

Exhibit 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

January 28, 2021

LeAnn Johnson Koch
Perkins Coie LLP
700 13th Street, NW
Washington, D.C. 20005-3960

Dear Ms. Koch:

The United States Environmental Protection Agency (EPA), Region 2 Office, is in receipt of your December 18, 2020 letter concerning the Plantwide Applicability Limit (PAL) permit issued to Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (Limetree Bay) on December 2, 2020. Your letter raised several issues for our consideration and requested clarification on the same. This response is to inform you that we have reviewed your letter and, while EPA finds the information you provided to be useful, we will not provide a substantive response as to the terms and conditions of the PAL permit outside of the formal process governed by 40 C.F.R. Part 124 (Part 124) and implementing Environmental Appeals Board (EAB) procedures.

Limetree Bay and at least one other party have expressed an intent to file a petition for review of the final permit decision issued on December 2, 2020 under 40 C.F.R. §124.15, and such petitions are currently due on February 3, 2021 due to an extension granted by the EAB. In accordance with 40 C.F.R. §124.18, the administrative record supporting the final permit decision that may be appealed pursuant to 40 C.F.R. §124.19 is reflected in the PAL permit's electronic docket, which contains all documents and materials upon which EPA relied in developing and issuing both the draft and final PAL permits and EPA's response to comments. Because any review of the PAL permit by the EAB would be based on this administrative record, it is not appropriate for Region 2 to provide any supplemental material regarding permit terms outside of the formal process. Furthermore, because the complete administrative record was available to the public as of December 2, 2020, the alleged inability of Limetree Bay to communicate with EPA Region 2 staff in December 2020 was not an impediment to any interested party filing an appeal by the original January 4, 2021 deadline. Likewise, this response from Region 2 should not be necessary for Limetree Bay to prepare a petition for review by February 3, 2021, as this communication from Region 2 does not supplement the administrative record established on December 2nd for the final permit decision that would be the subject of such petition.

While we understand and appreciate that one of Limetree Bay's objectives in sending the December 18, 2020 letter was to narrow the number of disputed issues prior to filing a petition for review, Region 2 does not consider it appropriate to engage in such an effort outside of the formal process under Part 124.

However, through that process or after the conclusion of that process, Region 2 will consider taking action, as appropriate, to clarify the terms and conditions of the PAL permit in accordance with appropriate procedures.

Sincerely,

A handwritten signature in black ink that reads "Richard Ruvo". The signature is written in a cursive style with a large initial 'R'.

Richard Ruvo, Director
Air and Radiation Division