



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

NPDES COMPLIANCE EVALUATION INSPECTION

FACILITY OWNER / OPERATOR

CREF3 USVI Hotel Owner, Inc.
dba The Westin Beach Resort and Spa at Frenchman's Reef and
The Buoy Haus at Morning Star Beach Resort
5 Estate Bakkeroe, St. Thomas, USVI 00802

FACILITY

The Westin and Buoy Haus at Morning Star
Frenchman's Reef Resort & Spa
No. 5 Estate Bakkeroe, St. Thomas, USVI 00802
Latitude: 18° 19' 14.47" N; Longitude: 64° 55' 20.09" W
Telephone Number: 340-249-0123
Web Page: www.frenchmansreefstthomas.com

STATUTE AND REGULATIONS

Sections 301(a), 308(b) and 402 of the Clean Water Act

NPDES Regulations: 40 C.F.R. § 122

PERMITTING

TPDES Tracking Number: VI0039829
Receiving Waters: Pacquereau Bay and Morning Star Bay (Caribbean Sea)

Inspection Date: September 25, 2024

Participating Personnel:

U.S. EPA:	Jim C. Casey, Senior Environmental Engineer Clean Water Act Team
Westin Frenchman's Reef	Jose C. Silveira, Director of Engineering jsilveira@frenchmansreef.co
On The Level, Inc.	Billy Golden, Central Plant Manager bgolden@gogreenvi.com
The Solutions Group, LLC.	Mark Bowry, Operations Manager mbowry@stgwater.com
	Dwight Meade, Reg Plant Project Coordinator dmeade@stgwater.com

Inspection Report Prepared by:

JIM CASEY

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Inspection Report
Approving Officer:

**JOSE
RIVERA**

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José A. Rivera, BSCE
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Date

1. BACKGROUND

The Frenchman's Reef Hotel, which was built in 1973, and subsequently became the Frenchman's Beach Resort is an establishment in St. Thomas, U.S. Virgin Islands ("USVI"). The property was heavily damaged in 2017 by two major hurricanes. In 2021, Fortress Investment Group, the owners of Westin Corporation, acquired the Frenchman's Reef Resort and invested in the property's complete renovation and re-branded it as a Westin property.

The Resort reopened in January 2024 as "The Westin Beach Resort and Spa at Frenchman's Reef and the Morningstar Buoy Haus Beach Resort". The Resort began its reopening to guests in May 2023 at the Buoy Haus at Morning Star, and in September 2024 at the Frenchman's Reef Hotel.

During the period from January 8 through 14, 2020, a duly authorized official of the United States Environmental Protection Agency ("EPA" or "Agency") conducted a National Pollutant Discharge Elimination System ("NPDES") Compliance Evaluation Inspection (the "2020 Inspection") to evaluate the Frenchman's Reef & Morning Star Marriott Beach Resort's¹ compliance with the requirements of its Territorial Pollutant Discharge Elimination System ("TPDES") Individual Permit VI0039829 (the "Permit")².

A summary of the findings from the 2020 Inspection were presented in an Inspection Report dated February 11, 2020 (the "2020 Inspection Report") and submitted to the Facility for their information and advisement of action. The 2020 Inspection Report addressed the following:

- a. Identification of at least three (3) additional unpermitted conveyances through which the Resort potentially discharges pollutants into waters of the USVI.
- b. Lack of Best Management Practices ("BMPs") that protect inlets of stormwater collection boxes throughout the Resort.
- c. Inadequate maintenance of the stormwater catch-basins throughout the Resort.
- d. Absence of several monthly Discharge Monitoring Reports ("DMRs") and related sample analysis reports during the period from 2018 through 2019 maintained on-site.

On September 25, 2024, Mr. Jim C. Casey (the "EPA Inspector") performed a NPDES Compliance Evaluation Inspection (the "2024 Inspection") at the Westin Beach Resort and Spa at Frenchman's Reef and the Morningstar Buoy Haus Beach Resort ("Frenchman's Reef" or "Facility") to evaluate the Facility's compliance with the requirements of the Permit. The 2024 Inspection was

¹ The name of entity through which DiamondRock Frenchman's Owner, Inc. ("DRFO") was doing business in the USVI at the time of the 2020 Inspection.

² Permit refers to the Individual Permit for the discharge of pollutants into waters of the USVI, and waters of the US issued by the Virgin Islands Department of Planning and Natural Resources ("DPNR" or the "Department"), which became effective on July 1, 2018. The Permit expired on June 30, 2023. DPNR has not re-issued the renewed Permit.

performed pursuant to the inspection authority under Section 308(b) of the Federal Water Pollution Control Act (“CWA” or the “Act”). The purpose of the Inspection was to determine, in general, whether Frenchman’s Reef was operating in compliance with the provisions of the Permit, the CWA, and its implementing regulations.

This Inspection Report (the “2024 Inspection Report”) entails discussion of observations, findings, and description of areas of concern regarding the quality of the effluent discharges leaving the Facility. In addition, the 2024 Inspection Report discusses the EPA Inspector’s evaluation of the Facility’s management of records associated with their TPDES regulated system.

2. GENERAL INFORMATION ABOUT THE CEI ACTIVITIES

The dates and times during which activities of the Inspection were conducted, and related weather conditions are summarized in **Table 1** (on page 5).

3. GENERAL INFORMATION ABOUT FACILITY AND BUSINESS OPERATIONS

Since the passage of the 2017 major hurricanes, during which the USVI experienced severe impacts, the Facility which was heavily damaged underwent a complete renovation of its physical premises. Presently, Frenchman’s Reef is comprised of the Frenchman’s Reef Resort, and the Morning Star Beach Resort compounds, as previously referenced in Section 1 of this Report. The Facility features accommodations of 486 rooms, two (2) beaches, five (5) restaurants, four (4) pools, various gift shops, and many amenities typically associated with the Caribbean hospitality industry; including near-shore snorkel sites, and other marine recreational activities. Based on description of the business operations of Frenchman’s Reef, it is best characterized under the Standard Industrial Classification (SIC) Code 7000 (Hotels and Motels)³. An aerial photograph of the Facility is presented in **Image 1** (on page 6) of this Inspection Report.

4. GENERAL INFORMATION ABOUT FRENCHMAN’S REEF OWNERS

Frenchman’s Reef is a corporation organized under the laws of the USVI and is owned by Fortress Investment Group and is operated under the brand name of the Westin Resort. The Facility is characterized as Westin’s “main operations base” in St. Thomas, USVI. The EPA Inspector was informed by Mr. Jose C. Silveira, Director of Engineering, that Frenchman’s Reef is a wholly owned by a corporation named CREF3 USVI Hotel Owner, Inc., which is based in the USVI. At the time of the Inspection, according to Mr. Silveira, the relevant principal of Frenchman’s Reef was Mr. Martin Smith, Managing Director, whose corporate office is located at the Facility, and can be reached at telephone number: 787-405-0933, and via e-mail: MSmith@frenchmansreef.co.

³ <https://www.naics.com/sic-codes-counts-division/?div=1>.

Table 1

Dates of Facility Visits	Inspection Activity	Time Started & Ended	Weather Condition
9-25-2024	The EPA Inspector arrived on-site and met with Mr. Jose Silveira at the Facility's office of the Department of Engineering, then proceeded to conference room for the Entrance Meeting with representatives of the Frenchman's Reef. The EPA Inspector stated the purpose of the Inspection and presented his Agency-issued Inspector's Credentials.	12:15 pm	Sunny, very hot and dry and clear skies.
	The EPA Inspector requested access to documents related to Facility's compliance with the Permit during the past three years. The Frenchman's Reef Team did not have immediate access to the list of records that the EPA Inspector requested access to and requested time to gather and make available the information.	1:00 pm	
	The EPA Inspector made arrangement with the Mr. Silveira and representatives of the Facility's contractors present at the 2024 Inspection for the delivery of the documents. End of Entrance Meeting.	1:05 pm	
	The EPA Inspector accompanied by the Frenchman's Reef Team proceeded to conduct the walkthrough of sections of the Facility identified by the EPA Inspector as areas of interest to the Agency. The EPA Inspector began the walkthrough in area where the Reverse Osmosis Plant (ROP) is housed.	3:30 pm	
	End of walkthrough.		
	Conducted an Exit Meeting with Mr. Silveira	4:00 pm	
		4:10 pm	

Dates of Facility Visits	Inspection Activity	Time Started & Ended	Weather Condition
	and representatives of Contractors⁴ of Frenchman's Reef. The EPA Inspector discussed preliminary observations and findings. The EPA Inspector advised Mr. Silveira that access to File Drop-box into which all requested information for conduct of the Records Review component will be issued by EPA on date following the date of the 2024 Inspection. Ended Exit Meeting. The EPA Inspector left Facility premises.		

Image 1 – Aerial photograph, featuring the Frenchman's Reef Compound⁵



⁴ On The Level, Inc. (OTL) is a company providing support in management of the Physical Plan, general maintenance, and management of related records. The Solutions Group, LLC. (TSG) is a company who operates the ROP and the Wastewater Treatment Plant ("WWTP") on behalf of Frenchman's Reef.

⁵ Westin Resort Morning Star Marriott Beach Resort, St. Thomas, USVI (Google Earth Pro Imagery, dated April 29, 2023).

5. TPDES PERMITTING FOR THE FACILITY

As previously referenced in Section 1 of the 2024 Inspection Report, DPNR issued a TPDES Individual Permit to Frenchman's Reef for discharge of pollutants in the form of treated process and sanitary wastewaters into Morning Star Bay and Pacquereau Bay (the Caribbean Sea)⁶, respectively.

6. GENERAL INFORMATION ABOUT THE RECEIVING WATERS

The Facility was permitted to discharge pollutants into waters of the USVI; namely, Morning Star Bay and Pacquereau Bay, respectively, through the outfalls identified in the Permit; namely: Outfall 001 and Outfall 002.

The Facility is situated along a peninsular projecting into the Caribbean Sea that forms the south-central shoreline of St. Thomas and situated within the Frenchman's Bay watershed which drains into Morning Star Bay (Caribbean Sea). An aerial view of the location of the Facility and immediate surroundings are depicted in a satellite imagery of the referenced Watershed featured in **Image 2 (Frenchman's Reef Resort Watershed)**, below (Source: <https://nepassisttool.epa.gov/nepassist/nepamap.aspx>).

Image 2 – Frenchman's Reef Resort Watershed



⁶ According to the USVI CWA Section 305(b) Integrated Water Quality Report, Morning Star Bay and Pacquereau Bay are navigable waters of the United States, pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2, and therefore a TPDES permit is required to discharge pollutants into the referenced receiving water.

7. PRE - INSPECTION FILES REVIEW

During the period of September 20-25, 2024, the EPA Inspector conducted a review of documents in the case file for Frenchman's Reef maintained at the Agency's Office in the USVI, and searched the Integrated Compliance Information System ("ICIS") and the Compliance History Online ("ECHO") databases to determine the TPDES permitting and the recent compliance status of the Facility. The pre-Inspection review of the referenced records revealed that:

- a. During the period from January 2023 through August 2024, Frenchman's Reef did not report any effluent non-compliances in DMRs submitted.
- b. The Permit expired on June 30, 2023, and that DPNR had not re-issued the Permit.
- c. Agency records did not reveal that the expired Permit was administratively extended by DPNR.
- d. The Facility was last inspected by DPNR on April 20, 2022. A prepared Inspection Report dated May 9, 2022 was issued to the then owner (that is, DRFO).

8. ENTRY AND REVIEW OF FACILITY'S RECORDS MAINTAINED ON-SITE RELATED TO MANAGEMENT AND DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND WALKTHROUGH

a. Entrance Meeting

The EPA Inspector arrived at Mr. Silveira's office at about 12:20 pm on September 25, 2024. Following introductions, Mr. Silveira and representatives of the contractors, who are referenced on the Title page of this Inspection Report (together, the Frenchman's Reef Team), and the EPA Inspector proceeded to a conference room in the Functions Activities section of the Resort. The EPA Inspector established the purpose for his presence on-site, presented his EPA-issued Inspector Credentials, and then informed the Frenchman's Reef Team of the planned walkthrough of the Facility.

b. Review of records associated with the Permit and available on-site at the Facility

The EPA Inspector requested access to a list of Facility records that are required to be available on-site for the period from January 2023 thru July 2024. The Frenchman's Reef Team provided access to some records identified by the EPA Inspector; including, submitted DMRs, and related laboratory reports on sampled effluent waste streams. However, Mr. Silveira indicated that most of records requested were not readily available for the EPA Inspector's review on-site before the conclusion of the 2024 Inspection. The EPA Inspector made arrangement with Mr. Silveira to have the records electronically transmitted to the Agency through an "File Drop-box" on a date following the 2024 Inspection.

The EPA Inspector requested a copy of a representative Site Drainage Map for the Facility to facilitate the walkthrough. The Frenchman's Reef Team could not readily make available the requested document for the EPA Inspector's use.

c. **Facility Walkthrough**

At the close of the on-site records review discussion, the EPA Inspector accompanied by the Frenchman's Reef Team proceeded to conduct the walkthrough, which began in the Facility's Physical Plant section. The observations and findings made during the walkthrough component of the 2024 Inspection are discussed below, and documented through pictures, which are featured in **ATTACHMENT 2 – FRENCHMAN'S REEF 9-25-24 CEI Photo Album** of this Inspection Report:

1. Conditions observed in the entrance corridor of the Facility's Physical Plant Area

- a. *Inadequate management of Lubricants* – The EPA Inspector observed three (3) 55-gallons metal drums and other smaller-sized plastic containers with spent and virgin lubricant oil staged on plastic drip-pallets along the right wall of the corridor. Evidence that spillage of lubricant oil onto the floor of the corridor had occurred was observed and documented by the EPA Inspector. ***Water releases on the floor of the corridor from operations of the Reverse Osmosis Plant (situated immediate along the left wall of the corridor) will readily wash-off spilled lubricant from the floor in the corridor into the materials loading/unloading area.*** See IMGs 1369 and 1371 of **FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

2. Conditions observed in the Loading/Unloading area in vicinity of the Physical Plant and Back-of-The House Areas

- a. *Failure to prevent potential for release of pollutants in form of chemicals stored immediately in front of the Physical Plant* – The EPA Inspector evaluated the loading/unloading area and observed several 55-gallons containers of chemicals and pallets of stacked bags of dry chemical reagent which are used in the operations of ROP were staged along the edge of the area in question. ***The EPA Inspector observed that some of the bags of the dry chemical reagent had been torn and the material released onto the pavement. The referenced loading/unloading area mentioned above is exposed to precipitation, and stormwater runoff flow.*** See IMGs 1373, 1374, 1376 and 1379 of **FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

The loading/unloading area where several 55-gallons containers of chemicals material were situated is a very trafficked from delivery trucks, maintenance, and other smaller cargo management vehicles such as folk-lifts. ***The containers of chemical materials***

were not protected within containment, and therefore, an increased potential for an accidental rupture of one of the containers, leading to release of pollutants onto the paved area. See IMGs 1380 and 1381 of FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2 of this Inspection Report.

- b. *Failure to prevent potential release of pollutants from improper management of spent cooking oils and greases* – The EPA Inspector identified a waste management station, for the collection and storage of spent cooking oil and greases in the Back-of-The House (“BOH”) Area of the Facility. The waste management station was comprised of a large Plastic bin and a 55-gallon metal bin staged within a low wooden box with sand within and outside of the compartment. The sand appeared very saturated from released oil and grease residues. ***Closer examination of the waste management station revealed that oil-soaked sand had been washed-off by stormwater runoff flow through the referenced areas into a stormwater catch basins in the road, immediately downstream.*** See IMGs 1382, 1384, and 1386 of FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2 of this Inspection Report.
3. Conditions observed in the vicinity of the Facility's Wastewater Treatment Plant.
- a. *Improper management of lubricants and diesel fuel* – The EPA Inspector observed four (4) 55-gallons drums of oil and a rectangular metal tank used for storage of diesel fuel (approximately 100 gallons in capacity) staged along the right side of the entrance road into the area of the Facility's Wastewater Treatment Plant (“WWTP”). ***The containers of materials were sitting on the concrete pavement (that is moderately sloped) and not secured within a containment.*** At time of the walkthrough in the referenced location, Mr. James Terkelsen and Mr. Christopher Shock, Owners of Dockside Water Sports, LLC (“DWS”)⁷, approached the EPA Inspector confirming that fact. According to Mr. Silveira, DWS was under contract with Frenchman's Reef to provide a service for the benefit of the Facility's guests.
- b. *Failure to identify petroleum product contents by appropriate labeling* – Closer examination of the containers in place revealed that the vessels and their contents were not identifiable by labels affixed unto the outside of the containers.

The findings described in sub-paragraphs 8.c.3.a and b, immediately above, are supported in documented pictures as **IMGs 1387 and 1388 of FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

- c. *Failure to prevent potential release of pollutants from improper management of spent petroleum products* – The containers of petroleum products (discussed in sub-paragraphs a, b, and c above) were exposed to all environmental conditions, including

⁷ Operators of a marine recreational service catering to guests of the Frenchman's Reef. DWS' agreement with Frenchman's Reef includes storage of materials required for operations of the company's business activities. The corporate office of DWS in USVI is at 5000 Estate Enigh, St. John, VI 00830.

stormwater runoff. EPA Inspector observed a stormwater catch basin at the base of the inclined road towards the WWTP into which area stormwater is collected and discharged into Pacquereau Bay. In the event of spillages of the petroleum products during dispensing of the materials or accidental impacts from vehicular traffic, will readily the stormwater catch basin just down incline from the containers of materials.

- d. *Improper management of lubricants and diesel fuel* – The EPA Inspector observed four (4) 55-gallons drums of oil and a rectangular metal tank used for storage of diesel fuel (approximately 100 gallons in size) staged along the right side of the entrance road into the location of the Facility's WWTP. ***The containers of materials were sitting on the concrete pavement that is moderately inclined, and not within a containment.***

The items of concern described in sub-paragraphs 8.c.3.c and d, immediately above are supported by **IMGs 1388 and 1389 of FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

4. Evaluation of Monitoring Points and related Outfalls described in the Permit

The EPA Inspector examined some locations identified as or the approximate points where Frenchman's Reef conduct sampling of waste streams being discharge from the Facility into Caribbean Sea. The EPA Inspector made observations which are discussed immediately below, and further documented in picture-form featured in **Part B** of the **FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2**:

- a. *Failure to identify listed Sample Monitoring Points and associated Outfalls by erected signage* – The EPA Inspector did not observe any signage identifying sampling ports and their associated discharge outfalls that were examined. See **IMGs 1389, 1402, 1403, and 1406 of FRENCHMAN'S REEF 9-30-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

5. Evaluation of identified conveyances not described in the Permit

- a. *A new conveyance through which pollutants are potentially discharged into Morning Star Bay* – Observed at least one discrete conveyance through which pollutants in the form of treated wastewater⁸ are potentially discharged into Morning Star Bay. The identified conveyance appeared to be a stormwater swale formed from rocks laid along a sandy base that drains the gardens around the cottages during wet-weather events. However, treated wastewater applied during irrigation of vegetation in the managed gardens drains-off through the swales towards the beach. The drainage swale observed is ***not*** identified or discussed in the Permit. See **IMG 1406 of FRENCHMAN'S REEF 9-25-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

⁸ Final effluent from the Facility's WWTP as treated wastewater that is collected in a storage tank on-site and used for secondary purposes, including irrigation of managed vegetation at the Facility.

- b. Pipeline through which pollutants are discharged into Pacquereau Bay – Observed a two-inch PVC pipeline connected to a sump pump in small catchment compartment in middle of the floor of area where the WWTP is installed. Closer examination of the conditions revealed that water was sipping through the base of the backwall of the referenced area and accumulated on the floor, leading to heavy algae growth. The sump pump set-up is used to lift accumulated algal-growth laden water from the floor to concrete swale immediate, along the outer wall of the WWTP area that eventually drains-off into the shoreline of Pacquereau Bay. The conditions observed in the vicinity of the WWTP operations were captured in **IMG 1393 of FRENCHMAN’S REEF 9-25-24 CEI Photo Album, ATTACHMENT 2** of this Inspection Report.

The items of concern described in sub-paragraphs 8.c.1 thru 5, immediately above revealed potential non-compliances of Permit conditions at **Part III.A.1.d.iv – Preventive Maintenance Plan (PMP) and Pollution Prevention and/or Part II.H.4 – Onsite Sampling Points**⁹; respectively.

The specific permitted outfalls and conveyances (both described in and not mentioned in the Permit) through which the Frenchman’s Reef discharges and/or potentially discharges pollutants into the nearby Pacquereau Bay and Morning Star Bay, and that were evaluated by the EPA Inspector during the 2024 Inspection walkthrough are featured in **Table 2** (immediately below).

Table 2 Outfalls evaluated during the Facility Walkthrough, Frenchman’s Reef (9-25-2024 CEI)

Identified Outfalls	Coordinates for the Approximate Location	Location of Outfall	Permit Status
Outfall 001B	18° 19’ 11.24” N 64° 55’ 18.23” W	Outfall from WWTP situated along the shoreline of Morning Star Bay	Permitted
Outfall 002	18° 14’ 19.24” N 64° 51’ 10.23” W	Situated along the shoreline of Pacquereau Bay. Intermittent Stormwater Discharge to Muhlenfels Point	Permitted
Outfall 003	18° 19’ 17.39” N 64° 55’ 22.53” W	Situated along the eastern side of the Facility’ main boat dock where RO reject is discharge off Muhlenfels Point (Morning Star Bay)	Permitted
Outfall A	18° 19’ 11.74” N	Situated along the southeastern edge	Unpermitted

⁹ Permit cited provisions state: “...**Onsite compliance sampling points** must be identified and labeled with a minimum 18 inches by 24 inches sized sign labeled as noted in the Monitoring Location Table above.” **And** A PMP must require, and BMPs implemented to “...Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA)”⁹; respectively.

	64° 55' 16.24" W	of the tennis courts, and discharges into a rocky section of the shoreline	
Outfall B	18° 19' 17.79" N 64° 55' 19.13" W	PVC pipeline through which algae-laden water from floor in WWTP area, and drains into shoreline of Morning Star Bay	Unpermitted

9. EXIT MEETING

During the exit interview, the EPA Inspector informed the Frenchman's Reef Team of the key preliminary observations and findings identified during the 2024 Inspection. The EPA Inspector also informed them of anticipated follow-up email correspondences regarding EPA's request for relevant documents for completion of the Records Review component of this Inspection, follow-up clarification on concerns identified by the EPA Inspector, and need for any additional information deemed necessary for the development and completion of the 2024 Inspection Report will be issued to their attention. The EPA Inspector informed the Frenchman's Reef Team that all observations and findings made during the 2024 Inspection will be summarized and officially transmitted through a formal 2024 Inspection Report at a reasonable time.

10. OTHER

All pictures taken during the 2024 Inspection were taken by the EPA Inspector using an EPA owned Canon (model number SX530 HS) camera to digitally document observations and findings made. The pictures presented in the **FRENCHMAN'S REEF 9-25-24 CEI Photo Album, ATTACHMENT 2** feature only a part of a catalog of the pictures that were taken during the 2024 Inspection using the referenced camera. A full log of pictures documented is recorded and available in an electronic file at EPA's USVI Office, located at 1336 Beltjen Road, St. Thomas, USVI 00802.

11. POST INSPECTION COMMUNICATIONS AND REVIEW OF SUBMITTALS FROM FRENCHMAN'S REEF

a. Communications between EPA and Frenchman's Reef after the 2024 Inspection date.

During the period from September 27, 2024, through November 26, 2024, the EPA Inspector communicated with the Frenchman's Reef Team, in accordance with the agreement secured (previously discussed in Paragraph 8.b of this Inspection Report above) on the date of the 2024 Inspection, the EPA Inspector issued the following Requests for Records. Correspondences reflecting communications from EPA to Frenchman's Reef requesting relevant records are featured in **ATTACHMENT 1** of the 2024 Inspection Report.

b. EPA's Review of records submitted by Frenchman's Reef.

During the period from October 10, 2024 to November 26, 2024, the EPA Inspector accessed the records submitted by Frenchman's Reef (into the Agency's File Drop Box system) and through supporting email correspondences from Frenchman's Reef. Review of the referenced submitted records and related information by the EPA Inspector revealed, among other things:

1. Frenchman's Reef failed to submit some of the records initially requested by EPA in its September 27, 2024 email correspondence, including:
 - *Map of the facility showing the TPDES permitted Outfalls, and the named waterbodies into which Frenchman's Reef discharges pollutants.*
 - *Topographical survey plan or schematic showing the existing stormwater management system of the Facility.*
 - *TPDES Application (most recent) prepared and submitted to DPNR for renewal of authorization to discharge pollutants from the Facility.*
 - *All reports required to be developed and submitted by Frenchman's Reef in accordance with TPDES permit.*
 - *Contact information for the immediate Corporate Management of the Facility; that is, Name, email, telephone number (C/O).*
2. In a correspondence dated March 3, 2019, Frenchman's Reef formally submitted to DPNR a modified application for a renewed Permit. As previously mentioned in Section 1 of this Report, DPNR has not renewed the Permit.
3. **Frenchman's Reef failed to develop and maintain record of the reports that are required under Parts II, Sub-Sections I.3 (*Discharge System Inspection Report*) and 6 (*Annual Report*), respectively, of the Permit.**
4. Evaluation of practices being conducted by Frenchman's Reef related to management and disposal of chemicals, spent lubricant and spent cooking oil in the Physical Plant and BOH areas of the Facility, coupled with the documented inspection findings during the walkthrough, **evidence reveals that Parts III, Sub-Section A.2 (*Stormwater Pollution Prevention Plan*)¹⁰ needs to be reviewed for possible reconsideration at the issuance of the renewed Permit.**

End of Report

ATTACHMENT 1 – Correspondences between EPA and Frenchman's Reef from
September 27 2024 to November 26, 2024

ATTACHMENT 2 – FRENCHMAN'S REEF 9-25-24 CEI Photo Album

¹⁰ "This permit does not require a Storm Water Pollution Prevention Plan (SWPPP) at this time".

ATTACHMENT 1:

**Correspondences between EPA and
Frenchman's Reef from September 27, 2024
to November 26, 2024**

ATTACHMENT 2: FRENCHMAN’S REEF 9-25-24 CEI Photo Album