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June 16, 1993

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Assistant Regional Counsel - Region II  
U.S. Environmental Protection Agency  
Caribbean Field Office  
1413 Fernandez Juncos Avenue  
Santurce, Puerto Rico 00909

Re: Tutu Well Field Site

Dear Attorney Praschak:

As you know, I am counsel for Ramsay Motors, Inc. On or about June 7, 1993, Mrs. Rita Ramsay received a Notice of Potential Liability from Mr. George Pavlou, Acting Director, Emergency and Remedial Response Division, USEPA, Region II, regarding the Ramsay Motors dealership located at No. 405 Anna's Retreat, St. Thomas, Virgin Islands.

Mrs. Ramsay is the President of Ramsay Motors, Inc., a Virgin Islands corporation that has owned and operated the small Ford dealership at No. 405 Anna's Retreat since September, 1978. The dealership was built and operated by Robert Ramsay, until his death in 1986. Ramsay Motors is a family-owned company, with very limited resources.

As you are also aware, in April, 1992, Ramsay Motors was sued by Esso Standard Oil S.A. ("Esso") for common law contribution, and for statutory contribution under CERCLA and RCRA, in connection with the consolidated litigation captioned In Re: Tutu Water Wells Contamination Litigation, Master Docket No. 89/107, pending in the District Court of the Virgin Islands. Prior to being sued by Esso, Ramsay had no involvement in the private litigation. Since 1987, Ramsay has fully cooperated with EPA and DPNR, and their various consultants, and later with TEIC, in providing access to its supply well and its facility for inspections and sampling, and in responding to two (2) Section 104(e) requests for information.

While Ramsay is willing to continue to cooperate with EPA and its consultants in the investigation of the Tutu Wells site, we are unclear at this time as to the nature or scope of the "future activities" referred to at page 2 of the Notice dated June 4, 1993. In addition, we are unclear as to

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what such cooperation may entail, and whether Ramsay may be asked at some future date to make a financial contribution to the investigation, or to participate, at some cost to Ramsay, in future investigations. Obviously, the possibility of a request for a financial contribution is of deep concern to a small business such as Ramsay, particularly in light of the extensive nature of the investigation, the large area encompassed within the Tutu Wells site, and the presence of many contaminants in the area groundwater and soil which could not conceivably be related to the activities conducted at Ramsay's small service shop. Therefore, we cannot make any commitments as to future cooperation, until such time as more information becomes available, and we do not understand that EPA is seeking any such commitment from Ramsay at this time.

We also do not understand the reference in the Notice to a release or threatened release of hazardous substances from the Ramsay facility under CERCLA, in the light of the results of the investigations conducted from 1981-1992 by EPA, DPNR and TEIC. Ramsay does not use, handle or dispose of substances at its repair facility which create the possibility of a release or threatened release of hazardous substances, as that term is defined under CERCLA.

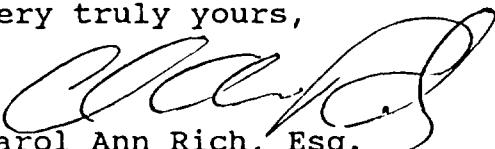
Similarly, we are unaware of any information which suggests that there has been a release from Ramsay's waste oil tank, as that term is defined under RCRA. As Ramsay previously advised EPA, the tank was drained, filled with gravel and sealed in 1990, in accordance with instructions from DPNR. Therefore, there is no existing possibility of a release from Ramsay's tank.

We are particularly concerned with the effect upon a small company like Ramsay Motors of being drawn into an expensive investigation involving substantial releases from large operations in the area, such as the Esso Tutu Service facility and the Texaco Tutu Service facility, and releases of hazardous substances such as tetrachlorethene, by facilities such as Laga and Esso which have conducted dry cleaning or solvent washing operations in the area. It is important that Ramsay not be drawn into joint and several liability with mega-corporations whose potential contribution vastly overwhelms any possible contribution by an operation as small as Ramsay Motors, or with facilities that may have contributed highly toxic substances not used at Ramsay, that may greatly inflate the costs of investigation and remediation.

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However, consistent with the above reservations, please be advised that I will attend the July 8 organizational meeting on behalf of Ramsay Motors.

Very truly yours,



Carol Ann Rich, Esq.

CAR/bel

cc: Mrs. Rita Ramsay  
Ms. Caroline Kwan  
Larry Spivack, Esq.