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Ocean Point Impeded Response to Smoldering Coke Fire, Exploited Crisis for Payment, PHRT Says

PHRT alleges negligence and opportunism by Ocean Point during a critical emergency

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A smoldering coke fire broke out at the Port Hamilton Refinery and Transportation facility on Aug. 21, 2022. By. ERNICE GILBERT, V.I. CONSORTIUM

Could the August 2022 petroleum coke combustion incident have been mitigated? A lawsuit filed last March says that Ocean Point Terminals and Port Hamilton Refining and Transportation were grossly negligent in their handling of the incident, resulting in serious and lasting physical and mental injuries to a Customs and Border Protection worker. Now, PHRT has filed a counterclaim in that lawsuit, seeking to transfer any of its potential liability on to Ocean Point.

According to the lawsuit filed in March, Nicole Wooten went to the refinery on August 8, 2022. That was the day Limetree Bay Terminals [changed its trading name](#) to Ocean Point Terminals. Ms. Wooten, however, was there to “complete facial control on a tugboat,” as part of her official duties at the U.S. Customs and Border Protection Agency. She said that when she got there, she could see smoke pouring out of the dome-shaped building on the site, which is reportedly jointly controlled by Ocean Point and PHRT. By that time, the petroleum coke inside that dome had been [smoldering for days](#).

In her complaint, she recounts waiting in vain for someone to arrive in order to provide her with personal protective equipment and to guide her safely around the site. When the expected escort did not come, she rolled down her window to ask two unmasked refinery workers if it was safe to get her work underway.

Ms. Wooten’s lawyers said that as soon as the windows came down, their client could feel smoke enter her lungs. Hardly able to breathe, Ms. Wooten began wheezing and coughing so hard that she vomited. Other acute reactions to the smoke inhalation were chest pains and uncontrollable tremors, the lawsuit says. She was rushed to hospital to receive immediate treatment, which comprised an injection of steroids and vials of inhaler solution.

Ms. Wooten, although having named PHRT as a defendant, alleges that it was Ocean Point Terminals who stood in the way of Port Hamilton’s attempt to quench the smoldering coke pile. Ocean Point, according to the lawsuit, prevented PHRT “from gaining access to PHRT’s firehouse on refinery property in order to obtain their firetruck and other firefighting and fire suppression gear,” for over two weeks while the smoldering intensified. The smoldering continued to release “thick black smoke” into the air every day and culminated with an [outright fire](#) in late August 2022.

Ms. Wooten’s lawsuit contends that the situation could have been brought under control much sooner if Ocean Point had allowed access to the firefighting equipment and allowed their employees to assist in efforts to extinguish the smoldering fuel.

On Thursday, Port Hamilton filed a response to Ms. Wooten’s second amended complaint, saying that accusations of negligence on their part are unfounded. The document agrees with Ms. Wooten that Ocean Point prevented PHRT from accessing key firefighting equipment, and admonished staff not to do anything to assist in the firefighting efforts.

A second filing on Thursday launched a crossclaim against Ocean Point, arguing that not only was OPT hindering firefighting efforts, the company was also using the crisis as leverage to get Port Hamilton to remit funds on a disputed invoice.

Ocean Point’s Fire Chief, the crossclaim argues, had to surreptitiously allow Port Hamilton workers to collect some equipment he had set aside. In a separate lawsuit, PHRT claims ownership of all the above-ground assets built on its portion of the land, making Ocean Point’s behavior even more egregious.

The crossclaim lays out a string of urgent messages over text and email from Port Hamilton’s refinery manager to Ocean Point’s chief operating officer, who reportedly ignored them for days at a time. The document also notes that while some OPT officials were denying firefighting assistance to Port Hamilton, others were reportedly applying pressure on Port Hamilton to pay certain disputed invoices.

As a result of Ocean Point's interference, Port Hamilton argues that it paid \$2.3 million more than it would have incurred otherwise. Ocean Point is also responsible for the \$2–4 million in damage to Port Hamilton's equipment, PHRT argues.

The crossclaim ends by asking the court to impose compensatory judgment on Ocean Point for any damages that PHRT might be found liable for. The lawsuit also calls for punitive damages.

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