

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

_____)	
UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	Civ. A. No. 1:21-cv-00264
v.)	
)	
LIMETREE BAY REFINING, LLC)	
)	
and)	
)	
LIMETREE BAY TERMINALS, LLC)	
)	
Defendants.)	
)	
_____)	

JOINT STIPULATION

WHEREAS, the United States of America, by the authority of the Attorney General of the United States, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”) filed a civil action against defendants Limetree Bay Refining, LLC and Limetree Bay Terminals, LLC (collectively, “Limetree Bay”) under Section 303 of the Clean Air Act (“CAA”), 42 U.S.C. § 7603.

WHEREAS, the complaint seeks injunctive relief under Section 303 of the CAA requiring Limetree Bay to comply with a CAA Emergency Order (“EPA Order,” Exhibit 1 hereto) that EPA issued on May 14, 2021, and other relief.

WHEREAS, on June 16, 2021, EPA issued an information request to Limetree Bay under Section 114(a) of the CAA, 42 U.S.C. § 7414(a) (“114 Request,” Exhibit 2 hereto) requiring Limetree Bay to install and operate ambient air monitoring equipment for hydrogen sulfide (H₂S) and sulfur dioxide (SO₂) at nine specified locations.

WHEREAS, Limetree Bay began to idle the Refinery on May 12, 2021, and represents that it does not intend to restart the Refinery or any Refinery Process Unit at the current time, except as necessary to purge hydrocarbons from process units and other equipment as part of the process of bringing the Refinery to a state of indefinite shutdown.

WHEREAS, Limetree Bay continues to operate the Terminal and intends to conduct the activities identified in Paragraph 13.

WHEREFORE, the Parties hereby stipulate and agree as follows:

1. Limetree Bay certifies that the Refinery¹ has been idled.
2. Except as provided pursuant to Paragraphs 9, 10 and 13 below, Limetree Bay shall notify the United States and the Court not less than ninety (90) days before restarting the Refinery, or any Refinery Process Unit for any purpose.
3. The Audit Reports required by Paragraph 115.d of the EPA Order were submitted to EPA by June 25, 2021, in compliance with the deadline set forth in Paragraph 115.d of the EPA Order.
4. Except as provided pursuant to Paragraphs 9, 10 and 13 below, by no later than ninety (90) days prior to any restart of the Refinery or any refinery Process Unit, Limetree Bay shall submit to EPA the Plan required by Paragraph 115.l of the EPA Order (the “303 Order Plan”) that addresses all findings, conclusions, and observations set forth in each Audit Report, with a schedule for implementation of all corrective measures. The 303 Order Plan shall specify which measures must be completed prior to restart of the Refinery or any refinery Process Unit.

¹Terms used in this Stipulation that are defined in the Clean Air Act or in regulations promulgated pursuant to the Act shall have the meanings assigned to them in the Act or such regulations, unless otherwise provided in the Complaint, EPA Order, Consent Decree or First Modification of the Consent Decree.

5. As part of the 303 Order Plan submitted under Paragraph 4, Limetree Bay shall identify any changed conditions at the Refinery that occurred since May 12, 2021, including but not limited to any corrective measures taken.
6. Before Limetree Bay restarts the Refinery or any Refinery Process Unit, it shall complete all measures necessary to eliminate any imminent and substantial endangerment to public health or welfare or the environment posed by the Refinery or Refinery Process Unit.
7. Except as provided pursuant to Paragraphs 9, 10 and 13, no later than ninety (90) days prior to restart of the Refinery or any Refinery Process Unit, Limetree Bay shall submit to EPA an ambient air monitoring plan (“Monitoring Plan”) that includes the operation of H₂S and SO₂ monitors at the nine (9) monitoring sites specified in Table A of the 114 Request (“Monitoring Sites”), as required by the 114 Request.
8. Except as provided pursuant to Paragraphs 9, 10 and 13, Limetree Bay shall install and operate the H₂S and SO₂ monitors at the Monitoring Sites, as well as a meteorological tower, as required by the 114 Request, no later than thirty (30) days prior to any restart of the Refinery or any refinery Process Unit.
9. Limetree Bay shall submit to EPA a plan (“Hydrocarbon Purge Plan”) for purging hydrocarbons from Refinery Process Units and other equipment at the Refinery as part of the process of bringing the Refinery to a state of indefinite shutdown. The Hydrocarbon Purge Plan shall identify the activity or activities that Limetree Bay intends to undertake under the Hydrocarbon Purge Plan, as well as the measures Limetree Bay has taken or will take prior to restarting, or during the operation of, any Refinery Process Unit covered by the Hydrocarbon Purge Plan, to ensure that the purging process and any associated activities do not present an imminent and substantial endangerment to public health or welfare or the environment, including

but not limited to measures in response to recommendations contained in the Audit Reports. The Hydrocarbon Purge Plan shall include, among other things: the operation of ambient air monitoring during all purging operations and compliance with applicable requirements of 40 C.F.R. Part 60, Subpart Ja and 40 C.F.R. Part 63, Subpart CC.

10. The purging process and any associated activities shall be conducted in accordance with the EPA-approved Hydrocarbon Purge Plan, subject to any modifications necessary based on monitoring data or other information received by EPA suggesting that operations under the Hydrocarbon Purge Plan may present an imminent and substantial endangerment to public health or welfare, or the environment. Before EPA makes or requires any modifications to an approved Hydrocarbon Purge Plan, the Parties shall meet and confer. Any proposed modification by Limetree Bay to the EPA-approved Hydrocarbon Purge Plan shall be subject to Paragraph 12, below. Limetree Bay shall not begin the purging process or any associated activities without EPA's approval, nor shall Limetree Bay use any Refinery Process Unit other than as specified in the EPA-approved Hydrocarbon Purge Plan.

11. Limetree Bay may submit and EPA may approve one or more Hydrocarbon Purge Plans subject to Paragraphs 9 and 10.

12. Any plan required by this stipulation shall be submitted to EPA for its review, comment, and approval or approval with modifications, and shall be sent by email to the EPA and VIDPNR representatives listed in Paragraph 116 of the EPA Order.

13. For the avoidance of doubt, nothing in the 303 Order or this Stipulation prevents Limetree Bay from operating equipment necessary for Terminal operations, or necessary to generate electricity or provide drinking water or wastewater management for the Facility, the HOVENSA Environmental Response Trust, and for the worker residences dependent on the

Facility for such services.

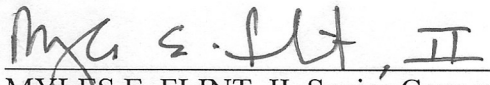
14. The Parties agree that further proceedings in this case should be stayed for a period of ninety (90) days from the date of filing this Joint Stipulation, and Limetree Bay does not oppose the United States' Unopposed Motion for Stay filed simultaneously with this Stipulation; and the Parties shall submit a joint status report sixty days after the date this Stipulation is filed.

THE UNDERSIGNED PARTY enters into this Stipulation in the matter of United States v. Limetree Bay Refining LLC and Limetree Bay Terminals LLC.

FOR PLAINTIFF THE UNITED STATES
OF AMERICA:

JEAN WILLIAMS
Acting Assistant Attorney General
Environment and Natural Resources
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United States Department of Justice

Date: July 12, 2021




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FOR DEFENDANT LIMETREE BAY
TERMINALS, LLC:

Date: 07/12/2021



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FOR DEFENDANT LIMETREE BAY
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