

GOLDMAN ANTONETTI FERRAIUOLI & AXTMAYER

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 13486

SAN JUAN, PUERTO RICO 00908-3486

VICENTE J. ANTONETTI
JOSE E. ARRARAS
ALVARO C. CIFUENTES*
JOSE A. AXTMAYER*
JOSE A. CEPEDA-RODRIGUEZ
BLAS R. FERRAIUOLI
ROBERTO MONTALVO
LUIS F. ANTONETTI
RICARDO MUÑIZ**
LEONARDO ANDRADE-LUGO
JORGE L. MARTINEZ
EUGENIO C. ROMERO
LUIS D. ORTIZ-ABREU
GREGORY T. USERA**
FRANCISCO A. BESOSA**
FRANCIS TORRES
CARLOS A. RODRIGUEZ VIDAL**
DANILO M. EBOLI
THELMA RIVERA-LABOY
JORGE SEGUROLA
JUAN H. SAAVEDRA CASTRO*

COUNSEL
MAX GOLDMAN*

SANTURCE OFFICE
409 INSURANCE CENTER BUILDING
701 PONCE DE LEON AVENUE
SANTURCE, PUERTO RICO 00907
TELEPHONE (809) 721-2424
TELECOPIER (809) 721-1796
TELECOPIER (LITIGATION) (809) 722-6571

HATO REY OFFICE
SUITE 1420
BANCO POPULAR CENTER
HATO REY, PUERTO RICO 00918
TELEPHONE (809) 759-8000
TELECOPIER (809) 765-8097

RAMON L. VELASCO
JORGE F. FREYRE***
CARLOS F. RAMIREZ DE ARELLANO
KARIN G. DIAZ-TORO
FRANCISCO J. GARCIA
EDGARDO COLON-ARRARAS
JOSE M. LORIE-VELASCO
BRAULIO GARCIA JIMENEZ
WILMER J. CAMACHO
HOWARD PRAVDA
MARIA DE LOURDES RODRIGUEZ
ROSA M. CRUZ-NIEMIEC
MIGUEL J. RODRIGUEZ MARQUACH
CARLOS E. COLON FRANCESCHI
MARIA ELENA ORTIZ
IVETTE GONZALEZ BUITRAGO

*ALSO ADMITTED IN NEW YORK
**ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
***ALSO ADMITTED IN ALABAMA

April 29, 1991

Ms. Kathleen Callahan, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

RE: Request for Information under 42 U.S.C. §9604
Concerning Potential Releases of Hazardous
Substance at the ESSO Tutu Service Station in St.
Thomas, U.S.V.I.

Dear Ms. Callahan:

This constitutes ESSO Standard Oil S.A. Limited's ("Esso") response to the Request for Information under 42 U.S.C. §9604 sent by the U.S. Environmental Protection Agency (EPA) on April 4, 1991. Esso was granted an extension until today, April 29, 1991, to submit this response to EPA.

This response has been prepared pursuant to all the information that is and has been made available to Esso until this date. Please note that there are certain documents pertaining to inventories of products handled at the Esso Tutu Service Station by Mr. Daniel Bayard that have not been made available to Esso for the preparation of these responses. Once we are provided with these documents by Mr. Bayard, or if any other pertinent information or document is obtained, we will immediately supplement Esso's response to the Request for Information, if necessary.

REQUEST NO. 1

Were, or are, any hazardous substances ever used, stored, generated, disposed or otherwise handled at the facility, including but not limited to 1,1,1, trichloroethane, trichloroethylene ("TCE"), 1,2 trans-dichloroethylene ("DCE"), tetra-chloroethylene ("PCE"), and methyl-ethyl-ketone ("MEK")? Identify each hazardous substance by providing the name, composition and source of origin of each substance.

RESPONSE NO. 1

ESSO has no specific knowledge regarding the use, storage, generation, disposal or handling of hazardous substances at the ESSO Tutu Service Station (hereinafter referred to as "ETSS"). The ETSS, although now owned and operated by ESSO Virgin Islands, Inc., was operated under a lease from 1970 until 1971 by Mr. Robert Dunn, from 1971 until 1978 by Mr. Daniel Bayard, Sr., and from 1978 until 1990 by Mr. Daniel Bayard, Jr. The whereabouts of Mr. Dunn are unknown and Mr. Bayard, Sr., was deceased in 1978, therefore ESSO has been unable to obtain any information and/or documents from the two (2) first operators of the ETSS to prepare this response.

As such, Esso has never used, stored, generated, disposed or otherwise handled hazardous substances at the ETSS. We know of no ESSO product that had been marketed at the ETSS which contained the materials specifically listed in the Request No. 1. Notwithstanding the above, and in attention to a request by EPA dated May 18, 1988, to provide Material Safety Data Sheets (MSDS) of all the cleaning products and solvents used at the ETSS from 1987 on, EPA was provided on August 17, 1988 a copy of the MSDS of the engine cleaner used at the ETSS by Mr. Daniel Bayard in his auto mechanic shop. Copy of the pertinent MSDS, as well as corresponding cover letter, is attached herewith as part of this response.

As operator and lessee of the service station from 1978 until 1990, Mr. Bayard is the person with specific knowledge of the materials, including hazardous substances, that may have been used, stored, generated, or handled at the ETSS.

According to Mr. Bayard, engine cleaning or degreasing was not a service provided at the ETSS mechanic shop. During the very few occasions in which he recalls that an engine cleaner was used, the particular car was driven to a facility having a steam or pressure cleaning system where the cleaner and the engine grease was removed.

Analytical results of samples obtained by EPA on August 17, 1987 from the oil and water separator at the ETSS showed the presence of certain chlorinated compounds which are listed as hazardous substances. However, ESSO has no specific knowledge regarding the origin, composition or nature of these hazardous substances which were included in EPA's sampling results.

Inventory records of Mr. Bayard's operations at the ETSS have not been made available to Esso yet. Once these records are provided and analyzed, ESSO will supplement these responses accordingly.

REQUEST NO. 2

For each hazardous substance identified above, please provide an annual summary describing how each such substance was treated, handled, transported, stored and/or disposed of by the facility. Please attach any manifests, invoices and other documentation which relate to the treatment, handling, transportation, storage and/or disposal of each such substance. If you are unable to provide a copy of any such document, please describe the document and explain why it cannot be provided.

RESPONSE NO. 2

Esso has no document in its possession which relates to the treatment, handling, transportation, storage and/or disposal of such substances. Please refer to Response No. 1.

REQUEST NO. 3

Are, or were, auto mechanic repairs, including oil changes, performed at the ESSO facility? Please describe what type of repairs were performed, if any, and the frequency of such repairs.

RESPONSE NO. 3

To the best of our knowledge and belief, Mr. Daniel Bayard, Jr., as lessee of the ETSS conducted auto mechanic repairs and oil changes at the facility. However, ESSO has no specific information with respect to the type of repairs that were performed at the ETSS or the frequency of oil changes performed by Mr. Daniel Bayard. Mr. Bayard has informed ESSO that oil changes were performed at a frequency of 2 to 4 per day. Light mechanical repairs were also performed at the ETSS such as general tune-ups, brakes repairs, and other miscellaneous small repairs, at a frequency of 4 to 6 per day.

REQUEST NO. 4

If the answer to Question 3 above is yes, were any hazardous substances or hazardous wastes generated, treated, stored, disposed of or otherwise handled in the process? Please attach any manifests, invoices, and other documentation which relates to this question. If you are unable to provide a copy of any such document, please describe the document and explain why it cannot be provided.

RESPONSE NO. 4

ESSO has no specific knowledge of, nor documents which relate to, any hazardous substances or hazardous waste being generated, treated, stored, disposed of or otherwise handled at the ETSS.

REQUEST NO. 5

If the answer to Question 3 above is yes, please list and/or describe what kinds of solvents were used. In addition, please describe where and how these solvents were stored at the facility prior to their use, and all disposal practices regarding these solvents. Please attach any manifests, invoices and other documentation which relate to this question. If you are unable to provide a copy of any such document, please describe the document and explain why it cannot be provided.

RESPONSE NO. 5

According to the information provided by Mr. Daniel Bayard, engine cleaners and brake cleaners in spray cans were sold at the ETSS. The engine cleaner used at the station's mechanics shop is described in the MSDS attached hereto. The use of these products at the station's mechanics shop did not generate any waste. The spray cans, once empty, were disposed of in the waste basket.

We know of no ESSO solvent products that have been marketed at the ETSS. Besides, from the MSDS attached hereto, Esso has no other document which relates to this question.

REQUEST NO. 6

If oil changes were conducted at the facility, please give an annual summary explaining how the used oil was disposed of, the quantity disposed of per month and any and all analysis of this used oil. Please provide all appropriate documentation. If any such document is not available, please describe the document and explain why it cannot be provided.

RESPONSE NO. 6

Used oil handling, management and storage practices were conducted at the ETSS by Mr. Daniel Bayard who is the person with specific knowledge of those practices. ESSO has knowledge of the common practice of service station operation in the U.S. Virgin Islands to provide the used oil generated at the stations' mechanics shops for energy recovery to the Water and Power Authority of the Virgin Islands until such time that the regulations applicable to such operation became effective. ESSO is also aware of off-site disposal by Safety Kleen Envirosystems Company, Inc., of the used oil generated at the service station in the U.S. Virgin Islands, which may include the ETSS.

According to Mr. Bayard, approximately 75 gallons of used oil were generated at the service station as a result of oil changes. The used oil was removed by gravity into a 5 gallon storage cart with a capture funnel on top. The used oil was then stored at a 2,000 gallon storage tank located at the ETSS. Subsequently, the used oil was removed by the local government (V.I. Department of Energy) for usage at the WAPA power plant. The used oil was also removed and transported off-site for disposal by Safety Kleen Envirosystems, Inc.

Mr. Bayard maintains that he has no records of the instances in which the used oil was removed and transported off-site. Nor are there records of analysis, if any, of the used oils.

REQUEST NO. 7

Please describe the structure and location of each oil and water separator at the facility, as well as explain the use of each such unit. Include separators which have been removed and/or shut down. Please attach a diagram or drawing of these units, the dates of their use and their location.

RESPONSE NO. 7

The only oil and water separator ever operated at the ETSS was constructed in 1986 by EDACO (Eugenio de Arce), an independent contractor. The separator is made of reinforced concrete with a steel cover, and has three (3) compartments designed to separate oils, greases and sludges from the water. A diagram illustrating the location of the separator at the ETSS is attached herewith. The separator is presently out of use since all mechanic shop activities were discontinued in 1990.

REQUEST NO. 8

Is there, or has there ever been, any means by which fluids or sludge can escape or be discharged from any oil and water separator (i.e., an open overflow valve or pipe) that presently exists or existed at the facility?

RESPONSE NO. 8

In 1986 a pipe was constructed by EDACO to connect the water phase of the separator into a sewer line located in the parking lot of the Four Winds Shopping Center behind the ETSS. Pursuant to the information provided by Mr. Eugenio de Arce of EDACO and Mr. Daniel Bayard, liquids from the oil/water separator were not discharged through this connection as the pipe was immediately eliminated and capped by EDACO.

The oil and water separator is designed, constructed and operated to prevent the escape or release of the substances which are stored therein. According to information provided by Mr. Daniel Bayard, there has never been an overflow of liquids at the oil/water separator. The oil from the separator was transferred manually into a used oil storage tank located at the premises and the water was also transferred manually and discharged into the sanitary line.

REQUEST NO. 9

If the answer to Question 8 above is yes, has there ever been such a discharge or release? If so, please explain all the details surrounding such a release and submit any related documentation, including analysis. If a document is not available, please describe the document and explain why it cannot be provided.

RESPONSE NO. 9

To the best of our knowledge and pursuant to the information provided by Mr. Daniel Bayard and Mr. Eugenio de Arce from EDACO, none.

RESPONSE NO. 10

By what means could hazardous substances such as PCE and TCE enter an oil and water separator at the ESSO facility? Please be specific, and explain all possible means.

RESPONSE NO. 10

ESSO has no specific knowledge on the means by which PCE and TCE could have entered the oil and water separator at the ETSS.

REQUEST NO. 11

Does, or did, the facility conduct periodic sampling to determine whether hazardous substances have entered the oil and water separators? If so, how often, and on what occasions. Please attach any such analysis.

RESPONSE NO. 11

ESSO has not sampled periodically the oil and water separator to determine whether hazardous substances have entered such unit.

REQUEST NO. 12

Have the oil and water separators been periodically cleaned out or emptied, either completely or partially? If so, how often and on what occasions.

RESPONSE NO. 12

The oil and water separator was cleaned and emptied by Mr. Daniel Bayard almost on a daily basis, pursuant to the procedure referred to in Response No. 8.

REQUEST NO. 13

If the answer to Question 12, above is yes, please explain how the removed liquids and/or sludges are handled and disposed of? Please include any sampling procedures and relevant documentation such as analysis, and manifests. If a document is not available, please describe the document and explain why it cannot be provided.

RESPONSE NO. 13

Refer to Responses Nos. 6 and 8. Esso has no document in its possession which relates to this question.

REQUEST NO. 14

Were, or are, any products (including solvents containing 1, 1,1, trichloroethane, TCE, DCE, PCE and MEK) ever used, stored, generated, disposed or otherwise handled at the facility? If so, identify these products, and explain how were they used, stored

and/or disposed of? Please provide any related documents, if a document is not available, please describe the document and explain why it cannot be provided.

RESPONSE NO. 14

Not to our knowledge. Refer to Response No. 1.

Pursuant to the instructions included in EPA's Request for Information, nor have attached to these responses a "Certification of Answers to Request for Information" duly signed by Ms. Ana Gloria Ramos, Esso's Safety, Industrial Hygiene and Environmental Protection Advisor. Should you have any further question or need any information regarding the matters referred to in these responses, do not hesitate to contact us.

Cordially yours,

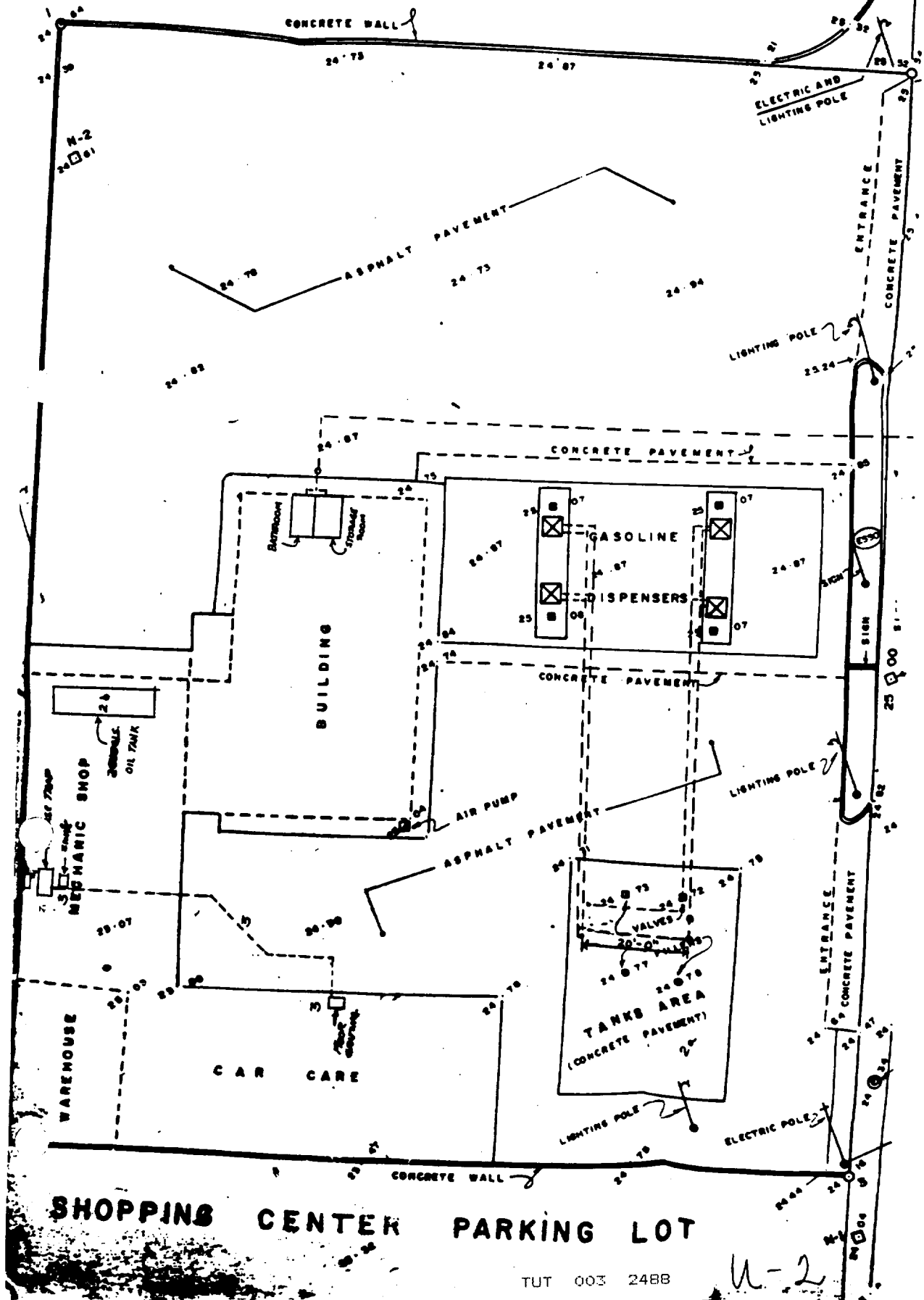


Francis Torres

Enclosures

cc Amy Chester, Esq.
José L. Blanco
Ana Gloria Ramos
Otto Bustelo, Esq.
José Cepeda-Rodríguez, Esq.

SHOPPING CENTER PARKING LOT



CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Commonwealth of Puerto Rico

City of San Juan

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.

Ana Gloria Ramos
SIGNATURE

Ana Gloria Ramos
NAME (Print or Type)

Safety, Industrial Hygiene and
Environmental Protection Advisor
JOB TITLE

[Signature]
NOTARY PUBLIC



Sworn to before me this 29th.
day of April, 1991

LAW OFFICES
GOLDMAN & ANTONETTI

INSURANCE CENTER
701 PONCE DE LEON AVENUE
POST OFFICE BOX 13486
SANTURCE, PUERTO RICO 00908-3486

TELEPHONE: (809) 721-2424
CABLE: RIGOSA
TELEX: RCA-32522804
TELECOPIER: 809-721-1798

RICARDO J. ANTONETTI
ROBERTO MONTALVO
JORGE L. MARTÍNEZ
ALVARO C. CIFUENTES
LUIS F. ANTONETTI
RICARDO MUÑOZ
LEONARDO ANDRADE
JOSE A. CEPEDA-RODRÍGUEZ
EUGENIO C. ROMERO
LUIS D. ORTIZ ABREU

COUNSEL
MAX GOLDMAN

FANNY AUZ-PATÍÑO
CARLOS A. RODRÍGUEZ-VIDAL
CORALINA RIVERA
THELMA RIVERA-LABOY
JORGE SEGUROLA
RAMÓN L. VELASCO
FRANCIS TORRES-FERNÁNDEZ
KARIN G. DÍAZ-TORO
FRANCISCO J. GARCÍA
EDGARDO COLÓN-ARRARÁS
JOSÉ M. LORIÉ-VELASCO
MANUEL A. SILVA-ROSAS

Ref. 092.007

September 22, 1988

Caroline Kwan
Site Compliance Branch
U.S. Environmental Protection Agency
Region II - Room 737
Federal Plaza
New York, N.Y. 10278

Re: Request for Information Under 42 USC
9604, 42 USC 6927, 42, USC 6991(d)
Tutu Esso Car Care Center, US Virgin Islands

Dear Ms. Kwan:

This confirms our telephone conversation of September 22, 1988 regarding the Material Safety Data Sheet (MSDS) of an engine degreaser which was recently provided to us by Mr. Thomas Gutshall, Operation Manager for the Esso Tutu Car Care Center.

The enclosed MSDS was provided to us in response to our request to Mr. Daniel Bayard, the service station operator, to ascertain whether other degreasers, having different constituents than the one already reported to EPA in response to the above referred Request for Information, have been used over the years in the Esso Tutu Service Station.

The attached MSDS is provided the supplement the response provided by Esso to the Request for Information of reference.

Should you have any questions regarding the attached document do not hesitate to contact us.

Cordially yours,


Francis Torres-Fernández

Attachment

cc: Eng. Ana G. Ramos
José Font
Greg Rhymer

MATERIAL SAFETY DATA SHEET FOR PRESSURIZED PRODUCTS (Continued)

PRODUCT TRADE NAME:

SECTION IV - HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE (TLV): ☒ Not Applicable ☐ ppm

EFFECTS OF OVEREXPOSURE: EYE: IRRITATION SKIN: DRYING, DEPAIRING, IRRITATION, DERMATITIS
INHALATION: ANESTHESIA, HEADACHE, DIZZINESS, NAUSEA, UPPER RESPIRATORY IRRITATION.

EMERGENCY AND FIRST AID PROCEDURES: If unconscious, remove victim to fresh air and call a physician. If
gotten in eyes, flush immediately with large amounts of water.

☐ contains cardiac sensitizer - If unconscious from inhalation, do not give adrenalin-type drugs. ☐

SECTION VI - REACTIVITY DATA

CHEMICAL STABILITY: ☒ STABLE ☐ UNSTABLE - CONDITIONS TO AVOID:

INCOMPATIBILITY (Materials to avoid): ☐ None with common materials ☒ STRONG OXIDIZING AGENTS (ACIDS)

HAZARDOUS DECOMPOSITION PRODUCTS (From burning, welding, oxidation, high temperatures):

☐ None ☒ Carbon Monoxide ☐ Phosgene ☐ Hydrofluoric Acid ☐ Hydrochloric Acid
☐ CO₂

HAZARDOUS POLYMERIZATION: ☒ Will not occur ☐ May Occur - Conditions to avoid:

SECTION VIII - LEAK AND DISPOSAL PROCEDURES

STEPS TO BE TAKEN IF CONTAINERS ARE LEAKING OR LARGE AMOUNTS ARE RELEASED: ☒ Avoid breath-
ing vapors. ☒ Remove ignition sources. ☒ Avoid skin contact with liquid. ☐

WASTE DISPOSAL METHOD: Do not puncture or incinerate containers. Give empty, leaking, or full containers to
a disposal service equipped to safely handle and dispose of pressurized containers.

SECTION VIII - SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION (Specify type): ☒ Not Applicable. ☐

VENTILATION

LOCAL EXHAUST (Hoods, Fans, etc.): ☐ Not Applicable

☒ OPEN GARAGE DOORS, USE OUTDOORS

MECHANICAL (General Area Ventilation): ☐ Not Required

☐ Should be on while spraying, to remove solvent vapor.

SPECIAL:

☒ Not Applicable

☐

PROTECTIVE GLOVES: ☒ Not Applicable

Wear: ☐ Rubber ☐ Vinyl ☐ Polyethylene

☐ gloves while spraying.

EYE PROTECTION: ☒ Not Applicable

☐ Wear Goggles while spraying.

☐

OTHER PROTECTIVE EQUIPMENT: ☒ Not Applicable

☒ Do not wear clothing soaked by spray.

SECTION IX - SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE: Do not store where temperatures could exceed
☒ 64°C (130°F) ☐ °C (°F). ☐

OTHER PRECAUTIONS: DANGER: CONTENTS FLAMMABLE. CONTENTS UNDER PRESSURE. DO NOT PUNCTURE,
OR INCINERATE (BURN), DO NOT USE NEAR OPEN FLAME OR ANY OTHER IGNITION SOURCE. USE ONLY IN
WELL VENTILLATED AREAS. AVOID SPRAYING INTO EYES OR ON SKIN.

KEEP OUT OF REACH OF CHILDREN!!

SPECIAL PRECAUTIONARY STATEMENTS: Please read and follow the directions on the product label; they are
your best guide to using this product in the most effective way, and give the necessary safety precautions to
protect your health.

Additional Notes or Comments from sections above:

INTENTIONAL MISUSE OR USE OF PRODUCT IN A MANNER OTHER THAN THAT CONSISTENT WITH
LABELING IS A VIOLATION OF FEDERAL LAW.

PRODUCT TRADE NAME: E20N ENGINE DECREASER

PRODUCT DESCRIPTION SURFACTANT & KEROSENE

NOT TO BE USED