

LAW OFFICES OF JOHN K. DEMA, P.C.

20 May 1993

Via Facsimile Transmission

Carlos E. Colon Franceschi, Esquire
Goldman Antonetti Cordova & Axtmayer
P. O. Box 70364
San Juan, Puerto Rico 00936-0364

**RE: Site Access Notice
Four Winds Plaza
St. Thomas, U. S. V. I.**

Dear Attorney Colon:

Thank you for your letter of May 19, 1993 informing us of TEIC's desire to install and sample two additional monitoring wells at Four Winds Plaza. Since you did offer, I do need some additional information before I respond to your notice.

First, it is my understanding that the U.S. EPA has questioned the need for the installation of the well you identify as MW-17 located in the front of Four Winds Plaza. I'm sure you understand my concern that TEIC and U.S. EPA are now in agreement with the need to install this particular monitoring well. I merely seek some assurance that this is, in fact, the case.

Second, I need to know, with some degree of specificity, the proposed location of MW-17. Figure 1-2 of your Attachment I appears to place MW-17 on the sidewalk in front of the new addition in the courtyard of Four Winds. If this is the case, I need information pertaining to TEIC's plan for pedestrian safety, limiting drilling activity to after business hours (including the movie theater) and/or an agreement between TEIC and any tenant whose business would be affected by the drilling and testing which would waive the rights of such tenant to claim that Four Winds had interfered with the rights of the tenant(s) to quiet enjoyment of the premises.

Finally, I need information pertaining to TEIC's plan to conduct a preliminary survey in the vicinity of MW-16 to determine whether a perched water entrapment exists between the land surface and the underground water table. This entrapment may contain contamination suspected to result from the operating procedures of Western Auto.

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The present TEIC Work Plan states standard procedure for well installation with respect to unconfined water table conditions. Based on our current knowledge of the site, this is probably not the conditions occurring behind Western Auto. Surficial water existing around the underground storage tank at Western Auto is more than likely perched above water of the Tutu Aquifer, and contained in the excavation where the tank is buried. It is of the utmost importance that bore holes are not drilled through the perched system. Drilling through the tank excavation would allow perched water to drain down into the water-bearing zone of the Tutu Aquifer.

If perched water surrounding the tank is contaminated, these waters would then contaminate the Tutu Aquifer water. The preliminary survey should address the following items:

- a. The elevation of perched water in the tank excavation should be measured.
- b. The water quality of perched water needs to be determined with respect to petroleum compounds.
- c. The extent of the tank excavation and possible location of drain fields should be determined.
- d. The elevation of groundwater in the Tutu Aquifer near the tank excavation should be determined.
- e. The depth below land surface where Tutu Aquifer groundwater is located should be determined while drilling.
- f. The drilling method should include a surface casing set such that perched water is not allowed to drain into the borehole and into waters of the Tutu Aquifer, i.e., install a double-cased well with a surface casing set below the bottom of the perched water but above the surface of Tutu Aquifer water. Cement surface casing, evacuate water in the surface casing, and then drill through the inside of the surface casing to complete the borehole and set the well screen.

If, in fact, such an entrapment or perched table exists, the work plan should be modified to eliminate the possibility that drilling through the allegedly contaminated materials will not introduce such alleged contaminants into the underground aquifer.

I want to thank you for providing the description of activities, the list of personnel and the proposed schedule. Please contact me if you have any questions.

By the way, I'm sure it was just an oversight, but I didn't receive Attachment II described in your letter as the USVI-DPNR earth change and drilling permits obtained by Soil Tech.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John K. Dema / J.K.D.", written in dark ink.

John K. Dema, Esquire
(Dictated but not read)

JKD/rws

cc: John Coon, Esquire
Andy Praschak, Esquire
Ms. Caroline Kwan