

**DEBRA J.
HEFFERNAN**
STATE
REPRESENTATIVE
6TH District



**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901**

COMMITTEES
Natural Resources, Chair
Health & Human
Development, Vice Chair
Appropriations
Education
Joint Finance
Veterans Affairs

Natural Resources Committee Minutes
3.28.18

Chair Heffernan called the meeting to order at 4:15 p.m. Members present included Vice Chair Mulrooney and Reps. Bentz, Brady, Carson, Collins, Gray, Kowalko, Q. Johnson, Paradee and Postles. For a list of guests present, please see the attendance list below.

Chair Heffernan called on Rep. Carson to introduce **SB 158, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO TYPES OF FISHING EQUIPMENT AND METHODS USED FOR FISHING FOR FOOD FISH.**

Rep. Carson stated that this bill creates an exception for specific instances in which a citizen would be permitted to catch food fish in fishery conservation zones in Delaware.

Chair Heffernan requested a motion. A motion was made by Rep. Mulrooney and seconded by Rep. Paradee to release SB158 from committee; motion carried. Yes=9 (Chair Heffernan, Reps. Brady, Collins, Gray, Q. Johnson, Postles, Paradee); No=0; Absent=2 (Reps. Bentz and Kowalko). SB158 was released from committee with an F=1, M=9, U=0 vote.

Rep. Heffernan called on Rep. Carson, the sponsor of the bill, to introduce **HB 329, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH.**

Rep. Carson stated that HB329 would eliminate the prohibition against possessing body gripping traps with a jaw spread exceeding 5 inches. He added that the bill addresses an issue that licensed trappers are permitted to possess these traps in surrounding states and these traps are often a collector's item. The actual use of these traps is still prohibited.

Chair Heffernan requested a motion. A motion was made by Rep. Brady and seconded by Vice Chair Mulrooney to release HB329 from committee; motion carried. Yes=9 (Chair Heffernan, Vice Chair Mulrooney, Reps. Brady, Gray, Postles, Paradee, Gray, Collins); No=0; Absent=2 (Reps. Bentz, Kowalko). HB329 was released from committee with an F=0, M=9, U=0 vote.

Rep. Heffernan called on Vice-Chair Mulrooney, the sponsor of the bill, to introduce **HB 270, AN ACT TO AMEND THE DELAWARE CODE RELATING TO CLEAN WATER FOR DELAWARE.**

Vice-Chair Mulrooney stated that HB270 addresses water contamination issues by establishing a long-term framework for planning and implementing projects to clean contaminated water sources and creating a trust fund dedicated to clean water. The bill was created in response to recommendations from the Clean Water Task Force that found widespread contamination issues in Delaware's drinking water and wastewater systems. He referenced that legacy pollution has had a significant impact on the contamination of Delaware's waterways.

Vice Chair Mulrooney expressed a concern that clean water issues have not been a priority in the formulation of the State budget in previous years, and he believed that creating a Clean Water Trust Fund would effectively address a budget shortfall that currently limits government funding of clean water projects. HB270 creates a Clean Water Surcharge of a \$40 tax for individuals, an \$80 tax for individuals filing a joint return, and a \$45 tax for business organizations to provide additional financial support towards the Clean Water Trust Fund. Vice-Chair Mulrooney believed that these taxes were relatively modest contributions that would provide necessary support for clean water systems throughout the state.

Vice Chair Mulrooney added that poor water quality impacts the health and wellbeing of all Delaware citizens and industries, and he presented a series of statistics that illustrated the scope of statewide water issues. Additionally, he mentioned that the Clean Water Surcharge could provide approximately \$50 million in revenue to support clean water projects throughout the state. He emphasized that this bill would help create several hundred job opportunities related to clean water.

Chair Heffernan recognized the efforts of the Clean Water Task Force and opened the floor to questions from committee members.

Rep. Q. Johnson was concerned that the burden of contributing to the Clean Water Fund could be shared unequally if every citizen did not have to contribute.

Vice Chair Mulrooney responded that only individuals who cannot afford the tax are excluded.

Chair Heffernan called upon Sec. Garvin to speak on behalf of DNREC. Sec. Garvin stated that DNREC was an active member of the Clean Water Task Force and that Governor Carney has made water infrastructure a priority of his administration. He expressed support of HB270; however he recommended funding the program through the budget.

Chair Heffernan added that DNREC operates volunteer programs including the Brownfields Program that help to address clean water issues throughout the state.

Chair Heffernan opened up the floor for public comment. Written testimony can be found attached at the end of the minutes.

Keith Steck, a private citizen, stated his concern that DNREC is overwhelmed and understaffed; therefore it would not be able to properly manage the Clean Water Trust Fund.

Anne Farley, of the FSS-DCA, supported HB270 because clean water provides benefits for both Delaware citizens and industries.

David Rickard, of Birdsong Gardens, supported HB270 because the funds generated by the program would upgrade waste water plants and prevent the spread of contaminated wastewater.

John Bucchioni, a private citizen, supported HB270 and said contaminated water wells in District 20 created dangerous health risks for all citizens including pregnant women and infants.

Mohammed Akhter, a private citizen, stated that he supported HB270 because clean water is linked with increasing life expectancy and improving the quality of life for all citizens.

Martha Redmond, of the League of Women Voters of Sussex County, supported HB270 because it would act as a lock box for dedicated long-term funding in clean water projects.

Peggy Schultz, a representative of the League of Women Voters of Delaware, supported HB270 because that the majority of state waterways are contaminated.

John Auster, a private citizen, supported most of HB270 because the bill provides resources to expand waste water treatment infrastructure for drinking water in wells of the Indian River Watershed.

Shelley Cohen, of the League of Women Voters, supported most of HB270 but stated that the bill should be modified to tax businesses proportionately.

Roy Miller, a private citizen, supported HB270 and stated that clean water issues can be properly addressed with dedicated personnel and funding.

Dave Jagger, of the Inland Bay Foundation, supported HB270 because it is a step in the right direction towards addressing this serious public health problem.

Rebecca Brill, of the Delaware Sierra Club, supported HB270 because the clean water tax would be the least administratively complex method to collect adequate funding for clean water.

Tom Brett, of the Progressive Democrats of Sussex County, supported HB270 because he felt that water quality in Delaware would continue to worsen if the issue was not addressed now.

Jonathan Mattner, of Revitalize Delaware, supported HB270 because clean water is a human right and he believed Sussex County deserves proper investment in water quality for future generations.

Jeff Bross, of the Water Infrastructure Advisory Council, stated that the Council is prepared to administer programs in HB270.

Kathy Doyle, a private citizen, supported HB270 because critical investments are needed over the next 5-10 years to properly address water quality issues.

Linwood Johnson, a civil and workers' rights advocate, supported HB270 because clean water is essential to public health and the economy.

Chris Bason, of the Center for the Inland Bays, stated concern about ongoing issues in Delaware's waterways including the loss of bay grass, high nitrate concentration, shellfish contamination, and unsafe swimming water.

Glenda Risch, a private citizen, supported HB270 because it creates a policy for long-term funding of clean water projects.

Amy Issac, a private citizen, supported HB270 but she referenced that tide water should have a larger focus in the bill and that the State needs high quality water infrastructure.

David Baker, a private citizen, expressed concerns about additional enforcement from the EPA and proposed using the administration fee for monitoring enforcement of the clean water fund.

Joseph DiNunzio, of Artesian Water, stated that his company opposed HB270 because the tax would undermine the General Assembly's authority and oversight over the program.

Stephanie Herron, of the Sierra Club, supported HB270 because clean water is a human right.

Eugene Deetz, of Progressive Democrats of Sussex County supported HB270 because clean water is necessary for all citizens and it attracts business investment in the state.

Lorraine Flemming, a private citizen, supported HB270 because legacy pollution is a major issue and the bill provides more financial resources to support clean water.

Ginger North, of the Red Clay Valley Scenic Byway, supported HB270 because the clean water fund could adequately address water contamination, flooding, and infrastructure issues.

Cheryl Rehrig, of the Delaware Center for the Inland Bays, supported HB270 because she felt this was pivotal time to pass a bill that would address widespread water issues in the State.

Gerard Esposito, President of the Delaware Chamber of Commerce-Tidewater Utilities, worked with the Clean Water Task Force and stated that it recommended the least problematic solution to the issue.

Laura Miller, of the Delaware Nature Society, supported HB270 because it represents the best option to address state water issues.

Jennifer Adkins, of the Partnership for Delaware Estuary, supported HB270 because sustainable funding is critical to protect clean waterways in Delaware.

After public comment, Chair Heffernan called on committee members to ask questions about HB270.

Rep. Brady asked how this bill would impact funding for city sewers in Wilmington.

Rep. Mulrooney responded that Wilmington has its own water treatment systems as well, and the program included in HB270 focuses on addressing the state-wide need for clean water.

Rep. Brady expressed supported for the bill, but remained cautious about impacts on Wilmington sewer systems.

Rep. Kowalko mostly supported HB 270 but was dismayed that the Clean Water Task Force's report failed to address the impact of over development. His biggest objection was that the bill does not hold heavy-polluting industries accountable in sharing the burden of cleaning up water systems. He proposed that the Committee draft a bill that addresses overdevelopment and creates a fund in which every heavy industrial polluter in Delaware bears a share of the burden to reduce water pollution.

Rep. Bentz agreed with Rep. Kowalko and wished HB270 targeted heavy polluters to share the cost of the Clean Water Trust Fund. He stated that he still supported the bill.

Rep. Paradee was concerned with how the program would be paid for, and he agreed that HB270 would not hold heavy polluters accountable. He mentioned that there are many out-of-state property owners that would also not be included in sharing the burden, and took issue with the idea of creating a large governmental agency to control these funds without detailed plans for proper legislative oversight. He proposed that the problem would be better addressed if legislators made water quality a priority issue in formulating the state budget.

Rep. Q. Johnson supported creating a more robust one-time funding source to address state water issues though the budget process and reiterated that there needs to be appropriate legislative oversight of the Clean Water Trust Fund. Furthermore, he was concerned that some Delaware citizens could be excluded from contributing into the Clean Water Trust Fund in HB270, and he mentioned that the bill does not address the size of businesses fairly in mandating taxed contributions to the Clean Water Trust Fund. He agreed HB270 would not hold the people and entities causing the issue accountable, and stated he would not support releasing the current version of the bill from committee.

Vice-Chair Mulrooney responded to Rep Q. Johnson that the momentum to address water quality issues would die if the bill was not released from committee because water has not been a priority in past budgets. He agreed that minor changes could be made to address the members' concerns and recognized the overwhelming support from citizens from all Delaware counties that gave public comment during the meeting.

Chair Heffernan agreed that more funding is needed to address water issues, and she was not convinced of the viability of the financing for the clean water fund in HB270.

Vice-Chair Mulrooney reiterated the bill should keep going through committee and eventually be voted on by the rest of the General Assembly in order to sustain the momentum.

Rep. Collins was concerned that polluting industries would not be accountable in sharing the burden if the bill was released. He stated the bill does not create enough funding to solve the whole issue, and took issue with the bill creating a regressive tax. He was also concerned about creating another State agency because it could create confusion between the roles of agencies in addressing clean water.

Vice-Chair Mulrooney said that it was unlikely that legacy polluters would volunteer to pay the entire cost of the Clean Water Trust Fund. He reiterated that there is always legislative oversight on government projects and this bill directly addresses one of the biggest problem in the state.

Rep. Q. Johnson said that the momentum on the issue would not be lost if the committee took more time to consider the impact of HB270. He stated that many provisions need to be fixed in the current version of HB270 before it should be released from committee.

Rep. Brady recommended modifying the structure of the bill to address the concerns of the committee members. He asked the committee to table the bill and consider a modified version of HB270 at upcoming committee meetings.

Chair Heffernan requested a motion. Rep. Brady made a motion to table, seconded by Rep. Q. Johnson. Yes=9 (Chair Heffernan, Reps. Q. Johnson, Collins, Carson, Paradee, Kowalko, Brady, Gray, Postles), No=2 (Vice-Chair Mulrooney, Rep. Bentz), Absent=0.

Chair Heffernan adjourned the meeting at 6:15 p.m.

Respectfully submitted by:

Nicole Jacoby

In attendance:

1. Keith Steck- Private Citizen

P.O. Box 1401 Dover, Delaware 19903
Office: 302-744-4174 Fax: 302-739-2773
Debra.Heffernan@state.de.us

2. Anne Farley-FSS-DCA
3. David O. Rickards- Birdsong Gardens
4. John Bucchioni- Private Citizen
5. Mohammed Akhter- Private Citizen
6. Martha Redmond-League of Women Voters Sussex County
7. Peggy Schultz- League of Women Voters Delaware
8. Brad Zimm- GWPO
9. John Auster- Private Citizen
10. Shelley Cohen- League of Women Voters
11. Roy Miller- Citizen
12. Sara Russell- Citizen
13. Dave Jagger- Inland Bay Foundation
14. Rebecca Brill- Delaware Sierra Club
15. Tom Brett- Progressive Democrats Sussex County
16. Susie Ball- Citizen
17. Jeff Bross- WIAC
18. Kathy Doyle- Citizen
19. Chris Bason- Center for the Inland Bays
20. Aimee Isaac- Citizen
21. David Baker- Citizen
22. Cindy Johnson- Delaware Women for Inclusion
23. Anne Pikolas- Progressive Democrats
24. Joseph DiNunzio – Artesian Water
25. Stephanie Herron- Sierra Club
26. Eugene Deetz- PDSC
27. Lorraine Flemming- Citizen
28. Jonathan Mattner- Revitalize Delaware
29. Don Flood- Progressive Democrats Sussex County
30. Glenda Risch- Private Citizen
31. Carol Taylor- Private Citizen
32. Sue Stringfield- Private Citizen
33. Ginger North- Red Clay Valley Scenic Byway
34. Cheryl Rehrig- Delaware Center for the Inland Bays
35. Gerard Esposito- President Delaware Chamber of Commerce and Tidewater Utilities
36. Laura Miller- Delaware Nature Society
37. Jennifer Adkins- Partnership for Delaware Estuary
38. Linwood Jackson- Civil Rights Advocate
39. Katherine Young- Center for the Inland Bays
40. Deb Shultz- Progressive Democrats of Sussex County
41. Debra Goerger- Delaware Center for the Inland Bays
42. Richard Goerger- Delaware Center for the Inland Bays
43. Amy Barra- Delaware Center for the Inland Bays

P.O. Box 1401 Dover, Delaware 19903
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Debra.Heffernan@state.de.us