



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

04 1995

--EXPRESS MAIL--
RETURN RECEIPT REQUESTED

Daniel H. Wilson, President
Western Auto Supply Company
2107 Grand Avenue
Kansas City, MO 64108

Re: Tutu Wells Site
St. Thomas, U.S. Virgin Islands

Notice of Potential Liability Pursuant to CERCLA, 42 U.S.C.
\$9601 et seq., and RCRA, 42 U.S.C. \$6991b et seq.

Dear Mr. Wilson:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§9601-9675.

EPA has documented the release and threatened release of hazardous substances and petroleum into the environment at the Tutu Wells Site, which is located in the upper Turpentine Run basin in the vicinity of Anna's Retreat in the east central section of St. Thomas. Hazardous substances, including, but not limited to benzene, toluene, ethylbenzene, xylene ("BTEX"), 1,2-dichloroethene, vinyl chloride, trichloroethene, tetrachloroethene and terbutylmethylether ("TBME") have been detected in groundwater, soil samples and supply wells in the vicinity of the upper Turpentine Run basin.

Under CERCLA and other laws, responsible parties may be held liable for monies expended by the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial and enforcement actions. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current and past owners or operators of the facility from which there has been a release or threatened release of hazardous substances.

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In response to releases and threatened releases of hazardous substances into the environment at the Site, EPA has spent public funds and expects to expend additional public funds. To date, response actions taken by EPA with regard to the Site include, but are not limited to, removal actions initiated by EPA, and oversight of the performance of the removal action and remedial investigation/feasibility study ("RI/FS") conducted by the Tutu Environmental Investigation Committee ("TEIC"). These actions have been and will be undertaken pursuant to CERCLA.

By this letter, we notify Western Auto Supply Company ("Western Auto") that we have reason to believe that the company is the current operator of a facility at which there has been a release or threatened release of hazardous substances which has caused EPA to incur response costs. We also have reason to believe that the company was the owner and/or operator of such a facility at the time of the disposal of hazardous substances there. Accordingly, Western Auto is a potentially responsible party ("PRP") under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). In addition, EPA has determined that you may be an owner or operator of an underground storage tank which contained or contains petroleum or hazardous substances which may be resulting in a "release," as that term is defined in Subtitle I of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6991(5), and regulations promulgated pursuant thereto, 40 CFR §280.12. Therefore, you may be responsible for corrective action pursuant to 42 U.S.C. §6991b and Subpart F of 40 CFR Part 280.

Currently, the TEIC is performing a remedial investigation/feasibility study in the area under an Administrative Order with EPA, which is scheduled to be completed in the Winter of 1994. Pursuant to the preliminary findings during the performance of this RI/FS for the Tutu Wells Site, we believe that a "remedial" action (as defined in Section 101(24) of CERCLA, 42 U.S.C. §9601(24)) and "corrective action" (as set forth in Section 9003(b) of RCRA, 42 U.S.C. §6991b), may be necessary at the Site. These actions would address, among other things, groundwater and soils at your facility which may be contaminated with hazardous substances and petroleum.

Please indicate whether you are interested in cooperating in future activities involved with this Site, by June 18, 1993, in writing, to:

Andrew L. Praschak
Office of Regional Counsel
U.S. Environmental Protection Agency
Caribbean Field Office
1413 Fernandez Juncos Avenue
Santurce, PR 00909

A copy of this correspondence should also be sent to the Project

Manager at the following address:

Caroline Kwan
Superfund Division
U.S. Environmental Protection Agency
26 Federal Plaza
Room 737
New York, NY 10278

Those parties who indicate, in writing, that they are interested in participating in future activities at the Site are invited to attend an organizational meeting with the other parties as well as EPA and the Virgin Island Department of Natural Resources on July 8 at 10 am at the Nisky Center in St. Thomas, U.S. Virgin Islands. Your letter should indicate whether your company intends to attend this meeting and who will be present to represent the company at this meeting. If you have any questions about this letter or the July meeting call Caroline Kwan at (212) 264-0151. Legal questions should be referred to Andrew Praschak at (809) 729-6951.

Sincerely yours,



George Pavlou, Acting Director
Emergency and Remedial Response Division

cc: Andrew Praschak, EPA-CFO
Leonard Reed, DPNR
Larry Spivack, DPNR
John Coon, Coon & Sanford