

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**BASEL ACTION NETWORK, a Sub-
project of the Tide Center and
SIERRA CLUB,**)

Plaintiffs,

Civ. No. 03-02000-RMC

**MARITIME ADMINISTRATION; Capt.
William G. Schubert, in his official capacity
As Administrator;**

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY;
Michael Leavitt in his
official capacity as
Administrator**)

**CAROLYN E. JUNEMANN'S
DECLARATION
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
AND IN SUPPORT OF ITS CROSS-
MOTION FOR SUMMARY JUDGMENT**

Defendants.

DECLARATION OF CAROLYN E. JUNEMANN

I am Carolyn Junemann, Environmental Protection Specialist in the Office of Environmental Activities at the U.S. Department of Transportation, Maritime Administration (MARAD) and I have personal knowledge of the facts herein stated or received such information in the course of my official duties.

1. I am a doctor of science and received a doctorate from the Tulane University School of Public Health and Tropical Medicine. I am also a United States Coast Guard licensed merchant marine officer.
2. I have been with MARAD since 1989 and with the Office of Environmental Activities of MARAD since 1999.
3. One responsibility of the Office of Environmental Activities is to provide technical and other assistance on environmental matters to other Offices within MARAD. In this connection, I

have provided assistance to MARAD's Ship Disposal Program in connection with the Able U.K. and other projects.

4. A central aspect of the Able U.K. project is the presence and absence of regulated polychlorinated biphenyls (PCBs) aboard the vessels to be sent to Able U.K. for recycling and disposal. At present, there are thirty-six vessels being considered for recycling and disposal at Able U.K.'s facility. My understanding is that nine of these thirty-six vessels will be selected for delivery to Able U.K. under the existing contract between MARAD and Post Remediation Partners ("PRP"), Able U.K.'s subsidiary.
5. As part of this project I reviewed the records in the possession of MARAD's Division of Reserve Fleet relating to each of these vessels. My understanding is that a copy of those records is a part of the administrative record for this matter.
6. These vessels are intended to go to Able U.K. for recycling and disposal. Approximately 90% of the light displacement of each of these vessels consists of recyclable metals.
7. In reviewing these records and information publicly available on these vessels, I attempted to determine which of these thirty-six vessels did not contain PCBs in excess of the regulated concentrations under EPA's export regulations, i.e. greater than 50 ppm.
8. To the best of my knowledge, based on available records and the public history of these vessels, seven (7) vessels, the ALBERT J. MEYER, CAPE COD, GENERAL WILLIAM DARBY, NEPTUNE, SHENANDOAH, VANGUARD and YELLOWSTONE appear to not have PCBs in concentrations in excess of 50 ppm.
9. The ALBERT J. MEYER and NEPTUNE were modernized at U.S. shipyards, with completion occurring after the enactment of TSCA. The modernization included stripping the superstructure down to the main deck, gutting the hull, replacing the entire propulsion

system, the wiring and piping and replacing the decks and superstructure with aluminum where possible.

10. The modernization of the ALBERT J. MEYER was performed in the United States between March 1978 and May 1980. During modernization, the first steps would be the stripping and gutting of the vessel. The insertion of new items aboard the ALBERT J. MEYER would most likely have occurred after October 11, 1978, the effective date of the manufacturing prohibition of TSCA. Before this vessel is exported, MARAD anticipates that it will perform confirmatory sampling to verify the foregoing analysis.

The modernization of the NEPTUNE was completed in the United States between February 1980 and October 1982. All of this work was performed well after October 11, 1978.

12. The construction of the CAPE COD was commenced in the United States in January 1979. The vessel was completed in 1980 and commissioned in 1982. All of these events occurred after October 11, 1978. The 2000 analysis of fifty samples taken by the Navy of various potential PCB-containing media indicates nothing in excess of regulated concentrations.

13. The GENERAL DARBY had an extensive overhaul and conversion in 1981 in the United States. She was converted from a troop transport vessel to Navy barracks vessel, which considerably updated the vessel. The 1995 analysis of sixty samples taken by the Navy of various potential PCB-containing media indicates nothing in excess of regulated concentrations.

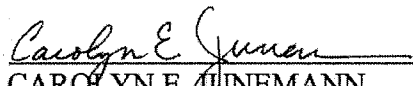
14. The construction of the SHENANDOAH in a United States shipyard was commenced in August of 1980, almost two years after the October 11, 1978 PCB manufacturing prohibition date, and completed in 1982. The vessel was decommissioned in 1996 and there are no records that indicate foreign repairs were made. The 1999 analysis of sixty samples taken by

the Navy of various potential PCB-containing media indicates nothing in excess of regulated concentrations.

15. The VANGUARD had a major refit/conversion in 1980 in the United States. There are no records to indicate that a foreign repair had occurred. The vessel was home ported in Port Canaveral and would most likely have had shipyard repairs at a domestic facility due to limited missions. Before this vessel is exported, MARAD anticipates that it will perform confirmatory sampling to verify the foregoing analysis.
16. The YELLOWSTONE was commenced in June of 1977 and the vessel was completed in 1980. The vessel was decommissioned in 1996. There are no records that indicate foreign repairs were made. The 1999 analysis of fifty-seven samples taken by the Navy of various potential PCB-containing media indicates nothing in excess of regulated concentrations.
7. Whether the YELLOWSTONE does not have prohibited PCBs aboard is more open to question due to the commencement date of the construction work. Before this vessel is exported, MARAD will perform further confirmatory sampling to verify the vessel contains regulated PCBs.
18. With respect to all seven of the foregoing vessels, a review of the records of the Division of Reserve Fleet failed to reveal any indication of foreign repairs.

I do hereby declare and affirm under the penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge, information, and belief.

Dated: July 29, 2004


CAROLYN E. JUNEMANN
Environmental Protection Specialist
Maritime Administration