

South Carolina Department of Health and
Environmental Control
State of South Carolina
County of York

In Re: Draft Synthetic
Minor Air Construction
Permit for Silfab Solar

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Transcript
of
Public Hearing

Date: October 30, 2023

Time: 7:18 p.m.

Location: Fort Mill School District Office,
2233 Deerfield Drive, Fort Mill, South Carolina

Reported by
Cindy H. Patterson

ORIGINAL

APPEARANCES

DHEC Officials Present: Monica Taylor, Hearing Officer
David Nasol, Permit Writer

DHEC Staff in Attendance:
Steve McCaslin, Permitting Director
Zack Carfley, Air Toxics Manager
Greg Quina, Modeling Section Manager
Denise Hall, Combustion & Waste
Permitting Section Manager

Silfab Solar Representatives: Matt Korzelius
Austin Neel
Earle Aube
Amy Faulkenberry, Consultant
Renee Terreri
Marty Jones, Consultant
Kristen O'Dell
Ron Chase

Speakers From the Public:

David Phelps	Larry Byrd
Rachele Julian	Elaine Sweeney
Denise Bach	Martha Kern
Brian Chew	Joe Fazzari
Nancy Hall	Kerri Bishop
Wally Buchanan	Esther Buchanan
Morris Rothstein	Danielle Graham
Andy Lytle	Jan Rose
Emily Doehling	Shirley Lustig
Peter MacVean	Carolyn O'Connor
Gaye O'Connor	Deborah Shokes
Lori Moore	Marcia Saliga
Joe Kasper	Patricia Pisciotta

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PROCEEDINGS

HEARING OFFICER TAYLOR: All right. The time is now 7:18 p.m. on Monday, October 30, 2023, and the public hearing regarding the Draft Synthetic Minor Air Construction Permit for Silfab Solar is called to order. For the record, this facility proposed location is 7149 Logistics Lane in Fort Mill, South Carolina.

My name is Monica Taylor. I'm the Public Participation Coordinator for the Bureau of Air Quality. Tonight, I will serve as the hearing officer. On behalf of DHEC, again, thank you all for being here this evening.

Before I go -- before I go over how we will proceed, there's just a few items I'd like to address. First, I would like to ask that you please silence your cell phones or other electronic devices so that we do not disturb others during the hearing. Next, if you have not already done so, we encourage each -- each and every one of you who are in attendance to sign the attendance sheet located at the sign-in table. By signing in, this will ensure that DHEC has a complete record of all in attendance at this hearing. We will ask for your mailing address or e-mail address on the sign-in

1 sheet so that we can notify you of any future
2 information regarding Silfab.

3 I would also like to point out the court
4 reporter, who is seated to my right. They will
5 record the comments you make tonight and prepare a
6 written transcript. The transcript will serve as
7 an official record of this public hearing.

8 A decision to grant or deny the air permit has
9 not been made and will not be made here tonight.
10 The purpose of this hearing is for you to provide
11 comments to be considered before a final decision
12 is made.

13 The draft air construction permit has been
14 written to show Silfab intends to construct and
15 operate in compliance with South Carolina state and
16 federal air quality regulations. These regulations
17 are in place to protect human health and to ensure
18 that air quality standards are maintained.

19 Please note that your comments are an
20 important part of our permitting process, so we
21 invite you to express your comments and concerns
22 formally for the record. The information you will
23 share will be received and -- we will receive and
24 may provide DHEC staff with additional factors to
25 consider when making a final decision. If you

1 choose not to speak tonight, you may also submit
2 written comments to DHEC by Friday, November 3rd of
3 2023.

4 So that this hearing moves forward in a timely
5 manner, the following guidelines has been
6 established. There will be no questions or answers
7 during or after a comment. All comments will be
8 made from the microphone situated here in the
9 center of the room. So that everyone has the
10 opportunity to speak, your comments should not go
11 over three minutes, and time may not be transferred
12 to another speaker. Our staff members on the front
13 row will remind you when you've reached one -- one
14 minute remaining and again when you have 30 seconds
15 remaining. If you are not able to present your
16 comments within that three minutes or you do not
17 wish to speak at the public hearing, please
18 remember you still have the opportunity to submit
19 your comments and questions in writing to DHEC by
20 November 3rd of this year, and they will be entered
21 into the record just as the comments from this --
22 from speakers here tonight.

23 As stated previously, each person's input is
24 important to us. I ask that you -- you be
25 respectful of those presenting information, making

1 comments, and follow the time limit that has been
2 set. Asking the audience, DHEC staff, or a Silfab
3 representative to respond to any comments or answer
4 any questions is not appropriate for this hearing.
5 We would also like to advise you that approval or
6 denial of the permit will not be based upon a vote
7 of how many people say the same thing.

8 Should any comments or actions begin to move --
9 move away from the intent of this hearing, I may
10 ask the speaker to conclude their statement and be
11 seated. While DHEC understands that there is a
12 variety of concerns and the focus -- the focus of
13 this hearing is on the technical merit of the air
14 permit.

15 This hearing will proceed in the following
16 order. First, David Nasol will give a summary of
17 the Draft Minor Air Construction Permit. Then we
18 will randomly call on those who have indicated at
19 sign-in that they would like to make a comment. If
20 you have decided that you no longer wish to make a
21 comment when we call you, you may decline to do so
22 at that time. Anyone who has decided during the
23 course of the evening that they would like to make
24 a comment but did not indicate that at sign-in by
25 checking the box on the sign-in sheet will be

1 called upon randomly by raising their hand. Please
2 remember that this time will only be for those who
3 have not already spoken.

4 We will now call on David of the Bureau of Air
5 Quality, who will give a summary of the Draft
6 Synthetic Minor Air Construction Permit.

7 MR. NASOL: Silfab Solar has applied to the Department
8 for an air construction permit to install and
9 operate a new facility for the manufacturing of
10 solar cells and panels. A draft permit and draft
11 statement of basis have been written outlining this
12 proposed project and applicable regulations. This
13 permit will enable the facility to construct and
14 operate in compliance with state and federal air
15 quality regulations. The permit includes federally
16 enforceable facility-wide limits to remain below
17 major source thresholds for both the Title V
18 Operating Permit regulations and Hazardous Air
19 Pollutants. The limits are less than 10 tons per
20 year of any single hazardous air pollutant and less
21 than 25 tons per year of total hazardous air
22 pollutants.

23 HEARING OFFICER TAYLOR: Thank you, David. We will now
24 hear from those of you who indicated at sign-in
25 that you would like to make a comment. You will be

1 called on -- upon randomly. Please clearly speak
2 your name, first and last, for the court reporter.
3 If you have written comments -- if you have a copy
4 of your written comments that you do not mind
5 leaving with us, you may hand them to me or one of
6 our DHEC staff.

7 I call, first, Kristin Dillard. Please come
8 up to the mic, and we will take your comment and
9 start your three-minute timer.

10 MS. DILLARD: I'm sorry. I didn't --

11 HEARING OFFICER TAYLOR: Ms. Dillard, would you still
12 like to make a comment?

13 MS. DILLARD: No. I did not check the box. I'm sorry.

14 HEARING OFFICER TAYLOR: Thank you. David Phelps?

15 MR. PHELPS: Yes.

16 HEARING OFFICER TAYLOR: David Phelps, if you would come
17 up. State your name, first and last.

18 MR. PHELPS: Dave Phelps. Should I start?

19 HEARING OFFICER TAYLOR: Yes.

20 MR. PHELPS: Yes. As a retired professional engineer,
21 I'm very supportive of bringing back manufacturing
22 to the U.S., especially from China. And, again, as
23 an engineer, I'm well aware that many processes are
24 potentially hazardous and have to be correctly
25 designed, built, and maintained to the appropriate

1 standards. I worked for a global industrial gases
2 company for 27 years, and products included fluids
3 which were cryogenic, flammable, explosive, toxic,
4 and asphyxiant. However, all the many process
5 plants involved were built on dedicated industrial
6 sites.

7 My main concern with the proposed Silfab site
8 is its location in a residential area including
9 schools. And assuming that Silfab can show that
10 its emissions will meet DHEC requirements and that
11 stored toxic, flammable, explosive liquids can
12 never be accidentally released to the surroundings
13 -- tough to guarantee -- is it realistic to assume
14 that the technology and manufacturing processes
15 will not change over the next 30 years? Two things
16 could happen: In technology -- in a fast-moving,
17 highly competitive industry, solar panel technology
18 will change. Right now, competitor First Solar
19 produces cadmium telluride thin film panels
20 promoted as being superior to the traditional
21 crystalline silicon panels produced by Silfab, and
22 cadmium telluride is extremely toxic. There are
23 many other known technologies which are also toxic,
24 including the different processing cleaning
25 chemicals. Now, I understand that Silfab will not

1 want to change their production methodology but are
2 likely to be forced to, to remain competitive.

3 My second concern is with manufacturing.
4 Silfab could increase their profitability by moving
5 further up the -- the cell manufacturing process.
6 For example, they could buy in silicon billets and
7 cut the wafers in Fort Mill. This would involve
8 treating silicon dust and other chemicals. Could
9 they go even further up the -- the production cycle
10 -- up this production chain? Is the forecast power
11 -- I've heard 30 megawatts -- in anticipation of
12 this?

13 So once Silfab were installed in Fort Mill, it
14 would be very difficult to stop or control these
15 changes in technology and/or manufacturing. It's
16 been problematic to get clear answers defining
17 Silfab's proposed operations to date, and I
18 wouldn't presume to attribute blame for this since
19 there are a number of parties involved. However,
20 it suggests that we could face some obfuscation
21 regarding future changes.

22 So, in summary, I believe that the proposed
23 site is unsuitable for Silfab's current and
24 possible future operations from a community safety
25 standpoint. Thank you.

1 HEARING OFFICER TAYLOR: Thank you. Mr. Phelps, would
2 -- would you like to leave a copy of your comments
3 with us? Is -- is that okay if we keep a --

4 MR. PHELPS: Certainly.

5 HEARING OFFICER TAYLOR: Thank you. We'll now call on
6 Larry Byrd.

7 MR. BYRD: Good evening. Larry Byrd. I live in Rock --
8 I live in Fort Mill. The main thing I'm talking
9 about right now is establishing trust between the
10 community and Silfab, and my main concern is the
11 safety of the children and the residents.
12 Monitoring plans need to be more specific and
13 better planned. Emergency plans, we don't know
14 what they are. People don't know. "What am I
15 going to do? What's going to happen?" I'd like to
16 know that. We'd like to know.

17 Again, I'm very concerned about the trust
18 between us, the company, and the community. The
19 boss came up here a while ago with comments. We'd
20 like to hear some of his comments, but the main
21 thing, we want to know what they're going to do
22 during emergency. What are they going to do with
23 the children? What are they going to do with the
24 community?

25 Again, it's location, location, location, and

1 I'm concerned about that. Why don't we move Silfab
2 to a rural location further out in York County?
3 And I'll -- like I say, it's the kids that matter.
4 It's the kids. Here's the old grandpa right here
5 talking about the kids. Listen, we need to protect
6 our kids. They need educated. They need to go to
7 school. They have enough problems right now not
8 worrying about environment. They need to worry
9 about the standards or how -- what they're going to
10 learn, and they need to protect our children and
11 our community and go forward as -- with trust with
12 industry. Thank you very much.

13 HEARING OFFICER TAYLOR: Thank you. Rachele Julian?

14 MS. JULIAN: Hi. It's "RAY-chul." Thank you.

15 HEARING OFFICER TAYLOR: I'm sorry. And if you --

16 MS. JULIAN: I'm a Fort Mill --

17 HEARING OFFICER TAYLOR: -- if you could state your full
18 name.

19 MS. JULIAN: Rachele Julian, Fort Mill resident and
20 concerned parent. So the public notice states that
21 the permit has been written to ensure that this
22 facility operates as a conditional major source.
23 What is a "conditional major source"? Because
24 Silfab has requested to be a synthetic minor
25 source. On the public notice, why are two 7,925-

1 gallon tanks that contain HF hyronic (verbatim)
2 acid not listed, and why is there no SDS sheet for
3 hydrofluoric acid? Is Silfab trying to hide the
4 fact that they are using this highly toxic
5 chemical? Why does DHEC use 24-hour notice time
6 for maximum concentration allowable limits when a
7 single peak of HF can be deadly? Shouldn't we use
8 eight-hour average time since that's the closest
9 amount to exposure to school children? Better yet,
10 why don't we use one-hour average time because
11 short exposure to small amounts of HF is so
12 dangerous. The last sentence in the paragraph of
13 3.3 states that "the need for this tank will be
14 dependent on the market availability and cost." If
15 they need it, it shouldn't be a function of
16 availability and cost. Will DHEC determine and
17 regulate the need?

18 Point 3.2, Solar Cell Manufacturing, it states
19 in the middle paragraph that, "Most of these
20 processes are performed inside enclosed machines or
21 clean rooms that are vented to a wet acid
22 scrubber." Should this say "all processes"?

23 Then point 5.1.1.2 states, "This subpart does
24 not apply to the HCl, HF or silane storage tanks
25 since they are considered volatile organic liquid

1 storage vessels." Shouldn't they say "are not
2 considered volatile organic liquid"? Are they
3 volatile organic liquids or not?

4 Point 5.21, SC Regulation 61-62.1, they do not
5 state that they are under 10 tons a year for a
6 single HAP/TAP, hazardous air pollutant or toxic
7 air pollutant. In actuality, there are possibly
8 over 10 tons a year. That's all I have right now.
9 Thank you.

10 HEARING OFFICER TAYLOR: Thank you. And, again, be sure
11 -- if you have any written comments, to ensure that
12 we can capture everything, if you want to give us a
13 copy, we would love to take it.

14 Next, we have Elaine Sweeney. Please state
15 your full name.

16 MS. SWEENEY: I'm Elaine Sweeney. I guess I'd better
17 pick this up. Okay. I'm Elaine Sweeney, and I
18 live in the area. I've gotten to know this area
19 over the last 15 years, and I'm very, very
20 concerned about all of our families, about our
21 future, about our property values, about our
22 health. Since this is a construction air permit
23 that's being considered, will you make Silfab
24 strictly adhere to the International Building Code
25 that's specifically the Risk Category? Who will

1 enforce that? Can the building built for
2 distribution be upfitted to a Risk Category IV from
3 a Risk Category II? That building was built, what,
4 four/five/six years ago -- 2016, I think -- and it
5 was built for -- to be a warehouse and distribution
6 center only. It's an enormous building. How can
7 we make sure that it can safely house dangerous
8 chemicals? The thing is, if you don't have the
9 blue -- do you have the blueprints for this
10 building? Can you absolutely ascertain what is
11 beneath the foundation? Is the foundation of this
12 building conditioned to handle a -- a Category IV
13 or a Category III hazard? This is the main concern
14 that I have because there's too much riding, too
15 much at stake for us to make foolish mistakes or to
16 move forward too quickly.

17 I'm asking the board to refuse the permit at
18 this time until all of these questions can be
19 answered in detail. Thank you so much.

20 HEARING OFFICER TAYLOR: Thank you. Ms. Denise, I have
21 you next.

22 MS. BOCK: Denise Bock. On point 6.8, Conclusion, it
23 states, "The facility has demonstrated that it will
24 operate in compliance with these standards." Why
25 is the engineer making this statement? Isn't this

1 DHEC's job to make this determination? There's no
2 PE stamp on the main modeling report. Doesn't that
3 invalidate the report if it has not been stamped by
4 a professional engineer? In light of all the
5 incorrect information in this report, shouldn't a
6 new report be prepared and stamped by a South
7 Carolina professional engineer? My husband is a
8 professional engineer, so -- understand this.

9 Okay. And I have lived within one to two
10 miles of this plant going on 40 years. I've lived
11 through Hurricane Hugo where we had lots of damage
12 and no power or water for about a week. I've also
13 felt earthquakes while living here. This area is
14 prone to earthquakes. Will you strictly enforce
15 all relevant regulations on the buildings and
16 equipment, that is the scrubbers, chemical tanks,
17 and stacks that will protect the public during an
18 earthquake, tornado, hurricane, or other natural
19 event? Who sees and approves the P&ID drawing for
20 the tank that's -- that silane -- silane is stored
21 in, plus the tanks for the other chemicals, and who
22 will oversee all this work? Will DHEC regulate the
23 23,000 gallons of silane on site being that it is
24 extremely explosive? And will DHEC create a one-
25 mile buffer needed to keep everyone out of the

1 evacuation radius to protect the public from this
2 explosive chemical?

3 From an air quality standpoint, how is it
4 acceptable to have 2,000 children just 1300 feet
5 away from this manufacturing plant? From an air
6 quality standpoint, what is the acceptable buffer
7 requirements when there is an adjacent school and
8 residences nearby? If this is approved with the
9 knowledge of the danger of these air pollutants,
10 who is -- who is liable if there is an explosion,
11 leak, or other accident where children or the
12 community are injured or killed? At the site where
13 the Celanese plant was located in Rock Hill, we
14 understand that people who live in the apartments
15 that were built over the former site apparently
16 have to sign a waiver that they will not sue if
17 they get sick living there. Should the parents of
18 school children sign a similar waiver to put their
19 children in these schools next to a manufacturing
20 plant with known emissions and dangerous air
21 pollutants? MSDS, the Material Safety Data Sheets,
22 are no longer used to report on chemicals, so they
23 are, therefore, invalid. Are you going to require
24 Silfab to provide SDS, the Safety Data Sheets, for
25 all of the chemicals they are using? Silfab is