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To: [Steinbauer, Gary](#)
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Subject: PHRT GDC Order
Date: Friday, February 3, 2023 11:42:45 AM

This email concerns the requirements of the Clean Air Act GDC Administrative Order on Consent, Index No. CAA-02-2023-1003 (the Order) and the submissions that PHRT has made to EPA pursuant to the Order, including the Options Report and the Schedules.

Pursuant to the requirements of the Order, the Options Report and detailed proposed schedule were due by January 20, 2023. Under paragraph 42.e. of the Order, the Options Report was to include a determination of the boundaries of the three systems (ammonia, LPG, and amines), a written description of the results of the assessment of the integrity of the three systems for the purpose of the removal of the materials, and a thorough assessment of options for the safe removal of the materials from the three systems and from the PHRT facility, including the performance of any repairs or other actions that need to be taken to safely remove the materials from the three systems, as determined as a result of the assessment.

PHRT's contractor submitted *Port Hamilton Refining - Mechanical Integrity Assessments* to EPA on January 6, 2023. A schedule for repairs to the ammonia system was submitted to EPA on January 9, 2023, which provided for completion of repairs later that month.

The Options Report, which was timely submitted to EPA on January 20, 2023, included some schedule information for removing the materials in each of the three systems. Then, a detailed schedule for the safe removal of all three systems was later submitted to EPA on January 30, 2023. However, none of these schedules included information on needed repairs to the equipment in the three systems including those set forth in the above-referenced *Port Hamilton Refining - Mechanical Integrity Assessments*.

As we have described to you, this omission has a negative impact on both EPA's ability to review the Options Report comprehensively and on EPA's ability to oversee this work. For instance, EPA sent staff to St. Croix to oversee the repairs of the ammonia equipment based on the dates provided in the January 9 schedule, but because the work was delayed, EPA resources were underutilized resulting in waste. This should not be a surprise to PHRT because, in prior discussions, EPA had explicitly asked for information regarding the status and timing of those repairs, particularly related to the ammonia equipment.

During a meeting on February 1, 2023, PHRT verbally provided information that there would be changes to the sequence of ammonia repairs, about which EPA had not been previously informed. Failure to provide these types of repair schedule changes is unacceptable, in that they prevent EPA from having the opportunity to conduct proper oversight of the repairs and the eventual removal of the materials. EPA is concerned about PHRT's lack of communication and transparency regarding some items under the Order, particularly with regard to the nature and extent of repairs, the schedules for activities, and changes to the planned repairs and schedules. We also note again that PHRT failed to inform EPA of an ammonia release in December until it was specifically asked. The failure to provide needed information, particularly with regard to the repairs and repair schedules, raises concerns about PHRT's compliance with the Order. Pursuant to that meeting, PHRT was to

submit additional information to EPA.

EPA previously sent a letter to PHRT dated January 11, 2023 letter which requested information on the ammonia release and about repairs. PHRT responded by letter dated January 16, 2023 letter and provided some information to EPA, including information on work that had been performed to the amine systems.

We request that PHRT do the following: 1) disclose and submit detailed information regarding all the repairs to the ammonia and amine equipment, including those mentioned in the *Port Hamilton Refining - Mechanical Integrity Assessments*; 2) provide confirmation of all repairs performed while the Order has been in effect, including those completed on the electrical system, and any repairs already completed on the amine or ammonia systems; and 3) provide a specific and accurate schedule of when any outstanding repairs including those identified in the *Port Hamilton Refining - Mechanical Integrity Assessments* will be initiated and completed, who will be conducting the repairs, and how those repairs will be sequenced with the schedule for the removal of materials outlined in the Options Report.

It is our understanding from a review of the Advision LPG MI report that Advision did not recommend any repairs on the LPG system, and repairs to the LPG system is also mentioned in PHRT's January 16, 2023 letter responding to a January 11, 2023 letter from EPA. We request that PHRT confirm that PHRT does not intend to make any repairs to the LPG system and whether PHRT agrees with Advision's report that the LPG system is safe to undergo removal of the LPG.

EPA's concerns regarding PHRT's clarity, transparency, and forthright communications are increasing. Further, EPA believes that much of the information requested above was required to be submitted by January 20 and is therefore overdue. We are concerned that omissions described above may constitute non-compliance with the Order, and if that is determined to be the case, EPA will be evaluating all enforcement and response options, including but not limited to assessing Stipulated Penalties. As EPA wants to quickly complete review of the Options Report so that the removal work may start as soon as possible, please provide the requested information by noon on Tuesday, February 7. This will help to insure the timely, safe removal of the materials required under the Order.

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