



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
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DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

The Delaware Anti-Dumping and Anti-Littering Task Force
Meeting Minutes

Thursday, February 1, 2018
DelDOT – Dover Conference Room
800 Bay Road
Dover, Delaware 19901

Members Present:

Mark Alexander (Acting CHAIR)
Julie Miro Wenger
Mike Parkowski
Marjorie Crofts
Pam Bakerian
Senator Stephanie Hansen

Director, Maintenance & Operations, DelDOT
Keep Delaware Beautiful
Delaware Solid Waste Authority
DNREC
Delaware Farm Bureau
State Senator, Democratic Caucus

Members Absent:

Jennifer Cohan (CHAIR)
Ralph (Dirk) Durstein, III
Paul Pearson
Allan Thienpont

Secretary, DelDOT
Department of Justice/DNREC
Charlie's Waste Services
Waste Industries

If Desired Members:

Representative Richard Collins
Michael Harris (for Matt Meyer)
Michael Petit de Mange
Michael Costello

State Representative, Republican Caucus
New Castle County
Kent County
Sussex County

DelDOT Support Staff:

Brad Eaby
Alastair Probert
Darlene Cox
Lesley Devine

DAG, DelDOT
South District Engineer, DelDOT
Legislative Liaison, DelDOT
Executive Assistant, DelDOT

Guests:

Dee Durham
Noel Wagner

Call to Order – The meeting was called to order at 3:09 p.m. by Acting Chair Mark Alexander.

Approval of Minutes from December 7, Meeting – Ms. Crofts motioned to approve the minutes and Representative Collins seconded the motion. No one opposed.

Mr. Parkowski clarified that the \$100,000 referenced in the December 7, Minutes for the Memorandum of Understanding (MOU) between DelDOT and Keep Delaware Beautiful (KDB) will be used directly for an Anti-Littering Campaign. Also, Ms. Miro Wenger stated that the MOU is very close to being signed with DelDOT for the outreach and education component for litter and it will include publicizing Adopt-A-Highway.

Review of Draft Legislation – The Acting Chair noted that Mr. Durstein was not here, but asked if anyone had comments and Mr. Durstein can review in the minutes for his consideration. Mr. Costello mentioned that he had some back and forth e-mails with Mr. Durstein about some language from Chapter 60 of Title 7 regarding if a vehicle was used and the operator of the vehicle wasn't known then the registered owner would be held liable for the violation. Mr. Costello expressed that Mr. Durstein thought it was a good idea and sent him an amended version, but the changes were not in the copy that was handed out. The Acting Chair stated that we will get an updated version and let Mr. Durstein review next meeting. Ms. Bakerian stated that she already ran the version that was handed out through the board and it's been approved, so she'll need to have the board review again with the changes prior to the next meeting.

Matrix Discussion – The Acting Chair reviewed the matrix notes from the prior meeting. The Task Force discussed further if they should combine or group Items 14, 15, 16 and 17. Representative Collins stated that he has items he wants to add to the matrix and he doesn't think we need to make a decision right now.

The Acting Chair mentioned that while we are on the matrix Ms. Durham e-mailed some items that she would like the Task Force to consider adding. A copy of Ms. Durham's e-mail was provided to the Task Force and she went over her e-mail. Several discussions took place pertaining to if Ms. Durham's requests are part of what the Task Force has been tasked with. A few questions were asked about the chart data within Ms. Durham's e-mail. Ms. Durham said that the matrix seems to be missing legislative action and maybe add something that is very broad in sense. Representative Collins asked if the Task Force had a problem with adding it to the matrix for further discussion, so they can move on to something else. No one objected.

Discuss Anti-Dumping/Anti-Littering Report due April 2018 - Representative Collins expressed the report is due in April and we need to get going here. He doesn't think this will be over in the next couple months.

Discuss Cleaning Up Problem Roads - Representative Collins went over problem roads in his district that he started to keep track of where trash is thrown all over. He stated they don't have enough prison guards to take the prisoners out on the roads to clean them. He suggested putting a campaign style plastic sign with a friendly message on it just for a couple weeks after a road is cleaned "Just cleaned let's all work to keep it clean". Something to get people to think about instead of trashing what was just cleaned. Acting Chair stated that we have a Clear Zone Law. Representative Collins responded that we could abide by that just like the political signs, but only

leave them out for two weeks at the most. The Acting Chair stated that it would be a violation of the Clear Zone Law unless it was during an election cycle. Representative Collins stated that we would have to change that regulation and asked the Task Force if anyone thought it was a bad idea to add it to the list to discuss further. The Acting Chair stated that the bandit signs would be back to being open to put out year round. Some discussions took place pertaining to the bandit signs and not regulating content. The Acting Chair said that we can look at it, but it will be an obstacle. Mr. Costello stated that they are trying to create a Memorandum of Understanding (MOU) with the Department of Corrections (DOC) to provide overtime funding for guards to supervise prison crews and he is hoping it is approved soon. If it is approved you'll see trash bags that advertise the partnership between DOC, Sussex County and DelDOT when the trash gets put in those bags by prisoners and set on the side of the road. It might be a couple of days before they are picked up, so people are going to see the trash bags. Representative Collins suggested a promotional sign on the vehicles too. Mr. Costello said in connection with that it would give us a little more latitude to advertise those efforts on Sussex County's website for folks to see and if they have any questions.

Representative Collins requested that the Task Force go through Resolution No. 6 and see if it makes sense to add anything to the list. Representative Collins suggested that the Task Force come up with a comprehensive list of trouble clean-up hotspots and let the powers to be know that clean-up in that jurisdiction should be every three months, six months, a year etc., but we have to identify them. Representative Collins stated that he has eleven locations that require clean-up. Representative Collins reiterated that one of his motivations for doing this is making Delaware a better destination for tourism. Mr. Costello told Representative Collins to provide him with a list of the roads and he'll make sure they are taken care of. Representative Collins said if Sussex County could be the coordinator that would be spectacular. Mr. Costello stated that if the MOU goes through they will have this process in place because they want to see what they are getting for their money, so they'll be happy to do that. Representative Collins asked Mr. Petit de Mange how big the trash problem is in Kent County. Mr. Petit de Mange responded that it might not be as big as what you're experiencing. Our enforcement folks will respond if it's on private property and we deal with the property owner with enforcement action, if it's in the public right of way we call DelDOT and few rare instances we involve state police. He would be interested in learning a little more about the process Mr. Costello has in place and the contacts he's developed with DOC and other agencies that they could possibly replicate. Some discussions took place about county trash pick-up districts and the cost associated with it to the property owner.

The Task Force had some discussions about the Adopt-A-Highway Program and Mr. Parkowski mentioned that part of the MOU with DelDOT and Keep Delaware Beautiful is to promote Adopt-A-Highway.

The Task Force had several conversations about trash haulers dropping trash and the various types of trash trucks. Representative Collins mentioned that he would like to have a serious discussion with the trash haulers on how to reduce the trash flying out of their trucks. Senator Hansen agreed and said we could have the haulers explain what they are currently doing and go over best management practices. Mr. Parkowski stated that he will schedule a meeting with the haulers and invite the Task Force. Mr. Eaby advised the group that if a quorum of the Task Force Committee members attended the meeting with the haulers it would be considered a public meeting subject to all requirements under FOIA, including posting of the notice of the meeting at least 7 days in

advance of the meeting, open to the public, and recordation and posting of the minutes. If less than a quorum participates than FOIA would not be applicable. Some further discussion took place to determine a date for the meeting and Mr. Parkowski said that he would confirm.

Keep Delaware Beautiful (KDB) Update – Ms. Julie Miro Wenger reported by thanking the co-chairs in both the House and Senate they passed a license plate for Keep Delaware Beautiful. The last week of session Senator Hansen was able to get it through the Senate and Representative Collins walked it through the House and she just came from DMV and they were discussing what the plate would actually look like and were hoping to have it in production for Earth Day in April.

Ms. Miro Wenger stated that they have been working with DelDOT and created a case study as to what they are looking for to do a statewide litter assessment. They received quotes back from two different companies. One company worked with other affiliates across the country from a pretty large national company to do a statewide litter assessment that we would have our results back before June. The other was to work with a company that Delaware Solid Waste Authority has worked with on some recycling studies. It's almost 50% of the cost to work with a much smaller more localized company that's actually on the east coast and so we're hoping that the litter assessment will start in March and we'll have the results back by June, so that we have a baseline of what the litter is. We wanted to have a comparison between two companies bidding on the same thing. Hopefully, they'll be signing a contract in the next couple of weeks and the study will start in March.

Ms. Miro Wenger suggested some language in the final report to reflect county by county and statewide this is how a legislator reports when they need litter picked up, this is the schedule for clean-ups and this is how Adopt-A-Highway works etc. She feels this will help get the information out and she is happy to help with writing the language in the final report. The Acting Chair explained that DelDOT doesn't have a set schedule for clean-ups and he doesn't have the resources to have a schedule in place. It's based on when he gets inmates to pick up trash. Representative Collins expressed this is what we are possibly talking about creating. The Acting Chair and Mr. Probert stated that additional resources would be needed in order to make that happen. Ms. Miro Wenger suggested that we put what is happening today and in order to get to a 3x's a year clean-up or seasonal clean-up then it would cost however much. She would love to see that the final report capitalize on exactly where the issues are and this is how we fix it and this is what we do long term and short term.

Other – Representative Collins said for the next meeting he would like to hear about the Dangers of Meth/Cleaning up Trash and asked if anyone can speak to that. Mr. Probert responded that DNREC has an excellent presentation they gave to the DelDOT workforce because of the items they come across. Representative Collins said that he would like to see it.

Representative Collins asked Ms. Bakerian if she had anything she would like to bring up pertaining to the farmers in any way. Ms. Bakerian responded that when we first met as Task Force we covered that. People will go on a back road and if they have a broken refrigerator they'll toss it into the farmer's field and then it becomes the farmer's trash. Ms. Bakerian asked how can you catch them because you can't put up cameras and we walked all around this and never came up with a solution and she doesn't have one now. Representative Collins stated that if Ms.

Bakerian comes up with something then we are ready to hear it. Ms. Bakerian stated that maybe with the fines being increased that will help as a deterrent.

Representative Collins asked the Task Force if they want to start collecting a list of roads that should go on the report to be cleaned up. He said if you go by a road every day and you think it's nasty then make a note on your phone or wherever it's convenient for you so we can start building a list. The Acting Chair replied just so you're aware the districts have a rotation of the roads with the most trash, so as they get resources available they'll do them and then they'll keep cycling through depending on where they last left off. Representative Collins responded by saying this is not just DeIDOT and the prison makes it their business to do a lot of this and the warden wants something for the prisoners to do. The Acting Chair replied by saying we are using the prisoners and over half of the trash we picked up was by inmates. The Acting Chair stated that he is well aware the inmates are doing the heavy lifting for DeIDOT and when we get inmates we provide a truck, signs and work with them.

Public Comment – Mr. Noel Wagner addressed the Task Force. He asked who he can send letters or e-mails to and the Acting Chair responded that he'll give him his contact information. Mr. Wagner stated whoever picks up the tires and accident debris is doing a terrible job. He went on to provide some details and expressed his frustration with the tires and debris left behind on the streets.

Adjournment – Motion to adjourn the meeting was made by Ms. Crofts and seconded by Senator Hansen. No one opposed. The meeting was adjourned at 4:44 p.m.

Attachments: Draft legislation (Title 16, Chapter 16. Litter and Dumping Control Law), House Concurrent Resolution No. 6, Matrix Spreadsheet and Dee Durham's e-mail dated 1/23/18 for consideration to the Task Force.

Minutes Prepared By: Lesley Devine, DeIDOT