



November 29, 2022

VIA EMAIL (Bradley.Klotz@delaware.gov)

Bradley A. Klotz
Environmental Engineer
Delaware Department of Natural Resources and Environmental Control
715 Grantham Lane
New Castle, DE 19720

Dear Mr. Klotz,

Highline Warren has reviewed comments provided by the public related to the permit applications submitted on November 19, 2021 and the public hearing conducted on October 18, 2022. Comments were provided by email from the following:

- Anne Koiv (grannieannieoaklie@gmail.com), email October 2, 2022
- Elaine Sodorff (esodorff@verizon.net), email October 10, 2022
- Kathleen Hackendorf (tiggergirl9@comcast.net), email October 31, 2022
- Tina Cole (ms.tina@comcast.net), email October 31, 2022
- William Lane (b.lane193@comcast.net), email November 2, 2022

We are uncertain that any of the public that provided comments were able to attend the hearing, where most of the concerns were addressed. In reviewing the emails provided by the public, we noted that multiple emails appear to be relative copies of each other, with only minor wording changed between versions. We also noted that the emails raise common questions and concerns. We would like to provide comment on several common points that are made in the emails.

Concerns that the facility was originally permitted without due process (DNREC “*allowed this plant to open and function without any notification of the neighborhood, therefor (sic) we had no avenue to pursue any concerns.*”).

This statement is not true. The existing process line permit (APC-2013/0073) and the above ground storage tanks permits (APC-2013/0074-0079) were permitted in July 2013 after following the established permitting process with

DNREC. The original applications were submitted in December 2012 and the public was provided opportunity to comment at that time. In addition, the site was zoned Industrial prior to 2012.

Many of the responses demonstrated a misunderstanding about the current permit with respect to permitted operations ("And then to request 24/7/52 for the production and transportation of these products?" And "Highline Warrens' increase to 24/7/52 working hours was listed on their paperwork for the increased throughput and they have already started doing that to some extent." "It's a shame that they can expand their working hours and days on their own prior to the hearing.").

As Mr. Klotz (DNREC Division of Air Quality) stated during the public hearing "there are no restrictions currently on the time of day that the facility can operate in the current permit." The company understands that the appearance that it was operating outside of permit limitations would be frustrating to the public; the company strives to maintain compliance with permit restrictions. We hope by clarifying that Highline Warren has always had the ability to operate 24 hours per day, 7 days per its permit will ease concerns that it is operating outside of permit limits.

There are concerns that the company is applying for additional permits and additional equipment (they "apply for more permits" and "the company applies for more storage tanks.") which are also based on a misunderstanding of the applications and permitting process.

Highline Warren is requesting an amendment to existing permits; there will be no construction or additional equipment installed as a result of the permit modifications.

The public comments noting concerns related to storing chemicals and the emissions are concerns that we understand and take seriously (The "company applies for more storage tanks to store dangerous raw materials, and run a process that omits (sic) VOC's, all just 100 feet or so from the nearest homes." "With the increase in production comes and (sic) increase in VOC's released. The [emissions calculations] methods are approximate, rough calculations, and not reliable." And "Neighborhood will be affected by increase of VOC's/HAPS's; and the possibility of an on-site chemical spill from the above ground tanks.")

As previously noted, the company is not requesting permission to build new tanks. Existing above ground storage tanks were constructed in 2013 and are housed within a concrete secondary containment structure. The tanks are regulated and permitted by the DNREC Division of Waste and Hazardous Substances Tanks Compliance Section. They are routinely inspected by company personnel, and will be inspected by a third-party inspector, certified by the Steel Tank Institute, within the next year.

The emissions calculations are based on AP-42 emissions factors. AP-42, *Compilation of Air Pollutant Emissions Factors*, is a compilation of EPA's emissions factor information that is based on studies approved by the EPA, including source test data and material balance studies. The emissions from the facility are well below the DNREC threshold that would require a Major Permit. More importantly, DNREC air dispersion modeling compares the ratio of the threshold limit value (TLV) to the maximum downwind concentrations (MDC) of compounds to ensure that public safety is maintained. Threshold Limit Values (TLVs) are concentrations of chemical substances in the air that repeated exposure, day after day over a lifetime, would have no adverse effects. DNREC reviews the TLV:MDC ratio with a guideline minimum of 100 to 1. Based on DNREC's calculations, this ratio for each of the compounds is at least several times greater than the 100 to 1 threshold, and in most cases is many orders of magnitude greater than the acceptable level in the guidance. In short, the emissions are not presumed to adversely impact public health, welfare, or safety.

A concern raised in all five emails relates to truck traffic in the neighborhood. Comments such as “dangerously coming through neighborhood streets in tanker trucks daily 24 hours a day 7 days a week.” “Various truck traffic every weekend.” “Hold this until DELDOT’s plans for an access road are approved and road is completed.” And the increased throughput should not be allowed “until the alternate route is a reality.”

While this issue is a DelDOT issue and not directly related to the air permits, we understand the concerns. We fully support the DelDOT project that would allow for the opening of Sears Boulevard and ask that the air permit revisions not be further delayed due to this transportation project.

Sincerely,

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