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**October
2013**

COUNTY COMMENTS

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

MEETING
Tuesday, October 15, 2013
7:00PM
Public Safety Building
3601 N. DuPont Hwy. (Route 13)
New Castle, DE
AGENDA
General Business Meeting

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 consistent with the aims and purpose of the organization.

Advocate these positions.

Founded in 1962, the Civic League is a 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.

Bill Dunn - President

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This month's *County Comments* addresses:

- flagrant disregard of Delaware law by DeIDOT and the County
- the impact that our member community believes a new Power Plant will have for residential property owners under the pretense of creating JOBS
Every community has residents vigorously seeking "good high-paying jobs", but few, if any, are willing to put their individual families at risk or reduce their home's value in order to get that job.
- how the Civic League for New Castle County needs to pursue ALL levels of government when they don't support and protect taxpayers

Take a few minutes to read our articles, pass it along to others in your community and see if one or two of your Officers can attend this month's meeting.

Bill Dunn, President CLNCC

Newark Power Plant Generates Significant Civic Resistance

The Arbour Park Civic Association is spreading the word to the greater Newark Community

We know there are pros and cons to The Data Centers, LLC (TDC)'s power generation plant on the STAR Campus. But the right balance is difficult to achieve if the balance of power is skewed in favor of business and industry. Your federal, state and local elected representatives - including the Governor and your United States Senators - have heard from The Data Centers. University officials and planners - including the President, the Board of Trustees and the Economic Development office - have heard from The Data Centers. Take this opportunity to adjust the balance – **BE HEARD!** Whether you support or oppose the project (or you are somewhere in between) your voice is important and has influence!

How do you feel this project will affect you economically - your employment, possible decrease in your home & property value, your electric supply/rates? How will it affect your health or your family's health - your specific health issues

(continued)

like asthma, bronchitis, COPD, heart disease, immuno-compromised, how will emissions like SO₂, NO_x, VOC, CO, CO₂, methane, particulates affect your health?

How do you feel about the use of various resources in the operation of this business – will large quantities of water used to cool affect your water pressure during drought conditions? Why does one data center need to use 248MW? – the national average CHP capacity is 25MW, including industrial CHP uses, the City of Newark and the University of Delaware combined use only about 65MW and even the currently largest data centers only estimate usage between 50-100MW! How do you feel about quality of life issues - any impact on the noise level at your home, impact on traffic near your home?

City & University Engagement with Residents

- how do you feel about the legal interpretations that the power plant is 'incidental and subordinate to the use of the main building on the same lot'?
- how do you feel about the City Council being bypassed based on this interpretation?
- in selecting innovative and entrepreneurial partnerships like The Data Center, LLC (TDC) is the University of Delaware (UD) being true to it's own stated goal of being an international leader in environmental research and sustainability?
- in selecting TDC has UD stayed true to it's stated goal of balancing it's relationship to the environment with it goal of job creation?
- do you think that UD's process in selecting TDC as a tenant was true to it's stated goal of community engagement and growth that is mutually beneficial to the University and to the larger community of which it is an integral part?
- does it matter that President Harker is on the Board of Directors at Pepco Holdings, Inc., one of the largest energy delivery companies in the Mid-Atlantic?

Jobs/Business Model

- data centers are notorious for being low density employers so, once construction is complete, will this data center produce the local jobs it promises?
- since data center clients can be remotely located why do we believe that this data center will draw other businesses to Newark?
- we can expect the market to drive data hardware towards higher efficiency so will data centers continue to need high capacity Combined Heat & Power (CHP)'s for their operations?
- natural gas prices are expected to rise due to increased demand so what happens if the price of natural gas rises to a point that makes TDC's business model infeasible?
- if this business fails for any reason how will this CHP be re-utilized since very few other businesses would need that capacity and the STAR campus has a special zoning category (STC) that does not permit power generation as a primary function?

Tax & Electric Revenue/Regulation

- CHP's are being promoted by the EPA and the Department of Energy as more fuel efficient and environmentally sound but how would transition to this model affect tax and other (electric) revenues for the City of Newark and energy costs for average residents? How can we prepare for this transition?
- do you think that when businesses avoid the electric grid altogether that will lower or raise your utility costs?
- TDC calls their energy facility a hub, not a power plant, but if lower future demand swings the balance of consumption from TDC's client base towards electric utility customers (through re-sale to the grid) will the sale of privately generated excess CHP power be properly regulated? · do you think that 'wildcat power utilities' -businesses that buy or produce electricity and than re-sell it to their customers at higher prices than a regulated utility - should be regulated?
- could state and/or local tax revenue be affected if TDC reorganized into a real estate investment trust (REIT)

Toxic & Greenhouse Gas Emissions/Hazards

- do you trust the effectiveness of 'best available control technology' (BACT), 'lowest achievable emission reduction systems' (LAER) in mitigating the harm of emissions like SO₂, NO_x, VOC, CO, CO₂, methane and particulates?
- since CO₂ recapture is expensive, more difficult and more energy intensive at the combustion point will it be cost effective enough for businesses to voluntarily reduce CO₂ emissions in commercial CHP's?
- if CO₂ is captured, compressed and sold for use in another commercial activity won't it still be released into the atmosphere, just at another location?
- methane is a potent greenhouse gas (GHG) but has not been discussed by TDC. How much methane will this CHP produce?
- though there are currently barriers to widespread use of the CHP would the future expansion of this technology, particularly higher capacity models, be sustainable?
- since there are no standards for cumulative risk (for toxic and GHG emissions) will the regulation of CO₂ (or other) emissions be effective if commercial CHP's of this capacity are widespread?
- The EPA is in the process of regulating GHG emissions (EPA amendment to the Clean Air Act, January 2, 2011). How will commercial and industrial emitters affect Newark residents as future regulations are enacted?
- what about the combined cumulative risk of the oil cars at the rail switching station co-located with ammonia storage and natural gas pipelines associated with TDC's CHP?

DRAFT RESOLUTION

submitted by Victor Singer

WHEREAS: State law assigns joint responsibility to New Castle County Council and DeIDOT to establish a basis for judging transportation impact of land use intensifications;

AND WHEREAS: County Council and DeIDOT established the present system by joint agreement several decades ago, in accordance with State law;

AND WHEREAS: The system thereby established includes impact limits beyond which further nearby land use intensifications are not to be permitted until improvements and/or mitigations to bring the impacts within the established limits are in place, under construction, or under DeIDOT contract for construction;

AND WHEREAS: County Council memorialized that impact evaluation system and the impact limits included therein, by ordinance, as expressed (in part) in the UDC at Article 11, in accordance with State law;

AND WHEREAS: The Oath of Office prescribed by the State Constitution for all public officers except such inferior officers who are by law exempted, requires swearing to uphold the Constitutions of the US and the State of Delaware, and by implication the entire body of laws established thereunder;

AND WHEREAS: The NC County Ethics Commission is empowered to punish ethical violations in several ways, including removal from office;

AND WHEREAS: Members of the Ethics Commission take the same oath of office as other public officers, and cannot lawfully escape acting on a complaint based on violation of the Oath of Office;

AND WHEREAS: DeIDOT has recently adopted its own transportation impact evaluation system which is more permissive than the system memorialized in County Law;

AND WHEREAS: Since DeIDOT is not an elective body or a Court of Law, DELDOT does not have veto authority over Ordinances duly adopted by NC County Council, an elective body;

NOW THEREFORE, The Civic League for New Castle County resolves that:

1. New Castle County Council should regard DeIDOT's recently adopted transportation impact evaluation system as a proposal to re-open the negotiation that produced the system memorialized in County Law;
2. New Castle County Council should not consider re-opening that negotiation without a DeIDOT Cost/Benefit analysis purporting to show that the benefits of its more permissive system are greater than the costs of increased congestion, more frequent and longer delays, more frequent collisions, injuries and deaths from traffic accidents;
3. New Castle County should release for public review any DeIDOT Cost/Benefit analysis submitted in support of its more permissive transportation impact evaluation system, and should require a hearing to receive comments from the public, in addition to the Planning Board Public Hearing normally required of all changes to the UDC.

Agreed by League President, Bill Dunn, for the October General Meeting prime Agenda, is determining what Resolution the League should propose in regard to the disfunction of County and State road service standards, the apparent redundancy as to what and by whom enforcement should take place, and, for this latter, who should be responsible for corrective measures. The League intends to finalize a Resolution and go Public. There is an established bias that traffic level standards, access, particularly for the interstate roads, once established by the State, have been permitted by the County to be weakened in order to allow unbridled residential growth, also direct commercial retail access to those interstate roads, the State (DeIDOT) in the past claiming to have few restrictions on access, the County claiming such access ain't their problem. Funding for local roads by the State since 1935, has grown to include maintenance and passed ownership for many private development systems, as has conveyed a preponderance of our County infrastructure.) The County looks to those entities, as well as the imposing commercial, as the prime source of real estate income.

In place of that proposed secondary road system of the 1964 Comprehensive Plan, is the misused, earlier established, interstate, the proposed secondary planned system being near dead, starting from the abandonment of interchange right-of-ways at Rt.141 influenced by the locals. Adequate commercial trade access to opportune ports, air services, rail and the I-95 system falters. Our long term economic improvement is constrained. Such constraint is now further enhanced by the publically welcomed National Historic Bi-ways at Rt. 52 and Rt. 100. Further, adding to the fire, is the now exposed, high profit, land deals given for years by DeIDOT, and the most recent acquiescence by the County Executive to a key State lobbyist and the Governor, to allow the William Cooke Elementary School direct access to the Newport Gap Pike/Rt. 41 interstate, the claim being schools have by right such direct access. The problems are there. How can the League influence the decisions to fix such? And, wherein should lay the financial responsibility to fix such?

Charlie Weymouth, AIA
CL Board Member