



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail – Fermin.Rodriguez@phrt.com

Fermín Rodríguez
VP, Refinery Manager
Port Hamilton Refining and Transportation, LLLP
1 Estate Hope
Christiansted, VI 00820

Re: Information Request, Reference Number: CAA-02-2024-1402

Dear Mr. Rodríguez:

The Clean Air Act, 42 U.S.C. §§ 7401 *et seq.* (“CAA” or the “Act”), at Section 114, 42 U.S.C. § 7414, authorizes the U.S. Environmental Protection Agency (“EPA”) to require submittal of information to, among other things, assess compliance with the Act and regulations promulgated pursuant to the Act. This Information Request requires Port Hamilton Refining and Transportation LLLP (PHRT) and the Transition Refinery Entity (TRE) (collectively, PHRT/TRE) to submit certain information about your facility at 1 Estate Hope, Christiansted, VI 00820 (the Facility) related to compliance with applicable CAA requirements.

Pursuant to Section 114 of the Act, this Information Request requires PHRT/TRE to submit all the information described in Enclosure 1. Failure to submit the requested information is a violation of Section 114 of the Act, and may result in an order to comply, an order for administrative penalties, or a civil action for penalties and an injunction requiring compliance pursuant to EPA’s enforcement authority provided in Section 113(a) of the Act. *See* Enclosure 2. In accordance with Section 113(c)(2)(A) of the Act, any person who knowingly makes any false statement, representation, or certification, or who omits material information from or knowingly alters, conceals, or fails to file a response to this Information Request, may be subject to a criminal action. The authority to issue this Information Request has been delegated to the Director of the Enforcement and Compliance Assurance Division. PHRT/TRE is an owner and/or operator of emission sources at the Facility. We may use any information submitted in response to this request in an administrative, civil, or criminal action.

You may choose to assert a business confidentiality claim covering all or part of the information submitted. You may not, however, withhold any information on that basis. For EPA to consider a claim of business confidentiality for one or more of the documents submitted by you, a cover sheet, stamped or typed legend, or other suitable form of notice must be placed on or enclosed with the document, with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. To facilitate identification and handling by EPA, if you submit any documents in hard copy format, please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials that you assert are entitled to confidential treatment are in a separate envelope. Note that “emission data,” as defined in 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act. *See* 42 U.S.C. § 7414(c). If no confidentiality claim accompanies the information received by EPA, the information submitted as part of your response may

be made available to the public without further notice to you. EPA will disclose information covered by a confidentiality claim only to the extent allowed by, and in accordance with, the procedures set forth in EPA's public information regulations at 40 C.F.R. §§ 2.201, *et seq.* (*see* 41 Fed. Reg. 36902 (Sept. 1, 1976)), and with applicable case law.

In order to comply fully with this Information Request, your response must include a completed Certification of Response (*see* Attachment 1 to Enclosure 1), notarized by a notary public, and signed by you or another officer of your company. Your responses to the questions in Enclosure 1, including all supporting documents and the Certification of Response, must be submitted by email to Mr. Robert Buettner of the EPA, in accordance with the schedule set forth in Enclosure 1, at his email address below:

Robert Buettner, Chief
Air Compliance Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway – 21st Floor
New York, New York 10007
Buettner.Robert@epa.gov

with copies sent to:

Harish Patel
Patel.Harish@epa.gov

Alex Rivera
Rivera.Alex@epa.gov

Patrick Foley
Foley.Patrick@epa.gov

The requested information shall be submitted to EPA within the timelines indicated for the specific requests in Part III of Enclosure 1. You may request an extension of any timeline to respond by email to Mr. Buettner at his email address above. Please include the reason(s) for the delay in responding and a proposed response date. In order to allow sufficient time for review, any such request for an extension of time must be made at least ten calendar days prior to the date on which the requested information is due to EPA. An extension of time will be effective only if granted by EPA in writing.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

You should direct any questions about this information request to Harish Patel in the EPA, Region 2 Air Compliance Branch at Patel.Harish@epa.gov or 212-637-4046, or you may have your attorney contact Sara Froikin in the EPA, Region 2 Office of Regional Counsel at Froikin.Sara@epa.gov or 212-637-3263. We appreciate and look forward to your prompt response.

Sincerely,

KATHLEEN
ANDERSON

Digitally signed by
KATHLEEN ANDERSON
Date: 2023.12.20 08:39:03
-05'00'

Kate Anderson, Acting Director
Enforcement and Compliance Assurance Division

Enclosures

Cc: Jean-Pierre Oriol, Commissioner
US Virgin Islands Department of Planning and Natural Resources
JP.Oriol@dpr.vi.gov

Austin Callwood, Director of Environmental Protection
US Virgin Islands Department of Planning and Natural Resources
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ENCLOSURE 1

INFORMATION REQUEST PURSUANT TO SECTION 114 OF THE CLEAN AIR ACT

The U.S. Environmental Protection Agency (EPA) requires the submittal of information regarding operations and compliance for the facility owned and/or operated by West Indies Petroleum Limited, Port Hamilton Refining and Transportation LLLP, and/or the Transition Refinery Entity located at 1 Estate Hope, Christiansted, St. Croix, VI 00820.

Part I: Instructions

In preparing your responses, please refer to the following instructions:

1. A complete and separate response must be provided for each numbered information request paragraph below. Identify each response with the same paragraph number to which it corresponds.
2. Provide all supporting documentation for each response. Supporting documentation includes, but is not limited to, company records (such as logs, receipts, ledgers, etc.), notifications or reports that have been submitted to EPA and/or the Virgin Islands Department of Planning and Natural and Resources (VIDPNR), manufacturer's equipment specifications and equipment certifications, and other similar types of documents. For each document submitted, indicate the paragraph number to which it responds.
3. Provide as precise and complete a response as possible, even if the information sought was never documented in writing, or if the written documents are no longer available. Consult with all present and past employees and agents whom you or other employees or officers have reason to believe may be familiar with the matter to which the question pertains. Provide the name of each person responding to each information request paragraph, along with the names of all persons consulted in the preparation of each response.
4. If the requested information or documentation cannot be made available, state the reason(s) why it cannot be made available, and provide all information that could lead to obtaining it. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be specific.
5. In response to each question below, please provide, in detail, all relevant information. Please submit your responses to the EPA electronically. You may submit your responses electronically using any of the following methods: a) via electronic mail sent to Robert Buettner at the following address: Buettner.Robert@epa.gov; b) by providing the EPA with a link to the file sharing service of your preference where we may download the documents; or c) by requesting a link from the EPA to our file sharing service where you may upload the documents. If the information requested is not in existence or is not available, submit a statement certifying that fact, along with an explanation supporting such certification.
6. Under Section 114 of the Clean Air Act (the Act), PHRT/TRE must supply the requested information. The requested information must be submitted in accordance with the schedules in Part III: Specific Information Request, unless EPA grants, in writing, an extension of time to respond.

Part II: Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401 *et seq.*, and its implementing regulations. Where reference is made to the EPA regulatory provisions only, however, you should also apply the applicable federally approved state provisions when appropriate. Specific terms are defined as follows:

- A. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these.
- B. The term “Facility” shall mean the facility owned and/or operated by West Indies Petroleum Limited, Port Hamilton Refining and Transportation LLLP, and/or the Transition Refinery Entity located at 1 Estate Hope, Christiansted, St. Croix, VI 00820.
- C. The terms “you,” “your” or “PHRT/TRE” means the following: the addressees of this Information Request, Port Hamilton Refining and Transportation LLLP and the Transition Refinery Entity.

Part III: Specific Information Request

Information Request

Please provide the information requested in questions 1 through 16 of this Part III of Enclosure I within thirty (30) days from the receipt of this Information Request. Unless otherwise stated, the information requested below shall be submitted in Microsoft Excel, Microsoft Word, or optical character recognition (OCR) Adobe Acrobat PDF format depending on the information requested.

Questions Related to the Flare No. 8 Continuous Emissions Monitoring System (CEMS):

1. For the Extrel Mass Spectrometer on Flare No. 8, provide copies of all specification sheets for the composition (concentration of each component) and Net Heating Value of the zero and span calibration gases you used for hydrogen sulfide (H₂S), Net Heating Value and for the Total Reduced Sulfur (TRS) required CEMS. Provide this information for any calibration gases used from January 1, 2023 through November 30, 2023, and indicate the date range during which each calibration gas was used. For any calibration gas specification sheet that you have already provided, please indicate the date it was provided and to whom the sheets were sent.
2. Provide a copy of the Standard Operating Procedure (SOP) used by the operator to conduct the daily and quarterly calibrations for the Mass Spectrometer.
3. For the daily calibration, for H₂S, Net Heating Value and TRS, indicate the time of day that automatic calibration was scheduled to occur on each day from January 1, 2023 through November 30, 2023.
4. For the weekly CEMS data submitted to EPA, provide revised Excel spreadsheets, indicating the times and results of the daily and manual calibrations for the zero and span calibrations for H₂S, Net Heating Value and TRS and an indication if the calibration passed or failed for each calibration conducted from January 1, 2023, through November 30, 2023.
5. For the weekly CEMS data submitted to EPA, provide information on the criteria/process used by the computer program to color code the CEMS data (as F, E, C, S, I, M, T, *, U and D), and whether PHRT/TRE is able to or has tailored any of those criteria. For each tag used (F, E, C, S, I, M, T, *, U and D) in the weekly spreadsheet, state precisely the criteria used by the computer program to automatically flag the data, and for each tag used, state who developed the criteria used by the computer program, and why the criteria are used.
6. For the weekly CEMS data submitted to EPA, provide information on which times from January 1, 2023, through November 30, 2023, the color coding of the information in the spreadsheets was changed manually, rather than just coded by the computer program; what was the original code; and why the coding was changed manually rather than relying on the existing computer program criteria.
7. Provide all correspondence (formal letters and emails and any attachments thereto) between PHRT/TRE and Extrel (including reports written by Extrel) from July 1, 2023 through December 19, 2023 related to the Extrel Mass Spectrometer CEMS installed on the flare header for Flare No. 8.

8. For the vent gas flow meter on Flare No. 8, provide an explanation of why the weekly CEMS data submitted from January 1, 2023, through November 30, 2023, indicates a flow through the monitoring device, when applicable, when PHRT has represented to EPA that the flare header to the flare is physically blinded. Provide copies of the last preventive maintenance report for the vent gas flow meter, and records of all quarterly inspections and calibration checks from January 1, 2023, through November 30, 2023.
9. For the vent gas flow meter on Flare No. 8, state the diameter of the duct in which the flow meter is installed. Provide a calculation of both the minimum detectable flow of the flow meter in standard cubic feet per minute and the accuracy of the flow meter in standard cubic feet per minute for (a) velocities less than 0.1 feet per second, (b) velocities between 0.1 to 1 foot per second, and (c) velocities of 1 foot per second and greater. State whether the flow meter can detect flow in either direction; whether, if flow is in the direction of towards the flare, the flow indicated will be indicated as negative or positive; and, if the flow is in the direction of away from the flare, whether the flow indicated will be indicated as negative or positive. Provide supporting documentation for the calculations and the conclusion on the direction of flow of the flow indication.
10. In an email from Catherine Elizee to Patrick Foley on December 11, 2023, PHRT provided a Power Point file indicating that ten blinds are installed in the flare header system for Flare No. 8. For each blind in the flare header system of Flare No. 8, provide a Piping and Instrument Diagram (P&ID) that indicates by color highlighting the location of the blind on the diagram. Provide the date each blind was installed, and indicate how you ensure that vent gas is not leaking past the blind. Provide all records that document any visual observations of the blind, such as photos, inspection checklists, reports, and any other documentation.
11. For the nitrogen purge operated on the flare header for Flare No. 8, provide a P&ID that indicates the location of the nitrogen injection into the flare header in relation to the blinds, Extrel CEMS, and flow CEMS, and describe the purpose of the nitrogen purge.
12. For Flare No. 8, for each 15-minute period of each day from January 1, 2023 through November 30, 2023, state whether a pilot flame was present. Provide the date that the pilot flame was last present on Flare No. 8 and if the pilot flame was not present state why the pilot flame was turned off.

Questions Related to the Pressure Relief Devices (PRDs) at the Refinery:

13. Provide a list of all PRDs at the refinery that can vent to the atmosphere, and identify the process unit and location within the process unit for each PRD identified, or confirm that the list of PRDs identified on Attachment 2 to Enclosure 1 (marked CBI and provided as a separate electronic file) is a complete list of such PRDs. Describe how this list was developed (whether newly provided or previously submitted), and provide copies of supporting documentation consulted to develop the list.
14. For the atmospheric PRDs identified in Attachment 2 to Enclosure 1 (marked CBI and provided

as a separate electronic file), as well as any additional PRD located at the refinery that can vent to the atmosphere, provide the information requested below:

- a. Submit a P&ID for each process unit that indicates by color shading the location of the PRD.
- b. State if each PRD is equipped with a relief valve or rupture disk (*see* 40 C.F.R. § 63.648(j)).
- c. For each PRD that can vent to the atmosphere, indicate if it is exempted from the pressure release management requirements identified in 40 C.F.R. § 63.648(j)(5). Identify the exact basis for the exemption and submit any documentation supporting how you arrived at this determination.
- d. For each PRD that can vent to the atmosphere, identify each method PHRT/TRE uses to monitor the PRD for release to the atmosphere, including but not limited to monitoring for purposes of compliance under the requirements of 40 C.F.R. § 63.648(j)(3)(i) and (ii). Provide all supporting documents and/or records to supplement PHRT/TRE's response.
- e. For each PRD that can vent to the atmosphere, using the data produced by the monitoring described in question 13.d above, provide a list of each release event that occurred from August 1, 2020 through November 30, 2023, and for each event identify the specific PRD that released to the atmosphere, the start time and date of the release event, the end time and date of the release event, the cause of the release event, and whether the release event was the result of operator error, poor maintenance, or force majeure.
- f. For each PRD release event since August 1, 2020, provide all documentation required to be kept pursuant 40 C.F.R. § 63.648(j)(3)(iii) through (v). This would include, but is not limited to, copies of root cause analyses, corrective actions, and other records related to any PRD release event or efforts made to address those releases, that are in PHRT/TRE's possession and/or reasonably obtainable by PHRT/TRE.
- g. Identify each release to the atmosphere from PRDs that is a violation under 40 C.F.R. § 63.648(j)(3)(v); the specific subparagraph of 40 C.F.R. § 63.648(j)(3)(v) that was violated for each such release; whether the violation was reported in a semi-annual report; and the page number within the semi-annual report where the violation was reported.
- h. In PHRT's November 30, 2023, email from Fermin Rodriguez to Harish Patel, PHRT states that "none of the process units are in use at this time." In PHRT's July 28, 2023, supplemental response to CAA 114 Information Request CAA-02-2023-1422, PHRT provided volumes of hydrocarbon vapors and liquid that remain at the refinery, including in Crude Units No. 5 and No. 6 and Vacuum Unit No. 3. For each process unit that is indicated as containing vapor or liquid in PHRT's July 28, 2023, supplemental response, state whether the PRDs in that process unit are being monitored under MACT Subpart

CC. Provide copies of all monitoring records in PHRT/TRE's possession and/or reasonably obtainable by PHRT/TRE for the time period of August 1, 2020, until present.

- i. For the atmospheric PRDs identified on the attached page (marked CBI), as well as any additional PRD located at the refinery that can vent to the atmosphere, provide the following:
 - i. State whether the PRD is "in organic HAP service" as defined at 40 C.F.R. § 63.641 and provide the basis and all supporting documents and data (including all Method 18 test results) consulted in reaching that conclusion.
 - ii. If an atmospheric PRD identified on the attached page (marked CBI) is determined to not be "in organic HAP service":
 1. Submit all Method 18 analyses of the process fluid contained in or contacting the piping or vessel served by the PRD that were previously completed in accordance with 40 C.F.R. part 60, appendix A, and provide the date of completion of the analyses and the results of such analyses; or
 2. If no such Method 18 analysis exists, conduct a Method 18 analysis of the process fluid contained in or contacting the piping or vessel served by the PRD, in accordance with 40 C.F.R part 60, appendix A. Provide the date of completion of such analysis and submit the results of such analysis.

Questions Related to Fenceline Monitoring at the Refinery:

15. Provide plot plan(s) that delineate the refinery property and process equipment owned and/or operated by PHRT/TRE, from the terminal property and process equipment owned and/or operated by Ocean Point Terminals. On such plot plan(s), indicate the location of each passive monitor installed to comply with the requirements of 40 C.F.R. § 63.658(a).
16. For each passive monitor installed at the refinery to satisfy the requirements of 40 C.F.R. § 63.658(a), provide the location in degrees latitude and longitude to the fifth decimal place, state whether the passive monitor is installed on property owned by PHRT/TRE, and state whether the location complies with the siting requirements of Section 8.2 of Method 325A of appendix A of 40 C.F.R. part 60, and specifically section 8.2.1 that requires that each passive monitor be located ". . . on an internal monitoring perimeter **on or inside** the facility boundary" and section 8.2.1.1 that requires that each passive monitor be located ". . . between the property boundary and any potential emission source near the property boundary, as long as the distance from the source to the monitoring perimeter is at least 50 meters (162 feet)."

ATTACHMENT 1 TO ENCLOSURE 1

CERTIFICATION OF RESPONSE

State/Territory of _____:

County of _____:

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in response to the Information Request and all documents submitted with this response, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted with this response are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that for one year from the date of the Information Request, I am under an obligation to supplement my response to the Information Request if any additional information relevant to the matters should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this ____ day of _____, 2024

Notary Public