

**In the Matter Of:**

*Department of Natural Resources & Environmental Control*

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*HIGHLINE WARREN LLC AIR QUALITY PERMIT APPLICATION*

*October 18, 2022*

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

RE: Highline Warren LLC  
Air Quality Permit Application

.. . . . .

Virtual Public Hearing  
Dial-In Number: 1-408-418-9388  
Event Number: 2345 762 5186

Thursday, October 18, 2022  
6:00 p.m.

.. . . . .

BEFORE: Lisa Vest, Hearing Officer

FOR THE DIVISION: Bradley Klotz  
Division of Air Quality

-- Transcript of Proceedings --

WILCOX & FETZER  
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TABLE OF CONTENTS

|   | Page |
|---|------|
| Introduction by Ms. Vest . . . . .              | 3    |
| Presentation by Bradley Klotz . . . . .         | 11   |
| Entry of Exhibits 1 through 6 . . . . .         | 23   |
| Introduction of Applicant by Michael Teichman . | 24   |
| Entry of Applicant Exhibit 1 . . . . .          | 30   |
| Presentation by Ken Hannon with BrightFields .  | 25   |
| Conclusory Remarks by Ms. Vest . . . . .        | 30   |
| Certificate of Reporter . . . . .               | 34   |

1 MS. VEST: Good evening, and thank  
2 you for joining us tonight. The date is  
3 Tuesday, October 18, 2022, and we are here  
4 this evening to offer the platform for the  
5 public to attend the virtual public hearing  
6 concerning some Air Quality permit  
7 application matters for Highline Warren LLC.

8 I want to thank everyone for taking  
9 time out of their busy day to join us  
10 tonight. We are here, like I said, to  
11 provide the platform to conduct the virtual  
12 hearing.

13 For those of you that may not know  
14 me, my name is Lisa Vest, and DNREC Secretary  
15 Garvin has chosen me to serve as the hearing  
16 officer for tonight's proceedings.

17 Pursuant to DNREC's standard public  
18 hearing protocols, this hearing is being  
19 conducted virtually. None of us are in the  
20 same room. We are all acting independently  
21 at our own respective locations.

22 While there are no sign-in sheets,  
23 of course, to document physical attendance  
24 tonight, WebEx does generate a list of those

1 that are virtually present for this matter,  
2 so the Department still maintains a record of  
3 those who have electronically joined us  
4 tonight. And, again, I thank you for taking  
5 your time to be with us.

6 At the conclusion of my  
7 introductory remarks, I will be turning the  
8 hearing over to representatives of the  
9 Department and the Applicant so that both may  
10 make their brief presentations for the record  
11 that's being generated in this matter.

12 There is still a court reporter.  
13 She is also virtually present. And she will  
14 be preparing a verbatim transcript of  
15 tonight's proceedings pursuant for the  
16 statutory requirement for DNREC to do so.

17 And, as always, that transcript  
18 will be posted on DNREC's hearing webpage so  
19 that anybody who wishes to download it and  
20 read it may do so. And that will get posted  
21 as soon as it is received.

22 With regard to what the protocol  
23 and what will be happening tonight at this  
24 virtual hearing, I should mention that there

1 will be no live comment coming in tonight.

2 DNREC has a protocol of  
3 preregistration. If members of the public  
4 wish to offer live comment at our hearings,  
5 they are enabled to go online or call the  
6 office and preregister to do so.

7 That ability has been opened to the  
8 public since the date that the public notice  
9 was first published in this matter concerning  
10 this application, and it always closes at  
11 noon on the date of the hearing. And in this  
12 particular situation there were no members of  
13 the public that preregistered.

14 That being said, DNREC wishes to  
15 ensure that everybody out there has an  
16 ability to offer comment in writing if they  
17 wish to do so. And when we receive it, those  
18 comments are generated and put on the webpage  
19 so that everybody can see everybody else's  
20 comment.

21 And for that very reason, the  
22 record will not close for receipt of comment  
23 tonight. Rather, the record for the Highline  
24 Warren matter will remain open for receipt of

1 public comment through November 4, 2022.

2 And, therefore, we will be saying a few more  
3 things about public comment and the manner in  
4 which you can submit it if you wish to do so.

5 I would encourage those who have  
6 logged in or called in this evening to check  
7 out DNREC's webpage for public hearings. You  
8 can find it under the Administrative Law  
9 Section of the DNREC website for more details  
10 concerning this particular matter, as well as  
11 details concerning all of DNREC's public  
12 hearings.

13 All of the exhibits that will get  
14 offered for inclusion into the record  
15 tonight, as well as hard copies of both the  
16 Department's presentation and the Applicant's  
17 brief presentation will be posted along, as I  
18 mentioned before, with all the comments that  
19 come in.

20 And the public may gain a wealth of  
21 information by reviewing that. So if you are  
22 joining us tonight, welcome again, and feel  
23 free to listen. You don't have to worry  
24 about taking notes, because everything

1 that you are going to see tonight is able to  
2 be visited later, tomorrow morning,  
3 downloaded, reread it, and you can gain a  
4 wealth of information prior to making your  
5 written comments, if you wish to do so.

6 Of course, all mechanisms  
7 previously available by which to offer  
8 comment remain. There is an electronic link.  
9 There is e-mail. And, of course, the United  
10 States postal service. All of that  
11 information you can find on the website,  
12 as well.

13 In addition to all of that, please  
14 note that the following protocols remain in  
15 effect for all DNREC public hearings:

16 Number one, all comment received  
17 must be limited solely to the subject matter  
18 of tonight's hearing, which, again, is the  
19 Air Quality permit submitted to the  
20 Department by Highline Warren LLC.

21 All comments received that are  
22 pertinent to that subject matter will be  
23 incorporated into the hearing record and  
24 posted on the webpage, as I have previously

1 mentioned.

2           Number 2: In order to ensure that  
3 everyone who wishes to offer comment for the  
4 Secretary's consideration is accommodated,  
5 again we won't be closing that window  
6 tonight. All comment must be received by the  
7 Department on or before November 4th.

8           Number 3: There is only one  
9 authentic record of this formal proceeding  
10 tonight, and it is the official court  
11 reporter's transcript.

12           Number 4: As I have mentioned, the  
13 statutory purpose of tonight's hearing is to  
14 build the record with regard to the proposed  
15 review and consideration of the Highline  
16 Warren LLC Air Quality permit.

17           A record consisting of the  
18 transcript of the hearing tonight, all  
19 written comments that may come in between now  
20 and November 4th, all exhibits, the Power  
21 Point presentations, and eventually the  
22 Hearing Officer's Report, all of that will be  
23 put together and reviewed in its entirety  
24 thoroughly by Secretary Garvin. He then will

1 make his decision, and he will ultimately  
2 issue an order that will set forth his review  
3 process. It will contain his decision, and  
4 it will contain his reasoning therefor.

5           Number 5: It is important to note  
6 that no decision whatsoever has been made by  
7 the Department, nor will any decision be made  
8 tonight with regard to this pending  
9 permitting matter.

10           Again, the comment period remains  
11 open through November 4th so that members of  
12 the public have ample opportunity to offer  
13 comment in writing, should they wish to do  
14 so.

15           With regard to comment, comment may  
16 be submitted through the comment form link on  
17 the hearing page, via e-mail to  
18 DNRECHearingComments@delaware.gov, or via the  
19 United States Postal Service at the physical  
20 address for DNREC listed on the hearing page.

21           Written comments to DNREC may not  
22 be submitted on any social media platform  
23 such as Twitter, Facebook, You Tube, or  
24 standardized text messaging.

1           Lastly, please remember that all  
2 comment received by the Department, whether  
3 it has already been received -- and if it has  
4 been received, it's up on the webpage --  
5 whether it were to come in tonight, which, as  
6 I have mentioned, in this particular instance  
7 we have nobody offering live comment tonight,  
8 or if it comes in between tonight and until  
9 the record closes on November 4th, all  
10 comment, regardless of how it's received or  
11 when it's received, as long as it comes in  
12 before the deadline of November 4th, it will  
13 all bear the same weight, and it will all be  
14 incorporated into the record, assuming it's,  
15 you know, about the subject matter of  
16 tonight's hearing, and it will all be  
17 reviewed by Secretary Garvin prior to his  
18 making a decision.

19           The whole purpose of tonight's  
20 hearing is simply to provide a platform by  
21 which the public can learn more about the  
22 proposed actions, listen to the  
23 presentations, and again be aware that, you  
24 know, comment can still come in at anytime

1 between now and November 4th, and it will all  
2 be incorporated into the record and be taken  
3 into consideration prior to the Secretary  
4 making a decision.

5 That being said, I am now going to  
6 turn the matter over to the Department. We  
7 have Bradley Klotz from the Department, who I  
8 believe is ready to start his presentation.  
9 And Brad, you can proceed when ready.

10 MR. KLOTZ: Hi. Good evening. Can  
11 everybody hear me?

12 MS. VEST: We can hear you.

13 MR. KLOTZ: Hi. Thank you. My  
14 name is Bradley Klotz, and I'm an engineer  
15 with DNREC's Division of Air Quality, and I  
16 work in the Engineering and Compliance  
17 Branch. I am the Department's assigned  
18 project engineer for the Highline Warren  
19 facility.

20 This evening, on behalf of the  
21 Division of Air Quality, I will be presenting  
22 an overview of the permit application's  
23 timeline. I will discuss a summary of the  
24 project from the permitting perspective, and

1 will provide a summary of the Division of Air  
2 Quality's permitting process.

3 And, finally, we will identify the  
4 list of exhibits pertaining to the project  
5 that the Division of Air Quality would like  
6 to have admitted as part of the hearing  
7 record.

8 This slide details the application  
9 timeline. On November 18th of last year, the  
10 Department received two construction permit  
11 amendment requests from Twinco Romax, or now  
12 known as Highline Warren.

13 On April 22nd of this year, due to  
14 the name change and the transfer of  
15 ownership, additional information was  
16 requested by the Department, and the  
17 Applicant responded with the name change  
18 request information, ownership change, and  
19 applicant background statement on June 15th  
20 of 2022.

21 Subsequently, the legal notice for  
22 the applications was posted on July 10th of  
23 this year.

24 Requests for public hearing were

1 received on each day beginning on July 22nd  
2 and running through July 28th of this year  
3 and on August 1st.

4           Legal notices for the public  
5 hearing were posted in both the News Journal  
6 and the Delaware State News on August 21st of  
7 2022, which leads us to this evening's public  
8 hearing on October 18th.

9           Highline Warren's proposed project  
10 consists of requests to amend emission limits  
11 for both the process filling line and the  
12 above-ground storage tank permits.

13           With these requests there would be  
14 no new installation of equipment or  
15 associated construction activities required  
16 beyond the existing infrastructure of the  
17 facility, and there are some revisions to the  
18 emission calculation methodology in the  
19 addition of the required product samplings  
20 for each batch which is mixed at the  
21 facility.

22           Please note the Department would  
23 like to make you aware that there are no  
24 restrictions currently on the time of day

1 that the facility can operate in the current  
2 permit, and that the current operations are  
3 limited by the throughput of raw materials.

4 This table details the material  
5 throughput increases. The current permitted  
6 throughput for the process filling line is  
7 approximately 3.6 million gallons per year,  
8 and the current permitted throughput for the  
9 above-ground storage tanks is roughly  
10 3.7 million gallons per year.

11 With the requested throughput in  
12 the permit amendment, if approved, would  
13 increase the throughput to  
14 11.2 million gallons per year for both the  
15 process filling line and the above-ground  
16 storage tanks.

17 The facility, Highline Warren  
18 facility, is considered a natural minor  
19 source, because its potential to emit is  
20 below the major source thresholds in New  
21 Castle County.

22 And EPA defines a major source as a  
23 facility that emits or has the potential to  
24 emit any criteria or pollutant or hazardous

1 air pollutant at levels equal to or greater  
2 than major source thresholds which are set in  
3 the Clean Air Act.

4           The major source thresholds for the  
5 criteria of pollutants may vary depending on  
6 the attainment status in which the facility  
7 is located, whether it be severe, serious,  
8 extreme, and the geographic area and criteria  
9 pollutant of the HAP in which the facility is  
10 located. I'm sorry. I repeated myself.

11           This table provides the major  
12 source thresholds for all three counties  
13 located in the State of Delaware. Since the  
14 facility is located in New Castle County, the  
15 major source threshold limits for volatile  
16 organic compounds and nitrogen oxides are  
17 25 tons per year.

18           There are 100 tons per year for  
19 carbon monoxide, sulfur dioxide, fine  
20 particulate matter, or PM-10, and other air  
21 pollutants.

22           There are 10 tons per year for an  
23 individual hazardous air pollutant, or 25 ton  
24 per year for a combined aggregate of HAPs.

1           And the ones that would apply to  
2 this facility would be the volatile organic  
3 compounds and the hazardous air pollutant  
4 emissions. The remainder would not apply.

5           In order to determine a source's  
6 classification, we first have to determine  
7 what the facility's potential to emit is. So  
8 when we say potential to emit, we mean that  
9 it's the maximum capacity of a stationary  
10 source to emit any pollutant to the  
11 atmosphere under its physical and operational  
12 design, kind of like a worst-case scenario.

13           The Department reviewed the  
14 facility's overall process and permit  
15 amendment request and determined that the  
16 potential to emit fell below the major source  
17 thresholds, thereby classifying the source as  
18 a natural minor facility.

19           The resulting potential to emit for  
20 volatile organic compounds and hazardous air  
21 pollutants is 7.05 tons per year for VOCs and  
22 6.95 tons per year for HAPs. And the  
23 facility is requesting permitted emissions of  
24 3.78 tons per year volatile organic compounds

1 and 3.21 tons per year of HAPs.

2 The emission calculation summary:

3 The emissions for the initial permit  
4 applications which were submitted back in  
5 2012, 2013 time frame were based on the AP-42  
6 Emission Fifth Edition Compilation of  
7 Emission Factors from Stationary Sources  
8 under Chapter 5 for the petroleum industry.

9 It was determined this calculation  
10 methodology didn't accurately reflect the  
11 process emissions, since the facility was  
12 primarily composed of organic liquid storage  
13 vessels and didn't meet that petroleum  
14 definition.

15 So the correct emission calculation  
16 methodology was applied under Chapter 7.1 of  
17 the AP-42 Fifth Edition Emission Factor  
18 Compilations under Section 7.1.3.1.2.

19 The correct emission calculation  
20 methodology was applied, and the emissions  
21 were recalculated using parameters from the  
22 initial application and compared to the  
23 emissions resulting from the requested  
24 increase in raw material throughput to the

1 new application.

2           And the result showed that the  
3 requested permitted emission levels for  
4 volatile organic compounds and HAPs actually  
5 decreased from the previously permitted  
6 emission levels.

7           The Division of Air Quality also  
8 conducted an aerscreen dispersion modeling  
9 analysis, and this slide details the results.  
10 And you may be wondering what an aerscreen  
11 dispersion modeling analysis is and why it's  
12 conducted.

13           Well, an aerscreen dispersion  
14 modeling uses mathematical formulations to  
15 characterize the atmospheric processes that  
16 disperse a pollutant emitted by a source, and  
17 it's used to determine a compliance with the  
18 National Ambient Air Quality Standards and  
19 other regulatory requirements.

20           The air dispersion modeling is  
21 conducted anytime that a facility applies for  
22 a permit or, in this case, a permit  
23 amendment, which involves any changes to the  
24 emission rates at a new or existing source,

1 and is performed in order to predict those  
2 concentrations of the air pollutants at  
3 selected downwind receptors.

4 And in this case we looked at the  
5 plant's property line. And this is done in  
6 order to ensure that the public health and  
7 welfare and safety will not be adversely  
8 affected by any proposed requested permit  
9 changes.

10 The resulting threshold limit  
11 values for the volatile organic countdowns  
12 and HAPs are above the Department guideline  
13 of a ratio of 100 to 1, so it was found to  
14 ensure that the public safety was -- it was  
15 presumed -- as such, the public health,  
16 safety, and welfare presumed to not adversely  
17 be impacted by the proposed project resulting  
18 in those emissions.

19 The Division of Air Quality  
20 permitting process involves a review of the  
21 applications for both the administrative and  
22 technical completeness.

23 We determine if the source is  
24 located in the Coastal Zone. And if it is in

1 the Coastal Zone, a Coastal Zone permit is  
2 required, it is referred to Coastal Zone, and  
3 a Coastal Zone determination is made.

4 We verified proof of local zoning  
5 in that the facility is located in an area  
6 where it is allowed to conduct such  
7 activities.

8 We review the technical  
9 information, confirm all the emission  
10 calculations submitted in the applications,  
11 and which results in us legal noticing the  
12 permit application.

13 And then we run that dispersion  
14 modeling to estimate the concentration, as I  
15 had indicated previously in the previous  
16 slides.

17 The Division of Air Quality  
18 conducts a detailed regulatory review to  
19 determine all applicable federal and state  
20 requirements to include in each permit.

21 A technical memorandum is drafted  
22 and is the basis for the emission limits,  
23 operating limits, monitoring, testing, and  
24 recordkeeping, and reporting requirements

1 included in the permits, in the proposed  
2 permits.

3           Following the public hearing, if  
4 Secretary approves the permit, the Division  
5 of Air Quality will issue construction  
6 permits that meet strict air quality  
7 standards under the federal and state  
8 regulations, are supported by a detailed  
9 technical review, and include permit  
10 conditions that will protect the environment  
11 and public health. And the permit could  
12 contain permit conditions that might address  
13 concerns raised during a public hearing such  
14 as this.

15           If the construction permits are  
16 issued, the Division of Air Quality will  
17 conduct construction operation inspections  
18 following the completion of construction.  
19 And following any successful C to O  
20 inspections, the company would be issued  
21 operating permits.

22           This brings us to the conclusion of  
23 the Department's presentation. And what you  
24 are seeing on this slide and the next slide

1 that I will move on to is a list of the  
2 exhibits that the Department would like to  
3 have entered into the record.

4 MS. VEST: Okay. And I will jump  
5 in here and thank you for that brief  
6 presentation on behalf of the Department.

7 A couple things for clarity for the  
8 record: Brad, are the exhibits that you are  
9 displaying right now the same as those that  
10 have been posted on the hearing page  
11 dedicated to this matter?

12 MR. KLOTZ: There has been a change  
13 to the Department's hearing presentation that  
14 was previously posted on the web, on the  
15 hearing webpage, but the change which was  
16 made was not substantive in any nature.

17 MS. VEST: Okay. Okay. So it was  
18 just correcting a couple things?

19 MR. KLOTZ: Yes.

20 MS. VEST: And to be clear, what is  
21 posted right now is what we are watching  
22 tonight at the hearing?

23 MR. KLOTZ: That is correct.

24 MS. VEST: Okay. Excellent. And

1 everything else remains the same and has not  
2 been changed or altered in any way?

3 MR. KLOTZ: Yes, that's correct.

4 MS. VEST: Very good. Thanks again  
5 to the Department for that presentation. Let  
6 the record reflect that the DNREC exhibits  
7 mentioned just now and the ones that are  
8 reflected both on the hearing webpage and on  
9 the Power Point presentation that we are  
10 viewing are hereby incorporated into the  
11 hearing record. (Exhibits 1-6)

12 Brad, is there anything else the  
13 Department wishes to say at this time?

14 MR. KLOTZ: No. Thank you very  
15 much.

16 MS. VEST: Thank you, Brad. That  
17 concludes the Department's portion of this  
18 matter.

19 What I am going to do now is I am  
20 going to turn it briefly over to Mr. Michael  
21 Teichman. He is counsel for the applicant.  
22 And I believe he has a couple words that he  
23 wants to say before we proceed with the  
24 applicant's Power Point presentation.

1 MR. TEICHMAN: Thank you, Madam  
2 Hearing Officer. Again, for the record, my  
3 name is Mike Teichman from Parkowski, Guerke  
4 and Swayze. We are counsel to the applicant.

5 Present with me today, or present  
6 virtually today, also on behalf of the  
7 applicant is Ken Hannon. Ken is with  
8 BrightFields. BrightFields is a consultant  
9 that has helped Highline Warren throughout  
10 this process.

11 And Mr. Hannon will be presenting a  
12 Power Point, much like Mr. Klotz just did.  
13 And Madam Hearing Officer, at the conclusion  
14 of the hearing process, I would ask that the  
15 applicant's Power Point also be admitted into  
16 the record as a hearing exhibit.

17 MS. VEST: Very well.

18 MR. TEICHMAN: And finally, Madam  
19 Hearing Officer, I would ask that when the  
20 record closes and you have looked at all of  
21 the evidence and all the material that's in  
22 the record, we think you will find that the  
23 evidence really notates in favor of a finding  
24 that the applications meet all the standards

1 of the Delaware Code and Delaware  
2 regulations, and we would ask that you make a  
3 recommendation of approval to the Secretary.

4 And with that, we would ask to  
5 proceed with Mr. Hannon.

6 MS. VEST: Very good. Mr. Hannon,  
7 I am now making you presenter. So you should  
8 be able to share your screen and begin the  
9 proceeding of displaying the Power Point  
10 presentation on behalf of the applicant. So  
11 when you are ready, you may proceed.

12 MR. HANNON: Thank you very much.  
13 Okay. Are you seeing my presentation?

14 MS. VEST: Loud and clear.

15 MR. HANNON: Very good. Thank you.

16 MS. VEST: You may proceed when  
17 ready.

18 MR. HANNON: Thank you. So, again,  
19 my name is Ken Hannon. I'm with  
20 BrightFields. We are an environmental  
21 consultant to Highline Warren.

22 Our presentation this evening will  
23 provide a brief overview of the Highline  
24 Warren company, review operations at the

1 Wilmington facility, and provide details on  
2 our permit revision applications for the  
3 above-ground storage tanks and process  
4 filling lines.

5 Highline Warren manufactures and  
6 distributes automotive products, including  
7 windshield wash fluid, lube carwash  
8 concentrates, RV antifreeze, and diesel  
9 exhaust fluid.

10 The Wilmington facility is located  
11 at 1 Corral Road and employs approximately 57  
12 people.

13 In Wilmington we make windshield  
14 washer fluids and RV and marine antifreeze.  
15 These products are made in the process  
16 filling line, and the raw materials are  
17 stored in the above-ground storage tanks.

18 We also make diesel exhaust fluid.

19 Raw materials, including methanol,  
20 ethanol, and propylene glycol arrive by  
21 tanker or railcar and can be stored in the  
22 above-ground storage tanks.

23 Raw materials are mixed with water  
24 and bottled in the process filling line. The

1 finished products are stored in our  
2 warehouse.

3 The raw materials are stored in six  
4 above-ground storage tanks. The tanks were  
5 constructed in 2013 and are routinely  
6 inspected.

7 The above-ground storage tanks are  
8 constructed within secondary containment and  
9 have release detection. A comprehensive  
10 third-party inspection will be conducted by  
11 July 2023.

12 The process filling line mixes  
13 water with the raw materials in varying  
14 proportions to create different products.  
15 Plastic bottles are filled with the products  
16 on the filling line.

17 This is the process filling line,  
18 emissions calculations, including emissions  
19 from the process tank and the filling tank.

20 Here is another photo of the  
21 filling line in operation filling bottles  
22 with the Supertech winter formula. And,  
23 again, another look at the products that are  
24 made on this process line.

1           The requested revisions to the  
2 permits will allow us to increase production  
3 at the filling line and will mean an increase  
4 in raw materials being stored in the  
5 above-ground storage tanks. There is no new  
6 construction or expansion of the existing  
7 infrastructure.

8           The facility produces bottles,  
9 which is done under an Air registration  
10 that's not part of this application. We are  
11 requesting a revision to our existing minor  
12 permits.

13           Both permits, the process filling  
14 line and the above-ground storage tanks, are  
15 natural minor permits with the emissions well  
16 below the major threshold of 25 tons of VOCs  
17 per year.

18           The above-ground storage tank  
19 permit emissions were calculated using an EPA  
20 program that calculates emissions based on  
21 material throughput. This method was used as  
22 part of the initial application and has not  
23 changed.

24           The filling line emissions were

1 calculated using AP-42 Chapter 7 equations.

2 These are EPA-approved methods for  
3 calculating emissions.

4 The previous application used AP-42  
5 Chapter 5 equations. The new method is the  
6 best fit for our process.

7 The emissions calculations are  
8 based on material throughput. Since products  
9 vary, emissions for each product were  
10 calculated using the product with the highest  
11 vapor pressure and highest projected annual  
12 throughput, resulting in the map of emissions  
13 calculated for the process.

14 This table shows our currently  
15 permitted emission levels and the proposed  
16 new levels. Note that the AST emissions, or  
17 above-ground storage tank emissions, will  
18 increase slightly, but the process line  
19 emissions will decrease.

20 Here is another look at the  
21 currently permitted emissions levels in blue  
22 and the new proposed emissions level in  
23 green.

24 As previously noted, the process

1 line emissions will decrease from  
2 approximately 3 to 1.2 tons per year. AST  
3 emissions will increase from 1.2 to 2.5 tons  
4 per year, resulting in an overall net  
5 decrease in VOC emissions from about 4.2 to  
6 about 3.7 tons per year.

7 We provided the Department with a  
8 copy of this presentation, and we thank you  
9 for your time.

10 MS. VEST: Great. Thank you,  
11 Mr. Hannon, for the Applicant's presentation.

12 Again, for the benefit of the  
13 record, the Department was provided with a  
14 hard copy of the Power Point presentation  
15 that was just presented.

16 And I am going to hereby enter that  
17 into the record at this time as Applicant's  
18 Exhibit Number 1.

19 And both the Department's exhibits,  
20 all of the ones that we just mentioned  
21 previously, and the Power Point that you have  
22 seen right now will change from proposed  
23 exhibits to actual exhibits. They are hereby  
24 incorporated into the record.

1           And, again, the public can get a  
2 sense of what's going on with this and review  
3 it once again, because it's all going to be  
4 up on the hearing webpage for that purpose.

5           As I mentioned previously, the  
6 Department's protocol with regard to public  
7 hearings is that we do accept live comment  
8 from the public at our virtual hearings,  
9 provided that members of the public that do  
10 wish to offer comment preregistered to do so.

11           That ability, that door, was opened  
12 from the time of the legal notice, which is  
13 towards the end of August, all the way up  
14 through noon today on the date of the  
15 hearing. And there were no members of the  
16 public that preregistered to do so.

17           So, for this particular hearing, we  
18 will not be having any live comment come in.

19           That does not mean that comment  
20 cannot be given. As I mentioned previously,  
21 there is a link on the hearing webpage that  
22 you can just click. And it says click here  
23 to make a comment. It will take you right to  
24 an electronic form, and you can submit it

1 that way.

2           You can also submit it to e-mail at  
3 DNRECHearingComments@delaware.gov, or you can  
4 send it through good old United States Postal  
5 Service to the DNREC address listed on both  
6 the website and the legal notices that were  
7 published previously in the newspapers  
8 regarding this matter.

9           So, given the fact that there are  
10 no members of the public offering live  
11 comment for this particular hearing, we are  
12 going to wrap up and conclude this proceeding  
13 tonight.

14           I want to again thank everybody for  
15 taking the time out of their busy schedules  
16 to join us. The record will remain open  
17 through November 4, 2022. And all comment  
18 bears the same weight, whether it came in  
19 prior to the hearing, if it had come in  
20 during the hearing verbally. And as long as  
21 it comes in between now and, at the latest,  
22 on November 4th, as long as it gets received,  
23 it will be incorporated into the hearing  
24 record, and it will all be given to Secretary

1 Garvin prior to his making a decision in this  
2 matter.

3           So, again, I would encourage  
4 everybody to go to the website, check it out,  
5 see all the information, review all the  
6 exhibits and the Power Point presentations  
7 again. I think that the public can find a  
8 wealth of information that's already up  
9 there.

10           I want to thank everybody for  
11 attending tonight. This meeting is hereby  
12 adjourned.

13           (Concluded at 6:25 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 23rd day of October 2022.



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Lorena J. Hartnett  
Registered Professional Reporter

Highline Warren LLC Air Quality Permit Application - October 18, 2022

|   |  |  |
|---|--|--|
| <b>1</b>                                  | <b>5</b>   | <b>allowed</b> 20:6  |
| <b>1</b> 19:13 26:11 30:18                | <b>5</b> 9:5 17:8 29:5   | <b>altered</b> 23:2  |
| <b>1-6</b> 23:11                          | <b>57</b> 26:11  | <b>Ambient</b> 18:18   |
| <b>1.2</b> 30:2,3                         | <b>6</b>   | <b>amend</b> 13:10   |
| <b>10</b> 15:22                           | <b>6.95</b> 16:22  | <b>amendment</b> 12:11 14:12 16:15<br>18:23                        |
| <b>100</b> 15:18 19:13                    | <b>7</b>   | <b>ample</b> 9:12  |
| <b>10th</b> 12:22                         | <b>7</b> 29:1  | <b>analysis</b> 18:9,11  |
| <b>11.2</b> 14:14                         | <b>7.05</b> 16:21  | <b>annual</b> 29:11  |
| <b>15th</b> 12:19                         | <b>7.1</b> 17:16   | <b>antifreeze</b> 26:8,14  |
| <b>18</b> 3:3                             | <b>7.1.3.1.2</b> 17:18   | <b>anytime</b> 10:24 18:21   |
| <b>18th</b> 12:9 13:8                     | <b>A</b>   | <b>AP-42</b> 17:5,17 29:1,4  |
| <b>1st</b> 13:3                           | <b>ability</b> 5:7,16 31:11  | <b>applicable</b> 20:19  |
| <b>2</b>                                  | <b>above-ground</b> 13:12 14:9,15 26:3,<br>17,22 27:4,7 28:5,14,18 29:17                                     | <b>applicant</b> 4:9 12:17,19 23:21 24:4,7<br>25:10                |
| <b>2</b> 8:2                              | <b>accept</b> 31:7   | <b>applicant's</b> 6:16 23:24 24:15 30:11,<br>17                   |
| <b>2.5</b> 30:3                           | <b>accommodated</b> 8:4  | <b>application</b> 3:7 5:10 12:8 17:22 18:1<br>20:12 28:10,22 29:4 |
| <b>2012</b> 17:5                          | <b>accurately</b> 17:10  | <b>application's</b> 11:22   |
| <b>2013</b> 17:5 27:5                     | <b>Act</b> 15:3  | <b>applications</b> 12:22 17:4 19:21 20:10<br>24:24 26:2           |
| <b>2022</b> 3:3 6:1 12:20 13:7 32:17      | <b>acting</b> 3:20   | <b>applied</b> 17:16,20  |
| <b>2023</b> 27:11                         | <b>actions</b> 10:22   | <b>applies</b> 18:21   |
| <b>21st</b> 13:6                          | <b>activities</b> 13:15 20:7   | <b>apply</b> 16:1,4  |
| <b>22nd</b> 12:13 13:1                    | <b>actual</b> 30:23  | <b>approval</b> 25:3   |
| <b>25</b> 15:17,23 28:16                  | <b>addition</b> 7:13 13:19   | <b>approved</b> 14:12  |
| <b>28th</b> 13:2                          | <b>additional</b> 12:15  | <b>approves</b> 21:4   |
| <b>3</b>                                  | <b>address</b> 9:20 21:12 32:5   | <b>approximately</b> 14:7 26:11 30:2                               |
| <b>3</b> 8:8 30:2                         | <b>administrative</b> 6:8 19:21  | <b>April</b> 12:13   |
| <b>3.21</b> 17:1                          | <b>admitted</b> 12:6 24:15   | <b>area</b> 15:8 20:5  |
| <b>3.6</b> 14:7                           | <b>adversely</b> 19:7,16   | <b>arrive</b> 26:20  |
| <b>3.7</b> 14:10 30:6                     | <b>aerscreen</b> 18:8,10,13  | <b>assigned</b> 11:17  |
| <b>3.78</b> 16:24                         | <b>affected</b> 19:8   | <b>assuming</b> 10:14  |
| <b>4</b>                                  | <b>aggregate</b> 15:24   | <b>AST</b> 29:16 30:2  |
| <b>4</b> 6:1 8:12 32:17                   | <b>air</b> 3:6 7:19 8:16 11:15,21 12:1,5<br>15:1,3,20,23 16:3,20 18:7,18,20 19:2,<br>19 20:17 21:5,6,16 28:9 | <b>atmosphere</b> 16:11  |
| <b>4.2</b> 30:5                           |  | <b>atmospheric</b> 18:15   |
| <b>4th</b> 8:7,20 9:11 10:9,12 11:1 32:22 |  | <b>attainment</b> 15:6   |
|   |  | <b>attend</b> 3:5  |

|   |   |  |
|---|---|--|
| <p><b>attendance</b> 3:23</p> <p><b>August</b> 13:3,6 31:13</p> <p><b>authentic</b> 8:9</p> <p><b>automotive</b> 26:6</p> <p><b>aware</b> 10:23 13:23</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>back</b> 17:4</p> <p><b>background</b> 12:19</p> <p><b>based</b> 17:5 28:20 29:8</p> <p><b>basis</b> 20:22</p> <p><b>batch</b> 13:20</p> <p><b>bear</b> 10:13</p> <p><b>bears</b> 32:18</p> <p><b>begin</b> 25:8</p> <p><b>beginning</b> 13:1</p> <p><b>behalf</b> 11:20 22:6 24:6 25:10</p> <p><b>benefit</b> 30:12</p> <p><b>blue</b> 29:21</p> <p><b>bottled</b> 26:24</p> <p><b>bottles</b> 27:15,21 28:8</p> <p><b>Brad</b> 11:9 22:8 23:12,16</p> <p><b>Bradley</b> 11:7,14</p> <p><b>Branch</b> 11:17</p> <p><b>briefly</b> 23:20</p> <p><b>Brightfields</b> 24:8 25:20</p> <p><b>brings</b> 21:22</p> <p><b>build</b> 8:14</p> <p><b>busy</b> 3:9 32:15</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>calculated</b> 28:19 29:1,10,13</p> <p><b>calculates</b> 28:20</p> <p><b>calculating</b> 29:3</p> <p><b>calculation</b> 13:18 17:2,9,15,19</p> <p><b>calculations</b> 20:10 27:18 29:7</p> <p><b>call</b> 5:5</p> | <p><b>called</b> 6:6</p> <p><b>capacity</b> 16:9</p> <p><b>carbon</b> 15:19</p> <p><b>carwash</b> 26:7</p> <p><b>case</b> 18:22 19:4</p> <p><b>Castle</b> 14:21 15:14</p> <p><b>change</b> 12:14,17,18 22:12,15 30:22</p> <p><b>changed</b> 23:2 28:23</p> <p><b>Chapter</b> 17:8,16 29:1,5</p> <p><b>characterize</b> 18:15</p> <p><b>check</b> 6:6</p> <p><b>chosen</b> 3:15</p> <p><b>clarity</b> 22:7</p> <p><b>classification</b> 16:6</p> <p><b>classifying</b> 16:17</p> <p><b>Clean</b> 15:3</p> <p><b>clear</b> 22:20 25:14</p> <p><b>click</b> 31:22</p> <p><b>close</b> 5:22</p> <p><b>closes</b> 5:10 10:9 24:20</p> <p><b>closing</b> 8:5</p> <p><b>Coastal</b> 19:24 20:1,2,3</p> <p><b>Code</b> 25:1</p> <p><b>combined</b> 15:24</p> <p><b>comment</b> 5:1,4,16,20,22 6:1,3 7:8, 16 8:3,6 9:10,13,15,16 10:2,7,10,24 31:7,10,18,19,23 32:11,17</p> <p><b>comments</b> 5:18 6:18 7:5,21 8:19 9:21</p> <p><b>company</b> 21:20 25:24</p> <p><b>compared</b> 17:22</p> <p><b>Compilation</b> 17:6</p> <p><b>Compilations</b> 17:18</p> <p><b>completeness</b> 19:22</p> <p><b>completion</b> 21:18</p> <p><b>compliance</b> 11:16 18:17</p> <p><b>composed</b> 17:12</p> <p><b>compounds</b> 15:16 16:3,20,24 18:4</p> | <p><b>comprehensive</b> 27:9</p> <p><b>concentrates</b> 26:8</p> <p><b>concentration</b> 20:14</p> <p><b>concentrations</b> 19:2</p> <p><b>concerns</b> 21:13</p> <p><b>conclude</b> 32:12</p> <p><b>concludes</b> 23:17</p> <p><b>conclusion</b> 4:6 21:22 24:13</p> <p><b>conditions</b> 21:10,12</p> <p><b>conduct</b> 3:11 20:6 21:17</p> <p><b>conducted</b> 3:19 18:8,12,21 27:10</p> <p><b>conducts</b> 20:18</p> <p><b>confirm</b> 20:9</p> <p><b>consideration</b> 8:4,15 11:3</p> <p><b>considered</b> 14:18</p> <p><b>consisting</b> 8:17</p> <p><b>consists</b> 13:10</p> <p><b>constructed</b> 27:5,8</p> <p><b>construction</b> 12:10 13:15 21:5,15, 17,18 28:6</p> <p><b>consultant</b> 24:8 25:21</p> <p><b>containment</b> 27:8</p> <p><b>copies</b> 6:15</p> <p><b>copy</b> 30:8,14</p> <p><b>Corral</b> 26:11</p> <p><b>correct</b> 17:15,19 22:23 23:3</p> <p><b>correcting</b> 22:18</p> <p><b>counsel</b> 23:21 24:4</p> <p><b>countdowns</b> 19:11</p> <p><b>counties</b> 15:12</p> <p><b>County</b> 14:21 15:14</p> <p><b>couple</b> 22:7,18 23:22</p> <p><b>court</b> 4:12 8:10</p> <p><b>create</b> 27:14</p> <p><b>criteria</b> 14:24 15:5,8</p> <p><b>current</b> 14:1,2,5,8</p> |
|---|---|--|

|   |  |  |
|---|--|--|
| <b>D</b>  | <p><b>document</b> 3:23</p> <p><b>door</b> 31:11</p> <p><b>download</b> 4:19</p> <p><b>downloaded</b> 7:3</p> <p><b>downwind</b> 19:3</p> <p><b>drafted</b> 20:21</p> <p><b>due</b> 12:13</p>  | <p><b>equations</b> 29:1,5</p> <p><b>equipment</b> 13:14</p> <p><b>estimate</b> 20:14</p> <p><b>ethanol</b> 26:20</p> <p><b>evening</b> 3:1,4 6:6 11:10,20 25:22</p> <p><b>evening's</b> 13:7</p> <p><b>eventually</b> 8:21</p> <p><b>evidence</b> 24:21,23</p> <p><b>Excellent</b> 22:24</p> <p><b>exhaust</b> 26:9,18</p> <p><b>exhibit</b> 24:16 30:18</p> <p><b>exhibits</b> 6:13 8:20 12:4 22:2,8 23:6, 11 30:19,23</p> <p><b>existing</b> 13:16 18:24 28:6,11</p> <p><b>expansion</b> 28:6</p> <p><b>extreme</b> 15:8</p>  |
| <p><b>date</b> 3:2 5:8,11 31:14</p> <p><b>day</b> 3:9 13:1,24</p> <p><b>deadline</b> 10:12</p> <p><b>decision</b> 9:1,3,6,7 10:18 11:4</p> <p><b>decrease</b> 29:19 30:1,5</p> <p><b>decreased</b> 18:5</p> <p><b>dedicated</b> 22:11</p> <p><b>defines</b> 14:22</p> <p><b>definition</b> 17:14</p> <p><b>Delaware</b> 13:6 15:13 25:1</p> <p><b>Department</b> 4:2,9 7:20 8:7 9:7 10:2 11:6,7 12:10,16 13:22 16:13 19:12 22:2,6 23:5,13 30:7,13</p> <p><b>Department's</b> 6:16 11:17 21:23 22:13 23:17 30:19 31:6</p> <p><b>depending</b> 15:5</p> <p><b>design</b> 16:12</p> <p><b>detailed</b> 20:18 21:8</p> <p><b>details</b> 6:9,11 12:8 14:4 18:9 26:1</p> <p><b>detection</b> 27:9</p> <p><b>determination</b> 20:3</p> <p><b>determine</b> 16:5,6 18:17 19:23 20:19</p> <p><b>determined</b> 16:15 17:9</p> <p><b>diesel</b> 26:8,18</p> <p><b>dioxide</b> 15:19</p> <p><b>discuss</b> 11:23</p> <p><b>disperse</b> 18:16</p> <p><b>dispersion</b> 18:8,11,13,20 20:13</p> <p><b>displaying</b> 22:9 25:9</p> <p><b>distributes</b> 26:6</p> <p><b>Division</b> 11:15,21 12:1,5 18:7 19:19 20:17 21:4,16</p> <p><b>DNREC</b> 3:14 4:16 5:2,14 6:9 7:15 9:20,21 23:6 32:5</p> <p><b>DNREC's</b> 3:17 4:18 6:7,11 11:15</p> <p><b>DNRECHEARINGCOMMENTS@ DELAWARE.GOV</b> 9:18 32:3</p> | <b>E</b>   | <b>F</b>   |
|   | <p><b>e-mail</b> 7:9 9:17 32:2</p> <p><b>Edition</b> 17:6,17</p> <p><b>effect</b> 7:15</p> <p><b>electronic</b> 7:8 31:24</p> <p><b>electronically</b> 4:3</p> <p><b>else's</b> 5:19</p> <p><b>emission</b> 13:10,18 17:2,6,7,15,17,19 18:3,6,24 20:9,22 29:15</p> <p><b>emissions</b> 16:4,23 17:3,11,20,23 19:18 27:18 28:15,19,20,24 29:3,7,9, 12,16,17,19,21,22 30:1,3,5</p> <p><b>emit</b> 14:19,24 16:7,8,10,16,19</p> <p><b>emits</b> 14:23</p> <p><b>emitted</b> 18:16</p> <p><b>employs</b> 26:11</p> <p><b>enabled</b> 5:5</p> <p><b>encourage</b> 6:5</p> <p><b>end</b> 31:13</p> <p><b>engineer</b> 11:14,18</p> <p><b>Engineering</b> 11:16</p> <p><b>ensure</b> 5:15 8:2 19:6,14</p> <p><b>enter</b> 30:16</p> <p><b>entered</b> 22:3</p> <p><b>entirety</b> 8:23</p> <p><b>environment</b> 21:10</p> <p><b>environmental</b> 25:20</p> <p><b>EPA</b> 14:22 28:19</p> <p><b>EPA-APPROVED</b> 29:2</p> <p><b>equal</b> 15:1</p> | <p><b>Facebook</b> 9:23</p> <p><b>facility</b> 11:19 13:17,21 14:1,17,18,23 15:6,9,14 16:2,18,23 17:11 18:21 20:5 26:1,10 28:8</p> <p><b>facility's</b> 16:7,14</p> <p><b>fact</b> 32:9</p> <p><b>Factor</b> 17:17</p> <p><b>Factors</b> 17:7</p> <p><b>favor</b> 24:23</p> <p><b>federal</b> 20:19 21:7</p> <p><b>feel</b> 6:22</p> <p><b>fell</b> 16:16</p> <p><b>filled</b> 27:15</p> <p><b>filling</b> 13:11 14:6,15 26:4,16,24 27:12,16,17,19,21 28:3,13,24</p> <p><b>finally</b> 12:3 24:18</p> <p><b>find</b> 6:8 7:11 24:22</p> <p><b>finding</b> 24:23</p> <p><b>fine</b> 15:19</p> <p><b>finished</b> 27:1</p> |

|   |  |   |
|---|--|---|
| <p><b>fit</b> 29:6</p> <p><b>fluid</b> 26:7,9,18</p> <p><b>fluids</b> 26:14</p> <p><b>form</b> 9:16 31:24</p> <p><b>formal</b> 8:9</p> <p><b>formula</b> 27:22</p> <p><b>formulations</b> 18:14</p> <p><b>found</b> 19:13</p> <p><b>frame</b> 17:5</p> <p><b>free</b> 6:23</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gain</b> 6:20 7:3</p> <p><b>gallons</b> 14:7,10,14</p> <p><b>Garvin</b> 3:15 8:24 10:17</p> <p><b>generate</b> 3:24</p> <p><b>generated</b> 4:11 5:18</p> <p><b>geographic</b> 15:8</p> <p><b>glycol</b> 26:20</p> <p><b>good</b> 3:1 11:10 23:4 25:6,15 32:4</p> <p><b>Great</b> 30:10</p> <p><b>greater</b> 15:1</p> <p><b>green</b> 29:23</p> <p><b>Guerke</b> 24:3</p> <p><b>guideline</b> 19:12</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>Hannon</b> 24:7,11 25:5,6,12,15,18,19 30:11</p> <p><b>HAP</b> 15:9</p> <p><b>happening</b> 4:23</p> <p><b>HAPS</b> 15:24 16:22 17:1 18:4 19:12</p> <p><b>hard</b> 6:15 30:14</p> <p><b>hazardous</b> 14:24 15:23 16:3,20</p> <p><b>health</b> 19:6,15 21:11</p> <p><b>hear</b> 11:11,12</p> <p><b>hearing</b> 3:5,12,15,18 4:8,18,24 5:11 7:18,23 8:13,18,22 9:17,20 10:16,20</p> | <p>12:6,24 13:5,8 21:3,13 22:10,13,15, 22 23:8,11 24:2,13,14,16,19 31:4,15, 17,21 32:11,19,20,23</p> <p><b>hearings</b> 5:4 6:7,12 7:15 31:7,8</p> <p><b>helped</b> 24:9</p> <p><b>highest</b> 29:10,11</p> <p><b>Highline</b> 3:7 5:23 7:20 8:15 11:18 12:12 13:9 14:17 24:9 25:21,23 26:5</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>identify</b> 12:3</p> <p><b>impacted</b> 19:17</p> <p><b>important</b> 9:5</p> <p><b>include</b> 20:20 21:9</p> <p><b>included</b> 21:1</p> <p><b>including</b> 26:6,19 27:18</p> <p><b>inclusion</b> 6:14</p> <p><b>incorporated</b> 7:23 10:14 11:2 23:10 30:24 32:23</p> <p><b>increase</b> 14:13 17:24 28:2,3 29:18 30:3</p> <p><b>increases</b> 14:5</p> <p><b>independently</b> 3:20</p> <p><b>individual</b> 15:23</p> <p><b>industry</b> 17:8</p> <p><b>information</b> 6:21 7:4,11 12:15,18 20:9</p> <p><b>infrastructure</b> 13:16 28:7</p> <p><b>initial</b> 17:3,22 28:22</p> <p><b>inspected</b> 27:6</p> <p><b>inspection</b> 27:10</p> <p><b>inspections</b> 21:17,20</p> <p><b>installation</b> 13:14</p> <p><b>instance</b> 10:6</p> <p><b>introductory</b> 4:7</p> <p><b>involves</b> 18:23 19:20</p> <p><b>issue</b> 9:2 21:5</p> <p><b>issued</b> 21:16,20</p> | <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>join</b> 3:9 32:16</p> <p><b>joined</b> 4:3</p> <p><b>joining</b> 3:2 6:22</p> <p><b>Journal</b> 13:5</p> <p><b>July</b> 12:22 13:1,2 27:11</p> <p><b>jump</b> 22:4</p> <p><b>June</b> 12:19</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Ken</b> 24:7 25:19</p> <p><b>kind</b> 16:12</p> <p><b>Klotz</b> 11:7,10,13,14 22:12,19,23 23:3,14 24:12</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>Lastly</b> 10:1</p> <p><b>latest</b> 32:21</p> <p><b>Law</b> 6:8</p> <p><b>leads</b> 13:7</p> <p><b>learn</b> 10:21</p> <p><b>legal</b> 12:21 13:4 20:11 31:12 32:6</p> <p><b>level</b> 29:22</p> <p><b>levels</b> 15:1 18:3,6 29:15,16,21</p> <p><b>life</b> 5:4</p> <p><b>limit</b> 19:10</p> <p><b>limited</b> 7:17 14:3</p> <p><b>limits</b> 13:10 15:15 20:22,23</p> <p><b>lines</b> 26:4</p> <p><b>link</b> 7:8 9:16 31:21</p> <p><b>liquid</b> 17:12</p> <p><b>Lisa</b> 3:14</p> <p><b>list</b> 3:24 12:4 22:1</p> <p><b>listed</b> 9:20 32:5</p> <p><b>listen</b> 6:23 10:22</p> <p><b>live</b> 5:1 10:7 31:7,18 32:10</p> |
|---|--|---|

|   |   |   |
|---|---|---|
| <p><b>LLC</b> 3:7 7:20 8:16<br/> <b>local</b> 20:4<br/> <b>located</b> 15:7,10,13,14 19:24 20:5 26:10<br/> <b>locations</b> 3:21<br/> <b>logged</b> 6:6<br/> <b>long</b> 10:11 32:20,22<br/> <b>looked</b> 19:4 24:20<br/> <b>Loud</b> 25:14<br/> <b>lube</b> 26:7</p>  | <p><b>mentioned</b> 6:18 8:1,12 10:6 23:7 30:20 31:5,20<br/> <b>messaging</b> 9:24<br/> <b>methanol</b> 26:19<br/> <b>method</b> 28:21 29:5<br/> <b>methodology</b> 13:18 17:10,16,20<br/> <b>methods</b> 29:2<br/> <b>Michael</b> 23:20<br/> <b>Mike</b> 24:3<br/> <b>million</b> 14:7,10,14<br/> <b>minor</b> 14:18 16:18 28:11,15<br/> <b>mixed</b> 13:20 26:23<br/> <b>mixes</b> 27:12<br/> <b>modeling</b> 18:8,11,14,20 20:14<br/> <b>monitoring</b> 20:23<br/> <b>monoxide</b> 15:19<br/> <b>morning</b> 7:2<br/> <b>move</b> 22:1</p>   | <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>October</b> 3:3 13:8<br/> <b>offer</b> 3:4 5:4,16 7:7 8:3 9:12 31:10<br/> <b>offered</b> 6:14<br/> <b>offering</b> 10:7 32:10<br/> <b>office</b> 5:6<br/> <b>officer</b> 3:16 24:2,13,19<br/> <b>Officer's</b> 8:22<br/> <b>official</b> 8:10<br/> <b>online</b> 5:5<br/> <b>open</b> 5:24 9:11 32:16<br/> <b>opened</b> 5:7 31:11<br/> <b>operate</b> 14:1<br/> <b>operating</b> 20:23 21:21<br/> <b>operation</b> 21:17 27:21<br/> <b>operational</b> 16:11<br/> <b>operations</b> 14:2 25:24<br/> <b>opportunity</b> 9:12<br/> <b>order</b> 8:2 9:2 16:5 19:1,6<br/> <b>organic</b> 15:16 16:2,20,24 17:12 18:4 19:11<br/> <b>overview</b> 11:22 25:23<br/> <b>ownership</b> 12:15,18<br/> <b>oxides</b> 15:16</p> |
| <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>Madam</b> 24:1,13,18<br/> <b>made</b> 9:6,7 20:3 22:16 26:15 27:24<br/> <b>maintains</b> 4:2<br/> <b>major</b> 14:20,22 15:2,4,11,15 16:16 28:16<br/> <b>make</b> 4:10 9:1 13:23 25:2 26:13,18 31:23<br/> <b>making</b> 7:4 10:18 11:4 25:7<br/> <b>manner</b> 6:3<br/> <b>manufactures</b> 26:5<br/> <b>map</b> 29:12<br/> <b>marine</b> 26:14<br/> <b>material</b> 14:4 17:24 24:21 28:21 29:8<br/> <b>materials</b> 14:3 26:16,19,23 27:3,13 28:4<br/> <b>mathematical</b> 18:14<br/> <b>matter</b> 4:1,11 5:9,24 6:10 7:17,22 9:9 10:15 11:6 15:20 22:11 23:18 32:8<br/> <b>matters</b> 3:7<br/> <b>maximum</b> 16:9<br/> <b>mechanisms</b> 7:6<br/> <b>media</b> 9:22<br/> <b>meet</b> 17:13 21:6<br/> <b>meet all</b> 24:24<br/> <b>members</b> 5:3,12 9:11 31:9,15 32:10<br/> <b>memorandum</b> 20:21<br/> <b>mention</b> 4:24</p> | <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>National</b> 18:18<br/> <b>natural</b> 14:18 16:18 28:15<br/> <b>nature</b> 22:16<br/> <b>net</b> 30:4<br/> <b>News</b> 13:5,6<br/> <b>newspapers</b> 32:7<br/> <b>nitrogen</b> 15:16<br/> <b>noon</b> 5:11 31:14<br/> <b>notates</b> 24:23<br/> <b>note</b> 7:14 9:5 13:22 29:16<br/> <b>noted</b> 29:24<br/> <b>notes</b> 6:24<br/> <b>notice</b> 5:8 12:21 31:12<br/> <b>notices</b> 13:4 32:6<br/> <b>noticing</b> 20:11<br/> <b>November</b> 6:1 8:7,20 9:11 10:9,12 11:1 12:9 32:17,22<br/> <b>Number</b> 7:16 8:2,8,12 9:5 30:18</p> | <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>parameters</b> 17:21<br/> <b>Parkowski</b> 24:3<br/> <b>part</b> 12:6 28:10,22<br/> <b>particulate</b> 15:20<br/> <b>pending</b> 9:8<br/> <b>people</b> 26:12<br/> <b>performed</b> 19:1<br/> <b>period</b> 9:10<br/> <b>permit</b> 3:6 7:19 8:16 11:22 12:10 14:2,12 16:14 17:3 18:22 19:8 20:1, 12,20 21:4,9,11,12 26:2 28:19</p>   |

Highline Warren LLC Air Quality Permit Application - October 18, 2022

|   |   |   |
|---|---|---|
| <p><b>permits</b> 13:12 21:1,2,6,15,21 28:2, 12,13,15</p> <p><b>permitted</b> 14:5,8 16:23 18:3,5 29:15, 21</p> <p><b>permitting</b> 9:9 11:24 12:2 19:20</p> <p><b>perspective</b> 11:24</p> <p><b>pertaining</b> 12:4</p> <p><b>pertinent</b> 7:22</p> <p><b>petroleum</b> 17:8,13</p> <p><b>photo</b> 27:20</p> <p><b>physical</b> 3:23 9:19 16:11</p> <p><b>plant's</b> 19:5</p> <p><b>Plastic</b> 27:15</p> <p><b>platform</b> 3:4,11 9:22 10:20</p> <p><b>PM-10</b> 15:20</p> <p><b>Point</b> 8:21 23:9,24 24:12,15 25:9 30:14,21</p> <p><b>pollutant</b> 14:24 15:1,9,23 16:3,10 18:16</p> <p><b>pollutants</b> 15:5,21 16:21 19:2</p> <p><b>portion</b> 23:17</p> <p><b>postal</b> 7:10 9:19 32:4</p> <p><b>posted</b> 4:18,20 6:17 7:24 12:22 13:5 22:10,14,21</p> <p><b>potential</b> 14:19,23 16:7,8,16,19</p> <p><b>Power</b> 8:20 23:9,24 24:12,15 25:9 30:14,21</p> <p><b>predict</b> 19:1</p> <p><b>preparing</b> 4:14</p> <p><b>preregister</b> 5:6</p> <p><b>preregistered</b> 5:13 31:10,16</p> <p><b>preregistration</b> 5:3</p> <p><b>present</b> 4:1,13 24:5</p> <p><b>presentation</b> 6:16,17 11:8 21:23 22:6,13 23:5,9,24 25:10,13,22 30:8, 11,14</p> <p><b>presentations</b> 4:10 8:21 10:23</p> <p><b>presented</b> 30:15</p> <p><b>presenter</b> 25:7</p> <p><b>presenting</b> 11:21 24:11</p> | <p><b>pressure</b> 29:11</p> <p><b>presumed</b> 19:15,16</p> <p><b>previous</b> 20:15 29:4</p> <p><b>previously</b> 7:7,24 18:5 20:15 22:14 29:24 30:21 31:5,20 32:7</p> <p><b>primarily</b> 17:12</p> <p><b>prior</b> 7:4 10:17 11:3 32:19</p> <p><b>proceed</b> 11:9 23:23 25:5,11,16</p> <p><b>proceeding</b> 8:9 25:9 32:12</p> <p><b>proceedings</b> 3:16 4:15</p> <p><b>process</b> 9:3 12:2 13:11 14:6,15 16:14 17:11 19:20 24:10,14 26:3,15, 24 27:12,17,19,24 28:13 29:6,13,18, 24</p> <p><b>processes</b> 18:15</p> <p><b>produces</b> 28:8</p> <p><b>product</b> 13:19 29:9,10</p> <p><b>production</b> 28:2</p> <p><b>products</b> 26:6,15 27:1,14,15,23 29:8</p> <p><b>program</b> 28:20</p> <p><b>project</b> 11:18,24 12:4 13:9 19:17</p> <p><b>projected</b> 29:11</p> <p><b>proof</b> 20:4</p> <p><b>property</b> 19:5</p> <p><b>proportions</b> 27:14</p> <p><b>proposed</b> 8:14 10:22 13:9 19:8,17 21:1 29:15,22 30:22</p> <p><b>propylene</b> 26:20</p> <p><b>protect</b> 21:10</p> <p><b>protocol</b> 4:22 5:2 31:6</p> <p><b>protocols</b> 3:18 7:14</p> <p><b>provide</b> 3:11 10:20 12:1 25:23 26:1</p> <p><b>provided</b> 30:7,13 31:9</p> <p><b>public</b> 3:5,17 5:3,8,13 6:1,3,7,11,20 7:15 9:12 10:21 12:24 13:4,7 19:6,14, 15 21:3,11,13 31:1,6,8,9,16 32:10</p> <p><b>published</b> 5:9 32:7</p> <p><b>purpose</b> 8:13 10:19 31:4</p> <p><b>pursuant</b> 3:17 4:15</p> <p><b>put</b> 5:18 8:23</p> | <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 3:6 7:19 8:16 11:15,21 12:5 18:7,18 19:19 20:17 21:5,6,16</p> <p><b>Quality's</b> 12:2</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>railcar</b> 26:21</p> <p><b>raised</b> 21:13</p> <p><b>rates</b> 18:24</p> <p><b>ratio</b> 19:13</p> <p><b>raw</b> 14:3 17:24 26:16,19,23 27:3,13 28:4</p> <p><b>read</b> 4:20</p> <p><b>ready</b> 11:8,9 25:11,17</p> <p><b>reason</b> 5:21</p> <p><b>reasoning</b> 9:4</p> <p><b>recalculated</b> 17:21</p> <p><b>receipt</b> 5:22,24</p> <p><b>receive</b> 5:17</p> <p><b>received</b> 4:21 7:16,21 8:6 10:2,3,4, 10,11 12:10 13:1 32:22</p> <p><b>receptors</b> 19:3</p> <p><b>recommendation</b> 25:3</p> <p><b>record</b> 4:2,10 5:22,23 6:14 7:23 8:9, 14,17 10:9,14 11:2 12:7 22:3,8 23:6, 11 24:2,16,20,22 30:13,17,24 32:16, 24</p> <p><b>recordkeeping</b> 20:24</p> <p><b>referred</b> 20:2</p> <p><b>reflect</b> 17:10 23:6</p> <p><b>reflected</b> 23:8</p> <p><b>regard</b> 4:22 8:14 9:8,15 31:6</p> <p><b>registration</b> 28:9</p> <p><b>regulations</b> 21:8 25:2</p> <p><b>regulatory</b> 18:19 20:18</p> <p><b>release</b> 27:9</p> <p><b>remain</b> 5:24 7:8,14 32:16</p> <p><b>remainder</b> 16:4</p> |
|---|---|---|

|  |   |  |
|--|---|--|
| <p><b>remains</b> 9:10 23:1</p> <p><b>remarks</b> 4:7</p> <p><b>remember</b> 10:1</p> <p><b>repeated</b> 15:10</p> <p><b>Report</b> 8:22</p> <p><b>reporter</b> 4:12</p> <p><b>reporter's</b> 8:11</p> <p><b>reporting</b> 20:24</p> <p><b>representatives</b> 4:8</p> <p><b>request</b> 12:18 16:15</p> <p><b>requested</b> 12:16 14:11 17:23 18:3 19:8 28:1</p> <p><b>requesting</b> 16:23 28:11</p> <p><b>requests</b> 12:11,24 13:10,13</p> <p><b>required</b> 13:15,19 20:2</p> <p><b>requirement</b> 4:16</p> <p><b>requirements</b> 18:19 20:20,24</p> <p><b>reread</b> 7:3</p> <p><b>respective</b> 3:21</p> <p><b>responded</b> 12:17</p> <p><b>restrictions</b> 13:24</p> <p><b>result</b> 18:2</p> <p><b>resulting</b> 16:19 17:23 19:10,17 29:12 30:4</p> <p><b>results</b> 18:9 20:11</p> <p><b>review</b> 8:15 9:2 19:20 20:8,18 21:9 25:24 31:2</p> <p><b>reviewed</b> 8:23 10:17 16:13</p> <p><b>reviewing</b> 6:21</p> <p><b>revision</b> 26:2 28:11</p> <p><b>revisions</b> 13:17 28:1</p> <p><b>Road</b> 26:11</p> <p><b>Romax</b> 12:11</p> <p><b>room</b> 3:20</p> <p><b>roughly</b> 14:9</p> <p><b>routinely</b> 27:5</p> <p><b>run</b> 20:13</p> <p><b>running</b> 13:2</p> | <p><b>RV</b> 26:8,14</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safety</b> 19:7,14,16</p> <p><b>samplings</b> 13:19</p> <p><b>scenario</b> 16:12</p> <p><b>schedules</b> 32:15</p> <p><b>screen</b> 25:8</p> <p><b>secondary</b> 27:8</p> <p><b>Secretary</b> 3:14 8:24 10:17 11:3 21:4 25:3 32:24</p> <p><b>Secretary's</b> 8:4</p> <p><b>Section</b> 6:9 17:18</p> <p><b>selected</b> 19:3</p> <p><b>send</b> 32:4</p> <p><b>sense</b> 31:2</p> <p><b>serve</b> 3:15</p> <p><b>service</b> 7:10 9:19 32:5</p> <p><b>set</b> 9:2 15:2</p> <p><b>severe</b> 15:7</p> <p><b>share</b> 25:8</p> <p><b>sheets</b> 3:22</p> <p><b>showed</b> 18:2</p> <p><b>shows</b> 29:14</p> <p><b>sign-in</b> 3:22</p> <p><b>simply</b> 10:20</p> <p><b>situation</b> 5:12</p> <p><b>slide</b> 12:8 18:9 21:24</p> <p><b>slides</b> 20:16</p> <p><b>slightly</b> 29:18</p> <p><b>social</b> 9:22</p> <p><b>solely</b> 7:17</p> <p><b>source</b> 14:19,20,22 15:2,4,12,15 16:10,16,17 18:16,24 19:23</p> <p><b>source's</b> 16:5</p> <p><b>Sources</b> 17:7</p> <p><b>standard</b> 3:17</p> <p><b>standardized</b> 9:24</p> | <p><b>standards</b> 18:18 21:7 24:24</p> <p><b>start</b> 11:8</p> <p><b>state</b> 13:6 15:13 20:19 21:7</p> <p><b>statement</b> 12:19</p> <p><b>States</b> 7:10 9:19 32:4</p> <p><b>stationary</b> 16:9 17:7</p> <p><b>status</b> 15:6</p> <p><b>statutory</b> 4:16 8:13</p> <p><b>storage</b> 13:12 14:9,16 17:12 26:3,17, 22 27:4,7 28:5,14,18 29:17</p> <p><b>stored</b> 26:17,21 27:1,3 28:4</p> <p><b>strict</b> 21:6</p> <p><b>subject</b> 7:17,22 10:15</p> <p><b>submit</b> 6:4 31:24 32:2</p> <p><b>submitted</b> 7:19 9:16,22 17:4 20:10</p> <p><b>Subsequently</b> 12:21</p> <p><b>substantive</b> 22:16</p> <p><b>successful</b> 21:19</p> <p><b>sulfur</b> 15:19</p> <p><b>summary</b> 11:23 12:1 17:2</p> <p><b>Supertech</b> 27:22</p> <p><b>supported</b> 21:8</p> <p><b>Swayze</b> 24:4</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>table</b> 14:4 15:11 29:14</p> <p><b>taking</b> 3:8 4:4 6:24 32:15</p> <p><b>tank</b> 13:12 27:19 28:18 29:17</p> <p><b>tanker</b> 26:21</p> <p><b>tanks</b> 14:9,16 26:3,17,22 27:4,7 28:5, 14</p> <p><b>technical</b> 19:22 20:8,21 21:9</p> <p><b>Teichman</b> 23:21 24:1,3,18</p> <p><b>testing</b> 20:23</p> <p><b>text</b> 9:24</p> <p><b>therefor</b> 9:4</p> <p><b>things</b> 6:3 22:7,18</p> <p><b>third-party</b> 27:10</p> |
|--|---|--|

Highline Warren LLC Air Quality Permit Application - October 18, 2022

|  |   |   |
|--|---|---|
| <p><b>threshold</b> 15:15 19:10 28:16</p> <p><b>thresholds</b> 14:20 15:2,4,12 16:17</p> <p><b>throughput</b> 14:3,5,6,8,11,13 17:24 28:21 29:8,12</p> <p><b>time</b> 3:9 4:5 13:24 17:5 23:13 30:9,17 31:12 32:15</p> <p><b>timeline</b> 11:23 12:9</p> <p><b>today</b> 24:5,6 31:14</p> <p><b>tomorrow</b> 7:2</p> <p><b>ton</b> 15:23</p> <p><b>tonight</b> 3:2,10,24 4:4,23 5:1,23 6:15, 22 7:1 8:6,10,18 9:8 10:5,7,8 22:22 32:13</p> <p><b>tonight's</b> 3:16 4:15 7:18 8:13 10:16, 19</p> <p><b>tons</b> 15:17,18,22 16:21,22,24 17:1 28:16 30:2,3,6</p> <p><b>transcript</b> 4:14,17 8:11,18</p> <p><b>transfer</b> 12:14</p> <p><b>Tube</b> 9:23</p> <p><b>Tuesday</b> 3:3</p> <p><b>turn</b> 11:6 23:20</p> <p><b>turning</b> 4:7</p> <p><b>Twinco</b> 12:11</p> <p><b>Twitter</b> 9:23</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>ultimately</b> 9:1</p> <p><b>United</b> 7:9 9:19 32:4</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>values</b> 19:11</p> <p><b>vapor</b> 29:11</p> <p><b>vary</b> 15:5 29:9</p> <p><b>varying</b> 27:13</p> <p><b>verbally</b> 32:20</p> <p><b>verbatim</b> 4:14</p> <p><b>verified</b> 20:4</p> <p><b>vessels</b> 17:13</p> | <p><b>Vest</b> 3:1,14 11:12 22:4,17,20,24 23:4, 16 24:17 25:6,14,16 30:10</p> <p><b>viewing</b> 23:10</p> <p><b>virtual</b> 3:5,11 4:24 31:8</p> <p><b>virtually</b> 3:19 4:1,13 24:6</p> <p><b>visited</b> 7:2</p> <p><b>VOC</b> 30:5</p> <p><b>VOCS</b> 16:21 28:16</p> <p><b>volatile</b> 15:15 16:2,20,24 18:4 19:11</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>warehouse</b> 27:2</p> <p><b>Warren</b> 3:7 5:24 7:20 8:16 11:18 12:12 14:17 24:9 25:21,24 26:5</p> <p><b>Warren's</b> 13:9</p> <p><b>wash</b> 26:7</p> <p><b>washer</b> 26:14</p> <p><b>watching</b> 22:21</p> <p><b>water</b> 26:23 27:13</p> <p><b>wealth</b> 6:20 7:4</p> <p><b>web</b> 22:14</p> <p><b>Webex</b> 3:24</p> <p><b>webpage</b> 4:18 5:18 6:7 7:24 10:4 22:15 23:8 31:4,21</p> <p><b>website</b> 6:9 7:11 32:6</p> <p><b>weight</b> 10:13 32:18</p> <p><b>welfare</b> 19:7,16</p> <p><b>whatsoever</b> 9:6</p> <p><b>Wilmington</b> 26:1,10,13</p> <p><b>window</b> 8:5</p> <p><b>windshield</b> 26:7,13</p> <p><b>winter</b> 27:22</p> <p><b>wishes</b> 4:19 5:14 8:3 23:13</p> <p><b>wondering</b> 18:10</p> <p><b>words</b> 23:22</p> <p><b>work</b> 11:16</p> <p><b>worry</b> 6:23</p> <p><b>worst-case</b> 16:12</p> | <p><b>wrap</b> 32:12</p> <p><b>writing</b> 5:16 9:13</p> <p><b>written</b> 7:5 8:19 9:21</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>year</b> 12:9,13,23 13:2 14:7,10,14 15:17,18,22,24 16:21,22,24 17:1 28:17 30:2,4,6</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>Zone</b> 19:24 20:1,2,3</p> <p><b>zoning</b> 20:4</p> |
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