

U.S. Department of  
Homeland Security

United States  
Coast Guard



Director  
United States Coast Guard  
National Pollution Funds Center

4200 Wilson Blvd. Suite 1000  
Arlington, VA 20598-7100

Staff Symbol: (CA)

Phone: [REDACTED]

E-mail: [REDACTED]@uscg.mil

Fax: 703-872-6113

5890

7/5/2012

Via Email: [REDACTED]@co.guilford.nc.us

Guilford County NC Environmental Health  
ATTN: John Nantz  
Department of Public Health  
400 West Market Street, Suite 300  
Greensboro, NC 27405

Re: Claim Number: 912041-0001

Dear Mr. Nantz:

The National Pollution Funds Center (NPFC) in accordance with the Oil Pollution Act (OPA) (33 U.S.C. 2701 et seq.), has determined that \$2,227.21 is compensable for OPA claim number 912041-0001. This reconsideration determination is based on an analysis of all information submitted in support of this claim.

Disposition of this reconsideration constitutes final agency action. Please see the attached Claim Summary/Determination Form for a more detailed explanation of our actions.

If you accept this determination, please sign the enclosed Acceptance/Release Form where indicated and return to:

Director (ca)  
U.S. Coast Guard  
National Pollution Funds Center  
4200 Wilson Boulevard, Suite 1000  
Arlington, VA 20598-7100

If we do not receive the signed original Acceptance/Release Form within 60 days of the date of this letter, the determination is void. If the determination is accepted, your payment will be mailed within 30 days of receipt of the Release Form.

Sincerely,

[REDACTED]  
Thomas S. Morrison  
Chief, Claims Adjudication Division

Encl: Claim Summary / Determination Form  
Acceptance Release

U.S. Department of  
Homeland Security

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Coast Guard



Director  
United States Coast Guard  
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4200 Wilson Blvd. Suite 1000  
Arlington, VA 20598-7100

Staff Symbol: (CA)

Phone: [REDACTED]

E-mail: [REDACTED]@uscg.mil

Fax: 202-872-6113

Claim Number: 912041-0001	Claimant Name: Guilford County NC Environmental Health Department of Public Health 400 West Market Street, Suite 300 Greensboro, NC 27405
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I, the undersigned, ACCEPT the determination of \$2,227.21 as full and final compensation for removal costs arising from the specific claim number identified above. With my signature, I also acknowledge that I accept as final agency action all costs submitted with subject claim what were denied in the determination and for which I received no compensation.

This settlement represents full and final release and satisfaction of the amounts paid from the Oil Spill Liability Trust Fund under the Oil Pollution Act of 1990 for this claim. I hereby assign, transfer and subrogate to the United States all rights, claims, interests and rights of action, that I may have against any party, person, firm or corporation that may be liable for the amounts paid for which I have been compensated under this claim. I authorize the United States to sue, compromise, or settle in my name and the United States fully substituted for me and subrogated to all of my rights arising from and associated with those amounts paid for which I am compensated for with this settlement offer. I warrant that no legal action has been brought regarding this matter and no settlement has been or will be made by me or any person on my behalf with any other party for the amounts paid which is the subject of this claim against the Oil Spill Liability Fund (Fund).

This settlement is not an admission of liability by any party.

With my signature, I acknowledge that I accept as final agency action all amounts paid for this claim and amounts denied in the determination for which I received no compensation.

I, the undersigned, agree that, upon my acceptance of any compensation from the Fund, I will, I will cooperate fully with the United States in any claim and/or action by the United States against any person or party to recover the compensation. The cooperation shall include, but is not limited to, immediately reimbursing the Fund any compensation received from any other source for the same claim, providing any documentation, evidence, testimony, and other support, as may be necessary for the United States to recover from any other person or party.

I, the undersigned, certify that to the best of my knowledge and belief the information contained in this claim represents all material facts and is true. I understand that misrepresentation of facts is subject to prosecution under federal law (including, but not limited to 18 U.S.C. 287 and 1001).

_____	_____
Title of Person Signing	Date of Signature
_____	_____
Typed or Printed Name of Claimant or Name of Authorized Representative	Signature

_____	_____
Title of Witness	Date of Signature
_____	_____
Typed or Printed Name of Witness	Signature

_____	_____	_____
EIN / SSN Required for Payment	Bank Routing Number	Bank Account Number

## CLAIM SUMMARY / DETERMINATION FORM

Claim Number	: 912041-0001
Claimant	: Guilford County NC Environmental Health
Type of Claimant	: Local Government
Type of Claim	: Removal Costs
Claim Manager	: Gina Strange
Amount Requested	: \$2,327.21

### **FACTS:**

On 6 January 2012, the Greensboro Fire Department notified the Claimant, Guilford County Environmental Health, of the discovery of home heating oil that was flowing from the City of Greensboro's storm sewer system through a drain pipe into an unnamed creek flowing through Fisher Park.

### **CLAIM & CLAIMANT**

On 1 March 2012, Guilford County Environmental Health presented a claim to the National Pollution Funds Center (NPFC) for its uncompensated removal costs in the amount of \$2,327.21. The NPFC reviewed, considered that claim and denied that claim on or about 9 May 2012.

### **REQUEST FOR RECONSIDERATION & CLAIMANT'S ARGUMENTS**

The NPFC denied the initial request on or about 9 May 2012. The Claimant requested that this decision be reconsidered on or about 21 June 2012. In support of its request for reconsideration, the Claimant included the following:

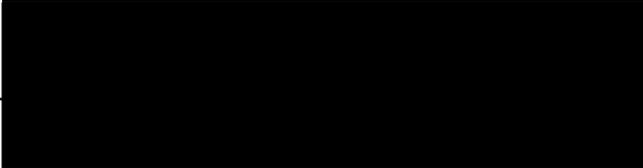
1. Sections of the Clean Water Act that the Claimant asserts are applicable to this incident;
2. Aerial photographs to show the spill location;
3. A topographical map with the location of the spill highlighted;
4. A narrative of the Incident to include specific actions of each of claimant's personnel;
5. Rate sheets for A&D January 2010 – December 2010;
6. Photographs of the spill location on CD
  - a. These photographs showed the location of the spill, the outfall from the spill location; showed clearly that the un-named tributary was navigable at the spill location.
7. The Claimant also made a statement that the discharge of oil that took place in this incident was discharged directly into the storm drain system and did not go through the waste water treatment system as the NPFC initially indicated.
8. The Claimant provided the rate sheet for A&D Environmental, their subcontractor for the services they provided.
9. The Claimant provided a detailed narrative of the actions that The County personnel performed during the spill. Because the Claimant did this, the NPFC was able to discern that all of the Claimant's actions were removal actions and not "government revenues" as the Claimant initially indentified them to be. Therefore, all actions taken and costs incurred are determined to be removal costs.

**DETERMINATION OF LOSS:**

The Claimant bears the burden of proving all elements of its Claim before the Fund.<sup>1</sup> Upon reconsideration, the Claimant has provided sufficient evidence to demonstrate that the discharge of oil was in fact a discharge of oil into the navigable waters of the United States. The photographs submitted make the nexus between the discharge to an un-named tributary as the navigable water required to make the actions taken and costs incurred removal costs under the provisions of the Claims Regulations.

Upon reconsideration, the NPFC has also determined that this claim should be paid in the amount of \$2,227.21 as full compensation for this claim. The NPFC has denied \$100.00 in costs that are not supported by the rate sheet as follows: the cost for drum disposal in the amount of \$50.00 x 2 = \$100.00 as the Claimant does not have drum disposal on the rate sheet nor has the Claimant produced the underlying invoice from the disposal facility for the amount claimed.

**DETERMINED AMOUNT: \$2,227.21**

Claim Supervisor: 

Date of Supervisor's Review: 7/5/12

Supervisor Action: *Reconsideration approved*

Supervisor's Comments:

<sup>1</sup> Claim Regulations 33 CFR 136