



Stop the Fish Slaughter at the Delaware City Refinery

*It hurts fishing, recreation, jobs, and
the health of the River for all*

Public hearing 6 pm, March 24, Gunning Bedford Middle School, New Castle

The Delaware City Refinery (DCR) has been killing an estimated 45 million fish a year. It has been doing so for 12 years without a permit that complies with the requirements of the law.

On August 31, 2002, the Clean Water Act permit for the Delaware City Refinery expired. The Clean Water Act says the Delaware City Refinery has to minimize the fish kills caused by their facility's cooling water intake structures. We don't believe they have been doing that.

After pressure exerted by litigation brought by the Delaware Riverkeeper Network, Delaware Audubon and Delaware Sierra Club, the State has finally issued a draft permit for public comment.

**March 24, at 6 P.M. DNREC is holding a hearing on the proposed draft permit
At the Gunning Bedford Middle School, 801 Cox Neck Road, New Castle, DE.**

To learn more: <http://www.delawareriverkeeper.org/river-action/ongoing-issue-detail.aspx?Id=45>

Some points you may want to make in your testimony:

For 12 years the DCR has been operating with an expired Clean Water Act permit and killing tens of millions of fish because it has been using outdated technology. Any new permit should not only reflect the best technology available, but should include mitigation and restoration obligations to make up for the years of illegally and needlessly inflicted harm.

The Draft NPDES permit gives DCR 4 ½ years to study ways to reduce fish entrainment, only requiring action, maybe, in 5 years. The vast majority of fish killed at DCR and killed in the Mid-Atlantic region (93.8%, as assessed by EPA) are killed as the result of entrainment. The permit needs to mandate immediate action to effectively reduce entrainment by requiring immediate installation of closed cycle cooling which will reduce the facilities fish kills by over 90%. The proposed 33% reduction in flow is not enough.

In June 2011, DNREC issued a document that already determined that the best technology available (BTA) for addressing entrainment at DCR is closed cycle cooling -- 4 ½ years of additional study is not needed.

Given that DNREC committed to the elements included in this NPDES permit as part of a legal settlement negotiation with DCR, DNREC has clearly compromised its ability to be an independent arbiter of the matter. DNREC needs to step back and hand lead authority over to the US EPA. This sweetheart deal needs independent agency review.

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