Arc Ecology, et al. v. Maritime Administration, et al.

E.D. Cal. 2:07-cv-02320-GEB-KJN

Quarterly Status Report, Quarter ending December 31, 2016

Per the requirements of the Consent Decree (paragraph VI. 7. (a) (1)) the following is submitted by the Office of Ship Disposal for the fiscal year quarter ending December 31, 2016:

1. Number and description of Suisun Bay Reserve Fleet (SBRF) non-retention vessels in the process, or to be included in the process, of acquiring dry-docking, towing and recycling (or other) disposal services <u>for the following quarter</u>, which may result in the removal of the vessels depending on the availability and scheduling of industrial and other resources:

<u>Vessel</u> <u>Scheduled Removal Date</u>

None N/A

2. SBRF non-retention vessels removed during the quarter ending December 31, 2016:

VesselDispositionRemoval DateNoneN/AN/A

- 3. Description of *exfoliating* and *exfoliated* paint removal: Each vessel that has been remediated in this quarter; the status of removal of exfoliating and exfoliated paint and characterization, removal, storage, transportation and disposal of any hazardous waste associated with removal of such paint and debris.
 - a. Status of exfoliated paint removal: Exfoliated paint was removed from exterior horizontal surfaces of the ships listed in Table 1. The material removed included exfoliated paint, rust scale, corroded metal, bird waste, dust and miscellaneous debris. Methodology is/was pursuant to the SBRF Stormwater Pollution Prevention Plan (SWPPP).

Table 1

AREA OF INDUSTRIAL ACTIVITY	#27 P3 Maintenance Completed	# of drums	*approx weight of drums (lbs)	#28 P3 Maintenance Due	#29 P3 Maintenance Due	
CAPE BRETON	11/29/2016	<1	50	2/27/2017	5/28/2017	
CAPE BORDA	12/2/2016	<1	50	3/2/2017	5/31/2017	

b. Status of exfoliating paint removal: No activity for this quarter.

Note: As of March 27, 2012, all MARAD Non-Retention vessels listed in Amended Exhibit A to the Consent Decree have been remediated of exfoliated and exfoliating paint above the waterline in compliance with paragraph 6(b)(2) of the Consent Decree.

- c. Characterization of any hazardous waste associated with removal of exfoliating and exfoliated paint: Exfoliated paint is managed as hazardous waste and subject to RCRA Subtitle C, California's HWCL, and implementing regulations. During this quarter, the Maritime Administration has performed no characterization that would support a determination that exfoliated paint is not hazardous waste. Prior to transportation and disposal, waste characterization for exfoliated paint removed was based on previous sampling data. This method was adopted to avoid duplication of cost/effort. Paint chips and debris had been analyzed during the initial sweeping phase and from the paint sampling and analysis accomplished in 2006 and 2010. All samples were characterized as hazardous waste and properly disposed.
- d. Removal of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. Exfoliated paint: All such hazardous waste was initially collected by shoveling, HEPA vacuuming and/or sweeping, then consolidated into five gallon buckets, hand-carried and emptied into 55-gallon reconditioned steel drums staged on one end of each vessel being cleaned.
 - ii. Exfoliating paint: No activity for this quarter.
- e. Storage of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. <u>Exfoliated paint</u>: Filled drums (as described in section 3.d.i) were transported and stored in the SBRF parking lot under cover, pending disposal, in accordance with established BMPs.
 - ii. Exfoliating paint: No activity for this quarter.
- f. Transportation of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. Exfoliated paint: Filled 55-gallon drums containing such waste were transported from vessels by crane barge to the pier, then fork-lifted to the parking lot where

they are stored under cover on pallets. Transportation to the disposal site was accomplished via contract, with pick-up being as needed.

- ii. Exfoliating paint: No activity for this quarter.
- g. Disposal of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. <u>Exfoliated paint</u>: Drums containing such waste were disposed by contractor, Industrial Waste Utilization, Inc., with the waste being hauled to US Ecology, Beatty, and NV (TSDF).
 - ii. Exfoliating paint: No activity for this quarter.
- 4. Vessel Condition Summary Report. The Vessel Condition Summary Report for this quarter is included as an attachment to this report.
- 5. Hazardous Waste Manifests. Copies of all hazardous waste manifests for any material disposed of during this quarter from the SBRF are included as an attachment to this report.

CONDITION REMARKS
PETENTION TUROUGUEY 40 . 5 VEAR BLAN
RETENTION THROUGH FY-16 - 5-YEAR PLAN
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tenance on stern and port quarter 9/30/16
d 01 decks were recoated as of 6/28/13.
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0/7/16. Vessel is VGP
ril 2014, topside conditions greatly improved
PGRADE GREEN
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ril 2014, topside conditions improving
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acintanana completed by CDDF areas on C/27/44
naintenance completed by SBRF crew on 6/27/11
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a flooded tank, but remains stable.
npleted by S

For Internal MARAD Use Only. Contact MAR-612 for more information.

Key for Vessel Condition Report

BOLD RED: Indicates changes from previous report HIGHLIGHTED YELLOW: Indicates missing data

TOTAL OIL= is the total of heavy oil + diesel fuel + lube oil

Non-Retention = MARAD vessels that no longer have a useful application and are pending disposition

Retention = MARAD vessels that are being preserved for federal agency programs

Custody = Vessels owned/sponsored by other government programs or agencies that are being maintained by MARAD in the NDRF on a reimbursable basis

Hull Leaks and Patches = when a leak is patched it is only shown as a patch. A ship with one leak that was patched will show "0" leaks and "1" patch. These do not affect the Condition Scores. **SORTING**: Numerically descending based upon composite condition score.

Hull Condition Rating -

- 1 Known holes exist in the underwater hull that may or may not be patched where the flooded parts of the vessel can be isolated and the potential for additional holes is deemed to be high.
- 2 Known holes exist in the underwater hull that may or may not be patched where the flooded parts of the vessel can be isolated and the potential for additional holes is moderate.

 3–No known or suspected holes are in the underwater hull, the minimum hull scantlings are less than 25% of the classification society original hull thickness requirement, and the potential for the near-term development of holes is moderate.
- 4 No known or suspected holes are in the underwater hull and the minimum hull scantlings are between 25% and 50% of the classification society original hull thickness requirement.
- 5–No known or suspected holes are in the underwater hull and the minimum hull scantlings are between 50% and 100% of the classification society original hull thickness requirement.

Topside Condition Rating

- 1 Many known or suspected holes exist in topside areas that leak major amounts of rainwater, which must be pumped frequently.
- 2 Some known or suspected holes exist in topside areas that leak substantial amounts of rainwater, which must be pumped regularly.
- **3** A small number of known holes in topside areas that leak rainwater, which must be pumped occasionally.
- 4 No holes exist in topside areas and no pumping of water from the vessel is required beyond minor occasional bilge house keeping; however, some areas have severe deterioration as indicated by heavy rust and peeling paint.
- 5 No holes exist in topside areas and no pumping of water from the vessel is required beyond minor occasional bilge house keeping and minor deterioration exists as indicated by slight rust and peeling paint.

Paint Condition

- 1 At least 25% of paint has potential for exfoliation, or there is substantial accumulation of exfoliated paint on deck that has potential for being discharged into the water.
- 2 Between 5% and 25% of paint has potential for exfoliation, or there is moderate accumulation of exfoliated paint on deck that has potential for being discharged into the water.
- **3** Less than 5% of paint has potential for exfoliation.
- 4 Paint is intact and within their service life condition.
- 5 Paint is intact, in like-new condition.

Coating Coverage

- 1 Major coating degradation exists where large areas of hull or topside steel and rust is visible.
- 2 Moderate coating degradation exists where small areas of hull or topside steel or rust is visible.
- 3 Minor coating degradation exists where rust is beginning to bleed through coatings as cracks and chips.
- **4** Coating are intact and within their service life condition.
- **5** Coatings are intact, in like-new condition.

Interior Condition Rating

- 1 Severe rainwater damage or there are spaces that are not safe to enter without personal protective equipment.
- 2 Minor rainwater damage or there are spaces that are not normally configured because of equipment or vessel structures moved so normal passage ways are blocked or partially blocked.
- 3 There is no rainwater damage but the potential for damage occurring is high or spaces have large amounts of debris that can't be cleaned by the fleet workforce.
- 4 Interior spaces are sealed from the external atmosphere but humidity is not actively being lowered with a dehumidification system and spaces are free of debris.
- 5 Interior spaces are sealed from the external atmosphere and humidity is actively being lowered with a dehumidification system and spaces are free of debris.

Discharge Risk Condition Rating

- 1 High risk for or evident discharge; major remediation required.
- **2** High risk for or evident discharge; minor remediation required.
- **3** Low risk for discharge; major remediation required.
- 4 Low risk for discharge; minor remediation required.
- **5** Low risk for discharge; no remediation required.

CALCULATING THE CONDITION SCORE: The Condition Score is the avearge of the following seven component scores with each component being weighted appropriately. In essence it is found:

$$Vessel\ Condition = \frac{(Hull + Oil + Topside + Paint + Coverage + Interior + Discharge\ Risk)}{7}$$

The Condition Score is on a scale of 0 to 5, where a score of 5 is best and 0 is worst.

HULL CONDITION SCORE: Hull condition ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale and is adjusted according to the presence and location of hull blanks. If there are no hull blanks, the hull condition is reduced by one point. If there are internal hull blanks the hull score is reduced by 0.5 points. If there are external hull blanks or no need for hull blanks (N/A) then the hull condition is not affected. After the hull score is adjusted for blanks, it is weighted on the lower end of the scale. Hull scores between 2 and 5 are not affected. A score greater than 1.0 but less than 2.0 is weighted by a factor of 1.5. A score less than 1.0 is weighted by a factor of 2.

TOTAL OIL SCORE: The Oil Ranking Factor shows how much oil is onboard a vessel, in LT. For the purpose of calculating the Condition Score, this value is reduced to a scale of 0 to 5. For all oil values at or above 1000LT, the value is 0; otherwise, in the range of 800 to 1000LT is 1, 600 to 800LT is 2 points, 400 to 600LT is 3 points, 200 to 400LT is 4 points and less than 200LT of oil is worth 5 points. Furthermore, the Oil Score is tied to the weighted Hull Condition Score. If a Hull Score is less than 2.0, the Oil Score is weighted by a factor of 1.5. A Hull Score of less than 1.0 affects the Oil Score by a factor of 2.

TOPSIDE CONDITION SCORE: Topside condition ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale. A rating of 5 is worth 5 points, 4 worth 4 points 3 worth 3, 2 worth 1.333 (2 weighted by a factor of 1.5) and 1 is worth 0.5 points (1 weighted by a factor of 2).

PAINT CONDITION SCORE: Paint condition ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale. A rating of 5 is worth 5 points, 4 worth 4 points 3 worth 3, 2 worth 1.333 (2 weighted by a factor of 1.5) and 1 is worth 0.5 points (1 weighted by a factor of 2).

COATING COVERAGE SCORE: Coating coverage ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale. A rating of 5 is worth 5 points, 4 worth 4 points 3 worth 3, 2 worth 1.333 (2 weighted by a factor of 1.5) and 1 is worth 0.5 points (1 weighted by a factor of 2).

INTERIOR CONDITION SCORE: Interior condition ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale. A rating of 5 is worth 5 points, 4 worth 4 points 3 worth 3, 2 worth 1.333 (2 weighted by a factor of 1.5) and 1 is worth 0.5 points (1 weighted by a factor of 2).

DISCHARGE RISK CONDITION SCORE: Discharge Risk condition ranges from 1 to 5, where hull the worst vessels are weighted heavier on the scale. A rating of 5 is worth 5 points, 4 worth 4 points, 3 worth 3, 2 worth 1.333 (2 weighted by a factor of 1.5) and 1 is worth 0.5 points (1 weighted by a factor of 2).

DETERMINING THE OVERALL RATING: The Overall Rating groups the vessels for easier condition identification. Any vessel with a Condition Score less than 2.5 is a RED vessel. Any vessel with a score between 2.51 and 3.499 is a YELLOW vessel. Any vessel with a score greater than or equal to 3.5 is a GREEN vessel.

ADDITIONAL COLUMNS

TCLP - Indicates any excedences of the Toxicity Characteristic Leaching Procedure tests. The presence of any heavy metals in notable quantities is shown in this column.

HULL BLANKS - Indicates the presence and configuration of hull blanks. X - External Blanks, I - Internal Blanks, NO - None Present, N/A - Not Applicable. The presence of internal blanks reduces the Hull Condition by 0.5 points. The lack of hull blanks reduces the Hull Condition by 1 point. External hull blanks (or N/A where appropriate) do not affect the Hull Condition.

RSH SK SHIP# 220836562 Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039 4. Manifest Tracking Number UNIFORM HAZARDOUS 1. Generator ID Number CASA90090571 00562689 **WASTE MANIFEST** Generator's Name and Mailing Address Generator's Site Address (if different than mailing address) Suisum Bay Reserve Fleet 2575 Lake Herman Rd CA 94510-1044 BENICIA 707-745-5604 Generator's Phone: U,S. EPA ID Number 6. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC. TXR0000081205 7. Transporter 2 Company Name U.S. EPA ID Number 100 10 DO 8. Designated Facility Name and Site Addre GAFETY-KLEEN SYSTEMS: 6000 SBTH STREET CA 195828 SACRAMENTO 916-386-4913 CA00000084517 Facility's Phone 9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, 10, Containers 11. Total 12. Unit 13. Waste Codes and Packing Group (if anv)) No. Туре Quantity Wt.Vol. NON-RORA HAZARDOUS WASTE, LIQUID DM 134 GENERATOR (AQUEQUS PARTS WASHER SOLUTION) 16 2.70 ij. 4 RECEIVED . DEC 28 2016 SUISUN BAY RESERVE FLEET 14. Special Handling Instructions and Additional Information TSD: SCA 72041214 SU23390 201450-050:21 24 HR. EMERGENCY #1-800-468-1760 (SWZ/ TFI) AUTH AS "AGENT-FOR" BY GEN IO RETAIN LICENSED SUB CARRIERS AS NECESSARY 15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby déclare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (If I am a large quantity generator) or (b) (If I am a small quantity generator) is true. Month. Year Day Generator's/Offeror's Printed/Typed Name Port of entry/exit: Cabbi. Import to U.S. Export from U.S. Transporter signature (for exports only): Date leaving U.S.1 17: Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name Signature Month Year 191119 Transporter 2 Printed/ Signature 18. Discrepancy 18a. Discrepancy Indication Space Partial Rejection Full Rejection ___I Туре Residue Quantity 18b. Alternate Facility (or, Generator) Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Month Dav 54 19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) H141 20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name

EPA Form 8700-22 (Rev/3-05). Previous editions are obsolete.

DESIGNATED FACILITY TO GENERATOR

Printed/Typed Name

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$ \cdot $	8. Pesignated Facility Name and Site Address The COLOGY HAY RL	vario 40	<i>C</i>	and the same		er er en		
П	10426 HAY FI Car	and the	CH 13	(Y				
H	Facility's Phone: 207.678.461				1 CA	7) (3)	12011	2//-
Ш	ga. 9b. U.S. DOT Description (including Proper Shipping Name, Hazard	Class ID Number.	10, Cont	tainers	11. Total	12. Unit	612761	710
Ш	HM and Packing Group (if any))		No	Туре	Quantity	Wt./Vol.	13. Waste (lodes'
							, ame	
ENERATOR			_ //	121	3.7	1/	Andrew Comme	sancia
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							au molinio da su mindra Machinia de Carlos de Mario (Mario Mario Mario Mario Mario Mario Mario Mario Mario Mar	Self-Self- Extended observated lands.
Ш	14. Special Handling Instructions and Additional Information					<u> </u>		
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11					, de	133	666	
$\ \cdot\ $					Canada		form from	
П	15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that							
Ш	marked and labeled/placarded, and are in all respects in proper condit Exporter, I certify that the contents of this consignment conform to the			ational governm	entai regulations.	ir export sni	oment and I am the I	Primary
Ш	certify that the waste minimization statement identified in 40 CFR 262			mall quantity ger	erator) is true.			15 J.
П	Generator's/Offeror's Printed/Typed Name		Signature	- Communication			Month	Day Year
1	ERICK IAULUR					<u> </u>	1//	<u>} </u>
E	16. International Shipments Import to U.S.	Export fro	m U.S. Port of	entry/exit:			<u> </u>	
	Transporter signature (for exports only):		Date lea	aving U.S.:		11.5		
ANSPORTER	17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name		Signature /	-			Month	Day Year
등	Transporter Frinte Ortype Ortaine	1	Signature	Lagran .	Service .		MOUIII	20 1001
廖	Transporter 2 Printed Toped Name		Signature	Janes			Month	Day Year
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11	The state of the s	EC 1 2 2016	Manifest Referen	ce Number				
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믕	SUISUN	BAY RESERVE FLEET	1					K
Æ	Facility's Phone:							
但	18c, Signature of Alternate Facility (or Generator)						Month	Day Year
Ιž								
DESIGNATED FACILITY	19. Hazardous Waste Report Management Method Codes (i.e., codes for ha	azardous waste treatment, disp	osal, and recycling systems)				
胃	1 11 12 2	ļ.	3.		4.			
1	TUDE					<u> </u>		<u> </u>
\prod	20. Designated Facility Owner or Operator: Certification of receipt of hazard Printed/Typed Name			em 18a		<u> </u>	Month	Day Year
$\ \ $, A 1	10 July 10 July 10	Signature	. "				"> 1 / /
*	A Form 8700-22 (Rev. 3-05) Previous editions are obsolete.		1 Street milanes	Market Balleton Alphi are graded	MATERIAL STREET			<u> </u>
_C[7	MEDITION OF THE AND THE AIR OF STREET AND			. D	ESIGNATE	:U FACI	LITY TO GEI	NEKAIOR