

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

The Matter of Esso Standard Oil S.A. Ltd./
Rodriguez Gasoline Station
St. Thomas, Virgin Islands

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) and/or their piping systems located in Tutu area of St. Thomas Virgin Islands and; having met with representatives of Esso Standard Oil S.A. Ltd. (Esso), it is hereby

Ordered that Esso refrain from the removal of UST's at Rodriguez Gasoline Station (the facility) located at Charlotte Amalie #7, St. Thomas, Virgin Islands until a permit is granted by the Department of Planning & Natural Resources, Permits Division and the following conditions set forth herein are met:

1. A sampling plan be developed by Esso pursuant to

this order and shall apply to the removal of existing UST's and is to be submitted to DPNR for approval no later than fourteen (14) days after the effective date of this 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 if 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, as amended. 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 those person(s) who are performing necessary functions on the job site and Virgin Islands DPNR and federal representatives.

C. Personnel Qualifications

A description of the qualifications of all personnel involved in work at the facility including, but not limited to a description of the experience and training of each in the areas of calibration, photo ionization detector, oxygen meter and explosimeter.

D. Compiiance With Applicable Laws

A description of all local and federal laws and regulations which may be applicable to this facility and the manner in which they will be adhered to. Such laws, specifically include but are not limited to Virgin Islands statutes and regulations; federal regulations governing the generation, treatment and disposal of hazardous waste found at 40 CFR Part 260 et. seq. the underground storage tank regulations at 40 C.F.R part 280; and all applicable regulations of the Occupational Safety and Health Administration (OSHA).

E. Preservation of Data

A plan to include the logging of data and preservation of all data collected at the site including all documents, sampling reports and daily logs of the sampling effort at the site.

F. Quality Assurance/Quality Control (QA/QC)

A Quality Assurance/Quality Control Plan (QA/QC) for all sampling conducted at the site, pursuant to EPA Guidance Publication 5w-846, as ammended.

2. Prior to removal of any underground storage tanks at the facility, Esso must undertake the following:
 - A. Provide EPA and DPNR with at least five days written notice prior to the date of removal 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 sampling plan undertaken pursuant to this 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.

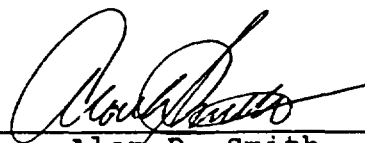
AND IT IS FURTHER ORDERED that, within five (5) days of the effective date of this Order, Esso submit to DPNR the name and qualifications of a Project Officer who will be responsible for supervision of all work conducted pursuant to this Order. At a minimum, the experience of such Project Officer must include familiarity with the federal and local regulations for management of hazardous waste found at 40 CFR Part 260 et seq. the underground storage tank regulations at 40 C.F.R part 280 and OSHA requirements, as well as a thorough knowledge of the type of work which will

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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 Esso.

SO ORDERED:

2/23/89
DATE



Alan D. Smith,
Commissioner