

In the Matter of:

Maryland Department of the Environment

July 6, 2026
Public Hearing

Condensed Transcript with Word Index



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1 1 MARYLAND DEPARTMENT OF THE ENVIRONMENT 2 AIR AND RADIATION ADMINISTRATION 3 4 5 6 7 8 TENTATIVE DETERMINATION FOR THE DRAFT AIR PERMIT 9 FOR THE MODIFICATION OF THE INDUSTRIAL CATALYST OPERATION 10 PLANT FOR W.R. GRACE COMPANY 11 12 13 14 The hearing in the above matter commenced on 15 Monday, July 6, 2026, at the Curtis Bay Recreation 16 Center, 1630 Filbert Street, Baltimore, Maryland 21226. 17 18 19 BEFORE: SHANNON HEAFEY, Hearing Officer 20 21 Reported by: George L. Quade, CERT	3 1 ALSO PRESENT 2 Suna Yi Sariscak, MDE 3 Matt Haffner, MDE 4 Billy Humphrey 5 Dawn Hegarty 6 Greg Sawtell 7 Andrew Hinz 8 David Jones 9 Shashawnda Campbell 10 Evelyn Hoon 11 Brent Inkelaar, W.R. Grace 12 Tora Newell, W.R. Grace 13 Madison Smith, W.R. Grace 14 15 16 17 18 19 20 21
2 1 A P P E A R A N C E S 2 3 ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT: 4 SHANNON HEAFEY, Hearing Officer 5 Maryland Department of the Environment 6 Air Quality Permits Program 7 1800 Washington Boulevard 8 Suite 455 9 Baltimore, Maryland 21230-1708 10 11 SUSAN NASH, Permit Engineer 12 Maryland Department of the Environment 13 Wastewater Permits Program 14 1800 Washington Boulevard 15 Suite 455 16 Baltimore, Maryland 21230 17 (410) 537-3779 18 19 20 21	4 1 I N D E X 2 Speaker: 3 Opening Remarks, Shannon Heafey, MDE 5 4 Permit Overview, Susan Nash 8 5 Public Comments 16 6 W.R. Grace Statement, Tora Newell 25 7 Closing Remarks, Shannon Heafey, MDE 30 8 9 10 11 12 13 14 15 16 17 18 19 20 21

5 1 PROCEEDINGS 2 - - - - - 3 (6:06 p.m.) 4 MS. HEAFEY: Okay. Thank you so much for 5 coming out tonight. This is a public hearing for WR 6 Grace. I need to put my glasses on so I can read my 7 paper. My name is Shannon Heafey. Oh, excuse me. I'm 8 with the Air Quality Permits Program. I am the Air 9 Quality Permits Program Public Participation Coordinator. 10 And I'm with -- this evening, I am with Ms. 11 Suna Yi Sariscak, she is our Program Manager; Ms. Susan 12 Nash, she is the permit engineer for the facility; Mr. 13 Matt Haffner is the Division Chief for the -- I always do 14 this backwards. 15 MS. NASH: Chemical and Mineral. 16 MS. HEAFEY: I always do it backwards. Sorry. 17 And representing WR Grace this evening are Brent 18 Inkelaar, Environmental Health, Safety and Security; Tora 19 Newell, Community Relations and Site Administrator; 20 Madison Smith, Environmental Manager. 21 The Department has made a tentative	7 1 see the docket there. 2 MS. SARISCAK: It's on the WR Grace page. 3 MS. HEAFEY: Oh, I'm sorry. That's right. 4 It's on a separate WR Grace page under Air Quality 5 Permits on the left bar. 6 The notification of this hearing appeared in 7 The Baltimore Sun June 12th and June 19th, 2026. 8 Statements recorded tonight or submitted in writing to 9 the Department during the comment period will be kept on 10 file at the Department for at least five years. 11 The Department did receive a request for an 12 extension to the comment period, which will remain open 13 through September 11th, 2026. All comments received -- 14 at the conclusion of the comment period, all comments 15 received will be reviewed and addressed in a response to 16 the comments document which will be prepared by the 17 Department and sent to the commenters, our local elected 18 officials, and the others who participated in the public 19 review process for this application. 20 If the Department does not receive any comments 21 it considers to be adverse to the tentative
6 1 determination that the draft air permit for the 2 modification of Industrial Catalyst Operation plant -- 3 oh, wait, did I skip -- no, I didn't -- to add one 4 manufacturing line, replace two hammermills that are 5 common to all ICO manufacturing lines, and expand the 6 Mangalore Expansion plants to install four new washpots 7 pots and up to 16 new wash baskets, which will meet all 8 applicable air quality rules, regulations, and can be 9 issued. 10 This is a hybrid meeting, and we're here to 11 offer the citizens the opportunity to formally comment on 12 the Department's tentative determination and draft permit 13 conditions. 14 I want to thank everyone who came out here this 15 evening in person, and for those of us who are joining 16 online, thank you again. 17 So there's a docket of information containing 18 the Air Quality Application, the tentative determination, 19 and the draft permit conditions on the MDE website under 20 the Air Tab and Air Quality Permits Program. You can 21 scroll down to the scheduled public hearings and you will	8 1 determination, that determination will become the final 2 decision at the end of the comment period. 3 If the Department does receive comments it 4 deems adverse to the tentative determination, it will 5 make a final determination whether to issue or deny the 6 permit. A notice of final determination will be placed 7 in the legal section of a newspaper of general 8 circulation in the area -- probably The Sun -- placed on 9 the MDE Air Quality Permitting webpage, and mailed or 10 emailed to the local elected officials and those who 11 participated in the public review process. 12 Any person contending that they will be 13 adversely affected by the Department's final 14 determination may seek remedy within the Circuit Court 15 system of Maryland. A petition for Judicial Review must 16 be filed with the Circuit Court for the County where the 17 proposed activity will occur, or in this case, Baltimore 18 City, and it must be filed within 30 days after the 19 publication of a notice of final determination. 20 Ms. Nash will give a brief presentation about 21 the tentative determination and the permit process and

9 1 then the comments for the record will be invited. 2 And please note any questions that are posed 3 during your comments will be addressed -- reviewed and 4 addressed during -- or actually right after the end of 5 the comment period. We will not be addressing any 6 questions this evening. So I think that's everything I 7 have. 8 So, Ms. Nash, if you want to take over. 9 MS. NASH: Good evening Curtis Bay. My name is 10 Susan Nash, and I am the Air Quality Permit Engineer 11 assigned to Grace's Curtis Bay Works, and I'll be 12 presenting tonight. 13 I'm going to start out with a little 14 background. WR Grace operates multiple production lines 15 manufacturing specialty inorganic chemicals at their 16 Curtis Bay Works facility. On June 25th, 2025, Grace 17 submitted an air quality permit to construct application 18 to expand and modify facility operations. 19 Areas impacted by the permit: Mangalore 20 Catalyst Plant manufactures polymerization catalysts used 21 to produce advanced plastics and polymers. The	11 1 plan at the facility with the goal of achieving a net 2 zero increase in particulate matter and NOx emissions. 3 Okay. On this next slide, you can see the 4 project impact and expected reductions. So the increase 5 in NOx emissions from the project will be 2.15 tons per 6 year, and the increase in particulate matter is 2.52 tons 7 per year. Mitigation efforts, meaning equipment that's 8 going to be permanently shut down as part of this permit, 9 will result in a decrease in 3.27 tons per year of NOx 10 and 1.18 tons per year of particulate matter. 11 So the net change, what's the net effect? 12 It'll be a net overall decrease of 1.12 tons per year of 13 NOx, but still a net increase of 1.34 tons per year of 14 particulate matter. So the company has committed to 15 performing upgrades to some existing bag houses to 16 mitigate that net increase in particulate matter 17 emissions. 18 Permit requirements: So permit requirements 19 include operation and maintenance plans for the Mangalore 20 plant and the ICO plant that include good operating 21 practices to prevent leaks and spills from process
10 1 industrial catalyst operation plant manufactures silica 2 support products used in industrial coatings, matting 3 agents, and clarifying agents. 4 So what is changing? The Mangalore 5 modifications: The purpose of the modifications are to 6 increase production capacity to meet customer demand. 7 The new equipment will be four new washpots and up to 16 8 new wash baskets. 9 Emission Controls: All emissions will be 10 routed to existing operational site control equipment. 11 For the ICO expansion, the purpose is to 12 increase silica production and support existing lines. 13 The new physical equipment includes a new manufacturing 14 line, called Line 3, and replacement of two hammermills. 15 Emission controls: All emissions will be 16 routed to new and existing bin vents, baghouses, and 17 filters. 18 Addressing community concerns: During public 19 meetings, residents highlighted specific concerns 20 regarding increases of particulate matter and oxides of 21 nitrogen emissions. Grace has implemented a mitigation	12 1 equipment, and ensure proper combustion of fuel-burning 2 equipment, and ongoing inspections and preventative 3 maintenance schedules. This will ensure that emissions 4 of toxic air pollution are below allowable levels and -- 5 I'm sorry, the permit also prohibits processing of 6 trivalent chromium in the ICO expansion project, and 7 visible emissions operations are required by the permit. 8 Post permit oversight, continuous operations: 9 Grace operates under strict construction and operating 10 conditions outlined in the permit and is inspected by ERA 11 compliance staff. 12 Semiannual reporting: Twice a year, Grace must 13 submit detailed monitoring reports directly to MDE 14 regulators. 15 Annual certification: Once a year, Grace must 16 submit comprehensive emission certification reports and 17 compliance reports verifying total adherence to the Title 18 5 operating permit. 19 Immediate triggers: If emissions ever exceed 20 specified permit limits, Grace is legally required to 21 report the occurrence to MDE.

13 1 The Public Review Timeline: The application 2 received and informational meeting was held on July 15th, 3 2025. The draft air permit was done on June 5th, 2026. 4 MDE released the draft air permit to construct after 5 verifying emissions estimates and conducting a rigorous 6 technical review. 7 Today is the public hearing, July 6th, 2026, 8 which provides an opportunity to review the data, 9 understand the project, and submit comments. The comment 10 period final deadline is September 11th, 2026, the final 11 deadline for the public to submit written comments on the 12 record. Then there is the final determination where MDE 13 reviews all public comments and issues a formal response 14 document and makes the final decision to issue or deny 15 the permit. 16 Make your voice part of the record: MDE will 17 not finalize this permit without reviewing community 18 input. Your feedback on the equipment, the emissions 19 estimates, and the mitigation stakes is vital. Please 20 submit all written comments by September 11th, 2026. 21 Send comments by email to Ms. Shannon Heafey at	15 1 has made a concerted effort to try to put forward all the 2 information. And it seems like this project is more 3 about expanding already existing and actually bettering 4 the treatment of the environment than maybe even 5 previously with other additional equipment. 6 And so I'm hopeful that in the midst of being 7 this close to industry, this is a project that can be a 8 win-win for our neighbors, as well as us. And I feel 9 like they've made a lot of efforts into our community. 10 And when you compare that to other organizations -- or 11 other businesses in the neighborhood who, quite honestly, 12 it feels like they ghost us, I want to stand with the 13 people who are saying, hey, here I am, and they're 14 raising their hand. And I just think something ought to 15 go into that. So I thought I'd share that brief comment. 16 Thank you. 17 MS. HEAFEY: Thank you. 18 MS. NASH: Thank you for your comment. 19 MS. HEAFEY: And I think that we'll go online 20 and get folks up there. 21 Okay. Folks, we're going to transition to the
14 1 shannon.heafey@maryland.gov. For ongoing community 2 questions directly -- directly for the facility, Grace 3 maintains an open inbox at community@grace.com. 4 And this concludes -- this concludes my 5 presentation. Thank you for your attention. 6 MS. HEAFEY: Thank you. 7 Okay. Folks, just a quick reminder. On the 8 back of the agenda are that steps of the permitting 9 process if you want to review them. If anyone has not 10 signed in yet, please sign in. And I'm going to invite 11 people to come up to make a statement. There's also some 12 sandwiches and waters in the back corner if anyone wants 13 to grab one of those while you're here. Thank you, 14 Grace, for bringing those. 15 So -- there goes the glasses again. It's 16 embarrassing. Okay. The first person I have who would 17 like to make a statement was Billy Humphrey. 18 MR. HUMPHREY: Billy Humphrey, and I'm a 19 community stakeholder here in the Brooklyn/Curtis Bay 20 communities, and I just wanted to speak that while I 21 don't know all the science, I do feel like W.R. Grace	16 1 online portion of our meeting. Dawn Hegarty, I believe 2 you raised your hand first, so please come off mute and 3 present your comment. Thank you. 4 MS. HEGARTY: Oh, I didn't realize I raised my 5 hand. Thank you. I am also a stakeholder in the 6 community. As you know, we are in the sacrifice zone, 7 and I am wondering with the safeguards that are being 8 implemented, that is for the increase of your production. 9 I guess there's a lot of questions that I have. Oh, how 10 many BMPs are in place for the safety of the community, 11 as far as the airshed goes? I guess that's the question. 12 MS. HEAFEY: Okay. Just as a reminder, any 13 questions that are made during the course of the comments 14 this evening will be taken directly as testimony and will 15 be reviewed and answered at the end of the comment period 16 and will be in the response to comments document that is 17 sent out so that everybody will see the question and 18 they'll all see the answer. So you can definitely ask 19 questions. That's fine. Just know that they won't be 20 able -- we won't be able to answer those tonight. 21 MS. HEGARTY: Okay. All right. Well, I thank

17 1 you for being here and making the community aware, and I 2 guess I will wait to see, and I'll submit my questions. 3 Thank you. 4 MS. HEAFEY: Thank you. Okay. Do we have 5 another online? 6 We have another person who's raised their hand 7 online. If Greg Sawtell could please submit your comment 8 for the record. Thank you. 9 MR. SAWTELL: Sure. Hi, everybody. I'm Greg 10 Sawtell, on the Board for the Community of Curtis Bay 11 Association. And I'm -- you can hear me, right, just 12 making sure? 13 MS. HEAFEY: Yeah, we can hear you. 14 MR. GWYNN: All right. So I just want to 15 make two comments. The Association is going to be 16 putting forward written comments, but I'm just going to 17 point out a few things. 18 One is in W.R. Grace's permit application in 19 which they describe on page 2 the context in which the 20 facility operates, and the way W.R. Grace chose to 21 describe it is the Grace facility is isolated within a	19 1 context that W.R. Grace is operating within. And I don't 2 think there's a need or it's appropriate to submit an 3 application that describes the context as if it's 4 isolated from a set of communities. So that's point one. 5 And then point two is a comment about the 6 visible emissions monitoring that's contained in the 7 draft permit. And while it's good to see that there are 8 requirements for visible emissions monitoring, one thing 9 that stuck out, I hope incorrect and will be corrected, 10 is that there's a requirement that there's daily 11 observations for visible emissions at the plant, but that 12 the requirement is that those observations only have to 13 occur for one minute. 14 So I just did a quick calculation. I think 15 that's about 0.07 percent of the minutes in a day. Maybe 16 I did that wrong, but basically there's, you know, about 17 1,400 minutes in a day. And for a visible emission 18 monitoring system to require that one out of -- assuming 19 stuff is going 24/7, right, that that's a very selective 20 way of doing a monitoring setup. It would, I think it 21 stands to reason, potentially leave a lot of potential
18 1 highly industrial section of Curtis Bay surrounded by 2 other industries and the landfill. No general public 3 reside in the facility, and the facility -- much of the 4 Grace facility to the north and west is surrounded by 5 a large water body. The inaccessibility of the shoreline 6 and the inhospitable nature of the industrial facility 7 deter public access. There's fencing along almost all 8 the property to the east and the south. In addition, 9 there's a guardhouse at the entrance to the facility, 10 signage, and video surveillance that preclude public 11 access. 12 So my only comment there is I feel like that 13 drastically robs the more accurate depiction of the 14 context, which is that the facility -- it can simply be 15 corrected by noting that the facility is less than a mile 16 away from the residential core of Curtis Bay, and is -- 17 while it is next to a landfill, members of the public use 18 that landfill every day, and that's about 1,500 to 2,000 19 feet away from W.R. Grace's fenceline. 20 So it's just a point to -- I think we all agree 21 at this point that there's an environmental justice	20 1 concerns out. 2 So that jumped out. But, again, we'll be doing 3 a deeper dive and submitting formal comments as a 4 community-based organization. Thank you. 5 MS. HEAFEY: Thank you. 6 Andrew Hinz, did you want to make a statement? 7 MR. HINZ: Hello, my name is Andrew Hinz. The 8 last name is spelled H-i-n-z. I'm a Baltimore City 9 taxpayer and rate payer. I would just like to point out 10 this comment is for the record for MDE and the Governor, 11 and that's in the context of this current -- this 12 application for expanding this facility is the fact that 13 the coal plant very close to this facility has been 14 ordered to remain operating beyond its useful economic 15 life, and it is also a major source of pollution in the 16 area. 17 And because of the failure of the Governor and 18 the Maryland Department of Environment to pass -- make 19 sure the legislation was passed this past session, which 20 they could have easily have made sure passed, the 21 Maryland Department of Environment could have considered

21 1 that fact in this permit. I mean, so this permit is 2 increasing overall particulate matter, which is the major 3 problem with the coal pier that's, like, right across the 4 street here, and yet that's not being considered, either. 5 So I know Grace gets a pass because the 6 Maryland law is not up to snuff. But I would like to 7 take this opportunity -- and I will try to make the same 8 point in written comments, that as a city taxpayer and 9 rate payer, I am disgusted. I've had enough of dirty 10 energy, and y'all are just perpetuating it. 11 And Maryland Department of Environment and the 12 Governor of this State are in the worst kind of climate 13 denial. And, unfortunately, because they are in climate 14 denial, the people that live in this community are going 15 to have an increase in particulate matter overall 16 probably when this gets awarded. And so that's pathetic. 17 Thanks very much. 18 MS. HEAFEY: Okay. Is there anybody else here 19 -- you need to speak into the microphone. Is there 20 anybody else here this evening that would like to make a 21 statement for the record? Is there anybody online who	23 1 thing, they could be doing it somewhere else, but they 2 continue to do it in my community because they get away 3 with it, just like the other industries. 4 And that's all I have to say. 5 MS. HEAFEY: And thank you for your comment. 6 Ms. Shashawnda Campbell, if you would please 7 come off mute and present your comment for the record. 8 Thank you. 9 MS. CAMPBELL: Thank you, and thank everyone 10 else for being here, also. I'm Shashawnda Campbell. I 11 am with the South Baltimore Community Land Trust. And 12 just to keep my comments brief, first I just want to 13 acknowledge also what Dave has said. Like, this is a 14 community that has many industries, polluting industries, 15 and has been impacted by pollution for decades. 16 As MDE considers this permit, I urge you to 17 look beyond this project alone and consider the 18 cumulative impacts and burdens on the residents that live 19 in this community. 20 I am very concerned with the permit talking 21 about visual observations instead of continuous
22 1 would like to make a statement? 2 Two people online want to make a statement? Go 3 ahead, great. 4 MR. JONES: My name is David Jones, D-a-v-i-d, 5 J-o-n-e-s. I am a long-time resident of Curtis Bay, an 6 advocate, and association board member of Curtis Bay. 7 I would like to say that in living in a 8 community that is labeled as a sacrifice zone, we do not 9 need any more pollutants in our community whatsoever, 10 regardless if the industry is being a good steward or 11 not. I feel as though MDE needs to learn how to put my 12 community first and stop putting these industries first 13 over my community and other communities alike. The fact 14 that you continue to grant these permits at the behest of 15 the communities that are inundated and impacted by this 16 daily is a disgusting excuse, and I am opposed to it. 17 I would like to state on the record that the 18 Governor of our State does not care about my community or 19 any communities that are inundated by these atrocities 20 daily, and that our mayor also does not care. I would 21 like to say that although Grace might be doing the right	24 1 monitoring and just requiring only a one-minute visible 2 emissions check once a day. That does not seem 3 significant, and I don't know how much data you will 4 actually be collecting that will be helpful for the 5 community and helpful to protect the public health. 6 And so I also urge that some of the 7 information, looking at some of the emissions that Grace 8 calculates themselves, be scrutinized in a way that means 9 that it's actually being checked to make sure that it is 10 correct. 11 I think that South Baltimore residents 12 deserve transparency and strong oversight to protect the 13 community, because this community has not been put first 14 for a long, long time; industry has. And so I think when 15 having expansion, I truly do not think there should be an 16 expansion, and South Baltimore is already heavily 17 overburdened. But I do think continuous monitoring would 18 be better than just a one-minute observation. So that's 19 my thoughts. 20 MS. HEAFEY: Thank you for your comment. It 21 will be added to the record.

25 1 Let me see if anyone else wishes to make a 2 comment for the record, please raise your hand. 3 Thanks very much. Is there anyone else online? 4 (No response.) 5 MS. HEAFEY: Okay. Is there anyone else here 6 in the room that would like to speak? 7 (No response.) 8 MS. HEAFEY: Okay. A representative of -- you? 9 No. 10 MS. HOON: I'll go last. That's fine. 11 MS. HEAFEY: Are you sure? Okay. A 12 representative of W.R. Grace would like to make a 13 statement for the record. 14 MS. NEWELL: Hi, I'm Tora Newell. Most people 15 in the community probably know me. But tonight I 16 represent -- oh, am I not talking loud enough? 17 Is that better? Can you hear me now? I'll 18 stand over it. So tonight I represent Grace and would 19 like to add a comment to the record with regard to the 20 permit application in question. 21 As part of the pre-application process and our	27 1 In summary, Grace's plan is to have no net 2 increase in PM and NOx emissions as a result -- at the 3 site as a result of these projects. To meet this 4 voluntary goal, we will upgrade some of our filtering -- 5 air filtering equipment on existing lines to mitigate 6 particular matter emissions with the result of no 7 increase in particular matter. 8 For the NOx emissions, we are closing down a 9 line in a different area of the site, called Spheres, 10 which will eliminate more NOx emissions than this new 11 project will introduce, resulting in a significant 12 reduction in NOx emissions. This is why the permit 13 states that the Spheres emissions equipment will be 14 permanently removed from the site and that we will work 15 with MDE to permanently remove Spheres from our Title V 16 air permit. 17 Given that we are adding some jobs with the ICO 18 and MAG projects we are planning -- we are planning, we 19 expect all of our employees who work on the line we are 20 closing to have an opportunity to find other roles within 21 our site.
26 1 ongoing commitment to being a responsible neighbor, we 2 have had several meetings with the community members to 3 share our plans and gather feedback since October of 4 2024. 5 During those meetings, some of you raised 6 concerns about our air quality, especially around 7 particulate matter and nitrous oxides, or NOx, and we 8 took those concerns seriously. In response, we went back 9 to our engineering team to review our initial plans and 10 look for additional opportunities to reduce emissions. 11 We made the decision to voluntarily pursue additional 12 financial investments to further reduce PM and NOx 13 emissions above and beyond the emission controls required 14 of the permit. 15 We shared this plan with you during community 16 meetings in January 2025 and emails throughout 2025 17 during the informational meeting about our project in the 18 Curtis Bay community last July and as recently as April 19 during the Curtis Bay -- excuse me, during the Curtis Bay 20 -- Curtis Bay -- Curtis Bay Community Association meeting 21 and Brooklyn Community meetings.	28 1 When we met with you previously, we made a 2 commitment that we would not increase PM or NOx emissions 3 at the site as a result of these projects, and we are 4 making good on that commitment to our community. 5 If you have any questions, as mentioned 6 already, you can contact anytime at the 7 community@grace.com or visit our website at grace.com/ 8 curtisbay. Thank you. 9 MS. HEAFEY: Will you leave that for me? 10 Excuse me, do you want to leave that? 11 MS. NEWELL: I can. 12 MS. HEAFEY: Rather than emailing it. 13 MS. NEWELL: Yep. 14 MS. HEAFEY: Okay. Great. Just don't trip on 15 the -- 16 MS. HOON: Yeah. 17 MS. HEAFEY: And just state your name. 18 MS. HOON: Yes. That's a good warning, 19 actually, because my foot fell asleep while listening. 20 Hi, my name is Evelyn Hoon, E-v-e-l-y-n, last name H-o-o- 21 n. That's a long H.

29 1 I don't doubt that the people who are at Grace 2 Chemical are doing their best to reduce pollution, and I 3 also don't doubt that some of you do really care about 4 this community. However, Grace Chemical, as a company, 5 has a history of showing that a lack of regulations can 6 lead to harms to communities. 7 In Libby, Montana and other communities, Grace 8 Chemicals had some of the largest class action lawsuits 9 in the nation's history due to polluting and harming 10 communities there. And all of that flew under the radar 11 of testing and regulations then. 12 I do believe that this has been done in a way 13 that meets the scientific rigor of the permits. But that 14 doesn't necessarily mean that these permits are fair to 15 communities that are already overburdened. That also 16 doesn't mean that there aren't harms that are happening 17 that we maybe don't understand yet. 18 What I'd like to say in my comment is that I 19 hope that the Maryland Department of the Environment and 20 Grace Chemical can think very long and hard about things 21 they might be overlooking about the fact that these	31 1 the night. 2 Okay. Thanks, everyone. I appreciate you 3 coming out. 4 (Whereupon, at 6:38 p.m., the public hearing 5 was concluded.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21
30 1 communities are being overburdened and how we can protect 2 future generations, like those in Libby's that were 3 harmed, and like those in Curtis Bay that are being 4 harmed today, including the kids at the rec that I work 5 with every day. Thank you. 6 MS. HEAFEY: Thank you. If there's nobody else 7 online -- okay. And is anybody else here that wants to 8 make a statement? 9 (No response.) 10 MS. HEAFEY: Speak into the microphone. There 11 we go. If you don't have any more statements tonight, 12 the comment period is open through September 11th, and 13 the application and tentative determination are online. 14 Again, it's on the MDE website to the Air Quality 15 Program, on the left side -- left bar is a W.R. Grace 16 page, and you can get that information there. 17 Please feel free to send me any comments, or 18 even you can send questions that are unrelated to your 19 testimony, and I'll see if I can get some information. 20 My cards are on the table with my email and my phone 21 number. Feel free to contact me. I think that's it for	32 1 CERTIFICATE OF COURT REPORTER 2 3 I, George Quade, do hereby certify that the 4 foregoing transcription was reduced to typewriting via 5 audiotapes recorded by me; that I am neither counsel for, 6 nor related to, nor employed by any of the parties to the 7 case in which these proceedings were transcribed; that I 8 am not a relative or employee of any attorney or counsel 9 employed by the parties hereto, nor financially or 10 otherwise interested in the outcome of the action. 11 12 13 14 15 s/George Quade 16 GEORGE QUADE, CERT 17 Court Reporter 18 19 20 21

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September 11, 2026

Via e-mail

Ms. Shannon Heafey
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RE: Public Comments on Draft Permit to Construct No. 510-0076-7-1024, -7-1076, -7-1077 & -7-1094 (W.R. Grace & Co.-Conn)

Dear Ms. Heafey:

The Environmental Integrity Project, South Baltimore Community Land Trust, Clean Water Action Maryland, and Chesapeake Climate Action Network (collectively, “Commenters”) respectfully submit the following comments on the above-referenced Draft Permit to Construct (“Draft Permit”) that the Maryland Department of the Environment (“MDE”) proposes to issue for an expansion of the W.R. Grace & Co.-Conn (“W.R. Grace”) chemical plant in Baltimore City, Maryland (hereinafter “Grace Plant”). Commenters appreciate the opportunity to submit these comments.

I. WR Grace Has Withheld from the Public Version of the Application Information that Is Essential for the Public to Understand How Emissions Were Calculated.

A substantial amount of information from W.R. Grace’s application has been withheld as confidential business information (“CBI”). Without this information, it is impossible for the public to understand how the emissions associated with the proposed expansion were calculated. It is particularly troubling that information was withheld on the effectiveness of pollution controls at the facility as this information is routinely provided by other permit applicants.

A. Emissions Information is Supposed to be Shared with Public.

In general, public comment opportunities under the federal Clean Air Act (“CAA”) exist to ensure that members of the public have an opportunity to fully understand and comment on the effects of air pollution sources subject to certain CAA requirements. Even as a purported minor expansion of an existing major source of pollution, the proposed expansion of the Grace Plant is subject to the U.S. EPA’s Minor Source New Source Review requirements at 40 C.F.R. 51.160-164. Among other things, state permitting agencies must “provide opportunity for public

comment on information submitted by owners and operators.”¹ Opportunity for public comment must include, at a minimum, “[a]vailability for public inspection . . . of the information submitted by the owner or operator and of the State or local agency’s analysis of the effect on air quality.”²

Maryland’s laws allow MDE to withhold privileged information from the information made available to the public.³ Nevertheless, it is deeply concerning that MDE has allowed W.R. Grace to withhold information, such as that relating to the efficiency of pollution controls, without which the emissions calculations in the application cannot be understood.

B. The Public Version of the Application Lacks Information Necessary to Understand How Emissions from the Proposed Grace Plant Expansion Were Calculated.

The information in the public version of the W.R. Grace’s June 2025 permit application (“Application”) does not allow the public to fully understand how emissions (actual and/or potential) were calculated. The March 2026 supplement does not correct this problem.

As an example, one can look to the largest estimated source of fine particle (PM_{2.5}) emissions associated with the proposed expansion: from the increased utilization of Industrial Catalyst Operation (“ICO”) West Assets as identified in the Project Netting Table in Appendix 3.⁴ According to this table, 5.17 tons per year (tpy) of PM_{2.5} is associated with the increased utilization of ICO West Assets, more than half of the 10 tpy threshold for making the proposed expansion a major modification.⁵ Table A.3 in Appendix 3 breaks down the 5.17 tpy estimate by unit, including the hydrogel hopper (1.76 tpy of PM_{2.5}), hammer mill slurry tank, fugitive dust collection from several units (1.57 tpy of PM_{2.5}), classifier (0.86 tpy of PM_{2.5}), two truck silos (0.36 and 0.43 tpy of PM_{2.5}), bulk truck portable fugitive product collector, and indoor emissions (0.2 tpy of PM_{2.5}).⁶

Table A-4 to the Appendix states that the projected actual emissions from these units are estimated based on a ratio of past actual emissions from the units as identified in the Emissions Certification Reports, including actual operating days, to future operations assuming 365 days per year of future operations.⁷ However, the Application does provide information on how the past actual emissions were calculated apart from the number of past operating days. The Grace Plant’s Title V permit does not appear to require direct monitoring of PM emissions from the ICO Plant, requiring only that the permitted “prepare, implement, and revise as necessary operations and maintenance plans for all particulate emissions sources and air pollution control equipment (all emission points listed in Table IV-10A).”⁸ The lack of a direct monitoring

¹ 40 C.F.R. 51.161(a).

² 40 C.F.R. 51.161(b)(1).

³ Md. Code, Environment, § 1-606(d)(1)(i)4 (requiring MDE to provide a privilege log for all documents not produced for inspection and the reason for withholding them).

⁴ Project Netting table, Appendix 3 to Application at page 1.

⁵ This is before the netting analysis.

⁶ Table A-3, Appendix 3 to Application at page 4.

⁷ Footnote 1, Table A-4, Appendix 3 to Application at page 4.

⁸ Grace Plant Title V/Part 70 Permit No. 24-510-0076, Plant Specific Condition 10.3B at page 142,

requirement indicates that past emissions were likely calculated using emission factors. Presumably emission rates were established for each unit, multiplied by operating time per year, and then reduced according to assumed efficiency of each pollution control. Specifically, the following information is not provided in the Application (1) the emission rates themselves or even where they derive from (for example, AP42 emission factors); and (2) pollution control efficiencies. This information is not available in Appendix 3 to the public version of the Application or in the March 2026 addendum to the Application. It appears that this may have been withheld as CBI.⁹ Certainly it appears from MDE's Privilege Log that similar information was withheld from the Application as CBI.¹⁰

C. WR Grace Has Withheld Information on the Efficiency of Pollution Control Technology at its Plant; It is Not Customary for Permit Applicants to Withhold This Type of Information.

The withholding of information on the assumed efficiency/performance of pollution control technologies in the Application is particularly troubling. The entirety of Appendix 4, titled Control Equipment Specification Sheets, was withheld from the Application as CBI.¹¹ Commenters were also unable to identify any instances of pollution control efficiencies provided in other parts of the public Application.

MDE's Privilege Log includes no legal citation or explanation of the applicable privilege or exemption upon which W.R. Grace has withheld this information, other than a reference to "confidential business information," which is not an identified exception to Maryland's Public Information Act ("PIA").¹² Maryland's highest court has held that the burden is on the custodian of public records to provide an explanation for withholding them under the PIA.¹³

Assuming that MDE is treating the withheld information as trade secrets or confidential commercial information under MD Code, General Provisions, § 4-335, it is still unclear why it is appropriate to withhold the control efficiencies of all pollution control technology at the Grace Plant under this exception. In interpreting this exception, Maryland's intermediate appellate court has looked at whether the "information in question is legitimately 'confidential' in the sense that it 'is customarily kept private, or at least closely held, by the person imparting it,' and 'the party receiving the information provides some assurance that it will remain secret.'"¹⁴ Information on the efficiency of pollution controls is not customarily withheld from air quality permit applications. It would be unreasonably burdensome to expect Commenters to attach information

<https://mde.maryland.gov/programs/permits/AirManagementPermits/Test/W.R.%20Grace%20and%20Co.%20-%20Conn.pdf>.

⁹ MDE Privilege Log (identifying withholding of "Detailed Emissions Calculations - Production Rate Data" as CBI.)

¹⁰ *Id.*

¹¹ Appendix 4 to Application (entirely excluded); Privilege Log.

¹² See MD Code, General Provisions, § 4-101, *et. seq.*

¹³ *Amster v. Baker*, 453 Md. 68, 82 (May 22, 2017)("[t]he custodian who withholds public documents carries the burden of justifying nondisclosure")(internal citations omitted).

¹⁴ *The Abell Foundation v. Baltimore Dev't Corp.*, 262 Md.App. 657, 696-697 (Aug. 2, 2024).

to these comments showing that most other permit applicants include information on the effectiveness of pollution control technology, Commenters include below a few examples of public discussions regarding the effectiveness -- specifically the efficiency of such technology as represented by percent reduction in pollution -- of pollution control technology,

- Ozone Transport Commission (“OTC”) Municipal Waste Combustor Workgroup Report, Revised May 2023 discussing the effectiveness of nitrogen oxides (“NOx”) controls at incinerators - https://otcair.org/upload/Documents/Reports/OTC%20MWC%20report%20revised%205_2023.pdf.
- EPA RACT/BACT/LAER Clearinghouse – providing national dataset on effectiveness of pollution controls at multiple types of facilities- <https://www.epa.gov/catc/rblc> .

It is not possible to understand the emission calculations in the W.R. Grace Application and/or the assumptions underlying them without information on the assumed emissions reductions from the application of both existing and proposed pollution control technology at the Grace Plant. It is also not customary to withhold this information from the public in such permit applications. In response to these comments, MDE should provide a table setting forth the assumed efficiency of every pollution control used to calculate the emissions estimated in the Application.

II. The Draft Permit Lacks Any Requirement for Direct and Continuous Monitoring of Pollution.

Compounding the concerns raised by the information missing from the Application, the Draft Permit does not include any requirements for direct and continuous monitoring of emissions from either the new or existing units. There are multiple references in the application to stacks and vents, both of which are common locations for Continuous Emissions Monitors (“CEMs”) or Continuous Opacity Monitors (“COMs”). However, no CEMS or COMS are required under the Draft Permit.

The main ongoing monitoring requirement (after startup) for visible emissions (from each emission point, MAG-09, ICO-60, and ICO-130 to ICO-134) requires a visual observation once per day lasting at least one minute.¹⁵ It is unclear what one minute of observation per day could detect, especially given that MDE’s visual emissions standard has exemptions for certain activities that produce visible emissions for no more than six consecutive minutes in duration.¹⁶ MDE should explain in its response to comments why observations would not be required to last for a minimum of seven minutes, which would better inform a determination of whether any observed visible emissions are or are not exceptions under COMAR 26.11.06.02A(2). MDE should also explain in its response to comments which emission units at the facility would have

¹⁵ Condition D(4), Draft Permit at 13.

¹⁶ See COMAR 26.11.06.02A(2); Draft Permit at 7.

to show noncompliance with Maryland’s “reasonable precautions” requirements for fugitive dust before a violation of the visible emissions limit could be enforced.¹⁷

In summary, the lack of direct and continuous monitoring requirements compounds the risk that the estimated emissions, based on assumptions not fully made available to the public, will not be realized and that actual emissions, which will not be directly measured, will be higher than estimated.

Thank you in advance for your time and consideration of these comments.

Respectfully submitted,

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¹⁷ MDE has created regulatory exceptions to its visible emissions standards in paragraph C of COMAR 26.11.06.02. These standards do not apply to certain sources, including “[s]ources in compliance with Regulation .03C and D of this chapter,” COMAR 26.11.06.02(A)(1)(k), which are MDE’s requirements for the control of fugitive dust. MDE should identify the emissions units at the Grace Plant where noncompliance with COMAR 26.11.06.03C and D would be required as a precursor to noncompliance with the visible emissions standard.