



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

OFFICE OF THE  
SECRETARY

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June 24, 2025

To the Delaware City community:

This letter follows a June 5 town hall where we promised the Department of Natural Resources and Environmental Control would do a better job communicating about environmental issues involving the Delaware City refinery. We take our environmental enforcement responsibility seriously and as DNREC Secretary I want to report to you on the status of two current enforcement actions.

Today, DNREC announced that we have issued a Notice of Violation – known as an NOV – to the Delaware City Refining Company for a 10-hour emissions incident that occurred on March 13, 2025. This NOV is for the unpermitted discharge of air contaminants, failure to operate a control device in accordance with the facility's air permit, and excess opacity (which means dark smoke) from its fluid coking unit.

This NOV addresses the refinery's March 13 emissions incident, which is separate from the [incident that recently occurred from May 26 to June 12](#) when a primary pollution control failed and a backup pollution control device was used. The May-June incident, which allowed emissions of sulfur dioxide above permitted levels, is still in the investigation stage of DNREC's enforcement process.

More detail about the refinery's March 13 release and the enforcement action DNREC is taking can be found in our announcement at: <https://news.delaware.gov/2025/06/24/dnrec-issues-notice-of-violations-to-refinery-for-march-emissions-release/>.

What we want the community to understand is that an NOV is just one step in the multi-stage DNREC enforcement process that generally includes:

1. **Initial report or notice of environmental release**, which for an industrial facility can mean emissions believed to be over reportable or permitted limits
2. **Environmental investigation**, including collection of emissions data and investigation into cause of the incident
3. **Notice of Violation**, which formally documents DNREC's understanding of the facts, background and a description of a violation
4. **Notice of Administrative Penalty Assessment**, proposing a monetary penalty based on the severity and duration of the violation.
5. **Notice of Conciliation**, prescribing specific actions a facility has agreed to take to return to compliance.

6. **DNREC Secretary's Order**, requiring corrective measures to be completed by a set deadline.
7. **Possible legal appeal by a company of DNREC's NOV, requirements or penalties**, which by law can go to the Environmental Appeals Board and to state court.

DNREC's administrative enforcement process is somewhat like the criminal process for people, where there is report of a crime, an investigation, a determination a crime occurred, an arrest, a trial and then a sentencing, with the possibility of appeal. Each of the steps has different requirements under state law, and going through these steps can take time. Today's announcement about the NOV for what happened March 13 is a step midway through that process, with any possible penalties coming later in the enforcement process.

Any penalty or requirements for the refinery's March 13 incident will be made public, and a portion of any monetary penalty goes into a fund that can be used by the local community for projects that benefit the environment.

We hope this letter to the Delaware City community is helpful in understanding the action we have announced today, and in understanding DNREC's enforcement process for violations that occur at any facility or company DNREC oversees.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Greg Patterson', with a stylized, cursive script.

Greg Patterson  
Secretary of DNREC