

Field Investigation Report

New Jersey Department of Environmental Protection
Bureau of Emergency Response
INVESTIGATION REPORT

CASE NUMBER:	07-05-27-1116	JOB NUMBER:	A4743100
SITE/CASE NAME:	Cedar Cove Marina	FIELD DIRECTIVE:	YES
LOCATION:	200 Rte. 166	COUNTY:	Ocean
MUNICIPALITY:	South Toms River		

RESPONSIBLE PARTY:	Don Miller		
ADDRESS:	P.O. Box 5300		
MUNICIPALITY:	South Toms River		
STATE:	NJ	ZIP:	08754
CONTACT:	Don Miller	PHONE:	732-349-6800

MATERIAL:	#2 Heating Oil	INJURY:	NO
AMOUNT:	UNK	EVACUATION:	NO
ACR:	YES	POTENTIAL MOA:	NO
CAUSE:	LEAKING 275GAL. F.O. TANK	OPA 90:	NO
FOSC NAME:	NONE	FED. CASE NUM.	N/A

DUTY OFFICER:	SCHRADER	SPILL NOV:	NO
REPORT AUTHOR:	F. GAGLIANO	REPORT DATE:	7-13-07

	RESPONDERS	DATE	START	STOP	REG HRS	OT HRS	TOT HRS
1.	GAGLIANO	5-27-07	1800	2000	0	2	2
2.	GAGLIANO	5-28-07	0700	1300	0	6	6
3.	MANUEL	5-27-07	1800	2000	0	2	2
4.	MANUEL	5-28-07	0700	1300	0	6	6

Investigation Report

AN INVESTIGATION WAS CONDUCTED INTO THE DISCOVERY OF AN OIL SHEEN IN THE TOMS RIVER AT THE CEDAR COVE MARINA. IT WAS FOUND THAT A 275 GALLON FUEL OIL TANK ADJACENT TO A MAINTAINANCE BUILDING/REST ROOM WAS LEAKING #2 F.O. FROM THE BOTTOM OF THE TANK (PHOTOS). THE TANK IS ON A NARROW WOODEN BULKHEAD AT THE BACK OF THE BUILDING WHERE THE BOAT SLIPS ARE. A SHEEN WAS NOTED IN THE WATER BENEATH THE AREA OF THE TANK.

No one from the marina was available to speak with at the time of the initial investigation. Temporary containment measures were put in place until further investigation.

On Monday, May 28, a follow-up investigation was conducted by R24 and R28. As it was the Memorial Day weekend, the offices of the Cedar Cove Marina were closed. It was determined that the leaking tank could not be allowed to discharge to the river, so responders authorized the Spill Fund for \$1500 dollars to empty the tank of oil. EPS, Inc. responded and pumped off the tank to three drums, which were left at the facility. On Tuesday, May 29, contact was made with Don Miller, owner of the marina, and he agreed to accept the costs incurred for the securing of the tank. He was put in contact with EPS, Inc. and they agreed to bill him directly.

A follow-up call was to EPS, Inc. on July 11, 2007 to confirm payment had been made. Anne Marie confirmed that the bill was paid in full. NFA.

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CASE NAME: M/V LOUISE CHRISTINE II
LOCATION:
MUNICIPALITY: SOUTH TOMS RIVER, NJ
LATITUDE: 39 57. 017

RESPONSIBLE PARTY: RICHARD ZELNAR
ADDRESS: 1126 ROSEWOOD LN
MUNICIPALITY: WINNSBORO, SC 29180-8266
CONTACT: RICHARD ZELNAR

CASE NUMBER: 04-08-15-1932
JOB NUMBER: A3092700
FIELD DIRECTIVE:
COUNTY: OCEAN
LONGITUDE: 074 11.906

PHONE: H 803-635-3608
B 803-461-6560

MATERIAL: DIESEL FUEL
AMOUNT: > 3 GALLONS
ACR: YES
CAUSE: Bilge Pump
FOSC NAME: Lt Rossa Blanca

INJURY: No
EVACUATION: NO
POTENTIAL MOA: No
OPA 90: Yes
FED. CASE NUM. 731940

DUTY OFFICER: J. MANUEL
REPORT AUTHOR: R. SCHRADER

SPILL NOV: Yes
REPORT DATE: 1/26/2012

	<u>RESPONDERS</u>	<u>DATE</u>	<u>START</u>	<u>STOP</u>	<u>REG HRS</u>	<u>OT HRS</u>	<u>TOTAL HRS</u>
1.	R. SCHRADER	8/15/04	2000	2400	0	4	4
2.	R. Schrader	8/16/04	0800	0900	1		1

LEVEL OF PROTECTION:
INSTRUMENTATION:

HAZ-CAT:	No	<u>MATERIALS:</u>	
PID / FID (TVA 1000)	No	BOOM	No
MULTI RAE PLUS	No	PADS	15EA
RAD	No	TUBES	No
DRUMMER	No	SUITS	No
		BOOTS	No
		GLOVES	No

ENTRIES:

OTHER:

Investigation Report

At approximately 1915 hrs a civil air Patrol plane sighted an oil sheen in the vicinity of Cedar Cove Marina, South Toms River, NJ. Ocean County Communications was alerted and Fire and Police as well as Berkley Haz-Mat a CEHA agency. NJ State Police were also requested and Trooper Broset arrived and began to investigate the incident.

The Marina is situated at the head of the Toms River. There is very little current and tidal action. The marina is the home of hundreds of vessels ranging in size from 25' to 60'. The responders and I began the painstaking task of locating one vessel that was the source of the oil. Trooper Broset along with Ocean County Prosecutor's reps boarded vessel while Berkley Haz-Mat and I began a shoreline clean up assessment.

At approximately 2150 hrs Trooper Broset discovered the 52' 1964 Crist Craft vessel; the Louise Christine II had oil in the bilges. I boarded the vessel along with Trooper Broset and inspected the vessel. Apparently the vessel is under refurbishing. The bilge in the lazeret and forepeak was dry; the bilge in the engine room has approximately three inches of oil in it.

Because the sheen was concentrated around this vessel, and because the vessel was actively pumping the bilge, it was determined that this was the source of the incident.

We requested Mr. Miller, owner of the marina to unhook the shore tie and disconnect the bilge pumps. This was done only after conferring with the marina's mechanic who stated that the vessel would not have any problems.

There was no clean up feasible due to the sheen size and thickness.

Future Plans and Recommendations

1. Owner will contact NJDEP BER and request clarification of situation
2. Have owner clean out bilges.
3. Remove all fuel oil from the vessel.
4. Insure no oil is pumped to the Toms River.

Field Investigation Report

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CASE NUMBER:	11-02-07-1046-56	JOB NUMBER:	A6820000
SITE/CASE NAME:	Cedar Cove Marina- Vessel Jak Bar	FIELD DIRECTIVE:	Yes
LOCATION:	CRABB RD & RT 9 SOUTH	COUNTY:	Ocean
MUNICIPALITY:	South Toms River Boro		

RESPONSIBLE PARTY:	Cedar Cove Marina		
ADDRESS:	P.O. Box 5300		
MUNICIPALITY:	Toms River		
STATE:	NJ	ZIP:	08754-
CONTACT:	Don Miller	PHONE:	(732) 349-6800

MATERIAL:	AMOUNT:	Units:
OIL DIESEL	Unknown	unknown

ACR:	Yes	CLEAN UP:	RP	INJURY:	No
				EVACUATION:	No
				POTENTIAL MOA:	No
FOSC NAME:	Weldon James			OPA 90:	No
				FED. CASE NUM.	966851

CAUSE:	Spill
CAUSE:	Vessel: Discharge

DUTY OFFICER:	R. Schrader	SPILL NOV:	No
REPORT AUTHOR:	J. Manuel	REPORT DATE:	2-14-11

	RESPONDERS	DATE	START	STOP	REG HRS	OT HRS	TOT HRS
1.	J. Manuel	2/8	0700	1600	9.0	--	9.0
2.	J. Manuel	2/10	0700	0930	2.5	--	2.5
3.	J. Manuel	2/10	1200	1530	3.5	--	3.5

LEVEL OF PROTECTION:	D			NUMBER OF ENTRIES:	N/A
INSTRUMENTATION:	# OF USES	MATERIALS	# OF ITEMS	MATERIALS (OTHER)	# OF ITEMS
HAZCAT ANALYSES		SORB. PADS			
TOXIC VAPOR ANALYZER		SORB. BOOM			
MULTI-RAE ANALYZER		SORB. SWEEP			
MINI-RAE ANALYZER		SAMPLES			
STANDARD RAD SURVEY					
DRAGER TUBE ANALYSES					
OTHER:					

Investigation Report

NJDEP-BER received an anonymous report of a sheen at "Lighthouse Marina" on 2/7/11. Investigating the report on 2/8/11, Responder J. Manuel determined that no sheen existed at Lighthouse Marina, but there was a heavy sheen located in the adjacent Cedar Cove Marina. Subsequent investigation of the sheen led to the discovery of a significant quantity of red-dyed diesel fuel surrounding the Vessel "Jak Bar" in the Cedar Cove Marina. Additional amounts of diesel fuel and sheen were found in other locations within the marina. The vessel Jak Bar, which appeared to be the source of the spilled fuel was noted to be dilapidated and rotting; it also appeared to have been sunk. Residents of the marina confirmed that the vessel had been on-site

for a couple of years and had been sunk at the dock at least twice, most recently a couple of days previous. Residents also indicated that they noticed the diesel fuel when the marina employees pumped out the vessel to refloat it. The vessel was partially encompassed by a hard boom, which appeared to have been in place for a very long time and was not effective at containing the spill. The bilge of the vessel was observed to contain a significant quantity of diesel fuel. This writer eventually found some employees on site who confirmed the vessel had sunk more than once and that this last time was the only time a spill of fuel occurred; they did not know why the fuel leaked. The employees were informed that a cleanup would be necessary and they proceeded to bring some sorbent pads to apply to the fuel in the water around the vessel. At this time, the USCG was notified via the NRC (Fed. Case #966851). Subsequent conversations with USCG Sector Delaware Bay and a pollution investigator was dispatched.

J. Manuel proceeded to the Marina office to speak with owner, Don Miller. Mr. Miller stated that several boats in the facility had sunk recently and were in the process of being refloated. He characterized the discharge of fuel from the Jak Bar as minor and stated that his employees would work to clean it up with sorbent pads. Mr. Miller was advised that the discharge was not considered minor and that a more robust effort would need to be mounted, including removal of all diesel from the vessel. Miller also stated that the vessel did not belong to him, but was abandoned in the facility. Mr. Miller was advised that he was responsible for reporting the spill per the NJ Spill Act. When questioned as to where he intended to dispose of the waste from the cleanup, he stated that they just put the bags of contaminated pads in the dumpster. Miller was informed that this was not a proper disposal method and was directed to contain the waste and assure disposal at a facility properly certified to accept such waste.

For background purposes, it should be stated that the Cedar Cove Marina has been the scene of numerous spills and discharges over many years, most of which were the result of the dilapidated condition of the facility and of the numerous defunct boats kept there by Mr. Miller. There is a resident population that lives aboard some of the vessels both in the water and on land. Many of these vessels are in such a poor condition that they must be constantly pumped to stay afloat. Docks and bulkheads at the facility are rotting and falling into the Toms River and the facility resembles a boat junkyard more than a functioning marina. Throughout the property, there are numerous areas of obviously contaminated soil, debris, propane tanks and fuel containers. Electrical wires are run along the ground which are not to any applicable code and present an electrical and trip hazard. Some vessels were observed with what appeared to be waste-water lines run over the bulkhead into the water. No adequate means of handling sewer waste from the live-aboard population was evident. The Cedar Cove Marina has been the subject of numerous investigations by the NJDEP, NJSP Marine Unit, USCG, and Ocean Co. Health Dept. Despite the clear evidence of numerous code violations at this facility, local code enforcement has been non-existent.

USCG investigator, Weldon James, arrived on the site and was briefed on the situation. Samples were taken to be sent to the USCG lab for analysis. Mr. James and this writer spoke to Mr. Miller again concerning the spill. A NJDEP Field Directive was issued as well as a USCG Federal Letter of Interest. Miller was questioned as to the owner of the Jak Bar, he stated that someone had the vessel towed there and had not returned. He produced a slip rental document that was dated 6/9/09 and indicated the 47' vessel was owned by Kip Allan Miller, of New Windsor, MD. Miller went on to say that most of the dilapidated boats in his marina belong to other people who have abandoned them there and he does not have title to the vessels. It was noted to Mr. Miller that many of the vessels had been on site in legal limbo for more than 10 years and the problem appeared to be growing worse. Other reputable marinas around the State do not allow dock space to wood vessels in such an obvious state of disrepair and without insurance or current registration.

Between 2/8/11 and 2/10/11, workers at Cedar Cove continued to recover the spilled fuel into sorbent pads and used pumps to remove much of the free fuel from within the bilge of the vessel. However, the vessel itself is saturated with diesel fuel and present a continued source of pollution