

Image not found or type unknown

Ocean Point Terminals Fails to Halt Water Distribution Program

Business / **Published On August 16, 2023 05:32 AM /**

Ernice Gilbert **August 16, 2023**

Image not found or type unknown



The St. Croix refinery's massive flare incident on May 12, 2021. By. V.I. CONSORTIUM

On Tuesday, District Court Judge Wilma Lewis rejected a motion by Limetree Bay Terminals, currently known as Ocean Point Terminals, to pause the implementation of a court-mandated water distribution program.

Earlier in January 2023, plaintiffs on St. Croix initiated a motion proposing the creation of a water distribution system, responding to concerns that the [2021 flare from the refinery](#) might have compromised the local water supply. Recognizing the complexity of the issue, the District Court decided in February to approach the motion in two phases: determining the entitlement and then outlining the scope and structure.

After an exhaustive four-day evidentiary hearing in April, the court determined, through its phase one opinion, that there was indeed a justified need for such a water distribution program, particularly for individuals who couldn't procure clean water without sacrificing other basic essentials.

July 2023 saw another series of comprehensive hearings focused on the program's logistics. Following these discussions, the District Court introduced the water distribution program based on its phase two opinion.

However, this decision didn't sit well with Ocean Point. On August 7, the company [lodged a notice of appeal](#) against the preliminary injunction orders and subsequently presented a motion to stay the next day, aiming to suspend the preliminary injunction during the appeal process.

In its motion, Ocean Point largely reiterated its original objections to the plaintiffs' motion — arguments that the court had previously dismissed. Ocean Point had argued that it is unfair for the company to be required to pay millions of dollars per year (one reportedly conservative estimate puts the cost at just under \$7 million annually in water costs alone) when it was not the owner or operator of the company that caused the harm that the plaintiffs are alleging.

Because Limetree Bay Refinery and Limetree Bay Terminals were related, but separate companies, the terminals entity should not be liable or responsible for any harms caused by the refinery, Ocean Point contended in court.

Ocean Point also argued that the water distribution program, if it continues as ordered, might mislead the public into believing that widespread water contamination exists, when it claims that there is no evidence of such. "Speculation is at the heart of Plaintiffs' allegations in this litigation," Ocean Point contends, and objects to being subject to judicial orders based on said speculation.

Even so, the court emphasized that revisiting these once-rejected arguments wouldn't necessarily guarantee a successful appeal.

Moreover, Ocean Point's concerns regarding potential irreversible reputational damage, should they be compelled to oversee the water program, were also addressed by the court. The court pointed out that the company's reputation might have already been tainted, given existing public records linking it to the alleged water contamination.

With these considerations, Judge Lewis decided against Ocean Point's motion, stressing the importance of ensuring continued access to clean water for the affected residents.