

GOVERNMENT OF THE VIRGIN ISLANDS  
DEPARTMENT OF PLANNING AND NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF THE DEPARTMENT OF )  
PLANNING AND NATURAL RESOURCES, )  
ROY E. ADAMS, COMMISSIONER )

COMPLAINANT, )

vs. )

THOMAS GASSETT, INDIVIDUALLY AND )  
THOMAS GASSETT D/B/A GASSETT AUTO )  
MALL, ST. THOMAS, VIRGIN ISLANDS, )

RESPONDENT. )

ORDER TEIC 01-92

I. AUTHORITY

Pursuant to 12 V.I.C.—Sec. 188 (d); and 12 V.I.C. Sec. 189, the Commissioner has the authority to declare that a pollution source or combination of sources are presenting an imminent and substantial danger to the health and welfare of the public; and may order the inspection and entry onto land within the Territory to carry out the purposes of the Water Pollution Control Act.

II. FINDINGS OF FACT

A. Since July, 1987, the Department of Planning and Natural Resources (DPNR) and the United States Environmental Protection Agency (EPA) have been involved in the sampling and testing of identified water wells in the Tutu section of Anna's Retreat within the Tutu Water/Turpentine Run Aquifer. This testing has taken place because contaminants were found in both wells and cisterns within this area.

B. In order to protect the public health and welfare, DPNR ordered the closing of a number of commercial and residential wells within the affected area.

C. In February, 1992 the EPA entered into an Administrative Order of Consent with Esso Standard Oil S.A., Limited and Texaco Caribbean, Inc., to determine the vertical and horizontal nature and extent of soil and ground water contamination; and the rate and direction of contamination movement.

D. In order to implement this Administrative Order of Consent, to carry out the purposes of the Water Pollution Control Act and to protect the health and welfare of the public from what is considered to be an an imminent health hazard, it is necessary for representatives of DPNR, EPA, Esso Standard Oil S.A., Limited and Texaco Caribbean, Inc., to enter on and test the soil and water on land which is leased and occupied by Gassett Auto Mall.

E. All prior orders of both DPNR and EPA are hereby relied upon and incorporated by reference.

ORDER

In consideration of the foregoing, Thomas Gassett, individually and Thomas Gassett d/b/a Gassett Auto Mall, his agents, representatives and employees are hereby ORDERED to permit DPNR, EPA, Esso Standard Oil S.A., Limited and Texaco Caribbean, Inc., its agents and representatives to enter upon its land for the purpose of conducting soil and water sampling.

Failure to comply with this ORDER subjects Thomas Gassett, individually and Thomas Gassett d/b/a Gassett Auto Mall to Civil penalties pursuant to the Virgin Islands Code.

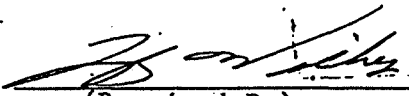
SO ORDERED this 23<sup>rd</sup> day of July, 1992.

  
Roy E. Adams, Commissioner

If you have any questions, please contact Leonard Reed, Assistant Director, Division of Environmental Protection at 809-774-3320.

Receipt of the within Order is hereby acknowledged.

8/3/92  
(Date)

  
(Received By)

Served Upon \_\_\_\_\_

by Off. L.A. Takso, 3 Aug. 92  
(date)

REA/LHS/eeh