

REQUEST FOR ACTION

To: Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Wes Mindermann
Supervising Waste Management Engineer
Engineering Support Branch

Request Date: February 2, 2015

Decision Subject: **Approval for the Sixth Augmentation of Oakland Estuary Enhancement Project, Alameda County, Under the Solid Waste Disposal and Codisposal Site Cleanup Program (Solid Waste Trust Fund, FY 2013/14)**

Action By: February 15, 2015

Summary of Request:

Staff requests approval of \$70,000 to cover costs of \$52,000 in uncompensated oil spill costs and final rental equipment invoicing for \$15,000 under the Department-managed Oakland Estuary Enhancement Project for the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). The project has been completed; however, some additional costs have been recently determined. The requested funds will be used to close out the Oakland Estuary Enhancement Project and cover the unfunded bunker oil response costs. These funds augment the original Request for Action for the approval of the Oakland Estuary Enhancement Project and National Fish and Wildlife Foundation (NFWF) Grant and the five additional augmentation Requests for Action.

Recommendation:

Staff recommends approving the \$70,000 augmentation.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action and the findings set out herein, I hereby approve this augmentation for the Oakland Estuary Enhancement Project under the Solid Waste Disposal and Codisposal Site Cleanup Program.



Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

Dated: _____

2/6/15

Proposed Pilot Project Scope of Work:

The background and findings for the Oakland Estuary Enhancement Project are described in detail in the previously approved August 7, 2013, Request for Action. Most of the additional funds requested in this Request for Action will be used to cover unfunded bunker oil response costs thought to be originally covered in a National Pollution Fund Center (NPFC) claim. At the start of the project, the USCG Captain of the port stated the USCG will cover the cost of defueling and decontaminating the Tug "Respect," using NPFC funding. After CalRecycle accepted the vessel from the USCG, additional bunker fuel was found and remediated by CalRecycle's contractor. CalRecycle was directed by the USCG to file a claim for this eligible cost. CalRecycle was denied this claim by NPFC and is currently appealing this decision to the NPFC Director. Staff recommends payment to CalRecycle's contractor at this time for this work performed more than 120 days ago. Since NPFC claim funds go directly to the contractor performing the work, should the USCG reverse its decision, CalRecycle's contractor has agreed to refund any portions of oil funding. The remaining costs for this Request for Action will close out the remaining expenditures to remove the Tug "Respect".

An April 15, 2014, second augmentation Request for Action approved an additional \$130,000 to cover the costs of a diving crew and 90-ton barge crane rental to lift the remainder of the vessel out of the water. Although several hull sections were removed using divers and the crane, the crane was unable to lift the last 28 feet of the vessel off the ramp and onto the dock.

A May 13, 2014, third augmentation Request for Action increased the budget by \$90,000 to add additional time for divers to use cutting torches to cut the remainder of the vessel into sections. Although several more sections were removed over six days, progress remained slower than estimated and the main section of the vessel again was too heavy to lift with the crane before the budget was exhausted.

On June 9, 2014, a fourth augmentation Request for Action requested an additional \$150,000 to cover up to an additional 20 working days of a dive crew and crane to continue cutting the remainder of the vessel into sections for lifting onto the dock. While the barge crane was successful in lifting the stern and other structures out of the water, the crane could not overcome the mud suction surrounding the keel. The divers were able to cut through the 12 inch drive shaft but since the drive line was encased in concrete, only one cut was made by the divers.

On July 11, 2014, a fifth augmentation Request for Action was approved for \$100,000 to removal all the remaining debris from the Army Corp Dock.

This 6th and final augmentation for \$70,000 would bring the total not-to-exceed augmentation to \$670,000 and CalRecycle's total estimated cost to \$2,045,000. It is still anticipated that CalRecycle will receive \$650,000 for NFWF grant and CalRecycle has written a final appeal to the USCG for approximately \$52,000 in oil related costs. To date the United States Environmental Protection Agency and USCG have expended over \$7.4 million dollars in removing vessels and solid waste on this project.

Fiscal Impacts:

The Department-managed project was performed on a time-and-materials basis under the Program's Northern California remediation contract (DRR12034). CalRecycle's remediation contract for Northern California currently has sufficient funds to cover the \$70,000 to complete the project.