

JAN 11 1988

EXPRESS MAIL

Mr. Jim Tillet
 Art Gallery Textile
 P.O. Box 7549
 St. Thomas, U.S.V.I. 00801

Re: Request for Information under 42 U.S.C. §9604, 42 U.S.C. 6927, concerning release of hazardous substances and Underground Storage Tanks at the TuTu Area in St. Thomas, U.S.V.I.

Dear Mr. Tillet:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act 42 U.S.C. §9601 et seq., ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act (hereinafter, "SARA"), P.L. 99-499, Oct. 7, 1986 100 stat. 1613 (hereinafter, "CERCLA"). EPA also regulates the handling of hazardous waste under the Resource Conservation and Recovery Act (hereafter "RCRA"), 42 U.S.C. §6901, et seq.

Pursuant to §104(b) and §104(e) of CERCLA, and §3007(a) of RCRA EPA may request certain information from parties who handle or may have handled hazardous substances and hazardous waste, as those terms are defined at §101(14) of CERCLA, and §1004 of RCRA, respectively. §104(b) of CERCLA enables EPA to conduct such legal and other investigations as it may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of CERCLA. Furthermore §9005 of RCRA allows EPA to request information from any owner or operator of an underground storage tank.

Pursuant to the statutory provisions cited, EPA requires that your company answer the questions in the attached "Request for Information". If your company has an EPA Identification Number, kindly state it in your response.

Your Company's response to the "Request for Information" should be postmarked or received at EPA within ten (10) calendar days of your receipt of this letter, and should be mailed to:

TUT 003 1684

EKRDR:NYCCS:KWAN:1r;12/14/87				CONCURRENCES			
SYMBOL	NYCCS	NYCCS	SCB	DD	D	OCP	DRA
SURNAME	KWAN	H. UPTMAN	CZAFOR	SALKIE	LUETIG	MUSZYNSKI	DAGGETT
DATE	1/11/88	1/11/88	1/11/88	1/11/88	1/11/88	1/11/88	1/11/88

EPA Form 1320-1 (12/79)

OFFICIAL FILE COPY

Ms. Caroline Kwan
Site Compliance Branch
U.S. Environmental Protection Agency
26 Federal Plaza, Room 747
New York, New York 10278

Copies to:

Ms. Francine Lang
Department of Planning & Natural
Resources
179 Altona & Welgunst
St. Thomas, V.I. 00802

Mr. Andrew Praschak, Esq. and Mr. Jose Font
U.S. Environmental Protection Agency
Caribbean Field Office
Office 2A, Podiatry Center Building
1413 Fernandez Juncos Avenue
Santurce, Puerto Rico 00907

Your Company's failure to respond to the "Request for Information" within the time specified above may subject it to an enforcement action under §3008 and §9006 of RCRA, and §104(e)(5) and (6) of CERCLA. An enforcement action may include the assessment of penalties of up to \$25,000.00 for each day of noncompliance. The notarized signature of an officer or other responsible official of the Company must appear on the enclosed "Certification of Answers to Request for Information", which should be attached to the response to this information request.

If at any time in the future, your Company has additional information and/or finds that any aspect of the submitted information is false, misleading, or misrepresents the truth, your Company must notify the EPA. Failure to amend the response may be construed as a concealment. If any part of your Company's response is found to be untrue, the signatory and your Company may be subject to criminal prosecution.

The "Request for Information" is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq. If desired, pursuant to §104(e)(7) of CERCLA and §9005(b) of RCRA, the Company may assert a business confidentiality claim covering all or part of the information requested. The claim may be asserted at the time of submission, by placing on (or attaching to) the information, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "Company confidential". Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40, Part 2, Code of Federal Regulations, Subpart B. If no claim accompanies the information when it is

received by EPA, it may be made available to the public by EPA without further notice to the Company.

If you have any questions about this letter, you may call Caroline Kwan at (212) 264-0151, or/and Jose Font at (809) 725-7825 Andy Praschak, Esq. at (809) 753-4929. Your cooperation is appreciated.

Sincerely,

/s/ Christopher J. Daggett

Christopher J. Daggett
Regional Administrator

Enclosures

bcc: Andrew L. Praschak, CFO
Jose Font - CFO
Francine Lang - DPNR

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A separate answer should be given for each question.
2. Precede each answer with the number of the question to which it is addressed.
3. In answering each question, identify all contributing sources of information.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
8. For each document produced in response to the "Request for Information", indicate on the document, or in some other reasonable manner, the question to which it applies.
9. If anything is omitted from a document produced in response to the "Request for Information", state the reason for and the subject matter of the omission.
10. In identifying an individual, to the extent possible, provide the name and last known employment and home address and telephone number.

11. As used herein, the terms "hazardous substance", "release" "facility" and person" shall have the meanings set forth in §101(14), (22), (9) and (21) of CERCLA, 42 U.S.C. §9601(14), (22) (9), and (21), as amended, respectively. "Facility" should be constructed as broadly as possible, to include not only structures on the land but also the entire premises over which any present or prior owner or operator has exercised dominion and control.
12. The term "regulated substance" means any substance defined in Section 101(14) of CERCLA (but not including any substance regulated as a hazardous waste under subtitle C of RCRA); and petroleum, including crude oil or any fraction thereof which is a liquid at standard conditions of temperature and pressure.
13. As used herein, the term "hazardous waste" shall have the meaning set forth in §1004(5) of RCRA, 42 U.S.C. §6903(5).
14. The terms "CERCLA" waste material" or CERCLA industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in CERCLA 42 U.S.C. §9601(14);
 - b. it is a "hazardous waste" as defined in RCRA 42 U.S.C. §6904;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violent when mixed with water;
 - e. it ignites or explodes;
 - f. it is an industrial intermediate waste product;
 - g. it is an industrial treatment plant sludge or supernatant;
 - h. it generates toxic gases when mixed with water;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic either ingested, inhaled, or placed in contact with your skin.

REQUEST FOR INFORMATION

1. Identify the location of each of the following on a plot plan of your facility, to scale if available.
 - A. All in use or out of service septic tanks, sewer connections and associated piping.
 - B. All outfalls or discharges.
 - C. All underground storage tanks either in use or out of service.
 - D. All floor drains, sewers, sinks and associated piping.
 - E. All on site areas where hazardous regulated substances are used, stored and disposed of.
 - F. All surface water including any intermittent streams or ponds.
 - G. All above ground tanks
2. For each septic tank identified in question 1A above, provide the following information including all pertinent documentation. The date the tank was installed, the design plans for the system, the firm that installed the system, all maintenance records. For any septic tank taken out of service, specify the date it was taken out of service and the reason for discontinuing its use, also identify all waste streams to the tank and the origin of these streams.
3. For each outfall or discharge identified in questions 1B above state the nature of the discharge, any required permits for such discharges, the origin of the discharge and associated piping.
4. For each underground storage tank identified in question 1C above provide the following information.
 - a) The date the tank was installed.
 - b) All design and installation records for the tank and associated piping including, the expected life of the tank, the corrosion protection for the tank and associated piping, seasonably high water levels and any lining system.
 - c) State whether or not the tank is currently in service. If not in service, state the reason for discontinuing use of the tank and any further plans for the tank.

- d) For any tank or piping that has been replaced, state the reason for replacing the tank or piping, the date of removal of the tank or piping, the work plan for the removal, the condition of the tank or piping upon removal, the condition of soil surrounding the replaced tank or piping, whether any soil was removed and where it was taken and any sampling results connected with the replacement of the tank or piping.
 - e) Identify the type and quantity of the substances stored in the tank. Also provide all records relating to the volume of material shipped to the tank and removed from the tank.
 - f) Provide a detailed accounting of all maintenance activities on each tank or piping. This should include a detailed description of each repair on the tank or piping, the reason for the repair, and how the problem was discovered.
 - g) Identify each leak or spill associated with the tank or piping. Provide the date of the leak, the quantity of material lost and how it was determined, the corrective actions undertaken and the names and addresses of all persons with knowledge of the incident.
5. For each floor drain, sewer or sink identified in question 1(d) and associated piping, state whether any hazardous or regulated substances were disposed of.
6. For each location identified in question 1(e) above state the manner in which each hazardous or regulated substance is containerized and stored. Also provide a detailed description of any releases at each location including the date of the incident, type and quantity of material released, corrective actions taken and the names and addresses of any person with knowledge of the release.

7. a. State the correct legal name of your Company, which shall be referred to as "the Company".
 - b. State the current legal name and status of the facility.
 - c. State the nature of business at the facility.
 - d. State the years of operation.
 - e. State the name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the Company.
 - f. Identify the state of incorporation and agent for service of process in the Virgin Islands and Puerto Rico of the owner and operator of the facility and any underground storage tanks thereon. If more than one, answer for each.
 - g. If the Company is a subsidiary or affiliate of another corporation or has subsidiaries, identify there related Companies.
8. In identifying a company that no longer exists, provide all the information called for in Item 1, except for the agent for service process. If the company or plant did business under more than one name, each name should be designated.
9. Does the facility have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq. If the company and/or the Plant has an EPA Identification Number, state it in your answer to this question.
10. Were or are any hazardous substances, regulated substances or hazardous wastes ever used, stored, generated, disposed or otherwise handled by the facility, including but not limited to; tetrachloroethylene (perchloroethylene), trichloroethylene, chloroform, toluene and benzene. Identify each hazardous substance or hazardous waste by providing the name, composition and source of origin of each substance. Please provide sampling analysis where available.
11. Please respond to the following questions by giving a detailed description, if the answer is yes to any of the questions. Did the facility or any of its past employees transport, arrange for transportation, dispose of, or arrange for disposal of:

- a. any hazardous waste?
- b. any hazardous substance?
- c. any regulated substance?
12. For each hazardous substance, regulated substance or hazardous waste that was used, stored or disposed of at the facility answer the following questions:
- a. Identify each hazardous substance, regulated substance or hazardous waste by the name, composition, and source of origin and, state whether the facility generated, handled, and/or transported such wastes or substance.
- b. Indicate the amount of each hazardous substance, regulated substance, or hazardous waste identified in response to Question 10 above. For liquids the answer should be in terms of volume, including concentrations of hazardous substances per unit volume, for solid materials, in terms of weight.
- c. Explain how, or whether, each hazardous substance, regulated substance, or hazardous waste identified in response to Questions 4 and 10 above, was containerized, e.g., drums, bulk solids, tanks, bulk liquids (uncontained), etc.
- d. Provide an annual summary of the manner in which the hazardous substance, regulated substance, or hazardous waste listed in response to Questions 4 and 10 were treated, handled, transported, stored, and/or disposed by the facility. Attach invoices, manifests and other documents or indicate any documentation.
- e. Please submit a copy of each document which relates to the generation, handling, hauling, and/or disposal of the hazardous substance, regulated substance or hazardous waste identified in response to Question 10, above. If you are unable to provide a copy of any document, then identify the document by describing the nature of the document. (e.g., letter, file memo,

invoice inventory form, billing record, hazardous waste manifest, etc.). Describe the relevant information contained herein. Identify by name the job title the person who prepared the document and if the document is not readily available, state where it is stored, maintained and why it is no longer available.

- f. Identify each person (e.g., company, individual, partnership, etc.) having knowledge of the facts relating to the generation, and transportation of the hazardous substance or disposal of hazardous waste. For each such person identified, please provide the name, address, and telephone number.
13. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the company, present owners of shares in the company or past owners of shares in the company, for any liability that may result from any release of a hazardous substance, regulated substance or hazardous waste from the facility. If so, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain. Please refer to 6 for further instructions.
14. State whether an insurance policy has ever been in effect which may indemnify the company plant against any liability which it may have for any release or threatened release of a hazardous substance regulated substance or hazardous waste that may have occurred at the facility. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
15. Please supply any additional information which may help EPA to identify any other facility or person which may have used, stored, disposed of, or otherwise handled any hazardous substances, regulated substances or hazardous wastes or that may have an underground storage tank.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Commonwealth of _____

City of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information,

I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

day of _____, 1988

Notary Public