



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

NOTICE OF CONCILIATION AND SECRETARY'S ORDER

Pursuant to 7 *Del. C.* § 6005

Order No. 2025-A-0038

HAND DELIVERED

Issued To:

Delaware City Refining Company, LLC
Attn: Michael Capone
Refinery Manager
4550 Wrangle Hill Road
Delaware City, DE 19706

Registered Agent:

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

This Notice of Conciliation and Secretary's Order serves to notify Delaware City Refining Company, LLC ("Respondent") that the Secretary of the Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of its air permits. Accordingly, the Department is issuing this Notice of Conciliation and Secretary's Order ("Secretary's Order") in an endeavor to obtain compliance with the requirements of 7 *Del. C.* Chapter 60.

BACKGROUND

Respondent owns and operates a petroleum refinery located in Delaware City, Delaware, ("refinery") where it manufactures various petroleum-based products, including gasoline, diesel, and jet fuels, and other marketable petroleum by-products. Respondent's operations have the potential to emit pollutants in excess of the major source threshold for New Castle County and requires a permit, ("Title V Permit") pursuant to 7 DE Admin. Code 1130 ("Title V State Operating Permit Program") of the State of Delaware's Regulations Governing the Control of Air Pollution. Respondent's Title V Permit is issued in three separate parts. Each part is renewed every 5 years following the prescribed permitting process. Revisions can occur as necessary and following the prescribed process. Respondent's Title V Permit number referenced in this Order includes the Part, Renewal and Revision in effect at the time of the violation.

The Ether Plant Cooling Tower located in the refinery and relevant to the incident identified in this Order is governed by both a permit issued pursuant to 7 DE Admin. Code 1102, Permit: APC-91/0553 – OPERATION (Amendment 1) (LAER) dated April 23, 2013, and Title V Permit: AQM-003/00016 – Part 1 – Renewal 3 – Revision 2, dated November 14, 2024 ("TV Permit - Part 1 (Ren 3) (Rev 2)").

On November 27, 2025, Respondent notified the Department of a release of butane exceeding the reportable quantity threshold. At the time of the report, the facility indicated that the release exceeded 1,000 pounds per hour and the equipment that was the source of the release was isolated and the release had been stopped. The total reported time from discovery of the leak until the equipment was isolated was 1 hour and 46 minutes.

On December 4, 2025, Respondent informed the Department that the release began much earlier, at approximately 9:02 p.m. on November 26, 2025, and continued until approximately 3:46 p.m. on November 27, 2025. Emissions were of butane and butane compounds. Estimated emissions are 49,500 lbs. of butane, 69,000 lbs. of isobutane, 29,000 lbs. of isobutylene, 23,000 lbs. of cis-2-butene, 6,000 lbs. of butene, and 41,000 lbs. of trans-2-butene, resulting in total emissions of approximately 108.75 tons of VOCs.

Respondent's preliminary investigation indicates that the leak occurred due to the failure of previous repair in a heat exchanger associated with the Ether Plant. A plug in an exchanger tube gave way allowing butane and butane compounds to make their way through process equipment before reaching the atmosphere at the outlet of the Ether Plant Cooling Tower. The presence of a leak was identified when someone smelled the emission, at which time lower-explosive limit ("LEL") detectors were used to identify the source of the leak. The leak occurred during a power disturbance originating with Delmarva Power and Light Company. A number of pumps went off-line, including cooling water pumps for the Ether Plant Cooling Tower. While the power disturbance was relatively minor, with minimal facility wide impacts, it contributed to the extended duration of the discovery process. The affected exchanger tube was replugged, hydrotested to verify integrity, and returned to service.

Condition 3 – Table 1.g.1.i of TV Permit - Part 1 (Ren 3) (Rev 2) and Condition 2.2 of Permit: APC-91/0553 – OPERATION (Amendment 1) (LAER) set forth an annual VOC emission limit of 5.5 TPY for the Ether Plant Cooling Tower. The estimated emissions from the incident between November 26, 2025, and November 27, 2025, at the time of this Secretary's Order are 108.75 TPY.

FINDINGS OF FACT

1. Respondent owns and operates a petroleum refinery located in Delaware City, Delaware whose operations are governed by a Title V Permit, issued pursuant to Regulation 1130, in three separate parts.
2. Equipment covered by the Title V Permit have underlying permits issued pursuant to 7 DE Admin. Code 1102.
3. The Ether Plant Cooling Tower, located in the refinery, is relevant to the incident identified in this Secretary's Order.
4. The Ether Plant Cooling Tower is governed by Permit: AQM-003/00016-Part 1 (Renewal 3) (Revision 2) ["TV Permit - Part 1 (Ren 3) (Rev 2)"], dated November 14, 2024, and Permit: APC-91/0553 - OPERATION (Amendment 1) (LAER), dated April 23, 2013.
5. The Ether Plant Cooling Tower has an annual VOC limit of 5.5 TPY in TV Permit - Part 1 (Ren 3) (Rev 2) and Permit: APC-91/0553 - OPERATION (Amendment 1) (LAER).
6. On November 27, 2025, Respondent notified the Department of a release of butane exceeding 1,000 pounds per hour.
7. On December 4, 2025, Respondent informed the Department that the release began at approximately 9:02 p.m. on November 26, 2025, and continued until approximately 3:46 p.m. on November 27, 2025.

8. Respondent's preliminary investigation indicates that the leak occurred due to the failure of a previous repair in a heat exchanger associated with the Ether Plant.
9. Emissions were of butane and butane compounds. Estimated emissions are 49,500 lbs. of butane, 69,000 lbs. of isobutane, 29,000 lbs. of isobutylene, 23,000 lbs. of cis-2-butene, 6,000 lbs. of butene, and 41,000 lbs. of trans-2-butene. These pollutants fall under the umbrella of VOCs and the total VOCs released during the incident was 108.75 tons.

PERMIT REQUIREMENTS

1. In Condition 3 – Table 1.g.1.i of TV Permit - Part 1 (Ren 3) (Rev 2) and Condition 2.2 of Permit: APC-91/0553 – OPERATION (Amendment 1) (LAER), it states:

“VOC emissions shall not exceed 5.5 TPY”

CONCLUSION

Based on the above, the Department has concluded that Respondent committed the following violation:

1. Respondent is found to be in violation of Condition 3 – Table 1.g.1.i of TV Permit - Part 1 (Ren 3) (Rev 2) and Condition 2.2 of Permit: APC-91/0553 – OPERATION (Amendment 1) (LAER) for the release of 108.75 tons of VOCs from the Ether Plant Cooling Tower between November 26, 2025, and November 27, 2025.

NOTICE OF CONCILIATION AND ORDER

It is the intent of the Department for Respondent to not only prevent, but to promptly identify similar situations in the future, both in the interest of public safety and safe operation of the refinery. The investigation into this incident is ongoing and therefore additional enforcement may be forthcoming. However, in consideration of the foregoing findings, notice is hereby given that pursuant to 7 Del. C. § 6005(b)(2), Respondent is ordered to undertake the following actions to address the immediate concern for public and facility safety:

1. Install a real-time fence-line air sensor system measuring total volatile organic compounds ("VOCs") as non-methane hydrocarbons ("NMHC"), hereafter, "the System". The System shall meet the following requirements:
 - A. Provide real-time sensing of total VOC as NMHC in both five minute and one hour average data and wind speed/wind direction.
 - B. Include at least five sensors that shall be placed along the fence-line from a selection of existing benzene monitoring locations 1, 2, 9, 10, 15, 20, 21, 22. The selection should reasonably cover 360 degrees surrounding the facility.
 - C. Include a notification service to all subscribers that provides notifications of the following:
 - a. Any total VOC concentration above 730 ppb;
 - b. Any planned or unplanned instrument outages; and
 - c. Availability of any reports.
 - D. Publish the real-time sensing data on a website accessible to the public. The website shall be written in

English and available in Spanish translation. The website shall include the following:

- a. A map view of the sensor data consistent with that found on <https://torc.data.spectrumenvsoln.com/data>.
 - b. A chronological list of any notifications made pursuant to item 3 above and consistent with <https://torc.data.spectrumenvsoln.com/notifications>
2. **Within 30 days of receipt of this Order**, Respondent shall enter into a Contract with a provider for the System and provide the Department with documentation.
 3. **Within 30 days of entering into the Contract**, Respondent shall commence installation of the System. Operation of the System shall begin within ten business days of installation.
 4. **Immediately upon commencing operation of the System**, Respondent shall undertake the following actions, whenever there is any detection of total VOC concentration that exceeds 730 ppb:
 - A. Identify all emission units, in VOC service upwind of the sensor(s) indicating the exceedance, as potential sources of the exceedance.
 - B. Evaluate each of these emission units identified as potential sources of the exceedance. This evaluation shall include, but is not limited to, a visual inspection; olfactory inspection; auditory inspection; and review of any associated process monitoring data.

- C. Within five hours of identification of the source(s) of excess VOCs, begin corrective action which shall be completed as expeditiously as possible.
 - D. Within one business day of identification of the source(s) of excess VOCs, submit documentation to the Department identifying the source(s) and quantity of the estimated emissions.
 - E. Promptly submit reporting pursuant to permit or regulatory requirements.
5. **Within 30 calendar days of the end of each calendar quarter,** Respondent shall submit a quarterly report to the Department that includes the following information:
- A. Any total VOC exceedances of 730 ppb.
 - B. The results of any investigation pursuant to Paragraph 4 of this Notice of Conciliation and Order Section.
 - C. The time and date of each period during which the System was inoperative; the nature of repairs and adjustments made to render the System operable and the time and date completed.

PUBLIC HEARING AND APPEAL RIGHTS

This Secretary's Order affects Respondent's legal rights and is effective and final upon receipt by Respondent. Pursuant to 7 *Del. C.* § 6008, any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board within 20 days of the receipt of the Secretary's Order. In the alternative, Respondent may, pursuant to 7 *Del. C.* § 6005(b)(3), request a public hearing on the Secretary's Order, within 30 days of receipt of the Order. A public hearing pursuant to 7 *Del. C.* § 6005(b)(3) would be conducted pursuant to 7 *Del. C.*

§ 6006, and the Secretary's Order following the hearing would be subject to appeal, pursuant to 7 *Del. C.* § 6008, by any person substantially affected.

To request a public hearing pursuant to 7 *Del. C.* § 6005(b)(3), please submit your request, in writing, to:

Department of Natural Resources and Environmental Control
Office of the Secretary
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9000

To submit an appeal to the Environmental Appeals Board pursuant to 7 *Del. C.* § 6008, you must file your written statement of appeal and submit a check, made payable to: "Environmental Appeals Board," for the \$50.00 filing fee, to:

Department of Natural Resources and Environmental Control
Office of the Secretary
Attn: Assistant to the Environmental Appeals Board
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9000

For additional information on filing an appeal with the Environmental Appeals Board and what information you must include in your written statement of appeal, please refer to the Environmental Appeals Board Regulations, codified at 7 DE Admin. Code 105.

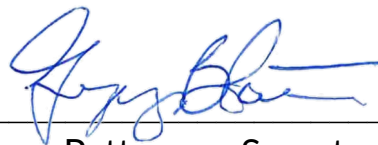
The Department, to the extent necessary, reserves the right to take additional enforcement actions regarding these and other violations by

Respondent, including but not limited to one or more of the following: an action under 7 *Del. C.* § 6005(b)(1) seeking penalties for past violations, an action under 7 *Del. C.* § 6005(b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 *Del. C.* § 6005(b)(2) seeking a temporary restraining order or an injunction, and the imposition of civil penalties and recovery of the Department's costs and attorney's fees pursuant to 7 *Del. C.* §§ 6005(b)(3) & (c)(1). Nothing in this document shall be deemed to estop, or in any way preclude, any additional enforcement action for these and any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

If you have any questions, please contact, or have your attorney contact, Valerie S. Edge, Deputy Attorney General, at (302) 739-4636.

Dec. 12, 2025

Date



Gregory Patterson, Secretary
Department of Natural Resources
and Environmental Control

cc: Valerie S. Edge, Deputy Attorney General
Angela Marconi, P.E., Director

2025-8dcm DCRC Butane Release NOC.doc

WAIVER OF STATUTORY RIGHT TO A HEARING

Delaware City Refining Company, LLC hereby waives its right to a hearing and its opportunity to appeal or contest this Secretary's Order and agrees to the following:

1. **Delaware City Refining Company, LLC** agrees to abide by all the terms and conditions of this Secretary's Order including:
2. **Delaware City Refining Company, LLC** shall install a real-time fence-line air sensor system measuring total VOCs as NMHC, meeting the requirements set forth in Paragraph 1 under the "Notice of Conciliation and Order" Section of this Secretary's Order; and
3. **Delaware City Refining Company, LLC** shall undertake the tasks and actions, within any associated timelines, set forth in Paragraphs 2 through 5 under the "Notice of Conciliation and Order" Section of this Secretary's Order.

Delaware City Refining Company, LLC

Date: _____

By: _____

Title: _____