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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARC ECOLOGY, et al.,

Plaintiffs,

and

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN
FRANCISCO BAY REGION,

Plaintiff-

Intervenor

v.

UNITED STATES MARITIME
ADMINISTRATION, et al.,

Defendants.

2:07-CV-2320 GEB KJN

**DEFENDANTS' QUARTERLY
STATUS REPORT FOR THE PERIOD
APRIL 1, 2010 – JUNE 30, 2010**

Judge: Hon. Garland E. Burrell, Jr.

Pursuant to Paragraph 7(a) of the Consent Decree entered by this Court
in the captioned case (Dkt. 126), Defendants provide the quarterly status
report on Defendants' implementation of the Consent Decree during the
quarter ending June 30, 2010 (attached as Exhibit A).

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1 Respectfully submitted,

2 Dated: July 30, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2010, electronically transmitted the foregoing **DEFENDANTS' QUARTERLY STATUS REPORT FOR THE PERIOD APRIL 1, 2010 – JUNE 30, 2010** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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/s/
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EXHIBIT A

Defendants' Quarterly Status Report for the Period April 1, 2010 – June 30, 2010

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

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

Quarterly Status Report, Quarter ending June 30, 2010

The following Quarterly Status Report is provided in accordance with Section VI, Paragraph 7(a).

1. Number and description of SBRF non-retention vessels in the process, or to be included in the process, of acquiring drydocking, towing and recycling (or other) disposal services for the following quarter, which may result in the removal of the vessels depending on the availability and scheduling of industrial and other resources:

<u>Vessel</u>	<u>Description</u>	<u>Removal Date</u>
Taluga	Tanker (Liquid Bulk)	1-Jul-10
Florikan	Navy Salvage Tug	26-Jul-10
Dawn	Break Bulk	TBD (To be determined)
H.H. Hess	Research /Survey Vessel	TBD
Bay	Break Bulk	TBD
American Reliance	Break Bulk	TBD
American Racer	Break Bulk	TBD

2. SBRF non-retention vessels removed during the quarter ending June 30, 2010:

<u>Vessel</u>	<u>Description</u>	<u>Disposition</u>
General Patrick	Passenger Ship	Recycling
General Pope	Passenger Ship	Recycling
Gettysburg	Tanker (Liquid Bulk)	Recycling
Monticello	Navy LSD	Navy SinkEx

3. Description of *exfoliating* and *exfoliated* paint removal for each Vessel that has been remediated in the preceding quarter and for each Vessel undergoing remediation at the time of this report; 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:** During the quarter spanning 1 April through 30 June, exfoliated paint was removed from exterior horizontal surfaces of the ships listed below; these vessels are still moored at the SBRF. The exfoliated paint removed included paint and associated dust and debris that were entirely separated from a vessel's surface and, rust scale, corroded metal, bird waste and small quantities of miscellaneous debris. Methodology is/was pursuant to the SBRF SWPPP.

<u>Vessel</u>	<u>Date Completed</u>	<u>Drums Removed</u>
Mispillion	23-Apr-10	8
Hassayampa	6-May-10	7
Kawishiwi	6-May-10	10
Ponchatoula	12-May-10	18
Cimarron	18-May-10	20
Wabash	19-May-10	11
Roanoke	20-May-10	36
Wichita	25-May-10	20
Pigeon	27-May-10	1
Sagamore	28-May-10	2
Clamp	28-May-10	1
Florikan	28-May-10	1
Reclaimer	2-Jun-10	1
President	8-Jun-10	27
American Reliance	10-Jun-10	19
HH Hess	15-Jun-10	4
Solon Turman	16-Jun-10	7
Dawn	18-Jun-10	13
Ambassador	22-Jun-10	1
Agent	23-Jun-10	2
Adventurer	24-Jun-10	2
Aide	25-Jun-10	2
Bay	29-Jun-10	10

- b. The following vessels are **undergoing remediation** of *exfoliated* paint as of the date of this report:

<u>Vessel</u>	<u>Start Date</u>
Lincoln	30-Jun-10

- c. **Status of exfoliating paint removal:** Exfoliating paint remediation activities, under commercial contract, began on May 14, 2010. Methodology is/was pursuant to the SBRF SWPPP. The following ships are undergoing remediation of exfoliating paint at the time of this report:

<u>Vessel</u>	<u>Start Date</u>
Nereus	14-May-10

- d. **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, a representative sampling from 10% of the drums for each load was taken and submitted to a local lab for analysis. All samples were characterized as hazardous waste and properly disposed. The lab analysis documentation is attached.

- e. **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 sweeping, then consolidated into five gallon buckets that were hand-carried and emptied into 55-gallon reconditioned steel drums staged on one end of each vessel being cleaned.
 - ii. Exfoliating paint: All such hazardous waste was either removed in dry-dock in accordance with the dry-dock contract requirements or in the SBRF, under commercial contract, in accordance with that contract and the SBRF SWPPP and established BMPs.

- f. **Storage** of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. Exfoliated paint: Filled drums (as described in 3.e. above) were transported and stored in the SBRF parking lot under cover, pending disposal, in accordance with established BMPs.
 - ii. Exfoliating paint: Such waste was accumulated into 250 gallon stainless steel frame boxes, called totes, aboard the vessel being remediated. Filled totes were transported and stored in the parking lot under cover, pending disposition of the contents. Totes have an internal liner to facilitate waste handling and disposal.

- g. **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. (An overflow storage area is adjacent to the electrical platform in the parking lot but rarely used.) Transportation to the disposal site was accomplished via contract, with weekly pick-up.
 - ii. Exfoliating paint: Filled totes were transported from the vessel by crane barge to the pier, then fork lifted to the parking lot where they are stored under cover on pallets. The exfoliating paint remediation contract scope includes transportation of waste to the disposal site.

- h. **Disposal** of any hazardous waste associated with removal of exfoliating and exfoliated paint:
 - i. Exfoliated paint: Drums containing such waste were disposed by contractor ENV Environmental, Inc. with the waste being hauled to US Ecology, Beatty, NV (TSDF).
 - ii. Exfoliating paint: As of the date of this report, totes are still within their 90-day accumulation time and have not yet been transported off-site and disposed.
- 4. **Vessel Condition Summary Report.** The Vessel Condition Summary Report during the preceding quarter is included as an attachment to this report.
- 5. **Copies of Hazardous Waste Manifests.** Copies of all hazardous waste manifests for any material disposed of during the preceding quarter from the SBRF are included as an attachment to this report.