



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

WATER
DIVISION

September 29, 2020

Mr. Carl Uchytel
Port Director, Port of Juneau
155 S. Seward Street
Juneau, Alaska 99801

Dear Mr. Uchytel:

This letter is in regard to the City and Borough of Juneau's proposed transportation and disposal of the *M/V Lumberman* at sea (United States Coast Guard Documentation Number 240840).

According to information you provided to the U.S. Environmental Protection Agency (EPA) on August 5, 2020, the *Lumberman* is a 192-gross ton steel-hulled towing vessel and is 107.4 feet long, 25 feet wide, and 11.4 feet in draft. The *Lumberman* is currently located at the Cruise Ship Terminal in Juneau, Alaska.

The transportation and disposal of vessels in ocean waters is regulated under the Marine Protection, Research, and Sanctuaries Act (MPRSA). A vessel may be disposed at sea only under specified conditions in the MPRSA General Permit published in the Code of Federal Regulations at 40 C.F.R. § 229.3 (Enclosure). Disposal of a vessel at sea should only be pursued when land-based alternatives are not available or are not practicable. Other options for disposing of obsolete or unwanted vessels include re-using the vessel or parts of the vessel; recycling or scrapping; preparing the vessel for use as an artificial reef; and disposing of the vessel on land.

In response to EPA's review of the information you submitted on August 5, 2020, regarding the need for ocean disposal and evaluation of alternatives to ocean disposal, as required under 40 C.F.R. §229.3(a)(1)(i) and (v), EPA has concluded that you have explored and ruled out other alternatives to ocean disposal for the *Lumberman*. EPA has also reviewed information you provided in response to requirements under 40 C.F.R. § 229.3(a)(1)(ii-iv). This includes a description of the *Lumberman* and the type of cargo it normally carried, a description of the proposed disposal procedures, and information related to the potential effects of the ocean disposal on the marine environment. Based on EPA's review of this information, and in coordination with other appropriate federal agencies, the EPA has concluded that you have provided sufficient information to satisfy the requirements of 40 C.F.R. § 229.3(a)(1).

All persons interested in coverage under the MPRSA General Permit are required to remove, to the maximum extent practicable, all materials from the vessel that may degrade the marine environment [40 C.F.R. §229.3(a)(1)(3)] prior to disposal at sea. In order to help clarify what materials may be covered under this condition, EPA has provided you with a list of examples of materials that may degrade the environment and should have been removed. Other materials identified during the U.S. Coast Guard inspection of the vessel may have also required removal.

On August 18, 2020, the City and Borough of Juneau notified the EPA and the U.S. Coast Guard that the *Lumberman* was cleaned as required by the General Permit and available for inspection as required by 40 C.F.R. § 229.3(a)(3) and (4). On August 20, 2020, EPA received a final report from U.S Coast Guard Sector Juneau, stating the inspection of the *Lumberman* was completed by the U.S. Coast Guard over several site visits during the summer 2020. EPA and the U.S. Coast Guard discussed the report on a video conference call on August 21, 2020. EPA identified additional items that needed to be removed. The U.S. Coast Guard worked with the City and Borough of Juneau to address the remaining issue and then confirmed with EPA on September 11, 2020, the issue had been addressed, consistent with the 10-day requirement in 40 C.F.R. § 229.3(a)(4). After coordination, the EPA and the U.S. Coast Guard agree that the vessel preparation and pollution abatement requirements of 40

C.F.R. § 229.3(a)(3) have been met. Therefore, the *Lumberman* may be transported for disposal at sea, subject to the remaining MPRSA General Permit conditions at 40 C.F.R. § 229.3(a)(5)-(9).

The EPA understands that the City and Borough of Juneau intends to dispose of the *Lumberman* at the following coordinates, which is approximately 47 nautical miles from Icy Point, in Southeast Alaska, near the entrance to Cross Island, in over 1400 fathoms of water:

Latitude: 57 degrees, 54 minutes, 0 seconds North
Longitude: 138 degrees, 12 minutes, 0 seconds West

Disposal of the *Lumberman* within one-half nautical mile of this location is expected to meet the following requirements of the MPRSA General Permit at 40 C.F.R. § 229.3(a)(5) and (6), ensuring that the disposal of the vessel shall:

- take place no closer than 12 miles from the nearest land;
- occur in water depths no less than 50 fathoms (300 feet); and
- not take place in established shipping lanes, designated marine sanctuaries, or locations where the submerged hulk may present a hazard to commercial trawling, or national defense.

When sinking the vessel, you must follow the remaining conditions of the MPRSA General Permit, paying particular attention to ensuring that the vessel sinks to the bottom rapidly, that marine navigation will not, in fact, be impaired [40 C.F.R. § 229.3(a)(5)], and that the entire disposal event takes place during daylight hours [40 C.F.R. § 229.3(a)(7)].

Pursuant to 40 C.F.R. § 229.3(a)(8), please provide the required notice prior to the vessel disposal:

- By email, at least 48-hours in advance of the disposal, to Bridgette Lohrman, Ocean Dumping Coordinator, Wetlands and Ocean Section, at lohrman.bridgette@epa.gov, the U.S. Coast Guard Sector Juneau at SCCJuneau@uscg.mil, and by telephone to the Captain of the Port at (907) 957-0159 AND 907-957-0150;
- By telephone, at least 12-hours in advance of the disposal, to Bridgette Lohrman at (503) 326-4006, U.S. Coast Guard Sector Juneau and to the Captain of the Port at (907) 957-0159 AND 907-957-0150. As required in 40 C.F.R. § 229.3(a)(8), any schedule changes must be reported to the Captain of the Port as soon as possible.

and,

- When providing 48-hour notice via e-mail to the EPA and the U.S. Coast Guard, please also notice via e-mail the Range Manager for the Pacific Fleet of Operations for the U.S. Navy, at robert.w.nowak@navy.mil.

You must also notify NOAA's National Ocean Service in writing within one week after the disposal with the precise coordinates of the actual disposal site to the nearest second of latitude and longitude so that it can be used to update affected nautical charts. You must include any information that was gathered during the disposal event that can corroborate the position information. Such information may include the recorded depth at the disposal site or a screen shot of the tow vessel's depth sounder that depicts the hulk resting on the bottom with position and depth information. The NOAA address is:

- Department of Commerce, National Oceanic and Atmospheric Administration Nautical Data Branch, N/CS26, Station 7308 1315 East-West Highway Silver Spring, MD 20910

In addition, a report should be sent to the EPA within one week of the sinking describing the coordinates of the

disposal and any supporting data.

This letter includes a collection of information that is subject to the Paperwork Reduction Act. You are not required to respond to collection of information in this letter unless it displays a currently valid control number from the Office of Management and Budget. The currently valid control number for the information collection in this letter is 2040-0008.

Sincerely,

**CARMELA
GRANDINETTI**

Digitally signed by CARMELA
GRANDINETTI
Date: 2020.09.29 13:47:29
-07'00'

Cami Grandinetti, Manager
Standards, Assessment, & Watershed Mgmt Branch

Enclosure: MPRSA General Permit for the transportation and disposal of vessels, published at 40 CFR 229.3.

cc: Lt. Maren Balke, Incident Management Division, Sector Juneau, U.S. Coast Guard
U.S. Coast Guard Captain of the Port, U.S. Coast Guard