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**March
2013**

**STATEMENT
OF
PRINCIPLE**

Monitor and selectively evaluate government actions including laws, regulations and policy.

Provide appropriate forums for informing as well as soliciting input from the public.

Establish positions based on responsible studies and consistent with the aims and purpose of the organization.

Advocate these positions.

Founded in 1962, the Civic League is non-profit volunteer organization, which studies and illuminates County and State government actions concerning comprehensive developments and the quality of life and is a vocal advocate of relevant positions.

County Comments is the official publication of the Civic League for New Castle County.

Chuck Mulholland,
President

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COUNTY COMMENTS

CIVIC LEAGUE FOR NEW CASTLE COUNTY
Informed Citizens for Sound County Growth

MEETING
Tuesday, March 19, 2013
7:00 PM
Paul J. Sweeney Public Safety Bldg.
3601 N.DuPont Hwy (Route 13)
New Castle, DE

AGENDA
Governor's Gun Control Legislation Debate

Response to
“To create jobs, fund Delaware Capital projects”

*News Journal, Opinion Section, March 5, 2013
Written by: Brian McGlinchey and Marian Young*

As all Architects seeking work, and, hopefully, not just from the public dole, one must observe a mentor's advice-"In assuming a project, don't challenge from whence the money cometh forth". But such advice should now be placed aside.

There is a long history of Federal outlay for capital projects, and to the benefit of private enterprise---from the 1840's ice breakers immediate to the Old New Castle waterfront, many major bridges, the rail West, the massive restart of industry as the "Arsenal for Freedom", and, more currently, the entirety of the military-industrial complex. (Ironically, and to their merit, one doesn't find many of the military complaining of the cutbacks. State and local businesses do.)

From the News Journal 'Opinion', comes the renewed bellyache pleas to restore the building trades work thru economic pump priming via more, wholly financed, State capital projects. (Oh, we wrongfully assumed our State bonded debt into the billions wasn't from all local money?) The previous writers' pleas denies several hurtles: the stimulus monies aimed at the same solution didn't work, the cause celebre for more schools is debunked with excess, existent space in our inner City public schools, all the while, the local County government has chronic delinquency in allowing bumper to bumper commercial retailing along our interstate roads, proposes no secondary road relief, and while the State/Del Dot dithers with a 12 mile diversion/"shortcut" to I-95. We still think we should afford purchase of each new, essentially residential, private use, road and maintenance

thereof. Yes, the money has flowed freely, oft to the wrong places----and it could now all stop. Want to create jobs? Certainly---correct our interstate road system, expand our harbors, exponentially expand our private research—our medicine, our preferred Corporate law. The South has risen again—new, greatly expanded, manufacturing in an ‘open shop’ environment. Private interests have offered up for our one Port. The “Prevailing Wages” issue must be resolved. Is the reality of a labor man to own two cars, have a boat, and, perhaps, own that second home on the storm ridden beachfront? Historically, Americans have moved when jobs so require. There is major migration occurring from the Mid West industrial belt. Residents of two, local School Districts most recently, responded to referendums proposing new capital engagements. (More trades work)----but, higher taxes?—the response was a definitive, “No Thank You”. Such response begs the question as to who should be paying for such local improvements and why the State? Our neighboring townships pay for much of such infrastructure with much higher taxes, and, however, resulting in, high end, residential growth---and better secondary, public, schools. Here’s a high employment project,----- though one must consider employment numbers are not necessarily signal to an improved economy, “re green” our towns, our City----if only Mothers could be left at home to properly raise the kids, and the male parent, under previously paid unemployment, could be motivated posterer- ally to get out and work.

Bottom line, if there are to be newly created, work force, jobs thru capital projects, who should pay for such?

Charlie Weymouth

Letter to DNREC

Dear Secretary O'Mara:

Below is my second formal submission responding to Executive Order No. 36. The first was submitted orally and in printed form at the January 22, 2013 Public Hearing in the Carvel State Office Building, and then in electronic form to Ms. Susan Love whom I met for the first time at the hearing. That was on two subjects completely unrelated to the remarks today, which I'm submitting to you and to Ms. Love in electronic form only. (By this copy to Ms. Love I ask assurance that today's suggestion be added to the numerous others already received.)

I suggest modifying either the Aboveground Tank Regulation or the Coastal Zone Regulation, or preferably both, to improve the secondary containment requirements for all NEW aboveground storage tanks for hazardous materials, within the Delaware Coastal Zone.

Under authority granted in 2002 by the Jeffrey Davis Aboveground Storage Tank Act, DNREC adopted a regulation in June 2004 establishing requirements for Aboveground Storage Tanks for Hazardous Materials, applicable statewide. Prior to that regulation, aboveground tanks were regulated only by local building codes.

DNREC's Regulation requires a containment around any single tank with a volume larger than the tank within. For groups of tanks within a single containment, the regulation requires a volume slightly larger than the single largest of the several tanks within. The improbability of losing more than one full tank at a time would seem sufficient protection against any NATURAL calamity. The NATURAL calamitous hazard extremes result from sloshing of tank contents during an earthquake and temporary embrittlement of a steel tank wall during a cold winter night. These are of course beyond the routine hazards of corrosion and wear, that are the targets of routine maintenance.

Delaware has so many aboveground tanks for hazardous materials ONLY, that an assumed 40 year life leads to one tank replacement every month on average for tanks larger than 12,500 gallons, and one every four months for tanks larger than a million gallons.

The UNNATURAL events of 9/11/2001 were wake-up calls on the potential for losses of life and property and disruption of the workings of our society due to acts of terrorism. Terrorism attempts continue worldwide. There's no reason to expect them to end.

Large aboveground tanks with hazardous contents are easy targets for high powered rifles readily available in Delaware, or small rocket projectiles like Bazookas. On some cold winter night, a rifle or small rocket attack could easily cause a full tank to shatter. Moreover, the terrorists on 9/11 attacked with FOUR airplanes; those on 4/11 in Spain attacked FOUR railroad trains; and those in London attacked FOUR subway trains. A terrorist attacking a hazardous material tank farm is hardly likely to forget his goal after shattering the first tank.

The DNREC Aboveground Tank Regulation depends on American Petroleum Institute standards for protection against brittle fracture. By the current version of API Standard 653, an existing tank made from ASTM-A-7 steel a half-inch thick or less is suitable for service at any temperature above zero degF. Yet a Delaware experience about a decade ago - - a brittle fracture of the easternmost girder of the I-95 bridge across the Brandywine River - - demonstrated that ASTM A-7 steel girder components of three-eighth inch and seven-sixteenth inch thicknesses were insufficiently resistant to brittle fracture during a period when the temperature didn't go below freezing, at stresses well below what was allowable both in the bridge girder and in a tank.

Protecting against terrorism requires containment capacity sufficient for the CUMULATIVE volume of ALL the tanks within. Yet when that suggestion was made during the 2003 and 2004 drafting of DNREC's Regulation for Aboveground Tanks for Hazardous Materials, DNREC insisted it couldn't go that far because the Jeffrey Davis Aboveground Storage Tank Act doesn't specifically authorize protecting against terrorism.

Nor Does the Coastal Zone Act. But the stated PURPOSE of the CZA - - "to control the location, extent and type of industrial development . . . [to] . . . better protect the natural environment of its bay and coastal areas and safeguard their use primarily for recreation and tourism . . ." - - is so broadly written, as declared by the Delaware Supreme Court, that the CZA should be liberally construed to fully achieve the legislative goal of environmental protection. (Ref: City of Wilmington vs. Parcel of Land, Del. Supr. 607 A.2d 1163 (1992))

I suggest therefore a modification of the Aboveground Tank Regulation or the Coastal Zone Regulation, or preferably both, to require for all NEW tanks in the Delaware Coastal Zone with volumes over 12,500 gallons, intended for use with contents listed in the Aboveground Tank Regulation, for which building permits are issued after the effective date of the modification, a secondary containment system with volume sufficient to contain the larger of 110% of the cumulative volume of all ASTs within the contained area or 100% of the cumulative volume of all ASTs within the secondary container area plus six inches of freeboard for precipitation.

For the purposes of this provision, dikes, berms, retaining walls, curbs, diversion ponds, holding tanks, sumps and vaults not susceptible to damage in the same event that damages the aboveground storage tank (AST) itself, are acceptable means of secondary containment. Configurations susceptible to being damaged in the same event that damages the AST itself, such as the secondary wall of a double-walled tank and the external liner of a tank so equipped, are unacceptable means of secondary containment.

Thank you for the opportunity to make suggestions.

Victor Singer,
P.E. (retired)

Home prices up 9.7% year-over-year in January CoreLogic reports

WASHINGTON -- U.S. home prices rose 9.7% in January from a year earlier, the biggest increase since 2006, a real estate data analysis firm reported Tuesday.

Southern California was among the best performing regions in the country, according to Irvine-based CoreLogic.

Prices were up 12.2% in the Los Angeles-Long Beach-Glendale market and 12.1% in the Riverside-San Bernardino-Ontario market.

The only area of the country where prices of single-family homes, including foreclosure sales, rose more was Phoenix, where prices were up 22.7%, CoreLogic said. The data add to recent reports showing a housing rebound.

"With these gains, the housing market is poised to enter the spring selling season on sound footing," said Mark Fleming, CoreLogic's chief economist.

The January price increase was the 11th straight and the largest year-over-year increase since April 2006, before the housing market crashed.

Prices in January were up 0.7% from the previous month.

Overall, prices throughout Arizona were up 20.1% in January from the previous year, followed by Nevada at 17.4%, Idaho at 14.9%, California at 14.1% and Hawaii at 14%.

Only Illinois and Delaware did not show price increases in January from a year earlier, Fleming said.

Delaware Housing Market May Have To Absorb Another 45 Hundred Foreclosures In The Near Future

There may be more bad news on the way. Here is what I heard down at Legislative Hall last Wednesday morning:

The Delaware mediation program caused a backlog of foreclosure listings that are now just beginning to hit the courts. During the Delaware State Housing Authority's bond request presentation, Helene Keeley reported that for the last three months, three of our biggest banks have released 500 foreclosures each - amounting to 4,500 new foreclosures. That will definitely depress the market further and effect the supply and demand ratio and keep prices down.

The number 4,500 may well include possible successfully mediated homes but who knows if that number will be significant. We greatly increased the spending on the effort to mediate but I don't know if there is any reporting of data from the past year's results. None of the scenarios we spent money on used the key outreach portion of mediation that made Philly and CT get such great results. Stubborn DE refused to add an outreach component.

(WDDE) Joseph Leahy reports ~ Delaware lags behind in housing price surge