

In the Matter Of:

Department of Natural Resources & Environmental Control

FUJIFILM IMAGING COLORANTS COASTAL ZONE ACT PERMIT DOCKET 2023-P-CCE-0010

May 03, 2023



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

RE: FujiFilm Imaging Colorants Coastal)
Zone Act Permit Modification)
Application)

..

Virtual Public Hearing
Docket #2023-P-CCE-0010

Wednesday, May 3, 2023
6:00 p.m.

..

BEFORE: Lisa Vest, Hearing Officer

FOR THE DIVISION: Erin Wilson, DNREC

-- Transcript of Proceedings --

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1 MS. VEST: Good evening. The time
2 is 6:00 p.m. It is Wednesday, February --
3 oh, February, listen to me -- it is
4 Wednesday, May 3, 2023. And thank you all
5 for attending.

6 We are here tonight to provide the
7 platform for a DNREC public hearing.
8 Tonight's topic is the FujiFilm Imaging
9 Colorant's request for a major modification
10 to their Coastal Zone Act permit.

11 Before we get into the meat of
12 everything, however, I did want to throw the
13 screen, as it were, to my assistant, Tanesha
14 Perry, who is assisting with tonight's
15 hearing.

16 Tanesha has just a few brief
17 instructional words for those of you who
18 might want to enable the closed captioning on
19 your screen for tonight's proceeding. So,
20 Tanesha, take it away.

21 MS. PERRY: Hello. My name is
22 Tanesha Perry. I'm an Administrative
23 Assistant Specialist with the Office of the
24 Secretary. I'm here to assist the hearing

1 officer tonight.

2 I would like to make sure everyone
3 is aware that the Zoom platform we are using
4 has the ability for closed captioning in
5 multiple languages.

6 To start closed captioning, if you
7 are using a computer, at the bottom of your
8 screen you should see a "show captions"
9 button. If you don't see the "show captions"
10 button, you may have to select the three dots
11 that say "more."

12 Once you find your "show captions"
13 button, you should click the caret pointing
14 up, which will bring up your translation
15 options. You can select your preferred
16 language from there. If your preferred
17 language isn't listed, you can select "more,"
18 and all languages will be listed.

19 If you are on a Smartphone, at the
20 bottom of the screen select "Captions," but
21 indicated by "CC." If your preferred
22 language is not listed at the bottom, you may
23 have to select the three dots that say
24 "More."

1 You should then select "Meeting
2 Settings" with the gear icon next to it.
3 Once the setting page comes up, located at
4 the very bottom, select "Translation
5 Language." From there, you will be able to
6 select your preferred language. Then select
7 "Done" At the top right corner, and then
8 "Done" again.

9 If the captions are not
10 automatically popping up yet, you may need to
11 select "Captions" again and select "Show
12 Captions."

13 Now I will turn you back over to
14 the hearing officer, Lisa Vest.

15 MS. VEST: Thank you, Tanesha. We
16 just have a few brief comments and words here
17 before we get into the meat of tonight's
18 proceedings, just to kind of set the
19 parameters in case this might be your first
20 hearing that you are viewing.

21 So, pursuant to DNREC's standard
22 hearing protocols, our hearings are conducted
23 virtually. While, of course, there are no
24 physical sign-in sheets for people to sign in

1 to note their appearance, the Zoom platform
2 does keep an electronic attendance roster of
3 those who are tuning in tonight, as it were,
4 so the Department still keeps record of those
5 who have attended tonight's proceedings.

6 And, again, I thank everybody for their
7 interest in this matter.

8 At the conclusion of my remarks, I
9 will be turning the hearing over to
10 representatives for both the Department
11 as well as representatives for FujiFilm, who
12 is the applicant in this matter.

13 There is still a court reporter
14 that's present. She is attending virtually,
15 as well. And there will be a verbatim
16 transcript prepared of tonight's proceedings.
17 It usually takes about a week to get that
18 from the court reporter. Once it is received
19 by DNREC, I will ensure that it is posted
20 immediately on the hearing webpage dedicated
21 to this matter. So anyone who wants to
22 review anything that's been talked about
23 tonight or the comments or the exhibits that
24 come in, you can go to that hearing page and

1 check it out.

2 Before we go any further, I also
3 want to note a few other things about the
4 parameters for tonight's matter.

5 First and foremost, this is a
6 formal legal hearing. It is not a town hall
7 meeting. It is not any other kind of
8 informal session such as a workshop or a
9 public information session, nor is the
10 purpose of tonight's hearing to advocate for
11 any side over the other.

12 The purpose is simply to build the
13 hearing record that gets generated in every
14 matter that goes to hearing. It's also an
15 opportunity for the public to attend and
16 learn more about the proposed project, and
17 also to make sure that the public is aware of
18 how they may comment and make their comments
19 and their opinions part of the hearing record
20 that, again, is in the process of being
21 generated.

22 I would also want to make sure that
23 everybody is mindful of the fact that those
24 that are commenting tonight have

1 preregistered to do so, pursuant to DNREC's
2 public hearing policies with regard to live
3 comment.

4 The public is encouraged to
5 preregister, if they wish to do so, but the
6 deadline for doing that is at 12 noon on the
7 date of any hearing. And that is standard
8 across the board, not just for tonight, but
9 for all DNREC hearings.

10 So if you didn't preregister and
11 you just learned about this late, perhaps,
12 and you still want to offer comment, it's
13 fine, because DNREC wants to make sure that
14 anyone who wishes to offer comment is fully
15 accommodated to do so, so the hearing record
16 will not close at the conclusion of tonight's
17 proceedings with regard to public comment.

18 Rather, the record will remain
19 open, as is the case for all DNREC hearings.
20 And as the screens will show you throughout
21 the presentation tonight, comments can be
22 offered to the Department by a variety of
23 ways. We will go over that in a little bit
24 more detail later. But the record is going

1 to remain open to receive them from tonight
2 all the way through May 18th. So it's
3 important for you all to be mindful of that.

4 And no one comment bears any
5 greater weight than the other. So whether it
6 comes in tonight or whether it comes in on
7 the very last day that the comment period is
8 open, it doesn't matter.

9 All comments, as long as they are
10 relevant to the subject matter of tonight's
11 hearing, will be incorporated into the
12 hearing record. They will be posted on the
13 hearing webpage.

14 And again, I would encourage
15 anybody out there to check out the hearing
16 webpage dedicated to this particular
17 permitting matter, because you will find
18 everything that we are talking about tonight
19 posted on there, as well as all the comments
20 that come in in the future regarding this
21 matter.

22 Of course, all mechanisms
23 previously available by which the public can
24 offer comment remain in effect. There is a

1 jump-off spot, again right on the hearing
2 webpage. If you just visit that, you will
3 see a little button that says click here to
4 offer comment. It will take you right to the
5 hearing comment form.

6 You can also e-mail, as we will get
7 into that a little bit later. I will make
8 sure the information provided has the correct
9 e-mail address if you wish to e-mail your
10 comments. And, of course, the United States
11 Postal Service, if you wish to do it that
12 way.

13 In addition to those mechanisms,
14 very quickly I want to go over the additional
15 rules for tonight's proceeding.

16 Number 1: As I have stated
17 previously, all comments received must be
18 limited solely to the subject matter at hand
19 during tonight's hearing in order to be
20 incorporated into the hearing record
21 generated in this matter.

22 Number 2: As noted previously, in
23 order to ensure that everyone who wishes to
24 offer comment for the Secretary's

1 consideration is enabled to do so, the record
2 will remain open for submission of comment
3 through May 18, 2023.

4 Number 3: There is only one
5 authentic record of the proceedings tonight,
6 and it is the official court reporter's
7 verbatim transcript, which, again, will be
8 posted on the hearing webpage as soon as we
9 receive it.

10 Number 4: The statutory purpose of
11 tonight's hearing is to build the record with
12 regard to this matter. A record which
13 consists of the transcript of tonight's
14 hearing, all written comments, all exhibits,
15 and eventually my Hearing Officer's Report
16 will all be gathered together and reviewed by
17 Secretary Garvin prior to his making a
18 decision in this matter.

19 The Secretary will ultimately issue
20 an order, and that order will contain not
21 only his decision, but his reasoning
22 therefor, and that will be posted on the
23 DNREC website, as well.

24 Lastly, it's important to note that

1 no decision about this proposed project has
2 been made prior to tonight's hearing, nor
3 will any decision be made at tonight's
4 hearing. Again, we are simply here so that
5 the public can tune in, find out more
6 information, become more knowledgeable about
7 the proposal, and again to remind people of
8 the numerous ways that you can offer comment
9 if you wish to do so.

10 That being said, I am going to turn
11 the floor, as it were, over to Department
12 personnel. Erin Wilson, who heads up the
13 Coastal Zone Program, is going to be offering
14 the Department's presentation tonight. So,
15 Erin, when you are ready, you may proceed.

16 MS. WILSON: Good evening. My name
17 is Erin Wilson, and I am an environmental
18 scientist in the Division of Climate, Coastal
19 and Energy at the Department of Natural
20 Resources and Environmental Control, referred
21 to as DNREC.

22 The purpose of tonight's hearing is
23 to review an application to modify an
24 existing coastal zone permit submitted by

1 FujiFilm Imaging Colorants, Inc., referred to
2 as FujiFilm.

3 First I'm going to provide some
4 introductory information on the purpose of
5 the Coastal Zone Act and then the major
6 modification process.

7 Next, I'm going to provide some
8 background context on previous applications
9 the public may be aware of.

10 And then I'm going to provide
11 greater detail on the modification that is
12 the subject of tonight's hearing.

13 The Coastal Zone Act regulates new
14 and existing manufacturing, heavy industry,
15 and bulk product transfer activities through
16 a permitting system within the State's
17 designated coastal zone, which generally runs
18 the length of the state along the Delaware
19 River, Chesapeake and Delaware Canal,
20 Delaware Bay, Inland Bays, and Atlantic
21 Ocean.

22 In 2019, the regulations governing
23 Delaware's Coastal Zone were amended, which
24 introduced a process for modifying a

1 substantive term of an existing permit called
2 a major modification.

3 Major modifications require a
4 20-business-day public comment period and may
5 have a hearing held at the discretion of the
6 DNREC Secretary.

7 Based on prior public interest in
8 this proposed activity, the Secretary decided
9 to hold a public hearing.

10 FujiFilm is a printer ink
11 manufacturing facility located within the
12 state coastal zone at 233 Cherry Lane in New
13 Castle, Delaware.

14 The company previously applied for
15 a standard permit in 2021 to manufacture
16 110 tons per year of high-performance aqueous
17 pigment dispersions for ink jet printer ink.

18 You may have seen or heard this activity
19 referred to as "Project Marconi" or "L44."

20 That permit referred to as CZA-441P
21 was issued in July of 2021.

22 An appeal was filed within the
23 14-day appeal period after the decision was
24 published and was brought before the Coastal

1 Zone Industrial Control Board, which is an
2 independent board who hears coastal zone
3 permit appeals. And the board upheld DNREC's
4 decision to issue a permit.

5 After receiving standard permit
6 CZA-441P, FujiFilm contacted DNREC with
7 interest in increasing the manufacturing
8 capacity of that activity.

9 DNREC directed the company to
10 submit a request for major modification.

11 An application submitted on
12 October 20, 2022, was deemed administratively
13 complete on November 16, 2022, and was put on
14 public notice.

15 However, shortly after, an error
16 was discovered in the offset calculation, and
17 the application was withdrawn, and the
18 hearing scheduled for December 20, 2022, was
19 canceled.

20 In order to avoid confusion, that
21 application is considered a separate and
22 closed matter, and no permitting decision was
23 made.

24 The modification that is the

1 subject of today's hearing is for the same
2 activity but has new and corrected submission
3 materials.

4 The proposed modification would
5 increase FujiFilm's high-performance aqueous
6 pigment dispersion manufacturing capacity
7 from 110 tons per year to 220 tons per year,
8 as referred to as CZA-441M-1 for
9 recordkeeping purposes. Application
10 materials may refer to the proposal as
11 "Project Maxwell" or "Plant U45."

12 The modification would introduce
13 additional equipment to the site, including
14 two natural gas-fired boilers, an HVAC unit,
15 a new boiler building, but use the same
16 processes to produce the same products
17 described and permitted under CZA-441P.

18 The company requested and was
19 granted confidentiality for certain
20 information pertaining to trade secrets and
21 commercial or financial information as part
22 of the original standard permit application
23 process, and that request remains in effect
24 for the major modification application.

1 FujiFilm submitted several
2 application revisions to reach administrative
3 completeness. During this time the Coastal
4 Zone Program coordinated with other sections
5 within DNREC and requested additional
6 information on items such as emissions
7 calculations, the offset proposal, public
8 engagement, and local hiring preferences.

9 FujiFilm submitted a final
10 application on February 9, 2023.

11 The Secretary deemed the February 9
12 application administratively complete on
13 April 3, 2023, which initiated the start of
14 the 90-day regulatory review.

15 The application was noticed and
16 made available for public comment on
17 April 12, 2023 in the News Journal, Delaware
18 State News, on the DNREC website in English
19 and Spanish, and through an e-mail list
20 service. The hearing was added to the Public
21 Meeting Calendar on April 19, 2023.

22 Based on the application
23 information, DNREC evaluated environmental
24 impacts from the proposed modification,

1 proposed air emissions which come from the
2 boilers used to power the manufacturing
3 activity, and a new HVAC unit in the building
4 for workers' comfort.

5 Air pollutants from burning natural
6 gas include nitrogen oxides, carbon monoxide,
7 particulate matter, sulfur dioxide, total
8 organic compounds, nitrous oxide, and carbon
9 dioxide.

10 The standard permit application for
11 CZA-441P also listed lead as a potential
12 pollutant. However, based on the
13 Environmental Protection Agency, or EPA,
14 sources, lead is not anticipated and is not
15 included in the emission table for the
16 modification application.

17 Also please note that all emissions
18 would be below EPA levels of concern for
19 human health.

20 Proposed wastewater and stormwater
21 would remain within permitted levels. There
22 would be no increase in the footprint of
23 impervious surfaces. Solid waste disposal
24 would occur off site and would be mitigated

1 through reuse and recycling.

2 Additionally, all employees are
3 trained on spill response, and spill kits are
4 readily accessible throughout the facility.

5 DNREC also evaluated community
6 impacts from the proposed modification,
7 including economic impacts and impacts to
8 land uses.

9 FujiFilm provided information
10 related to local hiring preferences, local
11 contracting and construction materials
12 sourcing, increased tax revenue, and a plan
13 for continued engagement with the surrounding
14 communities, including involvement with the
15 WILMAPCO Route 9 Corridor Public Health
16 Subcommittee and other community-based
17 activities.

18 The regulations governing
19 Delaware's coastal zone require an offset
20 proposal for any activity that could result
21 in any negative environmental impacts to the
22 coastal zone. The offset proposal must more
23 than offset the negative environmental
24 impacts associated with the proposed project.

1 FujiFilm proposes to retire two
2 smaller boilers with uncontrolled nitrogen
3 oxide emissions, replace three
4 propane-operated forklifts with electric
5 forklifts, and use solar energy to power all
6 the forklifts on the site, including those
7 from the previous project, and purchase one
8 nitrogen oxide, or NOx, emission reduction
9 credit from the Division of Small Business.

10 The first two components of the
11 proposal result in local on-site emission
12 reductions.

13 The NOx credit represents emission
14 reductions within Delaware.

15 And the solar power component
16 results in emission reductions at the
17 regional scale.

18 Combined, all emissions would more
19 than offset the project as required.

20 Delaware's emission reduction
21 credit, or referred to as ERC, banking system
22 was approved by the EPA.

23 The EPA recognizes that in order to
24 avoid increases in emissions without

1 hindering economic growth, proposed emission
2 increases from new or modified facilities can
3 be balanced by equivalent or greater
4 reductions from existing sources.

5 The ERCs are generated for real,
6 surplus, enforceable, permanent, and
7 quantifiable emissions that have been
8 verified by subject matter experts.

9 Again, the purpose of tonight's
10 public hearing is to solicit public comment
11 on the major modification application
12 submitted by FujiFilm on February 9, 2023.
13 No decision will be made tonight.

14 The public comment period will
15 remain open through May 18, 2023. And the
16 DNREC Secretary will make a decision once the
17 record has been closed and reviewed.

18 I would now like to present a list
19 of DNREC exhibits.

20 MS. VEST: Okay. Thank you, Erin,
21 for that presentation. A little housekeeping
22 for the benefit of the record. Are the list
23 of DNREC exhibits that everyone is seeing on
24 the screen now the same as those that are

1 listed on the hearing webpage?

2 MS. WILSON: Yes.

3 MS. VEST: And have they been
4 changed or altered in any way since their
5 posting?

6 MS. WILSON: No.

7 MS. VEST: Very good. And thank
8 you again for the presentation. Let the
9 record reflect that DNREC proposed Exhibits 1
10 through 11 are hereby entered into the formal
11 hearing record being generated in this
12 matter.

13 Erin, is there anything further
14 that the Department wishes to add for the
15 record at this time?

16 MS. WILSON: This concludes DNREC's
17 presentation.

18 MS. VEST: Excellent. Thank you
19 very much. At this point we are now going to
20 turn over the screen to the representatives
21 from FujiFilm. I believe Maureen is going to
22 be offering that presentation, so if we can
23 get that presentation up there. And once
24 that's up there, Maureen, when you are ready,

1 you may begin.

2 MS. CONCORDIA: Okay. Thank you,
3 Lisa. Good evening. I'm Maureen Concordia
4 with FujiFilm. I'm the Facilities and EHS
5 Manager.

6 We are here tonight for the
7 modification to the Coastal Zone Application
8 permit. Next slide.

9 The New Castle site is a facility
10 that was originally built in 1993 for
11 water-based ink formulation. Water-based
12 inks are environmentally friendly in
13 comparison to traditional printing
14 techniques, which use a lot of solvents and
15 hazardous chemicals.

16 The product range was expanded in
17 2021 to include the Reactive Dispersants RxD
18 product line, which is the color used in ink.
19 This permit modification is to request
20 expansion of the RxD operation.

21 Next slide.

22 FujiFilm ink is everywhere. The
23 FujiFilm ink technology color prints and
24 printed products across one-thousands of

1 applications, as you can see below, in
2 applications for the home and office,
3 commercial printing, display and signage,
4 textiles, labels and packaging, and
5 industrial.

6 Next slide.

7 Here is an artist's rendering of
8 Project Maxwell, also known as the Unit 45
9 Plant that sits on the New Castle site.

10 Next slide.

11 RxD capacity expansion at the New
12 Castle site: RxD is the proprietary FujiFilm
13 reactive dispersant cross-linking technology.
14 It is the enabling technology in FujiFilm's
15 high-quality, water-based pigment dispersion,
16 and creates a highly stable product which is
17 used in the ink manufacturing.

18 Making RxD at New Castle will
19 expand the global footprint of RxD and
20 enhances our business continuity. It
21 streamlines the supply chains for RxDs used
22 in ink manufacturing.

23 It also enables a more efficient
24 supply chain for RxD, allowing us to reach

1 North America, South America, and the Latin
2 America regions.

3 It supports strategic initiatives
4 to develop business in packaging by
5 integrating the GMP standards.

6 Next slide.

7 The Project Maxwell economic
8 benefits:

9 Construction to hire 85 to 125
10 workers throughout the project construction
11 timeline.

12 Construction spend is approximately
13 \$7,000,000 to \$9,000,000.

14 Construction services will include
15 engineering, general construction,
16 electrical, plumbing, HVAC upgrades, and
17 electrical interconnections.

18 Approximately 11 full-time
19 employees are projected for hire to provide
20 support for the operation of the RxD plant.

21 Next slide.

22 Project Maxwell - Environmental:
23 The environmental impact is minimal. There
24 are no volatile organic compounds, also known

1 as VOCs, or hazardous air pollutants, also
2 calls HAPs, emitted from the process, since
3 it is a closed-loop process.

4 All waste products are managed in
5 accordance with our ISO 14001 Environmental
6 Management System.

7 Large portions of total waste are
8 incorporated in reuse and recycling, such as
9 our plastic drums, IBCs, which are also known
10 as totes, and steel drums.

11 Waste from FujiFilm is sent to
12 Waste to Energy Plants. Environmental noise
13 will not be an issue.

14 Air emissions will increase
15 slightly due to the boilers required to heat
16 water.

17 The boilers are natural gas, have
18 low nitrogen oxide burners technology, and
19 were selected for their minimal emission
20 output.

21 The selected boilers are below
22 regulatory thresholds, and they require no
23 air permit and are not considered to be a
24 hazard to health.

1 Next slide.

2 Project Maxwell Environmental

3 Offsets:

4 FujiFilm will offset the new plants
5 projected 4.024 tons per year of emissions by
6 an offset of 4.426 tons per year, which is
7 the 1.1 times the emission rate.

8 To accomplish the emission
9 requirements, FujiFilm will retire two small,
10 older industrial boilers and replace with two
11 high-efficiency, low-NOx boilers.

12 We will replace three propane
13 combustion forklifts with three electric
14 forklifts.

15 Install solar panels on the site to
16 generate approximately 36.24 megawatts per
17 year to create renewable energy to power the
18 charging of the site forklifts.

19 Purchase one nitrogen oxide NOx
20 reduction -- emission reduction credit to
21 offset the emissions from the Delaware Small
22 Business Division ERC Program.

23 The three propane-operated
24 forklifts will be removed from the site prior

1 to the commencement of the Unit 45
2 operations.

3 Next slide.

4 Project Maxwell other environmental
5 initiatives include removal of the
6 gas-powered maintenance van and utilizing two
7 electric carts, installation of two dual-port
8 level two electric vehicle chargers,
9 participate in the annual Christina River
10 Watershed Cleanup, recycling programs for
11 pallets, totes, drums, cardboards, and paper,
12 which equal less to the landfill, water
13 recycling unit, which equals less water
14 wasted, change to LED lighting throughout the
15 plant, which equals more energy efficiency.
16 And we demolished an old building which,
17 helped clean up the site and created more
18 green space.

19 Next slide.

20 Oh, that's all I have for tonight.

21 Thank you.

22 MS. VEST: Okay. Great. Thank
23 you, Maureen. Just for the benefit of the
24 record, I would like the record to reflect

1 that I am going to incorporate the
2 applicant's Power Point presentation just
3 now. I'm going to label it as Applicant's
4 Exhibit 1 for the record.

5 And for those of you that are
6 attending tonight, trust me, you will be able
7 to review that at your leisure on the hearing
8 webpage, as well. And thanks again to the
9 applicant for doing that.

10 At this point we are going to turn
11 to the hearing comment portion of the
12 hearing. As I mentioned at the beginning of
13 tonight's proceedings, pursuant to DNREC
14 protocol, the public is encouraged to
15 preregister to offer live comment at all of
16 our public hearing matters. That deadline to
17 do so is always 12 noon of the date of each
18 hearing.

19 So as of 12 noon today, we have
20 nine people that have preregistered to speak.
21 What we are going to be doing is calling each
22 of you one at a time, obviously, in the order
23 that you preregistered in. There is no
24 importance or no hierarchy other than just

1 the order that you came in.

2 Each person will be given three
3 minutes of time. Tanesha is in the process
4 of putting up on the screen a timer that will
5 help you gauge your time as far as, you know,
6 the speed in which you have to speak, or if
7 you have, you know, wondering how much time
8 you have left.

9 And at three minutes, the system
10 will automatically cut you off. But don't
11 worry about that. That is a standard
12 protocol that we have for consistency
13 throughout all of our hearings.

14 And if you do happen to use up all
15 of your time and get cut off at three
16 minutes, think of it this way: The time
17 period and the amount of comment that you can
18 offer in written comment between now and
19 May 18th is endless. There is no limit. So
20 you can offer multiple comments. You can
21 offer 20 pages of comment if you want. But
22 we do have to keep the consistency going with
23 the live feeds that we do for the hearings.

24 We would also ask that everybody be

1 respectful both of the process and of each
2 other.

3 If there is any kind of foul
4 language or attacks or name calling,
5 commenters will be warned once. And if it
6 continues, they will be removed from the
7 proceedings. I do not anticipate that
8 happening, but I always have to say it just
9 to put it out there.

10 Also, the video does remain off, so
11 don't think there is anything wrong with your
12 set, so to speak. That's just another
13 protocol that we have.

14 So, in the order that everyone
15 signed up to speak, the first person on the
16 list is Scott de Kuyper. I hope I didn't
17 butcher your name, Scott. Mr. de Kuyper, are
18 you out there? Can you hear me? Tanesha, do
19 you see Scott anywhere?

20 MS. PERRY: I do not see a Scott de
21 Kuyper.

22 MS. VEST: Okay. Well, Scott, if
23 you are there, we will come back to you.
24 Anybody that we do not find the first time

1 around, we will circle back around and give
2 another opportunity.

3 You know, sometimes life happens
4 between registration and the event. And,
5 again, no harm, no foul, because all comments
6 bear the same weight. And whether they come
7 in tonight live and captured by the court
8 reporter in the transcript, or whether they
9 come in as a written comment, as long as they
10 come in between now and the 18th, they all
11 bear the same weight.

12 So we're going to take a pass on
13 Mr. de Kuyper. The second person on the list
14 is Carl Schwatka. Carl, I hope I did not
15 mess up your name either. Mr. Schwatka, can
16 you hear me? Are you there?

17 MS. PERRY: I do not see a Carl
18 Schwatka.

19 MS. VEST: Okay. We will circle
20 back around and see if Carl is here. The
21 third person on the list is also Carl, Carl
22 Ulrich. Mr. Ulrich, are you there?

23 MS. PERRY: I do not see a Carl
24 Ulrich.

1 MS. VEST: We will just keep going.

2 Martin Willis, are you there? Mr. Willis?

3 MR. WILLIS: Yes, I'm here.

4 MS. VEST: Yes. Woo-hoo!

5 Excellent. I can hear you, Mr. Willis. I
6 knew you'd be here. Thank you for taking the
7 time to offer your comment. And the timer on
8 the screen will begin when you start.

9 MR. WILLIS: My name is Martin
10 Willis. I'm a resident of New Castle,
11 Delaware. In reviewing the entire 355,
12 354-page application for FujiFilm's request
13 for a Coastal Zone Act permit modification, I
14 would like to make a few comments.

15 First of all, 309 pages are
16 material safety data sheets. The 44 pages
17 that I would like to talk about are very
18 well-detailed.

19 One of the biggest pet peeves that
20 I have in any Coastal Zone Act permit request
21 is a lack of detailed information when it
22 comes to offsets. But in this case I have to
23 admit, the detail provided in Table 5,
24 Offsets, is very informative from Pages 23 to

1 27.

2 As I did two years ago, I highly
3 recommend the Secretary approve FujiFilm's
4 Coastal Zone Act permit application and
5 welcome this international company to
6 continued commitment to bring environmentally
7 sustained manufacturing jobs into Delaware's
8 coastal zone.

9 I have no problem with this permit.
10 I have been a very vocal critic on the offset
11 proposals submitted in previous offsets. The
12 offsets in this permit are very, very
13 detailed, and I would encourage anybody to
14 take a look between Pages 23 and 27.

15 We need more international
16 companies to come into Delaware and bring
17 sustainable manufacturing jobs into
18 Delaware's coastal zone.

19 That's all I have to say. Thank
20 you for allowing me to speak.

21 MS. VEST: Thank you very much,
22 Mr. Willis. Next up on the -- I'm sorry. Is
23 somebody else trying to speak? Okay. I
24 thought I heard feedback. Next up is Willie

1 Scott. Mr. Scott, are you present?

2 MR. SCOTT: Oh, yes, I am. And
3 thank you.

4 MS. VEST: Okay. Mr. Scott, the
5 timer will begin when you're ready, so you
6 may proceed.

7 MR. SCOTT: Thank you. I'm Willie
8 Scott. I'm the Executive Committee Vice
9 Chair for the Delaware Chapter of the Sierra
10 Club. And, as well, I lead the Environmental
11 Justice Committee for that organization, as
12 well.

13 I think what's at issue here is a
14 proposal to create yet another increment of
15 emissions and the use of emission reduction
16 credits which have no direct affect for
17 nearby residents.

18 New Castle County is still listed
19 as a nonattainment area for ozone. And while
20 CO2 alone may not necessarily be a health
21 hazard, it is a key constituent to the
22 creation of ozone.

23 Additionally, communities in the
24 area continue to be exposed to ethylene oxide

1 and other hazardous pollution, and the
2 effects of the additional truck traffic
3 associated with this expansion are not
4 considered in the application.

5 So when we consider this reality
6 and the potential cumulative health effects,
7 both DNREC and the industries in that area
8 should be committed to reducing, not
9 increasing, their air emissions. And all
10 options to accomplish that goal should be
11 considered before a decision is made on this
12 permit application.

13 Due to the size and scope of Fuji's
14 operations, the opportunity for direct
15 reductions may be limited, but that may also
16 create an opportunity for Fuji to work with
17 their neighbor, Croda, or maybe other
18 industries in the area to create reductions
19 either in kind or for more hazardous
20 pollutions -- or for more hazardous
21 pollution, that would be a real benefit to
22 the community.

23 Additionally, the installation of
24 continuous emissions monitoring on the new

1 boilers would provide Fuji the ability to
2 ensure the boilers are operating efficiently,
3 and also provide data fields straight to the
4 community that they are, in fact, living up
5 to their expectations.

6 This is an opportunity for
7 FujiFilms to demonstrate they can be a good
8 corporate citizen and an environmental
9 steward and move to a position of being
10 supported by, rather than opposed by,
11 surrounding communities.

12 I ask that DNREC and Fuji to
13 determine what conditions could they apply to
14 this permit that would create a real
15 reduction in emissions or a net zero at a
16 minimum.

17 Thank you for the opportunity to
18 comment.

19 MS. VEST: Thank you very much for
20 your comments.

21 Moving down the list now, the next
22 person on deck, so to speak, is Jeanette
23 Swain. Ms. Swain, are you there, and can you
24 hear me?

1 MS. SWAIN: Yes, I am.

2 MS. VEST: Excellent. Well, the
3 timer will begin when you're ready.

4 MS. SWAIN: Okay. My name is
5 Jeanette Swain, and I'm a resident of Collins
6 Park community. And I live close to -- in
7 close proximity to the FujiFilm plant.

8 I am not in favor of FujiFilm
9 doubling its production for the following
10 reasons:

11 1. Increased production means
12 increased pollution from heavy truck traffic,
13 delivery of raw materials, and moving
14 finished product.

15 2. Purchasing of emissions
16 reduction credits to offset hazardous
17 chemicals will not actually reduce chemical
18 pollution in the air and is not a true
19 offset.

20 3. Carbon dioxide pollution was
21 not dealt with for any of the FujiFilm
22 expansions and is impacting the environment.

23 Last summer I found three dead
24 birds in my back yard, and a new one this

1 morning fell dead.

2 More health risk is a concern for
3 Collins Park and other nearby communities.
4 Greenhouse gas from manufacturing make up
5 one-fifth of carbon emissions in the world.
6 FujiFilm's expansion will add to it.

7 Delaware signed a U.S. Climate
8 Alliance agreement by Governor Carney in
9 2022, agreeing to reduce greenhouse gas
10 emissions at least 26 to 28 percent by 2025,
11 and 50 to 52 percent by 2030, to achieve an
12 overall net-zero greenhouse percent.

13 I do not see that happening,
14 because Delaware allows manufacturing
15 production businesses to expand, thereby
16 producing more greenhouse gas.

17 And 6. The Route 9 corridor has a
18 large older population that are more
19 sensitive to environmental pollution. And
20 allowing increase in production means more
21 hazardous pollution in the air that does not
22 help with health. Thank you --

23 MS. VEST: Thank you, Ms. Swain.

24 MS. SWAIN: -- for hearing me.

1 MS. VEST: No problem. Thank you.
2 Next up on the list is Karen Igou. Karen, I
3 hope I did not butcher your name. Can you
4 hear me?

5 MS. IGOU: Yes, I can hear you.

6 MS. VEST: Excellent. The timer is
7 reset. You may begin when ready.

8 MS. IGOU: Thank you so much. Yes,
9 my name is Karen Igou. I live fairly close
10 to the Fuji plant on the Route 9 Corridor in
11 Garfield Park.

12 I am opposed to this expansion for
13 many of the reasons that have been mentioned.
14 But, to continue with that, I feel like no
15 offsets should be available for this
16 non-attainment community.

17 I feel like it's magical thinking
18 that this would be acceptable to this
19 community, considering that we are already at
20 a life expectancy of 70 years here. And it's
21 really unfair to think that we can buy an
22 offset somewhere else and have it be a
23 benefit to this community. I find it
24 actually a little bit rude.

1 You know, we are waiting on the
2 cumulative impacts bill to be passed, which,
3 if so, could possibly prohibit this
4 expansion. And I don't really understand why
5 we have to wait for laws to be passed to do
6 the right thing. I think that definitely the
7 right thing for this community is to not have
8 not one more emission raised and, in fact, to
9 reduce them.

10 We need to use our dollars honestly
11 to fund a just transition away from these
12 polluting industries and replace these
13 industries with green clean jobs so that the
14 workers there do not suffer if we don't have
15 this plant in our area.

16 I'm curious if anyone who runs that
17 plant lives in the area, would they want to
18 have this happen if they lived here?

19 To echo what some others have said,
20 I believe that we need real air time, if we
21 are going to move forward with this, we need
22 real-time air monitoring that is publicly
23 available at all times to the community.

24 That goes also for water quality.

1 As it's my understanding there is an aquifer
2 underneath this site, we also need public
3 monitoring for that available at all times.

4 We want a public reduction of
5 emissions shown over time. I am throwing out
6 the date of 2025 for that, that we see a
7 reduction of emissions, again possibly the
8 reduction of emissions agreement with Croda.

9 The air traffic -- the air permits
10 should definitely address the truck traffic.
11 That is a big problem for us right in that
12 area.

13 And, honestly, I just believe that
14 we need an end to all development that is
15 going to increase any emissions that will
16 impact the local community along the Route 9
17 Corridor. Thank you for your time.

18 MS. VEST: Thank you. Moving down
19 the list, the next name is Stephanie Herron.
20 Ms. Herron, are you here with us?

21 MS. HERRON: I am.

22 MS. VEST: Okay.

23 MS. HERRON: Okay. The timer.

24 MS. VEST: I was going to say that

1 was a glitch. Sorry about that.

2 MS. HERRON: No worries.

3 MS. VEST: It's reset now. It's
4 reset now. You may begin when ready.

5 MS. HERRON: Thank you. Hello. My
6 name is Stephanie Herron. And I am the
7 national organizer with the Environmental
8 Justice Health Alliance for Chemical Policy
9 Reform, or EJHA for short.

10 EJHA is a national network of
11 grassroots environmental and economic justice
12 organizations and advocates in communities
13 that are disproportionately impacted by toxic
14 chemicals from legacy contamination, ongoing
15 exposure to polluting facilities, and
16 health-harming chemical and household
17 products.

18 Delaware Concerned Residents for
19 Environmental Justice is one of those
20 affiliates.

21 EJHA supports a just transition
22 towards safer chemicals and a pollution-free
23 economy that leaves no community and no
24 worker behind.

1 The EJHA network model features
2 leadership of by and for EJ groups with
3 support from allied organizations. And a
4 number of our leaders are on this meeting
5 today.

6 On this specific permit, the use of
7 purchasing pollution credits as offsets is
8 unacceptable. EJHA and other EJ communities
9 and organizations have long opposed emissions
10 trading schemes involving the use of credits
11 for all the reasons other commenters have
12 mentioned.

13 You can't increase pollution in one
14 community and buy a credit to plant trees or
15 do some other reduction somewhere else. That
16 is opposed to environmental justice.

17 Second, DNREC should be looking at
18 the cumulative impacts of pollution in this
19 and every permit, as other commenters have
20 alluded to.

21 You mentioned in the DNREC
22 presentation that the amount of new emissions
23 is under EPA requirements. That's true for
24 this one facility, but this approach

1 completely disregards cumulative impacts.
2 People don't get to breathe one pollutant
3 from one facility at a time, and we can't
4 regulate it as though they do.

5 Even if the new pollution from
6 FujiFilm's proposed expansion at issue in
7 this hearing is relatively small -- and I'm
8 not saying that I'm opposed to the facility
9 operating or carrying out those offsets --
10 but they are unacceptable.

11 Even if the new pollution is
12 relatively small in comparison to others,
13 it's on top of a burden that's already too
14 high and driving unacceptable health harms in
15 neighboring communities.

16 President Biden recently pointed
17 out the need to address cumulative impacts in
18 an executive order that myself and a number
19 of other leaders on this call attended the
20 signing of a few weeks ago.

21 I'm also here speaking, as I
22 mentioned, in solidarity with Delaware
23 Concerned Residents and the surrounding
24 communities. Specifically, EJHA supports the

1 community requests for FujiFilm to partner
2 with neighboring Croda to reduce cumulative
3 pollution from industries in the area,
4 supports real-time air monitoring with
5 information that's shared with the public --
6 for example, online -- and for air permits to
7 address truck traffic, which will increase.
8 (Cut off when exceeded time.)

9 MS. VEST: Okay. Stephanie, you
10 probably got cut off there toward the end,
11 but the Department appreciates your comments.
12 And, as I have said before, feel free to
13 provide us with as much written comment as
14 you would like to support your opinion on
15 this matter. And, again, I thank you for
16 taking the time to be with us tonight.

17 The last name, before I circle back
18 around and see if the first three guys ever
19 showed up, Linda Whitehead. Ms. Whitehead,
20 are you here with us?

21 MS. WHITEHEAD: Yes, I am.

22 MS. VEST: There you go. I just
23 found you on the list, and you were muted
24 still. So the timer is set to three. It

1 will begin when you do.

2 MS. WHITEHEAD: Thank you. My name
3 is Linda Whitehead. And I am one of two
4 co-facilitators for Delaware Concerned
5 Residents for Environmental Justice. I have
6 had this role for about seven years.

7 FujiFilm is proposing to modify an
8 existing permit which would increase the CO2
9 in the atmosphere. Any increase in CO2 is
10 too much, and I am opposed to this
11 explanation.

12 I'm a cancer survivor. I was
13 diagnosed with chronic lymphocytic leukemia,
14 or CLL, in 2009. I have had two rounds of
15 chemo with many side effects.

16 My job entailed a lot of travel,
17 and I had to give that up and eventually had
18 to leave my job.

19 I recently found out that the
20 lymphocytic leukemias, which include CLL, are
21 some of the cancers caused by exposure to
22 ethylene oxide.

23 Why is this relevant to the permit
24 modification request? There are lots of

1 stories like mine. I lived close to I-95 and
2 the Route 9 Corridor. My friends live in the
3 Route 9 Corridor.

4 While people there speak boldly for
5 themselves, some of us join as their friends
6 and allies. We know that there have been
7 releases of ethylene oxide into the
8 atmosphere at the Croda plant.

9 While we are not here to talk
10 specifically about Croda today, we are here
11 to talk about cumulative impacts. Those
12 close to the proposed FujiFilm plant are
13 exposed to CO2 emissions, putting them at
14 risk for a variety of health issues.

15 FujiFilm is a clear polluter. The
16 chronic effects of CO2 in humans living in
17 the area is real.

18 How much can the people of the
19 Route 9 Corridor take? How can we let them
20 or anyone be subjected to more toxic
21 pollutants with this latest expansion
22 request?

23 We see our neighbors fighting every
24 day to stay on top of their individual and

1 family health issues. They started out
2 fighting for themselves and ended up fighting
3 for the whole community.

4 Who has the time or resources to
5 move to a new home to get away from
6 pollution? Instead of approving the permit
7 modification, increasing pollution, we ask
8 FujiFilm to partner with Croda to work with
9 the community to develop a plan to reduce
10 emissions and pollution over time.

11 Enough is enough. Pollution is
12 pollution. Let's do the right thing for once
13 and have everyone commit to no more new
14 pollution. FujiFilm and Croda must be held
15 accountable. Thank you.

16 MS. VEST: Thank you,
17 Ms. Whitehead. As always, I appreciate your
18 comments, as with the other ones.

19 At this point we have gone through
20 the names of everybody that did previously
21 sign up to speak tonight. I am going to give
22 one more chance to see if the first three
23 gentlemen ever came online.

24 I'm looking for Scott de Kuyper.

1 And I still do not see him. I'm looking.

2 Nor do I see Carl Schwatka, nor Carl Ulrich.

3 So I want the record to reflect
4 that they were named as pre-registrants and
5 given the opportunity. But, as I said, you
6 know, sometimes life gets the best of us with
7 our schedules and everything.

8 I hope they do eventually offer
9 comment, because the Department encourages
10 the public to provide comment on not just
11 this but all of their hearings.

12 At this point we are going to turn
13 to concluding tonight's proceedings. As I
14 said previously, there are a variety of ways
15 by which the public can offer comment for the
16 record.

17 First of all, if you preregistered,
18 as the people that did speak this evening,
19 you have the opportunity to present live.

20 If not, then there is the ability
21 to offer written comment, because, as I've
22 previously said, the record remains open for
23 receipt of written comment from now through
24 May 18, 2023.

1 Comments may be submitted through
2 the comment form link that you can find on
3 the hearing page, via e-mail to
4 DNRECHearingComments@delaware.gov, or via the
5 old-fashioned United States Postal Service at
6 the physical address that you see both on
7 this slide and on the hearing webpage
8 dedicated to this matter.

9 It should be noted that written
10 comments to DNREC are not acceptable if they
11 are submitted by way of various social media
12 platforms like Twitter, Facebook, YouTube, or
13 standardized textbook messaging.

14 And, again, all comment, whether it
15 came in tonight, whether it came in prior to
16 tonight, or whether it comes in between now
17 and May 18th, as long as it pertains to the
18 subject matter of tonight's hearing, it will
19 be deemed relevant and incorporated into the
20 general hearing record which is being
21 generated in this matter.

22 Again, the ultimate decision for
23 this and all permitting matters of the
24 Department rests with Secretary Garvin. It

1 is he who makes the decision. We are merely
2 here to facilitate the platform to provide a
3 way that the public can learn more about
4 every project that comes before the
5 Department for the Secretary's consideration
6 and to remind people of the way that they can
7 submit comment, should they wish to do so.

8 Again, I want to thank everybody
9 for their patience and time to attend
10 tonight's proceedings. This matter is hereby
11 adjourned and thanks again.

12 (Concluded at 6:49 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 6th day of May 2023.



Lorena J. Hartnett
Registered Professional Reporter

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