

Delaware Sierra News

A Sierra Club Newsletter about Environmental Matters Important to Delaware

March April May 2004

DE Sierra Comments at DSWA Sunset Committee Hearings

The following comments were presented by Dick Bewick, Conservation Chair, on February 18, 2004 in Dover (input from D. Keifer, D. Heaton, and M. Rayner)

The Sierra Club commented on the sunset of the Solid Waste Authority ten years ago at the 1994 Sunset Hearing for DSWA and the same problems discussed then still remain unabated today.

There seem to be ample references in the Code as to what should be done relative to solid waste and recycling. While the Waste Reduction and Recycling Act of 1990 does not identify a specific recycling goal, nor does it mandate recycling, it did direct DSWA to implement a Statewide recycling and waste reduction program. It is obvious that mandatory statewide recycling is one of the essential requirements in reducing the overall landfill useage along with the elimination of placing yard waste and other recoverable materials in our landfills. A proposal to ask for legislation in the 2004 legislative session that Delaware implement a 30% diversion rate of Residential Solid Waste (RSW) from landfills by July 1, 2007, passed at their RPAC (Feb 18, 2004) meeting by a vote of 6 yes, 1 against (DSWA) 2 abstaining (DNREC & Chair of the Council).

Delaware is growing. Therefore, the supply of trash is increasing. Since Delaware cannot expand to get more land for landfills, creative disposal is increasingly important. The DSWA enterprise was conceived during the Peterson Administration, the Authority created and staffed during the Tribbett Administration, and continued under Governors duPont, Castle, Carper, and Minner. And yet they are still hauling trash to the old Sandtown borrow pit and there are serious concerns about the Cherry Island Landfill. It is expected to reach capacity by 2006 unless it is expanded from its present 105 height to 290 feet which is a highly questionable proposal. One of the 1994 Statewide Solid Waste Management Plan goals is to maintain a 15 year reserve for statewide landfilling capacity which obviously has not been met. At this time there appears to be no real long range comprehensive statewide solid waste disposal plan.

see Sunset Hearings continued on page 6

EPA Failing to Protect Americans from Chlorine Plant Mercury Emissions, According to NRDC-Sierra Club Lawsuit

Groups Sue Agency for Failing to Account for 'Lost' Mercury

WASHINGTON (February 17, 2004) -- A new Environmental Protection Agency rule does nothing to curb chlorine plants' use of toxic mercury, fails to protect public health, and violates the Clean Air Act, according to legal action filed by two national conservation groups today. The groups, NRDC (Natural Resources Defense Council) and Sierra Club, charge that the rule does not address "lost" mercury pollution from the plants and eliminates previous pollution control requirements.

Earthjustice, which is representing the two groups, filed the suit today in the Court of Appeals for the D.C. Circuit. In a separate legal action, NRDC petitioned EPA to reconsider the rule and set standards guaranteeing reductions in the plants' toxic mercury emissions.

Only nine chlorine plants in the United States still use an outdated mercury process. These plants buy tons of mercury each year to replace mercury that evaporates from the giant vats they use to make chlorine[CL1]. Each plant has more than 50 of these mercury vats (called "cells" in the industry) measuring approximately 50 feet long by more than 5 feet wide, each holding some 8,000 pounds of mercury each. In 2002, the nine plants purchased 130 tons of mercury destined for the cells. In 2000, the facilities added far more mercury to their cells than they reported released, resulting in 65 tons of unaccounted for mercury in that year alone. By contrast, coal-fired power plants emit about 48 tons of mercury into the air every year.

The EPA publicly acknowledges that it cannot account for the mercury each plant must replace every year. The agency concluded in its December rule that

continued page 3, including Delaware mercury emissions report

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4th Annual Big Bill Earth Day Trolley Square Clean-up. 11 a.m. - 2:00 p.m. Saturday April 17th

Meet at Kelly's Logan House to join with other volunteers and get your assignment. We'll work to reduce trash accumulating in the neighborhood, which could find its way into storm drains and into the Brandywine River. Trash bags, soap, and food will be provided. Bring your own garden gloves. If you would like to join in, or know of a group who would like to help out as well please call Matt Urban, 521-4495, or Debbie Heaton, 425-4911

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We reserve the right to edit materials submitted for publication. Send Materials and Letters to the Editor to: marlenarayner@yahoo.com or the Sierra Club Office.

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.

Editors: Marlene Rayner, Jeanie Bauer, Mike Casale, Debbie Heaton

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Letter from the Chair

Matt Urban, Chapter Chairperson

Spring is fast approaching, and there's quite a bit happening within the Sierra Club world, both in our chapter, and around the country.

Although I want to be sure to call your attention to the many great outdoor activities we have planned for the upcoming months (which I will do in just a bit), I want to begin by addressing a question that's come up very frequently in conversations I've had with Sierra members and non-members alike in the last few weeks.

The question is about the controversy surrounding the upcoming National Sierra Club board elections, and you may have seen mention of it in a recent Philadelphia Enquirer news article. I've been following this for some time now, and I can assure you that this is a very real situation, and it appears that non-environmental groups are trying to take advantage of the Club's open and democratic nature to influence the composition of our national Sierra Club Board of Directors and thereby take control of our policies.

You'll read more about this elsewhere in this newsletter, but I personally urge every member of our chapter to vote in the upcoming Board of Directors election to ensure that the Sierra Club remains true to its environmental mission and principles. You'll receive your election packet in the mail sometime in April. Take the time to read it thoroughly, and get informed about the candidates. Vote for those that reflect your values and your vision for the future of the club, and for candidates whose experience matches what you believe the club needs. Most importantly, vote for candidates endorsed by Club leaders whom you trust.

I'd be happy to speak with anyone with questions on this situation, and if you'd like to keep informed as things progress, please let me know. My contact information can be found within this newsletter.

This situation, of course, has not, and will not stop your chapter from focusing on our conservation goals, nor has it stopped us from planning some exciting events for the spring months. In fact, as you look through the events listed in this newsletter, you'll see that the recently rejuvenated outings committee has spent a great deal of time and energy planning great outdoors trips for you! Whether you're an outings veteran or you've never been on an outing, please join us! There are a number of different types of outings planned, and activities for all skill levels.

Also please take notice of the announcement for our third annual Trolley Square cleanup event in downtown Wilmington. This is a great way for those of you in the City of Wilmington (or beyond) to get involved and positively impact a community. It's great fun, very rewarding, and we'd love if you'd participate.

Finally, I'd like to take this opportunity to honor longtime chapter activist Rich Anthony who on February 18 announced his intention to move on from his position within the Delaware Chapter Executive Committee. Rich was one of the most dedicated activists I've personally ever the privilege to work with. I've learned a great deal from his example, and our chapter is stronger because of his involvement. His remarkable knowledge of Delaware legal codes was an invaluable resource, and his keen analytic insightful mind, tireless work ethic, and warrior spirit will be sorely missed. The Chapter owes him a sincere debt of gratitude.



Delaware Sierra Club Unsung Heros!

Mike is the Delaware Chapter Web Editor, building our chapter website from writing the code; he doesn't use fancy software -only the code. This volunteer work is usually not highly visible, because most of us as we view websites, do not consider about how it got there. Mike has also been a helpful volunteer for about six years with the printed newsletter doing editing, writing articles (even ay short notice), and hosting or participating in many newsletter folding/addressing gatherings.

As you might guess from him knowing enough about computers to write code, Mike is an electrical engineer. He worked sixteen years for Hewlett Packard and is presently working for Mettler-Toledo AutoChem in Newark, DE, designing analytical instruments for the pharmaceutical industry. In his spare time, he plays tennis and soccer, listens to music, and tries to maintain an organic garden at his Hockessin, DE home. Some of us who have attended newsletter folding parties at his home have discovered he also makes a mean vegetarian chili! He told me his favorite philosopher is Groucho Marx -fitting for a great guy with a good sense of humor.

"the fate of all the mercury consumed at mercury cell chlor-alkali plants remains somewhat of an enigma."

"It's outrageous that the EPA has no apparent interest in discovering what happens to 65 tons of mercury, much of which these plants likely emit into the air, and plans to do nothing about it," said Jon Devine, an NRDC attorney. "The agency apparently has forgotten what its name stands for."

The new EPA rule fails to set emission standards for the evaporated mercury. Instead, it establishes certain "housekeeping" requirements that the agency claims will reduce emissions, without specifying a goal for these reductions. Further, EPA made those housekeeping requirements optional. The plants can opt out of them if they choose to measure their mercury emissions.

"The amount of mercury that these plants are 'losing' dwarfs the estimated 48 tons of mercury emitted by coal-fired power plants, and it's all disappearing from nine outdated factories," said Jim Pew, the Earthjustice attorney representing the groups in the case. "It's clear the Bush administration is not serious about reducing the public's exposure to this toxin."

EPA argues that measuring mercury emissions is not feasible for chlorine plants because the evaporating mercury escapes through open doors and vents in the ceiling, not through a smokestack or vent. But an EPA regulation established in 1975 specified that chlorine plants could measure their emissions by routing evaporated mercury to smokestacks, and required them to keep their mercury emissions below 2,300 grams per day. The new EPA rule eliminates this requirement, allowing the plants to emit unlimited amounts of mercury. Given that the average chlorine plant loses more than 17,000 grams of mercury every day, the groups believe that EPA's decision to revoke the pollution cap is irresponsible.

The groups also maintain there is no reason for these plants to continue consuming mercury to produce chlorine. Nearly 90 percent of the chlorine produced today is made with mercury-free technology.

"Here is yet another example of the Bush administration putting our children and communities at risk from toxic mercury pollution," said Navis Bermudez, Washington representative at the Sierra Club.

Mercury is a potent neurotoxin that, like lead, especially threatens the brains and nervous systems of fetuses and young children. A number of neurological diseases and problems are linked to mercury exposure, including learning and attention disabilities, and mental retardation. Mercury also might be linked to the recent increase in autism, Parkinson's disease and Alzheimer's disease.

PBTs*

Mercury and mercury compounds are considered Persistent Bioaccumulative Chemicals. These and other chemicals that fall into this category are of particular concern because they are not only toxic, but because they remain in the environment for long periods of time, are not easily destroyed, and build up and accumulate in body tissues.

Mercury and mercury compounds*:

The nervous system is very sensitive to all forms of mercury. Methylmercury and metallic mercury vapors are more harmful than other forms, because more of the mercury in these forms reaches the brain. Exposure to high levels of metallic mercury, inorganic or organic mercury can permanently damage the brain, kidneys, and developing fetus.

Delaware sources of mercury (in pounds)

	total on-site releases				transfer	on-site
	air	water	land	total	off-site	waste
Occidental Chemical Co. Delaware City	1,068	20	0	1,088	1,047	7,800
Dentsply Caulk West, Milford	0	0	0	0	3,327	0

Delaware Sources of mercury compounds

	total on-site releases				transfer	on-site
	air	water	land	total	off-site	waste
Citisteel, Claymont	29	0	0	29	26	0
DuPont Seaford	130	0	113	243	0	0
Edgemoor/Hay Road Power Plant, Wilm.	124	0	0	124	44	0
Indian River Power Plant, Millsboro	89	0	102	191	0	0
Intervet, Millsboro	0	0	0	0	5	0
Motiva, Delaware City	35	0	0	35	183	0
NRG Dover, Dover	7	0	0	7	2	0

2001 Delaware Toxic Release Inventory Report, prepared by the EPCRA Reporting Program, DNREC

###Earthjustice is the nonprofit law firm for the environment, representing-without charge-hundreds of public interest clients, large and small. Earthjustice works through the courts to safeguard public lands, national forests, parks, and wilderness areas; to reduce air and water pollution; to prevent toxic contamination; and to preserve endangered species and wildlife habitat. More information is available at: www.earthjustice.org

The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more 1 million e-activists and members nationwide, served by offices in New York, Washington, Santa Monica and San Francisco. More information on NRDC is available at its Web site, www.nrdc.org.

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The club is America's oldest, largest and most influential grassroots environmental organization. More information on the club is available at: www.sierraclub.org.

Plants that are the focus of the suit

Occidental Chemical Corp.
1000 N. Wilson Dam Rd.
Muscle Shoals, AL 35661
Near Pond Creek and the Tennessee River

Occidental Chemical Corp.
1657 River Rd.
Delaware City, DE 19720
Near Red Lion Creek and the Delaware River

Olin Corp.
2402 Doug Barnard Pkwy.
Augusta, GA 30906
Near the Savannah River

Pioneer Americas L.L.C.
4205 Hwy. 75
Saint Gabriel, LA 70776
Near the Mississippi River

PPG Inds.
1300 PPG Dr.
Lake Charles, LA 70601
Near Bayou d'Inde and the Calcasieu River Estuary

Ashta Chemicals Inc.
3509 Middle Rd.
Ashtabula, OH 44004
Near Lake Erie and the Ashtabula River

Olin Corp.
1186 Lower River Rd.
Charleston, TN 37310
Near the Hiwassee River

PPG Inds. Inc.
State Rte. 2
New Martinsville, WV 26155
Near the Ohio River

Vulcan Materials Co. Port Edwards Plant
State Hwy. 73 S.
Port Edwards, WI 54469
Near the Wisconsin River

August 22, 1972 photo



1972: The south W.W.II Lookout Tower (#5) is on the vegetated dune near the top edge of the photograph.

2003: The south W.W.II Lookout Tower (#5) is in the surf zone near the top edge of the photograph.

LEFT: 1972 photo: U.S. Geological Survey aerial photograph (taken August 22, 1972) taken four months prior to the state issuing a permit for construction of the original wooden North Shores groin. Source: USGS EROS Data Center.

RIGHT: 2003 photo Delaware Farm Service Agency July 2003 aerial photograph shows severe scalloping erosion caused by groins (jetties) on the stretch of Delaware Atlantic shoreline north of Rehoboth Beach into Cape Henlopen State Park (CHSP).

July, 2003 photo



private North Shores Groin

North Shores private beach

private Henlopen Acres Groin

Henlopen Acres private beach

state Deauville Beach groin

Shore Up Eroding Cape Henlopen

By Steve Callanen, Chair Sierra Southern Delaware

The state can be proud of the agreement it recently signed with the U.S. Army Corps of Engineers obligating the federal government to pay 65 percent of the estimated \$170 million cost for replenishment of Rehoboth Beach and Dewey Beach over the next 50 years.

Unfortunately the only area that will benefit from this replenishment is the 2.6 miles of Atlantic shoreline stretching from the southern border of Dewey Beach to the northern end of Rehoboth Beach, an area with commercial and residential structures. The agreement provided no sand replenishment for the severely eroding public beach in Cape Henlopen State Park, where the historic World War II lookout towers are now awash in the surf.

Because no federal funding is available for cost-sharing shore protection for undeveloped areas and parklands, the state adopted a policy of benign neglect regarding beach replenishment in Cape Henlopen State Park. The policy might not be so harmful to the park if six groins (jetties) had not been constructed between the park and Rehoboth Beach. Each of these old wood and stone structures was built with the shortsighted objective of preserving limited stretches of beach.

Groins trap sand, and the sand gained at one place must be lost to another. Groins do not prevent beach erosion. These six groins interrupt the northward net annual drift of approximately 150,000 cubic yards of sand along the Delaware shoreline. By trapping this sand, the groins prevent natural repair of the Cape Henlopen State Park beach that is desperately needed.

U.S. Geological Survey aerial photographs show that scalloping erosion of the state park shoreline started to occur shortly after groins were constructed. The state initiated the groin sequence at Deauville Beach, immediately north of Rehoboth Beach. This precipitated the construction of three more groins, two privately funded and one in Cape Henlopen State Park at taxpayer expense, to save the parking lot. The combined sand trapping action of these groins has severely scalloped the shoreline and undoubtedly contributed to making the area near the southern lookout tower the fastest eroding location along Delaware's Atlantic coast.

Another protection

A similar erosion problem in New Jersey was alleviated recently by an extensive groin-notching project along the Sea Bright to Manasquan beach. Twenty-one groins were notched near the shoreline as part of a \$210 million federally funded project.

According to Nicholas C. Kraus, a research scientist with the U.S. Army Corps of Engineers, the purpose of groin notching "is to provide an economical and efficient means of bypassing fill and littoral material (typically sand) placed on the beach and to reduce the fillet-and-cut response of the shoreline that is characteristic of standard groins ... The goal is readjustment of the shoreline to approach a continuous or smoother line."

Delaware's Department of Natural Resources and Environmental Control has refused to even consider groin-notching alternatives. Rather than exploring measures for correcting the underlying cause, the DNREC secretary issued an order in April 2003 permitting the community of North Shores to rehabilitate its groin for the purpose of improving its sand trapping capability.

This rehabilitation calls for making the groin impermeable by adding massive 5- to 9-ton armor stones and adding 2-by-4-by-10-foot precast concrete members along the groin's top crest that will increase its height by 1 and half feet. The state's beach manager believes that sand will move northward around the seaward end of the rehabilitated North Shores groin and that the long range erosion on the park will be temporary and minor. This wishful thinking, based on flawed computer models, is not corroborated by historic photographic evidence.

Gov. Minner recently declared, "Delaware's beaches are a natural treasure, and are also important to the state's thriving tourism industry." If this represents a sincere conviction, the governor should initiate immediate action to save Cape Henlopen State Park beach and the towers from destruction. Perhaps some of the budget surplus would be useful for this purpose.

To ensure that the technical merits of all corrective options are thoroughly and objectively weighed, an unbiased panel of experts should be assembled that includes independent professional geologists and engineers not hired by DNREC.

Originally published News Journal Delaware Voice, 2/09/2004

Appeals Board Moves Forward on Groin Permit Appeal

24 February, 2003 Wilmington, DE

In response to an appeal brought by the Mid-Atlantic Environmental Law Center on behalf of the Sierra Club, Delaware's Environmental Appeals Board (EAB) has unanimously voted to allow expert testimony in the controversial subaqueous lands permit appeal for the North Shores Groin reconstruction project. DNREC issued a permit to the community of North Shores in 2002 to allow the repair of a large stone groin. The permit was appealed to the EAB because the Sierra Club claimed the groin would cause increased erosion at public beaches in Cape Henlopen State Park. DNREC and North Shores asked the Board to prevent Sierra Club from introducing new evidence by a coastal geologist.

"We are pleased that the Environmental Appeals Board allowed the testimony and facts brought forward by Dr. Young," said Lyman Welch, general counsel for the Mid-Atlantic Environmental Law Center. "The proposed project at North Shores would accelerate erosion at the Cape Henlopen State Park public beach. Dr. Young's testimony will enable the Board a full review of all of the scientific data currently available to ensure that Delaware's beaches and historic World War II lookout towers are protected."

The Board has accepted "An evaluation of the proposed rehabilitation of the North Shores Groin and potential downdrift impacts on Cape Henlopen State Park" by Dr. Robert S. Young, Associate Professor of Geology, at Western Carolina University. The report details the effects of groins structures on coastlines and comments on the reconstruction of the groin between the North Shores community and the eroding beach at Cape Henlopen State Park.

Dr. Young's report talks about his visits to Cape Henlopen State park beach and other area beaches. At Cape Henlopen he found a material that is fairly compact, heavily rooted, wetland peat under the sand that is not consistent with the normal sandy beach. This type of coastal structure was not considered when the modeling was done to forecast what will happen when the groin is rebuilt. The State relies on this modeling to understand the effects of different choices made during the design of the groin structure. They base their decision to issue a permit based on the outcome provided by the modeling.

"We are happy with the EAB decision and look forward to the hearing. Dr. Young is a respected, well-published coastal geologist, and an expert on the use of the GENESIS model that was used to determine the outcomes of the groin," said Steve Callanen Sierra Club's Southern Delaware Group Chair. "All of the facts surrounding the geologic nature of Delaware's coast need to be taken into consideration."

The EAB will be scheduling the hearing in the near future.

The Sierra Club, founded in 1892, is the nation's oldest grass-roots environmental organization. The Club is dedicated to the protection and preservation of the natural and human environment, including the Delaware shoreline and its waters. The Club's purpose is: "To explore, enjoy and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environments." The Sierra Club is represented by the Mid-Atlantic Environmental Law Center ("MALEC") MALEC is a non-for-profit environmental law firm that provides legal services to public interest organizations in environmental matters. MALEC works to ensure that environmental requirements are met, and that legislation and regulations are adequately implemented by responsible federal, state and local agencies. The Center is located at Widener University School of Law and works in tandem with students in Widener's Environmental and Natural Resources Law Clinic.

In regard to DSWA goals, Sierra Club notes that the original Goals specify:

- (2) That a program for the maximum recovery and reuse of materials and energy resources derived from solid wastes be established.
 - (3) That a program for protecting the land, air, surface and groundwater resources of the State from depletion and degradation caused by improper disposal of solid waste be established.
 - (4) That a program in cooperation with the United States Environmental Protection Agency, or other federal and state agencies, for the demonstration of systems and techniques of materials recovery, market development and reuse be established.
- (22) Make short and long range plans, consistent with the state solid waste management plan, for the storage, collection, transportation or processing and disposal of solid wastes and recovered resources by the authority-owned facilities

We are concerned that the DSWA has not adequately prepared for the future demands on existing landfill facilities statewide, as evidenced by the Cherry Island landfill situation. We are concerned that there are not adequate facilities for proper handling of recycled materials, nor adequate alternatives for other methods of reduction in the volume of solid waste materials going into the limited statewide landfill facilities.

We are also concerned about proposed plans to harvest energy from methane production from Kent and Sussex landfills -these same plans that have failed in New Castle County? The DSWA Board at a recent meeting discussed the removal of collection pipes at Cherry Island.

"The primary reason DSWA was originally created as an Authority rather than as a State Agency was strictly financial. The State of Delaware could not afford to sell General Obligation Bonds for the needed Solid Waste construction items nor did it want to use any regular State funds to pay any of the operation costs for the solid waste entity so they created DSWA. In so doing the State lost most control over the operations of the independent Authority and it is and has been unresponsive to the public and to the State as well. Today, the financial situation of the State and the Authority are totally different. According to the draft Sunset Report for the DSWA it says there is no remaining debt and the Authority is able to finance its own total operating budget which would also be true if it were legislatively abolished as an Authority and re-established as either an operating Division of DNREC or as an independent State Agency. In addition many years ago DeIDOT received State approval to issue revenue bonds for its turnpike operations so State agencies can be authorized to issue revenue bonds, with legislative approval should the need arise and can use revenue source funds to pay its operating costs, so there no longer is a need or any benefit of having a separate Authority for solid waste operations."

DNREC exercises oversight relative to DSWA. If the DSWA functions were assigned to DNREC elected officials, i.e., the General Assembly) would annually exercise oversight through the budget process and hopefully the solid waste functions and operations would become far more responsive to the public and the General Assembly.

There should be an employment saving over time should the DSWA be incorporated into DNREC in that some of the key personnel on the Authority staff are approaching retirement and absorbing the Authority's necessary functions within DNREC would be timely.

DSWA has not followed through on its responsibilities required under Administrative Procedures Act when holding public meetings. This point was brought up 10 years ago and they did comply for a while allowing attendees at committee and board meetings to receive copies of agendas and materials being discussed at their meeting. Recently attendance at a public meeting in New Castle illustrated that they have fallen back on old ways making it hard for members of the public to feel welcome and follow the agenda and content of the meeting. This is not acceptable.

The Sierra Club recommends that this Sunset Committee consider ways to improve the solid waste disposal operations in Delaware by considering :

1. Either the consolidation of DSWA into DNREC, which creates problems of being the action Agency as well as the oversight Agency, or the conversion of DSWA into an independent State Agency.
2. Require the revised Agency to produce a plan with a specified diversion rate, collection, recycling, and disposal of solid waste that will function for future requirements.
3. Create an advisory group, with subgroups for each County, made up of Delaware residents, industry, and local government to work with DNREC on the plan and its implementation.
4. This is a quality of life issue. If we want Delaware to be more livable, then we need to keep it clean in the most effective ways possible. "Effective" is used to convey the thought that the trash gets collected and disposed of in an environmentally sound manner that does not abuse the taxpayers.

BE PART OF THE ACTION!

Keep in touch with what is happening locally and nationally as well as get involved by participating in sharing the environmental viewpoint!

1. Sign up for Delaware Chapter's e-mail alert list - **The Delaware Environmental Alert List!** Send an email to Debbie.heaton@sierraclub.org to be included. This list will key you into state and national issues of interest to Delawearans.

2. Visit the Sierra Club's Web site at **www.sierraclub.org/takeaction**, where you can sign up for the Take Action Network to send free messages to your elected officials.

3. For the inside story about Club conservation campaigns and how you can help, ask for a free subscription to the bimonthly print newsletter **The Planet**. Send an e-mail to activist.desk@sierraclub.org or write the office of Volunteer and Activist Services, 85 Second Street, San Francisco, CA 94105-3441.



The Mess at Metachem

By Al Denio

Lorri Fencer and I attended the EPA/DNREC Metachem Public Workshop on Feb. 4 in Delaware City. You may have read the follow-up article by Jeff Montgomery on Feb. 8 in the News Journal. It was indeed a very sobering meeting.

It was known that the shallow Columbia aquifer was heavily contaminated by toxic chemicals at the 70-foot level. Now it has been found that the contamination has spread down into the Potomac aquifer that is used as a source of drinking water. The compound benzene was found at a concentration of 16ppb (parts per billion) at a depth of 120 feet, over three times the 5mcl (maximum contaminant level) given in the Safe Drinking Water Act. Other toxic compounds from Metachem were also found at this level but at levels below the listed "mcl" values.

If you are not a chemist, perhaps a few words of explanation are in order. Benzene is a chemical compound and a known carcinogen. At room temperature it is a clear liquid with a pleasant smell. It is inexpensive and is a great solvent for many solid compounds. As a young chemist we always had a gallon jug of benzene in the lab. Then it became known that benzene exposure can result in leukemia. Benzene was banished from the labs and its use greatly restricted. A molecule of benzene contains six carbon atoms bonded together to form a hexagonal ring. Each carbon has one hydrogen atom attached to it around the edge of the flat ring. At Metachem, they reacted benzene with the element chlorine. If one hydrogen atom was replaced by a chlorine atom, you had a new compound chlorobenzene. You could continue the reaction and replace a second hydrogen atom, a third and eventually all the hydrogen atoms could be replaced with chlorine atoms. The compounds produced at Metachem were sold to be converted into pesticides, dyes, etc.

Standard Chlorine of Delaware, Inc. had been a major polluter for years. In a clever move, they sold the plant to Metachem in December, 1998. Metachem continued to pollute until they filed for bankruptcy in May, 2002. They abandoned the site near Delaware City, leaving over 40 million pounds of toxic wastes at the site.

EPA and DNREC are in the process of cleaning up the plant at enormous cost - to all of us who pay state and federal taxes. The eventual cost may be over \$100 million. And who are the politicians who allowed this to happen? It happened on Gov. Minner's "watch," but she had only been in office for 17 months when Metachem folded. Let's give some "credit" to Gov. Tom Carper (1992-2000) and to Gov. Mike Castle (1984-1992). These folks ignored a serious problem to preserve a few jobs. I hope we learn from this fiasco and start seriously enforcing environmental laws in Delaware. I hope DNREC Secretary John Hughes reads our newsletter.

The next meeting of our Anti-pollution Committee is at 6 pm on Wednesday, March 10 at the Blue & Gold Club (U.D.). Attend and learn what you can do to solve some of Delaware's pollution problems such as Motiva, Occidental Chemical and the VX waste treatment by duPont in Deepwater, N.J. Please call me if you can attend (455-0389) or send an e-mail to alvaldenio@aol.com.

Motiva Update

By Lorri Fencer

Environmental issues at Motiva have taken new shape with the January 4, 2004 announcement that the company signed a Letter of Intent to sell its Delaware City refinery to The Premcor Refining Group Inc. Although the companies have not yet formally executed a Purchase/Sale Agreement, the sale is expected to close in the second quarter of 2004.

Over the last several years, in response to citizen opinion and pressure, Motiva has made attempts to communicate with the public via community forums and citizen advisory panels. However, concerns about air and water quality have not abated despite the steps Motiva has taken to address safety, maintenance and environmental issues.

The pending transition in ownership along with potential change in refinery operations/engineering management mandates an obviously crucial legislative and regulatory oversight by our elected officials. State environmental regulators must not only ensure the proper transfer of air, water and waste permits but also must carefully delineate responsibility of current and future environmental liability. Further regulatory and legal scrutiny must occur for any transfer of obligations under the amended Consent Decree Motiva entered into, requiring, among other things, the installation of pollution control devices to capture and recycle sulfur dioxide emissions.

Verbal assurances have been given by the potential purchaser that it intends to abide by this Consent Decree. However this is not enough. Our local and state governmental officials must demand that not only the proper legal transfer of these liabilities but also above and beyond this, obtain clear evidence of current and future financial capacity to meet these obligations. Furthermore, any potential contemplated increase in crude sulfur product input should not occur unless it is clear that the new pollution control devices were designed to take such increase into account and the refinery can be operated cleanly and efficiently at current sulfur product input levels.

One key element surrounding this sale should be an examination of the Report to the Governor by the Task Force appointed to examine the Metachem bankruptcy and the applicability of any recommendations to the particulars of this sale. Also, how can existing/pending laws be enforced to protect the public?

As a Sierra Club member and Delawarean, it has become increasingly evident to me that an informed and involved public is a necessity in environmental matters affecting our state. In meeting with the Motiva on the Citizens Advisory Panel, I was able to go to company engineers to ask and obtain answers to technical questions relating to the future permit applications required by the Consent Decree. Although a small step in understanding complex environmental issues, I felt this was promising. I hope that this can continue.

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Contributing	<input type="checkbox"/> \$100	<input type="checkbox"/> \$108
Life	<input type="checkbox"/> \$1000 (per person)	<input type="checkbox"/> \$1250
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March

- 4, Thurs 5-7, Thurs- Sun** **Social. 6:30**, The Lobby House, Dover. Phone 735-8996 for information.
- 10, Wed** **Star Party**, Mallard Lodge, Route 9. Make your own telescope. Meet nationally known astronomers. **Cost depends on type of telescope you wish to make. Contact: Lyle Jones, Dover, 736-9842**
- 14, Sun** **Anti-pollution Committee Meeting. 6:00 p.m.**, Blue & Gold Club (U.D.). Please come and learn what you can do to solve some of Delaware's pollution problems such as Motiva, Occidental Chemical, and the VX waste treatment by duPont in Deepwater, N.J. RSVP to Al Denio 455-0389 or alvaldenio@aol.com.
- 18, Thurs** **Brandywine Creek SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 23, Tue** **7 p.m., Event planning committee meeting** - at Debbie Heaton's home in Middletown. Please join chapter members in reviewing the October 2003 auction and planning events for the coming year. Bring your calendars! Light refreshments will be served. Please contact Debbie at 425-4911 or Debbie.heaton@sierraclub.org to get directions.
- 24, Wed** **Executive Committee. 7:00 p.m.**, venue/agenda available from the office (425-4911). Call Matt, 475-9880, X 17, to add agenda items. Please plan to attend your chapter excom meeting.
- 24, Wed** **How do County Council Decisions Affect How Land is Developed and How Does it Work? 6:30, County Library, Bear** (Governor's Square Shopping Center, R 40 at R 7). Meet New Castle County Council President Chris Coons and learn how Council's decisions affect the environment. Projects must go through many steps -- learn how you can get involved during the phase where your concerns can best be heard..

April

- 1, Thurs** **Social. 6:30**, The Lobby House, Dover. Phone 735-8996 for information.
- 3, Sat** **Video, 6:30 entitled "The Beaches Are Moving" featuring the widely acclaimed professor of marine geology at Duke University, Dr. Orrin H. Pilkey, Ph.D.**, Community Meeting Room, South Coastal Library, 43 Kent Ave., Bethany Beach, DE
- 3-4, Sat-Sun** **Camping and Hiking, World's End State Park, northern Pennsylvania.** Camping equipment needed (rentals can be arranged at local stores). Depart from, return to Wilmington. Carpooling may be possible based on total attendance. Hikes will be determined based on ability level of group. Contact: Matt Urban at 302-521-4495. RSVP by .
- 5, Mon** **Delaware's Green Infrastructure - What is it and What are the Plans? 7:00 p.m.**, Dept. of Agriculture Conference Room, R 13, Dover. Join other Sierra Club members to learn about the Green Infrastructure recommendations received by the Governor's Livable Delaware Task Force. Mike McGrath will present a brief presentation that will include maps showing the areas for preservation. Learn how areas to be preserved interface with DNREC, Dept. of Agriculture, and Forestry planning.
- 11, Sun** **Lumm's Pond SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 13, Tues** **Assawoman Canal subaqueous lands permit appeal hearing. 9:00 a.m.**, DNREC, Richards and Robinson Building, Dover.
- 14, Wed** Conservation Committee. 7 p.m., the Zink's home, 28 Winged Foot Road, Dover, 735-8996.
- 17, Sat** **4th Annual Big Bill Earth Day Trolley Square Clean-up. 11 a.m. - 2:00 p.m. Meet at Kelly's Logan House to join with other volunteers and get your assignment. We'll work to reduce trash accumulating in the neighborhood, which could find its way into storm drains and into the Brandywine River. Trash bags, soap, and food will be provided. Bring your own garden gloves. If you would like to join in, or know of a group who would like to help out as well please call Matt Urban, 521-4495, or Debbie Heaton, 425-4911.**
- 14-18, Wed-Sun** **Star Party, Tuckahoe State Park, Maryland.** Begin your cosmic journey and meet all those clusters, doubles, comets, galaxies, and faint deep-sky objects during this 1- to 4-day outing. No telescope required as 100 or so astronomers will have equipment they will be anxious to show off. Bring camping equipment and you're all set. Cost: \$25 full fee, less cost for less time, no charge for evening viewing. Some food included in price. Contact: Lyle Jones, 736-9842
- 18, Sun** **White Clay Creek SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 21, Thurs** **Earth Day. Get outside and enjoy!**
- 22, Fri** **John Muir's birthday.**

May

- 1, Sat** **Northern Star Party**, Good for beginners. Contact: James Morgan, morganjt56@yahoo.com
- 2, Sun** **Killen's Pond SP, Delaware Trail Challenge, 12 noon**. Call Eric: 610-213-9279 24 hours in advance
- 6, Thurs** **Social. 6:30**, The Lobby House, Dover. Phone 735-8996 for information.
- 9, Sun** **Cape Henlopen SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 15, Sat** **Field trip to The Ann McClements Woodland and Nature Preserve, Delaware's newest nature preserve. 9 a.m. - 1 p.m.**, Kings Highway Entrance to the DNREC R & R Building, Dover. Contact: Carl Solberg, 492-1225, carlsolberg@mail.com.
- 16, Sun** **Holt's Landing SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 18, Tues** **Executive Committee. 7:00 p.m.**, venue and agenda available from the office, 425-4911. Please plan to attend.
- 22, Sat (date approximate).** **Save the Turtles**, Phil Shuman, 698-1998.
- 22, Sat** **Hike Middle Run and White Clay Creek State Parks, 4 - 24 miles. 8 a.m.** Contact: hike leader Terri Tipping, 302-225-5120 or ttipping@gunnip.com. RSVP by noon, Friday, May 21
- 23, Sun** **Trap Pond SP. Delaware Trail Challenge, 12 noon**. Call Eric, 610-213-9279 24 hours in advance.
- 29-31, Sat-Mon** **Camp-out with Dan on beautiful Chincoteague Island.** Meet Dan's beautiful wife to be! Contact: Dan Soeder, justfalcon@yahoo.com!