requires a law change because legislature gives DNREC the authority to regulate pollution and hazardous waste and that DNREC needs to make this decision. Secretary Garvin told Ms. Bucic the change is not about cost. Ms. Bucic noted that she is concerned that the permit would not capture all the things that Ms. Bucic is looking for, for example the notification and education of community residents. However, Ms. Bucic felt that the change would bring some accountability to the project because there would be someone within the State who is responsible for it. Ms. Smith asked whether the results of air monitoring was not under the scope of FOIA. Ms. Bucic advised that they are a private company and do not need to release that information. Ms. Smith brought up the issue that the tent must come down in high winds and noted that the particles could be blowing in the wind during that time contaminating the air. Ms. Bucic stated that she had found lead paint chips in her driveway. Ms. Bucic acknowledged that these tanks need to be redone but felt that the tent was not permanent enough. Mr. Irvine asked about certifications for lead removal. Ms. Bucic stated she did not know much about the certification process but felt that permitting would give some accountability to that as well.

Mr. Irvine noted that Ms. Bucic had involved legislature even though they technically do not need to act to make this change. Ms. Bucic stated that was true, but felt that some senators are concerned that these projects are in their district. Mr. Irvine asked how long the painting process lasted. Ms. Bucic was not sure. There was some discussion as to how many water towers exist in the City of Newark. Mr. Irvine felt that CAC could make a recommendation that encourages a change in the regulation in regards to this problem. Ms. Smith asked who is responsible for the water towers in the City of Newark. Mr. Bucic had not been able to figure that out. Ms. Schiano responded that Mr. Coleman has extensive knowledge on this topic and would be able to shed some light on it. Mr. Irvine noted that there were two paths the CAC could take, to make a recommendation to Council which would prompt Council to start thinking about this issue or to see what the CAC could do to remedy this issue. Mr. Irvine wondered whether the contract with the company that removes the lead provides a vehicle to enforce permitting. Mr. Irvine noted that if the City was paying these companies to do this kind of work, the City could require the companies to take air quality samples and make them public. Ms. Sheedy stated that if the City is the contracting agency for the sandblasting of these water towers, the CAC could talk to Mr. Coleman about following the example of the other states who oversee these procedures. Ms. Sheedy felt that doing so would speed up the process while DNREC was setting up a permitting process. Mr. Irvine felt that certain requirements should be included in the contracts signed when these companies were paid to do work.

Ms. Smith asked Ms. Bucic if she had collected any soil samples. Ms. Bucic replied that she had but that she had not received any results yet. Ms. Bucic also noted that she had tested her daughter. Ms. Bucic asked for a clarification of Mr. Irvine's two paths. Mr. Irvine stated they need to figure out how many towers are in Newark and who owns them and whether they are scheduled to have work done in order to assure better contracting. The other option was to make a recommendation to Council that they promote the permitting of these towers. Mr. Wessells asked whether they had to do just one or the other and Mr. Irvine advised they could do both. Ms. Schiano felt that CAC should get more information from Mr. Coleman or Mr. Filasky before making a recommendation to Council. Mr. Irvine asked Ms. Schiano if she could speak to Mr. Coleman and Mr. Filasky about coming to the next CAC meeting or reaching out to the board. Ms. Schiano agreed. Mr. Irvine felt that Ms. Bucic's research was very thorough and that this was an important matter. Ms. Sheedy noted that speaking to Mr. Coleman first was important because it would make the recommendation to Council more detailed, making it more likely to be presented and approved by Council.

3. GREEN ENERGY FUND/ ENERGY EFFICIENCY PROGRAM UPDATES

Mr. Wessells advised that he had attended the Council meeting on May 8, 2017. Mr. Irvine asked if Council

had reviewed the CAC's recommendation in regards to the Green Energy Fund. Ms. Schiano answered that no action had been taken at the Council meeting. Ms. Schiano stated that she could provide copies of the presentation if the board so wished. Mr. Wessells felt that the presentation was not well prepared. Mr. Irvine asked if Council was looking to CAC for additional information. Mr. Wessells stated they were not. Mr. Irvine asked if there were any timelines during which Council would make a decision about DEMEC. Ms. Schiano advised she would need to check but that the recording was up on the website now. Mr. Wessells noted that Scott Lynch of DEMEC recommended that there should be a decision made before the high usage months of the summer came around. Mr. Irvine stated that this had been discussed at the last CAC meeting and stated that he would listen to the recording.

4. GREEN ENERGY DASHBOARD PROJECT UPDATE

Mr. Irvine stated that he has identified a graduate student whose resume would fit this project's needs. Mr. Irvine noted that he had sent an email to Ms. Houck and Mr. Coleman and had not yet received an answer. Mr. Irvine asked Ms. Schiano for an update. Ms. Schiano advised she would find out.

5. OLD/NEW BUSINESS

Mr. Wessells stated that ideas were needed for Community Day in September. Mr. Wessells advised he wanted to find car dealerships that carried electric cars to put on display on Delaware Avenue. Mr. Irvine noted they could also display the fuel cell, hydrogen powered cars. Ms. Smith suggested having an owner of a plug-in or hybrid cars there to discuss the benefits of owning one and answer questions. Mr. Irvine asked how the LED light demonstration from last year went. Mr. Wessells stated it went very well. Mr. Wessells thought that project should be done again. Ms. Smith advised she would get in touch with her contact for the light project. Mr. Irvine noted a project he had seen with a bike-powered blender. Mr. Irvine suggested a tree identification exhibit. Ms. Smith stated that, in the past, she had set up an exhibit of local plants for people to identify. Ms. Smith also advised that she had a Better Newark Award nominee. Mr. Irvine asked about giveaways. Mr. Wessells suggested doing shopping bags or bottles with coupons. Mr. Wessells advised there were no reusable shopping bags left over from last year. Mr. Irvine asked how many were needed. Mr. Wessells advised that ShopRite had donated 500, Acme in Suburban Plaza donated 75 and Acme in town donated as well. Mr. Irvine suggested a used bike display that would encourage people to reduce, reuse and recycle by buying refurbished bikes. Mr. Prasad noted that last year there was talk of creating a t-shirt. Ms. Smith suggested promoting the idea of a green Newark on t-shirts. Ms. Sheedy thought there should be computers on the table for people to see the Green Energy Dashboard that is being worked on. Mr. Wessells suggested asking DEMEC whether they had any ideas or programs they wanted to get out to the public. Mr. Wessells also noted they could get a row of booths dedicated to conservation so that DEMEC could have their own booth. Mr. Irvine agreed that there should be a grouping of booths dedicated to conservation. Ms. Sheedy brought up that it may be better to have the conservation booths interspersed with everything else as opposed to separate by themselves. There was some discussion as to where the booths would be placed. Mr. Irvine pointed out that ultimately it would be the decision of Parks and Recreation. Ms. Ciferni wished to recommend that CAC provide information about how to get involved with CAC or other similar organizations while at Community Day. There was some discussion as to t-shirt design. Mr. Horner advised that there is a nursery that sells seedlings for 30 cents a piece that may make good giveaways. There was some discussion about the creation of a reforestation day. Ms. Ciferni felt that CAC should try to bring the idea before Council again because of the new members. Mr. Horner also noted that they could plant the trees and do the reforestation day on their own. Mr. Irvine asked members to bring ideas for Community Day to the next meeting.

6. NEXT MEETING

The next regularly scheduled meeting is June 13, 2017.

7. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Tara Schiano
Deputy City Secretary

TAS/sjc