

Introduced by: Mr. Street, Mr. Carter  
Date of introduction: July 14, 2020

### **RESOLUTION NO. 20-154**

#### **IN OPPOSITION TO CRODA INC.'S PERMIT APPLICATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO EXPAND PRODUCTION AT CRODA'S ATLAS POINT FACILITY**

**WHEREAS**, Croda, Inc. operates its Atlas Point Facility at Cherry Lane, New Castle, Delaware; and

**WHEREAS**, Croda is closely situated to densely populated neighborhoods and heavily traveled highways; and

**WHEREAS**, at the Atlas Point Facility, Croda manufactures surfactants, which are substances that act as binding agents in other products; Croda uses corn-based ethanol to make Ethylene Oxide, which is the chemical needed to create the binding agents; and

**WHEREAS**, Ethylene Oxide is an extremely flammable gas, is considered to be a human carcinogen, and exposure to the chemical can cause a series of medical problems including skin rashes, breathing problems, and, in severe cases, coma; and

**WHEREAS**, in its relatively brief history in New Castle, Croda's activities have been a cause for concern – specifically, Croda has had numerous reported Department of Natural Resources and Environmental Control (“DNREC”) environmental violations, which have included:

- unpermitted releases of highly flammable Ethylene Oxide, which threatened the health and safety of surrounding neighborhoods and anyone passing by or near the facility, and on at least one occasion was coupled with Croda's failure to timely report the incident to DNREC and a shutdown of the Delaware Memorial Bridge;
- exceeding non-methane hydrocarbons emissions limits;
- failure to regularly inspect or maintain inspection records for storage areas;
- failure to receive necessary approval of its plans (for stormwater and sediment) before it commenced construction;
- violations of best management practices related to air pollution;
- improper marking on hazardous waste containers;
- failure to make a timely application for permit renewals;
- failure to monitor or record certain visible emissions; and
- failure to provide the required monitoring of erosion and sediment controls;

**WHEREAS**, in response to one of Croda's unpermitted Ethylene Oxide releases, in November, 2018, the U.S. Department of Labor's Occupational Safety and Health Administration found that Croda's plant had "deficient emergency action and response plans," failed to train employees on how to manage an Ethylene Oxide leak, did not develop procedures for emergency responders to manage firewater during such a leak, did not activate the emergency alarm system, and also failed to provide employees with respiratory protection; and

**WHEREAS**, despite the serious concerns identified above, Croda has submitted an application for a permit (APC-2020/0070-CONSTRUCTION (FE)) to install two new tanks at its facility: a 12,000 gallon drumming tank (Blend Drumming Tank C, Emission Unit 2) to existing Blend Tanks A and B at the facility, and a 23,000 gallon storage tank for Atplus Destiny final product; and

**WHEREAS**, Croda's Permit Application discloses that, if its application is approved, this will result in an increase in emissions of volatile organic compounds ("VOCs) and hazardous air pollutants ("HAPs"); specifically, the Permit Application states that the emission increase for the addition of Blend Tank C will be 0.36 ton per year (TPY) of VOCs including 0.17 TPY of hazardous air pollutants (primarily 1,4-dioxane, which the Department of Health and Human Services and the Environmental Protection Agency consider as reasonably anticipated to be a human carcinogen); and

**WHEREAS**, Croda's Permit Application explains that, although Croda intends to comply with its current VOC emissions limitation, its equipment nonetheless will vent hazardous materials directly into the atmosphere, and that emissions data will not be recorded by a continuous emission monitoring system; and

**WHEREAS**, given Croda's history of environmental violations, the proposed Permit Application - which admittedly would increase pollutant emissions, and thereby potentially endanger local residents' well being - is alarming; and

**WHEREAS**, given the above, Councilman Street, on behalf of his constituency, requested that DNREC schedule a public hearing regarding Croda's Permit Application; and

**WHEREAS**, in his letter to DNREC requesting such a hearing, Councilman Street objected to Croda's Permit Application based on several grounds, including:

1. Croda's troubling environmental history, including the November, 2018, Ethylene Oxide leak that led to Croda's shutdown for almost one year;
2. Many local residents opposed DNREC's decision to allow Croda to re-start operations after its most recent Ethylene Oxide release and, based on its history, continue to question Croda's operations and its attention to safety and concern for residents' health and well being; consequently, the addition of the proposed new tanks will only compound neighbors' anger and anxiety about their well being;
3. Croda's emergency notifications and procedures continue to be insufficient to ensure the safety of the facility's neighbors; and
4. Croda's operations pose an imminent danger to local residents and all people that use the Delaware Memorial Bridge and nearby roadways.

**WHEREAS**, in response to Councilman Street’s request, DNREC has scheduled a virtual meeting on July 16, 2020, to provide information only about the project and the Permit Application, with a virtual public hearing on the Permit Application and draft permit to be held on July 21, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle County that County Council hereby opposes Croda Inc.’s Permit Application pending before the Department of Natural Resources and Environmental Control and its related request to expand production at its Atlas Point Facility in New Castle, Delaware.

Adopted by County Council of  
New Castle County on: 7/14/20

---

President of County Council  
of New Castle County

**SYNOPSIS:** Same as title.

**FISCAL NOTE:** There is no discernible fiscal impact with the adoption of this resolution.