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Port Hamilton Says Court Ruling Gives 'Clear Path' to Refinery Restart; EPA Vows to Maintain Scrutiny

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An aerial shot of the refinery on St. Croix's south shore. By. ERNICE GILBERT, V.I. CONSORTIUM

The parties have responded to Monday's ruling by the 3rd Circuit Court of Appeals, which found that the Environmental Protection Agency overstepped when it required Port Hamilton Refining & Transportation to obtain a particular permit before it could restart operations at the St. Croix refinery facility.

[As reported by the Consortium](#), the court held that the language of the Clean Air Act was clear and unambiguous in restricting these EPA requirements only to facilities constructed or modified after August 1977. The St. Croix refinery, built in the late 1960s, was not subject to such

requirements, the court found, ordering the EPA's final determination letter to Port Hamilton vacated.

PHRT Vice President and Refinery Manager Fermin Rodriguez said that he was "gratified" by the court's decision, since it cleared the major hurdle impeding the company's efforts to resume refinery operations. According to Mr. Rodriguez, despite the disagreement over how it is done, "Port Hamilton shares EPA's concern for the environment and people of St. Croix."

With the court's recent decision, PHRT will now have "a clear path to resuming operations at the refinery in a manner that is in full compliance with all EPA, OSHA and Virgin Islands Department of Permitting and Natural Resources requirements," said Mr. Rodriguez.

Governor Albert Bryan Jr. welcomed the development. "The court's decision today is a significant milestone in the refinery restart and for the St. Croix manufacturing economy. It affirms my longstanding position that the Environmental Protection Agency was less than judicious in requiring this permit," he said. "As a former employee at that very refinery, I understand its value to the Virgin Islanders who rely on this critical industry to feed their families and, as Governor, remain fully committed to the safety of those individuals and the residents of St. Croix as we strive to realize environmental and economic justice in our community."

Meanwhile, the EPA says that it is currently contemplating its next steps as it reviews the court's decision. The agency says it remains focused on ensuring that environmental laws are adhered to, and will "continue its efforts to prevent environmental harms in this community and disproportionate burdens to its residents."