**The Delaware Anti-Dumping and Anti-Littering Task Force**

*Meeting Minutes*

**Wednesday, July 6, 2016**

**DelDOT - Farmington/Felton Conference Room**

**800 Bay Road**

**Dover, DE 19903**

**Members Present:**

Mark Alexander (CHAIR) Director of Maintenance & Operations, DelDOT

Kelly A. Williams Governor Appointee, City of Wilmington

Marjorie Crofts DNREC

Curt Shockley Department of Correction

Ralph (Dirk) Durstein III Department of Justice

Dee Durham DE Non-Profit Environmental Advocacy Community, Bring Your Own Bag

Pamela J. Bakerian Delaware State Farm Bureau

Robert Tunnell III Delaware Waste-Hauling Business, Blue Hen Disposal

Major Galen Purcell Delaware State Police

Julie Miro Wenger DE Non-Profit Environmental Advocacy Community, DE Food Industry Council

**Members Absent:**

Jennifer Cohan Secretary, DelDOT

Michael D. Parkowski Delaware Solid Waste Authority

**IF Desired Members:**

Senator Karen Peterson State Senator, Democratic Caucus

Representative Rich Collins State Representative, Republican Caucus

Ashlee Delaney Legislative Assistant, Senate Republican Caucus

Michael Costello Sussex County

**DelDOT Support Staff:**

Annie Cordo Department of Justice, DelDOT

Geoff Sundstrom Director of Community Relations, DelDOT

Evan Park Legislative Liaison, DelDOT

Jim Westhoff Community Relations Officer, DelDOT

Lesley Devine Executive Assistant to the Secretary, DelDOT

**Guests:**

Randall Chase Associated Press

1. **Welcome –** The meeting was called to order at 11:09 a.m. by Task Force Chairman Mark Alexander.
2. **Introductions –** All members, staff and guests introduced themselves.
3. **Voting –** Senator Peterson made a motion to add Tina Shockley, Department of Education, to the Anti-Dumping and Anti-Littering Task Force and Representative Collins seconded. All of the task force members were in favor of the motion, no council members were opposed, the motion passed.
4. **Meeting Minutes Review -** Senator Peterson made a motion to approve the June 9, meeting minutes and Kurt Shockley seconded the motion. No one opposed and the minutes were approved without changes.
5. **Old Business**
6. Robert Tunnell III gave a presentation on Delaware Waste Haulers and efforts to control litter. He went over the various types of trucks and litter containment.

Dirk Durstein III asked if there’s a way the industry can monitor the overflow of trash/recyclable bins for commercial and residential and possibly increase their pick-ups, especially holiday weekends. Mr. Tunnell stated that a lot of this is the customer and they might need more containers or a different method for pick-up. The drivers take notes on their route sheet that lists all of their customers and especially if there are reoccurring challenges then the office will call to discuss it with the customer. For example, if someone continues to put bags of trash outside their cans, but continue to pay for a small dumpster then they’ll call to increase their dumpster size.

Julie Miro Wenger asked about customer education and how often it’s conveyed. Mr. Tunnell stated that every year they send out their own 2 page flyer with the do’s and don’ts, but it is a specialized thing from company to company.

Mark Alexander asked if Robert had any recommendations to improve the process. Mr. Tunnell stated that from strictly a holder’s perspective, but obviously it messes up the Material Recovery Facilities (MRFs), bagging recyclables and banning plastic bags from grocery stores.

Evan Park asked what is the appropriate way to contain recyclables since plastic bags are the worst. Mr. Tunnell stated that it would be interesting for someone from the MRF in Wilmington to go through what happens when recycling. Plastic bags get caught in the machinery and we have to cut them out and they are also a good source of static electricity. The plastic bags get very dirty through the process and then once they’re dirty there is nothing you can do with them. Marjorie Crofts thinks it would be a good idea to meet at DSWA and take a tour since they have recycling next door too so we could do both. There was some further discussion about the trucks and recycling efforts.

1. Chairman, Mark Alexander asked if there were any more updates and Major Galen Purcell distributed and discussed a handout on enforcement numbers statewide for dumping and littering for the past two years.

Representative Collins stated that we really need to investigate the high tech cameras we have today because he feels very confident that we could put them at spots where people are dumping and fine them or even get them on the news. Kelly Williams said that in the City of Wilmington they’ve asked the business owners who are impacted by the dumping to install the camera and they are happy to do so because they want to find the illegal dumpers as well. If there is a business owner that keeps getting hit over and over we’ll ask the business owner “we don’t want to fine you because we know this is not your mess in front of your business, why don’t you put up a camera?” and then the next day they come in and can roll back the tape since it is over a 24 hour period. It’s worked out to be a really good solution because the city doesn’t bear the cost of the cameras and the business owner is invested in protecting his/her property.

Representative Collins shared a story about a secondhand store receiving a $250 monthly trash bill because people are placing garbage near there drop-box so they have to pay to have it hauled off. Represented Collins stated that he thinks it’s behavior and unemployed people that can’t afford trash pick-up so they are getting rid of it by illegal means.

Mark Alexander stated that DelDOT is getting a mix of both dumping and trash along the road complaints. Dumping is an issue, but there are numerous complaints for trash and he could keep his staff and all the inmates busy all day, but they wouldn’t get anything else done.

Marjorie Crofts said that the Environmental Crimes Unit in DNREC has a series of cameras, but there is a high demand for them. They will go out where there have been repeated issues and requests. It’s hard to actually get enough to go after somebody, but if they get a picture of their face then they will post it on their website asking if anyone knows them.

Senator Peterson asked if DelDOT ever recovered there clean-up costs for the dumping on Upper Pike Creek Road. Mark Alexander replied that he knows DelDOT sent the property owner a bill for the clean-up costs. Senator Peterson stated that last she heard he ignored it. Annie Cordo replied that so far he has ignored every demand and letter DelDOT sent. Senator Peterson asked what we’ll do now. Annie Cordo responded that the Department has to determine if they want to bring a suit against him. Senator Peterson asked if that is likely because if you can dump 50 truck-loads of concrete on a public road and walk away and have DelDOT come behind you and clean it up then we are spinning our wheels here. This is why people do it because nothing happens. A few more questions were asked about the responsibility and who is responsible from DelDOT, DNREC, Wetlands, State Police and/or Feds. Dirk Durstein III stated that he will work with Annie Cordo and follow-up on this to see what if any action we can take.

Julie Miro Wenger stated that as a group maybe it would make sense that one of the first things we look at is the litter and dumping code that is on the books today. Then we can figure out if there are some missed steps and come up with some recommendations that could make our language stronger so we are able to enforce with more heat.

Julie Miro Wenger proceeded to give an update on Keep Delaware Beautiful. The Governor signed a Proclamation to Keep Delaware Beautiful Chapter. Delaware Food Industry is taking the lead on creating the chapter and the Delaware Solid Waste Authority has committed $40,000 annually to get that up and off the ground. Bylaws were drafted and it will be a pay to play organization. They are anticipating 7-12 board members. Each board positions will be a paid board position that will fund the organization. We are looking for haulers to be a part of it. A number of companies have already asked to be a part of it. They will have four honorary positions and they are hoping that Senator Peterson and Representative Collins will take a seat that way. Keep America Beautiful is going to come down and do a six hour strategic planning session in the fall. This will determine what the path forward is for the local statewide chapter as to what the initiatives they are going to choose to take on. It seems to dovetail well with this litter task force as to what they were hoping to accomplish so then we would know what the on-going purpose of Keep Delaware Beautiful would be. They are really all about education starting with kids and working in neighborhoods and volunteer based groups. We are hopeful that the chapter will be fully functioning and up and running before the end of this calendar year knowing that the strategic planning will take place around October 27, or the first week in November.

Representative Collins asked Dirk Durstein III if he could forward all of the code sections that are applicable for litter and dumping to the Task Force. Mr. Durstein agreed and said that what you will find is that it is patchwork with different state agencies involved from counties, municipalities and that can be a good thing or a bad thing depending on how you look at it because there are a lot of different entities that have enforcement authority. It’s a matter of priorities and it comes down to staffing and resources. DNREC is going to focus on pollution that has potential health consequences and serious consequences to the environment and other things of that nature. In the waste area it’s going to be hazardous waste that is going to get a lot of attention in huge facilities, but that doesn’t mean that the individual acts on the roadways are the more egregious things like on Pike Creek Road can’t be looked at. State police is going to go after drug dealers and murderers more that litterers. I am not sure what the answer is, but it seems like there should be better coordination of the entities that have responsibilities as far as who does what. Everybody probably should have a piece of it, but that is really for the legislature to decide.

Marjorie Crofts stated that she will look into the number of dumping complaints DNREC had in a year and what percent they were able to find a responsible party. Senator Peterson requested that of all the complaints DNREC is able to identify someone can they also let us know what penalties were assessed. Marjorie Crofts replied ok. Senator Peterson stated that she remembers at the refinery hundreds of thousands of dollars’ worth of penalties were to be assessed every year and not one cent was every collected, but it looked good because on paper we were billing a million dollars. We never saw any of the money. Marjorie Crofts replied that we saw some of the money and Senator Peterson said not much.

There was some more discussion about jurisdiction responsibilities and Delaware Code as it pertains to fines and that maybe they need to be looked at further.

1. **New Business**
2. The Chairman distributed a handout listing the items and questions that the Task Force are charged to address. He requested that each member answer the questions and submit feedback to him.
3. Representative Collins discussed his handout from the June 9, meeting.
4. **Discussion of Future Dates and Agenda Items –** Representative Collins would like The Department of Education to advise the Task Force on what they would have to do to get schools to put out literature or whatever they can do. It would probably come through Keep Delaware Beautiful, but let them make a presentation on what their capabilities might be or what type of road block we could have. Additionally, Representative Collins would like Mike Costello to give a presentation on what they are doing with the Crime Stoppers Program.

There was further discussion about extending the timeframe for this Task Force because only two more meetings remain, but it might require creating a new Resolution in January or possibly submitting an interim report.

The Chairman mentioned that he needs everyone’s responses to his handout and that he will draft a report to review.

Senator Peterson asked if we can have a brief presentation by Keep America Beautiful folks on the culture change piece of it. Is it going to be possible to get that because a lot of what we are talking about is going to tie right into that? Julie Miro Wenger stated that it is entirely possible, but the issue is that we won’t know how it’s going to be created here in Delaware until we do the Strategic Planning Day. Keep America Beautiful offers an off the shelf presentation that we could do tomorrow, but we will not know how the Keep Delaware Beautiful Chapter looks until they have their six hour Strategic Planning meeting on October 28, and that was there earliest date.

Representative Collins reiterated that he thinks the Department of Education should be involved if they are going to play a major part over the years and we should get them engaged. Additionally, he would like to hear from the farm community. Pam Bakerian replied that she is working on it.

Julie Miro Wenger asked if our next meeting on August 1, is final because she’s on vacation and a couple other members will not be able to attend. After some discussion it was agreed that a couple more dates would be e-mailed to see if there is a better date in August to have our next meeting.

1. **Public Comment –** No public comment was made.
2. **Adjourn –** Motion to adjourn the meeting was made by Senator Peterson, seconded by Representative Collins. No one opposed. The meeting adjourned at 2:44 p.m.

**Attachments:** Robert Tunnell’s presentation, Major Purcell’s handout, and Chairman’s handout

**Minutes Prepared By:** Lesley Devine, DelDOT