

Clean Water and Flood Abatement Task Force

**Wednesday, September 23, 2015
1:00 p.m. – 3:00 p.m.
Rehoboth Beach Convention Center**

Meeting Attendance

Task Force Members:

Present:

Senator Bryan Townsend
Representative Michael Mulrooney
Senator Bryant Richardson
Representative Ronald Gray
Secretary Jennifer Cohan
Secretary David Small
Holly Porter
Robert Baldwin
Thom May
Howard Morrison
George Haggerty
Jeffrey Bross
Gerard Esposito
Paul Morrill
Patty Cannon
Brenna Goggin
Roy Miller
Christine Mason
Dian Taylor

E-mail:

Bryan.Townsend@state.de.us
Michael.Mulrooney@state.de.us
Bryant.Richardson@state.de.us
Ronald.Gray@state.de.us
Jennifer.Cohan@state.de.us
David.Small@state.de.us
Holly.Porter@state.de.us
robert.baldwin@dacdn.net
Thom.May@state.de.us
lmorrison@countygrp.com
GOHaggerty@nccde.org
Jeff@duffnet.com
jesposito@tuiwater.com
pmorrill@committeeof100.com
Patricia.Cannon@state.de.us
brenna@delnature.org
policy@inlandbays.org
christine@sussexshoreswater.com
dtaylor@artesianwater.com

Absent:

Fred Beaufait
Sam Lathem
Gerald Kaufman
Harold Godwin
Jen Adkins
Joseph Corrado
William Lucks
Michael Riemann
Thomas Unruh
Bruce Jones
Kent County Administrator

fbeaufait@ci.lewes.de.us
lathem.de.aflcio@comcast.net
jerryk@udel.edu
hgodwin@sussexcountyde.gov
jadkins@delawareestuary.org
JCORRADO@CORRADO.COM
wluks@wluks.com
mriemann@beckermorgan.com
townsendunruh@aol.com
bjones@pennoni.com
N/A

Staff:

Michelle Zdeb
Caitlyn Gordon

Michelle.Zdeb@state.de.us
Caitlyn.Gordon@state.de.us

Attendees:

Heather Warren
 Kash Srinivasan
 Frank Piorko
 Jay Meyer
 Bruce Frye
 Ed Hallock
 Ron Wuslich
 Tony Caputo
 Kitty Haltz
 Nicole Minni
 Pete Reenan
 Mary Langan
 Brooks Cahall
 Bob Palmer
 Buzz Henifin
 Joanne Cabry
 Wyn Achenbaun
 Laura Hill
 Ken Haynes
 Joanne Haynes
 Janet Strickler
 Marcia Fox
 Kasey Taylor
 Maddy Lauria
 Kathy McGuinness
 Terry Deputy
 Sue Claire Harper
 Ptry Iris

Organization:

DHSS
 KSG
 DNREC
 Protecting Our Indian River
 Public
 IBF
 IBF
 IBF
 DE State Farm Bureau
 UD Water Resources Agency
 CIB
 Public
 DNREC
 DNREC
 Public
 Progressive Democrats of Sussex County
 Public
 Sussex Farm Bureau
 Public
 Public
 Public
 DNREC
 USDA-NRCS
 Cape Gazette
 City of Rehoboth Beach
 DNREC
 LWUSC
 Public

The Task Force meeting was brought to order at 1:06 pm.

Consideration of Meeting Minutes

Senator Bryan Townsend, Co-Chair, thanked Task Force members and the public for attending the meeting in Rehoboth. He apologized for his need to depart from the meeting at around 2:30pm, and added that Representative Michael Mulrooney, Co-Chair, will facilitate the meeting to its conclusion. He announced the first item on the Agenda was consideration of the Meeting Minutes. Senator Townsend asked if members had changes to propose for the Meeting Minutes.

Brenna Goggin, Delaware Nature Society, stated there were two spelling errors in the Meeting Minutes. Spelling error 1 was “Rickie Jones,” which should read “Richie Jones.” Spelling error 2 was “Kristen Travas,” which should read “Kristen Travers.”

Michelle Zdeb, Legislative Assistant, emphasized importance of clear handwriting on the sign-in sheets, so as to avoid having spelling errors in the minutes.

Minutes prepared by Caitlyn Gordon, Legislative Aide

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

Thom May, Department of Health and Social Services (DHSS), would like to change two figures that he submitted at the last meeting. Specifically, Slide 6 of Mr. May's earlier presentation contained an incorrect figure of "\$510,000." The same incorrect figure was also included on Page 7 of the minutes, when Senator Townsend asked a question that included the incorrect figure. In both places, Mr. May would like to change the "\$510,000" figure to "\$554,644." Furthermore, on Page 7 Mr. May would like to change an answer of "10 years" to an answer of "11 years."

Senator Townsend asked for a motion to approve the Meeting Minutes as amended.

Gerard Esposito, Delaware State Chamber of Commerce, moved to approve the amended Meeting Minutes.

Secretary David Small seconded the motion.

The Meeting Minutes from August 26, 2015, as amended, were approved unanimously.

Senator Townsend thanked the members for their patience with formality.

Review of Scheduled Meeting Dates

Senator Townsend stated he wanted to review the meeting schedule, including dates and locations. The Senator also stated that the Task Force will reflect on its progress at a later date, so as to assess whether or not the Task Force will need to schedule more meetings. He closed this portion of the agenda by asking for any questions or concerns, of which there were none.

SCR 30: Clean Water and Flood Abatement Task Force

**Please mark your calendar for the
following Task Force meetings:**

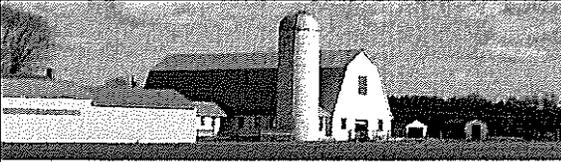
- 10/15: Legislative Hall – Kent
House Hearing Room
2pm - 4pm
- 11/3: Sussex County Association of
REALTORS – Sussex
1pm - 3pm
- 11/19: Legislative Hall – Kent
House Hearing Room
2pm - 4pm
- 12/17: Buena Vista – New Castle
Buck Library
10am-12pm

Presentation Regarding Agricultural Issues

Senator Townsend turned the floor over to Task Force member Holly Porter, Delaware Department of Agriculture.

Ms. Porter took time to thank the Co-Chairs of the Task Force for including Agriculture in the discussions of the Task Force.

The presentation the Task Force members received is inserted on the next page:



Agriculture and Nutrient Management in Delaware

Delaware Clean Water & Flood Abatement Task Force

Holly Porter, Deputy Principal Assistant, DDA




DELAWARE AGRICULTURE

- Overview of Delaware Agriculture
- Farmland Preservation
- Irrigation
- Nutrient Management Law




A STRONG SECTOR

Delaware has **2,451** farms, covering **508,652** acres of land. **Forty percent** of state land is in agriculture.

Source: USDA National Agricultural Statistics Service



AN ECONOMIC ENGINE

Delaware family farms sell **\$1.3 billion** of farm products, generate **\$7.7 billion** in economic activity and create **22,000 jobs**.



Source: USDA National Agricultural Statistics Service; University of Delaware



DELAWARE FARMERS ARE #1

- ... in the value of agricultural products sold per acre (\$2,505)
- ... in the number of lima bean acres harvested (12,564)
- ... with the top broiler-chicken producing county (Sussex, 174 million birds)

Source: USDA National Agricultural Statistics Service



COUNTY SNAPSHOTS

	Farms	Acres	Avg. farm size
Kent	863	172,251	200 acres
New Castle	374	64,169	172 acres
Sussex	1,214	272,232	224 acres
Total	2,451	508,652	208 acres



FARMLAND PRESERVATION

- Overseen by the Agricultural Lands Preservation Foundation; managed by DDA professional staff
- Farmers sell development rights to the state while continuing to own and farm their land
- More than 800 farms covering 116,000 acres are permanently preserved – 23% of state farmland



IRRIGATION

- Irrigating cropland makes crops more efficient in nutrient uptake
- Delaware Rural Irrigation Program (DRIP), operated by DDA and DEDO, provides low-interest loans to help buy equipment
- Helped irrigate more than 2,900 acres to date, with \$1.1 million in loans



NUTRIENT MANAGEMENT HISTORY

- Nutrient Management Law went into effect in 1999
- Sponsored by Rep. Wallace Caulk
- Passed General Assembly unanimously
- Signed by Gov. Carper



WHAT THE LAW COVERS

- All animal feeding operations that meet basic criteria
- Operations that apply nutrients (e.g., golf course operators, crop farmers)



NUTRIENT MANAGEMENT COMMISSION

- Independent 19-member body
- Includes livestock and poultry farmers, crop growers, environmental advocates, nutrient consultant, commercial nutrient applicator and public citizen



KEY ELEMENTS

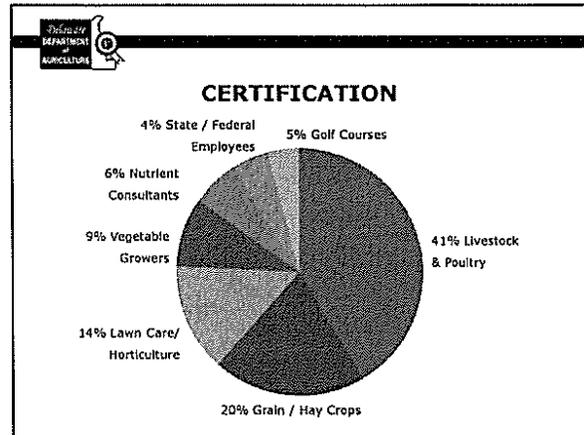
- Education
- Certification
- Planning
- Annual Reporting

DELAWARE DEPARTMENT OF AGRICULTURE

CERTIFICATION

- Nutrient Generator: 792
- Private Nutrient Handler: 1,541
- Commercial Nutrient Handler: 117
- Nutrient Consultant: 112

Total: 2,562



DELAWARE DEPARTMENT OF AGRICULTURE

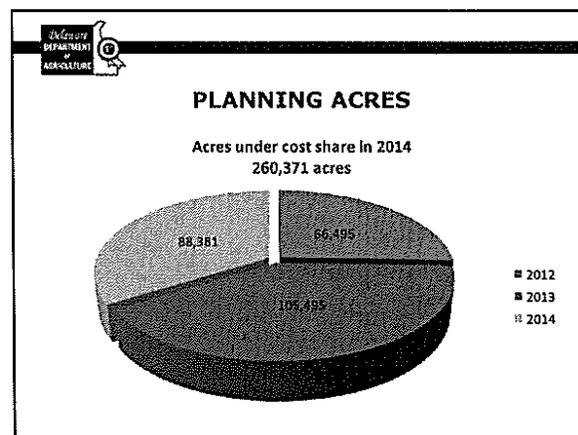
NUTRIENT MANAGEMENT PLANS

- NMPs are required
- Written by certified consultants
- Include maps, soil & manure analyses, yield goals and nutrient budget
- Plans are maintained by the farmer, open to inspection by DDA

DELAWARE DEPARTMENT OF AGRICULTURE

PLANS APPLY TO

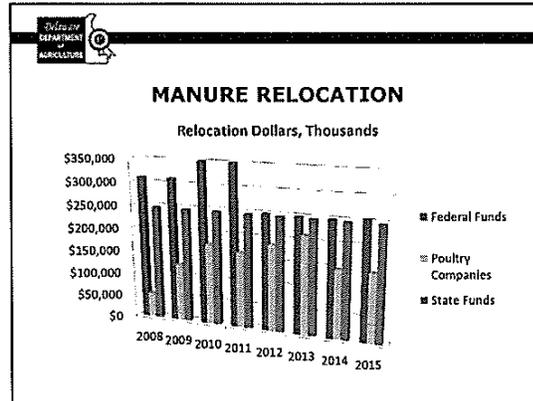
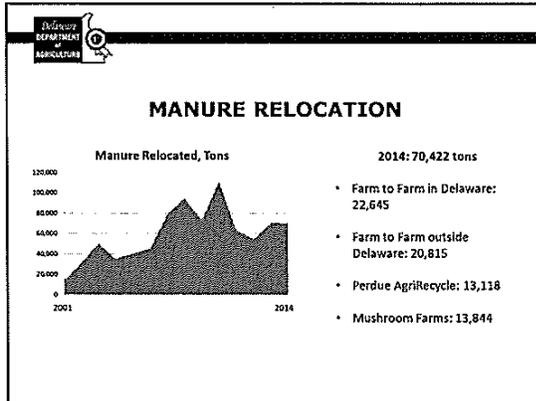
- Farms that apply nutrients to 10 or more acres of Delaware land
- Commercial livestock farms (more than 8,000 pounds of live animals)



DELAWARE DEPARTMENT OF AGRICULTURE

MANURE RELOCATION

- Financial reimbursement to farmers, brokers & trucking companies
- Moves poultry litter to other farms or to alternative-use projects
- More than 830,000 tons relocated since program began in 2001



CAFOS

- Concentrated Animal Feeding Operations
- Required under federal Clean Water Act
- Delaware’s law already covers Animal Feeding Operations

CAFOS

- Administered jointly by DNREC and DDA
- CAFO Program does not replace Nutrient Management Program
- Everyone is covered by the NMP; some are additionally covered by CAFO permit

DELAWARE AGRICULTURE SUMMARY

- Farming is not just a business, but a way of life
- Stewards of our land and water
- Increased regulation costs do not always equal increased profitability
- Farmers are using the Best Management Practices available

During the presentation the following questions were asked:

Paul Morrill, Committee of 100, asked if anyone has determined how much financing is available to get practices on the ground as opposed to how much more is needed.

Marcia Fox, Department of Natural Resources and Environmental Control, answered that she will be addressing that question in her presentation.

Senator Townsend asked, with technologies coming online, are there things we could do more of or do a better job of? Are we prepared in the context of the Task Force to do the economic impact quantification that we talked about, to at least give us a sense of what that would be?

Ms. Porter answered yes, and a lot of that comes into the Chesapeake Bay Program. A lot of research has been conducted there, so quantification might already be done or in the works.

Ms. Goggin asked to confirm the numbers. If there are 508,600 total farms and farm acreage and only 260,000 of them are in cost share, then only half of Delaware's agricultural industry is receiving cost share, and the other half is not?

Ms. Porter answered yes, roughly.

[NOTE: per subsequent Task Force meeting, Ms. Porter wanted to clarify her response: The numbers in her presentation reflect the cost-share that farmers have received from the Delaware Department of Agriculture specific to the writing of Nutrient Management Plans. They do not reflect money received by NRCS or the conservation districts for plan writing.]

Jay Meyer, member of the public, asked a question about handling excess manure from 100 more CAFO (Concentrated Animal Feeding Operations) farms, considering their large size. He recalled how Senator Townsend mentioned an economic impact, but he wants the Task Force to consider the health impacts on the surrounding communities of these areas. Mr. Meyer said that there are questions that need to be addressed before issuing permits.

Ms. Porter first answered by explaining the permits. Those 100 additional permits are not 100 new farms. They are pre-existing farms that will receive permits under the CAFO program. Therefore, in that particular context, issuing 100 permits will not add farms.

However, there currently are increasing numbers of chicken houses going up in Delaware because the economics are favoring the poultry industry. A topic of discussion is how technologies for manure relocation might help address some of those needs.

We also have to make sure we have an accurate measurement of what is considered "excess manure." Manure is an organic fertilizer and contains a lot of nutrients. That is why crops will absorb nutrients from the manure. Manure does have a value to it; it is not just waste. Therefore, we are trying to find a baseline to see if there are additional places that have a need for this organic fertilizer and where else it could be relocated. Those are all discussions that are currently underway. As for the health aspects, Ms. Porter could not speak on those per se. However, she mentioned that there are lots of discussions going on with neighboring states, including conversations regarding health impacts.

Minutes prepared by Caitlyn Gordon, Legislative Aide

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

Mr. Meyer stated that the University of Maryland Department of Public Health conducted a health impact assessment for poultry processors in communities including Delaware. He stated that he would be happy to share that with anybody interested in seeing the report.

Senator Townsend addressed Mr. Meyer's statement, asking him to elaborate on this study a little more during public comment. Additionally, Senator Townsend asked that if members of the public have additional materials, we can accept them and make them a part of the public record.

Patty Cannon, Delaware Economic Development Office, asked a question regarding excess manure and whether there was a specific amount of excess manure that a farmer would need to produce to qualify for relocation.

Ms. Porter answered that it is just a matter of relocating it from the farm if the farmer does not need it. If a farmer's land applied and they used as much manure as their nutrient management plan says that they need, then they can have the excess relocated.

Ms. Cannon stated that she visited a family farm a couple of weeks ago and they had about 100 chickens or less. She asked if there is there a place where the family could take excess tires or oil for a backyard flock.

Ms. Porter answered they could qualify with something like that. There are also companies out there that will move manure, and buy it and sell it. It might be a matter of economics when it comes to quantity. Ms. Porter advised that the family should give the Delaware Department of Agriculture (DDA) a call and talk to their Nutrient Management Department for that.

Mr. Morrill wanted to follow up on Brenna's question. He was surprised at Ms. Porter's answer that the percentage of farms on cost-share plans wasn't higher. He wanted to know the obstacles to increasing that number.

Ms. Porter responded some folks work specifically with conservation districts. She mentioned that if they work with the conservation districts they would not receive cost shares. Additionally, the farmers might have gotten the training to do cost-share plans themselves.

George Haggerty, New Castle County, asked a question regarding the key elements piece, when Ms. Porter had mentioned education, certification, planning, and annual reporting. Mr. Haggerty wanted to know if there had been any testing of local streams, aquifers, or anything of that nature.

Ms. Porter, answered no, not with the DDA or Nutrient Management. Ms. Porter said that DNREC probably has programs that DDA does not. She was not sure if DNREC is specifically tied in with Nutrient Management per se. Ms. Porter also thanked Mr. Haggerty for bringing up the report. She reminded Task Force members that DDA's annual report was placed on all of their folders.

Secretary Small answered Mr. Haggerty's question, further stating that it is an ongoing certification. There are a number of credit hours which are required to be maintained by those who are certified.

Mr. Haggerty replied that he was talking about testing of the water. Mr. Haggerty wanted to know if the program assumed that if one does *this*, their result will be *that*?

Secretary Small replied that this is something the Task Force needs to discuss as a group and that he was going to bring it up at some point. The Task Force needs to discuss the whole process for assessing water quality and how they do that at both a micro and macro level. They have indications of challenges from either toxics or nutrients, depending on where the topic of concern is. However, they have had the ability to work with the Division of Public Health to test wells, for example, to see whether or not drinking water sources have been impacted. Therefore, the Task Force has a lot of tools available to us depending on the nature of the concern.

Robert Baldwin, National Association of Conservation Districts, added that as a part of the Nutrient Management Plan a farmer needs to test soil. There is a direct correlation between soil test results and what happens in ground water and surface water.

Senator Townsend, in the spirit of allowing time for public comment, Senator Townsend opened up the floor for the public.

Joanne Cabry, Progressive Democrats of Sussex County, said there was a DNREC study in 2007 which tested the wells in the Indian River Bay Watershed. 25% of those wells had a nitrate level of 12.5 or higher. However, the EPA (Environmental Protection Agency) standard for safe nitrate levels is 10.

Mr. Cross asked Ms. Porter if there were statistics for how much public land receives manure, if any. For instance, any right-of-way, state controlled lands, or federally controlled lands?

Ms. Porter replied that this was a great question. However, she did not have the specific information at the time of the meeting, so she promised to follow up on this at the next meeting.

Senator Townsend asked members if they had more questions. There were none, so Senator Townsend added information to help the public follow along. First, he announced that this is the third meeting and at the first meeting the Task Force had a robust discussion of what they plan to discuss during the fall into the winter.

Their second meeting was a broad overview of some different issues: primarily storm water, wastewater, drinking water, etc. The Senator continued to discuss the locations of their following meetings, stating the big topics during these meetings: agriculture and conservation districts.

Senator Townsend quoted Representative Mulrooney's previous comment at the last Task Force meeting that the Task Force will ultimately be about local legislators hearing from their constituents about their concerns. The public and the General Assembly must come together as a body to make sure that they are funding water quality issues in Delaware the way that they need to. Senator Townsend reminds the public that the Task Force is dealing with very comprehensive, complex topics that all interrelate. The Task Force is trying to keep a handle on how they are going about evaluating the different issues. At this point, the Task Force is still going through the high-level presentations. Through the rest of their meetings, the Task Force

will be getting into additional issues, such as legacy issues and toxics. Senator Townsend reminded the public and Task Force members that although one topic might not be of interest to them, in the end all of the topics are interrelated. Today, the Task Force has talked several times about economic impact and trying to quantify these things. During discussions about economic impact, the Task Force is including everything to insure that they have the best policy that they can.

Senator Townsend turned the floor over to Marcia Fox, who gave a sub-presentation of the Agriculture presentation.

Marcia Fox gave her presentation on the Chesapeake Bay. Ms. Fox is not a member of the Task Force but she is an Environmental Scientist with DNREC and also the Chesapeake Bay Watershed Implementation Plan Coordinator.

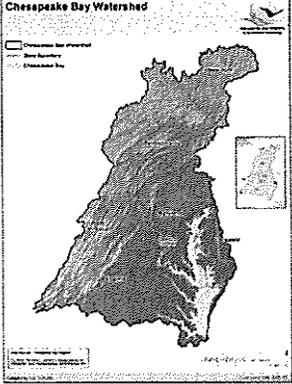
The presentation the Task Force members received is inserted on the next page:

Chesapeake Bay TMDL and WIP

Marcia Fox
 DNREC Watershed Assessment
 and Management Section

Presentation to the Clean Water Task Force
 November 28, 2012

Chesapeake Bay Watershed

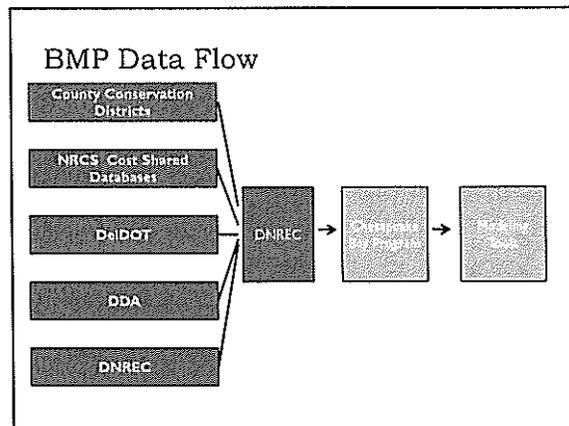
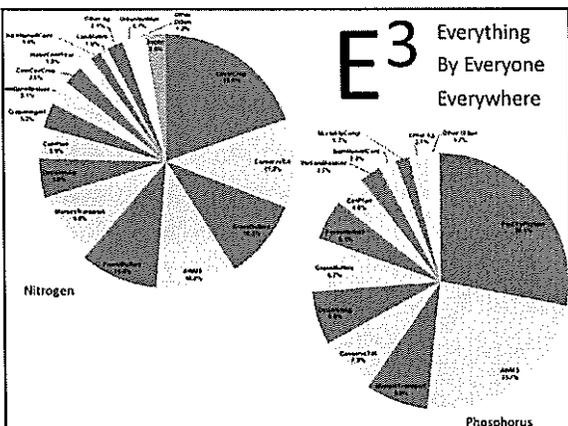
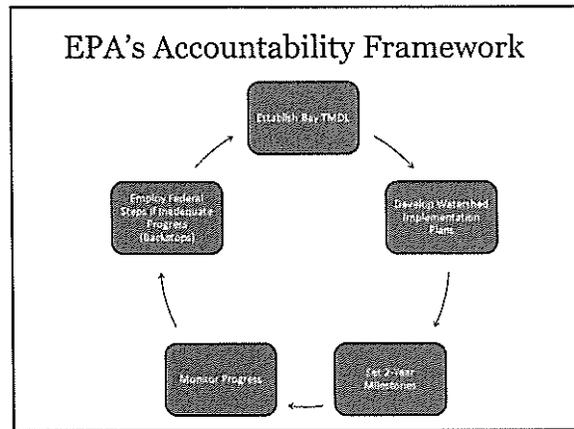


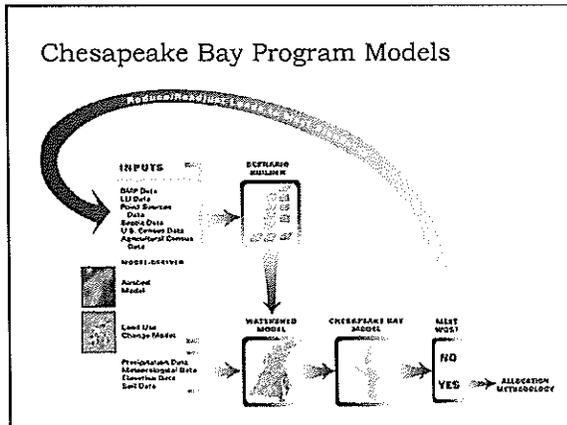
- Six-state, 64,000 sq. mile watershed
- 10,000 miles of shoreline
- Over 3,600 species of plants, fish and other animals
- \$750 million to local economies
- Home to 18 million people

Delaware and the Chesapeake Bay Program

- Since 2000, Delaware has participated in the Chesapeake Bay Program
- Executive Order 13508 (May 2009)
 - Increased focus and emphasis on Bay restoration; accountability







Numeric Milestones

Pollutant Control Practice (acres/ha/yr)	2014 Submission	2015 Submission	2016 Submission	2015 Milestone	2016 Milestone
Nutrient Management	195,633	154,556	163,004	183,600	174,907
Cover Crops	49,830	49,786	30,921	50,000	85,619
Grass Buffers	774	774	775	904	8,297
Forest Buffers	2,226	2,226	2,493	2,230	7,020
Wetland Restoration	2,694	2,697	2,699	2,652	5,745
Conservation Tillage + High Residue Tillage	115,683	112,875	107,424	130,000	154,210
Tree Planting	140	502	504	520	930

- ### 2015 Milestone Achievements
- Conducted cropland transect surveys in 2014
 - Increased state cost-share funds for manure transport
 - CAFO General Permit for non-land applying poultry operations was submitted to EPA and has been approved.
 - A suite of BMPs were installed at Woodbridge High School
 - SWPPPs have been developed to address sediment and erosion control during the construction of agricultural buildings.
 - 450 linear feet of ditch banks were stabilized and restored in the Bucks Branch watershed.
 - Held soil health workshops for farmers to educate them on soil health techniques such as no-till, crop rotations and planting cover crops.

- ### Improvements to Meet the 2014-2015 Milestones and Maintain WIP Progress
- Develop a schedule to prioritize issuance of CAFO General Permit for non-land applying poultry operations in order to meet its milestone of registering 150 CAFOs under the general permit in 2015.
 - Complete the development and implementation of its tracking and reporting system for agricultural non-cost-shared BMPs in 2015.
 - Increase implementation of priority practices to improve water quality such as cover crops, grass buffers, animal waste management, and decision agriculture.

EPA Oversight Status (June 2015)

	Agriculture	Urban/Suburban	Watershed	Trading/Other
DE	On Track	On Track	Enhanced Oversight	On Track
DC	Off Track	On Track	On Track	On Track
MD	On Track	On Track	On Track	On Track
NY	On Track	On Track	Enhanced Oversight	On Track
PA	Backlog Action Level	Backlog Action Level	On Track	Enhanced Oversight
VA	On Track	Enhanced Oversight	On Track	On Track
WV	Enhanced Oversight	On Track	On Track	On Track

Green fading to yellow indicates potential downgrade at end of 2014-2015 milestone period if specific actions are not taken

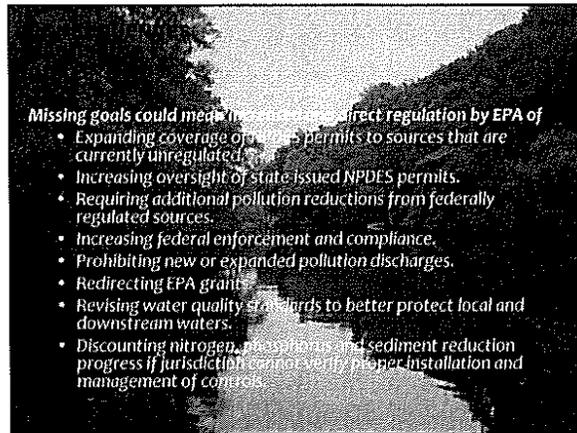
Numeric Progress by Jurisdiction

	Nitrogen	Phosphorus
Delaware	On Track	On Track
District of Columbia	On Track	On Track
Maryland	Off Track	On Track
New York	Off Track	On Track
Pennsylvania	Off Track	On Track
Virginia	On Track	On Track
West Virginia	On Track	On Track
Watershed	Off Track	On Track

* Although the 2014-2015 Period includes target reductions in total nitrogen and phosphorus, the recent data suggest additional reduction will be needed to meet the target.

EPA 2016-2017 Expectations

- Use the Animal Ag Assessment Report to develop milestones to strengthen state programs including its compliance assurance program.
- Issuance of Delaware's CAFO General Permits for land-applying poultry operations and non-poultry operations.
- Ensure programs and funding are in place to support farmers in properly managing phosphorus on agricultural lands.
- Ensure any nutrient increases from poultry operations will be addressed
- Account for manure generated or imported and its final deposition thereby showing an offset program is not needed
- Increase implementation of priority practices
- Include a plan to revise RFB reduction goals in Phase III WIP and identify alternative practices to meet the 2025 target.



- Missing goals could mean increased direct regulation by EPA of*
- Expanding coverage of NPDES permits to sources that are currently unregulated.
 - Increasing oversight of state-issued NPDES permits.
 - Requiring additional pollution reductions from federally regulated sources.
 - Increasing federal enforcement and compliance.
 - Prohibiting new or expanded pollution discharges.
 - Redirecting EPA grants.
 - Revising water quality standards to better protect local and downstream waters.
 - Discounting nitrogen, phosphorus, and sediment reduction progress if jurisdiction cannot verify proper installation and management of controls.

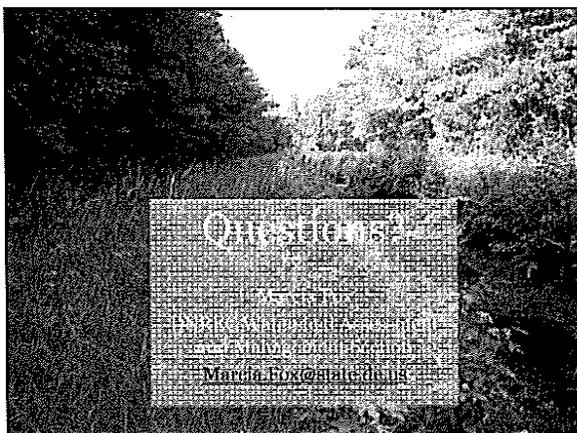
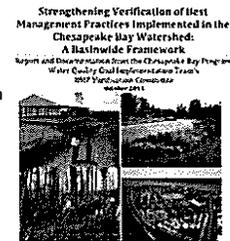
Summary of Agriculture BMP Funding Needs to Achieve TMDL

Priority WIP BMPs	Funding Needed for Full Implementation	Funding Mechanism
Traditional Cover Crops	\$1,002,600-2,004,000 annually	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Commodity Cover Crops	\$922,775 - \$1,318,250 annually	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Animal Waste Structures	\$9,844,399	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Manure Relocation	\$478,470	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Mortality Composts	\$1,217,712	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Streamside Buffers (Grass and Forested)	\$531,904 (grass) + \$2,958,318 (forest) = \$3,490,222	Cost Share through CREP
Wetland Restoration	\$1,209,968	Cost-Share State Conservation Cost Share, Farm Bill Programs, EPA, CDFP Funding.
Subtotal Priority WIP BMPs	\$20,172,542 - \$21,570,017	
TOTAL COST SHARE, for all 3418 WIP BMPs	\$33,016,082*	*Based on 2010 Cost Estimates, includes capital costs and annualization.

\$1.4 M EPA Funding + \$560,000 State Funding < \$3.3 M Annual Expenses

2015 Projects and Efforts

- Verification
 - Jurisdictions are expected to adopt verification programs incorporating verification protocols.
- Historical BMP Clean Up
 - Have the opportunity to clean up data for new Phase 6 Model.
- Increased Funding
 - Signatory Grant
 - NRCS, RCPP funding
- 2016-2017 Milestone Development
- Pilot Agricultural Projects/Studies
 - Cropland Roadside Transect Survey
 - UD Ditch and Irrigation Studies
 - SCD Air Seeder Program



During the presentation the following questions were asked:

Mr. Bross asked if the numeric milestones (8th slide) occurred each year or if they were cumulative.

Ms. Fox answered that nutrient management is an annual BMP (best management practices), as are cover crops and conservation tillage. The other BMPs that are listed there (grass buffers, wetland restoration, and tree planting) are cumulative.

Senator Townsend asked if there were any preliminary plans to address those issues.

Ms. Fox answered that there are regional initiatives and task forces in place to address some of those issues. Forest buffers are the best BMP they could put on the ground; it gives them the most bang for their buck. But implementing and funding something like that long-term is very difficult.

Dian Taylor, Artesian Water, wanted to know how the number went down.

Ms. Fox answered that they developed a 2025 goal within the WIP (Watershed Implementation Plans) and every year they submit their snapshot to EPA of what their two-year goal is. So, based on the programs they have in place, Ms. Fox decided to scale back that goal. Therefore, the goal is not actually implemented. If you look at the 2015 milestone column you will see that forest buffers is 2,230. They actually recorded 2,493 in 2014, and EPA can see that they increased the numbers. By 2025, they needed to meet 7,020.

Senator Bryant Richardson wanted to know if the State set those goals or if the federal government set those goals.

Ms. Fox answered the State set all of the goals. She added that there is also a Delaware Chesapeake Inner Agency Workgroup and they meet to develop all of those goals.

Senator Richardson asked why they made the goals so high. (Everyone chuckles.)

Ms. Fox referred back to the E3 concept, "Everything, By Everyone, Everywhere." They were developing goals, and that is what they were supposed to be.

Secretary Small replied that those goals were set in response to a target that was set by EPA for the states to meet reduction goals. Those are the mechanisms that they have identified to best meet that reduction in nitrogen, phosphorus, and sediments. So, they did not set those targets, but they identified the tools in order to meet those reduction goals.

Mr. Bross asked a question referencing slide 11. He wondered if wastewater strictly pointed to source septic.

Ms. Fox answered that it is point and non-point.

Senator Townsend noted how the data looked promising on slide 12, whereas the data on slide 8 is concerning. He added that when one dives deeper into looking at BMPs, it is alarming in terms of the numeric progress towards milestones. Senator Townsend wanted to know if the State was getting more bang for their buck than they thought they would out of the BMPs.

Ms. Fox answered that there are subtle changes in the model. Some of the BMPs, comparing what it was in 2010 or 2012, is comparing apples and oranges. Those subtle changes are difficult to communicate, so that is where the tide has changed. Ms. Fox added that EPA is putting more oversight into their programmatic milestones rather than many of their numeric milestones. They realize through this whole process that these goals are lofty and they will change, and with the improvements of the Watershed model, maybe some of those will change based off of what they are doing.

Ms Goggin noted Ms. Porter's presentation would be helpful. She referenced Ms. Porter points on cost-share versus non-cost share and what EPA considers to be a real BMP versus a non-verifiable BMP and how that plays into whether or not Delaware is on track.

Ms. Fox replied that they know there are things going on that they cannot actually put their finger on. They know the farmers are doing great things but they do not have all of the information that they need because a lot of this does not go through cost-share programs. Or, it went through a cost-share program 10 or 15 years ago and that data is not available. Ms. Fox continued referencing Holly's slide about what is cost shared through DDA. Ms. Fox said that there is cost share through all of these other organizations; there are still BMPs out there and information that hasn't been found because the farmers are not working with the agencies and submitting that information annually. Ms. Fox referenced a survey that she took part in, in which she found out that there are roughly 2,800 acres of unaccounted-for non-cost share cover crop practices in Sussex County alone. Those are individuals who are not taking advantage of any cost-share program and yet are utilizing cover crops just because it is good for their soil health or their farm. The Chesapeake Bay Program and the EPA only recognize those BMPs who have gone through a cost-share program.

Senator Townsend wanted to know why.

Representative Mulrooney answered Senator Townsend by stating that it is a voluntary program.

Senator Townsend wanted to know how the distortion in the data could be remedied.

Ms. Fox replied that there needs to be a way to verify those practices.

Senator Townsend replied that Delawareans need to come up with a way, and the federal government needs to let states come up with a way.

Ms. Fox agreed, and the survey they put out was the first step in that direction. So when they talk about the Irrigation Program that DDA has, they do not receive credit for irrigation in the model right now. Ms. Fox mentioned that they have UD researchers working on developing those

credits so that, when the model permits that data, the 65,000 acres of irrigation that they have statewide will be approved and will receive credit.

Senator Townsend asked if there was a timetable for when those adjustments would be made.

Ms. Fox answered that it should be done within the next 2 years with irrigation. They are ramping up for phase 6 of the model and they are hoping that some of those efficiencies and some of the land uses will be approved for that.

Representative Mulrooney asked if all of that was based on funding.

Ms. Fox answered that EPA has the funding covered. She also mentioned that there is still research to be done in the Delaware, and that Delaware has some issues going on with ditches and the State does have some things to figure out. USGS (U.S. Geological Survey) is doing great work with phosphorus and the Eastern Shore and finding out those variables to help get that in the model.

Representative Mulrooney asked if the State was not getting the information, maybe they should tighten things up a little regulation-wise? He asked if that is something being considered right now.

Senator Townsend asked that if the State is ultimately going to get dinged, shouldn't the state level or local level do something to facilitate reporting? Senator Townsend continued that the idea people are doing this because it is best for their land and community is admirable. However, it is a problem if the State is not able to capture the data to put the State in a position where it is meeting its milestones and not subject to penalties.

Ms. Goggin stated that the Task Force also needs to look at the investments that the State has made. If the State has made more investments in the Department, staff, and Chesapeake Bay Program, they might be further along in developing the verification protocols that the feds would be okay with. The State has not met those requirements or invested in that way.

Mr. Bross mentioned that it is a sad idea that what we really need is more people to gather more data to "cook the books" instead of spending more money on implementation practices so the outcomes are truly what they need to be.

Senator Townsend answered that it is important to have data to understand what is going on. But if data starts to drive everything as opposed to having a focus on what is supposed to be, then that is when you have a problem. But in this context, the Task Force is not talking about "cooking the books." The State just needs more data to better understand what is happening on the ground.

Mr. Bross clarified that his statement "cook the books" was about data acquisition. He continued by stating that if the State has more data, it is going to change what it has on the books. He said the real goal is to put more implementation on the ground to achieve the outcomes that the State desires. Mr. Bross said the federal government has set up a model that is driving the wrong

things; they are driving to hire more people to gather more data as opposed to getting better outcomes on the ground.

Senator Townsend answered that the outcomes are actually better right now than what the data suggests. So, the Task Force wants to get a true sense of where the State really is. The absence of accurate data leads to distorted policy decisions, and that would be a big problem. Senator Townsend mentioned this is why he asked about the timetable and if we have a sense of resolving the distorted data sooner. If the Task Force had the correct data, they would better understand what was actually happening to make more accurate policy decisions.

Ms. Fox stated that in 2017 they will be ramping up everything for the phase 3 WIP and the new model. As a part of that calibration period to get that new model ready, they have been asked to submit historic BMP information. So, they have actually worked more closely with the conservation districts and NRCS (National Resources Conservation Service) to gather that information. They are out at the farm, collecting information for the BMPs that exist and have not been accounted for. Ms. Fox confirmed that this has yet to be reflected in these tables.

Senator Townsend asked if sampling is being considered by the federal government as something that's allowed.

Ms. Fox answered yes.

Ms. Goggin clarified her comments. She was not insinuating that the State needed to hire more people to gather more data. She mentioned that there needs to be a one-stop shop where conservation districts and the DDA can put in all of their information in a readable format that can be sent to EPA. She was not just talking about people; she was talking about infrastructure and investment in the program.

Senator Townsend asked if anybody from the agricultural community could share their comments on this topic.

Kitty Haltz, Delaware State Farm Bureau on behalf of Thomas Unruh, answered that farmers historically did the BMPs but they are reluctant to share information with the government. Educating farmers in the importance of sharing this information to give Delaware a better report card is really what is important. Ms. Haltz mentioned that the Task Force needs to help them understand that this is important so the State can have better reporting.

Representative Mulrooney replied to Ms. Haltz comment that farmers do not "want to share information with the government," by mentioning an article in the paper a couple of weeks ago that said that when a farmer develops a plan it is not subject to FOIA.

Secretary Small answered, that it depends. He referenced Ms. Porter stating that if there is a permit associated with a CAFO (Concentrated Animal Feeding Operation) a nutrient management plan is part of that permit and considered public record. Secretary Small said there is a distinction and the State is on an aggressive track to get those general permits out. By the first quarter of next year, that information will be available publicly. Secretary Small remarked

that there is an element of understanding and education going on between the regulatory community and the agricultural community. The bottom line is economics and environmental improvements are interrelated. With the precision agriculture that the State is now seeing implemented, it is in the best interest of the agricultural community to be as efficient as they can from an economic standpoint, which also means being more efficient from an environmental standpoint. Secretary Small stated that this means applying fewer nutrients only where the farmer needs them. There is a driver there that the State can agree on; Delaware needs to build that relationship and understanding to gather information in a constructive way. Then, the State could use the very limited financial resources that they have to get more dollars available to cost shares for those practices that will deliver real nutrient reduction. Secretary Small said that the State needs to do this and be smart about it.

Mr. Morrill asked how the forest buffers are established. He wanted to know if it was a matter of a private land owner dedicating a strip or if it is about public land acquisition.

Ms. Fox replied that a private land owner would go through a cost share program through the UDSA (United States Department of Agriculture) NRCS (Natural Resources Conservation Service) program and receive an incentive through that.

Mr. Morrill questioned if one preserved farmland and in the process captured a buffer, is that counted?

Ms. Fox answered that there is no credit for preservation, there is only credit for implementation. She continued that within the model there are land uses, so if there is a farm with a wetland on it, that wetland is already counted. But if a farmer decides that they want to implement a few more acres near that wetland, it will be stacked on top of the land use as a BMP to receive even more credit in the Watershed Model. The addition would be if you implement more land.

Senator Townsend replied to Ms. Fox's comments by saying this is why different levels of government needs to work together on these issues. The State needs to figure out what is on the table here and look at data to know exactly what we need to do.

The Senator asked a question referencing slide 15. He wanted to know if the first two items on the table refer to annual numbers. Senator Townsend also wanted to know if it is only those two that refer to annual numbers, or if they all do.

Ms. Fox answered the first two refer to annual numbers.

Senator Townsend asked over what time span does the total cost share for all 2025 BMP equate to \$33,016,082.

Ms. Fox replied that the \$33,016,082 was based off of the 15 years from 2010 to 2025.

Ms. Goggin asked to clarify if it was just for the cost-share part.

Ms. Fox responded that it is just 1/3 of the State, only the Chesapeake.

Mr. Morrill stated that he hadn't seen any milestones for the non-agriculture area.

Ms. Fox answered there is a website that she would give him, which provides information for everything Chesapeake and milestone related.

Ptery Iris, public member from Delaware Center for the Inland Bays, asked a question referencing Ms. Fox's pie charts for nitrogen and phosphorus. She wanted to clarify that Ms. Fox said the cover crops are twice as efficient as the forest bumpers.

Ms. Fox answered no; the forest bumpers are more efficient than the cover crops.

Ms. Iris asked about the nitrogen.

Ms. Fox answered that the pie chart actually shows that based off of the acres of cover crops that they are going to implement, it will shave off 20% of the nitrogen load needed to achieve the 2025 goal. Ms. Fox continued that if they have 92,000 acres of cover crops that they need by 2025 then it will eliminate 20% of the nitrogen load.

Ms. Fox showed a video during her presentation. The video is available at:

<http://www.toledonewsnow.com/story/29982115/only-on-11-how-delaware-is-helping-to-clean-chesapeake-bay>

Presentation on Conservation Districts

Senator Townsend turned the floor over to Robert Baldwin, representing the 3 Conservation Districts of the State.

The presentation the Task Force members received is inserted on the next page:

Conservation Districts and Their Current Funding Sources for Agricultural BMP's

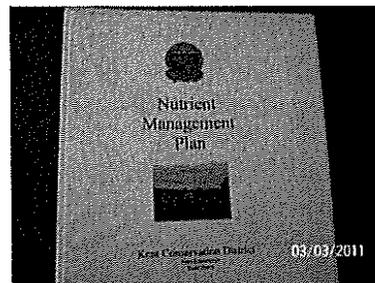
Conservation Districts

- Enabling legislation Title 7, Chapter 39
- "Governmental Subdivision of the State"
- Not a State Agency
- No appropriations for administrative operations
- For 70 years, they have had direct access to work on private land via Cooperators Agreements

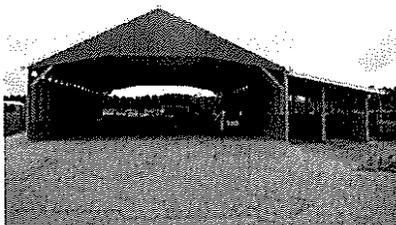
Conservation Districts

- "Locally led" by elected and appointed Boards of Supervisors.
- "Partnership" of Federal, State and local agencies
- Ability to leverage Federal grants with State with State funding.

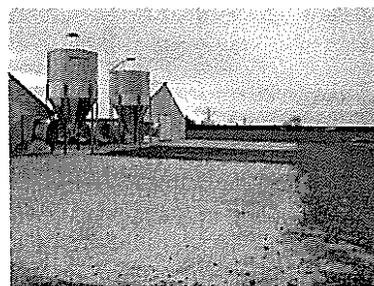
Nutrient Management Planning

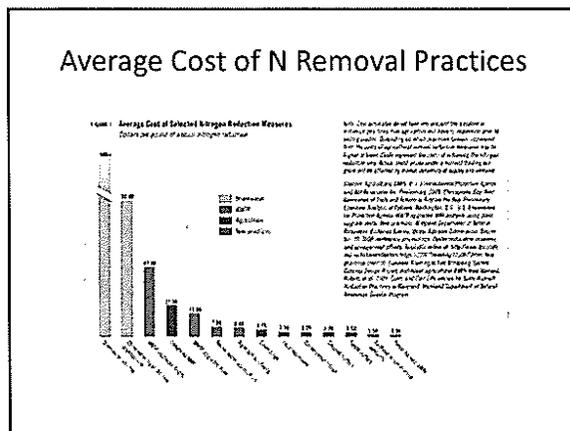
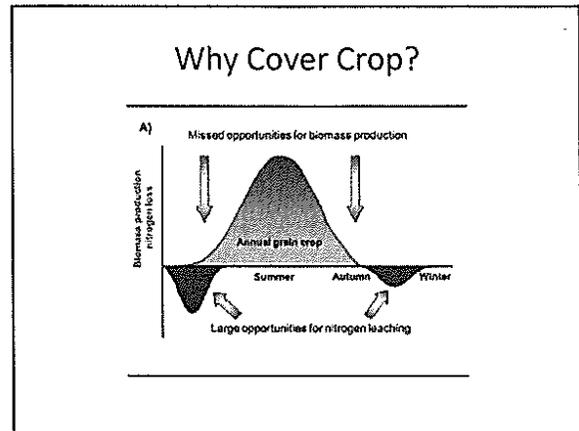
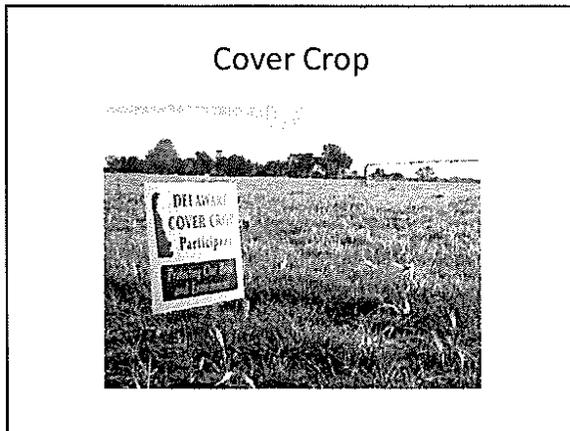


Poultry Waste Storage Structure with Composter



Heavy Use Pads





State Cost Share Funding

FY 2006	\$3,205,000
FY 2007	\$3,205,000
FY 2008	\$3,205,000
FY 2009	\$3,205,000
FY 2010	\$1,500,000
FY 2011	\$1,500,000
FY 2012	\$1,500,000
FY 2013	\$1,500,000
FY 2014	\$1,500,000
FY 2015	\$1,500,000
FY 2016	\$1,500,000

FY 2016 Conservation District Cost Share

\$1,500,000 State Bond Bill

2010 State Cost Share BHP Implementation	\$1,500,000
New Castle Conservation District State Money Available for Conservation Cost Share	\$400,000
Kent Conservation District State Money Available for Conservation Cost Share Implementation	\$450,000
Chesapeake Bay Program Money for Cover Crop	\$100,000
Delaware Department of Agriculture for Cover Crop	\$18,500
Total	\$568,500
Sussex Conservation District State Money Available for Conservation Cost Share Implementation	\$650,000
Chesapeake Bay Program Money for Cover Crop	\$500,000
EPA 319 Money for Cover Crop	\$150,000
NRCS Contribution Agreement for Cover Crop	\$78,500
Delaware Department of Agriculture	\$23,500
Total	\$1,472,235

2015 Cover Crop Program	
New Castle County Capped at 250 ac. per applicant	\$220,000
Kent County Capped at \$12,000 per applicant	\$449,000
Sussex County Capped at \$10,500 per applicant	\$1,286,012
Key Points:	
•Cover Crop Program Oversubscribed in all counties.	
•New Castle Co. current rates are \$30/\$50 ac depending on harvest option.	
•Kent Conservation District current rates are \$40/\$50 ac depending on planting date.	
•Sussex Co. current rates are \$40/\$60 ac. depending on planting date and pilot program.	
•MD Cover Crop Program Rates are \$40/\$100 depending on planting date, species, planting method, and watershed location, no caps.	

USDA-NRCS Financial Assistance						
	2015	2014	2013	2012	2011	Total
EQUIP	\$6.1 M	\$5.8 M	\$5.2 M	\$4.8 M	\$4.6 M	\$26.5 M
CBWI	\$0	\$0	\$1 M	\$1.6 M	\$3.1 M	\$5.7 M
AMA	\$11 K	\$13 K	\$55 K	\$61 K	\$24 K	\$164 K
WHIP	\$0	\$0	\$9 K	\$10 K	\$80 K	\$79 K
CSP	\$1.3 M	\$1.2 M	\$1 M	\$.8 M	\$.5 M	\$4.8 M
Total	\$7.411	\$7.013	\$7.264	\$7.271	\$8.284	\$37.243M

Note: During the presentation Mr. Baldwin corrected a typo. On slide 1, the text states that Kent County was capped at 12,000 per applicant; it should be capped at 10,500 per applicant.

During the presentation, Mr. Baldwin introduced Kasey Taylor, who is a State Conservationist with the National Resources Conservation Service. Ms. Taylor's Presentation is below:

Ms. Taylor thanked Mr. Baldwin for introducing her. Ms. Taylor directed the room's attention to the slide that Mr. Baldwin put up, which was an overview of USDA-NRCS current farm bill financial assistance funds (slide 14) in addition to one program that has been repealed.

The one repealed program is specific to the Chesapeake Bay; the second one down is the Chesapeake Bay Watershed Initiative. Ms. Taylor continued to talk about this program, commenting that the State has traditionally been allowed about \$1 million to \$1.5 million per year to come in and treat specific concerns that they are looking at, such as water quality, soil health, soil erosion, and sedimentation within Delaware. However, Ms. Taylor stated that this program does not have funding anymore because it was repealed going into a new program in 2015. However, Ms. Taylor mentioned that they are now looking at working agricultural lands in the State. From that piece they are going to have about 3-4 programs that will help their continuous application and local land resource concerns.

Ms. Taylor started to talk about their largest program, which is the first one listed: the Environmental Quality Incentives Program. Ms. Taylor went on to explain the program. They look at an annual allocation in Delaware of about \$6 million. This helps them identify resource concerns in the State. From water quality, soil erosion, air quality, anything that they are seeing is becoming a nuisance that they have identified at the local level with conservation districts and in partnership with DNREC and DDA. A lot of concerns and conversations moving forward revolve around what the next course of action is. Ms. Taylor explained that they look at working with land owners on a voluntary basis to say what their plan of action is and that they will help that land owner for the year and upcoming years. In that plan, they are actually able to provide their technical assessment and from there determine if there is a need for financial assistance. This is where their funding becomes available.

Minutes prepared by Caitlyn Gordon, Legislative Aide

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

In the EQIP program, 70% of that funding is going to water-quality related practices annually. Ms. Taylor explained how this is significant for Delaware because they are seeing that water quality is becoming Delaware's key issue. Ms. Taylor said that Mr. Baldwin is one of their key liaisons, so that as they are having these conversations she wants to be certain that they are moving dollars right. Right now, Delaware is seeing that from 2011-2015 the State has had an upward trajectory from the EQIP program, which is a little atypical. Ms. Taylor continued to explain that it shows the continuous work and the need that is going on in the State. It doesn't show what has not been funded. What they have left sitting on the table is probably more than \$5-7 million for the EQIP program alone just in 2015. For those individuals that they are not able to provide financial assistance for, they will help them from a technical standpoint by providing a plan, identifying resource concerns, and providing training so when they have financial assistance in place they can keep that moving forward.

Ms. Taylor then directed the room to look at the Conservation Stewardship Program (CSP), which she mentioned becomes a key discussion. Ms. Taylor continued to explain that they have established a benchmark priority for the State and now they are coming in with landowners to say that they are rewarding them at a specific threshold. However, their goal is to increase the landowner's level of conservation activities for their farm. From that, Ms. Taylor said they have been able to grow this program and they would like to have more monies coming in. However, they are seeing that those trends are a little down nationally. From a programmatic standpoint, Delaware ranks nationally within the top 3% of their agency for the ongoing work, the land that is being applied, and the resource concerns that are being stabilized and addressed. This is due to the key partnerships from conservation districts, and from landowners and their commitment to conservation and how those dollars can move.

Ms. Taylor explained that districts become a key source for them when they make investments for conservation. She mentioned how the AMA (Agricultural Management Assistance) program is critical, which is more in New Castle County.

Ms. Taylor explained how the Wildlife Habitat Incentives Program has been repealed, which will be a part of EQIP looking at 2015 and those outlying years. In past years it was for the establishment of wildlife and trying to make sure Delaware has healthy clean water, soil stabilization, and reduction of sedimentation within the state.

She moved into the AG Land Preservation piece, and explained that as Delaware moves away from the funding for that the State would then have vulnerability. Ms. Taylor said that it becomes a key conversation; they would really like to keep this piece in place because it provides an ongoing beneficial gain for that sustainability. The farm is Delaware's beginning and ultimately our end.

After the presentation the following questions were asked:

Ms. Cannon asked if the money from the EQIP program is given out in grants or loans. Ms. Cannon also asked if there is a recapture. She presented an example: if a hurricane came through after a farmer has taken that money to do a buffer or something else and it disappears, Ms. Cannon wanted to know if the EQIP programming would reimburse this farmer.

Ms. Taylor answered they look at cost share and financial assistance more, so it is a competitive process. Those individuals come in and fill out an application. From there, they would have 1-3 years to get the practice completed. The individual would go in and do the work, and then we would reimburse them. If there is a catastrophic hurricane, EQIP can come back in and reimburse. If something had happened because of negligence or mismanagement the farmer will not be reimbursed.

Mr. Haggerty asked if the cover crops were not permanent. He wanted to know if they were only there for a limited time.

Mr. Baldwin answered that cover crops only last about 6 months at the most.

Representative Mulrooney asked Task Force members if there were any additional questions for Mr. Baldwin. There were none, so he moved on.

Open Discussion by Task Force

Representative Mulrooney opened the floor for Task Force open discussion.

Ms. Cannon first acknowledged that Ms. Fox's presentation was focused on AG. She wanted to know if she concentrated on AG because that was the big focus of the Task Force discussion or because that is where Delaware gets the biggest bang for its buck.

Ms. Fox answered that it is more than half the land use in watershed and also because the Task Force discussion was revolved around AG.

Ms. Cannon asked if the State was going to take \$100,000 and put it in the general fund and target it for education, it would not necessarily only be for farmers. She wanted to know if the State could take the E3 approach on an education initiative.

Ms. Fox answered yes.

Senator Richardson wanted to know what percentage Delaware contributes towards the watershed for Chesapeake Bay.

Ms. Fox answered 1% of the flow.

Representative Mulrooney asked for any more questions or comments. Seeing that there were none, he moved on to public comment.

Public Comment

Representative Mulrooney opened the floor to public comment.

Mr. Meyer restated something mentioned during Ms. Fox's presentation: "in order to meet the milestone of registering 150 CAFOs under the general permit." He wanted to know if this was referring to 150 new CAFOs.

Ms. Fox responded by saying they are existing operations that would then be enrolled under the CAFO permitting program.

Mr. Meyer replied that 1 CAFO is 45,000-50,000 square feet and holds about 60,000 chickens, which amount to about 180,000 lbs. of manure every 6 weeks. He continued by mentioning that CAFOs are very big compared to a typical chicken house. So, the higher the number of CAFO permits, the larger the houses and the higher the volume of chicken manure. One house with about 60,000 chickens would be about 1,620,000 pounds of manure for one year. Additionally, in Sussex County, there is some resistance to determining the environmental impact of major industrial developments that handle potential pollutants. Mr. Meyer stated that this is odd considering the price Delaware will pay for clean water in the State.

Ron Wuslich Inland Bays Foundation, opened his comment by referencing the Inland Bays Pollution Control Strategy that became law in 2008. In the years that he was on the board for the CIB, Collin O'Mara was on the board and Mr. Wuslich got to know him very well. Mr. Wuslich said when Mr. O'Mara left DNREC; he called him and told him his impression of the Inland Bays Pollution Control Strategy. Mr. Wuslich said it was worthless, and Mr. O'Mara replied by agreeing. Mr. Wuslich continued by saying that when he considers those comments and then looks at the WIP program that came out of a potential lawsuit when the Chesapeake Bay Foundation threatened to sue the EPA, and compare it to the Inland Bays Pollution Control Strategy, it's a joke. Mr. Wuslich reminded members that he was directing most of his comments at the elected officials. He continued by saying the State needs to update the Inland Bays Pollution Control Strategy. The agricultural piece to it has 11 action steps and only 1 is regulatory, which is for a Nutrient Management Plan. However, it is not open to inspection and does not require pre-approval. Mr. Wuslich said that he lived on the Chesapeake Bay Watershed for 15 years, and now he is on the Inland Bays Watershed and wants it cleaned up.

Ms. Cabry read a letter to the Task Force, which can be on the following two pages:

The water I drink and cook with comes from a centralized water system so it is protected by standards established by EPA thru the Safe Drinking Water Act. It is tested regularly for 100 regulated contaminants and I have access to the results.

However, if you have a private well it's up to you to determine if the water coming into your home is safe. The state recommends annual testing and inexpensive kits are available but these kits only test for bacteria and nine chemicals and hardness. *(Nitrate, Nitrite, Iron, Fluoride, Alkalinity, pH, Chloride, Sulfate, Sodium)*

According to DNREC there are approximately 35,000 residences with a private well in Sussex County. Using the county's calculations of 2.7 people per household on average, up to 48% of Sussex County's 207,000 residents could be using water from a private well. That's about 100,000 people in this county drinking, cooking and making baby formula from water that is not regulated.

Source for stats: http://www.coastalpoint.com/content/wellwater_everywhere_it_safe

The EPA safe drinking water standard for nitrate is 10 milligrams per liter. According to a 2007 DNREC report 25% of the wells in Sussex County had nitrate levels of 12.5 milligrams per liter or higher. That's almost 9000 wells.

(Source: DNREC's 2007 report entitled 'Ground-water-quality survey of the Indian River Bay watershed, Sussex County, Delaware: Results of sampling, 2001-03)

According to the EPA website: "Infants below six months who drink water containing nitrate in excess of the maximum contaminant level (MCL) could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome."

Now when residents of communities like Winding Creek and Pinewater Farm's off Route 24 begin to find the water from their wells too salty to drink because of saltwater intrusion from the creeks in their neighborhoods that lead to the Indian River they can ask for a referendum and request the County establish water and sewer districts. These are the same residents who can afford half million to million plus dollar homes.

Source: <http://www.delawareonline.com/story/news/politics/2014/01/08/sussex-neighborhood-plagued-by-salty-water-from-wells/4383063/>

But what about the residents of Coverdale Crossroads? I mention that community specifically because in reading the minutes of this task force's July 28th meeting I found that task force member Mr. Esposito mentioned Coverdale Crossroads. According to the minutes he "didn't want to be a naysayer, but what he predicts will happen is that we [the Task Force] will have limited resources and we're going to prioritize things.... we are going to lose Coverdale Crossroads, the poster child here. Coverdale Crossroads is an example that is easy to discuss. They are 2 miles from Bridgeville, with about 700 homes where many do not have running water or septic systems. For 30 some years we've been talking about it. What will happen is, you will get to a point where you will have limited resources to fund upgrades in sewer treatment plants and you're not going to care about the 700 homes in that part of Delaware. It is as bad as any place in the mid-Atlantic region. ... It's going to fall off our radar. He noted he is not trying to be negative. If you really want to care for people, environment, and health, it's not just about finding funding. It's also about maintaining funding.... It's not that we don't care, but when you have limited resources, the places that you know will maintain the work are the locations where the funding will be sent." (page 8 of July 28, 2015 minutes)

<http://legis.delaware.gov/legislature.nsf/FSMain?OpenFrameset&Frame=right&src=/LIS/TaskForces.nsf/bc9dc5dcf86f0ff885257e0e005b200f/716c6864bf1168fe85257e73006d9db2?OpenDocument>

I'm not going to comment on Mr. Esposito's remarks, but I am reminding each of you that the first line of Senate Concurrent Resolution 30 reads: "... the State of Delaware has a compelling interest in ensuring that all Delawareans have access to clean water. **ALL** Delawareans.

I strongly encourage this Task Force to recommend a state-wide utility with funds dedicated to improve water quality and alleviate flooding in the county where the money has been collected. If you collect the fee in Sussex it is used in Sussex.

Recent history does not give me confidence that Sussex County will be a willing participant in this endeavor. Remember that Sussex County had no stormwater regulations (none!) until the state implemented state-wide regulations in 2014. Or remember one year earlier when the County Council successfully sued DNREC over what many of us believe were reasonable and effective buffer zone regulations.

So please remember the 100,000 Sussex Countians who rely on well water and keep in mind the history of Sussex County government's policies when you make your recommendations to the General Assembly in January. Please develop a state-wide plan that will provide sustainable funding for the residents of Coverdale Crossroads, West Rehoboth and Pinetown as well as Winding Creek and Pinewater Farms.

Thank you.

Joanne Cabry

Chair, Progressive Democrats of Sussex County

Representative Mulrooney replied that a copy of Joanne's statements will be included in the Minutes. He continued to tell Ms. Cabry when she is up in Dover every day in January to keep encouraging action. He reminded the room that nobody is under any illusion that this is an easy task, but Delaware has got to keep pushing.

Sue Harper, The League of Woman Voters of Sussex County, announced that Senator Townsend, Brenna Goggin, Laura Hill, and Jessica Watson will be speaking at an October 28th Land Use Forum. She reminded members and the public that the League of Woman Voters supports this Task Force without reservation. Ms. Harper wanted to build on Joanne's statements about representing those who have little voice. They are trying to focus on affecting a change and a more influential, powerful 2018 comprehensive plan in Sussex County and they will be eager to follow the Task Force's work.

Representative Mulrooney asked if there were any more Task Force or public comments. There were none, so Representative Mulrooney thanked everyone for coming out to the meeting. He encouraged everyone to keep coming to the meetings and speaking to their legislators.

The Task Force meeting was adjourned at 3:17 pm.