



Government Of
The Virgin Islands of the United States

DEPARTMENT OF PLANNING & NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
Charlotte Amalie, St. Thomas, Virgin Islands
AIR POLLUTION CONTROL

AUTHORITY TO CONSTRUCT PERMIT TO OPERATE

For: **L.S.J., LLC**
6100 Red Hook
Quarters B-3
St. Thomas, V. I. 00802

Permit No.: **STT-8-020-L-10**
Phone: **(340) 513-9855**

Date: **December 16, 2010**

Pursuant to the provisions of Title 12 of the Virgin Islands Rules and Regulations Air Pollution Control Act Chapter 9, Section 206, Sub-Section 20, this Permit is issued to:

L.S.J., LLC

For the construction of the following: one (1) 500 kW Caterpillar diesel generator, model # LC7, serial # G7A03132, engine model # C18, serial # EST01043 (Generator # 1), for **standby use only**.

Located at: Little St. James Island

In accordance with the application dated: **October 29, 2010** and in conformity with the statements and supporting data entered therein, all of which are filed with the Department and are considered a part of this permit.

This permit shall be effective from the date of: December 16, 2010 for a one (1) year period ending on: December 16, 2011.

Nadine Noorhasan, [REDACTED]
Director



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

8100 Lindberg Bay, Ste. #51
Cyril E. King Airport, Terminal Building, Second Floor
ST. THOMAS, VI 00802
PHONE: (340) 774-3320, FAX: (340) 714-9513

This Territorial Pollutant Discharge Elimination System (TPDES) permit is issued in compliance with 12 V.I. CODE ANN. § 185 in accordance with the provisions of the Federal Water Pollution Control Act, as amended, (33 USC 1251 et seq.) (hereinafter referred to as "The Act").

LITTLE ST. JAMES (herein referred to as the Permittee)
Little St. James Island, VI 00802

The Permittee is authorized to discharge from a facility located at the above address, to the receiving waters listed in the table below, in accordance with effluent limitations and monitoring requirements and other conditions set forth in parts I and II hereof, including the collection system(s) outfalls.

BEST PROFESSIONAL JUDGMENT (BPJ) CATEGORY - R.L.L.	CONDOMINIUMS/ HOTELS/ RESORTS/ MARINAS (STT-STJ) Little St. James Subwatershed	R/O MINOR TPDES Permit
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TPDES Permit No.	Wastewater Process and/or Product	Daily Maximum	Monthly Average	Disinfection Type	RECEIVING WATER
VI0040525					
001 FLOW (MGD)	Reverse Osmosis Brine	0.3	0.3	NA	Drainage System

Date Original Application Received: 3/11/11

Date Completed Application Received: 7/29/11

TPDES Permit Administrator: Rhonda L. Liburd Date: 10/19/11
 Rhonda L. Liburd, [Redacted]

Program Manager Approval: Rhonda L. Liburd Date: 10/19/11
 Program Manager

Acting Director Approval: David Alvaro Simon Date: 10/20/11
 David Alvaro Simon, [Redacted]

This permit shall become effective on November 1, 2011 and authorization to discharge expires October 31, 2016 with a renewal application date of April 30, 2016.

Alicia V. Barnes
Alicia V. Barnes
Commissioner

10/21/2011
Date

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, the Permittee is authorized to discharge from outfall number 001 (reverse osmosis brine). Such discharges shall be limited and monitored by this Permittee as specified below:

Receiving Water Classification: B (BPJ)

Table 1A: REQUIRED EFFLUENT LIMITATIONS AND MONITORING						
Effluent Characteristic (Parameter)	Effluent Concentration Limitations			Monitoring Requirements		
	Maximum Daily Limit	Percent Removal	Average Monthly Limit	Sample Location	Sample Frequency	Sample Type
001 FLOW (MGD)	0.3	N/A	0.3	Effluent	Continuous	Continuous
Temp (°C)	32	N/A	N/A	Effluent	WEEKLY	Grab
pH	7 to 8.3	N/A	N/A	Effluent	WEEKLY	Grab
Salinity (mg/l)	REPORT	N/A	N/A	Effluent	QUARTERLY	Grab
Total Dissolved Solids (mg/l)	REPORT	N/A	N/A	Effluent	QUARTERLY	Grab
Oil & Grease	REPORT	N/A	N/A	Effluent	ANNUALLY	Grab

Samples collected in compliance with the monitoring requirements specified in Table 1A shall be taken at any point after the treatment process has commenced but prior to being discharged into the receiving waters. Compliance sampling points must be labeled.

DISCHARGE MONITORING REPORTS MUST BE SUBMITTED ON A MONTHLY BASIS.

Special conditions are hereby incorporated into this permit in order to satisfy the provisions Title 12 of the Virgin Islands Code, Chapter 7, Section 185 (f) (1981), and Section 301 (b) (1) (C) of the Federal Clean Water Act (PL 95-217). As part of the administration of the Territorial Pollutant Discharge Elimination System (TPDES), the TPDES Permit Administrator is the primary permit writer. Further, a TPDES Permit Compliance Evaluation Inspector (TPDES CEI Inspector) will conduct routine and follow-up inspections for this facility and report subsequent findings to the U.S. Environmental Protection Agency (EPA) and the TPDES Permit Administrator. The TPDES Permit Administrator and CEI Inspector are the authorized representatives of the Commissioner of DPNR for the sole purpose of insuring the following special conditions:

1. This permit is for a five year period. Within that period, the Permittee is required to report any management changes by submitting an updated EPA Form 1. An annual re-certification must be performed if there are any management changes at the permittee's facility. This annual re-certification must occur thirty (30) days prior to the anniversary of the effective date of the permit and on the same date each year by submitting an updated EPA Form 1. The EPA Form 1 must be accompanied by a cover letter on official stationery, addressed to the TPDES Permit Administrator, certifying that it's current general manager, director of engineering, condominium association president and/or certified plant operator have read and understood all parts and special conditions of this permit (see Part II (B) 11 (a) & (c) for "Signatory requirements"). Certification Letters serve to inform the Division of Environmental Protection (DEP) of any changes in management. DEP must be informed of any interim management changes or changes in the plant operator.

The Permittee has a "Duty to Comply" subject to fines during that permitting cycle, and a "Duty to Reapply" at least 180 days prior (about 6-months) to the permit's expiration date, pursuant to Part II (B) 1&2 of this permit. The renewal application, EPA Form 2C, must be completed at that time pursuant to 40 CFR 122.21(e). Therefore, it is recommended, but not required, that the Permittee request an application meeting at least 60 days earlier. An application fee may apply at that time, in accordance with 12 V.I. R. & REGS. § 184-26, pursuant to 12 V.I. CODE ANN. § 184 (a) and (p) and (q) (1976).

Annually, the manager, operator or contact person must attend a mandatory Regulatory Question & Answer Meeting with the TPDES Permit Administrator. During that meeting, the Permittee must, if applicable, provide proof of current applicable permits for waste oil, standby generators, boilers, well appropriation and an approved spill prevention plan or terminal facilities license.

2. Prior to Compliance Evaluation Inspections (CEIs), the Permittee or designated representative must review the following sections of this permit: "Monitoring and Records" Part II (B) 10 (b)&(c); "Inspection and Entry" Part II (B) 9 (d); and "Proper Operation and Maintenance" Part II (B) 5. At a minimum, flow meters must also be installed at the labeled effluent sampling points for the brine discharge (outfall 001). Discharge Monitoring Reports (DMRs) and logbook records must be presented for applicable permit limits, instrument calibration, and equipment maintenance including standby generators. A calibration and maintenance schedule must be provided. A filter or system backwash schedule is required for seawater intakes. All logbooks must contain time, date and signatures. Used oil must be labeled. Further, a demonstration of any standard operating procedure may also be required. This permit is subject to modification based on violations of permit conditions including any interim schedule of compliance, pursuant to 12 V.I. CODE ANN. § 185 (f) 2 (A) and (i) (2000). The Permit Administrator, CEI inspector or any other DEP officer, may conduct additional follow-up inspections each quarter to ascertain compliance. A non-compliance corrective action plan may be required within 30 days of written notification of deficiencies discovered during these inspections. This permit, including all pages, must be prominently displayed onsite at the reverse osmosis water treatment plant.

3. This permit may be transferred to a new owner if the current Permittee notifies the TPDES Permit Administrator, thirty (30) days prior to the transfer date of its intent. The notification must contain a cover letter on official stationery, with a copy of the written agreement between the old and new owner on the terms of the transfer (operational control, responsibility, coverage and liability), along with EPA Form 1 completed by the new owner. This is subject to DPNR Commissioner's modification or revocation of the permit, pursuant to 40 CFR 122.63 (d). The new owners must also independently certify that they have read and understood the permit and all special conditions. In the case of foreclosure, DPNR-DEP does not establish ownership.

4. In the event of leaks, spills or overflows at this permitted facility, the following individuals must be included in any and all notifications:

Wayne Donadelle, Environmental Specialist I, TPDES CEI Inspector at 774-3320 extension 5156,
Rhonda L. Liburd, Environmental Specialist III, TPDES Permit Administrator at ext 5188, and
Jim Casey, EPA/CEPD, VI Coordinator at 714-2333.

B. MONITORING AND REPORTING REQUIREMENTS

1. Monitoring and records. See Part II.B.10.
2. Discharge Monitoring Reports (DMR).
 - a. See Part II.B.12.d.
 - b. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320_1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on the effective date of the permit (EDP) +28 days. The permittee shall sign and certify all DMRs, and all other reports, in accordance with the requirements of Part 11.b of this permit ("Signatory Requirements"). The permittee shall submit legible originals of these documents to DPNR, with copies to EPA at the following addresses:

Regional Administrator
USEPA Region II
290 Broadway
New York, NY 10007-1866
Attn: Permits Admin. Branch

Government of the U.S. Virgin Islands
Dept. of Planning & Natural Resources
Office of the Commissioner
Division of Environmental Protection
Water Pollution Control Program
8100 Lindberg Bay, Ste. 61
Cyril E. King Airport, Terminal Building, 2nd Floor
St. Thomas, VI 00802

3. Quality assurance practices. The Permittee is required to show the validity of all data by requiring its laboratory to adhere to the following minimum quality assurance practices:
 - a. Duplicate¹ and spiked² samples must be run for each constituent analyzed for permit compliance on 5% of the samples, or at least on one (1) sample per month, whichever is greater. If analysis frequency is less than one (1) sample per month, duplicate and spiked samples must be run for each analysis.
 - b. For spiked samples, a known amount of each constituent is to be added to the discharge sample. The amount of constituent added should be approximately the same amount present in the unspiked sample, or must be approximately that stated as maximum or average in the discharge permit.
 - c. The data obtained in 3. a. above shall be summarized in an annual report submitted at the end of the fourth quarter of reporting in terms of precision, percent recovery, and the number of duplicate and spiked samples run.
 - d. Precision for each parameter shall be calculated by the formula, standard deviation $s = (\sum D^2/2K)^{1/2}$, where "D" is the difference between duplicate results, and "K" is the number of duplicate pairs used in the calculation.

¹ Duplicate samples are not required for the following parameters: Color, Temperature, Turbidity.

² Spiked samples are not required for the following parameters listed in Table 1 of 40 CFR 136: Acidity, Alkalinity, Bacteriological, Benzidine, Chlorine, Color, Dissolved Oxygen, Hardness, pH, Oil & Grease, Radiological, Residues, Temperature, Turbidity. Procedures for spiking samples and spiked sample requirements for parameters not listed on the above referenced table are available through EPA's Regional Quality Assurance Coordinator.

- e. Percent recovery for each parameter shall be calculated by the formula $R = 100 (F - I)/A$, where "F" is the analytical result of the spiked sample, and "I" is the result before spiking the sample, and "A" is the amount of constituent added to the sample.
- f. The percent recovery, "R", for each parameter in 3. e. above shall be summarized yearly in terms of mean percent recovery and standard deviation from the mean. The formula, $s = [\sum(x - \bar{x})^2 / (n - 1)]^{1/2}$, where "s" is the standard deviation around the mean " \bar{x} ", "x" is an individual recovery value, and "n" is the number of data points which shall be applied.
- g. The Permittee or his contract laboratory is required to annually analyze an external quality control reference sample for each pollutant. These are available through the Regional Quality Assurance Coordinator, Region II, U.S. Environmental Protection Agency, Edison Environmental Laboratory, Edison, New Jersey 08817.
- h. The Permittee and/or his contract laboratory is required to maintain records of the specific analytical methods used, including options employed, if any, within a particular method, and of reagent standardization and equipment calibration operations.
- i. If a contract laboratory is utilized, the Permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its discharge monitoring reports (see Section B.2.b. above). Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.

C. OTHER REQUIREMENTS

- 1. N/A.
- 2. N/A.
- a. N/A.
- 3. N/A.
- 4. Alterations. There are material and substantial changes or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
- 5. Monitoring.
 - a. N/A.
 - b. N/A.
 - c. N/A.
- 6. Twenty four hour reporting.
 - a. The Permittee must report violations of maximum daily discharge limitations in accordance with the reporting requirements set forth in Part II.B.12.f. (twenty-four (24) hour reporting followed by five (5) day written submission).

7. Additional reporting requirements. The Permittee shall notify the Regional Administrator and Commissioner as soon as it knows or has reason to believe:
- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 μ g/l); or
 - (2) Two hundred micrograms per liter (200 μ g/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μ g/l) for 2,4_dinitrophenol and for 2_methyl_4,6_dinitrophenol; and one milligram per liter (1 mg/l) for antimony; or
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The notification level, if any, established by the Commissioner in the permit.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non_routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 μ g/l); or
 - (2) One milligram per liter (1 mg/l) for antimony; or
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The notification level, if any, established by the Commissioner in the permit.
 - c. *Compliance Schedule:* N/A

DEFINITIONS

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
2. "Average weekly discharge limitations" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
3. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
4. "Composite" means a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of twenty-four (24) individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24_hour composite sample. For intermittent discharges of more than four (4) hours duration, grab samples shall be taken at a minimum of thirty (30) minute intervals.
5. "Commissioner" means the Commissioner of the Department of Planning and Natural Resources or his duly authorized representative.
6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24_hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharge over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of pollutant over the day. For purposes of sampling, "daily" means an operating day or 24_hour period.
7. "Discharge Monitoring Report" or "DMR" means the EPA uniform national form, including any subsequent additions, revisions, or modifications, for reporting of self monitoring results by Permittees.
8. "Grab" means an individual sample collected in less than fifteen (15) minutes.
9. "Gross" means the weight or concentration contained in the discharge. (Unless a limitation is specified as a net limitation, the limitation contained in this permit is a gross limitation).
10. "Maximum daily discharge limitation" means the highest allowable "daily discharge".
11. "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).
12. "Net" means the amount of a pollutant contained in the discharge measured in appropriate units as specified herein, less the amount contained in the surface water body intake source, measured in the same units, over the same period of time, provided:
 - a. The intake water source must be drawn from the same body of water into which the discharge is made; and

- b. In cases where the surface water body intake source is pretreated for the removal of pollutants, the intake level of a pollutant to be used in calculating the net is that level contained after the pretreatment steps.
13. "Regional Administrator" means the Regional Administrator of Region II of EPA or the authorized representative of the Regional Administrator.
14. "Severe property damage" means that substantial physical damage to the treatment facilities which would cause them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. "Toxic pollutant" means any of the pollutants listed in 40 C.F.R. 401.15 (45 F.R. 44503, July 30, 1979) and any modification to that list in accordance with Section 307(a)(1) of the Clean Water Act.
16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology_based effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
17. "Weekly" means every seventh day (the same day of each week) and a normal operating day.
18. "TPDES Permit Administrator" means the author of this permit.

B. GENERAL CONDITIONS

1. Duty to Comply

- a. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Environmental Laws and Regulations of the Virgin Islands and Federal Clean Water Act and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or the denial of a permit renewal application.
- b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Federal Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not been modified to incorporate the requirement.
- c. (1) Title 12, Section 190 of the Virgin Islands Code, Water Pollution Control Act provides that any person who violates any permit condition is subject to a civil penalty not to exceed \$50,000 per day of violation. Any person who willfully or negligently discharges pollutants in violation of any condition or limitation included in a permit; or violates requirements of 12 V.I.C. Section 189; or with respect to introductions of pollutants into publicly owned treatment works, violates a pretreatment standard or toxic effluent standard, shall upon conviction, be punished by a fine not less than \$5,000 per day of violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, punishment is by a fine of not more than \$100,000 per day of violation. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained under this chapter or by any permit, rule, regulation or order issued under the Act, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six (6) months or both.
- (2) The Clean Water Act, Section 309(c) provides that any person who violates a permit condition implementing Section 301, 302, 306, 308, 318, or 405 of the Clean Water Act is subject to civil and criminal penalties which in several of its provisions exceed those imposed under the Virgin Islands Water Pollution Control Act.

2. Duty to Reapply. This permit and the authorization to discharge shall terminate on the expiration date indicated on the first page. In order to receive authorization to discharge after the expiration date of this permit, the Permittee must file for reissuance at least one hundred and eighty (180) days prior to the permit's expiration.
3. Need to Halt or Reduce not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back_up or auxiliary facilities or similar systems, installed by the Permittee, when the operation is necessary to achieve compliance with the conditions of the permit.
6. Permit Actions.
 - a. This permit may be modified, revoked and reissued, or terminated during its term for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - b. Causes for modification, revocation and reissuance, and termination are set forth in 40 C.F.R. 122.62 and 122.64, and 185(i) and 12 V.I.R.&R. Subsection 184_34(e) and 184_51.
 - (1) Specified causes for modification, revocation and reissuance, and termination include:
 - (a) Noncompliance by the Permittee with any condition of the permit;
 - (b) The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time;
 - (c) A determination that the permitted discharge endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (d) There is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit.
 - (2) Specified causes for modification and, upon request or agreement of the Permittee, revocation and reissuance of the permit include material and substantial alterations or additions to the Permittee's operation which occurred after permit issuance and which justify the application of permit conditions that are different or absent from this permit, (e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) provided the reconstruction activities do not cause the new source permit issuance provisions of 40 C.F.R. 122.29 to be applicable.
 - c. With the exception of permit modifications which satisfy the criteria in 40 C.F.R. 122.63 and V.I.R.&R. Section 184_51(c) for "minor modifications" the applicable procedures required by 40 C.F.R. Part 124 and 12 V.I.C. Section 188(c) shall be followed before this permit is modified, revoked, reissued or terminated. Notice and opportunity for hearing are as provided under T. 12 V.I.C. Sections 188 (b) and (c).

7. Property rights. The issuance of this permit does not convey any property rights or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Virgin Islands laws or regulations.
8. Duty to provide information. The Permittee shall furnish to the Commissioner within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.
9. Inspection and Entry. The Permittee shall allow the Regional Administrator, the Commissioner, or any other authorized representative(s), upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment(including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Environmental Laws and Regulations of the Virgin Islands and the Clean Water Act, any substances or parameters at any location.
10. Monitoring XXXXXXXXXX.
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, for a period of at least three (3) years from the date of the sample, measurement report or application. This period may be extended by request of the Commissioner at any time.
 - c. Records of monitoring information shall be recorded with indelible ink in a bound log book with pre-numbered pages and shall include:
 - (1) The date, exact place, and time of sampling or measurement;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used;
 - (6) The quality assurance information specified in Part I of this permit; and
 - (7) The results of such analyses.
 - d. Monitoring shall be conducted according to test procedures approved under 40 CFR, Part 136.

- e. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall upon conviction, under the Virgin Islands Water Pollution Control Act be punished by a fine of not more than \$10,000, or by imprisonment for not more than six (6) months, or by both, or under the Clean Water Act be fined not more than \$10,000 or imprisoned for not more than two (2) years.

11. Signatory requirements.

- a. All permit applications shall be signed as follows:
 - (1) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official, or other duly authorized employee.
 - (2) In any other case, by the individual duly authorized to act, as evidenced by documentation acceptable to the Commissioner.
- b. All reports required by this permit, and other information requested by the Regional Administrator or Commissioner of DPNR pursuant to the terms of this permit, including DMRs and reports of noncompliance, shall be signed as follows:
 - (1) By a person described in subsection a, or by a duly authorized representative of that person.
 - (2) A person is a duly authorized representative only if:
 - (a) The authorization is made in writing by a person described in subsection a.;
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.
 - (c) The written authorization is submitted to the:
Regional Administrator, as noted in Part I, section B.
 - (3) If a written authorization pursuant to subsection 11. b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph 11. b. must be submitted to the Regional Administrator and the Commissioner of DPNR prior to or together with any reports or information to be signed by an authorized representative.

- c. **Certification.** Any person signing a document under subsection a. or b. shall make the following certification:

"I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. **Reporting Requirements**

- a. **Planned changes.** The Permittee shall give notice to the Regional Administrator and Commissioner of DPNR as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a "new source" in 40 CFR, Part 122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part I.C.7, above.
- b. **Anticipated noncompliance.** The Permittee shall give advance notice to the Regional Administrator and the Commissioner of DPNR of any planned changes in the facility or activity which may result in noncompliance with permit requirements as soon as it becomes aware of the circumstances.
- c. **Transfers**
- (1) This permit is not transferable to any person except after notice to the Regional Administrator and the Commissioner of DPNR. Except as provided in paragraph c.(2) below, a permit may be transferred by the existing Permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
 - (2) This permit may be automatically transferred to a new Permittee if:
 - (a) The existing Permittee notifies the Regional Administrator and the Commissioner of DPNR at least thirty (30) days in advance of the proposed transfer date in subparagraph (b);
 - (b) The notice contains a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- (c) The Commissioner does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify or revoke and reissue the permit. (A modification under this paragraph may also be a minor modification under 40 CFR, Part 122.63.) If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subparagraph (b).
 - (3) If this permit is automatically transferred in accordance with the provisions of paragraph (2), the permit maybe modified to reflect the automatic transfer after its effective date.
- d. **Monitoring Reports.**
 - (1) Monitoring results shall be reported at the intervals specified in Part I of this permit.
 - (2) Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
 - (3) If the Permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (4) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.
- e. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim or final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.
- f. **Twenty-four hour reporting.**
 - (1) The following information shall be reported orally to the Regional Administrator at (212) 267-5000, the US EPA VI Coordinator's Office at (340) 714-2333, DEPARTMENT OF HEALTH AT (340) 774-9000 and the Commissioner of DPNR at (340) 774-3320 immediately upon detection and at least within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances:
 - (a) Any noncompliance which may endanger health or the environment;
 - (b) Any unanticipated bypass (see 13 below) which violates any effluent limitation in the permit;
 - (c) Any upset (see 14 below) which violates any effluent limit in the permit; or
 - (d) The violation of a maximum daily discharge limitation for any of the pollutants listed in Part I of this permit is required to be reported within twenty-four (24) hours. This list includes any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

- (2) In addition to the oral twenty-four (24) hour report, the Permittee shall also provide a written submission to the Regional Administrator, the US EPA VI Coordinator, THE DEPARTMENT OF HEALTH and the Commissioner of DPNR within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain:
- a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e) if the noncompliance involves an overflow, the written submission must contain:
 - (i) The location of the overflow;
 - (ii) The receiving water, including bays, guts, ponds, etc.;
 - (iii) An estimate of the volume of the overflow;
 - (iv) A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
 - (v) The estimated date and time when the overflow began and stopped or will be stopped;
 - (vi) The cause or suspected cause of the overflow;
 - (vii) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
 - (viii) An estimate of the number of persons who came into contact with wastewater from the overflow; and
- (3) Except with respect to written reports required under paragraph (1)(a) of subsection f. above, the Commissioner may waive the written report on a case by case basis if the oral report has been received within twenty_ four (24) hours.

g. Public notification.

- (1) The Permittee shall, in the event of a sewage bypass or upset with a duration of more than eight [8] hours:
- (a) Furnish a copy of the notice of potential health risk, to a radio station serving the area affected as soon as possible, but in no event later than twenty-four [24] hours following the violation.

- (b) Furnish a copy of the notice of potential health risk, to a television station serving the area affected as soon as possible, but in no event later than twenty-four [24] hours following the violation.
- (c) Submit for publication a notice of potential health risk in a newspaper of general circulation in the area affected, as soon as possible, but in no event later than twenty-four [24] hours following the violation and continue daily publication for as long as the violation exists.
- (d) Post a sign(s) in a conspicuous place in the area affected that will warn the public of the potential health risk, as soon as possible, but in no event later than twenty-four [24] hours following the violation. Posting shall continue for as long as the potential risk to health exists.
- (e) In the event of a continuing sewage bypass lasting greater than forty-eight [48] hours, public notice shall be updated and reissued as outlined in (a), (b), and (c) above and every twenty four [24] hours of sewage bypassing thereafter.
- (e) At the end of a continuing bypass lasting greater than eight [8] hours, public notice shall be issued by means of the same media listed in (a), (b), and (c) above, informing the public of the end of the bypass and the extent of remaining health risks, if any.

(2) The Permittee shall, in the event of an anticipated sewage bypass or upset, with a duration expected to last more than eight [8] hours, give the public notification, at least, one day in advance of the anticipated bypass or upset, consistent with the notice requirements contained in (a) through (d) of this section.

(3) The following public notice, properly, completed, shall be used in compliance with (1) and (2) of this section.

PUBLIC NOTICE

On [date] the [Department or Company] [has begun to/will] discharge [bypass] sewage into [location/water body] from the [pumping station/sewer line].
The reason for this discharge is [state reason]. This discharge will continue until [date].

Standing or running water in these areas may contain contaminants or pollutants harmful to human health. As a result of such discharge, sewage is reaching the [water body]. The water quality of [impacted water body] will be tested by the Department of Planning and Natural Resources [DPNR]. This discharge may increase the bacteriological levels in the water at [water body]. The public is advised to refrain from using the waters at [water body] until the problem is corrected and the public health concern has been alleviated. This includes activities such as fishing and bathing.

For additional information please call [name and telephone number].

h. Other noncompliance. The Permittee shall report to the Regional Administrator and the Commissioner of DPNR of all instances of noncompliance not reported under subsections d, e, and f at the time the monitoring report covering the period of noncompliance is submitted. The reports shall contain the information listed in paragraph (2) of subsection f., above.

I. Other information. Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator or the Commissioner of DPNR, it shall promptly submit such facts or information to the Regional Administrator and the Commissioner of DPNR.

13. Bypassing.

a. Bypass not violating limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections 13.b. and 13.c. below.

b. Notice

(1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in subsection f. of section 12 above.

c. Prohibition of bypass.

(1) Bypass is prohibited and the Commissioner may take enforcement action against a Permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There was no feasible alternatives to the bypass, such as auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or maintenance; and

(c) The Permittee submitted notices as required under subsection 13.b.

14. Upset.

a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology_based effluent limitations if the requirements of subsection b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the Permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The Permittee submitted notice of the upset as required in subsection f. of section 12 above; and
- (4) The Permittee complied with any remedial measures required under section 4 above (duty to mitigate).
- (5) Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Removed substances. Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters and/or the treatment of intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. The following data shall be reported together with the monitoring data required in Part I, B.2.:

- a. The sources of the materials to be disposed of;
- b. The approximate volumes and weights;
- c. The method by which they were removed and transported; and
- d. Their final disposal locations.

16. Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the Permittee under section 311 of the Clean Water Act shall be in conformance with regulations promulgated pursuant to Section 311 to discharges from facilities with NPDES permits.

17. Reopener clause for toxic effluent limitations.

Notwithstanding any other condition of this permit, if any applicable toxic effluent standard or prohibition is promulgated under Section 301(b)(2)(C) and (d), 304(b)(2) and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, this permit shall be promptly modified or revoked and reissued to conform to that effluent standard or prohibition.

18. Availability of information.

a. NPDES permits, effluent data, and information required by NPDES application forms provided by the Commissioner under 40 CFR, Part 122.21 (including information submitted on the forms themselves and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Regional Administrator and the Commissioner of DPNR.

b. In addition to the information set forth in subsection a. Any other information submitted to EPA in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 CFR, Part 2 (Public Information).

1999 ACOR

MAJOR COASTAL ZONE MANAGEMENT PERMIT NO. CZT-5-99W

1. **AUTHORITY.** This permit is issued by the St. Thomas Committee of the Virgin Islands Coastal Zone Management (CZM) Commission and is administered and monitored by the Department of Planning and Natural Resources (DPNR) on behalf of the Coastal zone Management Commission pursuant to Title 12, Chapter 21, V.I. Code, Section 910 and 911, and all other provisions of chapter 21 that apply. As herein, "Permitter" is the St. Thomas Committee of the V.I. CZM Commission, and "Permittee" is L.S.J., LLC (LITTLE ST. JAMES, LLC)

2. **SCOPE.**
 - (a). This permit approves the renovation and expansion of an existing dock which is 73 feet, 8 inches by 8 feet. A 30 feet by 34 feet platform will be added at the end of the existing dock and a 12 feet by 12 feet floating swim platform will be placed within the bay. The total area impacted by these structures is 1739 square feet. The project is located on Little St. James Island. Little St. James is located between St. Thomas and St. John, U.S. Virgin Islands.

 - (b). This Permit allows the Permittee continued use of the dock described above for the term ("TERM") set forth below. It shall not constitute a property right and may be renewed only in accordance with Section 911 of the Act.

3. **TERM.** This permit is effective upon its signing by the Chairman of the St. Thomas Committee of the V.I. CZM Commission, the Governor of the Virgin Islands, and ratified by the Legislature of the Virgin Islands or by the Committee on Planning and Environmental Protection, if the Legislature is not in session. As used herein, the "Effective Date" or "the date hereof" means the date of such ratification. This permit will expire twenty (20) years after the Effective Date. The Permittee shall have the option to renew the permit within ninety (90) days before the permit expires and the terms are subject to negotiations. This permit is issued for a definite term, twenty (20) years, and shall not constitute a property right. The Permit shall be renewed only if the requirements of Title 12 of the V.I. Code, Section 911 are met.

4. **DOCUMENTS INCORPORATED BY REFERENCE**
 - Exhibit A: Joint Army Corps/CZM Application dated April 12, 1999.

 - Exhibit B: CZT-156-81W issued February 1982.

 - Exhibit C: Site Plan dated April 5, 1999.

5. **COMPLIANCE WITH TERMS OF APPLICATION AND LEGAL REQUIREMENTS**

The Permittee covenants and agrees that the project shall be used only for the purposes, and in the manner, set forth in the application, including all attachments and exhibits thereto and in compliance with applicable laws.

6. **OWNERSHIP OF IMPROVEMENTS** All improvements to the premises made by the Permittee shall remain the property of the permittee and may be removed by the permittee at the termination of this permit for any reason. Any improvements remaining on the premises following the expiration or termination of this permit shall be subject to removal or modification as provided in Section 7, Subsection (k) below.

7. **GENERAL CONDITIONS**

- (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are hereinafter referred to as "the premises"), and to hold the Permitter free and harmless for civil or other liabilities of any kind during the time the Permittee is in control of the premises pursuant to this permit.
- (b) **Personal Property and Damage.** All personal property of any kind or description whatsoever located on the premises shall be there at the Permittee's sole risk.
- (c) **Assignment or Transfer.** This permit may not be transferred or assigned except as provided in Section 910-15 of the V.I. R& REGS.
- (d) **Permit to be Displayed.** A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire work period.
- (e) **Reliance on Information and Data.** The Permittee affirms that the information and data which it provided in connection with its permit application are true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data prove to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner or the Committee may, in addition, institute appropriate legal action.
- (f) **Development to be Commenced.** Any and all development approved by this Coastal Zone Permit shall begin within twelve (12) months from the date this permit becomes effective and shall be continuous until completion. Failure to perform at least fifty (50%) percent of the work within such period and continuously construct thereafter until the completion of construction shall cause the permit to terminate automatically and render it null and void, unless the permittee requests an extension

in writing and demonstrates to the satisfaction of the Committee that good cause exists for granting such extension.

- (g) Notification of Completion. Upon completion of any activity authorized or required by this CZM Permit, the Permittee shall promptly so notify the Director of the Division of CZM and where the services of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable V.I. Code requirements have been met, shall be filed with said Director.
- (h) Inspection. The Commission, its Committee, the Commissioner or their authorized agents or representatives shall have the power to enter at reasonable times during project working hours upon any lands or waters in the coastal zone for which this Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Permit. The Permittee shall provide access to such records as the Commission, its Committee, or the Commissioner in the performance of it or his duties under the CZM Act may require the Permittee to maintain. Such records may be examined, and copies shall be submitted to the Commission, its Committee or the Commissioner upon request.
- (i) Conditions of Premises. The Development authorized by this permit shall be maintained in a safe condition and in accordance with the description, plans, or drawings approved by the Committee and all applicable V.I. Laws.
- (j) Public Access to Shoreline. The development shall be operated so as to assure optimum public access to the shoreline.
- (k) Restoration of Area. The Permittee, upon revocation or expiration of the permit, shall upon order of the Committee or the Commissioner, and in their sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures or site, and/or comply with any directive of the Committee or the Commissioner in satisfying the original permit conditions in such time and manner as the Committee, or the Commissioner may direct.
- (l) Notices. All notices sent or required to be sent hereunder must be by certified mail, return receipt requested. If addressed to the Permitter, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Foster Plaza, 396-1 Annas Retreat, St. Thomas, US Virgin Islands 00802 or to such other place as the Permitter may hereinafter designate. If addressed to the Permittee, same shall be sent to L.S.J.,LLC, Little St. James Islands Inc. c/o Paul Hoffman, 41-42 Kongens Gade, P.O. Box 870, St. Thomas, Virgin Islands, 00804, or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.

- (m) Non Waiver. One or more waivers by the Permitter of any covenant or condition of this permit shall not be construed as a waiver of a further breach of the covenant or condition. The consent or approval of the Permitter to or of any acts by the Permittee requiring the Permitter's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (n) Revocation. It is specifically understood that all the foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by the Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (o) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (p) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operation at the premises for a period totaling six (6) consecutive months, the permit will terminate automatically and be rendered null or void.
- (q) Signatures on the Permit Document. The applicant shall sign and return the permit document to the DPNR within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless the applicant request a written extension and DPNR grants the written extension.
- (r) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to DPNR and written permission has been granted by the DPNR.

8). SPECIAL CONDITIONS

- a. All special conditions of approved permit CZT-156-81W shall remain in full force and effect.
- b. No dredging is permitted.
- c. The use of propelling for maintenance dredging is prohibited. No prop-wash is allowed.
- d. All concrete structures must be pre-poured. There shall be no pouring of concrete underwater.

9). FEES

Pursuant to section 910-5 (e) 8, of the rules and Regulations, V.I. Code, Title 12, Chapter 21, the Commissioner of the Department of Planning and Natural Resources negotiated the following fees to be paid by the Permittee. Certified or bank draft checks shall be made payable to DPNR five (5) days after the Legislature ratifies this permit.

- (a). A permit term of twenty (20) years with an option to renew as stated in paragraph three (3) of this permit.
- (b). A fee of two thousand five hundred dollars (\$2,500.00) per year was negotiated.
- (c). On the first 5th anniversary, the fees shall be adjusted pursuant to applicable Rules and Regulations, or re-negotiated not to exceed 25% of the assessed fee. Failure of the permittee to re-negotiate fees will result in an automatic increase of 25%, or a fee adjustment pursuant to applicable Rules and Regulations, whichever is higher. After the first fifth anniversary, fee adjustments for each additional fifth anniversary shall be pursuant to applicable Rules and Regulations.
- (d). All fees payable under this permit shall be paid to the Permitter regardless as to whether Permittee actually occupies or uses the submerged land described herein, provided, however that if the permit is modified to decrease/increase the submerged lands so occupied, then the fees may also be decreased/increased consistent herewith.

IT IS EXPRESSLY UNDERSTOOD by the parties hereto that the title to all submerged or filled land which is altered or occupied on the basis of this permit is in the Government of the Virgin Islands, and the Permittee shall have no right or interest therein, of any kind whatsoever, other than such rights as are expressly set forth herein, and that this instrument is not a lease.

IN TESTIMONY WHEREOF, the parties herein have hereunto set their hands and seals on the _____ days and years appearing herein below.

ST. THOMAS COMMITTEE OF THE VIRGIN ISLANDS CZM COMMISSION
Permitter

By: 
Albert Paiewonsky, Chairman
St. Thomas CZM Committee

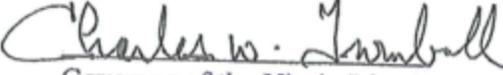
12-7-99
Date

L.S.J., LLC (LITTLE ST. JAMES, LLC)

By: 
Paul Hoffman, Attorney for LSJ, LLC

12/15/99
Date

APPROVED


Governor of the Virgin Islands

2/18/00
Date

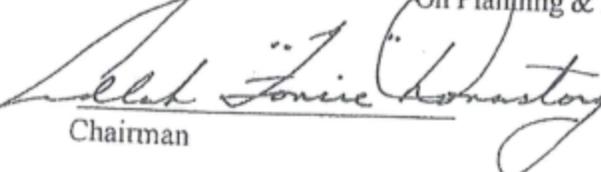
RATIFIED

Legislature of the Virgin Islands

President of the Legislature

Date

Or if the Legislature is not in session Committee
On Planning & Environmental Protection


Chairman

3-30-00
Date

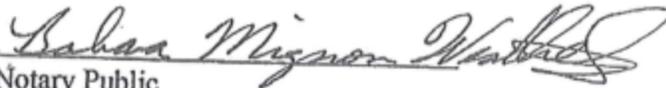
I, Mr. Paul Hoffman, Attorney for L.S.J., LLC., LITTLE ST. JAMES, LLC do hereby certify that as the legal representative for L.S.J., LLC., LITTLE ST. JAMES, LLC, I am duly authorized and empowered to sign this Permit on behalf of L.S.J., LLC., LITTLE ST. JAMES, LLC.


Paul Hoffman, Attorney for LSJ, LLC.

12/15/99
Date

SWORN AND SUBSCRIBED before me

this 15th Day of December, 1999


Notary Public

Barbara Mignon Weatherly
Commission Expires November 21, 2000
Notary Public Commission No. LNP-13-97

MINOR COASTAL ZONE MANAGEMENT PERMIT NO. CZT-25-10L

1. **AUTHORITY.** This permit is issued by the Commissioner of the Department of Planning and Natural Resources and is administered and monitored by the Department pursuant to Title 12, Chapter 21, Virgin Islands Code. As herein, "Permitter" is the **Government of the Virgin Islands** and "Permittee" is **LSJ, LLC**.
2. **SCOPE.** This permit allows the site preparation and construction of 25' x 70 sq. ft. swimming pool with a 2000 sq. ft. cabana, Corral stone deck; living space, rest room, pool equipment room and a 1,800 sq. ft music room with living area. This project is located at parcel A Little St. James, St. Thomas, Virgin Islands.
3. **TERM.** This permit is effective upon its signing by the Commissioner of the Department of Planning and Natural Resources, pursuant to VI Code, Title 12, Chapter 21. Authorization for construction under this permit will expire if the Permittee fails to commence work within twelve (12) months from the date this permit becomes effective.
4. **DOCUMENTS INCORPORATED BY REFERENCE.**
 - EXHIBIT A - CZM Permit Application dated April 8, 2010**
 - EXHIBIT B - Required document submittal (deed, tax letter and maps).**
 - EXHIBIT C - Site plan and Drawings dated July 7, 2010.**
5. **GENERAL CONDITIONS.**
 - (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are herein after referred to as "the premises") and to hold the Permitter free and harmless from civil or other liability of any kind during the time the permittee is in control of the premises pursuant to this permit.
 - (b) **Personal Property and Damage.** All personal property of any kind or description whatsoever, located on the premises will be there at the Permittee's sole risk.
 - (c) **Assignments or Transfer.** This permit may not be transferred or assigned except as provided in Section 910-15 of the Regulations of the Coastal Zone Management Act.
 - (d) **Permit to be displayed.** A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire period of work.

- (e) Reliance on Information and Data. The permittee affirms that the information, and data which he/she provided in connection with his/her permit application is true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data proves to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal action.
- (f) Development to be Commenced. Any and all development approved by this Coastal Zone Management Permit shall be commenced within twelve (12) months from the date this permit becomes effective. Failure to perform substantial work within such period and thereafter until completion of construction will cause the permit to lapse and render it null and void unless an extension is granted by the Commissioner.
- (g) Notification of Completion. Upon completion of any activity authorized or required by this Coastal Zone Management Permit, the permittee shall promptly so notify the Director of the Division of CZM ("The Director") and where the service of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- (h) Inspection. The Commissioner or his authorized agents or representatives shall have the power to enter at reasonable time during projects working hours upon any lands or waters for which a Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Management Permit. The Permittee shall provide access to such records as the Commissioner in the performance of his duties under the Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commissioner upon request.
- (i) Conditions of premises. The development authorized by this permit shall be maintained in a safe, attractive and satisfactory condition and in accordance with the description, plans or drawings approved by the Commissioner.
- (j) Restoration of Area. The permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and his sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures, and/or comply with any directive of the Commissioner in satisfying the original permit condition in such time and manner as the Commissioner may direct.

- (k) Notices. All notices sent or required to be sent hereunder must be certified mail, return receipt requested. If addressed to the permittor, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Cyril E. King Airport, Second Floor, St. Thomas, VI 00802 or to such place as the Permittor may herein after designate by certified mail. If addressed to the Permittee, same shall be sent to LSJ, LLC, 6100 Red Hook Quarter, Suite B, St. Thomas, USVI 00802 or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.
- (l) Nonwaiver. One or more waivers by the Permittor of any covenant or condition of this permit shall not be construed as a waiver or breach of the covenant or condition, and the consent or approval of the Permittor to or of any acts by the Permittee requiring the Permittor's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (m) Revocation. It is specifically understood that all foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (n) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (o) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operations at the premises for a period totaling six (6) consecutive months, then the permit will terminate automatically and be rendered null and void.
- (p) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in Paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to the Department and permission in writing has been granted. Repair must duplicate the original work, and must be in accordance with applicable law, rules and regulations.
- (q) Signatures on the Permit Document. The applicant shall sign and return the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless a written extension is requested and granted.

CZT-25-10L

- B. The Coastal Zone Management permit placard shall be placed in a conspicuous location on the site as soon as work commences.
- C. The permit is valid only for work as stated in Paragraph 2 "Scope."
- D. Erosion/Sedimentation control measures shall be installed and maintained until all development activities are completed. All excavated areas shall be protectively bermed to prevent silt runoff.
- E. Site disturbance shall be limited to areas designated on the approved drawings.
- F. All other necessary permits shall be obtained prior to commencement of work.
- G. "Upon discovery of any archaeological or historical site, or human burial site or remains upon private lands, the owner or the representative shall immediately notify the State Historic Preservation Office verbally and in writing."
- H. The scope of Permit CZT-25-10L is confined to the footprint approved in Permit. No development activities may occur outside the footprint of the approved Permit.
- I. Silt fencing must be installed with steel posts and wire fence support as described in the 2002 Environmental Protection Handbook.
- J. ~~Habitat on L.S.J. is already severely compromised. A habitat restoration plan for the degraded areas shall be developed in collaboration with the Division of Fish and Wildlife. All restoration activities shall be monitored by a Division of Fish and Wildlife.~~
- K. ~~Bi-weekly monitoring reports/updates on progress made towards completeness of the projects (including date-stamped photographs of the site). The monitoring reports must continue until a staff is informed that all development activities pursuant to this permit are completed and a certificate of occupancy is issued.~~

CZT-25-10L

On this 29 Day of October, 2010 the Department of Planning and Natural Resources hereby issues Minor CZM Permit No. CZT-25-10L.


Robert S. Mathes,
Commissioner

I, the undersigned, have read and understood all terms and conditions established in Permit No. CZT-25-10L and hereby agree to be bound by the terms and conditions contained therein.

Signature 
cc: File

11/1/10
Date



MINOR COASTAL ZONE MANAGEMENT PERMIT NO. CZT-27-10L

1. **AUTHORITY.** This permit is issued by the Commissioner of the Department of Planning and Natural Resources and is administered and monitored by the Department pursuant to Title 12, Chapter 21, Virgin Islands Code. As herein, "Permitter" is the **Government of the Virgin Islands** and "Permittee" is **LSJ, LLC**.
2. **SCOPE.** This permit allows the site preparation and construction of a 1,320 sq. ft ATV garage made of natural stone. This project is located at parcel C Little St. James, St. Thomas, Virgin Islands.
3. **TERM.** This permit is effective upon its signing by the Commissioner of the Department of Planning and Natural Resources, pursuant to VI Code, Title 12, Chapter 21. Authorization for construction under this permit will expire if the Permittee fails to commence work within twelve (12) months from the date this permit becomes effective.
4. **DOCUMENTS INCORPORATED BY REFERENCE.**
EXHIBIT A - CZM Permit Application dated April 8, 2010
EXHIBIT B - Required document submittal (deed, tax letter and maps).
EXHIBIT C - Site plan and Drawings dated July 7, 2010.
5. **GENERAL CONDITIONS.**
 - (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are herein after referred to as "the premises") and to hold the Permitter free and harmless from civil or other liability of any kind during the time the permittee is in control of the premises pursuant to this permit.
 - (b) **Personal Property and Damage.** All personal property of any kind or description whatsoever, located on the premises will be there at the Permittee's sole risk.
 - (c) **Assignments or Transfer.** This permit may not be transferred or assigned except as provided in Section 910-15 of the Regulations of the Coastal Zone Management Act.
 - (d) **Permit to be displayed.** A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire period of work.

- (e) Reliance on Information and Data. The permittee affirms that the information, and data which he/she provided in connection with his/her permit application is true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data proves to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal action.
- (f) Development to be Commenced. Any and all development approved by this Coastal Zone Management Permit shall be commenced within twelve (12) months from the date this permit becomes effective. Failure to perform substantial work within such period and thereafter until completion of construction will cause the permit to lapse and render it null and void unless an extension is granted by the Commissioner.
- (g) Notification of Completion. Upon completion of any activity authorized or required by this Coastal Zone Management Permit, the permittee shall promptly so notify the Director of the Division of CZM ("The Director") and where the service of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- (h) Inspection. The Commissioner or his authorized agents or representatives shall have the power to enter at reasonable time during projects working hours upon any lands or waters for which a Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Management Permit. The Permittee shall provide access to such records as the Commissioner in the performance of his duties under the Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commissioner upon request.
- (i) Conditions of premises. The development authorized by this permit shall be maintained in a safe, attractive and satisfactory condition and in accordance with the description, plans or drawings approved by the Commissioner.
- (j) Restoration of Area. The permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and his sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures, and/or comply with any directive of the Commissioner in satisfying the original permit condition in such time and manner as the Commissioner may direct.

- (k) Notices. All notices sent or required to be sent hereunder must be certified mail, return receipt requested. If addressed to the permittor, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Cyril E. King Airport, Second Floor, St. Thomas, VI 00802 or to such place as the Permittor may herein after designate by certified mail. If addressed to the Permittee, same shall be sent to LSJ, LLC, 6100 Red Hook Quarter, Suite B, St. Thomas, USVI 00802 or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.
- (l) Nonwaiver. One or more waivers by the Permittor of any covenant or condition of this permit shall not be construed as a waiver or breach of the covenant or condition, and the consent or approval of the Permittor to or of any acts by the Permittee requiring the Permittor's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (m) Revocation. It is specifically understood that all foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (n) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (o) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operations at the premises for a period totaling six (6) consecutive months, then the permit will terminate automatically and be rendered null and void.
- (p) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in Paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to the Department and permission in writing has been granted. Repair must duplicate the original work, and must be in accordance with applicable law, rules and regulations.
- (q) Signatures on the Permit Document. The applicant shall sign and return the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless a written extension is requested and granted.

6. SPECIAL CONDITIONS.

- A. The Division of Coastal Zone Management shall be notified in writing at least forty-eight (48) hours before work commences.
- B. The Coastal Zone Management permit placard shall be placed in a conspicuous location on the site as soon as work commences.
- C. The permit is valid only for work as stated in Paragraph 2 "Scope."
- D. Erosion/Sedimentation control measures shall be installed and maintained until all development activities are completed. All excavated areas shall be protectively bermed to prevent silt runoff.
- E. Site disturbance shall be limited to areas designated on the approved drawings.
- F. All other necessary permits shall be obtained prior to commencement of work.
- G. "Upon discovery of any archaeological or historical site, or human burial site or remains upon private lands, the owner or the representative shall immediately notify the State Historic Preservation Office verbally and in writing."
- H. The scope of Permit CZT-27-10L is confined to the footprint approved in Permit. No development activities may occur outside the footprint of the approved Permit.
- I. Silt fencing must be installed with steel posts and wire fence support as described in the 2002 Environmental Protection Handbook.

~~J. Habitat on LSJ is already severely compromised. A habitat restoration plan for the degraded areas shall be developed in collaboration with the Division of Fish and Wildlife. All restoration activities shall be monitored by a Division Fish and Wildlife.~~

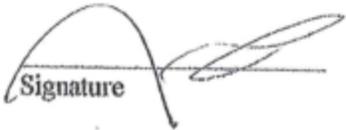
~~K. Bi-weekly monitoring reports/updates on progress made towards completeness of the projects (including date-stamped photographs of the site.) The monitoring reports must continue until a staff is informed that all development activities pursuant to this permit are completed and a certificate of occupancy is issued.~~

CZT-27-10L

On this 29 Day of October 2010 the Department of Planning and Natural Resources hereby issues Minor CZM Permit No. CZT-27-10L.


Robert S. Mathes.
Commissioner

I, the undersigned, have read and understood all terms and conditions established in Permit No. CZT-27-10L and hereby agree to be bound by the terms and conditions contained therein.


Signature

cc: File


Date



MINOR COASTAL ZONE MANAGEMENT PERMIT NO. CZT-26-10L

1. **AUTHORITY.** This permit is issued by the Commissioner of the Department of Planning and Natural Resources and is administered and monitored by the Department pursuant to Title 12, Chapter 21, Virgin Islands Code. As herein, "Permitter" is the **Government of the Virgin Islands** and "Permittee" is **LSJ, LLC**.
2. **SCOPE.** This permit allows the site preparation and construction of 5,000 sq. ft guest cottage. This project is located at parcel B Little St. James, St. Thomas, Virgin Islands.
3. **TERM.** This permit is effective upon its signing by the Commissioner of the Department of Planning and Natural Resources, pursuant to VI Code, Title 12, Chapter 21. Authorization for construction under this permit will expire if the Permittee fails to commence work within twelve (12) months from the date this permit becomes effective.
4. **DOCUMENTS INCORPORATED BY REFERENCE.**
EXHIBIT A - CZM Permit Application dated April 8, 2010
EXHIBIT B - Required document submittal (deed, tax letter and maps).
EXHIBIT C - Site plan and Drawings dated July 7, 2010.
5. **GENERAL CONDITIONS.**
 - (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are herein after referred to as "the premises") and to hold the Permitter free and harmless from civil or other liability of any kind during the time the permittee is in control of the premises pursuant to this permit.
 - (b) **Personal Property and Damage.** All personal property of any kind or description whatsoever, located on the premises will be there at the Permittee's sole risk.
 - (c) **Assignments or Transfer.** This permit may not be transferred or assigned except as provided in Section 910-15 of the Regulations of the Coastal Zone Management Act.
 - (d) **Permit to be displayed.** A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire period of work.

- (e) Reliance on Information and Data. The permittee affirms that the information, and data which he/she provided in connection with his/her permit application is true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data proves to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal action.
- (f) Development to be Commenced. Any and all development approved by this Coastal Zone Management Permit shall be commenced within twelve (12) months from the date this permit becomes effective. Failure to perform substantial work within such period and thereafter until completion of construction will cause the permit to lapse and render it null and void unless an extension is granted by the Commissioner.
- (g) Notification of Completion. Upon completion of any activity authorized or required by this Coastal Zone Management Permit, the permittee shall promptly so notify the Director of the Division of CZM ("The Director") and where the service of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- (h) Inspection. The Commissioner or his authorized agents or representatives shall have the power to enter at reasonable time during projects working hours upon any lands or waters for which a Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Management Permit. The Permittee shall provide access to such records as the Commissioner in the performance of his duties under the Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commissioner upon request.
- (i) Conditions of premises. The development authorized by this permit shall be maintained in a safe, attractive and satisfactory condition and in accordance with the description, plans or drawings approved by the Commissioner.
- (j) Restoration of Area. The permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and his sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures, and/or comply with any directive of the Commissioner in satisfying the original permit condition in such time and manner as the Commissioner may direct.

- (k) Notices. All notices sent or required to be sent hereunder must be certified mail, return receipt requested. If addressed to the permittor, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Cyril E. King Airport, Second Floor, St. Thomas, VI 00802 or to such place as the Permittor may herein after designate by certified mail. If addressed to the Permittee, same shall be sent to LSI, LLC, 6100 Red Hook Quarter, Suite B, St. Thomas, USVI 00802 or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.
- (l) Nonwaiver. One or more waivers by the Permittor of any covenant or condition of this permit shall not be construed as a waiver or breach of the covenant or condition, and the consent or approval of the Permittor to or of any acts by the Permittee requiring the Permittor's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (m) Revocation. It is specifically understood that all foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (n) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (o) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operations at the premises for a period totaling six (6) consecutive months, then the permit will terminate automatically and be rendered null and void.
- (p) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in Paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to the Department and permission in writing has been granted. Repair must duplicate the original work, and must be in accordance with applicable law, rules and regulations.
- (q) Signatures on the Permit Document. The applicant shall sign and return the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless a written extension is requested and granted.

6. SPECIAL CONDITIONS.

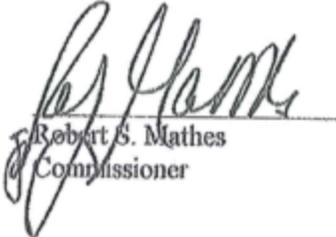
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- B. The Coastal Zone Management permit placard shall be placed in a conspicuous location on the site as soon as work commences.
- C. The permit is valid only for work as stated in Paragraph 2 "Scope."
- D. Erosion /Sedimentation control measures shall be installed and maintained until all development activities are completed. All excavated areas shall be protectively berm to prevent silt runoff.
- E. Site disturbance shall be limited to areas designated on the approved drawings.
- F. All other necessary permits shall be obtained prior to commencement of work.
- G. "Upon discovery of any archaeological or historical site, or human burial site or remains upon private lands, the owner or the representative shall immediately notify the State Historic Preservation Office verbally and in writing."
- H. The scope of Permit CZT-26-10L is confined to the footprint approved in Permit. No development activities may occur outside the footprint of the approved Permit.
- I. Silt fencing must be installed with steel posts and wire fence support as described in the 2002 Environmental Protection Handbook.

~~Habitat on LSF is already severely compromised. A habitat restoration plan for the degraded areas shall be developed in collaboration with the Division of Fish and Wildlife. All restoration activities shall be monitored by the Division of Fish and Wildlife.~~

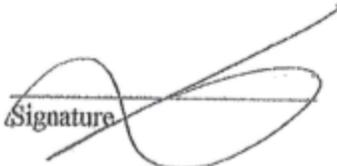
~~Bi-weekly monitoring reports/updates on progress made towards completeness of the projects (including date-stamped photographs of the site.) The monitoring reports must continue until staff is informed that all development activities pursuant to this permit are completed and a certificate of occupancy is issued.~~

CZT-26-10L

On this 29 Day of October, 2010 the Department of Planning and Natural Resources hereby issues Minor CZM Permit No. CZT-26-10L.


Robert S. Mathes
Commissioner

I, the undersigned, have read and understood all terms and conditions established in Permit No. CZT-26-10L and hereby agree to be bound by the terms and conditions contained therein.


Signature
cc: File

11/1/10
Date

