



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

**Via Electronic Mail – [jcharles@lbenergy.com](mailto:jcharles@lbenergy.com) & [nmorgan@lbenergy.com](mailto:nmorgan@lbenergy.com)**

Jeff Charles, Vice President of Operations  
Limetree Bay Terminals, LLC  
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**RE: Notification of Pending Approval of Limetree Bay's Phase 2 Hydrocarbon Purge Plan**

Dear Messrs. Charles and Morgan:

On July 12, 2021, the United States filed in federal court a complaint against Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (collectively, "Limetree" or "Limetree Bay"), accompanied by a motion to stay and a stipulation. As part of that stipulation, the parties agreed that Limetree would submit for U.S. Environmental Protection Agency ("EPA") approval one or more hydrocarbon purging plans. Limetree has submitted the following documents, which EPA considers to be phase 2 of the purge plan:

- The document with the file name "081821 Phase 2 Hydrocarbon Flaring Plan.pdf" submitted by Limetree on August 20, 2021 (Phase 2 Plan Summary); and
- Attachments 1-2 and 4-36 submitted by Limetree on August 18, 2021;
- The supplement to Attachment 34 submitted by Limetree on August 20, 2021; and
- A revised schedule for the phase 2 purge plan (the Phase 2 Plan Schedule), submitted by Limetree on August 23, 2021 with the file name "Refinery De-Inventory Plan Phase 2 Rev 2A Issued as Revised Aug 23."

EPA will finalize approval of Limetree's phase 2 purge plan upon timely submission of the documents listed in 1 through 3(e), below, and after EPA's determination in writing that the additional submissions are approvable. Limetree must submit the below-listed items by 12 p.m. EST two business day prior to Limetree's planned commencement<sup>1</sup> of the phase 2 purge plan:

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<sup>1</sup> EPA considers the commencement of Phase 2 to be when either of the following steps occur: (1) Limetree unblinds flare #8, or (2) Limetree begins "cold circulation" purging of any one of the process units involved in the phase 2 purge plan (refer to page 3 of the Phase 2 Plan Summary, section entitled "Cold Circulation of Process Units").

1. A pre-startup review (PSR) for flare #8, which must be completed up to the unblinding step;
2. A certification that all staff who will perform the work outlined in the phase 2 purge plan are properly trained in applicable procedures;
3. A narrative addendum to the phase 2 purge plan, which shall address the following:
  - a. Additional information regarding the nitrogen purging and/or nitrogen blanket portions of phase 2, including:
    - A description in the addendum of the nitrogen purging and/or nitrogen blanket system(s) Limetree will implement in phase 2, including the quantity of nitrogen to be used;
    - A description of any procedures governing nitrogen purging and/or nitrogen blanketing of process units; and
    - A description of how the long-term integrity of the nitrogen blanketing will be evaluated, including design and maintenance considerations;
  - b. A high-level description in the addendum of any precursor safety measures Limetree will be completing before beginning decommissioning of process units;
  - c. A description in the addendum of the measures in place to depressurize process units to 5 psig or less and a statement regarding not venting to the atmosphere;
  - d. A description in the addendum of the procedures Limetree will follow if, during phase 2, H<sub>2</sub>S concentration reaches 80 ppm. The statement should address how Limetree will modify the purge process to address the deviations from the 80 ppm action level when purging of the unit continues; and
  - e. A description in the addendum of the telemetry system Limetree will implement for its ambient monitors, accompanied by supporting documentation.

After the above additional information has been submitted and EPA has approved the phase 2 purge plan in writing, Limetree shall also submit the following information to EPA per the deadlines outlined for each of items 1 through 3, below:

1. Within one business day of unblinding flare #8, Limetree must submit a final, completed Pre-startup Review (PSR) for flare #8.
2. Every Monday by 6 p.m. EST until the conclusion of the phase 2 purge process, Limetree must submit a revised Phase 2 Plan Schedule or an email confirming that the Phase 2 Plan Schedule has not changed since the last submission.
3. On an ongoing basis throughout phase 2, Limetree will operate in compliance with its submitted phase 2 purge plan, including any attachments.

EPA notes that Limetree is responsible for implementing the phase 2 purge plan in a safe manner that is compliant with the Clean Air Act and ensures that the facility will not present an imminent and substantial endangerment to public or welfare, or the environment.<sup>2</sup>

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<sup>2</sup> This notification letter, and any final approval by EPA that may follow, shall not relieve Limetree of its obligation to comply with all applicable federal, State, and local laws, regulations, and other legal requirements. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, that may pertain to Limetree's failure to comply with any of the requirements of this notification letter or any requirements of EPA's final approval. This notification letter, and any final approval by EPA that may follow, shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, that EPA has under any other statutory, regulatory, or common law authority of the United States.

Any information required to be submitted to EPA pursuant to this letter should be provided to Robert Buettner (buettner.robert@epa.gov), Harish Patel (patel.harish@epa.gov), Alex Rivera (rivera.alex@epa.gov), Sara Froikin (froikin.sara@epa.gov), Jennifer Pierce (pierce.jennifer@epa.gov), Liliana Villatora (villatora.liliana@epa.gov), and Myles Flint (myles.flint@usdoj.gov).

If you have any questions, please contact Robert Buettner at 212-637-5031 or buettner.robert@epa.gov and Harish Patel of my staff at 212-637-4046 or patel.harish@epa.gov.

Sincerely,

Dore LaPosta  
Director  
Enforcement and Compliance Assurance Division  
EPA, Region 2

cc by email: Jeffrey Rinker, Limetree Bay  
Matthew Thurlow, Baker & Hostetler LLP  
Mark DeLaquil, Baker & Hostetler LLP  
JP Oriol, Commissioner, VIDPNR  
Austin Callwood, Director of DEP, VIDPNR