

Wilmington, Delaware
October 17, 2019

**Rev. 1
#4713**

Sponsor:

**Council
Member
Shabazz**

Co-Sponsors:

**Council
Members
Dixon
Harlee
McCoy**

WHEREAS, the City of Wilmington is home to over one-thousand individuals who live in the neighborhood known as Southbridge, in South Wilmington, where 65 percent of residents are African American and have been historically and unduly exposed to the effects and impacts of industrial manufacturing; and

WHEREAS, Southbridge has the highest proportion of contaminated property in the state, with 76 percent of the land identified as contaminated; and

WHEREAS, according to the 2017 report ‘*Environmental Justice for Delaware: Mitigating Toxic Pollution in New Castle County Communities*,’ produced by a partnership between UCS, the Environmental Justice Health Alliance, Delaware Concerned Residents for Environmental Justice, Community Housing and Empowerment Connections Inc., and Coming Clean, Inc., Southbridge has been designated among seven communities in New Castle County, Delaware, as a community where residents face a substantial cumulative health risk from toxic air pollution due to their proximity to polluting industrial facilities, hazardous chemical facilities, and contaminated waste sites; risks which are further amplified by other negative socioeconomic and health factors related to lack of access to healthy foods, poor housing conditions, and stressors related to poverty including, but not limited to, unemployment and crime; and

WHEREAS, Environmental Justice, as defined by the U.S. Environmental Protection Agency, is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and Environmental Justice

Areas face substantial cumulative health risks from exposure to toxic air and other forms of pollution;” and

WHEREAS, cumulative impacts are considered by the National Environmental Justice Advisory Council to be risks and impacts caused by multiple pollutants, usually emitted by multiple sources, exacerbated by their interaction with each other and with any social vulnerabilities that exist in a community; and

WHEREAS, these and other potential unplanned toxic emissions directly affect the health of residents of the surrounding residential neighborhood where such emissions have been shown to damage lungs, cause and/or exacerbate respiratory illnesses, and in some cases contain small amounts of materials that are considered carcinogens, thereby increasing the risk of certain cancers; and

WHEREAS, the Delaware Department of Natural Resources and Environmental Control Secretary granted an air quality construction permit to Walan Specialty Construction Products, LLC’s slag- grinding, drying, and processing application facility in Southbridge, on Christiana Road; and

WHEREAS, according to industry experts and scientists, the cumulative effect of prolonged exposure to these toxic hazards, merely by virtue of proximity to industrial pollutants, causes higher risks of cancer and greater potential for respiratory illnesses, resulting in a cancer risks in Southbridge which is 19 to 23 percent higher than residents in more affluent communities across New Castle County, and 14 to 18 percent higher in that neighborhood than for Delaware overall; and

WHEREAS, in addition to the local ramifications on air quality by Walan Specialty Construction Products, LLC to the residents of Southbridge, the existence of this slag-grinding

facility in South Wilmington will bring New Castle County even closer to failing its current non-attainment of the 2018 8-Hour Ozone Standard and will bring the County closer to failing federal standards for PM2.5 or fine particulate matter; and

WHEREAS, each of these concerns is directly applicable to remediations and requirements related to the proposed Environmental Justice Act of 2019 – S. 2236 of the 116th Congress, sponsored by Senator Cory Booker (D-NJ), which is currently in the Senate Environment and Public Works Committee. The Environmental Justice Act of 2019 strengthens 2 previous federal Acts 1) the National Environmental Policy Act of 1970 42 U.S. C. 4321-4347 and 2) the Presidential Executive Order 12898 in 1994 that created the Interagency Working Group on Environmental Justice; and additionally requires the inclusion of cumulative impacts and persistent violations in federal-or state-permitting decision-making under the Clean Water Act and the Clean Air Act; and

WHEREAS, the Booker Environmental Justice Act of 2019 strengthens protections for communities vulnerable to environmental injustices, such as the historic and still-ongoing abuse being sustained by residents in Southbridge, Wilmington, and provides communities such as Southbridge the ability to hold corporations and government accountable.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Delaware Department of Natural Resources and Environmental Control should incorporate into its air quality construction permitting process Cumulative Impact risks and impact when determining whether a permit should be granted to a corporation/business that will add toxins in the air and/or other forms of pollution into a neighborhood, and that lacks a widely used operational Dust Control Plan as a component in

the corporation/business application, particularly when the location cited for the placement is located within a known Environmental Justice neighborhood or community; and

BE IT FURTHER RESOLVED that this legislative body strongly disagrees with the lack of weight that was given to the concerns of Southbridge’s citizens and community groups, given Southbridge’s history and current status as an Environmental Justice Area, due to ongoing conditions of contamination to its environment, especially considering that individuals, resident groups, and elected officials representing Southbridge have also soundly opposed this project. Wilmington City Council values all principles of our Democracy and acknowledges the resounding and collective voice of the 1,200 residents of Southbridge who are not satisfied with the responses by Walan Specialty Construction Products, LLC or DNREC to their concerns regarding the slag- grinding, drying, and processing facility that is to be located in the Southbridge neighborhood.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: The purpose of this Resolution is to strongly oppose the DNREC assertion that Walan Specialty Control Products, LLC has adequately answered the concerns of residents of Southbridge, Wilmington regarding their proposed new industrial production location where, because of its proximity to the residential community, the company will increase cancer risks and respiratory illness risks due to toxic emissions. City Council asserts that such industrial production in low-income communities such as Southbridge is demonstrative of the necessity of the proposed Environmental Justice Act of 2019 – S. 2236 of the 116th Congress, which empowers residents who have been historically ignored on matters affecting their health as related to industrial production in their community, thereby placing increased accountability on federal and local decision-making government agencies to include the study of Cumulative Impacts and persistent violations in federal or state-permitting decision-making, to be mandated under the Clean Water Act and the Clean Air Act, when companies apply for permits to locate in previously designated EJ neighborhoods.