

## Rainy Days and Regulations

by Debbie Heaton

It has been a busy summer with ongoing accidents at Motiva; the work on our intervention with regards to the changing consent decree; the appeal of the permit that was issued for the Assa- woman Canal dredging project; limitations threatening the public's right to participate in the Coastal Zone permit appeal process (from the state's attorney no less); suffering through several Ozone alert days as we also watch the administration and congress change (or try to replace) the Clean Air Act; and of course, dealing with the Seattle-like weather we have had all summer.

Did you know that rain that falls in Delaware is called "acid rain"? Apparently it has been this way for years. Some rain is more acid than others - depending on where the storm comes from. If it comes from the west you will see lower the pH numbers.

You may have heard the recent news that many of our regional waterways are suffering from all of this rain. Part of the problem is handling the volume of water; the other bigger part is dealing with the "stuff/pollution" picked up by rain water and carried into our streams and rivers. Spring and summer rains have dissolved the nutrients held in the soils over the last few dry years and brought them in large quantities thru the stream/river system to the Bays. Increased development has reduced the number of acres of land available to absorb this water; thereby speeding up water delivery to streams and rivers. This pollution has different effects on different water bodies. A large "dead zone" has been detected in the Chesapeake Bay; fishers are coming back with reduced catches. Delaware has had a few fish kills but they have primarily occurred in dead end canals where it is not uncommon due to the lack of oxygen in their stagnant waters. Long term, all this pollution is not good for the ecology of the global water systems.

As the rain is falling, the state is going through some administrative processes that look at protections afforded our wetlands and water quality.

1. The Watershed Assessment Section of DNREC is looking at adopting changes to the state's Water Quality Standards (WQS). From now thru March 2004 changes to the WQS are being considered and will go to public hearing. A public workshop was held in mid-August and a public hearing is tentatively scheduled for mid-November.

2. The Wetlands and Subaqueous Land regulations have been updated and are out for review. Protections for freshwater wetlands in Delaware are primarily afforded though the Army Corps of Engineers and the Clean Water act. The state does not have separate regulations for freshwater wetlands but does have some protections outlined in the Wetlands and Subaqueous Lands regs. Because of this loophole many of the lands unique to Delaware, Delmarva Bays, and other seemingly isolated wetlands are being considered for development.

Rain and regulation - what do they have in common? As Delaware continues to grow houses instead of crops, it must also plan long term how to handle storm waters. Development has created more hard surfaces - roads, roofs, driveways which are covering ground that was counted on to absorb this rain water. Aging infrastructure can no longer handle the volume and new development in areas with little infrastructure threaten the future health of our waters. The solution needs to be worked on at all levels of government: federal, state, county and municipal. Investment, new ideas and a coordinated effort will be what it will takes to truly protect our wetlands and water quality

So what can you do with all of these rainy days? Take the time to write a letter to your state representative and senator asking them to support

regulation changes that protect your wetlands and will support improved water quality. Drop a note to your city and county council or levy court representative and demand that they look longer term when they decide to approve a new development and reduce paved surface coverage and require the necessary infrastructure. Take advantage of Delaware's small size and meet with your favorite elected official and ask that they take a leadership position to address these concerns in the coming months. These elected officials have heard from the developers in their districts, so they need to hear from you in the coming months. They can do better!

You can also write/call members of Delaware's congressional delegation asking them to continue to fight for laws more protective of the environment. If you haven't noticed, the push to gut environmental protections has continued and more is scheduled when Congress reconvenes in September. You can see this in the administration's agenda discussed and voted on: the Clear Skies Program and the program which will turn into the clear forest program if they have their way. Delaware's delegation has been active during some of this discussion. They need to hear from you - that you value Clean Air and want true forest protections - not the type that allows loggers to cut more old growth trees!

### 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).

### Who Runs the Sierra Club Locally?

Deadline for receipt of nominations is October 10, 2003

Silly question? Not if you are on the Nominating Committee looking for candidates willing to serve on the ExCom! About five meetings a year, a few telephone calls/e-mail sessions and a chance to set and act on the agenda of one of the state's leading environmental organizations. Is that too much to ask of anyone? We are seeking new active people to help guide actions and activities. Please submit the name of someone you would like to see serve on the ExCom. Self nominations are also welcome. The Nomination committee members will follow-up with the individual nominated.

Please send your nomination for Chapter Executive Committee or the Southern Delaware Group Executive Committee to Sierra Club Election Committee,  
100 West 10th Street, Suite 1107.5, Wilmington DE 19801.

Check one:  Southern Delaware Group  
 Delaware Chapter

Nominee's name:

Nominee's phone number:

Person making nomination: