



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL

OFFICE OF THE  
SECRETARY

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**SECRETARY'S ORDER NO. 2005-A-0030**

**DATE OF ISSUANCE: JUNE 2, 2005**

**BACKGROUND**

On November 30, 2004, the Department issued Secretary's Order No. 2004-A-0058 and Permit No. APC-81/0829-CONSTRUCTION (Amendment 6) to The Premcor Refining Group, Inc. (Premcor), for its Fluid Coking Unit (FCU) and its Carbon Monoxide Boiler (COB) authorizing the construction of a Wet Gas Scrubber (WGS) and a Selective Non-Catalytic Reduction (SNCR) System at Premcor's Delaware City Refinery.

On December 20<sup>th</sup>, 2004 Premcor appealed the above referenced FCU Construction Permit to the Environmental Appeals Board. The appeal centered around numerous provisions in the permit. The parties have met thereafter and made changes to the FCU Construction Permit thereby resolving their differences. The Environmental Appeals Board signed and issued a stipulation (the EAB Stipulation) staying the appeal for a period of 90 days in order for the Secretary to take public comment on a proposed settlement of the fluid coker permit litigation, and to allow the Secretary and Premcor time to determine whether they can resolve some or all of their differences on the remaining permits. The Stipulation, which was negotiated and agreed to by Premcor and the Department, and directed the Secretary to publish notice of his intent to amend the

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FCU Construction Permit pursuant to the settlement. Notice of the intent to amend the FCU Construction Permit was published in both the Delaware State News and the News Journal. The date for submission of public comments has expired, and the Department did not receive any written comments.

### **FINDINGS**

Based on the above, the Secretary makes the following findings:

1. No written comments were received from the public stating any opposition to the proposed amendment to the permit.
2. Amending the permit as included in Exhibit A of the EAB Stipulation would become effective upon issuance of the amended FCU Construction Permit.
3. It is in the best interests both parties and the citizens of the State of Delaware to issue the amended FCU Construction Permit as specified in the EAB Stipulation and to resolve this appeal without further litigation.

### **ORDER**

It is hereby ordered that the FCU Construction Permit be amended to reflect the agreed upon changes as included in Exhibit A of the EAB Stipulation.

s/John A. Hughes

Secretary