

Delaware Sierra News

A Sierra Club Newsletter about Environmental Matters Important to Delaware

March/April/May 2003



DNREC Allows Rehoboth to Continue Pollution

by S Callanen, M Rayner, J Bauer

The Inland Bays have been designated as "waters of exceptional recreational or ecological significance" under the state's water quality standards, and as "impaired waters" under the Federal Clean Water Act.

These designations reflect the extreme vulnerability of the area to pollution. This important story traces the history of the court battle to have all point sources of pollution discharging into the Indian River, Indian River Bay, Rehoboth Bay and their tributaries "systematically eliminated". A November, 2002 negotiated settlement by Rehoboth Beach with DNREC allows Rehoboth Beach Waste Water Treatment Plant (WWTP) to continue to continue discharging 3.4 million gallons per day of treated sewage into the Lewes-Rehoboth Canal.

In August 1996 the Sierra Club and the American Littoral Society filed a complaint in the U.S. District Court against the EPA alleging that it failed to perform its duty under the Clean Water Act to ensure compliance with the requirement to establish

see important story on page 3

Photo on left: by S Callanen

In 2001: DNREC posted these signs on state park property, not far from where the Lewes-Rehoboth Canal empties into Rehoboth Bay.

3rd Annual Earth Day Trolley Square Clean-Up

Saturday, April 26th

11a.m. - 2 p.m.

Join chapter members at fun earth-day activity in Trolley Square area as we join with Kelly's Logan House to co-host the **3rd Annual "Big Bill" Earth Day Clean-up and Fundraiser**. After the clean-up, come on back for a free Earth Day concert for all participants at the Logan House starting at 10p.m. (See back page for details)

State's Power Plants Are Biggest On-Site Industrial Polluters

by M Rayner, S Callanen and J Bauer

Today Delaware's ability to control industrial pollution appears (at best) at a standstill. The state's regulatory atmosphere (to negotiate settlements to the law, i.e. Motiva, Rehoboth story above; reports that obfuscate public information), and the realization that **the top two on-site polluters are "grandfathered" power plants**, will not help improve the situation soon. However, the on-site toxic releases data from DNREC's *2000 Toxics Release Inventory (TRI)* do shed some light on why Delaware is #3 in the US for cancer incidence.

According to this TRI report (published July, 2002), **#1 for total combined air-water-land on-site releases is Indian River power plant (IR) in Sussex County** with of 3,041,931 pounds (lbs) and **#2 is Edge Moor (E) in New Castle**

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Southern Delaware
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Letter from the Chair - March 2003

by Matt Urban

This letter is written at an extremely delicate (and some would say 'disturbing') time in the history of our country, and the world. As I write this letter, our country is on the brink of war, and for all I know by the time you read this, our country could be lobbing missiles into Baghdad. At the same time, we're all concerned about our struggling economy and how that affects our lives and our families.

I won't go into the political arguments for or against the war, except to say that I'm fairly certain that for many of you reading this, this seemingly inevitable action is completely out of line with your own personal ideals and ethics, and it's not an action that you'd support if you had the choice. In a situation like this, it's very easy to fall prey to resignation, despair, and inaction – like "what difference does my opinion make?"

However, the worst thing we can do at this moment in time is get sidetracked by the beating of the drums of war, or by insecurity over the economy. These are very real issues that we have to deal with personally in our own lives. But the question is – who are we going to be in the face of our circumstances? Will we sit idly by and let the future of our world be determined for us, or will we be bold and stand together for a world that WE want?

Perdue Pellet Plant Tour!

Learn about management of chicken waste! - Saturday March 22, 2003

Pick-up at 8:00 a.m. at the Museum of Natural History on Route 52 in Wilmington. Enjoy an informative bus trip to southern Delaware with Dr. Bud Malone from the University of Delaware to explore what can happen to chicken manure after the houses are cleaned out. Carl Solberg, SC member and Nutrient Management Commissioner will also be along. We will explore the options of pelletizing and composting chicken waste and learn about current research.

If there is interest a second pick-up site in Dover will be arranged. Space is limited - please RSVP by March 17th. *SC Contact: Debbie Heaton -302-425-4911 / DNHS Contact: Al Matlack - 302-239-5383.* Bring your own brown bag lunch and beverage. This trip is being co-sponsored with the Delaware Natural History Society.

You can rest assured that we as a chapter are going to continue doing what we've always done – fighting for Delaware's environment and providing our members and the public opportunities to get involved, get outdoors, and make a difference. But at the same time as we're continuing with doing what we know to do and what's worked for us in the past, we have to take it up a notch.

We can no longer expect to be able to operate 'business as usual'. We have to develop new ways to make things happen. We need people making the time to contribute towards our common objectives; to contact elected officials to ensure that they are truly speaking for us And to stand up as leaders.

Throughout this newsletter, you'll read about the issues we're confronting in our state. You'll also read about some upcoming activities/events, including our first general membership meeting for our chapter - an excellent opportunity for you to learn first hand about our chapter's efforts and explore how you might participate.

Take the time to get involved, go on an outing and meet other like-minded Delawareans, to participate in a committee meeting, to make a difference, be inspired, and to inspire others.

After all, isn't that why you joined the Sierra Club?

Outings information meeting

March 19th from 7-9 pm at the Appoquinimink Public Library, Middletown High School. Do you have ideas for outings that you'd like to go on? Are you interested in organizing, leading or just helping with an activity or outing? Receive Sierra Club orientation and training while sharing ideas with other members at this evening event. For more information, contact Phil Shuman (M-F 9am-8pm, weekends 10am-6pm) at 302-698-1998.

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 May 9, 2003.

We reserve the right to edit materials submitted for publication. Send materials and letters to the editor to: marlenerayner@yahoo.com

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, Jean Bauer, Mike Casale

Delaware Sierra website editor Mike Casale <www.sierraclub.org>
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DNREC allows *continued from page 1*

Total Maximum Daily Loads (TMDLs) for water bodies identified as Water Quality Limited Segments, such as the Indian River, Indian River Bay, and Rehoboth Bay.

The goal of the TMDL lawsuit was to improve water quality throughout Delaware. Setting TMDLs and enforcing reductions of pollutants from point sources and non-point sources ensures improved water quality over time.

In 1998 DNREC published its proposed TMDLs that included a provision that all point sources of pollution, which were discharging into the Indian River, Indian River Bay, and Rehoboth Bay and their tributaries "shall be eliminated systematically." This prohibition applied to the 3.4 million gallons per day of DNREC permitted discharges from the City of Rehoboth Beach's Wastewater Treatment Plant into the Lewes-Rehoboth Canal that flows into Rehoboth Bay. The Rehoboth WWTP serves the communities of Henlopen Acres and Dewey Beach, as well as the City of Rehoboth Beach.

In December 1998 the City of Rehoboth Beach filed an appeal with the State Environmental Appeals Board (EAB) for the purpose of overturning DNREC's Order. After lengthy negotiations, DNREC and the City, in November 2002, achieved a so-called, "mutually satisfactory resolution of the matters raised in the appeal."

The Consent Order compromise, signed by the court on December 11, 2002, allows Rehoboth's WWTP to continue discharging 3.4 million gallons per day of treated sewage into the Lewes-Rehoboth Canal with maximum levels of 24,300 pounds per year of nitrogen and 5,308 pounds per year of phosphorus. These levels of continued pollution are intended to represent a beneficial 25% reduction from current permitted levels.

The terms of the consent agreement will not take effect until after DNREC issues a new National Pollutant Discharge Elimination System (NPDES) permit for the Rehoboth WWTP. This sewage plant has continued to operate even though its NPDES permit expired in August 1999.

The "effective elimination" of nitrogen and phosphorus through "trading with non-point sources" is not acceptable. DNREC will not be able to numerically measure changes in pollution discharges from such sources. Guaranteeing improved water quality by such means will be difficult, if not impossible; and potential reductions in pollution from non-point sources can only be guesstimated through hypothetical modeling exercises.

Permitting the Rehoboth WWTP to discharge effluent into the Lewes-Rehoboth Canal was arguably a foolish idea from its inception. The continuation of this unhealthy environmentally damaging practice during a period of unprecedented exploding population growth and land development in the surrounding geographical area is a serious offense.

In the summer of 2001 DNREC's concern about health hazards posed by pollution of Rehoboth Bay resulted in signs being posted on state park property, not far from the location where the Lewes-Rehoboth Canal empties into the bay, with the warning depicted on the front page of this newsletter. According to a recent *News Journal* article by Molly Murray, "The state Wastewater Advisory Council considers sewer construction affordable if the cost for users doesn't exceed 1.5 percent of the median household income. In Rehoboth, where the average user now pays \$345 a year on sewer bills, the current rate is 0.63 percent of median household income."

Questions remain

How did DNREC determine that it is acceptable to continue discharging 24,300 pounds of nitrogen and 5308 pounds of phosphorus per year into the Lewes-Rehoboth Canal? What criteria were used to establish these limits? How long will it take to improve the water quality so that the Lewes-Rehoboth Canal and Rehoboth Bay are no longer impaired?

How did DNREC establish the time limits for compliance with the Consent Order? How much time will be required for DNREC to issue a new NPDES Permit? Will DNREC hold public hearings as part of its NPDES permitting process, as it has done for other major polluters? It appears that by executing the Consent Order DNREC has established the pollution discharge limits for nitrogen and phosphorus, thus rendering a public hearing almost meaningless - even though public comment and hearings are an integral part of the NPDES process.

Why is DNREC allowing 2.5 years from issuance of a new NPDES Permit for the City of Rehoboth Beach to evaluate and determine the technical and economic feasibility of "elimination in fact" of the nitrogen and phosphorous discharges?

Why does the Consent Order allow approximately 8 years to elapse before it forces implementation of a "technically and economically feasible" plan, for reducing nitrogen and phosphorus discharges by only 25% from current permitted levels? The long compliance schedule outlined in the consent order does not guarantee that there will be any water quality improvement.

Why can't the wealthy municipality of Rehoboth Beach, in concert with the towns of Henlopen Acres and Dewey Beach, and Sussex County, be required to raise taxes to cover the cost of eliminating this major pollution source from Delaware's Inland Bays, which are one of the State's most heavily used revenue-producing summer playgrounds?

What happens next?

With this Consent Order DNREC has changed the TMDL by changing the waste load allocations. The Sierra Club believes that a new TMDL will have to be written, reviewed and re-submitted to the EPA for consideration and approval.

DNREC recently awarded \$98,000 to Rehoboth and Sussex County for a joint study of their sewer needs in the Rehoboth-Lewes area.

In recent months Sussex State Senator George H. Bunting, Jr., has proposed spending millions of dollars for construction of large pipes between the ocean and the Inland Bays to increase flushing action, and thereby solve pollution problems by diluting the polluted water in the bays.

Representatives from the town of Lewes are reportedly planning to meet with DNREC officials to discuss how Lewes can subvert DNREC's order to stop discharging its treated sewage into the Lewes-Rehoboth Canal. Proposals have been discussed for using a spray irrigation system to spread the treated effluent on a wetland portion of Henlopen State Park (adjacent to Freeman Highway and Cape Henlopen Drive) that drains into the Lewes-Rehoboth Canal.

The failure of DNREC to enforce the "systematic elimination" of the Rehoboth WWTP's polluted discharges into the Lewes-Rehoboth Canal sends a loud message that the state is a paper tiger when it comes to eliminating Inland Bays' water pollution. In light of this failure, why should other large point source polluters, such as the Lewes Wastewater Treatment Plant, feel obligated to eliminate their discharges that flow into the bays?

Conservation updates:

by Debbie Heaton

Political: Chapter leaders and members lobbied Senator Biden to vote against the Miguel Estrada nomination in the Senate Judiciary Committee in late January. The nomination was passed by the committee along party lines and was moved to the Senate floor for a vote in mid-February. The Sierra Club opposed the nomination because little is known about the record and views of the candidate and the importance of the Court of Appeals for the District of Columbia Circuit. Senator Biden voted against the nomination. He cited many contacts from his constituents as part of his reason for his vote.

Chapter officers met with Senator Carper at a meeting with the environmental community in January. The discussion list was long as environmental concerns facing the Congress were reviewed. The energy bill and prospective drilling in the Arctic, changes to the Clean Air and Clean Water Acts, budget allocations for purchase of land adjacent to Prime Hook were some of the topics. The Senator listened to the communities concerns and indicated that funding for the Prime Hook purchase was allocated in the Senate budget. Rep. Castle's office indicates that full funding is also in the House budget. Prime Hook funding did make it through the conference committee and the purchase is going forward!.

Congressman Castle's office also indicates that the President's Forest Legacy Program funding has grown from \$50 to \$90 million. Delaware is awaiting the final installment of \$2 million from this program to purchase some inholdings within the Redden State Forest.

In Delaware members of the General Assembly are on break allowing the Joint Finance Committee (JFC) to review the budget prepared by the Governor. A separate budget address was given January 30. The DNREC budget will be presented to the JFC on February 20th. The chapter is preparing to testify. Our main concern is the budget allocated to improve water quality across the state.

Legal: The lawsuit threatened on the White Clay (see Nov/Dec 2002 News) became redundant after the Delaware River Basin dissolved its emergency order allowing the removal of all freshwater from the White Clay Creek. Winter snow and rain have increased water levels across the state allowing the Governor to remove her drought emergency. So water levels are back towards

normal but development continues and the state will once again face water shortages unless they carry through with plans increasing storage capacity. Wonder why conservation is not part of the plan?

The environmental community has not had any indication of the DNREC secretary's decisions on the subaqueous lands permits sought for the Assawoman Canal, the Alro Associates project planned for the expansion of Christiana Mall, nor the dredging of the Main Channel of the Delaware River.

Power plant permit reviews: members from across the state attended and commented at hearings held to consider the Title V permits for the Conectiv and Indian River power plants in January. These are two of the remaining nine plants that need to be reviewed under this permitting process. Watch the legal notices for information on the remaining permit reviews. Apparently DNREC saved the toughest plants for last.

Recycling - Please note that the Delaware Solid Waste Authority has started a pilot program to collect and recycle junk mail! This includes those envelopes with the windows, catalogues, magazines, glossy color inserts, sweepstakes forms, school and office paper. Drop-off locations are in New Castle County at The Sports Authority on Route 202/Concord Pike and at Phillips Park in Newark. Contact 1-800-404-7080 for additional information.

Project WILD

We are seeking nominations for your favorite Delaware wild place. Visit www.delaware.sierraclub.org. Click the link to the Delaware chapter page, click on the Project WILD link. The committee's display has been completed and shown off at Coast Day, Delaware City Day and at the Auction. If you would like a presentation on our effort made to your community or high school group please contact Dick Bewick.

If you are considering volunteering with a local group for the summer or any time during the year why not consider the Sierra Club in Del.? We are seeking volunteers to help with conservation projects and membership efforts. Special skills currently sought: photography, library organization, public relations and writing. If you are interested please contact Debbie Heaton at 302-425-4911.

Are you part of the DEAL?

What is it you ask? The Delaware E-mail Alert List is Sierra Club's way of allowing you to weigh in on the political wheeling and dealing that happens in Washington, DC and Dover. If you are a DEAL member you will receive updates on votes 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. Next year leads up to the elections! To join email to debbie.heaton@sierraclub.org.



Preserve the Future

Not 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 Street, 2nd Floor, San Francisco, CA 94105 (415) 977-5639 or e-mail: planned.giving@sierraclub.org



Explore, enjoy and protect the planet

OUTINGS

Please contact leader listed to register participation. For cold weather outings, please dress properly and be certain to stay with the group at all times. Hikes are labeled whenever possible for their difficulty [strenuous=S; moderate=M; low=L] and recreational, education (E) and conservation [C] content.

Volunteer and fun activities coming up!

Saturday, March 15th Centennial Celebration at Prime Hook National Wildlife Refuge. Sierra Club will be presenting a display on Project WILD to seek additional nominations. If you would like to help us at the booth for a hour or two please contact Eric Vanim-Botting at 610-213-9279.

April 10-13, 2003 - Stargazing and camping at Tuckahoe

The Sierra Club will be joining the Delmarva Stargazers on their semi-annual outing at Tuckahoe State Park, NJ. Come for all or part of the event. Approximately 200 area astronomers will be viewing the skies. Telescopes are not required to participate, as most astronomers are anxious to show-off and share their scopes. Participants are asked to bring their own camping equipment and food if you intend to camp. Fee for the four day event is \$40. The proceeds from the event will promote astronomy programs in Delaware Schools. For more information contact Ron Zink at 302-735-8996.

Saturday, April 26th 10 a.m. to 4 p.m. The Upstream Festival - Celebrating the Community of the White Clay Creek Watershed in Avondale, PA at the Stroud Water Research Center. Great family event. If you would like to help us at the booth for a hour or two please contact Debbie Heaton at 302-492-1225 or debbie.heaton@sierraclub.org

TERRI TREKS

Terri Tipping, leader

Saturday March 8, 8am or 9:30am, Middle Run and White Clay Creek State Parks
This is a full day hike with the Wilmington Trail Club (www.wilmingtontrailclub.org) There will be two starting times, your choice: come at 8am for warm bagels and a brisk 4 mile warm-up walk at the Judge Morris Estate section OR come at 9:30 am for cold leftover bagels (if any) and ~ 20 miles from Judge Morris through Middle Run Valley Natural Area on to the Bryans Field. Bring lunch and plenty of water. Meet at the Judge Morris Estate section of White Clay Creek State Park (.6 miles north of Kirkwood Hwy. on Polly Drummond Hill Rd.) for both hikes.

Shuttle Alternative – we will be passing the Park Office after mile 7 (11 with the early start) and again at mile 11 (15 with the early start). We could park some cars at the Park Office (at intersection of Chambers Rock Road and Thompson Station Road) and shuttle people back to the start. If you are interested in the Shuttle Alternative, please e-mail the leader (tippinggunnip.com) Hike rated S because of distance.

Sunday March 23, 10am, White Clay Creek State Park - Possum Hill
Hike approximately 7.5 miles along the Possum Hill, Whitely Farms and David English trails. The hike will take approximately 3 hours. Meet at 10am at the Possum Hill parking lot (from Paper Mill Road, route 72, turn west onto Smith Mill Road, park is signed, parking lot is at end of the road). No Park entrance fee at this time of year. Bring water and a snack. Hike rated L to M (because of the distance).

Sunday April 6, 10am White Clay Creek State Park - Judge Morris Estate
Easy 4 mile hike on the Judge Morris Estate property. The hike will take no more than 2 hours. Meet at 10am at the Judge Morris Estate section of White Clay Creek State Park (.6 miles north of Kirkwood Highway on Polly Drummond Hill Road). No Park entrance fee at this time of year. Bring water. Hike rated L.

Sunday May 11th, 10am, White Clay Creek State Park - Judge Morris property and Middle Run Valley Natural Area
We will hike from the Judge Morris Estate property to Middle Run and back for a nice moderate hike of approximately 7.5 miles. The hike will take approximately 3 hours. Additional hiking available at Judge Morris property (4 miles). Meet at 10 am at the Judge Morris Estate section of White Clay Creek State Park (.6 miles north of Kirkwood Highway on Polly Drummond Hill Road). \$2.50 Park entrance/parking fee. Bring water and a snack. Hike rated L to M (because of the distance).

Thursday May 22nd, 6pm White Clay Creek State Park - Nature Center
Hike approximately 4.5 miles along the White Clay Creek and some wooded areas, with a stop to see the Arc Corner Monument. The hike will take approximately 2 hours. Meet at 6 pm at the Nature Center off Hopkins Road. \$2.50 Park entrance/parking fee at this time of year. Bring water. Hike rated L.

Baby turtles need your help!
Date/Time to be determined (E,C)
Enjoy a vigorous, challenging, rewarding time helping at a Delaware beach Diamondback Terrapin spring hatchlings cross the road into the marshland 'nurseries' instead of getting flattened by motor vehicles. Schedule depends on warm spring weather patterns. Hatching normally occurs mid-April to mid-May for only a couple of days. For participation details, call Phil Shuman (M-F 9am-8pm, weekends 10am-6pm) 302-698-1998.

Spontaneous Cross-Country Skiing
Date/Time to be determined
Only way to cross-country ski Delaware and it's great! Outings scheduled just ahead of expected snow event(s) with limited advance notice. Day/night-time possibilities. For details contact Phil Shuman (M-F 9am-8pm, weekends 10am-6pm) at 302-698-1998.

Shorebird Monitoring
Training April 26, May 3rd, monitoring dates vary (E,C)
Participate in a shorebird monitoring program at beach areas throughout Delaware. Register by 3/31/03 with Kimberly Cole DNREC, 302-739-3451. Attendance at training dates required. Monitoring takes place on 24 hours notice. For information, contact Phil Shuman (M-F 9am-8pm, weekends 10am-6pm) 302-698-1998.

Camping and Hiking in Hickory Run State Park
Saturday May 3rd &
Sunday May 4th
Spend a weekend camping alongside the quaint Hickory Run stream in Northeastern PA. Trip leaders will arrive on Friday night, and attendees can choose to arrive on Friday night or Saturday morning. Hikes will be determined by the group, and will include a trip to the Hickory Run boulder field, a notable landmark. Reservations by April 15 are required. Contact Matt Urban, 302-521-4495

County with total combined releases of 1,868,578 lbs. Number 3 is Motiva at 1,755,753 lbs! This same report also mentions that the reason for most increases at the power plants (29% for IR) were switches from oil to coal.

Comparing Motiva and the power plants

Although Motiva is #1 in Total Waste production, it is #3 in On-Site releases, because not all this waste is left in Delaware. Figure 1 shows On-Site Releases in common between the two power plants and Motiva, including those designated as carcinogenic (highlighted); the same #1-2-3 ranking applies. HUGE differences between the two power plants also exist in specific on-site releases of cancer-causing chemicals (chromium, dioxin/ dioxin-like, nickel, polycyclic aromatics), e.g for chromium: Edge Moor = 0, Indian River = 40,636lbs!

The Indian River power plant has 39% greater on-site releases than Edge Moor. The combined releases of Edge Moor and Motiva in New Castle County and Indian River alone for Sussex account for approximately 60% of the recorded totals of on-site releases in each of these counties (Figure 2). These numbers were compared to the 1998 total on-site releases by county, because county totals were not available in 2000 report. The totals for 2000 are nearly similar because a graph (noted in the beginning of this report) in the 2000 report (their Figure 1) shows fairly flat totals between 1998-2000. The ranking of counties by on-site release totals also matches the cancer incidence and mortality rankings by county.

The 2000 TRI Report Information Issues

The 2000 report stresses in the introduction how 'good' Delaware is in the big US picture of on-site releases (#44 of 56 states and territories reporting for TRI; #33 of 56 for Dioxins). So are we 'safe' -if we're somewhere in the middle? It also 'conveniently' leaves out breakdowns and graphs by county or watershed (in earlier reports) and neglects to tell us how/where any independent monitoring is done. Included here from the 1998 report, Figure 2 shows the releases by county and Figure 3 accounts for releases to individual watersheds. Now we know why we shouldn't eat the fish from our rivers.

News about grandfathered power plants

The really bad news is that because these power plants are grandfathered facilities, they may be permanently exempted from modern pollution standards with the new Administration "clean air" rollback proposals. So Delaware, not only has its own locally generated air or water pollution noted in reports, but air and water movement into the state carries grandfathered baggage from elsewhere. In fact, this is a good reason why local state monitoring would be useful. Although the information is not included in the 2000 report, the 1998 TRI report states monitoring of some air toxics does occur at sites in Wilmington, along route 9 near Delaware City, Lums Pond, and Seaford. None are located near Indian River power plant.

Although our Senators Carper and Biden voted for an amendment to stop this proposal, the amendment lost with a vote of 50-46. Over 17,000 "grandfathered" power plants and other industrial sources could be permanently exempted from modern pollution standards. In fact, many

FIGURE 1
On-site Releases of TRI Compounds - 2000
(reported by facility, in pounds)

COMPOUNDS	RELEASED INTO	EDGE MOOR	INDIAN RIVER	MOTIVA
Ammonia	Air	26,936	90,186	29
	Surf. water	3	473	2,900
	Land			
Barium	Air			
	Surf. water	2,226	0	
	Land	0	141,356	nr
Chromium*	Air	830	1,219	10
	Surf. water	1,112	923	2
	Land	0	40,636	34,560
Cobalt	Air	705		
Copper	Air	1,501	493	
Dioxin/Dlike	Air	0.002	2.96	0.0053
	Surf. water			0
	Land			0.0004
HCl	Air	1.6M	2.3M	43,000
	Surf. water			0
	Land			0
HF	Air	78,992	137,265	
Manganese	Air	1,083	1,050	221
	Surf. water	15,577	65	0
	Land	0	33,697	3,580
Mercury	Air	0	1,914	19
	Surf. water			0
	Land			0
Nickel	Air	7,348	756	2,201
	Surf. water	0	467	1,700
	Land	0	31,535	151,901
Polycyclic A	Air	40	88	7
	Surf. water	0	0	7
	Land	0	0	0
Sulfuric acid	Air	93,336	137,541	610,000
	Surf. water			0
	Land			0
Vanadium	Air	1,531	399	11,007
	Surf. water			920
	Land	0	73,129	530,000
Zinc	Air		1,836	210
	Surf. water		7,637	1,000
	Land		33,197	2,400

Surf. Water = surface water
HCl = hydrogen chloride; HF = hydrogen fluoride; M = million
Blanks = 0 or below reportable ; polycyclicA = polycyclic aromatics
Bold print = 1,2A,B cancer causing agent

sources will be allowed to increase their pollution because of this plan. In Delaware, there are 87 such facilities. Possible good news is that vote demonstrates significant opposition.

Appalling cancer statistics for Delaware

There are many scientific studies showing cancer incidences relate to local environmental conditions. In fact, recently a group was set up to examine why Delaware ranks 3rd highest over all in cancer mortality rates among the 50 states. In a 2002 report from the American Cancer Society (www.cdc.gov) 1,284,900 new cancer cases will be diagnosed in the US with 4,100 of them in Delaware. 555,000 deaths will occur, including 1,800 in

Delaware. The age-adjusted cancer incidence rates by county (Delaware website) follow the same pattern as the on-site TRI numbers: per 100,000 people #1. New Castle County = 499 (low 446; high 713); #2. Sussex County = 484 (low 393; high 679!) and #3. Kent County = 471 (low 395; high 558).

Some Questions

- Why are there such large differences in releases between Edge Moor and Indian River power plants?

FIGURE 3

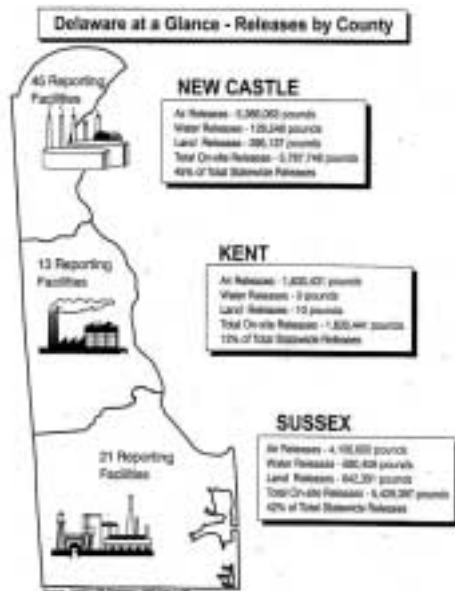


FIGURE 3
1998 TRI Water Releases
by Watershed

RECEIVING WATER BODY	# OF FACILITIES	RELEASES (LBS)
Nanticoke River	1	669,000
Delaware River	6	108,168
Red Clay Creek	1	18,250
Indian River	1	11,286
Savannah Ditch	1	120
Christina River	2	116
Naamans Creek	1	10
Red Lion Creek	1	4
Total	14	808,954

2000 report?

- Why do we not have more air monitoring sites, particularly one near Indian River?

For further information and materials related to this article, go to the Delaware Sierra Club website.

- Why were the important summary data by county and watershed present in the earlier reports omitted from the 2000 report?
- Why is the "Community Right to Know" Appendix A 1998 missing from the 2000 report?
- Where is the 1998 table "Carcinogens Reported by Delaware Facilities" and map of facilities locations for the

Mr. DiPasquale's Testimony from Motiva's Air Permit Public Hearing

Mr. DiPasquale is former Secretary of Natural Resources and Environmental Control for Delaware. This is reprinted with permission.

My name is Nicholas A. DiPasquale. I am a citizen of the State of Delaware. My comments reflect my own personal interests in protecting the environment, public health and natural resources of the state. I represent no private interests in this matter. My comments follow:

- I request that the Hearing Officer consider as exhibits the state and federal Consent Decrees of March 20, 2001 and that these exhibits be entered into the official hearing record of this proceeding.
- I am lodging an official objection to these proceedings as being procedurally improper, since the proposed application is not in compliance with the terms of the above referenced Consent Decrees which are legally binding on both Motiva and the state.
- I believe the department violated the public trust in conducting the January 16, 2003 workshop on the proposed non-regenerative Wet Gas Scrubber by advocating in favor of the Motiva proposal, thus abrogating its duty to be a neutral and objective decision maker on the proposed permit application. This advocacy sends a message to the public that their comments and concerns are essentially meaningless, thereby depriving them of the opportunity to exercise their legal rights as citizens to participate in the administrative permitting process.
- Motiva's primary motivation for requesting this

change is the \$70 million in cost savings it will realize if the state allows the company to pollute the Delaware River instead of recycling its scrubber wastes. Motiva's request deserves no consideration given its well documented history of environmental abuses that have put workers and the public in jeopardy.

- The argument by the company that the regenerative WGS technology is still unproven is simply baseless.
- Motiva's threat of invoking the force majeure provisions of the Consent Decree is a blatant act of intimidation and is without merit
- The support by USEPA and USDOJ for this proposal is motivated by the Bush administration's aggressive attacks on the federal NSR program and the recently promulgated roll back of environmentally progressive, technology forcing requirements of the program. These so-called "reforms" are designed to benefit the energy and power industries at the expense of the environment and public health in Delaware and other mid-Atlantic and northeast states

In closing, I respectfully request that the secretary reject Motiva's permit application for the non-regenerative WGS, force the company to meet its obligation to install the regenerative WGS as required by the Consent Decree, and impose stipulated penalties against the company if it fails to meet the installation deadline.

I appreciate the opportunity to provide my comments to the department on this important issue.

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.

COMMITTEE MEETINGS
Chapter Executive Committee
 Tuesday, March 11th
 Tuesday, May 13th
Conservation Committee
 Wednesday, April 16th
 Wednesday, June 18th

These meetings will be held in the library of the Wesley United Methodist Church (main church building on the ground floor) at 209 South State Street in Dover

Southern Delaware Group
 Wednesday, March 5, 2003;
 7 p.m. @Til Purnell's (302-945-1317)
 Call for directions. RSVP
 Agenda: Will include administrative office appointments, Industrial polluters update (Motiva, I.R. Power Plant), SB37 sponsored by Sen. Dave McBride on Assawoman Canal, & consent decree for Rehoboth Wastewater Treatment Plant.

Fundraising Committee will meet on March 13, April 10, and May 8th at 6 p.m. at the chapter office to work on preparations and plans for upcoming summer events and the fall silent auction. Please contact debbie at 425-4911 for more info. *We are looking for some new faces and ideas!*

SIERRA CLUB SOCIALS	
<u>Wilmington Socials - 6 pm</u> March 16th April 20th May Kelly's Logan House, Trolley Square in Wilm., DE / contact Matt@mobius.com	<u>Dover Socials - 6:30 pm</u> March 9th April 6th May 1 st Smithers, Dover, DE 6:30 p.m. / contact Phil Shuman at 698-1998

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Student	<input type="checkbox"/> \$15	<input type="checkbox"/> \$23

All dues include subscription to *Sierra* (\$7.50) and chapter publications (\$1). Dues are not tax deductible. Mail to: Sierra Club, P.O. Box 52968, Boulder, CO 80321-2968
 Fripp No. F94QW58001

Earth Day Trolley Square Clean-Up

Saturday, April 26th - 11a.m. -2 p.m.

Kelly's Logan House and the Delaware Chapter are co-hosting the "Big Bill" Earth Day Clean-up and fundraiser at Trolley Square in Wilmington. Big Bill was a much-beloved bartender at Logan House who died unexpectedly in a falling accident. Bill was always ready to help out anyone in need, so in his memory, we are going to give something back to the community by cleaning up Trolley Square. We will again work with the local business community and neighbors to clear public areas of trash and debris. We will meet at the Logan House at 11a.m. and teams will be assigned sections of the neighborhood to clean. Trash bags, hand soap and food will be provided.

After the clean-up, there will be a free **Earth Day Concert** for all participants at the Logan House starting at 10 p.m. Non-participants will be asked to donate \$5 for the concert, with the proceeds to be split between the Big Bill Foundation (for troubled youths) and Sierra Club.

If you are interested in helping with the logistics, pre-planning, and scouting areas for cleaning, please contact Matt Urban 302-521-4495, e-mail: matt@mobiusnm.com or Rob Mayer at the Logan House.

1304 North Rodney Street, Wilmington, DE 19806
 Delaware Chapter

Explore, enjoy and protect the planet

