



**DEBRA J. HEFFERNAN**  
STATE REPRESENTATIVE  
6<sup>TH</sup> District

HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
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Natural Resources, Chair  
Capital Improvement, Vice-Chair  
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Development  
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## **Natural Resources Committee Meeting Minutes**

6.19.19

Chair Heffernan called the meeting to order at 4:15 p.m. Members present included Reps. Bentz, Bush, Carson, Collins, Gray, and Kowalko. Reps. Cooke and Smith were also present. For a list of guests present, please see the attendance list at the end of this document.

Chair Heffernan called on Rep. Carson to introduce **HB 6, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS**. Rep. Carson said the bill streamlines the Department of Natural Resources and Environmental Control's (DNREC) process incorporating adopted federal or regional finfish management regulations. He added there will be a small amendment added to the bill that has universal agreement amongst stakeholders.

Chair Heffernan requested a motion.

A motion was made by Rep. Carson and seconded by Chair Heffernan to release HB 6 from committee; motion carried. Yes= 5 (Heffernan, Bentz, Carson, Collins, Gray); No= 0; Absent= 5 (Griffith, Bush, Kowalko, Postles, Shupe). HB 6 was released from committee with a F=1, M=5, U=0 vote.

Chair Heffernan introduced **SB 66 with SA 1, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF ENFORCEMENT PERSONNEL TO ENFORCE THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S DIVISION OF PARKS AND RECREATION'S RULES AND REGULATIONS**. She stated the bill came from DNREC to give park patrol officers the authority to write civil citations because not all park patrol officers currently have that ability.

Chair Heffernan requested a motion.

A motion was made by Rep. Carson and seconded by Rep. Gray to release SB 66 w/SA 1 from committee; motion carried. Yes= 5 (Heffernan, Bentz, Carson, Collins, Gray); No= 0; Absent= 5 (Griffith, Bush, Kowalko, Postles, Shupe). SB 66 w/SA 1 was released from committee with a F=1, M=5, U=0 vote.

Chair Heffernan introduced **HB 207, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO UNDERGROUND AND ABOVEGROUND STORAGE TANKS**.



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She said the bill expands the applicability of the Delaware Brownfields Development Program by providing protection liabilities, for releases of regulated substances from underground and aboveground storage tanks, from an approved Brownfields Developer.

Chair Heffernan requested a motion.

A motion was made by Rep. Carson and seconded by Rep. Gray to release HB 207 from committee; motion carried. Yes= 5 (Heffernan, Bentz, Carson, Collins, Gray); No= 0; Absent= 5 (Griffith, Bush, Kowalko, Postles, Shupe). HB 207 was released from committee with a F=1, M=5, U=0 vote.

Chair Heffernan introduced **HB 208, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE HAZARDOUS SUBSTANCE CLEANUP ACT**. She stated the bill updates the Hazardous Substance Cleanup Act to provide protection to government entities that already have liability protections from the federal government.

Chair Heffernan requested a motion.

A motion was made by Rep. Carson and seconded by Rep. Collins to release HB 208 from committee; motion carried. Yes= 5 (Heffernan, Bentz, Carson, Collins, Gray); No= 0; Absent= 5 (Griffith, Bush, Kowalko, Postles, Shupe). HB 208 was released from committee with a F=1, M=5, U=0 vote.

Chair Heffernan called on Rep. Smith to introduce **HB 179, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LITTER CONTROL PENALTIES**. Rep. Smith said the bill increases fines for littering to deter the action, and hopes the next step will be to work on the enforcement mechanism.

Rep. Bentz asked when the fine amounts were last increased.

Rep. Smith replied that he did not have an exact date, but the fines were not raised recently.

Chair Heffernan requested a motion.

A motion was made by Rep. Collins and seconded by Rep. Gray to release HB 179 from committee; motion carried. Yes= 5 (Heffernan, Bentz, Carson, Collins, Gray); No= 0; Absent= 5 (Griffith, Bush, Kowalko, Postles, Shupe). HB 179 was released with a F=0, M=6, U=0 vote.

Chair Heffernan called on Rep. Cooke to introduce **HB 212, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ENVIRONMENTAL CONTROL**. Rep.



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Cooke stated the Waste Management DRPI Industrial Waste Landfill located near the West Minquadale Community operates under an environmental permit authorizing it to dump construction debris and other material up to a height of 130 feet. It asked state regulators to alter that permit and allow it to increase that height to 190 feet. He continued that the area around the landfill has the highest cancer cluster in the state. Debris and dirt from the facility routinely blows into the community, and expansion would impact the nearby Christina River, Churchman's Marsh, and those using the Jack Markell Trail. He added Delaware should not be a dumping ground for waste, where 90 percent of the waterways are already polluted. There are long-term risks to water, air and soil quality.

Rep. Gray asked how this change would impact other landfills and organizations that use this landfill site.

Rep. Cooke replied that there are other alternatives for them to go to, such as the Delaware Disposal at Cherry Island. He added that 60 to 70 percent of the trash to the West Minquadale site comes from out of state. He cited places that out of state people could go for this purpose.

Rep. Gray expressed concern that if this site closes, then another site would close. He continued that there could be an impact on the construction industry. He asked if there has been a history of interactions between the landfill and the community.

Rep. Cooke responded that the organization has not engaged with the community. He recalled working on this issue in 2014 with former County Executive Tom Gordon; he stated how the problems were supposed to end then. The site promised a park, but has not delivered on that. He continued that Artesian Water Company has aquifers near the site that could be affected if there is a breach or failure of the liner protecting it. The higher the landfill becomes, the more pressure is placed on the liner, increasing the potential for a failure. He added community members could see the Wilmington skyline at night in the past, but now they see the landfill and construction.

Rep. Carson asked if any formal studies were done to determine the impact for all communities involved if the landfill is capped at 130 feet.

Rep. Cooke answered that the Minquadale Civic Association was promised 55 cents per ton of trash to create a trusteeship, which could end up with \$4.2 million, while four other communities in the area do not receive anything.

Rep. Collins asked if the landfill is monitored by DNREC and if any testing is performed.



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Rep. Cooke responded that the site has experienced several permit violations, but has no further information.

Councilman Jea Street of New Castle County Council stated the Minquadale landfill represents the epitome of environmental injustice that warrants legislative action. He continued that the landfill poses a health risk to residents- at the top with constant dust, to the bottom with its negative impact on ground water. He strongly supported the bill.

Michael Bard External Affairs Coordinator of Artesian Water Company, expressed full support of the bill. His full remarks are attached to this set of minutes.

Laura Miller , Outreach Coordinator from the Delaware Nature Society, added their complete support for the bill.

Kelly MacIntosh, Operations Specialist of Waste Management, opposed the bill because it would eliminate 11 full-time positions and 3 part-time jobs. She further said that the bill would eliminate the work they do for vendors, and the assistance provided to neighbors and community members.

Senior Environmental Counsel Michael Brennan of Waste Management outlined the technological barriers that exist to prevent water from being contaminated. He added that there is no way water from the landfill, if any is released, can infiltrate the Artesian wells. His full testimony and presentations are attached to this set of minutes.

Larry Lambert of Delaware Concerned Residents for Environmental Justice voiced strong support for the bill to protect the public health of Delaware citizens.

Cheryl Siskin, Executive Committee Member of the Sierra Club of Delaware, spoke in support for the bill and said it is time to stop dumping trash in low-income communities.

Chris Farley, Delaware General Manager of Waste Management, said DNREC has a representative on-site everyday inspecting the facility. He opposed the bill and stated there would be an expensive economic consequence from this bill.

Kenny Dryden, representing the Delaware Environmental Justice Community Partnerships, expressed support for the bill because health and safety must come first. The full statement is attached to this set of minutes.



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Clayton E Joyce stated the quality of life for him and his children is compromised because of the toxic elements from the landfill, and they are unable to do activities outside. The money saved by not passing the bill would cost the health of him, his children, and future generations. He added his support for the bill.

Ed Lindsay, from Waste Management, said he opposed the bill because he has not seen problems coming from the landfill.

Peggy Schultz, Land Use and Transportation Chair of the League of Women Voters of Delaware spoke in support of HB 212 and called it a serious issue of environmental injustice. Her full remarks are attached to this set of minutes.

Rick Klonowski, District Manager of DRPI Landfill, opposed the bill and outlined his attempts to reach out to the surrounding community as a community member.

Mary Jane Elliott, a member of the public, supported the bill to keep New Castle County's aquifers and water quality as safe as possible. Her full remarks is included with this set of minutes.

Nancy Hannigan, a member of the public, added her support for the bill.

Saudra Smithers, President of Dunleith Civic Association, expressed support for the bill because the landfill has a detrimental cost to the community as a whole in terms of health and quality of life.

Dora Williams, representing Rose Hill Civic Association, mentioned that the New Castle County Council proposed a 140 feet height, which is a potential compromise compared to 190 feet. She continued that she strongly supports the bill because landfill pollution to air, water, and soil lasts decades and causes cancer. Her full testimony is included with this set of minutes.

Mike Hojnicky, Public Safety Director from New Castle County, stated support for the bill and the efforts to support quality of life in their communities.

Willie Scott, a member of the public, added support for the bill because it would provide an incentive for private companies to seek sustainable solutions and reduce risks of pollutions now and in the future. His full remarks are attached to this set of minutes.

Sally Barclay, a member of the public, spoke in favor of the bill because of quality of life and health concerns.



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Due to a lack of committee members present, Chair Heffernan announced she would walk the bill to receive the required signatures to release the bill from committee.

Rep. Kowalko said this is a fight against environmental injustice. He continued that the issue should be addressed seriously from the perspective of how it would address the quality of life.

Rep. Cooke stated there are 10 people on the Board at the Minquadale site, and they will control \$4.2 million by 2025. West Minquadale and Minquadale Village oppose the actions of Waste Management. He questioned whether Waste Management buys out communities.

Chair Heffernan adjourned the meeting at 5:29 p.m.

Respectfully submitted by:

Davis Braun

In attendance:

Jea Street, New Castle County Council

Cheryl Siskin, Delaware Sierra Club

Dora Williams, Rose Hill Civic Association

Saudra Smithers, Dunleith Civic Association

Mike Hojnicky, New Castle County Government

Mary Jane Elliott, member of the public

Nancy Hannigan, member of the public

Willie Scott, member of the public

Sally Barclay, member of the public

Michael Bard, Artesian Water Company

Laura Miller, Delaware Nature Society



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John Wohlrab, Waste Management

Kelly MacIntosh, Waste Management

Ed Kleinstuber, Waste Management

Michael Brennan, Waste Management

Chris Farley, Waste Management

Rick Klonowski, Waste Management

Ed Lindsay, Waste Management

Rich St. John, Waste Management

Joseph Krupovich, Waste Management

Alan Clement, Waste Management