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Over 200 St. Croix Residents Tap Attorney Lee Rohn in Class Action Lawsuit Against Limetree Bay, Two Other Law Firms File Separate Class Action Complaints

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Ernice Gilbert **May 21, 2021**

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Smoke and fire rise from Limetree Bay Energy on Wednesday, May 12 following a massive flare incident at the plant's Coker Unit. By. ERNICE GILBERT FOR VI CONSORTIUM

The recent gaseous releases from Limetree Bay — the latest including oil droplets that accompanied plumes of smoke on May 12 following the large flare incident that resulted in the halt of refining — are among grievances that led to over 200 St. Croix residents making their way to the Law Offices of Lee Rohn and Associates for a [class action lawsuit](#) against Limetree Bay Energy, including the company's refinery and terminals operations, alleging multiple complaints, among them "noxious odors and injury to the people and property in St. Croix."

"Currently over 200 citizens of the Virgin Islands have signed up with Lee J. Rohn and Associates, L.L.C. to be a part of that class action, and hundreds more are signing up every day, either at the St. Croix office at 1108 King Street, Christiansted, 340.778.8855 or at <http://limetreelawsuit.com>," stated a release provided by the law firm Thursday.

According to the release, Lee J. Rohn and Associates is in consultation with Berger Montague, a stateside environmental law firm that successfully represented the class action against the Exxon Valdez pipeline disaster in Alaska and is one of the most renowned environmental law firms in the world. The well known local law firm said it will be seeking leave to have the attorneys from that firm admitted to the Virgin Islands Bar through the Supreme Court of the Virgin Islands so they can help with the actual lawsuit, once they are admitted.

"Lee J. Rohn and Associates, L.L.C. is proud to carry on its history of representing the citizens of the Virgin Islands against the damages this refinery has been causing for over 40 years," stated the release. "The lawsuit seeks monetary damages, including punitive damages, as well as injunctive relief to prevent the refinery from operating in an unsafe, unhealthy manner. No more should dollars be more important than health," said the release.

Ms. Rohn's firm joins at least two others that have filed class action suits against Limetree Bay this week, namely Colianni & Colianni, Burns Charest, LLP and the Pate Law Firm, see their complaint [here](#). The Dema Law Firm also [filed a complaint](#), which alleges that defendants "have negligent, and have created a nuisance and trespassed on residents' properties, by failing to exercise reasonable care in starting up and operating the refinery and terminal storage facility without the pollution controls needed to avoid class-area harm."

The complaint also states, "The prolonged personal disturbances experienced throughout the class area (offensive odors, breathing problems, burning eyes, nose and throat, headaches, nausea, worry), the nuisance to residents' property use, including oil showers and inability to use cisterns, and the four alarming incidents that have led to the EPA's temporary shutdown of the refinery, were all foreseeable. Defendants, with knowledge of the problems that precipitated the 2011 HOVENSA EPA Consent Decree, knew or should have known they would occur."

The class action suits come on the heels of Limetree's recent shutdown of refining following a massive flare event that startled residents. Though residents of St. Croix are used to flares, which is designed to burn off any product in the event of an upset within one of the refinery process units, May 12th's massive event caused widespread concern.

Limetree [shut down refining following the incident](#) and the Environmental Protection Agency on May 14 [ordered a 60-day halt](#). Since then, Limetree said it has been performing cleanup on properties on the west side of St. Croix, investigating the cause of the incident, and taking several other steps — including hiring an independent firm to audit the refinery and determine what caused the latest occurrence.

Limetree CEO Jeffery Rinker during a Tuesday meeting with senators at the plant, said while the firm had yet to determine the cause of the flare, preliminary findings pointed to an issue at the Coker unit where a bypass valve that was supposed to be locked during the phase when the Coker unit was being quenched, was not — a finding that Mr. Rinker said confounded investigators. Mr. Rinker said it had yet to be determined why the valve was not locked or who removed the lock. He said there's a highly controlled procedure that includes documentation review before the

bypass valve can be unlocked, and that during a March review of the Coker unit, documentation shows that the valve was locked, which was also verified in the field. However, on May 12 when the unusually large flare incident occurred, the bypass valve was unlocked.

"We're going to be shutdown until some independent experts tell us that we've fixed the problem and the refinery is safe to start and to operate compliantly and to operate without incidents," Mr. Rinker said. He said the company's primary goal was to get the refinery in a safe condition for an extended shutdown and to continue performing cleanup. Contractors have already started laying off employees as refinery operations wind down, which will impact the local economy.

Lawmakers throughout the meeting urged the company to start holding press events aimed at keeping the public informed, and Senate President Donna Frett-Gregory said that once an investigation has occurred, corrective action taken and oil refining eventually restarts, company officials will be summoned to the Legislature to provide a complete update to the community.

"We are very concerned about this situation, we know of the economic impact of Limetree to the territory, not only to St. Croix but to the U.S. Virgin Islands. We know the concerns around all that has occurred and we really should be calling a Committee of the Whole hearing," said Senate President Donna Frett-Gregory as she urged the company to be more forthcoming with the public.

Senator Kenneth Gittens said having the press events "was the right thing to do," though he understood the company's caution "from a business standpoint." However, "at some point I think you all really need to huddle together" to come up with a plan to address the public. "I think if you explain that to the community, they will realize that you are a good corporate citizen," Mr. Gittens said.

The same point was stressed by Senator Janelle Sarauw at the event. "Lack of communication breeds chaos," she said. "I'm being very stern right now that within 24 hours, Limetree Bay must have, not may, shall have a press conference. You have to talk to the people of St. Croix and that's all part of being good corporate citizens."

Another discussion at the meeting was determining the actual source of the odors, which residents have continued to complain about even after the refinery was shutdown last Wednesday. While the company had [taken responsibility](#) for two incidents — April 22 and May 6, — with refining halted and units shutdown, the investigation into the source of the smell has broadened since there's now the possibility that the origin could be elsewhere.

Relative to monitoring capabilities of the government, Senator Kurt Vialet said that since 2019, the Senate appropriated a total of roughly \$2.1 million to the Dept. of Planning and Natural Resources to procure the requisite resources needed to adequately regulate the refinery, primarily air quality monitoring. But the department, he said, had not utilized those funds. The lack of enforcement capabilities has played out embarrassingly for the local government, as the EPA had to travel to the territory to perform its own testing. The V.I. National Guard also provided its expertise and equipment in the government's effort to find the source of the odor.

In a press release issued late Tuesday, Ms. Frett-Gregory said lawmakers on Friday met with the commissioners of D.P.N.R. and the Dept. of Health, Jean-Pierre Oriol and Justa Encarnacion respectively, to discuss the incidents at Limetree Bay. Also at the meeting was VITEMA Director Daryl Jaschen.

"The purpose of the meeting was to discuss the protocols for timely notification, challenges the government entities were experiencing with working with Limetree and providing timely

information to the community. The Government's team acknowledged that there were communication challenges, and they are working towards ensuring that communication flows better so that those impacted are notified immediately," stated the release.

It continued, "Commissioner Oriol of the Department of Planning and Natural Resources indicated that the government is working with a vendor to get air monitors and had not yet used the funding appropriated to the agency to purchase the equipment to monitor the air quality.

"Commissioner Oriol advised the Senators that the federal EPA had placed temporary monitors to check the air quality at strategic locations on St. Croix. Senators urged the government's team to ensure that a protocol is properly established and communicated to the public.

"Senators stated that it is important that the Government of the Virgin Islands ensure that Limetree complies with all environmental regulations and that the only way to do so is to make sure the government is also monitoring the activities."