

SEP 20 2006

Robert L. Graham
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September 19, 2006

Governor Ruth Ann Minner
Tatnall Building
Dover DE. 19901

Honorable Governor Minner,

The disposal of municipal and private development wastewater is an issue of utmost importance and one which impacts greatly on the future development of our State.

As you may be aware, I recently wrote a letter to the editor of the News Journal very critical of an "Issue paper" written by Mr. Nicholas DiPasquale of Duffield Associates proposing the use of state-owned lands for the disposal of wastewater. I have attached a copy of that letter and will not reiterate those concerns here. I do, however, want to emphasize that this is an issue of major concern to me and others with whom I have talked. The proposal of Mr. DiPasquale to use state-owned land for the disposal of wastewater is not a complete and objective analysis of this issue. It has very serious policy implications for all the citizens of Delaware, especially the hunting, fishing, wildlife and general recreation users who, along with you, have championed the cause of open space acquisition and protection in Delaware. Put bluntly, the proposal is disrespectful of the hard work on the part of many individuals and organizations that have sought to build a legacy of public lands acquisition, protection and management for all the citizens of Delaware and future generations to enjoy.

Mr. DiPasquale's issue paper states unabashedly that state-owned lands should be used for wastewater disposal because they are readily available and their use would be cheaper than having developers and municipalities buy more expensive land at current market prices. This approach clearly ignores the conservation purposes for which fish and wildlife, forestry and parks lands were purchased. It clearly demonstrates Mr. DiPasquales and Duffield Associates' bias toward

development and having development subsidized by the state. This, as I understand your "Liveable Delaware Program", is contrary to the policies that your administration is trying to promote.

Equally as troubling in Mr. DiPasquales's proposal is the failure to identify and discuss the risks involved in the application of wastewater to the state lands, the plant and animal resources on these lands and the public that uses them. The issue paper is structured as an advocacy piece that has the public who uses and has paid for these lands assume all the risk, while developers and engineering planning groups reap all the benefits. Fish and wildlife, plant communities and key environmental habitats are important products of these state lands and to change management to allow the application of wastewater-- simply because it is expedient and cheap to do so-- is unconscionable. This is not good public policy and again, another example of the lack of balance between the general public and the businesses that benefit from development.

Governor, let me close by respectfully asking you to step forward on this issue consistent with the way you have led the fight to protect Delaware's open space and state to the Clean Water Advisory Council, Mr. DiPasquale and any other working group concerned with wastewater disposal that state-owned fish and wildlife, parks and forestry lands are off limits and will not be used for this purpose. Such a statement will send a clear signal and help protect the legacy of open space preservation that you and I, and many other individuals and organizations, have fought so hard to establish.

Respectfully,



Robert L. Graham

cc. Lt. Governor John Carney
John Hughes, Secretary DNREC
Mike Riska, Delaware Nature Society
Rusty Harvey, Delaware Wildlands, Inc. ✓
Roger Jones, Nature Conservancy

Attachment

Wastewater proposal may cost the state federal funds

Nick DiPasquale's suggestion of using state lands for the disposal of treated wastewater is an interesting one, but should be investigated thoroughly before rushing into it.

Having been Secretary of the Department of Natural Resources & Environmental Control, he knows that the department has numerous acres of land under its control and/or management. What he (and several other past secretaries) have failed to recognize is that restrictions imposed by the source of the funds used to purchase these lands may prevent what he is proposing.

A major portion of DNRRC public lands were purchased using federal aid funding. The Division of Parks has used Federal Land & Water Conservation funds. The Division of Fish & Wildlife has also used this source of funding as well as federal aid in Wildlife and Fisheries Restoration (PR & DJ) funds.

Both funding sources require adherence to the purposes for which the lands were originally intended. Any diverted uses - especially for lands purchased using PR & DJ funds - carry the consequence of lands and their management costs being reverted to the federal funding agency.

This factor, the possible and probable degradation of the lands by pollutants, and the impact on public use of the lands should be taken into consideration before any plans for implementation are advanced.

The disposal of treated wastewater is a major problem caused by housing developers. It should not be dumped on the backs of fishermen, hunters and other outdoor recreation users.

Robert L. Graham
Millard