

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

In The Matter of Texaco Caribbean, Inc.

St. Thomas

FIRST AMENDED ORDER

Pursuant to my authority under Chapter 7, Title 12 of the Virgin Islands Code and having found in accordance with Title 12, VIC, Sec. 188(d) that an emergency exists, to wit: a pollutant source or combination of sources presenting an imminent and substantial endangerment to the health of persons, or to the welfare of persons where such endangerment is to the livelihood of such persons has been discharged into one or more aquifers in the Tutu area of St. Thomas and; having reason to believe that the source of said pollutant are underground storage tanks (USTs) located at the Texaco gasoline station at Tutu, St. Thomas (the facility) and; having met with representatives of Texaco Caribbean, Inc. (Texaco) who have the apparent control of said tanks and; said representatives of Texaco Caribbean, Inc. having admitted that the tanks at the above-mentioned Tutu Texaco gasoline station failed a tank test and; having previously issued an Order dated July 27, 1987, directing Texaco to refrain from and undertake certain named activities at the facility, it is hereby

ORDERED that the Order of July 27, 1987 be modified to include the following requirements:

1. That neither the installation of new tanks(s) nor the removal of existing tank(s) commence until the conditions set forth herein are met.
2. The sampling plan developed by Texaco pursuant to paragraph 5 of the original Order shall apply to the installation of new tanks as well as the removal of existing tanks and is to be submitted to DPNR for approval no later than fourteen (14) days after the effective date of this First Amended Order and must, at a minimum, include the following:

A. Sample Plan

A detailed sample plan designed to detect the extent and type of contaminants present in the soils at the facility.

This plan must describe the methodology and parameters of the sampling and the location of each sample taken, pursuant to all relevant EPA guidance, including but not limited to EPA Publication SW-846 (Second Edition). The plan should include but not be limited to the level of detection at which soil sampling activities would commence, equipment to be used, personal protection action levels, and the procedures for providing split samples to representatives of U.S. EPA and DPNR.

B. Site Safety/Contingency Plan

A Contingency Plan designed to protect workers, the public, and the environment from any harm at the facility, including but not limited to plans to suspend operation in the case of the existence of hazardous conditions. This plan should also limit access to the site to only

3. Prior to removal of any underground storage tanks at the facility, Texaco must undertake the following:
 - A. Provide EPA and DPNR with at least five days' written notice prior to the date of removal of the tanks;
 - B. Ensure the presence of representatives of EPA and DPNR during the removal;
 - C. Obtain EPA and DPNR approval for the proposed methods of transportation, treatment or disposal of all materials removed from the facility;
 - D. Obtain EPA and DPNR approval of the results of the sampling plan undertaken pursuant to paragraph 1 of this First Amended Order;
 - E. Obtain EPA and DPNR approval of the HNU, explosimeter and oxygen meter procedures which will be conducted during the entire removal period;
 - F. Obtain EPA and DPNR approval of the Site Safety Plan to be conducted throughout the removal period;
 - G. Obtain EPA and DPNR approval of the Site Cleanup Plan to be implemented prior and subsequent to the removal period;
 - H. Obtain EPA and DPNR approval of the Emergency Contingency Plan to be implemented during the removal period in the event hazards to health or the environment are detected; and
 - I. Obtain EPA and DPNR approval of the proposed method for compliance with all applicable federal and local laws and regulations.

AND IT IS FURTHER ORDERED that, within five (5) days of the effective date of this Order, Texaco submit to DPNR the name and qualifications of a Project Officer who will be responsible for supervision of all work conducted pursuant to this Order. At a minimum, the experience of such Project Officer must include familiarity with the federal and local regulations for management of hazardous waste found at 40 CFR Part 260 et seq. and OSHA requirements, as well as a thorough knowledge of the type of work which will be conducted pursuant to this Order. The DPNR may request nomination of alternate Project Officers should it, for any reason, disapprove the Project Officer submitted by Texaco.

SO ORDERED:

8/5/87
Date


Alan D. Smith, Commissioner