

U.S. Environmental Protection Agency's (EPA's) Response to Comments on
EPA's Settlement Agreement with St. Croix Petrochemical Corporation (SCPC)
[Index No. RCRA-02-2024-7301](#)

On January 22, 2024, EPA issued a notice in the Federal Register about the above-referenced Settlement Agreement, inviting public comments. 89 Fed. Reg. 3922. The Federal Register notice indicated that any comments on the Agreement must be received by EPA on or before February 21, 2024, and that commenters may request an opportunity for a public meeting in the affected area.

EPA received one comment.

Comment Received:

On February 21, 2024 EPA received the following comment via email pertaining to the SCPC Settlement Agreement (personal information has been deleted):

From: [email deleted]

Sent: Wednesday, February 21, 2024 1:52 PM

To: Vargas, Ricardito <vargas.ricardito@epa.gov>

Cc [deleted]

Subject: Public Notice: Proposed settlement agreement for the Former SCPC Facility, St. Croix, United States Virgin Islands

I just became aware of this proposal today and the comment deadline is today. Among a large Facebook group of current and former St. Croix residents no-one seemed to be aware of this. I feel strongly that there should be a public hearing on this settlement to give information to the public and allow them to express their concerns.

I am still a landowner on St. Croix, I was raised on St. Croix starting pre-refinery, and was formerly the Biologist III for VI Coastal Zone Management. I left island partly due to health effects from working on Hugo clean-up including the refinery area.

I haven't time to dig deeply through the merits of the settlement, though was relieved to see the EPA has reserved the right to enforce liability for post-settlement behavior. The refinery has long been tangled in corruption, DOD override of the citizens' best interests, and other messes, and a public hearing would help restore transparency and give the EPA a chance to demonstrate the current administration's commitment to correcting the many wrongs and environmental injustices the St. Croix community has suffered.

I do not know if money from the Environmental Response Trust is addressing the research and health care needs from exposures to the refinery's many toxic releases. Just before Hurricane Hugo the EPA was just realizing that roofs downwind of the refinery used for water catchment (the primary water source for residents) were contaminated with benzene and other toxics. The

various entities that have operated there have mostly been able to skirt responsibility or shift blame to other operators.

Post-Hugo the crude oil and other tank contents were essentially aerosolized and spread throughout the island. The FEMA and Corps of Engineers policies on debris removal, including burning, multiplied the problem of toxics from many sources. Research on cancer rates and thorough sampling throughout the island are needed and the oil industry should be paying the cost. At the very least the residents should be given every opportunity to express their concerns publicly and help inform EPA and other agencies of ongoing needs.

Thank you for your time and taking on a very difficult situation in good faith.

[Commenter's Name/Address Deleted]

EPA Response:

EPA's public notice and comment period was limited to EPA's Settlement Agreement with SCPC. Accordingly, this response is limited to the portions of the comment pertaining to the Settlement Agreement.

On January 24, 2024 EPA sent an email to six organizations/individuals that have been active in the St. Croix community to help ensure that interested parties were aware of the public notice and comment period for the SCPC Agreement. They were also provided with a link to the Settlement Agreement. EPA did not receive any comments from any of these organizations or individuals.

The Settlement Agreement requires SCPC to transfer its remaining assets of approximately 1.7 million dollars to the Environmental Response Trust (ERT) to help fund remediation of past contamination caused by SCPC at the former HOVENSA facility. The ERT, which was established by the Bankruptcy Court during HOVENSA's bankruptcy proceeding, is charged with remediating legacy contamination caused by HOVENSA at the former HOVENSA facility. It has no authority to research or address health care needs of persons in St. Croix potentially related to the former HOVENSA facility.

On March 25, 2024, representatives of EPA had a telephone conference call with the commenter. EPA reached out to the commenter because they raised issues beyond the terms of the Settlement Agreement. During the call, EPA explained the terms of the Settlement Agreement and listened to the concerns raised by the commenter concerning the facility in general. EPA informed the commenter that EPA has periodic public meetings regarding the facility in general and offered to place the commenter on the mailing list for those meetings. The commenter was informed that EPA expects to have such a meeting in mid-April.

Having been made aware of public meetings regarding the former HOVENSA facility in general, the commenter withdrew the request for a hearing (meeting) pertaining to the SCPC Agreement. Having received no other requests for a public meeting pertaining to the SCPC Agreement, EPA will not hold a public meeting pertaining to the Settlement Agreement.

Conclusion:

EPA did not receive any comments which disclose facts or considerations that indicate the Settlement Agreement is inappropriate, improper, or inadequate.