



Inland Bays Foundation 2015 Annual Report

January 25, 2015

501(c)(3) nonprofit

Fostering Environmental Awareness and Action

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IBF President's Letter



Hello Concerned Friends:

I'm here to tell you that our planet is in trouble; and our watershed is in trouble.

But I'm also here to say that each of us can have a positive impact.

Why do I make these statements?

First, the debate on climate change is over! Last year a group of paleo-climatologists traveled to Greenland's "Peterman Glacier" during the ultra- short Arctic summer.

Working against the clock, the scientists collected 64 core sediment samples from the ocean, some of which were 10,000 years old. What they found was frightening. The delineations on the samples showed gradual rolling "warm" and "cold periods" for the planet. Thousands of years separated the climate periods. That is, until today. A sudden jolt marks our current "warm period". Their conclusion? Such an abrupt change in the earth's climate is caused by human activity. According to the National Oceanic and Atmospheric Agency (NOAA) 2012 was the warmest year on record, and 2015 came in second.

What does this mean to our beach community? First, we are experiencing more dramatic storms and increased flooding. The blizzard of 2016 was the 4th worst in 100 years, according to the National Weather Service, cancelling 9,500 airline flights and causing 1,526 traffic accidents on the East Coast. While we were lucky here on the snow front, widespread flooding closed down Route 1 and nearly obliterated the sand dunes on our oceanfront.

The Inland Bays Foundation is addressing climate change through our efforts to reduce pollution, one of the main causes of global warming. Our 2016 focus is fourfold:

(1) Support Emerging Clean Water Legislation;

(2) Reduce Wastewater dumping into our waterways;

(3) Increase funding for DNREC's Cover Crop Program; and

(4) Implement Municipal Separate Stormwater Systems (MS4's) to help clean the bays.

IBF's efforts on just one of these projects will reduce pollution!

Take the Cover Crop program. By planting cover crops such as legumes and grasses in the off-season, we can absorb thousands of pounds of nitrogen and phosphorus from the soil, eliminating major sources of pollution in our waterways. Planting cover crops increases soil quality, decreases erosion, and keeps carbon from entering the atmosphere and combining with oxygen to form the major global warming gas, CARBON DIOXIDE.

Would you like to help IBF reduce pollution this year? Here are some ways you can help us:

Go solar --Reduce plastic bag usage—Keep litter off the beach--Don't over-fertilize your yard

Plant a rain garden--Pick up pet litter--Turn down your thermostat--Car pool or bike to work

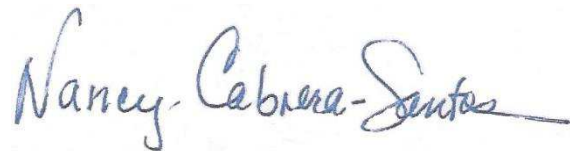
Plant a tree, AND

Become an IBF Member!

Earth Day is Friday, April 22.

We are counting on you to help us make a difference!

For the bays,

A handwritten signature in blue ink that reads "Nancy Cabrera-Santos". The signature is written in a cursive style with a long horizontal line extending from the end.

Nancy Cabrera-Santos

President, Inland Bays Foundation

www.inlandbaysfoundation.org

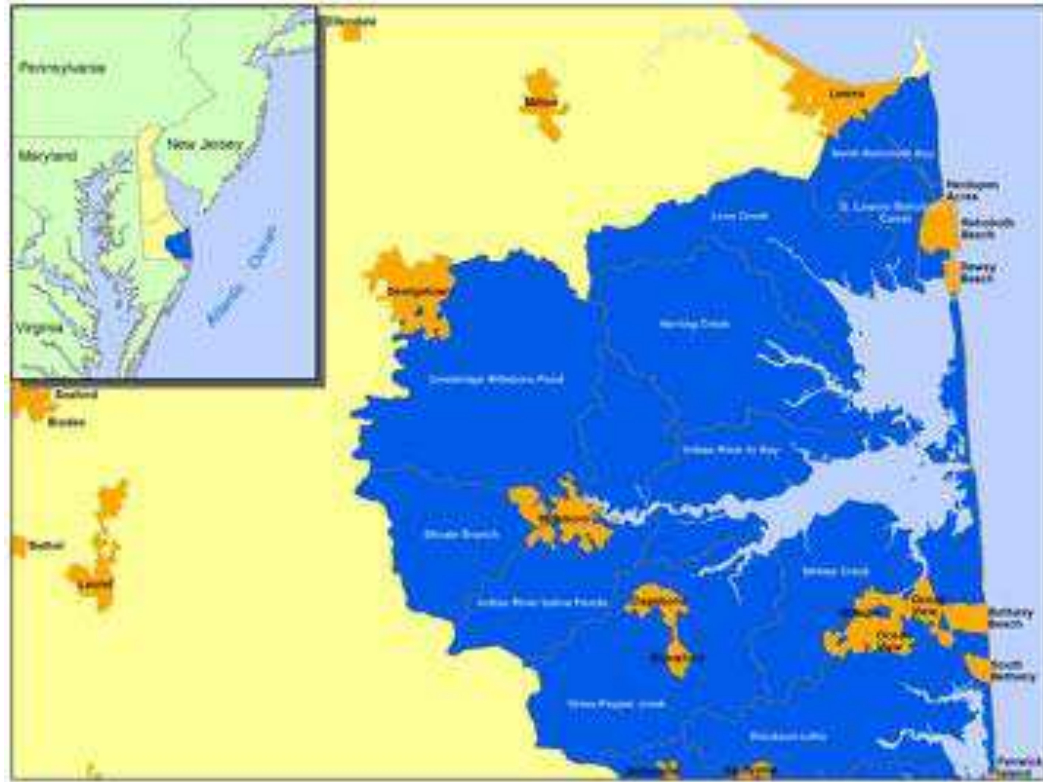


Fig. 1 Inland Bays of Delaware

Highlights of 2015

1. In 2015, the Foundation focused on removing the most difficult of the pollution sources – the non- point sources we see every day in our neighborhoods, our fields, in our shopping centers, our roads and along our shore lines. This is a HUGE, difficult job to identify the sources, the polluters, and the people responsible for fixing the pollution through enforcement of existing regulations or better land planning.
2. We appealed the DNREC remediation plan for the Pinnacle/Allen-Harim plant site, which only calls for monitoring, no remediation of contaminates. They call this a “no action remediation plan. “ We were being represented by Kenneth T. Kristl, J.D. and the Widener Environmental and Natural Resources Law Clinic, Wilmington, DE.
3. Conducted monthly Board of Directors meetings with citizen involvement. Guest Speakers included:

- a. Dr. Ed Whereat, Program Manager of the Citizens Monitor Program discussed harmful bacteria monitoring results for the Inland Bays.
- b. Mark Chura, from Horizon's philanthropic organization, showed how it works to help projects make sense within the framework of Horizon's mission.
- c. Bob Palmer, of DNREC's Nonpoint Source Program, presented a program about nonpoint source pollution. He defined the multitude of environmental pollutants that are commonly found in nonpoint sources such as fertilizer, chemical runoff, sediments, salt, bacteria, atmospheric deposition and hydromodification (tax ditches). He suggested ways to reduce nonpoint source pollution.
- d. David Baird, District Coordinator, Sussex Conservation District, addressed the "Cover Crop" issue. Cover crops absorb excess Nitrogen and Phosphorous from the soil, reduce erosion, and help keep contaminated runoff out of our waterways.



Fig. 2 Nancy Cabrera-Santos thanks David Baird for his informative presentation
(Photo by Dotty LeCates).

- e. Brenna Goggins, Delaware Nature Society, spoke to us about advocacy.

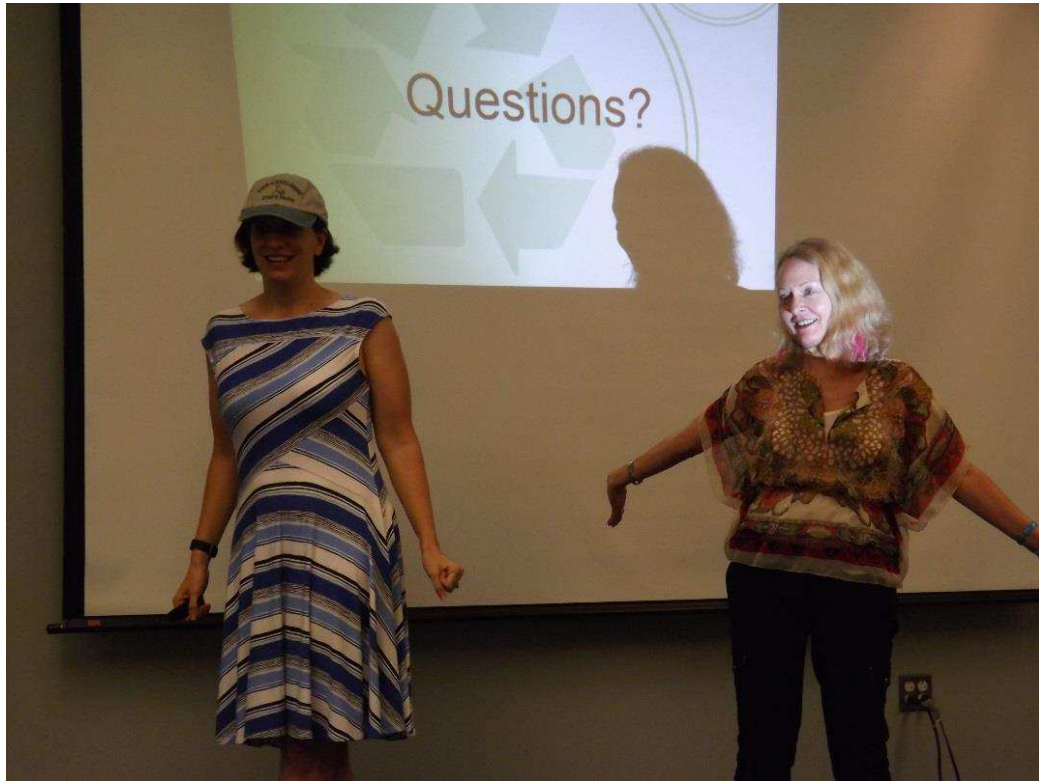


Fig. 3 Brenna Goggins being thanked for her great presentation (photo by Dotty LeCates).

- f. Jim Cassidy, of DNREC's Georgetown Septic Office, discussed replacing septic systems with nitrogen reducing systems and the Class H inspection process.
 - g. Anthony Caputo presented an informational presentation on Municipal Separate Storm Sewer Systems (MS4s)
4. IBF members attended the April 29th hearing, Sussex County Superior Court where Ken Kristl challenged the Environmental Appeals Board decision regarding Allen Harim chicken plant brown field issue.
 5. We began to gather information about the storm water issues in South Bethany. The water coming out of the Anchorage Canal Forebay and into the canals and eventually into the Little Assawoman Bay has been tested and several extremely

high bacteria counts were observed. A letter was drafted by Ken Kristl asking DNREC for a status and timeline.

6. After Allen-Harim announced they would not process chickens at the Pinnacle Plant site, the IBF membership voted to support denial of the request to extend the NPDES waste processing permit.
7. DNREC has asked the IBF to withdraw its dedelegation petition to the EPA (this petition could lead to withdrawal of the EPA delegation to DNREC to enforce environmental legislation. The IBF voted not to withdraw the petition.
8. Chuck Schonder, board member and state parks coordinator was awarded Volunteer of the Year by DNREC for his efforts to establish the Friends of Holts Landing State Park and their efforts to clean up the trails within the park.
9. The Inland Bays Foundation held their second annual Awards Dinner at the Irish Eyes restaurant in Lewis, DE the second week of October. Over seventy attendees were treated to excellent food and service by the staff. More information can be found at the Cape Gazette and Coastal Point newspapers or on the Foundation's website. Last year's (2014) award went to Governor Markell for his Clean Water Initiative. This year's (2015) award went to Ken Kristl, Associate Professor of Law at Widener University Law School. Mr. Kristl has been a tremendous help to the Foundation and a multitude of other non-profit organizations arguing their cases before the Delaware Superior and Supreme Courts. His latest case for the Foundation was arguing the Appeal of the Pinnacle Brownfields Remediation (Harim/DNREC) plan of the Millsboro, DE site before the Superior Court.

Senator Bryan Townsend, (District 11, Newark) spoke about the role of the Legislative Clean Water Task Force. DNREC Secretary David Small spoke briefly about the challenges associated with creating clean waters for Delaware and introduced the Key Note Speaker. Key note Speaker, Speaker of the Delaware House of Representatives, Pete Schwartzkopf spoke about the budget changes facing Delaware in 2016 and the need for citizen involvement with their elected officials at every level.



Fig. 4 Award to Ken Kristl at the annual Love Our Inland Bays Dinner (photo by Dotty Le Cates). Pictured left to right: DNREC Secretary David Small, Ken Kristl, Doug Parham, and Pete Schwartzkopf.

10. In honor of Veterans Day, the IBF recognized its members who were members of the United States Armed Forces at the November meeting. Pictured, below, are Dave Jaeger, Robert Chin, Senator George Bunting, Anthony Caputo, Ronald Wuslich, and Carl Mantegna.



Fig. 5 IBF Board Members honored on Veterans Day for their service. (Photo by Dotty Le Cates)

2015 IBF Officers:
Nancy Cabrera-Santos - President
Vacant – President Elect
Frances Hart – Secretary
Dave Jaeger – Treasurer
Ron Wuslich – Vice President/Past President

Inland Bay Foundation 2015 Priorities

Early in 2015 the Inland Bays Foundation's focus was on resolution of the Foundation/POIR litigation efforts directed towards resolution of the old Pinnacle site's Brownfields Remediation plan in Millsboro, Delaware. We participated in meetings with our Legal Counsel- Ken Kristl, Widener University Law Clinic as well as attending many court sessions. The Allen-Harim chicken processing company had proposed a large chicken processing facility at the site which is by nature a large polluter of ground and surface waters. The Foundation appealed the DNREC approved Harim Remediation plan for this site alleging groundwater pollution was flowing from the site into neighboring neighborhood drinking water wells and into the Inland Bays Water Shed via Wharton's Branch and Indian River. Eventually the Superior Court of Delaware denied our request. However, Harim strategically decided to move and consolidate all chicken processing into their Harbeson, DE facility. The Foundation sees this as a major win for our Bays and the good people of Millsboro who will no longer have to deal with the threat of pollution entering our ground waters and our Major Tributary- Indian River.

Pinnacle NPDES Permit- the old Pinnacle plant waste water processing plant in Millsboro, DE continues to exist and we understand the new owner will use that plant to process sewage. Harim has bought the site and now has the old NPDES Permit (extended by DNREC in an Administrative move). This permit will eventually have to be renewed. Any renewal of the permit must have a "Nutrient Trading content"- Outflow from the plant is sprayed across cover crops and the cover crops are harvested and taken out of the watershed to remove the Nitrogen and Phosphorous content. The permit will have to comply with the new Waster Water Regulation and use Advanced

Waste Water techniques to reduce waste water pollution. A pipe (Point Source) directly deposits waste water into Wharton's Branch, This must be removed to comply with the Clean water Act. The Foundation is closely monitoring this is process.

Rehoboth Outfall- The town of Rehoboth currently deposits their sewage outfall in the Rehoboth- Lewes canal polluting Rehoboth Bay with nutrient pollution. Rehoboth has been directed by the courts to comply with the Clean Water Act by Y/E 2018 and remove this outfall from the canal. In a letter directed to DNREC, the Foundation has taken a position and agrees with DNREC that the most viable solution is "Ocean Outfall" similar to what has been used for decades at the South Coastal Sewage Treatment facility. We have been promised the first step in the process- an NPDES permit will be requested from DNREC by the end of 2015. We will continue to monitor progress closely and will be prepared to litigate any delay in the court ordered date.

Anchorage Canal Drainage Pollution- The Anchorage Canal Drainage area (250 acres in the Bethany area) identified by DEL/DOT continues to be a challenge as it spews serious amounts of enterococcus bacteria into the South Bethany canals and eventually into the waters of Little Assawoman Bay. This means serious health hazards for human exposed to these waters and their pets. The Foundation requested DNREC establish a small MS4 (Municipal Separate Storm Water System) and establish TMDLs (Total Maximum Daily Loads of bacteria and nutrient pollution) for this "Urban Area". Our request was denied by DNREC. We are appealing (DNREC Environmental Appeals Board) that decision and feel we have the support of the EPA for this solution. MS4s are currently being considered for the Bridgeville, Seaford and Laurel Urban Areas (as described by the Census Bureau) to improve the pollution situation existing within the Nanticoke watershed in an effort to clean the waters entering the Chesapeake Watershed.

Several members met with the legal staff at the Chesapeake Bay Foundation during the summer to discuss strategies for success in achieving or mission statement.

Treasurer's Report

- 2015 beginning cash balance was \$9,284.25
- 2015 income was \$5,645.77
- 2015 expenditures were \$6,613.75
- 2015 ending cash balance was \$8,316.27

Coordinators

Lobbying

IBF lobbying activities in 2015 were focused largely on the Sussex County government. We expanded our contacts and relationships on the County Council and county staff. Our goal was to get favorable consideration for two new County ordinances. They were on limitations of impervious surfaces and custom buffers, varying in size from 50 to 250 feet. There was little appetite for such ordinances. To date, we have had limited success in moving forward with the ordinances.

In January 2015, the new 2014 DNREC storm water regulations came into effect which would have lessened or even obviated the need for such county ordinances. However, these regulations came under immediate court challenge and were over turned by the Superior Court. DNREC convened a "Regulatory Commission" of all stake holders to work out the differences to avoid further court action. We have not decided whether IBF is a stake holder in this instance.

Sussex County is required to produce an update County Comprehensive Management Plan (CCMP) in 2018 (every 10 years) which has a land use element and an environment plan included. In their current 2008 plan they made a commitment on page 13-18 to meet with the Center for the Inland Bays (CIB) and other environmental groups to gather data for the writing of this new document. In 2016, the County will be completing its new Plan. The IBF will work to insure the Plan includes language and provisions to improve the water quality of the Inland Bays. To that end, we met with the Sediment and Storm Water Program Manager of the Sussex County Conservation District to learn more

about its work. The lobbying committee determined that the Conservation District plays a larger role than we had expected, and we will continue to work with them to further the IBF mission.

Science

The IBF decided to write a letter to Secretary Small regarding coal ash rules compliance. An environmental impact study of this area should be done. DNREC asked NRG to conduct a study on how to deal with the coal ash problem. The study was minimal, not approaching the scope of an impact study, A letter was sent to Secretary Small asking for the latest status of moving the Rehoboth effluent from Rehoboth Bay to an off shore location.

The current owner, NRG, (of the toxic coal ash pile established on the Burton's Island site immediately adjacent to the (NRG) power plant and on the banks of the Indian River) and DNREC have entered into a remediation plan agreement. The Foundation will monitor the remediation results and make strong suggestions on how their efforts can be improved.

The Foundation is working closely with partners such as the League of Women Voters to meet with the State and County planners to make effective suggestions on how land use planning can be better performed to protect the sensitive environmental areas (Level Four) from encroachment by development and limit the transition away from the AR-1 (one home per acre) in the these areas. We will also work together with our Partners to ensure the revision (scheduled for 2018) to the County Comprehensive Management Plan is performed appropriately and makes provision for buffering in excess of the current 50 foot county requirement.

Some of the activities the Foundation is considering include:

- Investigation of the storage and distribution of chicken litter on our fields and support the plan to recycle a large part of the chicken waste that comes from chicken houses, chicken plants, hatcheries and other sources of high level animal protein waste

- Investigation of the funding and management of cover crops under the [NRCS Conservation Reserve Enhancement Program And the Delaware Conservation Enhancement report](#)
- [Management of the Delaware Storm Water Remediation program](#)
- Identification and prevention of the expansion of impervious surfaces in the eastern end of the watershed which is rapidly becoming urban leading to increased pollution runoff to the inland bays.

State Parks and Recreation

On October 8, 2014, The IBF, helped sponsor founding of The Friends of Holts Landing State Park. The Friends met throughout the year with our sponsoring entities the Inland Bays Foundation and Delaware Seashore Preservation Foundation to keep them informed of our activities. In January of 2015 the Friends launched our monthly Second Saturday Trail Days (now October through May). In their first year they reconfigured the trails, with the help of DNREC officials to account for sea level rise over the next twenty years. They also replaced and relocated trail markers and signs throughout the park. An archaeology dig was conducted by DNREC that determined there were no significant artifacts which would impede future improvements to the trails. The Friends held bimonthly Board meetings at the Indian River Inlet Conference Room.

March saw the Friends first Annual Members Meeting with election of officers, Directors, and adoption of bylaws. They met regularly with statewide Friends Groups. They participated with those groups in lobbying the Legislature to increase revenue sources for the state parks division. They have met with Representative Ron Gray and Senator Gerald Hocker to facilitate the timely construction and dredging of a new boat ramp at Holts. The expected completion is late February 2016. Power Point presentations about the work at the park were given to the Lord Baltimore Lions, Southern Delaware Rotary Club,

Long Neck Sunrise Rotary Club, and Rehoboth Rotary, which resulted in donations. They raised funds by manning a water/snack stop at the Coastal Delaware Running Festival.

The Friends participated in the August DNREC Stakeholders meeting to Guide future improvements to the Park. The 50th Anniversary of the park was celebrated with Family Fun Nights held in June, July and August with the Friends full participation.

Public Information

Henry Glowiak spoke at the Planning and Zoning Board hearing on converting the Old Landing Golf Course into the Osprey Point Housing Development hearing representing the IBF, stressing that it is the most polluted part of Rehoboth Bay. Henry Glowiak recommended that members look at the Plus Model on DNREC's Plus web site, where there's a map showing all the locations of plus projects. Rt. 24 corridor has planned projects all across it.

IBF members supported the League of Women Voters' Forums on the 2018 mandated revision of Sussex Co Comprehensive Plan (development of the plan and roles). Citizen input was received and the League will continue to work with the county planner to make meaningful changes in the next plan.

Ron Wuslich made a presentation to the Cadbury Senior Home in April entitled "Fragile Beauty" about why the IBF came into existence and our goals: to educate, advocate, litigate, and restore. He also discussed the negative impact of excess nutrients and oxygen depletion by algae that causes fish kills.

Efforts continue to increase our Facebook presence. The IBF Web Page was redesigned that displays content on the front page in easier to read segments.

During 2015 the IBF Web page had 123,000 pages visited in 12,000 visits and 349,000 total hits. The top Download of the year was the Fragile-Beauty presentation located at </env/wp-content/uploads/2015/04/fragile-beauty.pdf>

Membership Report

The IBF began 2015 with 65 members and ended with 73 members.

Inland Bays Foundation plans for 2016

The Foundation discovered that in 2015 the efforts of DNREC, the EPA, Sussex County and local municipalities have either removed or have court ordered plans to remove all Point Source of Pollution (Pipes) *except for the Harim location in Millsboro*. The Foundation's top priority is to ensure all these (including the Millsboro site) Point Sources are removed from our Inland Bays Watershed as promptly as possible in order to comply with the Clean Water Act.

Based on these findings the Foundation quickly moved to assess the role of "Non-Point" pollution in our waters. What we found was 80 % of all pollution comes from Non Point Sources and 80% of that total comes from Agricultural sources.

The Foundation again quickly engaged the staffs at DNREC and the EPA to learn more. Based on our mutual findings the Foundation has proposed that during 2016 the following:

- Agricultural Nutrient Plans- no action at this time
- Failed or failing Septic systems - work with DNREC to sponsor Homeowner Educational Events on their responsibilities
- Management of Chicken Litter - we will work closely with DNREC to accomplish the permitting of private enterprise composting facilities
- Cover Crops - we will work closely with our counterparts at DNREC, our elected representatives, and the Sussex County Soil Conservation District to ensure full State funding for this line item in 2016.
- Work closely with our partners to learn more about other non- point source challenges and potential solutions

- Again we will closely monitor and challenge lack of progress on the following:
 - Pinnacle Site NPDES Permit
 - Rehoboth Outfall
 - Anchorage Canal MS4 Request

More information on these initiatives can be found on our website.

www.inlandbaysfoundation.org