

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ON SCRAP BARGE NEAR *

BOWERS BEACH, DELAWARE IN THE * Accident No.: DCA22FM019

DELAWARE BAY ON MAY 23, 2022 *

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Interview of: EDWARD SCIABA, Vice President of Operations
Eastern Metal Recycling

Via telephone

Friday,
June 3, 2022

APPEARANCES:

██████████ Investigating Officer
United States Coast Guard

MIKE TUCKER, Attorney
Coeymans Marine Towing

LUKE REID, Attorney
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I N T E R V I E W

(1:00 p.m. EDT)

MR. [REDACTED] This is Lieutenant [REDACTED] [REDACTED] with Coast Guard. Thank you for taking some time today to discuss this investigation with me.

Before we get started, I intend on recording this conversation. Do you have any objections to me recording?

MR. SCIABA: No, I don't.

MR. [REDACTED] Thank you. I guess just to get started, have you been involved with a Coast Guard or NTSB investigation before?

MR. SCIABA: No, I have not.

MR. [REDACTED] I'll go ahead and explain the purpose of my investigation for you. So this is a fact-finding investigation to determine the contributing factors that led to this incident. I'll analyze these facts to determine if there are any measures that could be put in place to prevent this type of incident from happening in the future. Any information that you can provide me I greatly appreciate.

And I have quite a few things to get through today so if you need a break at any time, just please let me know.

MR. SCIABA: Okay.

MR. [REDACTED] Do you have any questions before I get started?

MR. SCIABA: I do not.

INTERVIEW OF EDWARD SCIABA

BY MR. [REDACTED]

1 Q. So the format of this is I will -- I'll go through and I'll
2 ask a series of questions. Then at the end, if there's anything
3 that I missed or any holes anybody else wants to fill in, feel
4 free to ask some questions. I'd like to keep this as professional
5 and cordial as possible.

6 Can you please spell your first and last name for me?

7 A. Sure. My first name is spelled E-d-w-a-r-d. And my last
8 name is spelled S-c-i-a-b-a.

9 Q. Can you pronounce your last name for me so I don't mess it
10 up, please?

11 A. Sciaba.

12 Q. Sciaba. Thank you, sir. And what is your date of birth?

13 A. [REDACTED]

14 Q. What company do you work for?

15 A. EMR Group.

16 Q. How long have you worked there?

17 A. About four years and six months.

18 Q. What facility do you work out of?

19 A. I'm -- my -- I'm based out of the headquarters in Camden, New
20 Jersey.

21 Q. What's your official position or title with the company?

22 A. Vice president of operations.

23 Q. Have you been the vice president for that entire four years
24 and six months?

25 A. Yes.

1 Q. What are your duties and responsibilities as the VP? I'm
2 sure that it's a long list.

3 A. Yeah, yeah. I'm responsible for the region, the eastern
4 region for the business. So (indiscernible) responsibility for
5 the eastern region for the company.

6 Q. Have you been part of or responsible for the actual loadout
7 of barges as your time as a VP?

8 A. Yeah. Everything that you're going to refer to is ultimately
9 my responsibility.

10 Q. Do you have an estimate about how many loadouts you've
11 supervised since you've been there?

12 A. Indirectly and directly, I don't know. Over 65, 75. To this
13 point, it's countless. I'd be guessing. Throwing a dart against
14 the board. But I would say probably well over 50.

15 Q. No, I understand. So you have quite a bit of experience
16 though.

17 A. Yes. And prior to EMR, I worked at Sims Metal Management.

18 Q. How long did you work there?

19 A. A little bit over four years, as well.

20 Q. Where was that one located at?

21 A. The same type of -- the headquarters was in Jersey City, New
22 Jersey. But I covered a lot of the facilities. A handful of them
23 were barge transfer facilities. Long Island City and the Bronx.

24 Q. Understood. So you have probably about -- what -- eight-and-
25 a-half years of experience within the metal recycling business?

1 A. Prior to that, I worked for my father. So I mean, I would
2 say, I grew up in this industry. So I've been doing it since I
3 was young. So I would say over 20 years.

4 Q. Oh, okay. What is -- what's your relationship with the EMR
5 facility in Newark, New Jersey?

6 A. A facility that's located under -- in the eastern region
7 which is part of the business that I manage.

8 Q. What other types of operations are conducted at the Newark,
9 New Jersey facility? Or can you just kind of explain to me --

10 A. The Newark, New Jersey facility?

11 Q. Yeah. Just kind of explain to me what they do.

12 A. The Newark location, it's pretty much -- it's a terminal
13 location for us. So the operation is pretty much limited to the
14 receiving, stockpiling, and loading out of scrap metal.

15 Q. What types of materials, cargos, products, does that facility
16 store and hold and transfer?

17 A. So there's typically four commodities that we receive at Port
18 Newark -- all the commodities are ferrous-grade commodities but
19 there's typically four commodities that we receive there. It's
20 number -- HMS number one and two is one commodity. P&S which is
21 plate and structural steel. On the occasion, we'll receive in
22 stockpile shredded steel. And we receive, and stockpile and load
23 out shredder feed.

24 Q. What's that last -- shredder feed, what's that?

25 A. Yeah, it's -- so in Camden we have a processing facility

1 where we will run basically post-consumer goods, i.e. appliances,
2 white goods, et cetera, through a metal shredder where we separate
3 ferrous from non-ferrous and waste products in Camden.

4 Q. Is that --

5 A. So Newark is a collection point for stockpiling. Then we
6 load the -- we load barges to bring on material to Camden for
7 processing.

8 Q. So it would be fair to say that you receive raw materials in
9 the Newark facility and then ship them to Camden for processing?

10 A. Not every commodity but other -- the other commodities, we --
11 they're raw materials, as well. But they primarily go on a deep-
12 sea vessel overseas to Turkey, Egypt, you know, et cetera, where
13 it's melted down and made into a finished good.

14 Q. So where do all of these raw materials come from?

15 A. They come from a host of suppliers that we have. They're
16 basically collection points in different area -- geographical
17 areas that are license facilities. So our suppliers will collect
18 the material from local contractors, municipalities, et cetera.
19 Segregate, sort, and ship us the material where we stockpile, and
20 basically load out.

21 Q. So what -- you may have explained this a little bit ago but
22 what is HMS light iron?

23 A. HMS (indiscernible) it's -- there's terminology for industry,
24 a specification guideline. The industry standard for our business
25 is called ISRI, I-S-R-I. But number one, HMS, it's -- HMS 1-2 is

1 -- it's a commodity that can consist of -- it's basically mixed --
2 different types of steel that would be roughly over a quarter inch
3 thick. So think sprinkler pipe, cast iron pipe, guardrail, cast
4 iron railing and stuff like that.

5 Q. And you said that that's an industry standard called IRSI.

6 A. Yeah. ISRI is the industry for scrap metal recyclers. And
7 they have a specification, you know, different -- they have all
8 the grades that are pretty much the raw materials that are
9 collected that are shipped to either, you know, non-ferrous mills
10 or ferrous steel mills. So there's different commodities and
11 different specifications, primarily on the east coast. The
12 majority of what we receive, we export. So it's a little bit
13 different than the commodities that are shipped domestically to
14 the domestic steel mills.

15 Q. Is that -- ISRI, is that like a publication that you can --

16 A. Yes.

17 Q. -- look at. Okay. Along those same lines, does EMR have any
18 policies or procedures for screening the recycled materials when
19 they're received?

20 A. Yes, we do. We have written policies for our personnel and
21 we also have our suppliers enter into a material-acceptance
22 agreement that specifies what's conforming -- what's considered
23 conforming material and what's considered non-conforming material,
24 i.e., hazardous materials, oils, et cetera, would be considered
25 non-conforming. So we have our suppliers enter into a supplier

1 agreement and they sign an agreement saying that they've inspected
2 on their end, what they've received before they ship the material.
3 Then at our facility, we have SOPs for receiving the material,
4 inspecting it as thoroughly as possible. And if there are any
5 potential non-conforming material that maybe inside the load, we
6 would pull it out of the load and document it and notify the
7 supplier and escalate the situation.

8 Q. For any -- for like a typical loadout like this, how many
9 suppliers contributed to a general pile of scrap?

10 A. So overall for the facility, I would say probably 30
11 suppliers that supply us with scrap metal. The particular
12 commodity that was loaded onto the barge, I would say it be around
13 10 different suppliers.

14 MR. [REDACTED] Mr. Reid, would it be possible for us to get a
15 copy of the SOPs for that?

16 MR. REID: Yeah, yeah. Absolutely. We'll provide that.

17 MR. [REDACTED] Thank you.

18 BY MR. [REDACTED]

19 Q. Do those SOPs also cover screening materials before they're
20 loaded onto the barge or is it just upon receiving it?

21 A. It's -- basically, addresses upon receiving it but, you know,
22 we have personnel -- our equipment operators, our -- everybody is
23 -- as you're pulling material out of the pile and loading it into
24 the back of the haul trucks, you know, if there is something that
25 would be -- that could be distinguished or -- the point is to do

1 it before it gets into the pile. But if there was anything that
2 was discovered, obviously, when they're starting to load out, that
3 would be cast aside and disposed of properly. But that's not
4 typical. It's not something that is a written procedure or
5 anything like that. We're primarily focusing on doing -- making
6 sure that when we receive the load, it's within our standards and
7 conforming to the material acceptance agreement.

8 Q. Who has the final say on whether or not it is -- it meets
9 that conformance agreement?

10 A. There's not a lot of gray area in it. It's -- there's a list
11 of what's considered non-conforming material so obviously, we have
12 a terminal manager there that would escalate the situation if he
13 -- if we discover any of these non-conforming materials in a load.
14 It starts with -- we call them QAs, quality assurance personnel.
15 They are the ones that walk around the load after it's dumped in
16 conjunction with the equipment operator working hand in hand to
17 kind of pull the load apart before it goes up into the pile.

18 So if a QA discovers that there is a propane tank, barbeque
19 propane tank, or a battery of some sort or something like that,
20 they would notify the crane operator to segregate that out of the
21 load, inform the facility manager who would then get in touch with
22 me.

23 Q. How often does that happen as far as you guys finding --
24 well, you said like propane tanks and materials like that
25 shouldn't be in the --

1 A. It's not tremendously frequent. We'll pull things apart that
2 we think may have a potential source, a battery primarily. And do
3 a little bit thorough -- more thorough investigation if there's
4 something like a junction box on a sprinkler pipe or something
5 that looks like it could have an electronic control. We'll pull
6 that apart.

7 But primarily, the biggest thing that we would see maybe once
8 every other month would be a barbeque propane tank or something
9 like that that made its way in a load. And obviously, we put that
10 supplier on notice. And we have a company that we contract with
11 called Cylinder Recycler that collects the propane tanks and
12 disposes them properly. But it's not a regular occurrence by any
13 means.

14 Q. You had mentioned batteries. Have you seen or heard of
15 lithium-ion batters in the scrap?

16 A. Yeah. I mean, of course I've heard of it. It's something
17 that's increasingly -- it's becoming more of a problem every
18 months, every year in our industry. The amount of things that
19 have batteries now is out of control. And you -- obviously, we
20 put these procedures in place to potentially have our suppliers
21 keep their eye out when they're buying it from the public. Not at
22 a large scale like we are with dump trailers.

23 You know, they're buying from contractor with a few tons
24 maybe or a homeowner where that's -- it's much easier to identify.
25 By the time it gets to us, obviously, we're doing everything we

1 possibly can to identify a potential lithium-ion battery located
2 somewhere in a load. But when you're buying 20 pounds in a dump
3 trailer, it's something that is a very difficult task for our
4 industry.

5 Q. Understood. So it would be safe to say it's -- there's no
6 real way of screening for those batteries other than just visual?

7 A. Other than visual, there's no like piece of equipment or
8 process other than visual that I've ever heard of.

9 Q. Is -- so is there -- I know -- it sounds like there's
10 something like this at the Camden facility. But at the Newark
11 facility, is there like a cleaning process associated with any of
12 the scrap processing to get the metals -- like separate metals
13 from other materials? Like magnets or anything like that?

14 A. No, we just receive and stockpile it. We would segregate
15 depending on when a load comes in, depending on what -- the
16 commodity. If we get something (indiscernible) pile, but we don't
17 have a metal shredder or anything like that at Newark.

18 RECORDING: The host left the meeting. This meeting will end
19 in five minutes.

20 MR. [REDACTED] Hopefully, he'll call back in.

21 MR. BARNUM: Hello?

22 MR. [REDACTED] Hello.

23 MR. BARNUM: Hello.

24 MR. SCIABA: Hello.

25 MR. BARNUM: Yeah. Did the line go dead or something?

1 MR. [REDACTED] I think so.

2 MR. SCIABA: Yeah, you dropped off and it said it might end
3 in five minutes.

4 MR. BARNUM: Oh, yeah. Sorry, I --
5 (Crosstalk)

6 MR. SCIABA: -- dial back in.

7 MR. BARNUM: Yeah, for some reason, the number went dead.
8 Okay, so the last I heard was a question by Lieutenant [REDACTED] on
9 sort of the difficulty of -- or I guess it was a statement by Ed
10 that there was some difficulty with the industry, you know,
11 identifying the lithium batteries.

12 BY MR. [REDACTED]

13 Q. Correct, yeah. I think that's where we left off.

14 A. Then Lieutenant [REDACTED] asked about if we had a metal
15 shredder at the facility or -- I think that's what the question
16 was.

17 Q. Correct. Yeah, any way to process -- like clean the process
18 to get the metal -- separate the metals from the other materials
19 like magnets or anything like that.

20 A. We have lifting magnets on the material handlers but it's
21 more for picking up smaller pieces of steel. Not like drum
22 magnets that we -- like for metal shredding like we have in
23 Camden. It's just a lifting magnet that's on a material handler
24 that cleans up the roadways of smaller pieces of steel.

25 Q. Okay. So you said that you've been in this industry for

1 about 20 years. Have you -- have there been any changes in scrap
2 steel or the types of products you're receiving like within the
3 last 20 years?

4 A. Yeah. I mean, I would say there's a lot more -- there's
5 obviously a lot more electronics and batteries and things you
6 wouldn't imagine. I was telling Mr. Reid yesterday just the --
7 you could even find that -- find batteries mounted on the back of
8 a guardrail. Something that would never have been done before.
9 So everything now -- it has some sort of electronic trigger or
10 actuator, the batteries that are hidden inside them. I would say
11 over the years, things have become a lot more electronic and
12 that's really been the big increase in lithium-ion batteries that
13 are -- that we've noticed.

14 Q. I'm going to take a step back for just a second. Earlier,
15 you had mentioned the quality assurance personnel and terminal
16 managers. Do you know who the terminal manager and quality
17 assurance person were the day that this barge was loaded?

18 A. It was multi-day loadout. So I'd have to go through my
19 records. I mean, terminal manager, I can say off the top of my
20 head, that's Darrius Wagner (ph.). He's the terminal manager.
21 But the QAs, I'd have to see who was working exactly that day.
22 There's three of them that are stationed there.

23 MR. [REDACTED] Mr. Reid, that may be somebody else that I want
24 to talk to is whoever was the quality assurance person for that
25 day or for the loadout. And if it's a couple of them --

1 MR. REID: Okay, and --

2 MR. SCIABA: It wouldn't have been -- yeah. It wouldn't have
3 been a day. It would have -- it was a multi-day loadout. But the
4 pile where we were loading from could have been -- the material
5 could have been collected three weeks, four weeks, a month ago.

6 BY MR. [REDACTED]

7 Q. Oh, okay. Got you. So they don't necessarily -- they --
8 they're more there for -- and correct me if I'm wrong, but they're
9 more there for --

10 A. The receiving.

11 Q. -- the screening and receiving process. Not necessarily the
12 loading process.

13 A. Right. The loading --

14 Q. Who --

15 A. -- process -- by the time it's in the pile, it's understood
16 that the load has been inspected and it's ready to be either
17 loaded on a vessel be it barge or (indiscernible) ship.
18 Obviously, a crane operator, if he notices something as he's
19 loading the material would be your backstop. But that's not our
20 standard practice. The standard practice is to identify anything
21 that could potentially be non-conforming on the inbound.

22 Q. Are the crane operators trained though to identify things
23 that are not allowed to go on the vessels?

24 A. Yes. They all know because they work hand in hand with the
25 QAs to -- when the loads get dumped on the inbound to pull apart

1 the load and -- if there's anything that potentially could be non-
2 conforming, they're working hand in hand with the QA.

3 Q. So who -- I guess who ultimately is in charge of the loadout
4 then?

5 A. Myself. And the whole operation obviously funnels up to me.
6 (Indiscernible) first day --

7 Q. But I guess like --

8 A. -- of the loadout. But Darrius Wagner is the terminal
9 manager.

10 Q. So he would be the one that was like on site for a majority
11 of the loadout?

12 A. Yes.

13 Q. Does EMR accept, store, or transfer hazardous materials at
14 the Newark facility as a different operation?

15 A. No, no.

16 Q. What other materials -- this may be something I can look in
17 this -- the ISRI guide but what other materials are not accepted?

18 A. Are accepted?

19 Q. That are not accepted.

20 A. Oh. Anything that could be considered hazardous be it PCB.
21 Wet acid batteries are not accepted. Appliance that have
22 refrigerants are not accepted. Any type of metal or -- anything
23 that may have residual or free-flowing liquid be it oil or fluid,
24 hydraulic fluid, et cetera; wouldn't be accepted. Pressurized
25 containers aren't accepted. Flammable material is not accepted

1 like gasoline tanks or aerosol cans or anything like that.

2 Q. Do -- does the Newark facility, does it receive like vehicles
3 of any sort, like destroyed vehicles or riding lawnmowers or small
4 engines or anything like that?

5 A. Yeah, we receive at the Newark facility the shred feed. In
6 that commodity we would stockpile end of life automobiles that
7 have been de-polluted at our supplier's location. And the only
8 way that we receive the vehicles at Newark is if they're baled or
9 considered logged. Basically a car that looks like a cube.

10 Q. Does EMR process any of those? Do they inspect the fuel
11 tanks or battery compartments or anything that -- like that to
12 make sure that --

13 A. Yeah. So you would do the same type of inspection process
14 where you walk around the load of logs or bales and see if you can
15 identify a gas tank or a battery that may still be in the vehicle.
16 Obviously, like I mentioned, we have our suppliers enter into a
17 material acceptance agreement that explicitly states that we
18 wouldn't receive the vehicles in that state containing fluids like
19 oil or batteries or gas.

20 At random, we will cut open a log with -- we have a mobile
21 shear. It's basically like a pair of scissors on an -- it's an
22 excavator with a mobile shear on it. And we'll cut open a bale to
23 see if we can find any batteries or tanks or anything like that.
24 But the procedure and the process puts a large emphasis on our
25 suppliers entering into this material acceptance agreement. We do

1 regular business with these suppliers. And we have our QAs on our
2 end walking around the loads to look out for any potential tanks
3 or batteries or anything of that nature.

4 Q. What --

5 MR. REID: Can I -- this is Mr. Reid. Could I have -- Ed, I
6 think it would be helpful if you could -- I just want to make sure
7 there's not any misconception that, you know, the cars show up
8 like -- looking like cars. Could you just describe, Ed, for
9 Lieutenant [REDACTED] the -- how are these -- like let's just take
10 the cars. How are they prepared before they come to your facility
11 and what does it look like when it arrives at your facility?

12 MR. SCIABA: So typically, the cars are placed on a de-
13 pollution rack which the supplier would extract. They take off
14 the tires and the wheels. They extract the gasoline out of the
15 tanks. They extract the motor oil out of the engine block, the
16 freon out of the vehicle.

17 Then for the most part, the suppliers typically -- I would
18 say 90 percent of the vehicles that we end up receiving have the
19 engine block removed because they're working -- it's typically
20 aluminum, the engine block nowadays. So the supplier would pull
21 them out and they sell them separately. Not -- we don't receive
22 loads of engine blocks in Newark. But -- so the cars that we
23 receive are -- typically have the engine blocks removed. Then
24 would be placed in a logger or a baler and compressed into a cube.

25 MR. [REDACTED] Understood.

1 MR. REID: And then brought to your facility?

2 MR. SCIABA: Right, yep.

3 BY MR. [REDACTED]

4 Q. Right. You don't actually do the baling there. You received
5 them baled. Right?

6 A. Yes. Yeah. We don't have whole cars showing up to Port
7 Newark.

8 Q. Understood. What about -- so you had mentioned something
9 about the tires being removed. Are tires something that are
10 normally removed during processing or are those left in the scrap?

11 A. If it's a supplier, then they're typically removed because
12 they -- nowadays, most vehicles have aluminum wheels. So a
13 supplier takes the wheel and the rim off the vehicle so they can
14 get the aluminum wheel off the tire. And they sell the wheels
15 separately.

16 Q. If you guys saw tires in the scrap pile, is that something
17 that you would remove or would that be allowed to make it through?

18 A. We would typically keep -- like we would keep the tires out
19 of the load. If you have the ability to pull -- if it was a loose
20 tire, they do -- because of the nature of our business, we buy,
21 say, cut-up dump trucks that the axle will have a tire still
22 remaining on the axle. We have a (indiscernible) that most of our
23 steel mills -- that the tire isn't something that's a huge problem
24 for the steel mill. So I'm not going to say that there isn't a
25 tire that makes its way into the pile. But it's typically -- the

1 tires typically aren't a problem for us to process in Camden or
2 for the steel mills to melt.

3 Q. Understood.

4 A. But they don't -- they won't buy like steel with all sorts of
5 tires riddled in it. It's a one-off-type deal.

6 Q. So is there a cargo manifest that is generated for -- when
7 you guys load barges?

8 A. There's a survey. Yeah. I don't know if I would call it a
9 cargo manifest. But yeah, we have a survey that is produced.

10 Q. So just the survey but no manifest of this is the commodity.

11 A. On the survey, the commodity. But it's not a manifest of any
12 nature. It's inter-company movement. It's an inter-company sort
13 of barge traffic (indiscernible) for this in particular. It's an
14 inter-company voyage. So there's not like a shipping manifest or
15 anything like that. But --

16 Q. Is that -- is the survey provided to the vessel at all or is
17 that only for internal companies?

18 A. I believe the (indiscernible) submits a copy. I'm not 100
19 percent sure.

20 Q. I think that you may have answered this a little bit earlier.
21 I'm going to ask again real quick. But what happens to the scrap
22 materials once they get to Camden?

23 A. For Camden, we discharge the cargo. Then we would run the
24 material through our metal shredder here in Camden where the
25 material is separated ferrous, non-ferrous, and waste product.

1 Q. Then what's -- what happens with the processed materials?

2 A. Similar operations as in Camden. The shredded steel that is
3 produced from the activity of shredding it would be stockpiled and
4 then loaded onto an ocean-going vessel primarily. We do a little
5 bit of business by barge shipping domestically to steel mills.
6 There's only a few steel mills on the east coast that receive
7 scrap metal by barge. But same type of operations. It's in
8 Camden where we stockpile finished goods and load it onto a vessel
9 of sorts.

10 Q. So is it loaded onto foreign vessels there in Camden and then
11 taken anywhere?

12 A. Yes. That can be a case. It would be loaded on whatever
13 type of flag vessel that's available. And we charter it. I do
14 the chartering of the deep-sea ships, as well. And depending on
15 where we have a sale to, what market, it would -- the cargo would
16 go to the respective country.

17 Q. Were you involved with loading the CMT Y NOT 6?

18 A. Yes.

19 Q. What was your role in that?

20 A. I was there the first day once we started loading it because
21 it was the first time that we had loaded this barge. It was a new
22 -- it's the same type of operation that we always do. It's just a
23 brand-new barge to the sweep that we had just bare-boat chartered
24 for three years. So I was up there for the first day that we
25 started, we commenced loading the cargo.

1 Q. So you said you guys had chartered -- bare-boat chartered
2 this barge for three years. Had you loaded other barges of
3 similar design, other --

4 A. Yeah.

5 Q. What about other CMT Y NOT vessels?

6 A. Yep.

7 Q. Can you --

8 A. We just loaded the week prior, I believe.

9 Q. Can you kind of just talk me through -- when an empty barge
10 comes to the facility, like what's the process that you guys
11 through before, during, and after loading?

12 A. So the barge -- we'll have an understanding of, you know,
13 rough time frame. Within a few hours of when we will receive the
14 barge. We -- barge gets -- depending on when the time -- what
15 time the barge arrives, we'll either start loading it. After the
16 lines are secure, we do a visual inspection on the barge. In the
17 past, it was because there would be other commodities loaded onto
18 the barge prior to us.

19 So we just wanted to make sure that the barge was clean and
20 we weren't moving somebody else's cargo on top of -- our scrap on
21 top of residual cargo, which we didn't have to worry about with
22 this barge considering it was a first trip with this barge. So it
23 was completely empty, completely clean.

24 Q. Were you there for that --

25 A. We --

1 Q. -- visual inspection?

2 A. Sorry?

3 Q. Were you there for that visual inspection on this loadout?

4 A. Yeah. I was there the day before we started loading it
5 because it was at a different (indiscernible) and port yard
6 because there was Sims had a vessel that was (indiscernible) and
7 discharging salt. So we had -- we had to have this barge tied up
8 at a different berthing port yard. So I went up there to take a
9 look at the barge (indiscernible). And went on the barge and just
10 saw it. I mean, it wasn't so much to do with visual inspection
11 for loading. It was just -- I wanted to see it. I had worked on
12 this -- I had worked getting this deal done for like six months.

13 Q. Understood. Sorry. Yeah, sorry I cut you off there. So you
14 guys do a visual --

15 A. No, you're fine.

16 Q. -- inspection and then what happens from there?

17 A. Yeah. So we -- the barge ties up. If we're -- if it's early
18 enough in the day and it's not -- it doesn't show up at like 10:00
19 or something, 2200 or something of the sorts, we would commence
20 loading. And depending on the urgency of the need to flip the
21 barge, meaning to get the barge loaded and discharged and to
22 another customer back to us, if there's an urgent need, we would
23 work the barge around the clock.

24 If there is an urgent need, we typically work loading the
25 barge 12 hours or 14 hours. This barge we were working 12-hour

1 shifts loading the barge. There may have been a day that we
2 worked 14 hours. We started loading it on Thursday. We finished
3 it around Friday -- no, Saturday morning.

4 Does that answer your question? I don't --

5 Q. It does, yeah, yeah.

6 A. -- remember what it was.

7 Q. No, that's fine. You say you were there for the visual
8 inspection. What was -- what condition was the CMT Y NOT in when
9 you first saw it? Was it -- you said it was unloaded?

10 A. Yeah, it was completely empty. This was the first voyage
11 that it was making from the barge being acquired.

12 Q. Can you explain what kind of barge was it?

13 A. It's a deck barge with bin walls. It's 300 overall length.
14 Three-hundred feet by one-hundred feet beam. Bin walls are 10
15 feet.

16 Q. Did you do a visual inspection of the deck at all?

17 A. Yeah. We were -- I was in the barge with Darrius on
18 Wednesday but -- we took a picture of it, videos and stuff, just
19 because we were more excited about being able to load this barge
20 and have it to move material more regularly for us.

21 Q. Would it be possible at all for me to get one of those
22 pictures that you took before the load?

23 A. Sure. Sure. I'll send them to Luke.

24 Q. Yeah, I appreciate that. Were there -- were deck hatches or
25 like scuttle ports or anything like that on the deck? Do you

1 remember?

2 A. Yes.

3 Q. Do you remember if they were open or closed or what kind of
4 hatches they were?

5 A. They were all closed. They were all closed circular hatches.
6 Then we had -- survey done, I don't know how many days prior. I'd
7 have to look. I'm guessing. But we had a (indiscernible) survey
8 not too long before we started loading the barge. So they went
9 into all the hatches and everything like that.

10 Q. Understood. So you said the loadout for the CMT Y NOT 6
11 started on Thursday. Do you know about what time?

12 A. 07, I believe.

13 Q. Then you said that it stopped on Saturday. Do you remember
14 what time?

15 A. I want to say it was around 11 a.m., 10 a.m., around there.
16 11:00 or 10:00, somewhere in that time frame.

17 Q. What type of -- were you there for any of the load when they
18 started loading cargo on there?

19 A. Yeah. I berthed it.

20 Q. Did -- what kind of materials did you see being loaded onto
21 this barge?

22 A. Shredder feed. We were loading shredder feed to come to
23 Camden to process.

24 Q. Anything stick out to you, anything out of the ordinary?

25 A. No.

1 Q. Did you see any hazardous materials or tanks or batteries or
2 anything like that? Any potential ignition sources?

3 A. No.

4 Q. Do you know if anything was removed from this load due to
5 safety concerns?

6 A. No, I don't believe there was anything removed due to safety
7 concerns.

8 Q. Did you meet with the crew of the towing vessel that picked
9 up the CMT Y NOT 6?

10 A. I didn't have to meet with them. We were in communication
11 via text message. We do a lot of work with CMT, inland
12 (indiscernible) and stuff like that up in the harbor. So we have
13 a group text that has harbors -- the tugboat dispatch and my
14 personnel and myself. So we communicate with them. Then once the
15 tug picks up, we have communications directly with the tugboat
16 more so to get a solid ETA of when they plan on being in Camden
17 more so than anything in the past, obviously.

18 Q. Who would have communicated to the crew that the barge was
19 ready for pickup? Would that have been that -- through that group
20 text message or --

21 A. Yeah, yep. Darrius may have called -- he may have called the
22 dispatcher. We talk on the phone, as well, to the dispatcher.

23 Q. And that's -- so who does this -- the dispatcher -- who does
24 that dispatcher work for?

25 A. Coeymans Marine Towing.

1 Q. I'm going to switch gears a little bit and ask you some
2 questions about just fires in general. Does EMR have any
3 procedures for fighting fires like on the facility side?

4 A. Not so much for fighting fires. I think we have training
5 that's done. We have training. But with the equipment operators
6 and the personnel of what to do when there is a fire. But we
7 typically handle fires, obviously, in the incipient stage. Then
8 we would -- if it's something that can't be extinguished
9 relatively quickly, we contact the fire department. We're not --
10 you know, we're not a fire brigade or anything like that.

11 Q. No, fair enough. What type of -- you said extinguishers.
12 What kind of extinguishers do you guys have on the facility side?

13 A. We have, obviously, hand-held extinguisher in every piece of
14 equipment. We have other hand-held extinguishers that are located
15 here at the facility and in the storage containers and stuff. We
16 also have the -- an apparatus that keeps (indiscernible) and below
17 the fire brigade that's called an enforcer. It's a fire aid
18 enforcer safety. It's a unit that uses foam. And that's pretty
19 much it.

20 Q. Do you know what kind of foam is in that extinguisher?

21 A. I'd be guessing. I don't. But I know it's environmentally
22 friendly and all that stuff. But I don't -- off the top of my
23 head, I'm not positive of the makeup of it.

24 Q. Fair enough. Are there fire hoses or anything like that?

25 A. Yeah. We have a fire hose that's hooked up to a fire

1 extinguisher on one side of the facility. The facility in general
2 is under port yard in general in that whole area where we're
3 located. It has, in my opinion, has insufficient fire hydrants
4 and supply to the hydrants.

5 Q. Have you been involved with or have knowledge of fires during
6 your time at EMR on the facility side or other vessels that you
7 guys have loaded?

8 A. Never any vessels. On the facility side, yes.

9 Q. What facilities, location-wise?

10 A. Well, as it relates to port yard, we had a fire in January in
11 the HMS pile.

12 Q. Do you know how that fire was put out?

13 A. Over the course of time it was -- the fire department in
14 conjunction with us. Probably around 30 hours to put the fire
15 out. And like I said, I was there from -- I was there for 36
16 hours straight. And every single fire that we've had at port yard
17 could have been easily extinguished if there was sufficient water
18 supply to that whole area. It's a single-loop system and there's
19 only less than -- I think they can pump -- they can push less than
20 1,000 gallons a minute throughout the whole loop. And when one
21 truck pulls from the same loop, they're just stealing the water
22 from one another.

23 So it's a horrific setup that they have there and they don't
24 care really, to be frank, about the fire because they don't think
25 that there's an imminent life threat or anything like that. So

1 it's almost like a training exercise for them. In the general
2 atmosphere, it's extremely frustrating. They'll wind up their
3 hoses and leave and disappear for two hours before the next unit
4 comes in. And there's no fire being put -- I mean, no water being
5 put on the pile. And we're all by ourselves there for hours at a
6 time. So it's extremely frustrating. And you know --

7 Q. Understood. And it's just --

8 A. -- but when they typically -- when they've got -- we've had
9 two significant fires since I've been at EMR at Port Newark and
10 both of them ended up with -- ended up being extinguished with
11 them bringing in proper apparatus that could pull water from the
12 bay because the fire hydrant system that they have down that whole
13 portion of the terminal doesn't have proper water flow.

14 Q. And the fire fighting medium that they used on those fires
15 was water?

16 A. Yes.

17 Q. Did they use foam at all?

18 A. No.

19 Q. Were these fires investigated?

20 A. Yes.

21 Q. Who investigated the fires?

22 A. We had our -- we had a private fire investigator. I didn't
23 contract with him. But our safety and health officer/contractor
24 with them -- offhand I don't know the company name or the persons
25 or his name who did it for us. I have his report. But -- so we

1 had somebody that did a fire investigation on it. And the Port
2 Authority, they had a fire investigator, several different fire
3 investigators do research and investigation on it. And have
4 continued to investigate it all the way up to today. January.
5 And I don't know if they ever plan on closing the investigation or
6 not but --

7 Q. Fair enough. Have you heard any preliminary or final
8 determinations as to what caused the fires?

9 A. No. And there's -- when you have a fire like that in the
10 pile, there is assumptions that can be made but you'll never be
11 able to determine what the actual source or reasoning was. It's
12 -- once the pile catches fire, you can't really distinguish what's
13 what.

14 Q. I understand that. Other than the private fire investigator
15 and Port Authority, do you know if -- was there like a local fire
16 marshal or anybody that conducted an investigation?

17 A. No, not to my knowledge.

18 Q. Are there any control measures that are put in place to
19 prevent fires in the piles?

20 A. Yeah. We have implemented -- since the fire -- the last fire
21 we had in Port Newark -- we had implemented 24-hour surveillance
22 at the facility, seven days a week. We have the security or
23 personnel check pile temperatures with a thermal imaging camera.
24 I believe it's six times a day in each area. So we rope the yard
25 up into different sections. And personnel and/or security check

1 the temperatures, scan the piles with the handheld imaging camera,
2 thermal imaging camera and would write down the highest
3 temperature that they detected during their scan for each area of
4 the facility. That's probably the biggest preventative measure
5 that we've been able to take at the facility.

6 Q. Is water sprayed on the piles at all if you guys find hot
7 spots?

8 A. It wouldn't be so much water. It would be more of a material
9 handler pulling the potential -- pulling scrap away from the
10 potential hot spot until we felt that we could get at the hot
11 spot. Because typically, what happens when you attack the hot
12 spot, whether it's already on fire, or if it's a hot spot, you
13 inject oxygen straight at it, if you go right at it. So the best
14 method is to pull material away from what could potentially be the
15 hot spot until you feel like you can get at it with the material
16 handler.

17 Q. Is -- how often would you say this happens?

18 A. Not often at all. There hasn't been -- since the fire, we
19 haven't -- knocking on wood -- there hasn't been an instance where
20 we've had to do that.

21 Q. Do you have --

22 A. We have fixed cameras in Camden because of the facility, the
23 layout of the facility. So you know, we have caught hot spots in
24 the past in Camden and been able to dealt with them proactively.

25 Q. Do you have a similar system at the Newark facility?

1 A. It's handheld unfortunately because of the facility layout
2 and it being leased property. So it's similar as in the same type
3 of technology. It's just a handheld imaging camera which is just
4 as effective. It's just different as in one is mobile and one is
5 fixed.

6 Q. Do you have, I guess, anything that you think could have
7 caused this -- the fires in those piles?

8 A. The HMS fire -- I typically -- obviously, I'm guessing
9 because I don't know. But if you were to ask me to guess, I would
10 say that there was a lithium-ion battery that was hiding in
11 something.

12 Q. What about --

13 MR. REID: And again, this is just so we're clear. That's a
14 guess?

15 MR. [REDACTED] Correct. Yeah. So that's kind of what I'm --
16 based off of experience and all that. You know, what are the
17 likely things that could cause fire in these piles because I think
18 that it's safe to say that we may -- determining it may be
19 difficult.

20 What about -- would it be safe to say your guess would be
21 kind of the same on the CMT Y NOT 6 fire?

22 MR. SCIABA: On the CMT Y NOT 6 --

23 (Crosstalk)

24 MR. SCIABA: Go ahead. Sorry, Luke.

25 BY MR. REID:

1 Q. Yeah. Go ahead, Ed. Go ahead and clarify.

2 A. On the CMT Y NOT 6, my -- from what I've gathered, talking
3 with -- from what I gathered, I believe that there was -- I
4 believe there was a potential lightning strike that caused the
5 fire on that barge.

6 Q. And just to follow-up on that, Ed, for Lieutenant [REDACTED]
7 for your benefit, just so we're clear, the fires that happened at
8 the facility were on the HMS pile. Correct?

9 A. That's correct.

10 Q. And the --

11 (Crosstalk)

12 Q. Right. And the cargo that was loaded on the Y NOT was from
13 the feed stockpile, a different pile. Correct?

14 A. Correct.

15 Q. Yeah. And just so we're clear, have you ever had a fire at
16 the facility from the feed stockpile?

17 A. No, we have not.

18 MR. REID: Thank you. Sorry. I just wanted to make sure we
19 were clear as to what his basis for saying the -- mentioning the
20 lightning strike.

21 BY MR. [REDACTED]

22 Q. I guess I'm still kind of confused on the different types of
23 the materials and everything. Because I was under the
24 understanding that the material on the CMT Y NOT 6 was HMS light
25 iron.

1 A. Yeah. I mean, most people that aren't in the industry -- we
2 have a mega shredder in Camden so we can process light-gauge HMS
3 if it's like a quarter inch. It's not like it's a homogenous
4 commodity where it's a pile of all sprinkler pipes.

5 Q. Right.

6 A. It's -- we -- everything that was coming to Camden was
7 intended to be processed through our shredder. For all -- for
8 clarification, you could consider it shredder feed.

9 Q. That was -- the commodity that was on the HMS or the --
10 sorry, the CMT Y NOT 6 --

11 A. That was on the barge.

12 Q. Yeah. Was shredder feed.

13 A. Correct.

14 MR. [REDACTED] I'm not sure -- this may not really apply to
15 you. And Luke, correct me if I'm overstepping but do you know if
16 EMR is having damage survey done on the CMT Y NOT 6?

17 MR. REID: I don't think I know. Ed, I don't think you know.

18 MR. SCIABA: Not at this point. I mean --

19 MR. REID: I can find out. I can find out.

20 MR. SCIABA: I know I have -- I know once we finally
21 discharge the cargo, we'll have -- I have a handful of different
22 surveyors that I'll contact to assess the damage and what's need
23 to be done at (indiscernible) to repair the barge.

24 BY MR. [REDACTED]

25 Q. Let's see. Do you know if either EMR or anybody had done a

1 fire investigation either fire marshals or independent
2 investigators on the CMT Y NOT 6?

3 A. Not at this point. We've engaged with a fire investigator
4 that's going to inspect the material once we've discharged the
5 cargo on land. But there's been -- the situation is still --
6 we're still getting the barge ready to be able to come to Camden.

7 MR. [REDACTED] I think that that -- for right now, that's all
8 of the questions that I have. Does anybody else on the line have
9 any follow-up questions?

10 MR. TUCKER: Hey, Lieutenant, Mike Tucker here. I just have
11 just a couple of clarification questions if that's all right.

12 MR. [REDACTED] That's fine.

13 MR. SCIABA: Who is -- I'm sorry. I --

14 BY MR. TUCKER:

15 Q. Yeah. I represent the party in interest for Coeymans, one of
16 their attorneys.

17 A. Okay.

18 Q. So I've had an opportunity to take a look at Mr. Reid's
19 letter to captain merchant which -- the captain of the port order
20 listed. And one of the things I noted in there -- it sounds as if
21 you guys over at EMR had spent some time to try to figure out ways
22 to improve the facility, like how it operates to mitigate the risk
23 of fires. And the Port Authority refused to allow you guys.

24 Just wondering what were those, you know, procedures or
25 things that you wanted to put into effect that the Port Authority

1 was denying?

2 A. I'm going off memory because I'm not -- I don't have that --
3 what they denied in front of me. But I know they didn't allow us
4 to fly -- we wanted to fly a drone over the pile instead of doing
5 the handheld temperature camera and monitoring. They wouldn't
6 allow us to fly the drone due to the proximity of the airport.
7 (Indiscernible) itself, we were going to be (indiscernible) direct
8 lease with the port.

9 We were going to be doing some facility improvements that
10 would have allowed us to manage the facility in a more efficient
11 way. But since we entered into that lease, they've been talking
12 about relocating us from the very beginning. So we haven't been
13 able to -- they told us not to spend the money on the
14 infrastructure improvements.

15 Q. So who is your point of contact with Port Authority if you
16 have one?

17 A. It's -- there's different point of contacts for different
18 types of things. There's vessel controls. There's leasing.
19 There's safety. There's a whole host of different point of
20 contact depending on what the matter is.

21 MR. TUCKER: That was all. I just wanted the clarification
22 so thank you, sir.

23 MR. SCIABA: No problem.

24 MR. [REDACTED] Luke, do you have anything?

25 MR. REID: Yeah, just one follow-up from Mike's question.

1 BY MR. REID:

2 Q. Ed, was there -- did EMR want to put in a concrete slab
3 around the facility and what would the results of that effort and
4 what would have that have accomplished from your perspective?

5 A. Yeah. That was part of the infrastructure improvements that
6 I just mentioned. We had pledged in our lease with port yard when
7 we entered into the direct lease with port yard.

8 Prior to this direct lease, we were a sub-tenant of Kinder
9 Morgan. So in our direct lease, we pledged to invest \$5 million
10 in infrastructure. So we were going to be basically
11 (indiscernible) the entire facility with concrete and installing a
12 collection system for storm water.

13 Obviously, for us operating on concrete, the ideal situation
14 with moving piles of steel, you're on raw earth. Steel can get
15 embedded into the ground, cause flat tires, cause difficulty for
16 the equipment, and make it difficult to dump loads, make it
17 difficult to inspect -- make it more challenging to inspect the
18 scrap when it's dumped. So that was something that we wanted to
19 do and we wrote it into our lease.

20 And the port, when they decided that they wanted to come with
21 this master port plan and expand the container terminal to the
22 lease hold that they just had signed up with us, they asked us to
23 not spend the money on the infrastructure. And that's all
24 obviously in writing. And that they intended on relocating our
25 lease hold to a different area of the port which still hasn't been

1 determined yet.

2 Q. When -- just one other follow-up I have, [REDACTED] So when you
3 -- when did you hear about the fire on the barge?

4 A. I heard about the fire around 1:15 in the morning on Monday.

5 Q. And who did you receive a phone call from?

6 A. Steve Kelly (ph.) at Carver Companies, Coeymans -- Carver
7 Companies Marine -- Coeymans Marine Towing is owned by Carver
8 Company.

9 Q. Did he ask you to call the captain at some point?

10 A. Yeah. I mean, obviously, was kind of -- it was 1:15 in the
11 morning. Everybody was pretty much in a fog. And I think the
12 situation was still dynamic to him. He didn't really know the
13 severity of it. Didn't really convey to me that -- I knew it was
14 obviously something that was extremely serious. And I was up from
15 that point forward. But --

16 Q. Did you call --

17 A. When I -- yeah, when I got in touch with the captain and kind
18 of understood the whole situation, that the Coast Guard had been
19 called, and we got a picture from the captain of what the barge
20 looked like, I knew it was not a good situation.

21 Q. What did the captain tell you had occurred?

22 A. He told me that there was lightning popping all around them
23 and they drug the barge in a little bit closer and they had
24 noticed that the side of the barge was glowing.

25 Q. To your knowledge, at that point, the captain had already

1 talked to the Coast Guard?

2 A. Yes. I believe before I even was contacted by Steve, I think
3 that -- I think the captain had contacted the Coast Guard as soon
4 as they noticed the barge was on fire.

5 MR. TUCKER: I don't have anything further.

6 MR. [REDACTED] I don't have anything further either.

7 MR. SCIABA: Just for -- just to kind of put -- to make --
8 just to kind of give everybody a better understanding. This is
9 something I could guess off the top of my head. But we've moved
10 countless amount of tons by barge. And I think between us and
11 Carver and Coeymans Marine Towing, I think was the -- this
12 obviously was the first time that anything even remotely like this
13 has happened.

14 And nobody even really -- we've done this type of operation
15 more times than I can recall. And same commodities. Wasn't a
16 one-off deal. As far as we -- as far as everybody knew, we were
17 going to go to sleep and then wake up and the barge would be in
18 Camden and we'd be discharging it. So this was a normal
19 occurrence that we've done numerous times.

20 MR. [REDACTED] Yeah, no. I appreciate it. So kind of along
21 similar lines of that, I don't have any other questions. I guess
22 the only thing that I have left is, you know, is there anything
23 else that you think would help me in the course of my
24 investigation to determine how this fire started?

25 MR. SCIABA: It's -- like I said, it's going to be --

1 obviously, everybody's best guess at the end of the day of how it
2 started -- me, personally, I've been around scrap metal fires in
3 my career. And something that most people obviously aren't
4 around. The vicinity of where the fire was -- and if you look at
5 the -- where it was in the barge, in the aft of the barge, not in
6 the bow where there would be more friction from the tow.

7 And the ability in my mind to catch fire if it was friction
8 and a battery and something drying out the material, some sort of
9 spontaneous combustion. It was heavily focused in a concentrated
10 area in the aft of the barge which to me is different than what I
11 would expect.

12 And I think that we had looked at the AIS or whatever the
13 acronym is for the traffic of the barge. And I think there was
14 roughly around 70 lightning strikes between Atlantic City and
15 where the barge ended up reporting that there was a fire. I think
16 it was roughly around Salem. That's why I -- talking with the tug
17 and kind of seeing the location of where the barge was -- where
18 the fire was on the barge, to me, it lends itself to believe that
19 in a lightning storm, that that's the -- that's the very -- the
20 most logical thing I can determine.

21 If it was something like a battery, typically it would
22 smolder for days and then the pile -- the whole pile would
23 basically be hot where you wouldn't be focused in one specific
24 area. It would kind heat the pile up to a point where it spreads
25 throughout the whole pile. That's -- those are my two cents.

1 MR. [REDACTED] Yeah, no. I appreciate that. Just one follow-
2 on question from that though. What other, I guess, combustible --
3 or consumable materials, I guess would be a better word, would --
4 like if there was a lightning strike that hit the barge, what
5 would have been on the barge that could have combusted?

6 MR. SCIABA: So the post-consumer goods that we transport to
7 Camden for processing -- obviously, the rationale for barging this
8 material to Camden is utilizing the marine highway versus -- to
9 move that type of material by truck, you're talking hundreds and
10 hundreds of truckloads of material.

11 You know, you could have stove that obviously has insulation
12 inside the walls of the stove that are the fuel for that fire if
13 it was -- the steel was hit by lightning. Or say a refrigerator
14 that has foam in it or washing machine that has plastic in it.
15 There could be numerous things that a direct lightning strike
16 could start to trigger something that has the fuel -- those type
17 of items into causing a fire.

18 MR. [REDACTED] Fair enough. Again, I don't have any other
19 questions. I'll open the floor for one last round. And then we
20 can conclude this interview.

21 MR. TUCKER: This is Mike Tucker. I don't have any more
22 questions. Thank you.

23 MR. [REDACTED] Luke, do you have anything?

24 MR. REID: This is Luke. I don't -- no, I don't have
25 anything.

1 MR. [REDACTED] Again, this is [REDACTED] I really appreciate all
2 of the time. I know that it's Friday afternoon. I'm sure that
3 everybody has traffic they're going to be fighting. But I do
4 really appreciate you taking this time today to discuss this with
5 us. Sorry we're meeting under these circumstances but thank you
6 again.

7 (Crosstalk)

8 MR. [REDACTED] With that --

9 MR. SCIABA: Yeah. I appreciate it, as well.

10 MR. [REDACTED] Yeah. Thank you all for your time. And with
11 that, I will conclude this interview.

12 MR. SCIABA: Thank you.

13 (Whereupon, at 2:20 p.m. EDT, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

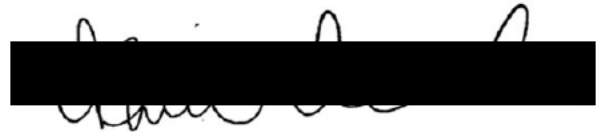
IN THE MATTER OF: FIRE ON SCRAP BARGE NEAR
BOWERS BEACH, DELAWARE IN THE
DELAWARE BAY ON MAY 23, 2022
Interview of Edward Sciaba

ACCIDENT NO.: DCA22FM019

PLACE: Via telephone

DATE: June 3, 2022

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Katie Leach
Transcriber