From:	Roberto Puga
To:	Vargas, Ricardito
Cc:	Carey Guilbeau
Subject:	RE: HOVENSA: EPA's March 25, 2022 Letter with Comments on the CAS Addendum
Date:	Wednesday, April 6, 2022 2:35:12 PM
Attachments:	ATT00001.txt

Great, thanks Ricky.

Regards,

Roberto Puga, P.G.
PathForward Consulting, Inc.
(714) 863-0484

From: Vargas, Ricardito <vargas.ricardito@epa.gov>
Sent: Wednesday, April 6, 2022 10:36 AM
To: Roberto Puga <rpuga@pathforwardconsult.com>
Cc: Carey Guilbeau <CGuilbeau@HovensaERT.com>
Subject: RE: HOVENSA: EPA's March 25, 2022 Letter with Comments on the CAS Addendum

Good Afternoon Roberto,
Thanks for the summary below. Nidal is out for the rest of the week but, upon his return, we will meet with upper management and our regional counsel to discuss a path forward. I will be in contact with Carey should we need to set up another call.

Best,
Ricardito Vargas,
Project Manager
Land and Redevelopment Programs Branch,
Land, Chemicals and Redevelopment Division
USEPA Region 2
290 Broadway, 25th Floor
New York, NY 10007
212-637-3703 Office

From: Roberto Puga <rpuga@pathforwardconsult.com>
Sent: Wednesday, April 6, 2022 1:07 PM
To: Azzam, Nidal <Azzam.Nidal@epa.gov>; Vargas, Ricardito <vargas.ricardito@epa.gov>

Cc: Carey Guilbeau <CGuilbeau@HOVENSAERT.com>; Jacob Collins <jcollins@pathforwardconsult.com>
Subject: HOVENSA: EPA's March 25, 2022 Letter with Comments on the CAS Addendum

Hi Nidal and Ricky,

The Hovensa Environmental Response Trust (ERT) appreciates your time spent on the call last Thursday to discuss EPA's March 25, 2022, letter regarding the Corrective Action Status (CAS) Report Addendum which was submitted in January 2022. As noted during the call, the ERT is concerned that the majority of the comments in the letter pertain to Limetree's operations at the Site. As you are aware, the ERT does not have detailed knowledge of Limetree's operations and relies on Limetree to provide information regarding its operations and its potential impacts on the groundwater below the Site. Since 2016, the ERT has been requesting information from Limetree and providing this information in the semiannual reports. Recently, Limetree has become much more guarded with its communication to the ERT. This change in communication occurred around the time Limetree Bay Refining filed bankruptcy and there was a request from EPA to define the source of new occurrences of LNAPL in the groundwater. The ERT spent considerable effort to obtain the information from Limetree that was provided in the CAS Addendum and yet was not able to obtain all of the information EPA requested (for instance, the ERT was not able to obtain the designation of Limetree Refining vs. Limetree Terminals as the source of new occurrences attributed to Limetree).

It is crucial that the ERT maintain a good working relationship with Limetree; Limetree is a provider of shared services and funding to the ERT (both of which are critical to the ERT's operations), and the ERT must coordinate with Limetree on a daily basis at the Site.

While the ERT understands that the EPA is concerned that it may not have the authority to send the comments in the March 25 letter directly to Limetree, the ERT is concerned that the ERT is being put in a precarious situation by being perceived by Limetree of monitoring or regulating their operations. The ERT believes it has an obligation to continue to work with Limetree to investigate whether new occurrences of LNAPL are: 1) legacy and under the ERT's jurisdiction, or 2) are sourced from Limetree's operations and are Limetree's responsibility. The 2016 transaction documents likely support the ERT and Limetree working together to investigate new occurrences. The ERT is able to provide continued field support to Limetree in the means of well vacuuming and more frequent monitoring (all at the request of Limetree and on the basis that Limetree reimburses the ERT for this work). However, after a new occurrence is deemed to be sourced from Limetree's operations, the boundaries of the ERT's authority are likely stretched if the ERT probes further into Limetree's operations and/or Limetree's response to releases that occurred from its operations.

The sale of Limetree Bay Refining's assets to Port Hamilton Refining will, undoubtedly, further complicate the relationships at the site.

Per last week's call, the ERT appreciates the EPA deliberating whether or not EPA can send the Limetree-directed comments to Limetree. If EPA is not able to send the comments pertaining to Limetree's operations directly to Limetree, perhaps the EPA can revise the March 25 letter and in the revised letter request that the ERT forward the Limetree specific comments to Limetree. The ERT is available to discuss other possible solutions.

During the call, the ERT offered to provide the following breakdown of which comments in EPA's March 25, 2022, letter pertain to the ERT and which comments pertain directly to Limetree:

- General Comments 1 & 2 pertain to the structure and organization of the CAS Addendum and the ERT will prepare responses to these comments.
- General Comment 3 and Specific Comments 1, 2 & 3 pertain to Limetree's operation of their assets and Limetree's response to oily water found in Limetree's excavations near Tank 7506 (the excavations were made by Limetree to facilitate repairs to their equipment).

- General Comment 3 – This comment pertains to Attachment 7 (Activities Conducted by Limetree Bay Terminals, LLC on their Purchased Assets) and asks that additional information be included in the Attachment 7 tables. Limetree is the owner of these tables and sends these tables to the ERT for inclusion in each semiannual report. Limetree conducts all operations, testing, and maintenance of their equipment and then develops and provides these summary tables to the ERT. At the time of the report, Limetree owned all of the oily water sewers and tanks at the Site; Port Hamilton Refining has since purchased some of these assets.
- Specific Comment 1 – This comment pertains to Limetree's testing of their oily water sewer lines located in DD No. 9 and any subsequent corrective action Limetree would have taken in response to the failed test. (Note that DD No. 9 is a refinery process unit that was owned by Limetree at the time of testing and is now owned by Port Hamilton. It is reasonable to assume that Port Hamilton now owns the oily water sewers in this area).
- Specific Comment 2 – This comment pertains to Limetree's testing of their oily water sewer lines located along the "All American Canal" area of the site and Limetree's response to a failed test. (Note this area was owned by Limetree at the time of testing and it is not clear to the ERT who currently owns this area).
- Specific Comment 3 – This comment pertains to Limetree's observation of oily water in their excavations at their stormwater conveyance junction boxes located near Tank 7506 and Limetree's remediation efforts in response to their finding. The ERT and Limetree collected samples of the oily water in the excavations and the ERT had no other role in this area. As noted in the report, Limetree discovered the oily water, discovered their leaking line, and performed all remediation and repairs in this area; Limetree then provided this information (and the exact wording) for the CAS addendum.

Thank you, again, for your time and attention to this matter. The ERT appreciates the positive and cooperative relationship with EPA.

Regards,

Roberto Puga, P.G.
President
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(714) 863-0484

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