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On Heels of Refining Restart at Limetree Bay, Four Environmental Groups File Lawsuit to Shut it Down

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Night shot of the then-HOVENSA refinery. By. BLOOMBERG

Just as Limetree Bay Partners [announced](#) that refining had finally resumed after being shutdown for more than eight years following the closure of the then-Hovensa plant in 2012, four environmental groups have filed a lawsuit that calls for the review of the permit awarded to Limetree Bay by the Environmental Protection Agency (EPA), which cleared the way for refining to resume.

That's according to a report from Washington-based news website [The Hill](#), with whom the groups spoke. The environmental organizations see an opening with the Biden administration that could possibly lead to a revoking of license under Michael Regan, President Biden's pick to lead the

EPA. On Wednesday, Mr. Regan told lawmakers in Washington that he would move without hesitation to reduce the footprint of greenhouse gas emissions that warm the planet and act swiftly to undo what was described as the damage done during the Trump administration years through the EPA under former Trump-appointed head Andrew Wheeler.

“Our priorities for the environment are clear,” Mr. Regan told the Senate Committee on Environment and Public Works. “We will restore the role of science and transparency at EPA. We will support the dedicated and talented career officials. We will move with a sense of urgency on climate change. And we will stand up for environmental justice and equity.”

Mr. Biden has shown his resolve to take environment-related action that results in the loss of thousands of jobs, when he signed an executive order on his first day in office [that killed the Keystone Pipeline project](#) between Canada and the U.S.

Hovensa had faced a number of environmental violations that led to EPA fines of more than \$5 million. However, after review from the EPA during the Trump administration, the agency approved oil refining restart and on Dec. 3 said [it had finalized](#) its "Clean Air Act Plant-wide Applicability Limit" permit for the Limetree Bay Terminals and the Limetree Bay Refining facility. The finalization came after what the EPA said was a "comprehensive review and evaluation of hundreds of comments received during the public hearing and public comment period." The final permit was issued along with a response to comments received from the public.

In the suit, the four environmental groups, which include the St. Croix Environmental Association, the Center for Biological Diversity, Natural Resources Defense Council (NRDC) and Sierra Club, asked for a review of the permit by the EPA's Environmental Appeals Board, according to The Hill.

The groups contend that the EPA failed to address “the disproportionate burden that an environmental justice community will bear and it failed to provide multi-lingual access to information.” Additionally, the groups allege that the agency approved refining restart based on “unacceptably high” pollution standards while disregarding the level of pollution restart would cause.

John Walke, clean air director for NRDC, told The Hill, "We allege that the emissions caps were set at unlawful levels because they failed to remove from the cap polluting equipment that had been shut down since 2012 and that failure represents a failure of Clean Air Act regulations. Mr. Walke told the publication that the spill matter was "the worst environmental justice abuse and the biggest air pollution permitting fiasco that I have seen in my 25 years as a clean air attorney."

He added, "Because we have a new administration now, not the administration that issued the permit, the Biden-Harris administration will have the opportunity to reopen the permit, to revoke the permit, to file papers with the environmental appeals board. This controversy could heat up to become a political and policy and legal controversy all at once and certainly the first marquee environmental justice controversy of the new Biden-Harris administration."

It remains to be seen how the case will unfold; the EPA told The Hill it had not commented.

The restart of refining on the south shore of St. Croix was hailed as a big win for the USVI by both the Biden administration and Limetree Bay executives. The facility has provided thousands

of jobs and has lifted the local economy and the government's coffers, the latter through taxes.

Jeffrey Rinker, chief executive officer of Limetree Bay, stated Monday, “We are thrilled to commence operations and begin producing quality fuels for our customers. As we move into Limetree’s next chapter of commercial operations, we are well positioned to succeed. In these difficult economic times, we are thankful to be able to support growth in the local economy and be a source of significant local employment for many years to come.”

Governor Bryan said, “This restart of the Limetree Bay Refinery is the culmination of years of hard work and is a big victory for St. Croix and the USVI. In these difficult economic times, I am very pleased that the Refinery is creating hundreds of well-paying, quality jobs for USVI workers," he said. "Limetree – thanks to its leading, global investors and business partners – has delivered on its promise to create world-class facilities that are well-situated to meet growing demands in the region and deliver local economic development to the USVI. We welcome and applaud them today for their commitment to the island and look forward to the successful continuation of our public-private partnership.”

The birth of Limetree Bay was [a Mapp administration-executed deal](#) that was years in the making. The former governor abandoned a previous agreement that was [underway during the de Jongh administration](#), contending it was not in the best interest of the territory. The Senate had already placed the deal on hold as senators poked holes into an operating agreement that was previously signed.