

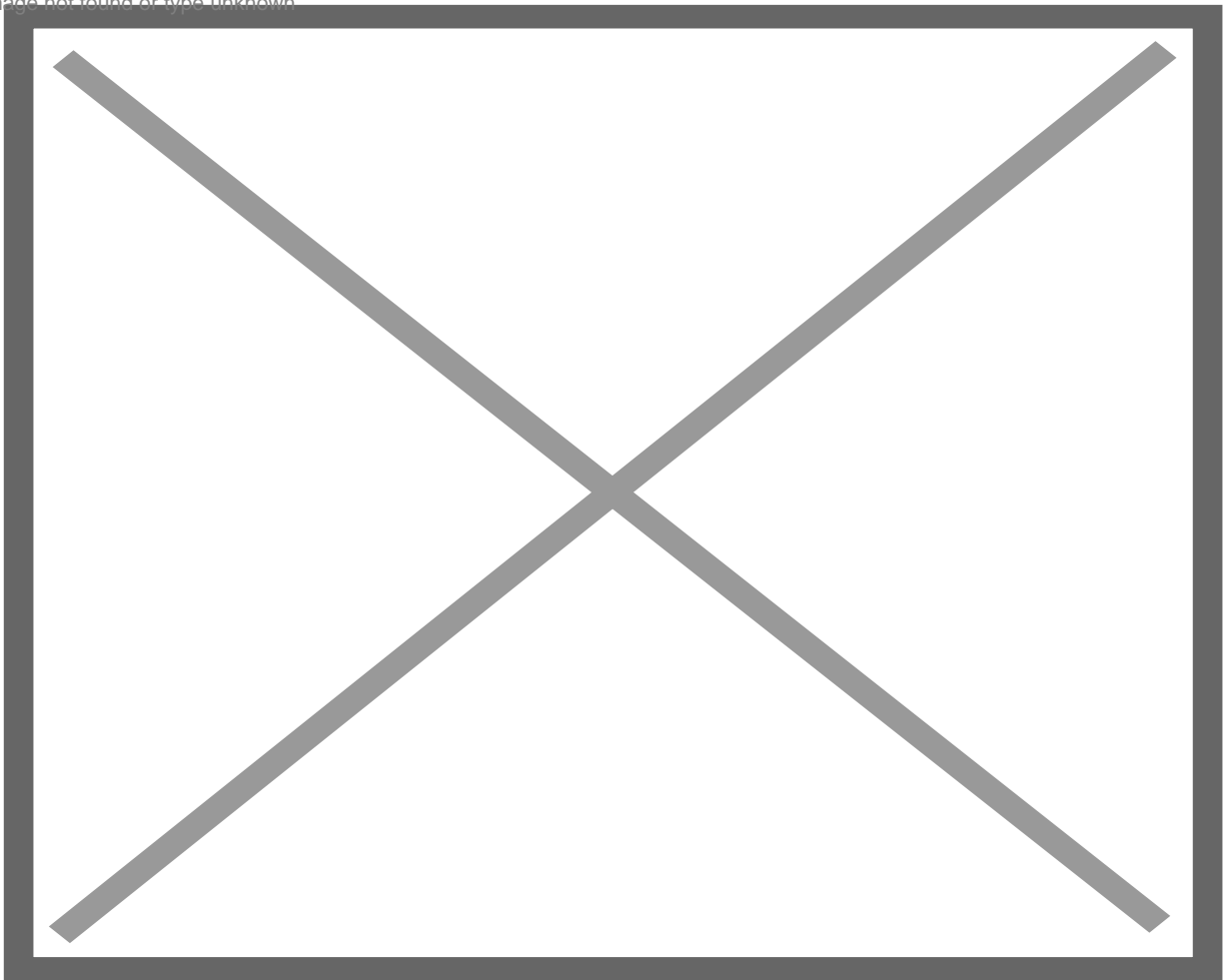
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U.S. Dept. Of Justice Files Complaint Against Limetree Bay on Behalf of EPA Alleging Refinery Presents 'Imminent and Substantial Danger to Public Health and Environment'

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The Limetree Bay Facility on the South Shore of St. Croix. By. ERNICE GILBERT FOR VI CONSORTIUM

The U.S. Department of Justice on Monday on behalf of the U.S. Environmental Protection Agency (EPA), filed a complaint in federal court in the U.S. Virgin Islands against Limetree Bay Terminals LLC and Limetree Bay Refining LLC (jointly Limetree Bay), the U.S. D.O.J. has made known.

The Consortium first brought the matter to the fore on June 30th when the publication reported that [investors were spooked](#) by the threat of an investigation into Limetree Bay refinery operations. At the time, U.S. Attorney for the Virgin Islands, Gretchen Shappert, told the Consortium she could not comment on the matter.

On Monday, the federal complaint against Limetree Bay alleged that the companies' St. Croix petroleum refinery "presents an imminent and substantial danger to public health and the environment." According to the U.S. D.O.J., a stipulation filed simultaneously with the complaint that acknowledges that the refinery is not currently operating and that Limetree Bay does not intend to restart the refinery at the present time, Limetree Bay has agreed to a number of requirements, including the following:

- Complete all corrective measures that are necessary to eliminate any imminent and substantial endangerment to public health or welfare or the environment posed by the refinery or refinery process units before the refinery or any refinery process unit restarts;
- Notify the United States and the court no fewer than 90 days before restarting the refinery or any refinery process unit;
- Install hydrogen sulfide (H₂S) and sulfur dioxide (SO₂) monitors at nine monitoring sites prior to restart of the refinery or any refinery process unit; and
- Submit a plan for EPA approval to purge hydrocarbons from refinery process units and other equipment at the refinery as part of the process of indefinite shutdown. The hydrocarbon purging plan will include the operation of ambient air monitoring.

"Today's action shows the Department of Justice's commitment to enforcing the Clean Air Act and protecting American communities from harmful air pollution," said Acting Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division.

"EPA is committed to ensuring that Limetree Bay's activities and operations comply with laws that protect public health," said Acting Regional Administrator Walter Mugdan for the EPA. "Today's action and stipulation further strengthen our work to protect communities near this refinery by securing a binding commitment from the company that any restart of operations or initiation of long-term shutdown activities, such as purging gases, must receive EPA's prior approval. These actions advance EPA's commitment to environmental justice and to protect clean air for those living in vulnerable and overburdened communities."

The U.S. D.O.J. said that since February of this year, the refinery experienced multiple major incidents resulting in significant air pollutant and oil releases. Many residents in the surrounding St. Croix community reported becoming sickened by some of the releases.

Following what the U.S. D.O.J. said amounted to four incidents at the refinery, EPA issued an administrative order to Limetree Bay Terminals LLC and Limetree Bay Refining LLC on May 14. The EPA order issued under Section 303 of the Clean Air Act required Limetree Bay to cease refinery operations; conduct an environmental compliance audit and process area audits of the refinery's flare system, delayed coking unit, and sulfur recovery unit; and submit a corrective measures plan to address the audits' findings.

Under Section 303 of the Clean Air Act, the EPA Order remains effective for 60 days unless the United States files a complaint seeking longer-term relief. By filing today's complaint, the EPA order is automatically extended by 14 days, said the U.S. D.O.J.

The complaint seeks an injunction requiring Limetree Bay to comply with the requirements of the EPA order, to take all measures necessary to eliminate the imminent and substantial endangerment before restarting refinery operations, including complying with the corrective measures plan, and other appropriate relief.

Limetree Bay late Monday announced it had filed for Chapter 11 bankruptcy and would [pursue a sale of its assets during the process.](#)