

**United States Environmental Protection Agency  
Region X  
POLLUTION REPORT**

**Date:** Monday, February 20, 2006

**From:** Marc Callaghan

**To:** Eugene Lee, EPA HQ (POLREP List)                    EPA HQ, EPA HQ (POLREP List)  
Marc Callaghan, USEPA                                    Dan Opalski, EPA Region 10 (POLREP List)  
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Robert Hildebrand, NPFC (POLREP List)            Ryan Whitchurch, Ecology and Environment  
Doug Olsen, Clackamas County Sheriff

**Subject:** First and Final  
Vessel OR969MU  
Oregon City, OR

<b>POLREP No.:</b>	1	<b>Site #:</b>	10ZZ
<b>Reporting Period:</b>	02/16/2006 to 02/17/2006	<b>D.O. #:</b>	
<b>Start Date:</b>	2/16/2006	<b>Response Authority:</b>	OPA
<b>Mob Date:</b>	2/16/2006	<b>Response Type:</b>	Emergency
<b>Demob Date:</b>		<b>NPL Status:</b>	Non NPL
<b>Completion Date:</b>		<b>Incident Category:</b>	Removal Assessment
<b>CERCLIS ID #:</b>		<b>Contract #</b>	
<b>RCRIS ID #:</b>		<b>Reimbursable Account #</b>	
<b>FPN#</b>			

**Site Description**

The site is located at 19100 S. Highway 99E south of Oregon City, Oregon. The site is on the east bank of the Willamette River, and is currently used for light marine-industrial use and for waterfront moorage use. The partially sunken vessel was moored at a set of docks in poor condition near an abandoned green house. Railroad tracks run parallel to the property along highway 99E; the crossing is passive and trains travel at high speed.

**Current Activities**

February 16, 2006:

At 1615 hours, START was notified by Matt Carr, the EPA phone duty officer (PDO) of an incident approximately ¾ mile upstream of Willamette Falls in Oregon City, Oregon. The incident concerned a report of a partially sunken 25-foot pleasure craft that was discharging sheen into the Willamette River. The PDO directed START Team Member (STM) Ryan Whitchurch to investigate as soon as possible, take photographs, and report their findings.

At 1630, STM Whitchurch departed the Portland START office to pick up the Suburban and mobilize to Oregon City. Enroute, the PDO called to provide contact information for the first responder on scene, Clackamas County Sheriff's Deputy Doug Olsen. Deputy Olsen provided directions to STM Whitchurch.

At approximately 1720, STM Whitchurch arrived on scene and met with Deputy Olsen. Photographs were taken of the partially sunken vessel and Deputy Olsen provided a situation report to START. The property owner, Mr. Frank Fandrich arrived during this time and was questioned by Deputy Olsen. In summary, the information obtained by START to this point is:

- Mr. Fandrich owns the property, but does not own the partially sunken vessel. Mr. Fandrich stated that he leased the waterfront to the boat owner(s), but also stated that rental payments are late;
- The boat was apparently owned by Mr. Henry Pack at one time, who sold the boat to Mr. Jonathan Payne. Mr. Payne disputed that the sale was valid because the title to the boat was not properly signed over by Mr. Pack;
- The boat has reportedly been partially sunken for a week.

START observed a light sheen on the water near the vessel and in the area around the boathouse and docks. There also appeared to be some emulsified product among debris around the docks. The stern of

the boat was submerged, and the location of vents and fuel fill pipes were not visible. The vessel is built of wood and was in a state of apparent disrepair. Winds from the North were acting to keep most of the visible sheen corralled around the docks and boathouse.

STM Whitchurch reported observations to EPA's PDO at 1740 and initiated 3-way dialog between the PDO, Deputy Olsen, and START. Deputy Olsen provided a detailed history of his investigation and future plans to EPA. In particular, Deputy Olsen plans to determine the actual vessel owner, and arrange for the owner to be onsite tomorrow morning. EPA stated that OSC Marc Callaghan would provide oversight on February 17, 2006. No further on site response actions were deemed feasible because of darkness.

STM Whitchurch departed the site after contacting OSC Callaghan to coordinate schedules. Deputy Olsen departed to Portland to locate Mr. Payne.

February 17, 2006:

STM Whitchurch met with OSC Callaghan at the Portland EPA Warehouse at approximately 0815, then departed to the site after loading sorbents into the ER Van. Around 0930, EPA and START arrived on scene and met with Deputy Olsen and Mr. Payne. Mr. Payne expressed regret concerning the situation, and stated his belief that the vessel sank because trespassers unplugged the power cord to the bilge pump in the boat. Mr. Payne said that he had installed an expansion plug cap on the fuel filler pipe, and that the majority of the fuel should still be in the tanks. He also stated that he does not believe the boat is actually his, because Mr. Pack did not complete the title transfer by signing his name to it. However, Deputy Olsen considered the boat to be Mr. Payne's because Mr. Payne was in possession of the title. Mr. Payne could not provide any information regarding the contents of the blue drum.

Another scene inspection was conducted with closer inspection of the vessel. Fresh sheen was appearing from the stern end, and free oil blebs were observed inside the flooded cockpit. Additional photos were taken, and plans for mitigation were discussed. Deputy Olsen required that the vessel be re-floated and registered within 30 days, or be taken completely out of the water. OSC Callaghan required that the environmentally hazardous materials (diesel, crankcase oil, etc) be removed as soon as possible, and that sorbents be deployed to prevent sheen and oil from further escaping into the river. Deputy Olsen advised Mr. Payne that dragging the boat up the bank by a cable attached to a loader, as Mr. Payne preferred to do, was highly inadvisable. Deputy Olsen recommended using a barge mounted crane or floatation bags combined with a dewatering pump. All parties recognized that the pumped water would need to be monitored to prevent spreading oil contamination into the river. Final water that is contaminated would need to be drummed and treated.

At approximately 1220, EPA and START met again with Deputy Olsen, Mr. Payne, and Mr. Fandrich. OSC Callaghan advised Mr. Payne and Mr. Fandrich that they and Mr. Pack could be considered potentially responsible parties if the U.S. Coast Guard pursues cost recovery. Therefore, it is in their best interest to minimize EPA and START involvement to keep costs down. If the PRPs pursue a reasonable course of action, then EPA will not get directly involved, and will only provide PRP oversight. Mr. Payne and Mr. Fandrich agreed, and seem to have made progress in procuring resources, including a barge mounted crane and a diver. EPA furnished 4 lengths of sorbent boom and some sorbent pads to the PRPs to aid in prevention of oil migration into the river.

EPA departed the site at approximately 1345 after a written statement of work was agreed to between the OSC and PRPs. The statement of work only intended to address EPA concerns, and was not intended to limit the responsibility of the PRP to other affected parties, including to the Clackamas County Sheriff. It was understood by the PRPs that START will visit the site again to verify that the statement of work has been completed satisfactorily.

### **Planned Removal Actions**

The PRPs plan to either re-float the vessel or remove it from the water. The PRPs plan to use sorbents to prevent floating oil and fuel from discharging into the Willamette River channel, and to mop up oil floating in the boat's compartments. The PRPs plan to monitor any water pumped from the vessel for oil or fuel. Water with visible sheen or product will be captured and treated.

### **Next Steps**

START will visit the site again on Monday, February 20, 2006, to assess PRP compliance with the statement of work.