

In the Matter Of:

Department of Natural Resources & Environmental Control-Hearing

FUJIFILM IMAGING COLORANTS DOCKET #2021-P-CZ-0004

May 26, 2021



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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
OF THE STATE OF DELAWARE

RE: FujiFilm Imaging Colorants, LLC)
Application for a Coastal Zone)
Act Standard Permit)
Docket #2021-P-CZ-0004)

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Virtual Public Hearing
Dial-In Number: 1-408-418-9388
Event Number: 129 605 5942

Wednesday, May 26, 2021
6:00 p.m.

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BEFORE: Lisa Vest, Hearing Officer
FOR THE DIVISION: Laura Mench, DNREC

-- Transcript of Proceedings --

WILCOX & FETZER
Registered Professional Reporters
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1 MS. VEST: Good evening. I believe
2 that everyone is now connected and ready, so
3 we are going to go ahead and begin the
4 virtual proceedings tonight.

5 I want to thank everybody for
6 taking the time to come out and be with us
7 tonight. The date is Wednesday, May 26,
8 2021, and we are here this evening to provide
9 the virtual platform for the State of
10 Delaware's Department of Natural Resources
11 and Environmental Control to conduct its
12 virtual public hearing on a Coastal Zone Act
13 permit application from FujiFilm.

14 For those of you who may not know
15 me, my name is Lisa Vest, and Secretary
16 Garvin has appointed me to serve as the
17 hearing officer for tonight's formal
18 proceedings.

19 As many of you know, changes were
20 recently made to DNREC's public hearing
21 protocols. They were originally necessitated
22 by the ongoing state of emergency due to the
23 COVID-19 pandemic.

24 First and foremost, this hearing is

1 being conducted virtually. No one has
2 gathered together in the same room. Everyone
3 is participating independently at their own
4 respective offices.

5 While there are no sign-in sheets
6 to document physical attendance tonight,
7 WebEx does generate an attendance list for
8 such matters, so the Department will still
9 maintain a record of those who have virtually
10 attended the proceedings tonight. And,
11 again, I thank everyone for their interest in
12 this matter.

13 At the conclusion of these
14 introductory remarks, I will be turning the
15 hearing over to representatives from both the
16 Department and from FujiFilm so that their
17 presentations on this application may be
18 offered for the record being generated in
19 this matter.

20 There is still a court reporter
21 virtually present. She will prepare a
22 verbatim transcript of the hearing tonight
23 pursuant to the statutory requirement for
24 DNREC to do so, and, as always, that

1 transcript will be posted on this hearing's
2 webpage as soon as it has been received.

3 Following the conclusion of all
4 presentations, we will then take live comment
5 from the public pursuant to the
6 preregistration protocols as set forth on
7 DNREC's public hearing website.

8 As is the case with all DNREC's
9 public hearings, the Department wishes to
10 ensure that everyone is enabled to offer
11 their comment for inclusion into the record,
12 should they wish to do so.

13 Therefore, the hearing comment
14 period will not be closing tonight at the
15 conclusion of these proceedings. Rather, I'm
16 going to let it remain open through June 10,
17 2021, so again the public may have an
18 opportunity to provide written comment,
19 should they wish to do so.

20 I would encourage anyone attending
21 tonight to check out DNREC's webpage for
22 public hearings under the Administrative Law
23 Section of the website for more detail
24 concerning this particular pending permit.

1 All presentations, along with the
2 exhibits and any other documentation related
3 to this permitting matter, along with
4 additional comments that may come in at
5 anytime between now and June 10th, will be
6 posted on the Department's hearing webpage
7 that's dedicated to this matter. And the
8 public can gain additional information just
9 by reviewing the same.

10 Of course, all mechanisms
11 previously available by which to offer
12 comment remain: Electronic link, e-mail,
13 and, of course, United States Postal Service.

14 Additionally, the following
15 protocols will remain in place for tonight,
16 as is the case with all of DNREC's public
17 hearings:

18 Number one: All comment received
19 must be limited solely to the subject matter
20 of tonight's hearing, which again is the
21 pending Coastal Zone permit application for
22 FujiFilm.

23 All comments pertinent to that
24 subject matter will be incorporated into the

1 record as they are received.

2 Number two: Again, in order to
3 ensure that everyone who wishes to offer
4 comment for the Secretary's consideration is
5 accommodated, the record in this matter shall
6 remain open following the hearing tonight
7 through close of business on June 10, 2021.

8 Number three: There is only one
9 authentic record of this proceeding tonight,
10 and it is the official court reporter's
11 verbatim transcript.

12 Number four: The statutory purpose
13 of tonight's hearing is to help build the
14 record with regard to this pending permitting
15 matter and the Department's consequential
16 actions regarding the same.

17 A record consisting of the
18 transcript of the hearing tonight, any and
19 all written comments that are received, all
20 exhibits, and eventually the Hearing
21 Officer's Report will be reviewed by
22 Secretary Garvin.

23 The Secretary will ultimately issue
24 an order following his review process, and

1 that order will contain his decisions on this
2 particular permitting matter and the reasons
3 therefor.

4 Number five: It is important to
5 note that no decisions have already been made
6 by the Department concerning this matter, nor
7 will any decisions be made tonight. The
8 public comment period will remain open
9 through June 10th so, again, members of the
10 public do have ample opportunity to provide
11 comment for the Secretary's consideration,
12 should they wish to do so.

13 Comments may be submitted through a
14 comment form link on the hearing page, via
15 e-mail to DNRECHearingComments@delaware.gov,
16 or via the United States Postal Service at
17 the physical address for DNREC indicated on
18 the hearing page, as well as the public
19 notices that were previously issued in this
20 matter.

21 It should be noted that written
22 comments to DNREC may not be submitted using
23 any kind of social media platform such as
24 Twitter, Facebook, You Tube, or text

1 messaging.

2 Lastly, please remember that all
3 comment, whether it's received through the
4 mail or through the electronic mechanisms
5 that I have just mentioned, as long as it's
6 received by the Department on or before
7 June 10th, all bear the same weight and all
8 will be considered equally by the Secretary
9 prior to his making a final decision in this
10 matter.

11 The ultimate decision regarding
12 this permit application is made by DNREC's
13 Secretary Garvin. This formal hearing
14 tonight acts merely as a mechanism to enable
15 the Department to thoroughly vet this
16 proposed matter to the public and to let the
17 public know the various ways by which comment
18 may be submitted for the Secretary's
19 consideration, should they wish to do so.

20 That being said, I am going to now
21 turn the hearing floor, as it were, over to
22 Laura Mench, who is the representative for
23 the Coastal Zone Program.

24 Laura, I believe the floor is

1 yours, and you may begin your presentation
2 when ready.

3 MS. MENCH: I'm Program Manager
4 with the Delaware Coastal Program Section
5 within the Division of Climate, Coastal and
6 Energy.

7 I will be presenting on the Coastal
8 Zone Act review of FujiFilm Imaging
9 Colorants' standard permit application.

10 Fuji film is a printer and
11 manufacturing facility located at 233 Cherry
12 Lane, New Castle Delaware, which is within
13 the State Coastal Zone. The facility holds a
14 Coastal Zone Act permit for its current
15 operations.

16 MS. VEST: I'm sorry, Laura. I'm
17 going to interrupt you for a second. I don't
18 see your presentation. Did you share it?

19 MS. MENCH: Hmm.

20 MS. VEST: There we go.

21 MS. MENCH: Thank you, Lisa. I
22 don't know what happened. It was sharing
23 before.

24 MS. VEST: No problem.

1 MS. MENCH: Okay. So this is the
2 background slide in which I state that
3 FujiFilm's proposed operation will be
4 occurring within the State Coastal Zone. And
5 I pointed out that the facility holds a
6 Coastal Zone Act permit for its current
7 operations.

8 And, again, FujiFilm is proposing
9 to construct and operate a new manufacturing
10 plant within an existing building to produce
11 high-performance aqueous pigment dispersions.

12 This proposed expansion of
13 operations requires FujiFilm to obtain a new
14 Coastal Zone Act standard permit.

15 I will now give an overview of the
16 Coastal Zone Act permit application review.

17 On February 23, 2021, FujiFilm
18 submitted an initial application for a
19 Coastal Zone Act standard permit.

20 The Coastal Zone Act Program
21 requested more information regarding the
22 emission calculations and the offset
23 proposal.

24 On March 24, 2021, FujiFilm

1 submitted a revised application and offset
2 proposal.

3 On April 15, 2021, FujiFilm
4 submitted a FOIA request for confidentiality
5 to keep private portions of the application
6 for the purpose of trade secrets and
7 commercial or financial security.

8 On April 28, 2021, the Secretary
9 approved the request for confidentiality and
10 declared the application administratively
11 complete, thereby starting the 90-day
12 regulatory time clock.

13 On May 5th, 2021, the application
14 was noticed and made available for public
15 comment.

16 The proposed activity would
17 generate 3.92 tons per year of air emissions
18 from the operation of two boilers and an HVAC
19 system.

20 Air emissions would include the
21 following pollutants: Nitrogen oxides,
22 carbon monoxide, lead, nitrogen dioxide,
23 sulfur dioxide, and total organic compounds,
24 which includes methane and VOCs.

1 The Coastal Zone Act regulations
2 requires any negative environmental impacts
3 to be more than offset.

4 Using a 1.1 multiplier total
5 emissions to be offset are 4.325 tons per
6 year.

7 FujiFilm's offset proposal includes
8 the purchase of 3 tons of emission reduction
9 credits, or ERCs, from the Delaware Division
10 of Small Business. The ERC purchase would be
11 composed of 2 tons of NOx ERCs and 1 ton of
12 VOC ERCs.

13 The proposal also includes the
14 offset of 1.392 tons per year of carbon
15 monoxide emissions through the elimination of
16 five existing propane-operated forklifts.

17 The total offsets in FujiFilm's
18 offset proposal is 4.392 tons per year, which
19 more than meets the requirement to offset
20 4.325 tons per year.

21 As Lisa stated, the purpose of this
22 public hearing is to solicit public comment
23 on the application submitted by FujiFilm. No
24 decision on the permit application will be

1 made tonight. The Secretary of DNREC will
2 make a decision once the record has been
3 closed and reviewed.

4 This concludes the Coastal Zone Act
5 Program's presentation. Thank you for your
6 interest and attention.

7 MS. VEST: Okay. Thank you, Laura,
8 for that presentation.

9 It's my understanding that you do
10 have a list of the exhibits that the Division
11 wishes to be entered into the record.

12 Let the record note that there are
13 ten proposed exhibits. Just for housekeeping
14 purposes, are these the same exhibits as the
15 ones posted on the hearing webpage dedicated
16 to this matter?

17 MS. MENCH: Yes, they are.

18 MS. VEST: Okay. And they have not
19 changed or been altered since that posting;
20 correct?

21 MS. MENCH: That is correct.

22 MS. VEST: Okay. Thank you.

23 Let the record reflect that DNREC
24 proposed Exhibits 1 through 10, as identified

1 on the slide being shared right now, are the
2 same as those that were previously posted for
3 the public's view on the hearing webpage, and
4 they are formally now entered into the
5 hearing record.

6 Does the Department have anything
7 further that they wish to add at this time?

8 MS. MENCH: No, we don't.

9 MS. VEST: Okay. Thank you, Laura.

10 Since the Department's presentation
11 is now concluded, I am going to turn the
12 floor over to the applicants -- hopefully --
13 to the applicant, and I believe Maureen
14 Concordia is going to be offering a brief
15 presentation for the record at this time.
16 Maureen, you may proceed when ready.

17 MS. CONCORDIA: Thank you, Lisa.
18 Thank you, Laura. I will share my screen.

19 MS. VEST: We see it. You are good
20 to go.

21 MS. CONCORDIA: All right.
22 Awesome. Thank you, everyone. I'm Maureen
23 Concordia from FujiFilms. And we are here to
24 present the Coastal Zone permit application.

1 Oops, sorry. Let me get this. We
2 deliver an ink technology that enables our
3 customers to create a world-class inkjet
4 printing system.

5 Our mission here is to produce
6 outstanding ink and colorants, using our
7 extensive development and manufacturing
8 capabilities combined with a unique
9 technology portfolio and exceptional quality
10 standards.

11 As you can see, FujiFilm ink is
12 everywhere. We print and have products in
13 over thousands of applications, such as home
14 and office, commercial printing, design,
15 displays and signage, textiles, labels, and
16 packaging and industrial.

17 We are located over here at the New
18 Castle site in Delaware. We have been
19 manufacturing here since 1944. And we are
20 located on 20 acres, which has been wholly
21 owned by FujiFilm since 2006.

22 Our facility is a dedicated
23 facility for aqueous ink manufacture and dye
24 purification.

1 We have 20 plus million liters ink
2 capacity with 40,000 square feet of occupied
3 manufacturing space. We have a total of 75
4 employees at the New Castle site.

5 Please visit our website at
6 fujifilmprecisionink.com to learn more about
7 us.

8 These are our cultural values that
9 we work towards. There are five of them:
10 Creativity, teamwork, integrity,
11 accountability, and responsibility. Again,
12 please visit our website to learn about each
13 of these.

14 So tonight we are here for the
15 Coastal Zone application for the L44 Plant,
16 also known as Project Marconi.

17 And, as you can see, this is an
18 artist's rendition of the new facility. The
19 main building is an existing building that is
20 located on our site. And, as you can see, we
21 have two additional buildings that are being
22 installed that house our utilities.

23 The RxD capacity expansion here at
24 the New Castle site, RxD is a proprietary

1 FujiFilm reactive dispersant cross-linking
2 technology. It is the enabling technology in
3 FujiFilm's high-quality aqueous pigment
4 dispersions and creates a highly stable
5 product which is used in ink manufacture.

6 By making RxD here at New Castle,
7 it expands the global footprint of RxD and
8 enhances our business continuity.

9 It streamlines the supply chain of
10 RxD used in ink manufacturing.

11 It enables a more efficient supply
12 chain for RxD, reaching North America, South
13 America, and Latin America regions.

14 It supports strategic initiatives
15 to develop business in packing by integrating
16 the GMP standards.

17 The key success criteria for this
18 project is on time, on budget; a project
19 safety is zero incidents or harm to the
20 environment; our product meets existing
21 specifications; and compliance with GMP for
22 indirect food contact.

23 Project Marconi Economic Benefits:
24 It includes construction plans to hire 75 to

1 100 workers throughout the construction
2 timeline.

3 Construction spend is approximately
4 \$3,000,000 to \$5,000,000.

5 Our construction services include
6 engineering, general construction,
7 electrical, plumbing, HVAC upgrades, and
8 electrical interconnections.

9 Approximately 21 employees are
10 projected to be hired to provide support and
11 operation for the RxD plant.

12 We are anticipating commercial
13 sales from the RxD plant by April of 2023.

14 Project Marconi -- Environmental:
15 There are no negative impacts to the
16 environment and the surrounding area.

17 All waste products are managed in
18 accordance with our ISO 14001 standard
19 operating procedures.

20 A large portion of our total waste
21 is incorporated in re-use and recycling.
22 This includes plastic drums, IBCs, often
23 known as totes, and steel drums.

24 Waste from FujiFilm is sent to

1 Waste to Energy Plants.

2 And environmental noise will not be
3 an issue, as everything is housed within the
4 building.

5 Project Marconi Offsets: As
6 mentioned prior by the Laura, FujiFilm will
7 offset the new plant's projected 3.931 tons
8 per year of emissions by an offset of
9 4.325 tons per year, and that's a 1.1
10 emission rate.

11 FujiFilm will purchase from the
12 Delaware Division of Small Business two NOx
13 emission reduction credits, one VOC emission
14 reduction credit, and that results in 3 tons
15 of emission reduction credits.

16 FujiFilm will offset the remaining
17 1.325 tons per year of emissions by
18 eliminating five propane forklifts that are
19 currently in our fleet. We plan to purchase
20 two electric forklifts and one electric
21 pallet jack.

22 The forklift project will offset
23 FujiFilm's carbon monoxide emissions by the
24 1.392 tons per year. The five propane

1 operated forklifts will be removed from the
2 site prior to commencement of the L44
3 operations.

4 And that's all I have tonight.
5 Thank you.

6 MS. VEST: Okay. Thank you,
7 Maureen for that presentation.

8 And, again, just for clarification
9 for the record, and for those in attendance
10 tonight, it should be noted that the
11 applicant did provide this Power Point
12 presentation to the Department and wished to
13 have it entered as an exhibit for the record.

14 So, along with all of the
15 Department's exhibits that were entered into
16 the record, we do have what FujiFilm just
17 offered posted on the hearing webpage
18 as well, and the public can feel free to look
19 at that and review it for additional
20 understanding concerning this project.

21 Maureen, does the applicant have
22 anything further it wishes to offer for the
23 record at this time?

24 MS. CONCORDIA: No, we don't have

1 anything further. Thank you.

2 MS. VEST: Okay. Very good. That
3 being said, we are now going to go to the
4 portion of tonight's proceedings for live
5 public comment.

6 I believe that we have Martin
7 Willis that wishes to offer comments for the
8 record.

9 Again, as I said in my introductory
10 remarks, there is a protocol. You must
11 preregister if you wish to offer comment live
12 at the time of our hearing. And Mr. Willis
13 has done that. So, Mr. Willis, are you
14 there?

15 MR. WILLIS: Yes, I am.

16 MS. VEST: Okay. Thank you. Thank
17 you for your interest. You can proceed when
18 ready. You will see -- do you have a visual
19 where you are?

20 MR. WILLIS: I'm on the phone.

21 MS. VEST: Oh, you're on the phone.
22 Okay. Well, you have three minutes, but you
23 are a frequent commenter, so I will let you
24 proceed when you're ready.

1 MR. WILLIS: Okay. Can you hear
2 me?

3 MS. VEST: I can hear you fine.

4 MR. WILLIS: Okay. My name is
5 Martin Willis. I'm a resident of New Castle,
6 Delaware. And I'm a union boilermaker by
7 trade.

8 I wish to make a public comment.
9 And my comment is simply this: I think that
10 the Secretary of DNREC should approve this
11 Coastal Zone Act application to construct and
12 operate at 100 ton per year designed
13 high-performance pigment plant.

14 I have to admit up front I was a
15 little dismayed by how much information on
16 the application was being copied out, was
17 blacked out from public view.

18 But in the first 41 pages of the
19 521-page Coastal Zone Act application, I
20 could not find anything wrong or deeply
21 concerning enough for the Secretary to not
22 approve this application.

23 But what I truly loved was the fact
24 that FujiFilms is proposing to bring its

1 manufacturing process from Scotland, from its
2 facility in Scotland to New Castle, Delaware.
3 And I wish them all the success.

4 And I wish them that -- I would
5 pray that they would find a local contractor
6 to construct their building.

7 Also going forward, I can't wait to
8 see you in person, Ms. Vest, now that COVID
9 is behind us.

10 And I just want to congratulate
11 FujiFilms for going through the process of
12 obtaining a Coastal Zone Act permit.

13 We here in the State of Delaware,
14 people like me, we go over these applications
15 with a fine-toothed comb. And I can tell you
16 that if I saw anything wrong, I would have
17 made a comment about it.

18 So good luck, FujiFilms. And
19 that's all I have to say. Thank you.

20 MS. VEST: Thank you very much,
21 Mr. Willis. As always, your comments and
22 your interest in these matters is greatly
23 appreciated.

24 Mr. Willis was the only one who

1 preregistered, so he is the one and only
2 portion of the public comment event of this
3 proceeding tonight.

4 So, with that, I am going to offer
5 some concluding remarks. We do have a thank
6 you slide. I refer to it as the conclusion
7 of the thank you slide. And on that you can
8 see again there are a variety of ways that,
9 if you wish to do so, you can offer comments
10 for the record.

11 There is a comment form, a little
12 button that says click here to offer your
13 comment. If you are on the hearing webpage,
14 it will take you right to where you need to
15 go.

16 You can submit it via e-mail
17 directly, as that slide shows, to
18 DNRECHearingComments at Delaware.gov, or the
19 old-fashioned way that we have always done it
20 for years and years by USPS directly to me as
21 the hearing officer at DNREC Office of the
22 Secretary, 89 Kings Highway, Dover, Delaware,
23 19901.

24 And, again, all comments must be

1 related to this particular matter, which is
2 the pending Coastal Zone Act permit
3 application of FujiFilm.

4 I want to thank everybody for
5 taking the time tonight to attend this
6 virtual proceeding.

7 Again, the record will remain open
8 for receipt of comment through June 10, 2021.

9 Thank you all again, and this
10 meeting is hereby adjourned.

11 (Concluded at 6:21 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 2nd day June, 2021



Lorena J. Hartnett
Registered Professional Reporter

FujiFilm Imaging Colorants Docket #2021-P-CZ-0004 - May 26, 2021

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