

**Delaware Riverkeeper Network ~ Delaware Chapter Sierra Club
Delaware Audubon Society**

For Immediate Release

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**EPA Cooling Water Intake Rules Issued, Environmental Groups In Legal Action with DNREC
Ask for Agency Commitment To Issue a Draft Permit to the Delaware City Refinery to Reduce
the Facility's more than 46 Million Fish Kills**

Wilmington, DE – After years of delay, on May 19, 2014 the Environmental Protection Agency has finally signed the Clean Water Act § 316(b) regulations governing cooling water intake structures like those at the Delaware City Refinery that kill more than 46 million fish and aquatic life a year.¹ EPA has submitted the signed regulations for publication in Federal Register, which should be published in the coming weeks.

In October 2013, the Delaware Riverkeeper Network, the Delaware Chapter Sierra Club and the Delaware Audubon Society filed a legal action in the Superior Court of Delaware to compel Delaware Department of Natural Resources and Environmental Control (“DNREC”) to issue a Clean Water Act permit that would reduce fish kills and limit pollution discharges by the Delaware City Refinery. In legal briefing submitted to the court as part of the lawsuit, DNREC vowed, “barring unforeseen circumstances, to issue a draft permit [to the Refinery] within six months of the date of EPA’s § 316(b) regulations promulgation.”

“Now that the §316(b) regulations have been signed and this signed version has been made public, it’s time for DNREC to live up its promise of a draft permit that will stop the

¹ These figures represent only a few species where the industry or agency actually counted, they do not include the impingement and entrainment deaths of all species affected by the plant)

needless fish kills at the Delaware City Refinery,” said **Maya van Rossum, the Delaware Riverkeeper.**

“Delaware Audubon agrees with DNREC that closed loop cooling would be the best technical approach at the PBF Delaware City Refinery, while we also recognize that PBF’s estimated costs of \$120M they warned their investors about in their S-1 registration statement is a fair price to pay to bring the rest of this modernized facility into the 21st century. PBF has recently raised over \$300M in surplus capital from rolling out their significant tax saving Master Limited Partnership tied to their new rail logistics business and we politely request that they use a portion of their tax savings device to modernize and upgrade this oldest remaining part of their facility, providing our union men and women with jobs during a tough economic time in Delaware,” said **Mark Martell, President of the Delaware Audubon Society.**

“The issuing of a new permit to the Refinery that requires a major upgrade of the 60 year old water intake is a poster child for what the Governor’s Clean Water initiative should be doing to improve the Delaware River and create high paying jobs for skilled labor with no cost to the taxpayers. We look forward to the Governor’s actions to ensure the new rule is effectively used to implement his goal of improving the State’s water resources,” said **Dave Carter, Conservation Chair of the Delaware Audubon Society.**

“A new NPDES Permit for the Delaware City Refinery could be a win-win all around. Closed-cycle cooling could enable the refinery to protect the Delaware River, restore fisheries, and provide well-paying union labor for the construction of the cooling towers. Delaware River's fisheries are an important engine for recreation and our economy. I am optimistic that government, industry, conservationists and labor can work together toward a common interest that will benefit our river and the state for years to come,” said **Amy Roe, Conservation co-Chair of the Delaware Chapter of the Sierra Club.**

A renewal application for the Delaware City Refinery was submitted in 2002; DNREC has yet to make a determination on the application either by issuing a draft permit for public notice and comment, or by denying the permit.

A parallel Writ of Mandamus type action was filed in New Jersey in October, 2013 seeking to force the issuance of a draft permit by the New Jersey Department of Environmental Protection for the Salem Nuclear Generating Station which documents say kill over 3 billion fish a year.

The lawsuits to compel agency action are one of many steps that a coalition of concerned organizations are undertaking as part of their “Stop the Fish Kills” campaign, targeting the Salem Nuclear Generation Station, the Delaware City Refinery, and the PSEG’s Mercer Generating Station. Because of long delays (8 years at Salem, 12 years at the Delaware City Refinery, and 3 years at Mercer), these industrial facilities have been allowed to utilize outdated cooling water intake structures that kill billions of fish every year.

Through the legal actions filed by the Delaware Riverkeeper Network, Delaware Sierra Club, Delaware Audubon Society, New Jersey Sierra Club and the New Jersey Environmental Federation/Clean Water Action, the organizations seek to spur issuance of Clean Water Act Permits that will require the Delaware City Refinery and Salem Nuclear Generation Station to replace their outdated “once-through” cooling water intake systems with Closed-Cycle Cooling Systems, which could reduce kills by 90 to 98%, and which the organizations assert represent the “best technology available” required by Section 316(b) of the Clean Water Act.

For a copy of the filings, go to: www.delawariverkeeper.org

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