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Environmental Groups and Limetree Refinery Both Challenging Terms of Refinery Permit

Several environmental groups filed an appeal this week to contest St. Croix's Limetree Bay Refinery's pollution limit permit from the Environmental Protection Agency for being too lenient.

Meanwhile, the refinery is contesting it, arguing it is too strict.

The renovated refinery [began commercial refining a week ago](#) after an eight-year closure, and refinery officials say the permit fight does not threaten to prevent the refinery from continuing operations.

The former Hovensa refinery closed in 2012, after several unprofitable years and a 2011 agreement with the EPA to [pay \\$5.3 million in fines](#) and spend \$700 million on plant upgrades to reduce emissions.

The St. Croix Environmental Association, [Center for Biological Diversity](#) and Sierra Club, in collaboration with Natural Resources Defense Council, Vermont Law School's Environmental Justice Clinic and The Neville Law Firm LLC, filed a petition for review of Limetree Bay's Plantwide Applicability Limit permit with the EPA's Environmental Appeals Board. According to the St. Croix Environmental Association, the appeal faults the EPA for setting lenient pollution standards in the permit and failing to protect the citizens and environment of St. Croix.

"The reality is that refining oil is a dying industry and it is very shortsighted that our politicians think that reviving the refinery is the only way to 'save' the island of St. Croix. In fact, reviving an oil refinery in the 21st century speaks to a lack of respect for people and nature, and a lack of understanding and/or regard of historical and current world affairs," Kemit Amon-Lewis, a marine scientist from St. Croix, said in a statement from the St. Croix Environmental Association.

The St. Croix Environmental Association argues the pollution has the potential to greatly affect St. Croix's public health and environment.

When the EPA called for public comments in November 2019, SEA filed comments that identified problems with the draft permit and advocated for the EPA to deny it. Over 900 people commented on a change.org petition created by SEA.

“The entire south shore of St. Croix is gone forever. It is the most polluted place in the Virgin Islands’ coastal waters. If senators had hiked with me on the south shore of St. Croix, they would have probably not voted for the agreement,” Olasee Davis, ecologist, active Virgin Islands historian and environmental preservationist, said in the statement from SEA.

“The future of St. Croix should not be a pollution haven for a dying oil industry that contributed to the climate crisis. Our community is based on a lifestyle and well-being that is closely tied to clean air, clean water and a healthy environment. We want to create a strong, resilient future based in sustainability. Going beyond value judgments on the refinery being ‘bad’ or ‘good,’ our coalition, made up of local and national experts, closely examined the permit to see whether the EPA followed environmental laws and policies. In our appeal, we believe that the answer is ‘no,’” said Jennifer Valiulis, executive director of St. Croix Environmental Association.

Reached by phone on Thursday, attorney Elizabeth Neville raised two main concerns with the permit. One, the level of pollutants allowed by the EPA Plantwide Applicability Limit permit issued in December is based on the amount of pollution emitted in the final months of the former Hovensa refinery’s operation, whereas they feel those limits should be higher.

“They are essentially what they were set at right before they were being fined under the Clean Air Act,” Neville said.

Also, they object to the permit designating Limetree as a “restarted” facility instead of a new facility.

At the time the permit was initially being considered, SEA argued EPA regulations required a plant shut down for more than two years be subject to the more rigorous standards applicable to a “new” facility.

“But the Trump administration threw out that policy,” Neville said.

Meanwhile, the refinery has appealed the same permit, opposing its requirement that Limetree performs ambient air quality testing.

“Not only does EPA lack the legal authority to make Limetree responsible for conducting ambient air monitoring as a condition of a PAL permit, [but] the facts do not support EPA’s speculation that the facility’s emissions might cause air quality violations,” the company argues in its filing.

Asked for comment on the environmental group’s contesting of the permit, the company issued a statement on Thursday, saying the permit “will give Limetree the flexibility to explore more projects at the refinery that could lead to more local jobs and investment. This permit is not a requirement for the restart of the refinery.”

Prior to closing in 2012, the Hovensa refinery employed around 2,000 people directly and another 2,000 indirectly and generated more than \$100 million annually in tax revenues for the

territory. Limetree Bay's partial restart is smaller and may employ 700 people permanently and generate somewhat less revenue, but it is still a major economic engine.

At the same time, refineries, in general, have a troubled environmental history. The Hovensa plant had a long history of flares, sulfurous odors and aerosol sprays of oil that impacted neighboring residents. And the Limetree plant [had a large flare](#) not long before restarting.