



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

December 2, 2020

Re: Notice of a Final Decision to Issue a Plantwide Applicability Limit Permit for Limetree Bay Refining and Limetree Bay Terminals, St. Croix, U.S. Virgin Islands

Dear Interested Party:

This letter is to inform you of the U.S. Environmental Protection Agency's (EPA) final permit decision regarding the Plantwide Applicability Limit (PAL) permit application submitted by the Limetree Bay Refining and Limetree Bay Terminals ("Limetree"), St. Croix, U.S. Virgin Islands.

On September 20, 2019, EPA issued a draft PAL permit to Limetree and initiated a public review period on October 9, 2019, seeking public comments on the draft PAL permit decision. During the public comment period for the draft PAL permit, which ended on November 25, 2019, EPA received many comments regarding the proposed PAL permitting action. EPA reviewed all of the comments received, prepared responses to those comments, and made changes as needed to the draft permit. The Response to Comments document specifies which conditions of the draft permit have been changed in the final permit and the reasons for the change.

EPA concludes that the final PAL permit meets all applicable requirements of the PAL Permit regulations at 40 CFR § 52.21(aa) and the Clean Air Act. The final PAL permit (Enclosure I), Responses to Comments document (Enclosure II), and a link to the administrative record for this PAL permit decision, including comment letters, a transcript of the public hearing and additional supporting information related to EPA's final permit decision are available on the EPA Region 2 website at <https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-2>. These documents are also available by searching for "Limetree" at www.regulations.gov/. The full contents of the administrative record for this permit decision can be found by viewing the documents in both the proposed action folder and final action folder in the docket at www.regulations.gov/.

This final permit decision may be challenged under the Consolidated Permit Regulations, codified at 40 CFR Part 124, that apply to EPA's processing of this permit decision. Specifically, 40 CFR § 124.19 establishes procedures for administrative appeal of the final PAL permit decision. These procedures specify that any person who filed comments on the draft permit or participated in the public hearings may petition the Environmental Appeals Board (EAB) in Washington, D.C. to review any condition of the final permit. In addition, any person who failed to file comments or participate in the public hearing on the draft permit, may petition for review only to the extent of the changes from the draft permit to the final permit.

Electronic delivery of this letter today constitutes service of notice of the final permit decision. Any petition for review under this part must be filed with the Clerk of the EAB within thirty (30) days of the date of this letter. The petition for review shall include a statement of the reason(s) for requesting the review, including a demonstration that any issues being raised were raised during the

public comment period to the extent required by the regulations at 40 CFR Part 124 and a showing that the issues in question are based on a finding of fact or conclusion of law which is clearly erroneous. Please see 40 CFR § 124.19 and visit <http://www.epa.gov/eab/> for more information on the required contents of the petition and procedures for an appeal of this permit decision to the EAB.

NOTE: The usual process for filing petitions for administrative review is discussed below. However, please be sure to consult the EAB's website for updated filing information and procedures, in particular, procedures in light of COVID-19.

All persons petitioning for administrative review must file the original and two (2) copies of the petition with the EAB at the following address:

For Regular Mail:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW Mail Code 1103M
Washington, DC 20460-0001

For Hand- Carrier and Federal Express Mail:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332 Washington, DC 20004
Phone number: (202) 233-0122

Parties can also use the EAB's electronic filing procedures. See the EAB's August 12, 2013 Revised Order Authorizing Electronic Filing In Proceedings Before the EAB Not Governed By 40 CFR Part 22, at 40 CFR Part 22 and electronic filing information at https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Electronic+Submission?OpenDocument

Any petition for review filed with the EAB must also be served on EPA Region 2 at the following address pursuant to the filing and service requirements at 40 CFR § 124.19(i) (See also the EAB's September 2020 Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals, at https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Standing+Orders+&+Procedures?OpenDocument):

Richard Ruvo, Director
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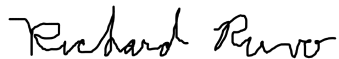
EPA Region 2 will accept service via e-mail as per the EAB's September 2020 Order.

For purposes of judicial review under the Clean Air Act, final Agency action does not occur until after administrative review procedures are exhausted and EPA Region 2 issues a final permit decision. Notice of the Agency's final action with respect to this permit will be published in the Federal Register. Judicial review of this final action is available by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty (60) days of the date of the Federal Register notice. Only those person(s) who petitioned EPA under the administrative procedures of 40 CFR Part 124 may petition for review in the Court of Appeals. Under Section 307(b) of the Clean Air Act, a final Agency action shall not be subject to judicial review in civil or criminal proceedings for enforcement.

Since comments requesting changes to the draft permit were received and changes were made to the draft permit, this final permit will become effective thirty (30) days after the service of notice, unless review is requested under 40 CFR §124.19. If a petition for review of the final permit decision is filed, the permit will not become effective until after the EAB renders a decision on the petition.

If you have any questions regarding this letter, please call Ms. Suilin W. Chan, Chief, Permitting Section, Air Programs Branch, at chan.suilin@epa.gov or (212) 637-4019.

Sincerely,

A handwritten signature in cursive script that reads "Richard Ruvo".

Richard Ruvo, Director
Air and Radiation Division