



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

REPLY NECESSARY
VIA ELECTRONIC MAIL

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Re: Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
One Estate Hope Refinery Facility, St. Croix, USVI

Dear Sir/Madam:

This letter seeks your cooperation in providing information and documents relating to an incident which occurred, and may still be occurring, at or from the One Estate Hope refinery facility located in St. Croix, USVI (the "Facility"), which began on or about August 4, 2022 (the Release"). The United States Environmental Protection Agency ("EPA") is currently investigating the source, extent, and nature of the release of emissions from a smoldering coke pile at the Facility. The August 4, 2022 incident was reported in a press release issued by Port Hamilton Refining and Transportation LLC ("PHRT") on August 7, 2022. The press release described a smoldering pile of petroleum coke, and a needed response. Hazardous substances, pollutants, or contaminants which may have been released or continue to be released, in emissions from this smoldering pile, include, but may not be limited to, sulfur dioxide.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release of a hazardous substance or pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign the enclosed “Certification of Answers to Request for Information,” and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under 18 U.S.C. § 1001. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information **within fourteen (14) days** of your receipt of this letter. Should this deadline prove difficult to meet in light of the COVID-19 situation please contact the undersigned to discuss an alternative response due date.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting your claim for confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, you must immediately turn over the additional or different information to EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

See the enclosed Instructions for information on how to respond to the enclosed questions. Your response should be emailed to Dwayne Harrington, of EPA Region 2’s Response and Prevention Branch at harrington.dwayne@epa.gov and Jean Regna of EPA Region 2’s Office of Regional Counsel at regna.jean@epa.gov, and also mailed to:

Mr. Dwayne Harrington
Response and Prevention Branch
U.S. Environmental Protection Agency
2890 Woodbridge Avenue
Bldg. 205B (MS-211)
Edison, NJ 08837-3679

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Dwayne Harrington (harrington.dwayne.gov) at (908) 420-4492 or have your attorney contact Ms. Jean Regna of the Office of Regional Counsel by email at regna.jean@epa.gov or (212) 637-3164. We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

Douglas Kodama, Chief
Response and Prevention Branch
USEPA - Region 2

Enclosure

cc: Fermin Rodriguez (via electronic mail)
Catherine Elizee (via electronic mail)

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of PHRT whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
6. If you have reason to believe that an individual other than one employed by PHRT may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.
9. 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.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

11. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F). If you make a claim of confidentiality for any of the information you submit to EPA, you must separately address the following points:
 1. the portions of the information alleged to be entitled to confidential treatment;
 2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 3. measures taken by you to guard against the undesired disclosure of the information to others;
 4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA review. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e)(7) of CERCLA and EPA's pre-disclosure notification procedures. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you. EPA provides no assurances that all information that you assert as confidential business information will not be publicly

disclosed. Any determination regarding public disclosure will be based on a review of the information and relevant countervailing factors.

DEFINITIONS

1. The term “arrangement” means every separate contract or other agreement between two or more persons, whether written or oral.
2. As used herein, the terms “PHRT”, “the Company”, or “your Company” refers to PHRT as it is currently named and constituted, but also to all predecessors in interest of PHRT and subsidiaries, divisions, and branches of PHRT.
3. The terms “document” and “documents” include any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term “Facility” means the refinery located at One Estate Hope, in St. Croix, USVI.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances, products, or other nonhazardous substances.
6. The term “identify” means, with respect to a natural person, to set forth the person’s name, present, or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business.
7. With respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), the term “identify” means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
8. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
9. The term “Release” means the release of emissions from the smoldering coke pile which may have contained hazardous substances, pollutants, or contaminants, which occurred at or from the Facility beginning on or about August 4, 2022.
10. The terms “you” or “Respondent” shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents of PHRT.
11. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or its implementing regulations, in which case the statutory

definitions shall apply.

REQUEST FOR INFORMATION

1.
 - a. State the correct legal name and mailing address of your Company. If the legal name of your Company at the time of the Release at or from the Facility was different, provide that name also.
 - b. State the name(s) and address(es) of the President, the Chairman of the Board, and the Chief Executive Officer of your Company.
 - c. If your Company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to the Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board, and Chief Executive Officer.
 - d. Identify the state and date of incorporation and the agent for service of process for your Company and each entity identified in your response to question 1.c. above.
2. Please provide the following information for the Facility:
 - a. the name and address of the Facility;
 - b. the owner and operator of the Facility;
 - c. the name, address, and phone number of the Facility's supervisor, manager, or equivalent;
 - d. the nature of the operations at the Facility;
 - e. the primary North American Industry Classification System Code for the Facility;
 - f. how many employees were employed at the Facility as of the time of the Release.
 - g. the date your Company commenced operations at the Facility;
 - h. the date your Company ceased operations at the Facility, if applicable;
 - i. how much land the Facility occupies; and
 - j. the distance from the Facility to the nearest neighboring town.

3. Please provide the following information about the Release:
 - a. the date (month/day/year) and time (using a 24-hour clock) that the Release began; and
 - b. if the Release has ended, the date (month/day/year) and time (using a 24-hour clock) that the Release ended, and if the Release has not ended, please so state.

4. Please provide a detailed description of the Release. Provide all information available to you concerning the primary cause and any ancillary causes of the subject Release, including a detailed description of all processes involved.
 - a. Describe the source of the Release. Your description should identify the materials involved in the incident and/or fire, the approximate quantity of such materials, how the materials are/were stored (including whether covered or contained in a structure or enclosure), how long the materials have been stored at the location, and any steps taken to ensure that release and/or fire would not occur.
 - b. If the storage of these materials is covered by a permit, please identify such permit.
 - c. Provide a detailed description of how the material is loaded and unloaded from the storage domes at the Facility, what air emissions controls are in place, and how the emission control devices are monitored.

5. Provide a detailed description of how the Release was first discovered, including the exact date and time that the Release was discovered, and describe any alarm system(s) that was/were triggered. (Discovery includes, but is not limited to, process control device indication, chemical specific alarm, observation by an employee). Please provide all available documents, descriptions and data to support your answer, including names and phone numbers of all persons who first discovered the Release.

6. Describe the immediate response activities taken to mitigate the incident. In addition, describe all further response actions taken to date to address the incident.

7. Using your best professional judgment, provide estimates for each hazardous substance or extremely hazardous substance released (in pounds) to each media during the Release. If multiple substances were released, supply the following information for each. Quantities released to each media should add up to the total quantity released.

Name: _____

CAS Number: _____

Concentration (wt %): _____

Physical state
at the time of release: _____

Released To:	Quantity (lbs.)
Air	_____
Surface Water	_____
Land	_____
Treatment facility	_____
Total Quantity Released	_____

8. In determining the extent of the Release, identify and describe whatever techniques were employed to quantify the Release. Describe any air monitoring or other methods that were used to measure and assess materials and quantities released. Please provide your estimate of the quantity of the release for each day the release continued.

Please provide copies of the calculations performed, identify those amounts which were estimated, and discuss the reliability of such estimates.

9. Provide a complete description of where any of the substances identified in your response to Question 7 migrated to, including any nearby localities. Include in your answer whether any of the substances identified in your response to Question 7 migrated:

- a. beyond the confines of an enclosed structure; and
- b. beyond the property boundaries of your Facility (for example, a vapor release was carried by prevailing wind beyond the fenceline of your Facility).

10. Indicate the distance between the point of the release and the nearest Facility boundary. Provide site map or drawing if available.

11. Describe the basis for your answers to Questions 9 a. - b., and the methodologies which were used to determine the answers to Questions 9 a. - b. (for example, by observation and/or use of monitoring equipment).

12. Identify the person who was responsible for the investigation of the Release for your Company. Please provide a copy of any investigation report(s).

13. Were federal authorities notified of the Release? If so, please provide the following information:
 - a. the name, address and telephone number of the federal authorities that were notified;
 - b. the date and time (using a 24-hour clock) that the federal authorities were notified; and
 - c. the name and title of the person who made this notification.

14. Were all appropriate State Emergency Response Commissions (“SERCs”) notified of the Release? If so, please provide the following information:
 - a. the name, address and telephone number of the SERCs that were notified;
 - b. the date and time (using a 24-hour clock) that the SERCs were notified; and
 - c. the name and title of the person who made this notification.

15. Were all appropriate Local Emergency Planning Committees (“LEPCs”) notified of the Release? If so, please provide the following information:
 - a. the name, address and telephone number of the LEPCs that were notified;
 - b. the date and time (using a 24-hour clock) that the LEPCs were notified; and
 - c. the name and title of the person who made this notification.

16. If applicable, was an update to the immediate notification provided to the NRC, SERC and/or LEPC(s)? Please discuss the circumstance(s) that warranted each update to the immediate notification.

17. Was a written follow-up emergency notice provided to the SERC and the LEPC(s) pursuant to Section 304(c) of the Emergency Planning and Community Right to Know Act (“EPCRA”), 42 U.S.C. § 11004(c)? If so, identify to whom the follow-up notices were sent and provide copies of such notices and proof of mailing. If multiple follow-up notices were provided to the SERC and LEPC, please provide copies of such notices and proof of mailing.

18. Was the general public notified of the Release? If so, describe how and when the notification was made.

19. Was there an evacuation in response to the Release? If so, describe how the evacuation was accomplished and how many people were evacuated.
20. Were any persons injured or hospitalized as a result of the Release? If so, please provide the following information:
 - a. the number of people who were injured or hospitalized as a result of the Release and their identities, if known;
 - b. the extent of the injuries suffered by the people identified in your response to Question 20(a).
 - c. the role(s), if any, at the scene of the Release of the people identified in your response to Question 20(a); and
 - d. identify the hospital(s) where people who were injured as a result of the Release were sent.
21. Were written operating procedures available to Facility personnel at the time of the Release which detail the actions to be taken in case of a release or malfunction? If so, please provide copies of the appropriate operating procedures.
22. Were the actions outlined in the Facility operating procedures followed at the time of the Release?
23. Describe any actions taken since the Release to prevent such a release from occurring in the future.
24. If information regarding the quantity of the Release provided in your response to this request for information, or information previously submitted to EPA regarding the quantity of the Release, differs from your report to the NRC, SERC, or the LEPC(s), explain the differences and the bases for the differences.
25. Please provide a chemical inventory for the chemicals stored on site at the time of the Release and the maximum and average inventories for the chemicals which have been stored on site for each of the past three years. If applicable, please include materials which were owned by a partner or another company and were stored on site at the time of the Release and for each of the past three years.
26. For each question contained herein, if information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents can be obtained.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of perjury that I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information and 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 herewith 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 I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company response thereto should become known or available to the company.

Executed on _____, 2022.

NAME (print or type)

TITLE (print or type)

SIGNATURE