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Subject: Public Hearing Comments
Date: Tuesday, July 14, 2020 6:59:58 PM

Comments on Docket #2020-P-A-0017

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Organization: Delaware Audubon Society

Comments:

My name is Mark Martell and I'm the President of the Delaware Audubon Society and a resident of Emerald Ridge and Treasurer of the Emerald Ridge Service Corporation next to the Delaware City Refinery. Delaware Audubon Society will be filing written comments for this permit by the deadline. These comments are my personal comments and not representing the aforementioned groups I volunteer for. The main issue with the refinery is not the refinery itself, it's the regulator. DNREC is a failed agency. It has been knee-capped by the last several Governors more concerned about jobs than about Delaware's environment. DNREC has come down on the side of the refinery management at every turn. Audubon's comments will address the need for better enforcement and better violations definitions around incidents and refinery turnaround. What won't be addressed is public confidence in the agency to render any meaningful enforcement or any meaningful dialog around incidents and maintenance steps taken by refinery management to prevent recurrences of operational failures. DNREC has been operating on a permit fine fee schedule that dates back at its roots to the early 1970's, with some refreshing of penalty definitions in the 1990's. What has not changed over time is the fees themselves, the dollars of which were set during the 1970's, almost 50 years ago. Name any government charge to a citizen since the 1970's for penalties or fines and you can rest assured those costs have moved up over time tied to general inflation if not more. Not fines for industry pollution violations unfortunately. Those have remained stagnant. While the agency may point their fingers at the General Assembly, it is clear that, at least publicly, the Agency has not been advocating for heightened financial deterrents for excess pollution to Delaware. To make matters worse, the Agency has even negotiated discounted penalties in several instances, lessening any deterrent actually applied to the polluter, like the refinery. As a result of decades of agency complacency, this refinery has been able to operate with impunity and the population that lives near the refinery suffers the increase in cancer derived therefrom. It would be worthwhile to note that unlike traditional towns built around industrial polluters, the workers have not chosen to live near this facility to any meaningful percentage. A final concern is the current financial status of PBF Energy itself, the parent entity. Their stock price has collapsed and their have been financial questions about their ability to manage cashflow. The company has ceased dividend payments and has sold assets and raised debt to stay afloat during the pandemic. My concern is that this concern over cashflow extends to future maintenance costs, and I am worried that hiccups and accidents may not be managed appropriately. This same concern stems from a prior owner history at the refinery, who was often cited for poor maintenance repairs and upgrades. Sincerely, Mark B. Martell, CTP