

**Clean Water and Flood Abatement Task Force**

**Thursday, March 28<sup>th</sup>, 2016**

**2:00 p.m. – 4:00 p.m.**

**Buena Vista Conference Center-Buck Library**

**Meeting Attendance**

**Task Force Members:**

**Present:**

Senator Bryan Townsend  
 Representative Michael Mulrooney  
 Senator Bryant Richardson  
 Secretary David Small  
 Holly Porter  
 Jeffrey Bross  
 Roy Miller  
 Howard Morrison  
 Brenna Goggin  
 Lew Killmer  
 Joseph Corrado  
 Andrew Jakubowitch  
 Thom May  
 Paul Morrill  
 Gerald Kauffman  
 Gerard Esposito  
 Patty Cannon  
 Michael Riemann  
 George Haggerty  
 Jen Adkins  
 Dian Taylor  
 Robert Baldwin

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**Absent:**

Secretary Jennifer Cohan  
 Representative Ronald Gray  
 Sam Lathem  
 William Lucks  
 Gina Jennings  
 Thomas Unruh  
 Bruce Jones  
 Christine Mason  
 Andrew Jakubowitch

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**Attendees:**

Kitty Holtz  
Bob Palmer  
Kelly Glenn  
Doug Hokuf  
Terry Deputy  
Michael Bard  
Marjorie Crofts  
Lisa Pertzoff  
David Spacht  
Hanz Medlarz  
Virgil Holmes

**Organization:**

Delaware Farm Bureau  
DNREC  
NAWC  
NCC  
DNREC  
Delaware Nature Society  
DNREC  
LWV DE  
AWC  
Sussex County  
DNREC

The Task Force meeting was brought to order at 2:10 p.m.

**Overview of Materials**

Senator Bryan Townsend, Co-Chair, welcomed Task Force members to the meeting and thanked everyone for coming. Next, the Senator reviewed the materials and topics that the Task Force would discuss during the Task Force meeting. All material were in the members' packets and made available for members of the public:

- The passage of SCR 54 – which extends the Task Force deadline to April 30, 2016
- The new schedule for April dates
  - April 13<sup>th</sup> at 10am in Buena Vista
  - April 20<sup>th</sup> at 10am in Legislative Hall (Note: only IF NEEDED)
  - April 26<sup>th</sup> at 10am in Legislative Hall
- Copy of Draft Findings (Note: is inserted later on in the Meeting Minutes)
- Copy of Draft Recommendations (Note: is inserted later on in the Meeting Minutes)

Then, Senator Townsend asked Paul Morrill to update the group on his findings from his work since the last meeting.

**Group Discussion**

Paul Morrill, Committee of 100, stated that a group got together to discuss the practicalities of collecting the wastewater fee. The group who met were representatives from the three counties' finance departments, George Haggerty, a representative from the Department of Natural

Minutes prepared by Caitlyn Gordon, Legislative Aide

Minutes reviewed by Michelle Zdeb, Legislative Assistant & Task Force Staffer

Resources and Environmental Control (DNREC) Virgil Holmes, Brenna Goggin, Gerard Esposito, and himself.

This group discussed the barriers that they would face when collecting the wastewater fee talked about during Task Force meetings. There were several different rates of fees with this structure: one fee for residential, one for a small business, and a fee for a large business. All three counties were concerned with this structure. They do not collect business data, so splitting up the billing amounts between entities would be unpractical for the counties.

Low Killmer, Delaware League of Local Governments, asked if the State had access to that information.

Mr. Morrill answered yes, and that is what goes back to the parcel-based property tax database. However, he got the impression that the sewer-based billing systems were somewhat inflexible and there was not much opportunity to add new information. For the same reason, the counties argued that there are too many entities in the county to guarantee that a particular business or farm would not get more than one bill, which is one of the features of the Clean Water Fee that was presented to the Task Force.

The County explained that if the Task Force went ahead with this plan, the legislation should explicitly extend collection of the Clean Water Fee to the counties' and municipalities' lien authorities. This would be similar to how if someone does not pay their sewer bill, the County could put a lien on their house. Also, for the collection, they would like to be added to the list for the tax intercept.

Mr. Morrill referenced previous comments that were made by Hanz Medlarz. Mr. Medlarz discussed billing septic owners. Mr. Morrill noted that the state only permits about half of the existing septic systems, so there is a large number of septic systems that do not have permits. However, they could be mapped by comparing tax parcels with the sewer connections, where by process of elimination one could identify those properties.

Lastly, the three counties would prefer that the State collects its own fees. Adding in municipalities and private systems, there could be as many as 40 billing entities that partake in wastewater billing. Overall, the group stated that this structure is technically feasible for the counties if the fee was "simplified," and not differentiated by different users.

Mr. Morrill noted that this group also talked about possible alternatives. The counties proposed a head tax. However, from the State's standpoint there is difficulty with piling things onto the income tax. Mr. Morrill referenced Mr. Holmes' proposal to use revenue data to identify people without using any confidential information. The fee would be water based, so hopefully from that standpoint it would be attractive. The question is, how would it be set up, and would it be too expensive.

Ms. Cannon stated that from an economic development perspective, any statewide tax in Delaware will be taken advantage of by competing states. The data that DEDO and the Department of Labor has is very protected and confidential data. The U.S. Department of Labor has very strict guidelines about who can use the data and what it is available for.

She continued saying, based off of the experience she has had with the New Castle County's (NCC) sewer program, although collecting this fee may feel like a burden to them, if a project gets approved and funded in NCC it is also a revenue generator for them. She asked if that is also true for Kent and Sussex Counties.

Mr. Morrill replied that the short answer is yes.

Hanz Medlarz, on behalf of Gina Jennings – Sussex County Administrator, a number of the projects would also come from the Conservation Districts and non-profits.

Mr. Morrill agrees with Mr. Medlarz's comments and added that there there is a both an economic plus and an environmental plus for doing this.

Mr. Morrill also added that competing states just need to read the law to know what's going on. Once they do, they will notice that the Task Force is proposing legislation to impose a statewide clean water fee. Regardless of how members agree on doing it, other states are going to point it out regardless and that shouldn't hold members back from approving it.

Senator Townsend continued saying that if water quality issues continue to impact the State, and the nation, in a negative way, then it is the Task Force's job to address it in a very data-driven approach to benefit the entire State. Given the diversity of the issue, the State needs a flexible and diverse approach to solve the issue.

Jeffrey Bross, Water Infrastructure Advisory Council (WIAC), added that 95% of the money that WIAC puts out is in Kent and Sussex Counties right now. Only about 5% goes to NCC, so the inverse of the public perception is actually what is happening.

Mr. Medlarz the scope of the projects are much broader than sewer water. It is storm water, drinking water, and wastewater. The immediate sewer needs are not the only needs that the State has.

George Haggerty, New Castle County Executive, noted that the Task Force would essentially be levying a fee against people who are partaking in point source discharge as opposed to non-point source discharge. Mr. Haggerty noted that this is problematic because point source discharge has been much better addressed than non-point source discharge.

Ms. Cannon expressed her concerns for spending \$45 more dollars to benefit Kent and Sussex Counties, as opposed to the county where she lives.

Mr. Bross replied that there was an early discussion about how the money raised in one county would stay in that county.

Senator Townsend continued saying that it would guarantee a certain percentage that would stay in each individual county.

Ms. Cannon stated that as an economic developer, and staying true to her role as a Task Force member, she thinks a statewide tax or fee is a negative for how she could “sell” Delaware from an economic development perspective. She continued saying that throughout the entire time that the Task Force has been meeting, they have talked about the stronger infrastructure that is currently in NCC and the weaknesses that are in Kent and Sussex Counties. Moreover, the State is already asking the residents of NCC to pay for their current services and infrastructure, but now to pay a little bit more to build similar infrastructure in Kent and Sussex Counties.

Senator Townsend replied to Ms. Cannon’s points about Delaware’s surrounding states and competitors. He stated that if they use another statewide tax as a negative against Delaware, then he will explain to them that this money is providing Delaware with stronger infrastructure and cleaner water.

Mr. Bross noted an important point. The money goes to the people who have asked for the money and have the need to justify it. In many instances, NCC has not asked for money. He continued saying that this is an infrastructure bill, an environmental bill, and a jobs bill. The outcome of this bill provides a better quality of life, and the money in itself creates more jobs.

Senator Townsend added that it may be nice to recruit companies to come to Delaware by telling them that there is no statewide fee. But, a lot of companies don’t come here because of the way things are structured and the outcomes the State faces. Additionally, the idea of attracting non-Delaware companies is something that Delaware businesses, especially small ones, do not like. There are plenty of people here and willing to grow if certain things are done. But, so many things that are not being done to help them grow are right at the feet of the government. He added that the State should not have to worry about how they are going to pitch themselves on a \$500 or \$1,500 Clean Water Fee, as opposed to other problems that the State has to face.

Ms. Cannon stated that the greater concern is not this \$500 or \$1,500, but once the State implements one statewide fee, people will feel that other problems are just as important and will want to implement a statewide tax as well.

Dian Taylor, Delaware Business Roundtable, referenced economic development and noted that the biggest challenge Delaware has are schools, not water.

She also referenced an instance of how Artesian Water is working in Cecil County, where there is a large water usage. Artesian, the County, the gas companies, Delmarva Power, and the

developer have all come together to look at their water problems. This is an example of a successful public/private partnership.

Jerry Kauffman, University of Delaware's Water Resources Agency, referenced the 2/3 of Delaware that had been polled and said they were open to paying more for clean water. He also referenced the economic driver of clean water, and that when companies from other states move to Delaware their employees would want to live here because of the clean environment. There is a direct connection between Delaware's environment and the economy.

Ms. Taylor responded that if someone asks the public if they are for clean water, of course they are going to say yes.

Mr. Kauffman replied that the poll asked how much these residents were willing to pay and they answered that they were willing to pay the cost of a sandwich per month.

Ms. Cannon asked why the Task Force is not still talking about a public accommodation tax or a gas tax as potential funding for these programs.

Representative Michael Mulrooney, Co-Chair, responded that there is a proposal for a one year gas tax for infrastructure. He continued saying that the increase would be a test for a year to help fix roads and bridges, but they cannot get any traction on the proposal. The will is not there right now.

Ms. Cannon asked if clean water would gain more traction since it is currently such a hot topic in the news.

Representative Mulrooney answered that it might. However, there are plenty of big issues right now that need funding and attention but nobody is willing to pay for them.

Senator Townsend noted that a public accommodation tax is lower than it needs to be relative to some of the attractions that the State has.

Ms. Goggin referenced the Task Force meeting where Ms. Adkins reviewed the list that she and Ms. Cannon developed. She continued saying that the Task Force recognized that all of the proposals were eligible, but none would be a silver bullet, or something that will get the Delaware the \$100 million the State needs. There was recognition that there would need to be other things to make up for the gap, like public/private partnerships. The legislation was written to promote diverse and flexible opportunities but recognizes that the State needs to start somewhere, because Delaware doesn't currently even have a base to start with. The collections that the Task Force will ultimately decide on will provide Delaware with that base.

## Draft Findings and Draft Recommendations

*Please find below the Draft Findings and Draft Recommendations of the Task Force, which is referenced during the Task Force meeting:*

### TASK FORCE FINDINGS

1 - Clean water is essential to the health and vibrancy of Delaware's population, economy, and environment.

2 - As of 2016, Delaware faces significant challenges with regards to statewide water quality. More than \_\_\_ percent of Delaware's waterways are impaired. This impairment is due largely to nutrient pollution but also due to toxic pollutants. Although point-source pollution should be minimized and laws enforced as much as possible, nonpoint source pollution poses a clear, present, and driving threat to water quality in Delaware.

3 - Although legacy issues are a significant source of impairment in Delaware's waterways, ongoing activities continue to cause challenges. In total, barriers to clean water threaten segments of Delaware's economy that comprise \$ \_\_\_\_\_ in annual economic activity and \$ \_\_\_\_\_ in annual revenues to the State.

4 - Delaware has the scientific knowledge and engineering know-how to resolve its water quality challenges. It currently lacks sufficient funding to do so. Over time, total funding for water quality has not kept pace with funding needs and with increasingly rigorous standards for what is considered to be clean, unimpaired water. Federal funding has not increased over time, and state-level funding has been inconsistent. This has resulted in insufficient funding to meet Delaware's water quality challenges. There currently is a shortage of \$ \_\_\_\_\_ annually in the amount of funding directed to water quality programs in Delaware.

5 - Through its Water Infrastructure Advisory Council, over time Delaware has addressed many important water quality projects. The funding for these projects has come in the form of both loans and grants, and the awarding of funds has involved a transparent, data-driven review process. At times, local governments have not been willing to secure funding from their local tax bases to provide partial matching of the Council's resources.

6 - The current model and amount of resources are not meeting Delaware's water quality needs. More funding is needed, and a sustained, predictable source of funding that can be leveraged is a model that could have a tremendously positive impact on water quality in Delaware.

7 - In addition to the direct, long-term economic benefits of clean water in Delaware, projects to enhance water quality will have a stimulating effect on the Delaware economy through the employment of community members involved in the design, construction, and monitoring of water quality projects.

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## TASK FORCE RECOMMENDATIONS

1 - The Delaware General Assembly should significantly increase the annual investments in upgrading and maintaining Delaware's water infrastructure, promoting water quality, and alleviating flooding.

2 - Annual investments in water infrastructure should be funded via a statewide per-household and per-business fee ("Clean Water Fee") that enables sustained, reliable funding and the leveraging of these resources to obtain additional funding from federal and private sources. Per-business fees should be set at different tiers to adjust for the size of the businesses.

3 - The Clean Water Fee should be collected in an administratively practical way, to the most effective and efficient extent possible. The revenues from the Fee should be pooled in a fund whose use – absent a supermajority vote of the General Assembly – is focused exclusively on water quality projects and on the scientific monitoring and measurement necessary to gauge accurately the impacts of the projects and the overall quality of water in Delaware.

4 - Increased annual investments in water infrastructure should be made in the form of loans and grants, in a manner similar to the established policies and practices of Delaware's Water Infrastructure Advisory Council. This includes oversight by a diverse group of informed individuals, in accordance with a transparent, data-driven application process. Delaware's agriculture community should be represented within this diverse group, especially in light of the opportunities to enhance water quality in Delaware via coordination with Delaware's agriculture community.

5 - Investment decisions should be made on the basis of the merits underlying each application for funding, and generally in accordance with an updated long-term clean water plan for Delaware. Appropriate consideration should be given not only to prospects for a proposed project enhancing water quality and long-term economic benefits, but also to environmental justice, namely that people of more limited economic means should not consequently have to live in environmental conditions hazardous to their health.

Senator Townsend turned the Task Force meeting discussion to the Draft Findings and Recommendations. He noted that another finding they should add to the report is the survey results that Mr. Kauffman referenced. He continued to question whether or not the Task Force should put a dollar amount in the recommendations. Additionally, the Senator noted that he still needs to add the proposal of public/private partnerships into the Findings and Recommendations.

Next, the Senator opened up discussion for deletions, additions, or recommendations to the aforementioned documents.

Mr. Bross commented that the section on storm water and flood control could be emphasized a little more; it is also an underfunded area of Delaware and an area where it is difficult to get funding and to get public/private partnerships involved.

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Ms. Cannon referenced the second sentence of the second item on the Task Force Findings document; she asked if there are reports to support that statement. Ms. Cannon was under the impression that a lot of the water contamination in Delaware came from other states.

Mr. Bross stated that it is truly a combination of pollutants. He continued saying that there are some legacy issues; runoff from the State's roadways, runoff from residential areas, runoff from farms, etc., and this issue is very broad.

Ms. Cannon asked if it is fair to say that the pollution is largely due to nutrient pollution.

Robert Baldwin, Delaware Association of Conservation Districts, referenced all that Chesapeake Bay has done. It has been very clear that the main pollutants are nutrients. He continued by saying the nutrient pollutants come from front lawns, fields, and roadways, and they were able to prove it scientifically with the Chesapeake Bay.

Roy Miller, Delaware Center for the Inland Bays, replied that it is the same story in the Inland Bays drainages; it's the nutrients that are polluting the water in the Inland Bays.

Senator Townsend noted that when he was in Sussex County talking to a group of people about the Task Force, the general idea of this group was that the water contamination must be coming from a small number of companies discharging pollutants into the water. However, during the last meeting the Task Force went through a variety of topics discussing how that works, and the regulatory aspect around it.

Michael Reimann, Delaware Homebuilders Association, verified that when the Task Force discusses legacy, it doesn't necessarily mean the large corporations who have been in Delaware for years like DuPont. Old subdivisions, old highways, and a majority of the State are a part of the legacy issues.

Senator Townsend stated that it is important for Task Force members to keep in mind possible additions to the Findings and Recommendations during their discussion. He also wanted to remind members that both the Recommendations and Findings documents are drafts in order to start important conversations to compile an expansive and vetted Report.

Ms. Goggin referenced the fifth item on the Task Force Recommendations document. She asked to add green infrastructure or natural solutions to this item. Additionally, a sixth recommendation should address the need for public education and outreach so that people are educated about where their money is going.

Senator Townsend asked when discussing green infrastructure, if Ms. Goggin wanted to specifically address BMP's (Best Management Practices) as a part of green infrastructure.

Jen Adkins, Partnership for the Delaware Estuary, replied that some agriculture BMPs could be considered green infrastructure, but some would not.

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Ms. Cannon asked because agriculture livestock and crops are such a big part of Delaware's economy, if any Task Force members knew whether or not the Delaware Farm Bureau or the Department of Agriculture is generally comfortable with the language in the findings and Recommendations.

Senator Townsend responded that representatives from both of Ms. Cannon's referenced entities are on the Task Force, and this is why he wanted to have a discussion based off of the Draft Findings and Recommendations to get everyone's feedback.

Holly Porter, Delaware Department of Agriculture (AG), referenced the Findings document, second item, "non-point source pollution poses a clear, present, and driving threat to water quality in Delaware." She said that adding something regarding the agriculture sector would be more accurate.

Senator Townsend agreed. He continued saying that one important point to bring up is that there are members of the agriculture community who are doing this on their own. Additionally, increased funding in the agriculture community is one of the key ways to address the overall issue of water quality.

Mr. Baldwin highlighted nutrient management BMPs, which are regulated and recorded, and all of the cost-share BMPs are recorded. He continued by saying that it is actually a small subset where only the pollutions that are not cost-shared are not recorded.

Kitty Holtz, on behalf of Thomas Unruh – Delaware Farm Bureau, stated that as far as tillage areas go, they are not being addressed.

Mr. Baldwin stated that is the part agriculture is weakest in. It is a part of the operator's practices versus something they are actually getting paid for.

Ms. Holtz added that this is why they have no need to record it.

Mr. Baldwin noted that the percentages of BMPs that are not recorded are about 25 percent to 40 percent. He continued saying that this percentage includes things like conservation tillage, which does not get cost-shared.

Senator Townsend noted that those are large percentages of activities conducted without being recorded or reported.

Mr. Kauffman stated that the Task Force Findings should also mention the work that has been done and the advances that the State has made.

Ms. Goggin agreed and noted that a lot of the findings are kind of gloom and doom, so one sentence explaining the advances that the State has made will shed a lot of light on the work that has been done and that could be done in the future.

Mr. Killmer noted that although there was a long time of bad practices that got Delaware in its current state, it is also important to remember that it will take time to see the results of the work that has been done and the work that will get done in the future.

Mr. Baldwin stated that USGS (United States Geological Survey) estimates that some groundwater will take 40 years to bleed out.

Secretary Small referenced Mr. Bross' comments about storm water and flooding. He stated that there might need to be a little more individual reference to surface water resources and ground water resources. He also noted that mentioning drinking water in this context might also be helpful.

Senator Townsend referenced the content of the Final Report. Usually, reports have consisted of a detailed summary of each of the meetings, along with the detailed Meeting Minutes, and a detailed summary of the different topics. The Senator referenced the detailed outline of the report that had been circulated in the past. He continued saying that the Task Force is at the point where people have been asking about helping with the Report. However, members need to make sure that what is included has to do with the underlying content that has been discussed.

Ms. Cannon asked if it's safe to assume that the Final Report will probably say that there was not a 100% consensus from all members. She continued saying that if that is what the Task Force decides on, there should be an additional finding added to the list explaining that there were some concerns discussed at the meetings about the current structure of WIAC and there were recommendations made on how those could be addressed.

Mr. Morrill referenced discussions at previous meetings about the legislation. He noted that after those meetings, concerns about the legislation seemed to have been addressed and he has not heard otherwise.

Senator Townsend asked Ms. Cannon to expand on her referenced concerns.

Ms. Taylor replied to Senator Townsend about Ms. Cannon's concerns. Ms. Taylor noted that when she looks at the Findings, they seem to be very vague in comparison to the discussions that the Task Force has had. She also noted that there should be more legislative oversight of WIAC.

Senator Townsend reminded members that the Task Force Recommendations and Findings are only a draft to begin discussion about the Final Report. He also noted the importance of constructing the Findings and Recommendations to be concise and direct, that way the report's audience can get an immediate idea of what the Task Force has discussed and what the needs of Delaware are. He added that he is not sure that there should be a finding based off of concerns about WIAC.

Mr. Morrill noted that when the concerns for WIAC were raised, they tried to address all of them within the legislation. Mr. Morrill continued saying that they added term limits; they reconstituted WIAC to WIC (Water Infrastructure Council) to include the Agriculture community, added in a Clean Water Plan that needs to be approved by the General Assembly, and added a submission of project lists for bonded projects to be included in the Bond Bill.

Mr. Morrill also noted that WIC would be subjected to legislative oversight.

Mr. Killmer stated that the Task Force should not attempt to create a new regulatory body, when an effective regulatory body comprised of experts in the field already exists. Mr. Killmer also referenced legacy issues and noted that industrial and residential related legacy issues are also significant. Some individuals do not realize that there are also residential aspects of these legacy issues.

Mr. Medlarz referenced the Findings and the “investment decision” bullet. He continued to say that nutrients are the issue. There are legacy nutrients, new nutrients, and residential legacy nutrients. However, what this plan does not have is how to get the biggest bang for your buck. Mr. Medlarz noted that it does not look at how much it costs to remove one pound of nitrogen and one pound of phosphorus. If the Task Force wants to see the State’s biggest impact on water quality, then members need to start looking at the economic benefit, the project that removes the most pounds should rise to the top.

Senator Townsend asked Mr. Medlarz if he is referencing the way the system currently works.

Mr. Medlarz answered yes.

Mr. Morrill noted that Mr. Medlarz’s points could be addressed in WIC’s project prioritization process. It could be called out in the legislation as well. He continued saying that Mr. Medlarz’s points probably do not need to be referenced in the Task Force Findings. Mr. Morrill noted that Mr. Medlarz brings up a very good point: what is the most cost effective way for the State to invest dollars to improve water quality?

Senator Townsend asked if grant qualification guidelines were mapped out in the legislation.

Mr. Morrill replied that it is mentioned but the specific guidelines are not mapped out.

Mr. Bross continued saying that WIAC does have very formal prioritization guidelines, and it looks at producing various nutrient levels. However, there is not a one-size-fits-all guide to prioritizing projects. It depends on that particular project. He added that the Project Priority List is getting tweaked frequently because it is a dynamic list and regulations change. Mr. Bross closed his comments by noting that the dynamic nature of this list and the consistently changing regulations is why they cannot get too specific in the legislation.

Mr. Medlarz stated the criteria established the process. For example, a septic elimination project has a certain number of points associated with it. However, there are no extra points or any bonuses associated with a project plan if they can achieve their outcome at a lower price than another plan. If a project was eliminating 100 pounds of nitrogen for a year, and it cost \$1 million versus \$10 million, the two projects would receive the same number of points.

Senator Townsend stated that the purpose of the Clean Water Plan was to incorporate other projects that would not otherwise come before WIAC. The Senator continued the conversation by asking Task Force members what is missing from the legislation that should be in it. He also asked if members thought it would be better to change the criteria that Mr. Medlarz referenced in the Recommendations, or to add it into the Draft Legislation.

Mr. Brass responded that it does not need to be incorporated into the legislation. However, mentioning it in the Finding and/or Recommendations would be better. He added that this really becomes an issue when WIAC has more grant money to give away. When they are giving public dollars away, they want to give them away so that the public gets the biggest bang for its buck. If the City of Wilmington wanted to borrow \$20 million, it isn't going to Coverdale Crossroads because Wilmington wants to borrow it. However, when WIAC has more discretionary money, they can spend their money in the places that it would make the most sense and advance the ball.

Secretary Small stated that most of his points have been made. He continued by saying that in a lot of cases, it is a regulatory driver that leaves the cost-benefit off of the table, and not even as a consideration. The State has not been successful in the past with being creative in looking at where Delaware makes their clean water infrastructure investments. He continued by referencing Mr. Medlarz's comments saying that it might be best to include suggestive language in a recommendation, and not in the legislation, to keep the prioritization process flexible.

Mr. Haggerty noted that the previous version of the legislation did not include a specific amount of money to be allocated to each County.

Ms. Goggin replied that the first version included it because the first version was a property tax model. She continued saying that when collecting property taxes in a county, they wanted to make sure that money was staying as close to the county it was collected from as possible.

Mr. Haggerty noted that he has issues with allotting the largest amount of money to the counties with the least efficient infrastructure.

Next, he referenced the fourth item on the Recommendations Document. "Delaware agriculture community should be represented within this diverse group . . ." After referencing this recommendation, Mr. Haggerty asked why agriculture is the only group pointed out when there are two other groups mentioned in the set aside programs in the legislation: conservation districts and hazardous waste.

Mr. Haggerty also referenced the fifth item on the Recommendations Document. He pointed out the part that talked about the economically deprived group. Mr. Haggerty proposed that this group becomes a set aside group in the legislation.

Mr. Haggerty also drew attention to the Draft Legislation giving WIC a more decision making role as opposed to an advisory role to the Secretary of DNREC.

Ms. Cannon noted if WIAC's advisory role stayed the way it is now, there would probably be more buy-in to the legislation from Task Force members.

Mr. Brass noted that it gets hairy now because the legislation marks them as a group of "trustees" which holds more accountability than before and that is probably why it needs to go in the other direction.

Senator Townsend noted that he apologizes about the collar issue, the percentages of revenues in the counties, which he thought was still included in the updated Draft Legislation.

Senator Bryant Richardson noted that the problem is going to be "who pays for what." He also referenced Flint, Michigan and added that Delaware does not want a situation like that to happen in Delaware if the State does not act soon enough.

Ms. Goggin wanted to remind Task Force members that the Recommendations and the Findings should reflect what the Task Force has discussed, not necessarily calling out different parts of the legislation. She also asked all members who have comments or concerns about the legislation to send them to Mr. Morrill.

Senator Townsend referenced the collar issue, and noted that it should be re-added into the language of the legislation. Additionally, the issue of collections will need to be sorted out so the Task Force can move forward.

Mr. Esposito stated that there are vendors who can collect the fees, instead of finding other resources to do it. Mr. Esposito noted that he knows plenty of companies who would be willing to help collect the fees.

Senator Townsend asked Mr. Esposito if he could get a number of how much this would cost. Senator Townsend also asked if any Task Force members felt strongly about the fee being collected at the local level.

Secretary Small replied that he is not convinced that it is any more efficient with a private vendor than it would be to collect the fee at the local level and focusing on working out the issues that the counties have referenced.

Mr. Esposito responded that the odds that all 26 municipalities would go for this plan are very low. Even if the counties get on board, the reality of getting all 26 municipalities on board are very slim.

Secretary Small stated that under the referenced model, DNREC would be responsible for staffing the WIC, which means they would also be responsible for the oversight of a contract, and DNREC is not equipped to do that. There would need to be more staffing to accommodate.

Ms. Adkins wondered if the Task Force should define the top 2-3 mechanisms and provide a brief summary outlining their pros and cons, and possibly go out into the public with it to see how they feel. She continued saying that none of the solutions are perfect, and all of them have significant downsides.

Senator Townsend replied that if the group of experts sitting around the table cannot agree on something by their reporting date, then they should put the 2-3 different mechanisms in the Report, summarize them with pros and cons, and then have in the Recommendations that the General Assembly should make the final decision on the mechanism. But, the members on the Task Force are the best ones to make a thoroughly informed recommendation.

Ms. Adkins stated that the Task Force could always propose their recommended path forward, but also list out their 2<sup>nd</sup> and 3<sup>rd</sup> alternatives.

Senator Townsend noted that Revised Findings and Recommendations will be circulated soon, additional discussions regarding collections will happen, and the collar will also be put back into the legislation. Additionally, the Senator asked that whoever has the most current working Draft Legislation, to send it to Michelle Zdeb, Task Force Staffer, so she can circulate it. Senator Townsend further noted that if any members know that they are going to write a dissenting opinion, to start drafting it.

Mr. Kauffman asked Senator Townsend if they could include a signature block in the Task Force Report consisting of the signatures of the Task Force members.

Senator Townsend replied yes and asked members to send an electronic signature to Ms. Zdeb for the signature block.

Then, The Senator asked if there were any more comments from the Task Force members. As there were none and no members of the public signed up to speak, the Task Force meeting was brought to a close at 4:29 PM.