



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**  
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OFFICE OF THE  
SECRETARY

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**Secretary's Order No.: 2024-A-0008**

**RE: Approval of Permit Applications of Croda Inc. ("Croda") for two (2) federally enforceable 7 DE Admin. Code 1102 Construction Permits concerning their facility at 315 Cherry Lane, New Castle, Delaware**

**Date of Issuance: March 5, 2024**

**Effective Date: March 5, 2024**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 *Del.C.* §§6003, 6004, 6006, and all other relevant statutory authority, the Department issues this Order, approving the permit applications of Croda Inc. ("Croda" or "Applicant"), for two federally enforceable 7 DE Admin. Code 1102 Construction Permits concerning their facility at 315 Cherry Land, New Castle, Delaware, to wit: (1) Proposed Permit APC-2023/0041-CONSTRUCTION (NSPS) (FE) for the installation of two 650-horsepower ("hp") fire pumps fired on No. 2 fuel oil; and (2) Proposed Permit APC-2023/0052-CONSTRUCTION (NSPS)(MNSR)(GACT)(FE) for the installation of one 110-million-BTU-per-hour boiler (designated Boiler 6) to be fired on No. 2 fuel oil, natural gas, or a blend of landfill gas and natural gas ("Applications," "proposed project"). Upon completion of construction, the Department will incorporate the operating conditions and limits of the 7 DE Admin. Code 1102 Construction Permits into the facility's existing Title V Permit (AQM-003/00058-Renewal[03]) via Administrative Amendments.

The above Applications were submitted by Croda in accordance with 7 DE Admin. Code 1102, and as provided for under 7 *Del.C.* Ch. 60.

### **Background, Procedural History and Findings of Fact**

Croda's Atlas Point facility, located at 315 Cherry Land, New Castle, Delaware, is considered a major source, as the facility has the potential to emit greater than the major source threshold for nitrogen oxides, as set forth by the U.S. Environmental Protection Agency ("EPA"). As such, the Applicant's facility is subject to Delaware's Title V Operating Permit Program. Additionally, the facility is a synthetic minor source for both volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs"), meaning that the facility has the potential to emit greater than the EPA major source thresholds for these pollutants, but has taken federally enforceable operation limitations in their permits to maintain emissions below such thresholds.

The first Proposed Permit noted above would allow the installation of two 650-hp fire pumps, along with a new 1.2-million-gallon water tank ("Proposed Fire Pumps Permit"). The permit number assigned to this application is APC-2023/0041-CONSTRUCTION (NSPS)(FE). It should be noted that the water tank requires no air permits. The fire pumps will be permitted for emergency use; however, this will also include maintenance and testing. The emissions from the fire pumps (combined) shall not exceed 1.9 tons per year ("TPY") of nitrogen oxides, 0.04 TPY of sulfur oxides, 0.59 TPY of carbon monoxide ("CO"), 0.04 TPY of VOCs, and 0.061 TPY of particulate matter ("PM").

The second Proposed Permit noted above would allow the installation of a 110-million-BTU-per-hour boiler, to be fired on No. 2 fuel oil, natural gas, or a blend of natural gas and landfill gas ("Proposed Boiler Permit"). The permit number assigned to this application is APC-2023/0052-CONSTRUCTION (NSPS)(MNSR)(PTE)(GACT)(FE).

The boiler would be limited to 1,475 hours per year of operation while fired on No. 2 fuel oil. The boiler would be designated as Boiler 6. Emissions from Boiler 6 shall not exceed 21.7 TPY of nitrogen oxides, 4.8 TPY of sulfur oxides, 6.4 TPY of CO, 2.6 of VOCs, and 4.46 TPY of PM.

The Applicant submitted the permit application regarding the proposed installation of the two 650-hp fire pumps to the Department on December 22, 2022. The permit application regarding the proposed installation of the 110-million-BTU-per-hour boiler was submitted to the Department on January 18, 2023. On June 5, 2023, DNREC received a revised AQM-5 form from Croda for the 110-million-BTU-per-hour boiler. On June 9, 2023, DNREC received a second revised AQM-5 form for the same. Following a review of both Applications, the Department prepared the Draft Proposed Permits in this matter and published Legal Notice for the same in both the *Delaware State News* and the *News Journal* on October 29, 2023. The Legal Notices advised the public of the above-described proposed project, the Draft Proposed Permits prepared by the Department, and that a virtual public hearing would be held to consider comments on the proposed project on December 6, 2023. Notice of the public hearing was also placed on the State of Delaware Public Meeting Calendar at that time as well.

Department staff, representatives of the Applicant, and members of the public attended the public hearing held on December 6, 2023. The public hearing was held virtually on the Zoom platform, as noted above, enabling the virtual attendees at this event to use automated closed captioning in their choice of numerous languages (other than English) to further enhance their understanding of the proposed project. Comments received from the public at the time of the public hearing voiced support for the pending Applications. The Record remained open for public comment through December 29, 2023, however, no additional comments were received from the public during that time. Proper notice of the hearing was provided as required by law.

Since the public comments received in this matter voiced support for the Applicant's proposed project, no Technical Response Memorandum was requested from the Department's experts in the Division of Air Quality ("DAQ"). A brief Transmittal Memo ("TM"), dated January 3, 2024, was provided to Hearing Officer Lisa A. Vest by the DAQ to (1) confirm that the only comments received in this matter were in support of the Applicant's proposed project, and thus no response to the same was necessary; and (2) offer for inclusion into the Hearing Record the two final Proposed Permits for the Applicant's proposed project. It should be noted that the final Proposed Permits will be sent by the Department to the U.S. Environmental Protection Agency ("EPA") for approval immediately upon the issuance of this Order.

Subsequent to the receipt of the Department's TM, Hearing Officer Vest prepared her Hearing Officer's Report ("Report"), dated February 26, 2024. Ms. Vest's Report set forth the procedural history, summarized and established the record of information ("Record") relied on in the Report, and provided findings of fact, reasons, and conclusions that recommend the approval of the requisite permits for the Applicant's proposed project currently pending before the Department, subject to the conditions set forth in the final Proposed Permits. The Report, including the Department's TM, the final Proposed Fire Pump Permit, and the final Proposed Boiler Permit, attached thereto as Appendices "A" through "C," respectively, is incorporated herein by reference. The Report also addressed the public comments received in this matter and concluded that the same did not warrant the Department's denial of the pending Applications, nor the delay of the decision regarding the same to receive any additional information.

### **Reasons and Conclusions**

Currently pending before the Department are the above described Applications submitted by Croda for the proposed project, specifically, for the installation of two 650-hp fire pumps fired on No. 2 fuel oil, and for the installation of one 110-million-BTU-per-hour boiler (designated Boiler 6) to be fired on No. 2 fuel oil, natural gas, or a blend of landfill gas and natural gas. Upon completion of construction, the Department will incorporate the operating conditions and limits of the 7 DE Admin. Code 1102 Construction Permits into the facility's existing Title V Permit (AQM-003/00058-Renewal[03]) via Administrative Amendments.

I find that the Applicant is required to obtain the requisite permits, for the reasons noted above. I further find that the proposed project is subject to various state and federal regulatory requirements, as previously set forth herein, and as provided for under 7 *Del.C.* Ch. 60.

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the DAQ have concluded that the pending Applications comply with all applicable federal and state laws and regulations. Further, the DAQ has concluded that the final Proposed Permits to be sent to the EPA by the Department are reflective of the Applications submitted in this matter and are appropriately conditioned to ensure continued protection of public health and the environment.

The mission of DNREC is to engage stakeholders to ensure the wise management, conservation, and enhancement of the State's natural resources; protect public health and the environment; provide quality outdoor recreation; improve quality of life; lead energy policy and climate preparedness; and educate the public on historic, cultural, and natural resource use, requirements, and issues. Furthermore, it is the policy of DNREC that no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, as provided by Title VI of the *Civil Rights Act of 1964*, the *Rehabilitation Act of 1973*, the *Civil Rights Restoration Act of 1987*, and all other related nondiscrimination laws and requirements. In the present matter, the Department has determined that the final Proposed Permits are consistent with DNREC's Environmental Justice policy.

I find and conclude that the Record supports the submission of both the final Proposed Fire Pumps Permit and the final Proposed Boiler Permit to the EPA, pursuant to the Applications submitted by Croda to the Department in this matter. Pending EPA approval, the final Permits to be issued to Croda by the Department will be consistent with the Draft Proposed Permit authorizations prepared by the Department's experts in the DAQ, with appropriate conditions, to ensure continued protection of public health and the environment, and reflective of the Record developed in this matter.

Accordingly, this Order authorizes the submission of the final Proposed Fire Pump Permit and the final Proposed Boiler Permit to the EPA for the Applicant's proposed project, as set forth above, consistent with the Record developed in this matter.

Further, the Department concludes and specifically directs the following:

1. The Department has jurisdiction, as provided for under 7 DE Admin. Code 1102 and 7 *Del.C.* Ch. 60, and all other relevant statutory authority, to make a final determination on the aforementioned pending Applications after holding a public hearing, considering the public comments, and all information contained in the Record generated in this matter;
2. The Department provided proper public notice of the Applications submitted by Croda, and of the public hearing held on December 6, and held the hearing to consider any public comments that may be offered on the Applications, in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in the Record, and all of the associated relevant documents included therein;
4. The Department has carefully considered the factors required to be weighed in issuing all permits and authorizations necessitated by the Applications, and finds that the Record supports approval of the same;

5. Upon EPA approval of the Proposed Permits, the Department shall issue the following authorizations to the Applicant in this matter: (1) Permit APC-2023/0041-CONSTRUCTION (NSPS)(FE), for the installation of two 650-hp fire pumps to be fired on No. 2 fuel oil, as set forth above; and (2) Permit APC-2023/0052-CONSTRUCTION (NSPS)(MNSR)(GACT)(FE), for the installation of one 110-million-BTU-per-hour boiler (designated Boiler 6), as set forth above, thereby authorizing Croda's proposed project, with the appropriate conditions as set forth herein, consistent with the Draft Proposed Permit authorizations prepared by the Department's DAQ, and consistent with the Record developed in this matter, to ensure that Delaware's environment and public health will be protected from harm;
6. The Department adopts the Report and all Appendices as further support for this decision;
7. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
8. The Department shall serve and publish its Order on its internet site.



For Shawn M. Garvin  
Secretary