

DEC 2 1994

Carol Ann Rich, Esq.
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Re: Comments on Draft RI - Tutu Superfund Site

Dear Ms. Rich:

EPA has reviewed your letter dated November 14, 1994. In general, we understand the purpose of this letter was to highlight for EPA your position that "several property owners or operators located within the Tutu Wells Site find themselves on a list of 'impacted' sites based upon detection levels that do not even remotely approach the minimum level of concentration necessary to trigger the problems the RI was intended to address." Your submissions will be included in the official Administrative Record for this Site.

Be assured that EPA has reviewed the information you submitted as well as the contents of the Draft RI and all other information which relates to possible releases of hazardous substances from all facilities located in the Tutu area. EPA does not view the Draft RI as providing sufficient information to eliminate any of the facilities previously designated as potentially responsible parties ("PRPs") at the Tutu Site from the list of PRPs who have received Notice Letters from EPA. Likewise, the Draft RI is not the sole basis for naming any of these parties, including your client.

Although the Draft RI attempts to indicate which facilities have "impacted" soil and which have an "impact" to groundwater, EPA retains and will exercise its independent authority for determining the proper cleanup levels at each facility at the Site, including Ramsay Motors.

In addition, the criteria established in the Draft RI for determining which facilities have had or are having an "impact" on the Tutu Superfund Site do not parallel nor in any way supersede or replace the basis for liability established by Section 107 of CERCLA or any other provision of that or another applicable statute. EPA will apply all available information and evidence in

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this case to the standard of liability provided for in the statute when assigning liability for the contamination, remediation, and reimbursement of federal funds spent at this Site.

Thank you for your input into this process and we welcome all additional information which relates to the history of this Site.

Sincerely yours,

Caroline Kwan
Project Manager
New York/Caribbean Superfund Branch II

cc: Tim Knutson (for distribution to all PRPs)
Andrew Praschak, CFO
Sally Odland, CDM
John McBurney, De Maximis