

Law Offices

November 12, 2018

222 Delaware Avenue
Suite 1410
Wilmington, DE
19801-1621

VIA ELECTRONIC MAIL & FIRST CLASS MAIL

302-467-4200
302-467-4201 fax
www.drinkerbiddle.com

Ms. Sascha Mohammed
Administrative Assistant
Environmental Appeals Board
89 Kings Highway
Dover, Delaware 19901

CALIFORNIA
DELAWARE
ILLINOIS
LONDON
NEW JERSEY
NEW YORK
PENNSYLVANIA
TEXAS
WASHINGTON D.C.

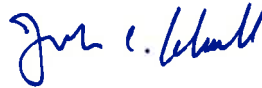
Re: **EAB Appeal No. 2017-05 – Notice of Withdrawal of Appeal**

Dear Ms. Mohammed:

Enclosed for filing with the Environmental Appeals Board on behalf of Appellant Delaware City Refining Company LLC is a Notice of Withdrawal of Appeal.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or concerns.

Very truly yours,



Joseph C. Schoell (Del. Bar No. 3133)

JCS/cec
Enclosure

cc: Ralph K. Durstein III, Esquire (via email)
Kevin P. Maloney, Esquire (via email)
Bart E. Cassidy, Esquire (via email)
Katherine L. Vaccaro, Esquire (via email)

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
FOR THE STATE OF DELAWARE**

In the Matter of)
) **EAB No. 2017-05**
SECRETARY'S ORDER No. 2017-A-0009)

NOTICE OF WITHDRAWAL OF APPEAL

Delaware City Refinery Company LLC ("DCRC") hereby submits this Notice of Withdrawal of Statement of Appeal No. 2017-05.

1. DCRC owns and operates the petroleum refinery located in Delaware City, Delaware (the "Refinery").
2. On May 31, 2013, the Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC" or the "Department") issued Order No. 2013-A-0020 (the "2013 Order"), governing the Department's issuance to DCRC of Air Pollution Control Permit 95/0471 (the "Air Permit").
3. The Air Permit authorized DCRC to undertake minor modifications to existing air pollution control equipment for the control of organic vapors potentially displaced during the loading of crude oil onto marine vessels at the Refinery's docks.
4. The 2013 Order also discussed the Secretary's determination that the activities governed by the Air Permit are not subject to regulation under the Delaware Coastal Zone Act, 7 Del. C. § 7001 et seq.
5. On March 9, 2017, DNREC issued to DCRC Notice of Administrative Penalty Assessment and Secretary's Order No. 2017-A-0009 (the "2017 Notice"), alleging that DCRC acted contrary to the 2013 Order by shipping crude oil from the Refinery to locations other than the petroleum refinery located in Paulsboro, New Jersey (the "Paulsboro Refinery"). The 2017

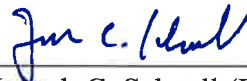
Notice also alleged that a prior written statement from DCRC to DNREC concerning the number of shipments of crude oil from the Refinery to locations other than the Paulsboro Refinery misrepresented the number of such shipments.

6. On April 28, 2017, DCRC filed with this Board a Statement of Appeal contesting the 2017 Notice, disputing DNREC's interpretation of the 2013 Order as restricting the destination of shipments of crude oil, and expressly denying that DCRC undertook to misrepresent to DNREC information concerning the number of such shipments (the "EAB Appeal").

7. DNREC and DCRC have resolved their disagreement concerning the issues implicated by the 2013 Order and 2017 Notice.

8. DCRC therefore submits this Notice of Withdrawal of the EAB Appeal, and requests that the Board mark the docket for the EAB Appeal closed and discontinued.

Respectfully submitted,



Joseph C. Schoell (Del. No. 3133)
Drinker Biddle & Reath LLP
222 Delaware Avenue, Suite 1410
Wilmington, Delaware 19801
Tel: (302) 467-4245

Attorney for Delaware City
Refining Company LLC

November 12, 2018

95542947.2