

From: Buettner, Robert
Sent: Thursday, June 24, 2021 4:15 PM
To: jhersperger@lbenergy.com; nmorgan@lbenergy.com; jrinker@lbenergy.com
Subject: Restrictions on use of Limetree Flare
Importance: High

Dear MSSRs. Rinker, Hersperger, and Morgan:

We understand from recent news reports and Limetree's own recent news statement that as part of the process of "preparing the refinery for an extended shutdown," Limetree plans to "purg[e] gases from all of the units and remov[e] any residual oil and products in the lines." Our assumption is that such purging would require the use of a flare. However, as discussed further below, we have significant concerns as to whether flare #8 can be operated in a manner that would be in compliance with the Clean Air Act (CAA) and avoid causing an imminent and substantial endangerment to human health, welfare or the environment. It is also our understanding that no other flare at the refinery is operable.

As you know, paragraph 115(b) of EPA's May 14, 2021 CAA section 303 order requires that Limetree cease refinery operations for the term of the order, unless, based on the auditor reports and Limetree's implementation plan, EPA determines, in consultation with VIDPNR, that operations can resume before then. We consider the turning off of flare #8 to have been part of the process of ceasing refinery operations, and would consider turning flare #8 back on to be "commencing operation of [a] Refinery process unit," within the meaning of paragraph 115(m) of the §303 order.

Based on what we know of the incident on May 12, 2021, including subsequent photos and observations of flare #8, EPA has very strong concerns about the condition of the flare and its ability to operate in compliance with CAA regulations and in a manner that does not create an imminent and substantial endangerment. As you know, the §303 order requires an audit of the flare system, as well as an environmental compliance audit, both of which may provide further insight into issues relevant to the flare system. We expect that the results of these audits will provide key information on what steps are necessary for Limetree to take prior to any restart of flare #8, to ensure it can operate in a compliant manner that does not cause additional endangerment.

Limetree shall not turn flare #8 (or any other flare at the refinery) back on while the §303 order is in effect, without EPA's prior written consent. EPA needs to review the relevant audit reports before EPA can gain a sense of the steps needed to ensure flare #8 can be used without endangering the community and the environment. Further, Limetree should not restart flare #8 until the ambient monitors for SO₂ and H₂S have been installed and are ready for operation at Sites 1 through 5, at a minimum, as identified in EPA's June 16, 2021 CAA Section 114 information request.

EPA would like to better understand what Limetree's plans are to purge its system, and whether Limetree sees any immediate technical urgency for doing so. Our assumption is that the purging process can wait until the air monitors referred to above are operating and EPA has agreed that flare #8 can be operated in a safe manner.

I ask that you respond to this email message by this Monday, June 28, 2021. Thank you. If you would like to discuss the matter, please contact me at 212-637-5031 or buettner.robert@epa.gov or have Limetree's attorney contact Sara Froikin at 212-637-3263 or Froikin.sara@epa.gov.

Sincerely,

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