



**THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001**

EXECUTIVE ORDER NO. 536 – 2023

**ORDER AND PROCLAMATION
BY THE GOVERNOR
OF THE UNITED STATES VIRGIN ISLANDS
DECLARING A STATE OF EMERGENCY IN THE
UNITED STATES VIRGIN ISLANDS
DUE TO ST. CROIX WATER QUALITY COMPROMISE**

WHEREAS, Title 23, Section 1005(a), Virgin Islands Code, vests in the Governor the responsibility for meeting the dangers to the Territory of the United States Virgin Islands and its people presented by emergencies or major disasters; and

WHEREAS, on October 10, 2023, the Water and Power Authority (WAPA) in collaboration with the Department of Planning and Natural Resources (DPNR) and the Environmental Protection Agency (EPA) completed drawing samples in targeted areas of St. Croix to determine the properties of the “reddish-brown water” in the potable water system; and

WHEREAS, on October 14, 2023, WAPA in coordination with the Environmental Protection Agency (EPA) released the results of the 66 samples drawn from the St Croix WAPA water service lines and identified 35 samples at or above (the EPA actionable level for the presence of lead and copper) 15 parts per billion with lead and 1.3 parts per billion with copper; and

WHEREAS, on October 16, 2023, the Virgin Islands Territorial Emergency Agency activated the Joint Information Command (JIC), a Technical Advisory Group, and issued a “No Drinking Advisory” for the affected areas in St. Croix; and

WHEREAS, on October 19, 2023, WAPA conducted “At the Tap” sampling of four sites (3-schools, 1-public housing community) located in areas with high levels of lead and cooper in the water. The test results received on October 24 by an EPA certified lab indicated both the level of lead and copper at all four sites below the EPA actionable level; and

WHEREAS, on October 21, 2023, WAPA in collaboration with DPNR resampled the 35 high-level locations within the “Red Zone” by obtaining two samples of water, one sample was obtained prior to flushing the line and a second sample was obtained after flushing the line for 10 minutes; and

WHEREAS, on October 24, 2023, members of the VITEMA Unified Command joined the EPA in a Town Hall Meeting at Rotary Club West – Frederiksted to update the community on the potable water issue and to provide information to the community and advised the community not to drink or cook with WAPA water coming through their service lines; and

WHEREAS, on October 25, 2023, DPNR & WAPA received the results from resampling using protocols approved by DPNR and EPA, and observed by DPNR and EPA, resulted in all first draw “A” sample results returned to WAPA on October 25, exceeding the lead action level of 15 ppb. All second draw “B” samples taken after flushing each site for 10minutes resulted in levels of lead and copper well below the action levels or undetectable; and

WHEREAS, on October 26, WAPA held a board meeting to advise board members of the testing results and actions taken by the WAPA Public Information Officer and the Government House Joint Information Center to notify the community not to drink or cook with WAPA water coming from the service lines; and

WHEREAS, WAPA, DPNR, DOH, and the EPA continue to conduct technical meetings daily to review lab results and analyze historical service line maintenance records to identify possible introduction of lead components to the service lines; and

WHEREAS, immediate action must be taken to ascertain the source of the contaminants in the water distribution system, and ensure that clean water is available as contamination in the water distribution system poses the threat of a severe public health crisis to the U.S. Virgin Islands community; and

WHEREAS, Title 23, Section 1005(d), Virgin Islands Code, vests in the Governor the authority to declare a State of Emergency when it is determined that an emergency or major disaster has occurred or is imminent; and

WHEREAS, The Governor of the Virgin Islands of the United States, to protect the lives and property of the residents of the Territory will activate all necessary and possible territorial resources under the Virgin Islands Territorial Emergency Management Agency, other agencies and partners to complete the preparation necessary to protect life and property;

NOW, THEREFORE, I, Albert Bryan Jr., Governor of the Virgin Islands of the United States, by virtue of the authority granted to me by Section 11 of the Revised Organic Act of 1954, as amended, and afore-cited sections of the Virgin Islands Code, do hereby **DECLARE** as follows:

1. Effective October 30, 2023, at 12 p.m., a State of Emergency exists in the District of St. Croix, United States Virgin Islands due to the presence of elevated levels of contaminants in the water distribution system on the island of St. Croix, and such State of Emergency shall continue in effect until the Governor finds that the threat or danger has passed or that the response and recovery has progressed to the point that a state of emergency no longer exists, unless earlier lifted or extended by Order of the Governor of the United States Virgin Islands consistent with Title 23, Section 1005(d) of the Virgin Islands Code; and
2. I direct the Director of the Virgin Islands Territorial Emergency Management Agency (“VITEMA”) to activate the Emergency Operation Center on St. Croix (“EOC”) on October 30, 2023, at 12 p.m. I have designated Daryl D. Jaschen, the VITEMA Director, the Territorial Coordinating Officer (“TCO”); and
3. In accordance with Title 23, Section 1005 of the Virgin Islands Code, I designate the Commissioner of Health and the Commissioner of the Department of Planning and Natural Resources, Justa (“Tita”) Encarnacion, and Jean-Pierre L. Oriol, the territorial officials, as Co-Incident Commanders, designated by the Governor to direct the territorial response pursuant to the authority granted by the Governor in order to execute the directives for enforcement of this order. I also designate the Virgin Islands Departments of Health and Planning and Natural Resources as the lead agencies to coordinate emergency response activities in conjunction with the Virgin Islands Territorial Emergency Management Agency. The Co-Incident Commanders and the Director of the Virgin Islands Territorial Emergency Management Agency shall advise the Executive Office of the Governor on the implementation of these emergency response activities; and
4. In accordance with Title 3, Section 401 and Title 23, Sections 1032 and 1033 of the Virgin Islands Code, I direct the Co-Incident Commanders and the TCO to take all actions necessary to protect the public health and natural resources; and
5. The disaster preparation, response and recovery aspects of the territorial and interjurisdictional emergency and major disaster plans applicable to the area in question, shall be activated, and the deployment and use of any forces to which the plan or plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available shall also be authorized pursuant to the provisions of Title 23, Section 1005(e) and any other provision of law relating to emergencies or major disasters; and

6. As Commander in Chief of the Virgin Islands National Guard (VING), pursuant to the authority granted to me in Title 23, Chapter 19, of the Virgin Islands Code and National Guard Regulation 500-3/Air National Guard Instruction 10-2503, I hereby order and activate the Virgin Islands National Guard to support the Territory and the Incident Commanders with the plans, preparations, and response within the Territory of the U.S. Virgin Islands to the St. Croix Water Quality Compromise and any necessary enforcement of this order; and
7. I hereby direct all agencies under the direction of the Governor to fully cooperate with the V.I. Departments of Health and Planning and Natural Resources and the Incident Commanders, and any representative thereof in furtherance of this Order. All agencies not under the direction of the Governor are requested to provide such assistance as is required. All local resources available are designated as being available for the enforcement of this Order; and
8. In accordance with the provisions of Title 23, Section 1005(g)(1), Virgin Islands Code, the Commissioner of the Department of Licensing and Consumer Affairs is hereby authorized and directed to issue a Price Freeze and Restricted Sale Order to protect the consumers of the District of St. Croix as it relates to this Order, including drinking water, water truck haulers, and water filtration products; and
9. The provisions of Title 31, Chapter 23, Section 236 of the Virgin Islands Code, establishing the procedures for formal advertising of competitive bids and the attendant rules and regulations promulgated thereunder, are hereby suspended during the Declared State of Emergency for purchases of goods and services related to mitigation of the contamination of the water distribution system on the island of St. Croix.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Government of the Virgin Islands of the United States to be affixed at Charlotte Amalie, St. Thomas, Virgin Islands, this 30th day of October, A.D., 2023.




Albert Bryan Jr.