



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Office of the
Secretary

Phone: (302) 739-9000
Fax: (302) 739-6242

Secretary's Order No. 2008-W-0061

**Re: Application of Premcor Refining Group, Inc. for Subaqueous Lands Act
Permission to Make Emergency Repairs to Pier No. 1 at the Delaware City
Refinery, Delaware City, New Castle County**

Date of Issuance: December 12, 2008

Effective Date: December 12, 2008

Under the authority granted the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") under *7 Del. C. Chap. 60*, the following findings, reasons and conclusions are entered as an Order of the Secretary. This Order considers Premcor Refining Group, Inc.'s ("Applicant") November 10, 2008 permit application submitted to the Department's Division of Water Resources ("DWR"), Wetlands and Subaqueous Lands Section ("WSLS") for permission under the Subaqueous Lands Act, *7 Del. C. Chap. 72* ("SLA").

Applicant seeks authority to conduct emergency remedial work on a shipping facility known as Pier No. 1, which is one of three piers used to transfer crude oil from ships moored in the Delaware River to Applicant's petroleum refinery located at 4550 Wrangle Hill Road, Delaware City, New Castle County ("Facility"). Problems with Pier No. 1 were discovered by an inspection performed over the week of October 13, 2008. Following the inspection, Pier No. 1 was removed from service due to safety and environmental concerns. The inspection found that Pier No. 1's main loading platform's pilings are severely deteriorated and/or buckled and there are cracks in the concrete

encasements and on the surface of the loading platform. The application seeks to install five new steel “H” piles along the river side of the main loading platform in order to supplement the existing piles, and to install a steel plate on the concrete cap. In addition, Pier 1’s breasting mooring dolphin No. 3 located upstream of the main loading platform has deteriorated concrete encased H-piles, deteriorated and buckled steel pipe encased H-Piles, and severely deteriorated supporting piles. Applicant proposes to remove the current breasting mooring structure and replace at an immediate upstream location with a 36’x36’x4’ concrete cap supported by six plumb piles and eighteen spur piles. Applicant sought expedited review of its application.

The Department granted the Applicant’s request for expedited consideration as consistent with the public interest given the emergency nature of the repairs and held a public hearing on December 3, 2008. No member of the public attended the public hearing and no written comments have been submitted. Consequently, the Department’s presiding Hearing Officer, Robert P. Haynes, reviewed the administrative record and has recommended approval of the application. I agree with this recommendation and direct WSLs to issue the requested authority, subject to reasonable conditions as WSLs may include.

In sum, I adopt and direct the following as an Order of the Department:

1. The Department has jurisdiction under its statutory authority to make a determination in this proceeding;
2. The Department provided adequate public notice of the proceeding and the public hearing, and held the public hearing in a manner required by the law and its regulations;

3. The Department did not receive any public comments, but issues this Order consistent with its policy of issuing Orders for any decision on a public hearing;

4. The record supports the issuance of a subaqueous lands authorization to conduct emergency work to Pier No. 1 as requested in the application;

5. The duly authorized Department official shall timely prepare and issue the SLA authorization consistent with this Order and subject to the notice requirements; and

6. The Department shall provide notice of this Order to the persons affected by this Order, as determined by the Department.

s/John A. Hughes

John A. Hughes

Secretary