



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**Via Electronic Mail** – [Fermin.Rodriguez@phrt.com](mailto: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-02-2023-1422**

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 West Indies Petroleum Limited (WIPL), Port Hamilton Refining and Transportation LLLP (PHRT), and the Transition Refinery Entity (collectively, WIPL/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 WIPL/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. WIPL/PHRT/TRE owns and operates 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 scanned, and 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 – 21<sup>st</sup> Floor  
New York, New York 10007  
[Buettner.Robert@epa.gov](mailto:Buettner.Robert@epa.gov)

with copies sent to:

Harish Patel  
[Patel.Harish@epa.gov](mailto:Patel.Harish@epa.gov)

Alex Rivera  
[Rivera.Alex@epa.gov](mailto:Rivera.Alex@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](mailto: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](mailto:Froikin.Sara@epa.gov) or 212-637-3263. We appreciate and look forward to your prompt response.

Sincerely,

**DORE LAPOSTA** Digitally signed by DORE  
LAPOSTA  
Date: 2023.05.22 18:36:13 -04'00'

Dore F. LaPosta, 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](mailto:JP.Oriol@dpr.vi.gov)

Austin Callwood, Director of Environmental Protection  
US Virgin Islands Department of Planning and Natural Resources  
[Austin.Callwood@vi.gov](mailto:Austin.Callwood@vi.gov)

Catherine Elizee  
Port Hamilton Refining and Transportation, LLLP  
[Catherine.Elizee@phrt.com](mailto:Catherine.Elizee@phrt.com)

Julie R. Domike, Esq.  
Babst Calland, Attorneys at Law  
[JDomike@babstcalland.com](mailto:JDomike@babstcalland.com)

Gary Steinbauer, Esq.  
Babst Calland, Attorneys at Law  
[GSteinbauer@babstcalland.com](mailto:GSteinbauer@babstcalland.com)

Matthew Morrison, Esq.  
Pillsbury Winthrop Shaw Pittman LLP  
[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)

## 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 of the West Indies Petroleum Limited (WIPL), Port Hamilton Refining and Transportation LLLP (PHRT), and the Transition Refinery Entity (TRE) (collectively, WIPL/PHRT/TRE) facility located at 1 Estate Hope, Christiansted, St. Croix, VI.

#### 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](mailto: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), WIPL/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 by West Indies Petroleum Limited and Port Hamilton Refining and Transportation LLLP located at 1 Estate Hope, Christiansted, St. Croix, VI 00820.
- C. The terms “you,” “your” or “WIPL/PHRT/TRE” means the following: the addressees of this Information Request, West Indies Petroleum Limited, 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 4 of this Part III of Enclosure I within twenty-one (21) 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.

1. Identify all refinery process units that operated between September 2020 and May 2021, either by confirming the accuracy and completeness of Attachment 2<sup>1</sup> to Enclosure 1 to this document, with any corrections, or submitting a full list.
2. For the refinery process units identified in response to question 1, please identify which refinery process units still contain liquid or gaseous materials and the type(s) and volumes of liquid or gaseous material(s) each contains. Please do not include amine or LPG liquids or gases that will be removed pursuant to the Administrative Order on Consent entered by EPA and PHRT on December 5, 2022. For each process unit in question 2 that has liquid or gaseous materials still present, provide a process flow diagram that clearly identifies using yellow highlighting or similar labeling all the process vessel(s) and piping that still contain product in them. Also provide a plot plan of the facility, showing the general location of the process unit(s) that have any liquid or gaseous materials present.
3. Describe, in detail, all measures taken by PHRT since January 2022 to monitor the process vessels/piping to ensure that the liquid and/or gaseous material has not leaked out/escaped, including but not limited to monitoring of miscellaneous process vents at the relevant units under 40 C.F.R. Part 63, Subpart CC or otherwise. Provide copies of all records maintained to document the monitoring activities described.

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<sup>1</sup> This document was provided by PHRT to EPA on July 15, 2022 and may contain confidential business information (“CBI”). It is being provided in a separate electronic file accompanying this document.

**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 \_\_\_\_\_, 2023

\_\_\_\_\_  
Notary Public

**ATTACHMENT 2 TO ENCLOSURE 1**

This document is provided in a separate electronic file.