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For further information, contact Bruce Steltzer or Ravi Rangan, Division of Air and Waste Management, 302-323-4542, or Joanna Wilson, Public Affairs, 302-739-9902.

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Delaware Department of Natural Resources and Environmental Control Secretary Collin O'Mara has issued a Notice of Administrative Penalty Assessment and Secretary’s Order to The Premcor Refining Group Inc. for violations of the Delaware Code on air pollution. The Order includes a cash penalty of $75,000 and an additional $11,250 as cost recovery reimbursement to the Department for expenses associated with its investigation.

Premcor owns and operates a petroleum refinery located in Delaware City, where various petroleum-based products are manufactured, including gasoline, diesel and jet fuels, plus other marketable petroleum by-products. Premcor has a permit for the operation of a gas recovery system, which includes a flare system.

The primary purpose of the flare system is to safely burn waste gasses from refinery process operations. Premcor is permitted by the Department to use the flare system to safely handle and dispose combustible gases and vapors and to minimize impacts on the environment during refinery upsets, startups and shutdowns. However, the permit does not allow the emission of pollutants from the flare.

Premcor experienced hydrocarbon flaring episodes on 40 days between October 2006 and December 2007; on Jan. 4, 2008 and between Aug. 10 and 13, 2008. The Department issued Notices of Violation on April 5, 2007; April 25, 2007; April 17, 2008; April 29, 2008 and Feb. 20, 2009, addressing these flaring episodes.

Hydrocarbon flaring episodes are of concern to the Department because of their potential to emit large amounts of pollutants such as nitrogen oxides and sulfur dioxide. The amount of pollution emitted depends on the duration and rate of flaring, along with the quantity and composition of the gas routed through the flare.
Premcor has 30 days to request a public hearing before the Order becomes binding.

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