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Bryan Calls EPA's Shut Down of St. Croix Refinery 'Illegal,' 'Bogus,' 'Malicious.' 'They Don't Give a Damn.'

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Janeke Simon **February 10, 2023**

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The St. Croix oil refinery located on the island's south shore, now owned by Port Hamilton Refining and Transportation. By. ERNICE GILBERT/ V.I. CONSORTIUM

On Thursday afternoon, Governor Albert Bryan Jr briefed local journalists on his week in Washington D.C thus far. A major point of discussion was the current state of the refinery on St. Croix, the reopening push for which the governor said the Environmental Protection Agency (EPA) was “maliciously” hindering.

Mr. Bryan said he anticipated a lawsuit against the EPA would be brought forward sometime in the second quarter of the year, which would argue that the agency’s shutdown of the refinery in May 2021 was illegal and thus should be quashed.

The foundation of that argument, the governor summarized, was two-fold. First, he says the EPA used an obscure, rarely used rule. In 30 years, Mr. Bryan told reporters, "They've only used it twice. And one of the times was ours." Secondly, he argues that the EPA could not claim imminent danger to the public ahead of their shutdown order, because "I had already told the refinery they had to shut down and they complied with my request." He went on to call the EPA enforcement actions "bogus," and implied the agency was employing stalling tactics in hopes that if the facility remains idled for long enough, investment capital would dry up and the project would fail once more.

That outcome, the governor warned, would come at a huge cost to the territory, and could end up working counter to the EPA's stated objectives of ensuring a clean, safe environment for people to live and work.

"If they fail in a bad way, then what happens? Then we have a hulking mass forever, or God forbid, lawsuits start."

Mr. Bryan reflected on how long it could take to begin to tackle the enormous facility if this latest attempt to restart the refinery fails. "That thing could be rusting away there for 20 years before anything ever happens. Think about it rusting away, and then us having to have another storm and all that debris flying around. So, you know, I tell the EPA all the time, yeah, you are pushing for a cleaner environment, but you're gonna end up having a worse one if that thing is just rotting away untended."

Apart from the huge challenge in physically safeguarding and cleaning up the area, if investors abandon the restart project, Mr. Bryan said he could foresee major headaches arising around liability as well, with nobody to assume responsibility for the masses of aging iron.

"Like you said today they [EPA] issued the permit. Suppose there's nobody to issue that permit to. What happens then? And it is no-one, you know, it's just essentially mothballed and gets tied up in litigation for years. So the EPA ... like I said, they don't give a damn, but we are gonna be stuck with the problems."

When asked whether he was discouraged by the billions of dollars thus far poured into attempts to return the refinery to production that have yielded no returns to date, Governor Bryan remained resolute in his support of the project and its new owners. "So as long as the investor is in, you know, I'm in, and Port Hamilton is very aggressively trying to get it done trying to find new investors and it's difficult. So we continue to support them. When they say they've had enough, then we'll have enough."

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