



MID-ATLANTIC ENVIRONMENTAL LAW CENTER

Defending the Mid-Atlantic

At Widener University School of Law

4601 Concord Pike, P.O. Box 7474, Wilmington, DE 19803-0474

302-477-2072 / Fax: 302-477-2032

www.maelc.org

October 3, 2008

VIA ELECTRONIC MAIL

Valerie Gray
Air Quality Management Section
Division of Air & Waste Management
156 S. State St.
Dover, DE 19901

RE: Regulation 1147 (RGGI Regulation Development Committee)

Dear Ms. Gray:

As one of the members of DNREC's RGGI Regulation Development workgroup, I attended two meetings in April and May. Mid-Atlantic Environmental Law Center has not submitted comments to the record in this matter because I believed our position was made fully clear by my extensive statements and queries during those meetings.

I have been greatly dismayed to discover that the draft minutes to those meetings as posted to the website reflect none of MAELC's positions. Not only is this inadequate for the purposes of the workgroup's function, but since they are posted to the Web, they give a misimpression to the public as to the Center's position, essentially that silence means consent. That is clearly not the case.

Suffice to say that the Center vociferously argued against the granting of an exemption from the RGGI program for the Valero Refinery. It is disturbingly poor policy to allow this for a facility which has been significantly increasing its carbon emissions as a percentage of the state total (and I believe in real terms as well). Valero's emissions are believed to exceed a million tons per year and their operational decisions to fire their electricity-generating boilers with petroleum coke, which is higher in carbon emissions, in order to achieve greater profits should not have been rewarded with this exemption.

The exemption of source categories such as refinery boilers from the RGGI auction cost the state of Delaware a significant amount of money that could have been used for the

public good and the transition to a clean energy portfolio. And it was a matter within DNREC's discretion.

The regulation should be revised to remove the exemption for Valero.

The Center's other issues with this regulation are well-documented from submittals to the original RGGI workgroup of 2007-2008.

Please enter this letter into the record on this proposed regulation.

Thank you.

Sincerely,

Michael D. Fiorentino
Michael D. Fiorentino
Executive Director

cc: Philip Cherry
Ron Amirkian