

# Delaware Sierra News

A Sierra Club Newsletter about Environmental Matters Important to Delaware November/December 2003



photo by Clay Heaton

## **Wild Places Cool Spaces October 10, 2003**

Senator Tom Carper and special guest Lois Gibbs converse after Lois' presentation on her development from Love Canal housewife to community health advocate. Her efforts led to improved efforts of dealing with toxic pollution in the community and Superfund legislation. See another photo from the evening and thanks to donors donors on page 5.

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## **Borders Benefit Day for Sierra Club**

**Saturday, December 6th.**

Clip out the coupon on back page of this issue and take it with you when you shop for books or music on December 6th at the Concord or Churchman's Marsh Border's Books store. 15% of the purchase price of your items will be donated to our chapter.

## **Study Recommends Curbside Recycling! DNREC Getting Organized About Waste?**

by Marlene Rayner

The first public presentation of the DSM Recycling Report took place on October 15 at DNREC headquarters near Wilmington. DSM Environmental Services is a well-respected and widely-used consultant; they have done many studies for many now successful recycling programs operating across the US with populations greater than our entire state (Phoenix AZ; Columbus OH; ). However, this study only encompassed New Castle County (NCC), when they should have required the entire state be studied.

Their study recommended mandatory curbside recycling, removal of yard waste (leaves, branches) from landfilling, and outright banning of grass clipping collection. Curbside recycling was recommended as cost-effective (\$1.80 -\$2.60 per household per month) for the easiest, single stream plan most recommended for us by DSM. In their opinion, the recycling rate would increase to the levels desired (30%) and not attained (6%) by present expensive (\$1 per month for every household, even those who do not recycle) voluntary Recycle Delaware Program) in New Castle County. An additional question answered that always comes up in curbside recycling discussions is that recycling depends on commodity markets. DSM assured that our location (mid-atlantic) and the market is there. Even with below current low prices, the program could operate at close to zero tip fee or even, return revenues to DSWA.

My attendance at the first and second DSWA landfill expansion meetings (Carvel Office Bldg, 8/2003, Ramada Inn, 9/2003) suggests that public sentiment is not only solidly against the expansion and suspicious of the DSWA motives, BUT ALSO solidly for mandatory curbside recycling as a means to extend the present landfill life.

The political snag is our large unincorporated areas that will require some legal work by the county/state to allow organization of trash pickup areas either voluntarily or mandated (e.g. my whole neighborhood). The present method (each homeowner contracts for trash hauling) is so inefficient and energy intensive (trucks travel further

*continued on page 7*

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Wilmington, DE 19801

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## Delaware Chapter and Southern Delaware Group Leaders

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#### Visit us on the web:

Web Editor: Mike Casale

[www.delaware.sierraclub.org](http://www.delaware.sierraclub.org)



## Preserve the Future

**N**ot everyone can make a large gift to protect the environment during their lifetime, but you can preserve the environment for generations to come by remembering the Sierra Club in your will.

There are many gift options available. We can even help you plan a gift for your local Chapter. For more information and confidential assistance contact: John Calaway, Director, Gift Giving, Sierra Club, 85 Second St, 2nd Floor, San Francisco CA 94105 (415) 977-5639 or e-mail: [planned.giving@sierraclub.org](mailto:planned.giving@sierraclub.org)

The Delaware Sierra News is published five times a year by the Delaware Chapter of the Sierra Club. This publication is written and produced entirely by volunteers. If you would like to help with its publication, please contact the editor (302-571-8097). The deadline for materials for the next issue (January, 2004) is December 27, 2003. Publication January 15, 2004.

**We reserve the right to edit materials submitted for publication.** Send Materials and Letters to the Editor to: [marlenerayner@yahoo.com](mailto:marlenerayner@yahoo.com) or the Sierra Club Office.

**"Some display advertising may be accepted. Please contact Editor for details.**

Ideas expressed in the Delaware Sierra News are those of the columnists and do not necessarily reflect the position of the Sierra Club. While effort is made to check for accuracy, time constraints and limited all-volunteer staff do not allow for complete data corroboration.

Editor: Marlene Rayner

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## From the Editor

*Marlene Rayner*

This newsletter is an on-going affair with the daily environmental news in our state, nation and world. And it is all interrelated, of course. Judicial nominations, we now know, affect environmental decisions as much as any other decision in today's society. We also know environmentalists must be ever-vigilant. Your eyes and ears may see/hear things we miss. Call us or email opinions and suggestions for stories.

Everything costs, of course, including this newsletter. During the next election cycle there are many important issues to keep abreast of for intelligent voting. Thus, with this edition of the newsletter we are trying something different by adding advertising -where appropriate (page 4 bottom right) and fitting with our environmental message. There are lots of rules on advertising for non-profits; so there will not be certain kinds of advertising. If you have strong feeling one way or the other on this matter or can recommend an advertiser, let us know..

## Clearing the Air: A Forum on U.S. Air Quality, Energy and Climate Change Policies

Thursday, November 6, 2003  
Clayton Hall,  
University of Delaware

RSVP: 302-425-4911  
or [debbie.heaton@sierraclub.org](mailto:debbie.heaton@sierraclub.org)  
Donation requested for dinner: \$10.00

Program sponsored by:  
Center for Energy and Environmental  
Policy, University of Delaware  
Delaware Nature Society  
Sierra Club Delaware Chapter  
Clean Air Council  
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Delaware League of Women Voters  
Delaware Audubon

Delaware has a serious air pollution problem both from local and regional sources, which impairs the health of hundreds of Delawareans each year. An average of 126 Delaware residents die each year due to particulates in our air and an average of 2,700 people suffer from asthma attacks, according to a 2002 report produced jointly by the National Environmental Trust and Clear the Air.

The Clean Air Act was passed to address air pollution, but proposed legislation, such as the Bush Administration's "Clear Skies" plan, threaten to exacerbate Delaware's air pollution problems. Air quality is intricately related to the nation's energy and climate change policies, therefore the forum will also analyze our national air and energy legislation and climate change policies with respect to Delaware's air pollution problems.

Afternoon Session – 2:15 – 5:30 p.m.

Panel Session I:

**DE – Ozone and Pollution Emissions**

Panel Session II:

**Pending Federal Legislation and DE**

Dinner and Discussion – 5:30 – 7:00 p.m.

Public Lecture: 7:00 – 9:00 p.m.

**The National Perspective**

Host for the evening: Governor Russell Peterson

**Keynote Speaker: Dr. Daniel A. Lashoff,  
Science Director, Natural Resources Defense  
Council Climate Center**

## Letter from the Chair

*Matt Urban, Chapter Chairperson*

Once again, our annual "Wild Places, Fun Spaces" silent auction event was a resounding success and I'd like to begin this article with a huge thanks to all those who took the time out to attend the event. As I said during the event, your support of our chapter through attending events like this is not just important, it's crucial to the continued operations of our chapter, and to the continued difference we make in protecting and preserving Delaware's environment and the environment of our country.

I'd also like to make special thanks to all those special volunteers that helped to set-up and support this year's event. We had the largest team of people for any of the three years and it made a huge difference, and we simply could not have done this event this year without your help. Thank you!

If there was a running theme or message at this year's event it was the difference that we, as a grassroots organization can make. One of the things that has historically been a weakness of organizations like Sierra Club is that we operate on a relatively low budget and don't have the luxury of competing with well-funded corporate or political messages in the mass media. As we know, these messages are not always focused on environmental preservation (surprise, surprise, right?).

Well the good news is that many indicators are pointing to that those messages are not getting through anymore, and the only successful way to get a message out to the general public is in word of mouth. So, strangely enough, the nature of our organization has now become our key strength!

Why do I bring this up? Well for one because we've got a lot of work to do, particularly as we approach an election year. I also bring it up to point to that it's very important, now more than ever, to understand that one voice, one person, really does make a huge difference. And in the sometimes daunting face of huge budgets and organized anti-environmental opposition, we really do have the power to create a world where environmental conservation is as much of a part of the dialogue as is the economy. So take the time to get involved in your community and discuss what's important to you!

Finally, as we approach the holidays - I'd like to suggest that you add the environment to your list of gift recipients. How can you give to the environment? Look for ways to reduce your waste. Consider reusable gift bags vs. wrapping paper, and recycle whatever materials you can - like bows and ribbons. And can you imagine what kind of a difference it would make to overall resource consumption each person in the state (or country) gave just one less gift to each family member? In place of that extra gift, spent the time together outdoors celebrating our natural places. I guarantee you will have a more meaningful and memorable time.

And the best gift idea of all? A Sierra Club membership, of course!!

Happy holidays and Peace on Earth.

Matt Urban, Chairman  
Sierra Club, Delaware Chapter

## Seeking a few good people!

*By Debbie Heaton, Conservation Director*

I receive two types of greetings when I meet people from Delaware when working at a Sierra Club table at a community event. One centers on a problem they want to bring to the chapter's attention that is causing a bad situation in their community, and the second focuses on why Sierra Club is not addressing a particular issue.

Over time I have learned to step back from the question and realize that many think that Sierra Club can and should work to solve all environmental problems. Makes you feel pretty good about an organization when you find out that you are perceived to have these powers! But the challenge becomes how to help people understand that Sierra Club is made up of people like them - who care enough to take time out of their busy life to work on an issue they feel needs addressing.

Some of us became active in the 1990's because we wanted to work on water quality issues. As we learned about our topic from fresh, brackish to salt water environments we realized the enormity of our challenge. We also became aware of the regulations at various levels and all about permits, pipes, TMDLs, etc. It was enough to make you want to throw up your hands in despair!

The good thing was that there were a small group of us to figure this all out. We all brought a different expertise to the table and we just took it piece by piece. Many years later we are still at it for the most part. Some of the group has moved away, one became a father of two little boys, and some new people have joined the group. It is an ongoing effort and is having an impact.

There are many issues to focus on right now...especially if you consider that next year is an election year! In addition to that fact recent storms have pointed out that development outside of the flood plain is really the better option long-term - as well as the problem of what to do with those already located there? (If you think the question is just focused on the residential situation look again - many barrels of industrial chemicals found their way into streams, creeks, and rivers as the floor waters carried them away. Where are they now?) Recent droughts have illustrated the need for more water storage, protection of our existing aquifers and conservation methods. Blackouts have shown the need for energy conservation and an improved infrastructure. Chemical accidents and a bankrupted industry have shown that we need to be more vigilant, and the list goes on.

So, what to do? I'd like you to get active with the Sierra Club! Help us address the issues important to our communities bringing whatever expertise you have to the table. We can use all types.

We are currently working on industrial pollution, water quality, coastal armoring, solid waste and recycling at a state level, and on energy, forestry, clean air and water at the national level. All of these groups could use your assistance. Also, as with any organization we are working on efforts that support these good works through fundraising, communication and education. We have an amazing array of projects facing us right now. Give me a call to learn more about these opportunities. With your help we can work to tackle many of the environmental problems facing Delaware!

# Opportunity Center Incorporated to recycle computer parts!

by Marlene Rayner

In September's Delaware Sierra News I suggested that Delaware Solid Waste Authority (DSWA) wasn't doing enough to deal with Delaware's trash -other than landfilling it. As of July, 2003 DSWA, The Opportunity Center Inc. (OCI - [www.opcctr.com](http://www.opcctr.com)), along with Computer Donation Management Inc. (CDM - [www.cdm4recycle.com](http://www.cdm4recycle.com)) have begun a project to recycle parts of computers and electronics that reach its facilities voluntarily. At the moment the items to be recycled must be dropped off at one of the DSWA sites (see [www.DSWA.com](http://www.DSWA.com)) listed after this article.

Intrigued, I was invited to take a tour of OCI facilities in Wilmington on 9/10 with Betty Riegel (secretary, Board of Directors); Bob Lennon (Vice President of Community Development); and OCI PR person, Suzanne LeComte (Communication Coordinator). OCI is a 501c3 non-profit that has been in business for 57 years, providing employment services (job training, supported employment, and job placements etc) and what they call "Business Services". These services utilize their supported employment workforce for a wide-variety of jobs from local and distant businesses, including packaging/repackaging and assembly, marketing promotions and product samples, bulk mailing, scanning and digital imaging, and the very important recycling projects: printer cartridge remanufacturing and computer parts recycling. OCI is always looking for new clients, so if readers have ideas call Chuck Sanders (Director of Business Development 302-765-1242).

It appears that OCI has carved itself a niche taking on "the job outsourcing market" (single and repeat) with its flexibly trained employees who can adapt to today's ever-changing environment. Not only are employees wages at (and above with time) minimum wage, but they also include benefits such as health insurance, paid vacation and retirement pensions (benefits increasingly scarce in the regular job market); thus, a win-win situation for previously difficult job placements. The bottom line is that OCI does many jobs useful to the community they serve (clients, employees, businesses, families).



Shown are the OCI employees on the computer recycling duty the day I was there. They are Front Row - Left to Right - David Voss, Kent Riegel, Chuck Sanders, Kevin Trostle, John Gauge, Richard Fretz. Back Row - Left to Right - Kendall Cooper, Jeremiah Whaley, Adam MacCord. Missing that day were Octavia Bell, Lisa Clark, Larry Collins, Joanne Gavette, Patricia Hardy, Shawn Harris, Shirlena Lane, Robert Rusden, Keith Tobin, Kareem Williams - Pierre Wright (Supervisor) and Marva Falletta (General Manager) called away on other immediate jobs that day.

## **Recycling Drop-Off Sites**

### **NEW CASTLE COUNTY:**

Cherry Island Landfill  
1706 E. 12th Street  
Wilmington, DE 19899  
Monday - Friday: 7 am-5 pm &  
Saturday from 7 am-3 pm.  
It is located off Rt. I-495 N.

Delaware Recycling Center  
1101 Lambsons Lane  
New Castle, DE 19720  
Monday to Friday 7 am-3 pm.  
It is located off Rt. 9 (New Castle Ave.) at the end of Lambsons Lane.

Pine Tree Corners Transfer Station  
273 Pine Tree Corner Road  
Townsend, DE 19734  
Monday -Friday 7 am-5 pm.  
It is located on Rt. 25 between Rt. 13 and Rt. 71.

### **KENT COUNTY**

Central Solid Waste Management Center (Sandtown Landfill)  
1107 Willow Grove Road  
Felton, DE 19943  
Monday - Saturday  
8:30 am-3:30 p.m.  
It is located on Rt. 10 about 1 mile before the Maryland State line.

### **SUSSEX COUNTY**

Southern Solid Waste Management Center (Jones Crossroads landfill)  
RD 1 Box 267 - Jones Crossroads/Rt. 20  
Georgetown, DE 19947  
Phone: 302-875-3448  
Monday - Saturday 7 am-5 p.m.  
It is located on Rt. 20 about 6 miles west of Millsboro and 10 miles east of Seaford.

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## Wild Places Cool Spaces October 10, 2003



photo by Clay Heaton

Guests at the Third Annual Silent Auction Evening peruse the 65 silent auction items while listening to the gypsy jazz of the band Counterpoint at the Delaware Center for Contemporary Arts.

### Our special thanks go to our sponsors:

Environmental Protectors: Sir Speedy, Dover	David Keifer Jim May Peter McLean
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### Attention All Students!

A Kent County Student Environmental Activism group associated with the Student Sierra Coalition is in the making. If you are interested in helping keep the Earth green, we would love to have you join.

#### For more information,

please contact Leah Burcat at (302) 697-6852 or soccer-track6@msn.com.

A meeting will be scheduled soon to discuss our group's campaigns, goals, and tactics, as well as for you to meet other motivated individuals such as yourselves. Please contact Leah for the exact date, time, and place.

Remember... by working together, we can eventually save the world.

## Lobby Focus: Packing the Courts

By Diana Silbergeld

Sierra Club's Judicial Nominations Campaign Organizer

Sierra Club continues to be very involved in the struggle to protect our federal courts. Americans want judges who will protect our right to clean air, safe drinking water and a healthy environment, yet the Bush Administration continues to nominate anti-environmental judges to lifetime, federal appointments.

Through local organizing and lobbying with our Delaware members and a diverse group of local organizations, Sierra Club has shown opposition to the most extreme of these nominees, and we are seeing positive results from our actions. Senator Biden and Senator Carper have taken strong positions in opposition to the Bush court-packing plan, joining in support of the Senate filibusters to block extreme nominees like Miguel Estrada, Bill Pryor, and Priscilla Owen.

On October 14 in Washington D.C., Delaware Sierra members joined other activists from California, Michigan, and beyond, who oppose Bush's most extreme nominees. Advocates from Planned Parenthood, EarthJustice, Sierra Club, Leadership Conference on Civil Rights (LCCR), People for the American Way, Alliance for Justice, and more, convened on Capitol Hill for a lobby day, expressing their opposition to extreme judges. The judges they focused on were Charles W. Pickering, Janice Rogers Brown, and William Myers.

"The lobby day could not have come at a better time," said Ellen Buchman, director of field operations for LCCR. "As the administration continues to ramp up its efforts to pack the courts with extremist judges, it is critical that the voices of millions of Americans be heard in opposition to this effort. This lobby day marked one of many highly successful efforts to join forces in opposition to extreme judges."

Participants from Delaware met with staff from Senators Carper and Biden's offices. The staff heard their concerns about judicial nominees Pickering, Meyers, and Brown.

President Bush's nominees have records of siding with large corporations over citizen rights, limiting citizens' access to the courts, and undercutting environmental health and safety protections. Charles Pickering has been the latest example of this.

After Pickering was defeated last year in the Senate Judiciary Committee on a 10-9 vote, President Bush tauntingly renominated him to the same Fifth Circuit Court of Appeals seat in January 2003. Pickering has a record of denying citizens' access to courts when they are seeking damages for environmental harms, and he has engaged in a series of ethical improprieties in order to reduce the sentence of a convicted cross-burner.

Senator Biden recently voted to oppose Pickering's nomination in the Senate Judiciary Committee. Senator Carper will soon have the opportunity to vote on Judge Pickering's nomination in the full Senate vote.

In the coming weeks, our Senators will likely be voting on a few of the most controversial nominees yet: Judge Pickering, Judge Janice Rogers Brown, who has a troubling record on the environment and civil rights, and William Myers, a former mining lobbyist and former lawyer. The U.S. Inspector General is currently undergoing an investigation into private meetings Myers had with members of the grazing industry while he served as top lawyer for the U.S. Dept. of the Interior. Each of these nominees would receive a lifetime position on a federal court if confirmed by the Senate, and would decide cases that set national precedent and affect our basic rights.

With the help of a film entitled "Packing the Courts: The Battle Over President Bush's Judicial Appointments," produced by Alliance for Justice, Sierra Club is educating Delaware college students this fall on this critical issue. We all want judges who are committed to safeguarding our environmental rights. Sierra Club is keeping the pressure on to ensure that these rights are protected through balance in our courtrooms and fair justice.

# Local Sierra Club Elections

The candidates and statements (where available) for both the Southern Delaware Group and Delaware Chapter are listed below. Both elections will take written-in nominations also.

Please take a few minutes to read about the candidates and complete your ballots.

All ballots must be received before the December 10th deadline! Candidates are listed in alphabetical order.

**Rich Anthony**  
Lewes, DE resident

My reason for seeking your support for another term on our Chapter's Executive Committee is to continue the work that your ExComm has already begun. In addition to supporting environmental accountability in the upcoming national election and developing and promoting a Chapter environmental program in our state's pending elections, some of the challenges which our Chapter will face in the coming 18 - 24 months will include [alphabetically, not in order of importance] the following:

- 1.] Air quality - the cumulative effects of industrial pollutants [including power plants] exacerbated by an overburdened/failing highway system resulting in non-attainment [fed. stds.] the latter being driven by poor land use policies.
- 2.] Alternative energy sources - Both automotive and electrical power sources need to be monitored. Recent proposals for a coastal bio-deisel facility and proposals for coastal wind farms will require careful assessments of the potential impacts and the development of programs to address such issues.
- 3.] Coastal armoring - the adverse impacts of and compromises to public lands collateral to the proliferation of groins and jetties.
- 4.] Riparian buffers - advocating legislation to establish no-build buffers/setbacks to protect our surface waters from the adverse impacts of surface runoff
- 5.] Solid waste/recycling - a comprehensive review of current practices leading to curbside recycling programs and the minimization of land fill demands.
- 6.] Stormwater management/runoff, water quality/quantity & wellhead protection - in concert with #1 above and #6 below these issue are of critical importance to maintaining our quality of life. The current problems associated with these issues have a common genesis, ill conceived and poorly planned land use practices and will require a vigorous policing of future TMDL programs, NPDES permitting and land use decisions which adversely impact our finite resources.
- 7.] Wastewater treatment - advocating the establishment of "environmentally sensitive districts," the upgrading of treatment standards in such areas, limiting the ability for the development of "community" treatment systems which enable higher densities outside of development zones and which in turn drive sprawl.
- 8.] Wetland preservation - the development of comprehensive wetlands protection laws which limit the ability to fill and develop DE's declining wetlands areas.

My current scope of Sierra Club activities include serving on the Chapter's Executive Committee [4 years, the last 2 as V. Chair] and the Chapter's Conservation [4 yrs], Land Use [5 years] and Legal Committees. Additionally I served as the Chapter's representative on the Governor's Advisory Council on Planning Coordination and, prior to my involvement at the Chapter level, I served on the S. DE Group's Executive Committee [5 years, Sect.] and Land Use Committee [5 years]..

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**Robert D. (Dick) Bewick, Jr.**  
Dover, DE resident

I am a native West Virginian who came to Delaware in 1952, as a newly married, civil engineering graduate of WVU to begin my career as a State transportation professional. We came here because we liked

the cleanliness and openness of the State with its many beautiful farms, public open space and fantastic living conditions. I have actively and publicly encouraged necessary planning by the State, Counties and municipalities to stop the many improper developments which have and are causing terrible sprawl throughout our State. I support our Chapter's efforts to minimize and eventually eliminate the air and water pollution that is harming our citizen's health and destroying our environment. My interest in a clean and healthy environment and preserving the natural beauty of our State is why I joined the Sierra Club and is why I ran for our Chapter's ExCom two years ago.

While serving as one of your ExCom members, I have worked with others in our Chapter and with other Delaware environmental and community groups on a variety of environmental issues. I currently chair your Chapter's Conservation Committee, am a member of the Personnel, the Land Use, and the Anti-Pollution Committees and served on our most recent fundraising committee. When serving as Chair of our initial Anti-Pollution Committee, I actively opposed the Motiva efforts to violate their agreed pollution requirements in their Consent Decree. I have been the Chapter's representative to the Preservation Coalition which seeks to protect and expand our public open spaces and preserve our agricultural lands. I also serve as Chapter Co-Rep on the Anti-Deepening Coalition which is striving to protect our State from the Corps of Engineer's DE River dredging proposal, a potentially serious environmental threat that provides little economic benefit to our State or our citizens.

I am seeking re-election for another two year term on your ExCom because I would like to continue participating in our Chapter's environmental and conservation efforts.

**Rick McCorkle**  
Dover, DE resident

I'm a fish & wildlife biologist, and have worked for the U.S. Fish & Wildlife Service for 14 years. I have a B.S. degree in Wildlife Management and an M.S. degree in Marine Studies (from U. of Delaware). I've been a member of the Sierra Club for about 5 years, and also belong to several other private conservation organizations, including the Delaware Native Plant Society for whom I served as Vice President at one time. My duties as a fish & wildlife biologist have included planning, designing and implementing wetland restoration and reforestation projects, and wildlife habitat modeling and mapping. I've also participated in several multi-agency efforts to protect and restore water quality and important wildlife habitats, and have occasionally chaired various committees. I work mostly at a local level, but have a regional-level perspective -- especially regarding biodiversity conservation priorities. I also have some knowledge of federal environmental policies and regulations.

**Marlene Rayner**  
Centerville, DE resident

I hope I can add another perspective to the Chapter's Executive Committee. My technical training background is 30 years spent as a research scientist, the last 20 years with DuPont Pharmaceuticals mostly in HIV basic drug research. Early in our move to Delaware 34 years ago, I was active in the League of Women Voters, where I helped with the original New Castle County development plan (I've seen lots of holes shot through that plan

over the years with the help of our political leaders.). I have followed environmental issues closely, regularly nagged elected officials by phone or letter. After a short retirement hiatus, I decided to focus my energies with the Sierra Club where national ideology agreed with mine. I thought my technical/ scientific/analytical data, computer, and writing skills could be useful. A year ago I became the editor of the Delaware Sierra News, taking over from Debbie Heaton (who did this job selflessly for 12 years!). I have studied and am knowledgeable about the issues important to Sierra members nationally and locally. Recently I took on the landfill/waste/recycling issue in Delaware within the conservation committee. Local Sierra chapters are very important; because -except for national policy changes, environmental violations take place locally. Constant monitoring by the public of local politicians and bureaucrats (whom we pay for enforcement), local polluters, water and air quality, and development or road building projects is required. With today's national assault on ourselves and our environment by the less than ethical business climate, we need all the help we can get to save us from ourselves.

For Southern Delaware Group timing didn't permit good statements. Any questions call them (numbers on p 2).

**Sally Callanen**  
Ocean View resident

**Carrie Bennett**  
Frankford, DE

## Delaware Chapter Election Ballot for 2004

All Delaware Sierra Club members may vote in this election.

Please mark this ballot with your choice(s) for the Chapter Executive Committee. There are 4 spots available on the committee and each Sierra Club member has 4 votes. Fill in the column under "ballot one" if you are a single member. Use both ballot one and two if you have a joint membership.

Send the completed ballot by

**December 10th** to the:

Sierra Club

c/o Election Committee

1100 West 10th Street, Ste

1107.5

Wilmington DE 19801

(Please do not photocopy or otherwise duplicate this ballot!)

BALLOT ONE	BALLOT TWO	CANDIDATE (alpha order)
<input type="checkbox"/>	<input type="checkbox"/>	Rich Anthony
<input type="checkbox"/>	<input type="checkbox"/>	Dick Bewick
<input type="checkbox"/>	<input type="checkbox"/>	Rick McCorkle
<input type="checkbox"/>	<input type="checkbox"/>	Marlene Rayner
<input type="checkbox"/>	<input type="checkbox"/>	_____

## Southern Delaware Group Election Ballot for 2004

Only Chapter members residing in Kent & Sussex Counties may vote in this election.

Please mark this ballot with your choice(s) for the Group Executive Committee. There are 2 spots available on the committee and each SD Group member has 2 votes. Fill in the column under "ballot one" if you are a single member. Use both ballot one and two if you have a joint membership. Send the completed ballot by **December 10th** to:

Sierra Club

c/o Election Committee

1100 West 10th Street, Ste

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# A Just Decision Regarding the Landfill Requires Open Debate

by Neenah Estrella-Luna

This issue regarding the expansion of the landfill is not a technical question; it is a political question. Resolving this question, in a just and fair society, is inevitably a process of debate. Despite the claims and fervent hopes on both sides of this particular debate, this is a question which cannot be resolved by an appeal to science, nor should it be. In our current social structure, the burden of proof is on those making the claim of harm which, given scientific uncertainty, creates an uneven playing field for community residents. Not only is the science not there to prove or disprove either claim of physical harm or no harm, it is ultimately irrelevant. This is a question of principles, values, and priorities. On the one side, the priority of economics and the reality of the modern condition: all human activity creates trash and that trash must be handled in a safe and economical way and this responsibility has been given to a market-oriented institution. On the other side, the principle of self-determination holds that a community has a right to accept or reject man-made changes in the landscape of its geography and to fight against what it perceives is a detriment to its well-being.

This is why the process of debate is so important, and why the institutional setting for this debate is a crucial consideration. Any attempt to close debate, to limit debate, or to ignore the legitimate claims that both sides make, will inevitably result in unjust decision-making. It does appear to some that the quasi-public Delaware Solid Waste Authority (DSWA) has a greater voice in these matters. But there is no doubt that those in the affected communities have a legal and moral right to voice their concerns, to argue their point of view, and to attempt to show why their principles and values should have priority in decision-making. The permit application makes clear the point of view of the DSWA. The community point of view is also quite clear: the expansion of the landfill is unwanted and unnecessary.

But to whom do community residents make the argument? What is the correct setting for this debate? Is it within the regulatory decision-making body? Is it within the administrative body? Or legislative body?

At first glance, it seems clear that the argument should be directed to the regulatory agency responsible for granting or denying the permit. However, the real authority of this agency is an open question. What is the statutory and

regulatory basis upon which it can accept or deny a permit application? The Department of Natural Resources and Environmental Control (DNREC) holds the opinion that it is restricted to evaluating the technical merits of the application - not public opinion, not fairness, and not justice. However, no one has asked DNREC to demonstrate the necessity of this narrow decision-making criteria with statutes, regulations, or court opinions. To pursue substantive debate in this setting, it is important that the real authority of this agency be made clear.

And what if there are statutes, regulations, or court opinions that restrict DNREC's decision-making discretion, and place it in the uncomfortable position of approving a permit application against the legitimate concerns of community residents? In what setting, then, does the community make its plea?

Let us remember that this landfill, indeed the DSWA, exists by the consent of both the administrative body (the Governor's office), the legislature, and the local municipal leadership. It is these settings that are more amenable to debate outside the technical merits of this permit application. Given that the question here is not a technical or scientific one, these seem to be more appropriate settings for debate. These are elected officials who must listen to their constituents; that is their job. And if they fail in this, it is the responsibility of the members of these communities to replace them with people who will do so. How this debate takes place is also an open question; but residents may miss their opportunity to affect decision-making by ignoring these particular settings.

In a fair and just society, an open process of debate should produce socially acceptable priorities and decisions. I don't claim we have a fair and just society, or that such a thing is even possible. But I do know that if we don't allow, indeed demand, open debate, we will never make progress towards it. This issue is clearly an issue of social justice; community residents are trying to prevent what they perceive is a socially unacceptable burden. And they have a right not just to be heard, but to be considered in the decision-making process.

*Neenah Estrella-Luna, MPH is a resident of Newark and public health consultant in Wilmington.*

*continued from page 1: Study Recommends Curbside Recycling!*

for each full trip to the landfill) that hauler rates in unincorporated areas are significantly higher than in incorporated areas (\$10 vs \$19). Organizing the waste pickups could accomplish curbside recycling for the same or less the present cost. However, waste haulers may have strong opinions against this idea and they have political clout.

As this newspaper goes to press (10/23) a News Journal report today mentions some important items related to the landfill and waste discussions in Delaware. The DNREC hearings scheduled for early November on the Cherry Island landfill expansion are now delayed. This delay is said to be due to ground water pollution risk (brought up at many of the landfill meetings) of the proposed solution for the "settling" (of the dangerously unsettled) sludge layer of the landfill; it was going to drain downward into the aquifer!

Also, noted was that Kent County landfill is considered a back-up landfill if problems arise at Cherry Island.

The delay by DNREC shows some understanding that the DSWA Cherry Island Landfill Expansion discussions appeared publicly to be taking place independently of any of the recycling discussions. This situation was counter-productive and a waste of time. It also suggests some understanding of the need to examine the state-wide DSWA and its missions very soon. There are many unanswered questions that need to be examined simultaneously. We need to know the estimated life of the present Cherry Island landfill with curbside recycling and other recommendations instituted. Why was New Castle County alone (instead of the entire state) studied for the curbside recycling effort? The whole state should be involved in this waste discussion. Kent and Sussex residents may have some opinions, especially since we now know that Kent County's landfill is considered a "back-up" for New Castle County!

The good news is that coordination and public discussion of Delaware's waste and landfills appears to be forcing itself onto the DNREC, DSWA, and public agendas! ***For the actual recycling report go to [www.DNREC.gov](http://www.DNREC.gov)***

## Delaware Chapter Change of Address Form

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### Meetings and Workshops

All Delaware Chapter and Southern Delaware Group members are invited to attend these Executive Committee Meetings. The call for agenda goes out prior to each meeting to those who have indicated an interest in attending.

**Executive Committee - Tuesday, November 25** – 7:00 p.m. in Dover area – place to be determined

Proposed agenda will be sent to those who indicate plans to attend. Contact matt Urban for more information.

**Conservation Committee- Wednesday December 17** – 7:00 p.m. at the Wesley United Methodist Church in Dover

An agenda will be developed and sent out to those who express an interest in attending

Both of these meetings are open to all Sierra Club members in good standing. Many of the chapter activities are planned at these and other meetings. Your input is welcome.

**Southern Delaware Group**  
Contact Steve Callanen 539-0635

### Are you part of the DEAL?

What is it you ask? The Delaware E-mail Alert List is the Sierra Club's way of allowing you to weigh in on the political wheeling and dealing that happens in Washington, DC and in Dover. If you are a DEAL member you will receive updates on votes that are pending in Congress or in the state's general assembly via e-mail. Each alert will include information about the situation and contact information so that you can write or call to share your views. This promises to be a busy year with the tight state budget and the aggressive anti-environmentalism we are seeing in Congress...and next year leads up to the elections! Join DEAL by sending your name and email address to [debbie.heaton@sierraclub.org](mailto:debbie.heaton@sierraclub.org).

## SIERRA CLUB SOCIALS

### Wilmington

**"Take Action" Social** –  
Thursday, November 13 6:00 pm,  
Kelly's Logan House  
in Wilmington  
Have a beer, write a letter, bring a friend.

### Newark

**Sierra Club and Beer**  
Friday, December 5  
8:00 pm  
More info to come soon.

For info:

[diana.silbergeld@sierraclub.org](mailto:diana.silbergeld@sierraclub.org)

### Smyrna Area

Holiday party in Smyrna  
Saturday December 13, 6:30 p.m.  
at 33 Lake Drive, Smyrna

Potluck supper – bring a dish to share. For directions and RSVP, please contact  
Ron Zink 302-735-8996 or Debbie Heaton 302-425-4911 or email [debbie.heaton@sierraclub.org](mailto:debbie.heaton@sierraclub.org).

### Dover

Thursday, November 6  
6:00 p.m. at the Lobby House.  
Dover, DE  
Info: Ron 302-735-8996  
Phil 302-698-1998

## Terri Treks

**Hiking:** Terri's taking November and December off from leading hikes, but for a good listing of local hikes that you can participate in check the Wilmington Trail Club's website: [wilmingtontrailclub.org](http://wilmingtontrailclub.org).

**Dinner and Movie:** Check the Chapter Outings webpage ([delaware.sierraclub.org/outings.htm](http://delaware.sierraclub.org/outings.htm)) for downtown dinner and movies at Theater N ([www.nemourstheatre.org](http://www.nemourstheatre.org)).

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