

CLAIM SUMMARY / DETERMINATION FORM

Date : 5/9/2011  
Claim Number : N10055-0001  
Claimant : State of Texas  
Type of Claimant : State  
Type of Claim : Removal Costs  
Claim Manager : Stephen Coode  
Amount Requested : \$2,472.03

**FACTS:**

***Oil Spill Incident:*** On August 6, 2010 at approximately 7pm, Sector Houston/Galveston received a report from the Texas General Land Office (TGLO) reporting sheen that was discharging from a submerged tank in Trinity Bay.

On August 7, 2010, a joint investigation by Sector Houston and Texas General Land Office (TGLO) discovered a submerged tank discharging emulsified crude oil into Trinity Bay, a navigable waterway of the US. On August 7, 2010 during the investigation, TGLO and Sector Houston observed 30-60 gallons of crude oil contained within the boom and an active discharge from the 210 bbl tank.

***Description of Removal Activities for this claimant:*** TGLO conducted initial investigation with the USCG and performed follow up response on August 11, 2010. Invoices include personnel, equipment (vehicle use) and agency required indirect expenses.

***The Claim:*** On April 27, 2011, TGLO submitted a removal cost claim to the National Pollution Fund Center (NPFC) for reimbursement of their uncompensated removal costs in the amount of \$2,472.03.

TGLO is claiming personnel expenses of \$459.51, State equipment expenses of \$1,811.48 and indirect expenses of \$201.04.

**APPLICABLE LAW:**

Under OPA 90, at 33 USC § 2702(a), responsible parties are liable for removal costs and damages resulting from the discharge of oil into navigable waters and adjoining shorelines, as described in Section 2702(b) of OPA 90. A responsible party's liability will include "removal costs incurred by any person for acts taken by the person which are consistent with the National Contingency Plan". 33 USC § 2702(b)(1)(B).

"Oil" is defined in relevant part, at 33 USC § 2701(23), to mean "oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil".

The Oil Spill Liability Trust Fund (OSLTF), which is administered by the NPFC, is available, pursuant to 33 USC §§ 2712(a)(4) and 2713 and the OSLTF claims adjudication regulations at 33 CFR Part 136, to pay claims for uncompensated removal costs that are determined to be consistent with the National Contingency Plan and uncompensated damages. Removal costs are defined as “the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from an incident”.

Under 33 USC §2713(b)(2) and 33 CFR 136.103(d) no claim against the OSLTF may be approved or certified for payment during the pendency of an action by the claimant in court to recover the same costs that are the subject of the claim. See also, 33 USC §2713(c) and 33 CFR 136.103(c)(2) [claimant election].

33 U.S.C. §2713(d) provides that “If a claim is presented in accordance with this section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, and full and adequate compensation is unavailable, a claim for the uncompensated damages and removal costs may be presented to the Fund.”

Under 33 CFR 136.105(a) and 136.105(e)(6), the claimant bears the burden of providing to the NPFC, all evidence, information, and documentation deemed necessary by the Director, NPFC, to support the claim.

Under 33 CFR 136.105(b) each claim must be in writing, for a sum certain for each category of uncompensated damages or removal costs resulting from an incident. In addition, under 33 CFR 136, the claimant bears the burden to prove the removal actions were reasonable in response to the scope of the oil spill incident, and the NPFC has the authority and responsibility to perform a reasonableness determination. Specifically, under 33 CFR 136.203, “a claimant must establish -

- (a) That the actions taken were necessary to prevent, minimize, or mitigate the effects of the incident;
- (b) That the removal costs were incurred as a result of these actions;
- (c) That the actions taken were determined by the FOSC to be consistent with the National Contingency Plan or were directed by the FOSC.”

Under 33 CFR 136.205 “the amount of compensation allowable is the total of uncompensated *reasonable* removal costs of actions taken that were determined by the FOSC to be consistent with the National Contingency Plan or were directed by the FOSC. Except in exceptional circumstances, removal *activities* for which costs are being claimed must have been coordinated with the FOSC.” [Emphasis added].

## **DETERMINATION OF LOSS:**

### **A. Overview:**

1. FOSC coordination has been established via the Federal Project that was opened for the incident.

2. The incident involved the discharge of "oil" as defined in OPA 90, 33 U.S.C. § 2701(23), to navigable waters.
3. In accordance with 33 CFR § 136.105(e)(12), the claimant has certified no suit has been filed in court for the claimed uncompensated removal costs.
4. The claim was submitted within the six year statute of limitations.
5. The NPFC Claims Manager has thoroughly reviewed all documentation submitted with the claim and determined that the removal costs presented were for actions in accordance with the NCP and that the costs for these actions were indeed reasonable and allowable under OPA and 33 CFR § 136.205.

***B. Analysis:***

NPFC CA reviewed the actual cost invoices and dailies to confirm that the claimant had incurred all costs claimed. The review focused on: (1) whether the actions taken were compensable "removal actions" under OPA and the claims regulations at 33 CFR 136 (e.g., actions to prevent, minimize, mitigate the effects of the incident); (2) whether the costs were incurred as a result of these actions; (3) whether the actions taken were determined by the FOSC, to be consistent with the NCP or directed by the FOSC, and (4) whether the costs were adequately documented and reasonable.

On that basis, the Claims Manager hereby determines that the claimant did in fact incur \$2,472.03 of uncompensated removal costs and that that amount is payable by the OSLTF as full compensation for the reimbursable removal costs incurred by the claimant and submitted to the NPFC under claim #N10055-0001. The claimant states that all costs claimed are for uncompensated removal costs incurred by the claimant for this incident on August 7, 2010. The claimant represents that all costs paid by the claimant are compensable removal costs, payable by the OSLTF as presented by the claimant.

***C. Determined Amount:***

The NPFC hereby determines that the OSLTF will pay \$2,472.03 as full compensation for the reimbursable removal costs incurred by the Claimant and submitted to the NPFC under claim # N10055-0001. All costs claimed are for charges paid for by the Claimant for removal actions as that term is defined in OPA and, are compensable removal costs, payable by the OSLTF as presented by the Claimant.

**AMOUNT: \$2,472.03**

Supervisor: D 

Date of Supervisor's review: 5/12/11

Supervisor Action: *Approved*

Supervisor's Comments:

U.S. Department of  
Homeland Security

**United States  
Coast Guard**



Director  
United States Coast Guard  
National Pollution Funds Center

NPFC CA MS 7100  
US COAST GUARD  
4200 Wilson Blvd. Suite 1000  
Arlington, VA 20598-7100  
Staff Symbol: (CA)  
Phone: 202-493-1026  
E-mail: [REDACTED]@uscg.mil  
Fax: 202-493-6937

5890  
5/12/2011

VIA EMAIL: [peggy.spies@glo.state.tx.us](mailto:peggy.spies@glo.state.tx.us)

State of Texas  
General Land Office  
Attn: Peggy Spies  
1700 N Congress Avenue  
Austin, TX 78701-1495

Re: Claim Number N10055-0001  
TGLO #2010-2580

Dear Ms. Peggy Spies:

The National Pollution Funds Center (NPFC), in accordance with the Oil Pollution Act (OPA) (33 U.S.C. 2701 et seq.), has determined that \$2,472.03 is full compensation for OPA claim number N10055-0001.

This determination is based on an analysis of the information submitted. Please see the attached determination for further details regarding the rationale for this decision.

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

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, an original signature and a valid tax identification number (EIN or SSN) are required for payment. If you are a Claimant that has submitted other claims to the National Pollution Funds Center, you are required to have a valid Central Contractor Registration (CCR) record prior to payment. If you do not, you may register free of charge at [www.ccr.gov](http://www.ccr.gov). Your payment will be mailed or electronically deposited in your account within 60 days of receipt of the Release Form.

If you have any questions or would like to discuss the matter, you may contact me at the above address or by phone at 202-493-1026.

Sincerely,

A large black rectangular redaction box covering the signature of the Claims Manager.

Claims Manager

ENCL: Claim Summary / Determination Form  
Acceptance/Release Form

U.S. Department of  
Homeland Security

United States  
Coast Guard



Director  
United States Coast Guard  
National Pollution Funds Center

NPFC CA MS 7100  
US COAST GUARD  
4200 Wilson Blvd. Suite 1000  
Arlington, VA 20598-7100  
Staff Symbol: (CA)  
Phone: 202-493-1026  
E-mail: [redacted]@uscg.mil  
Fax: 202-493-6937

Claim Number: N10055-0001 TGLO #2010-2580	Claimant Name: State of Texas General Land Office Attn: Peggy Spies 1700 N Congress Avenue Austin, TX 78701-1495
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I, the undersigned, ACCEPT the determination of \$2,472.03 as full compensation for the Removal Costs incurred.

This determination represents full and final release and satisfaction of all Removal Costs incurred under the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)), associated with the above referenced claim. This determination is not an admission of liability by any party. I hereby assign, transfer, and subrogate to the United States all rights, claims, interest and rights of action, that I may have against any party, person, firm or corporation that may be liable for the loss. 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 the incident. 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 costs which are the subject of the claim against the Oil Spill Liability Trust Fund (Fund).

I, the undersigned, agree that, upon acceptance of any compensation from the Fund, 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

_____	_____	_____
TIN Required for Payment	Bank Routing Number	Bank Account Number

From: Piper, Michael YN1, Michael.G.Piper@uscg.mil  
Sent: Monday, August 09, 2010 7:41 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 FW: CGMS FWD:SITREP-POL ONE: MINOR, CRUDE OIL,  
SUBMERGED TANK, TRINITY BAY,

PR 072343Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO CCGDEIGHT NEW ORLEANS LA//DRMC/DRM/DW/DP/DR//  
INFO COMDT COGARD WASHINGTON DC//DG-533//  
COGARD NATIONAL RESPONSE CENTER WASHINGTON DC  
COMCOGARD NPFC WASHINGTON DC  
COMLANTAREA COGARD PORTSMOUTH VA//ARMC/ARME//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COGARD GST MOBILE AL  
COGARD AIRSTA HOUSTON TX  
COGARD MSC WASHINGTON DC  
COGARD SILC NORFOLK VA//PCB-1//

BT

UNCLAS //N16465// //N16450//  
SUBJ: SITREP-POL ONE: MINOR, CRUDE OIL, SUBMERGED TANK, TRINITY BAY,  
NRC 950210, FPN N10055

UNCLAS //N16450//

ZEN2/ENVIRONMENTAL PROTECTION AGENCY

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1. SITUATION: (ALL TIMES LOCAL)

1.A. OVERVIEW: ON 06AUG2010 1900 SECTOR HOU/GAL RECEIVED A REPORT FROM THE TEXAS GENERAL LAND OFFICE (TGLO) REPORTING SHEEN DISCHARGING FROM A SUBMERGED TANK IN TRINITY BAY(29 41.20N, 094 45.11W). ON 07AUG2010 0700, INITIAL INVESTIGATION BY SECTOR HOUSTON AND TGLO DISCOVERED A SUBMERGED TANK DISCHARGING EMULSIFIED CRUDE OIL INTO TRINITY BAY. PENINSULA MARINE, CONTRACTOR FOR GALVESTON BAY ENERGY HAD PREVIOUSLY DISCOVERED THE SUBMERGED TANK AND ATTEMPTED TO REMOVE THE TANK ON 06AUG2010. DURING THE ATTEMPTED REMOVAL, PENINSULA MARINE ACCIDENTALLY CAUSE DAMAGE TO THE TANK, CAUSING IT TO DISCHARGE OIL. PENINSULA MARINE DEPLOYED BOOM AND SORBENT PADS TO REDUCE ENVIRONMENTAL IMPACT. CURRENTLY THE OWNER OF THE TANK IS UNKNOWN.

1.B. O/S WEATHER: PARTLY CLOUDY, 93 DEGREES, VISIBILITY 8 MILES, WIND S AT 5-10 KTS, SEA TEMP 86.

1.C. RESPONSIBLE PARTY INFORMATION: UNKNOWN

1.D. VESSEL DATA:N/A

1.E. SAR STATUS: N/A

1.F. CG RESOURCES SUMMARY: 01 TAHOE, 02 POLLUTION INVESTIGATORS, 01 FOSCR.

1.G. RESOURCES AT RISK: VARIOUS FISH, INVERTEBRATES, AND BIRDS.

1.H. ECONOMIC IMPACT: MINIMAL

1.I. KEY STAKEHOLDER ISSUES: NONE

1.J. HEALTH AND HUMAN SAFETY ISSUES: HEAT INDEX IS EXPECTED TO BE 103-105 WITH SCATTERED THUNDERSTORMS APPROACHING.

1.K. MEDIA INTEREST: NONE

1.L. CASUALTY INFORMATION: NONE

1.M. UNIFIED COMMAND STATUS: STATE ENGAGED ONSCENE, NO RP AT THIS TIME.

2. ACTIONS TAKEN: (ALL TIMES LOCAL):

2.A. 1900 06AUG10 RECEIVED REPORT FROM THE TGLO REPORTING SHEEN DISCHARGING FROM A SUBMERGED TANK IN TRINITY BAY. SECTOR HOU/GAL POLLUTION INVESTIGATORS AND TGLO REPRESENTATIVE AGREED ON ARRIVING AT FIRST LIGHT TO INVESTIGATE.

2.B. 0700 07AUG10 SECTOR HOU/GAL AND TGLO ARRIVED ON SCENE, OBSERVING 30-60 GALLONS OF CRUDE OIL CONTAIN WITHIN BOOM AND AN ACTIVE DISCHARGE FROM THE 210 BBL TANK.

2.C. 1156 07AUG10, SECTOR HOU/GAL OPENED THE OSLTF FOR 15,000 AND CONTRACTED WITH T(AND)T MARINE SERVICES TO CONDUCT DIVING, ASSESSMENT, AND PLUGGING OPERATIONS WHILE OIL MOP LLC WAS CONTRACTED TO INSTALL CONTAINMENT BOOM AND RECOVER OIL.

2.D. 1355 SECTOR HOU/GAL FOSCR AND TGLO ON SCENE.

2.E. 1446 CONTAINMENT BOOM IN PLACE.

2.F. 1700 DIVERS SECURED DISCHARGE.

2.G. 1800 SECURED OPERATIONS FOR THE NIGHT.

3. ADDITIONAL INFORMATION:

3.A. BRIGHT-LINE TEST: N/A

3.B. CONTRACTORS INFO: OIL MOP LLC AND T(AND)T MARINE SERVICES

3.C. COST TO THE FUND: 8,000

3.D. OTHER AMPLIFYING INFORMATION: N/A

4. FUTURE PLANS AND RECOMMENDATIONS:

4.A. OIL MOP LLC WILL CONDUCT DAILY CHECKS ON THE BOOM AND MAINTAIN SORBENT MATERIAL AS APPROPRIATE. DUE TO THE SIZE, LOCATION, AND CONDITION OF THE TANK, A TAP AND PUMP OPERATIONS IS THE MOST APPROPRIATE. ON 09AUG2010, T(AND)T MARINE SERVICES WILL ATTEMPT TO TAP INTO THE TANK AND PUMP OFF THE REMAINING OIL. OIL MOP LLC WILL BE ON SCENE AND PREPARED TO HANDLE ANY LEAKAGE FROM THE PUMP AND TAP OPERATION.

5. COMMANDERS INTENT: N/A

6. CASE STATUS: OPEN, PENDING

BT

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From: Piper, Michael YN1, Michael.G.Piper@uscg.mil  
Sent: Tuesday, August 10, 2010 7:15 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 FW: CGMS FWD:SITREP-POL TWO: MINOR, CRUDE OIL,  
SUBMERGED TANK, TRINITY BAY,

PR 092019Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO CCGDEIGHT NEW ORLEANS LA//DRMC/DRM/DW/DP/DR//  
INFO COMDT COGARD WASHINGTON DC//DG-533//  
COGARD NATIONAL RESPONSE CENTER WASHINGTON DC  
COMCOGARD NPFC WASHINGTON DC  
COMLANTAREA COGARD PORTSMOUTH VA//ARMC/ARME//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COGARD GST MOBILE AL  
COGARD AIRSTA HOUSTON TX  
COGARD MSC WASHINGTON DC  
COGARD SILC NORFOLK VA//PCB-1//

BT

UNCLAS //N16465//

SUBJ: SITREP-POL TWO: MINOR, CRUDE OIL, SUBMERGED TANK, TRINITY BAY,  
NRC 950210, FPN N10055

ZEN2/ENVIRONMENTAL PROTECTION AGENCY

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1.J. HEALTH AND HUMAN SAFETY ISSUES: HEAT INDEX IS EXPECTED TO BE 100-105 WITH SCATTERED THUNDERSTORMS APPROACHING.

1.K. MEDIA INTEREST: NONE

1.L. CASUALTY INFORMATION: NONE

1.M. UNIFIED COMMAND STATUS: STATE ENGAGED ONSCENE, NO RP AT THIS TIME.

2. ACTIONS TAKEN: (ALL TIMES LOCAL):

2.A. 1300 08AUG10 OIL MOP LLC PERSONNEL ATTENDED SITE AND BOOM NO LEAKING FROM SUBMERGED TANK NOTED.

2.B. 1100 09AUG10 SECTOR HOU/GAL PERSONNEL ATTENDED SITE AND NOTED NO BOOM MOVEMENT AND NO NEW LEAKING OIL.

2.C. 1530 SECTOR HOU/GAL WORKING WITH T(AND)T IN DEVELOPMENT OF OIL RECOVERY DIVE PLAN.

3. ADDITIONAL INFORMATION:

3.A. BRIGHT-LINE TEST: N/A

3.B. CONTRACTORS INFO: OIL MOP LLC AND T(AND)T MARINE SERVICES

3.C. COST TO THE FUND: 9,200

3.D. OTHER AMPLIFYING INFORMATION: N/A

4. FUTURE PLANS AND RECOMMENDATIONS:

4.A. OIL MOP LLC WILL CONDUCT DAILY CHECKS ON THE BOOM AND MAINTAIN SORBENT MATERIAL AS APPROPRIATE. DUE TO THE SIZE, LOCATION, AND CONDITION OF THE TANK, A TAP AND PUMP OPERATIONS IS THE MOST APPROPRIATE. T(AND)T MARINE SERVICES WILL ATTEMPT TO TAP INTO THE TANK AND PUMP OFF THE REMAINING OIL FOLLOWING PLAN FINALIZATION. OIL MOP LLC WILL BE ON SCENE AND PREPARED TO HANDLE ANY LEAKAGE FROM THE PUMP AND TAP OPERATION.

5. COMMANDERS INTENT: N/A

6. CASE STATUS: OPEN, PENDING

BT

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From: McClure, Christopher YN1, Christopher.J.McClure2@uscg.mil  
Sent: Tuesday, August 17, 2010 8:14 AM  
To: ARL-PF-NPFC Pollution; ARL-PF-NPFC Parser  
Cc:  
Subj: FPN N10055 SITREP-POL FIVE: MINOR, CRUDE OIL, SUBMERGED TANK,  
TRINITY BAY,

PR 162109Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO CCGDEIGHT NEW ORLEANS LA//DRMC/DRM/DW/DP/DR//  
INFO COMDT COGARD WASHINGTON DC//DG-533//  
COGARD NATIONAL RESPONSE CENTER WASHINGTON DC  
COMCOGARD NPFC WASHINGTON DC  
COMLANTAREA COGARD PORTSMOUTH VA//ARMC/ARME//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COGARD GST MOBILE AL  
COGARD AIRSTA HOUSTON TX  
COGARD MSC WASHINGTON DC  
COGARD SILC NORFOLK VA//PCB-1//

BT

UNCLAS //N16465//

SUBJ: SITREP-POL FIVE: MINOR, CRUDE OIL, SUBMERGED TANK, TRINITY BAY,  
NRC 950210, FPN N10055

ZEN2/ENVIRONMENTAL PROTECTION AGENCY

REGION VI  
FIRST INTERNATIONAL BUILDING  
1445 ROSS AVENUE  
DALLAS, TX 75270  
FAX (214) 665-7257

ZEN2/EMERGENCY RESPONSE COORDINATOR

ENVIRONMENTAL PROTECTION AGENCY  
CRYSTAL GATEWAY BLDG, 13TH FLOOR  
ARLINGTON, VA 22202  
FAX (703) 603-9116

ZEN2/TEXAS GENERAL LAND OFFICE

OIL SPILL DIVISION - RM 740  
1700 NORTH CONGRESS AVENUE  
AUSTIN, TX 78701  
FAX (512) 475-1560  
FAX (281) 470-6679

ZEN2/TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P. O. BOX 13087 - CAPITOL STATION  
AUSTIN, TX 78711-3087  
FAX (713) 767-3561

ZEN2/U.S. DEPARTMENT OF THE INTERIOR

FIELD REP U.S. FISH AND WILDLIFE SERVICES  
OFFICE OF THE SECRETARY  
P.O. BOX 649  
ALBUQUERQUE, NM 87103  
FAX (505) 766-1964  
FAX (713) 767-3561

ZEN2/NOAA/NOS/ORCA/HMRAD  
7600 SAND POINT WAY, NE  
BIN C15700  
SEATTLE, WA 98115-0070  
FAX (206) 526-6329

ZEN2/RAILROAD COMMISSION OF TEXAS  
OIL AND GAS DIVISION, DISTRICT 3  
13201 NORTHWEST FREEWAY, SUITE 701  
HOUSTON, TX 77040-6008  
FAX (713) 690-7630

ZEN2/TEXAS PARKS AND WILDLIFE DEPARTMENT  
RESOURCE PROTECTION DIVISION  
P.O. BOX 8  
SEABROOK, TX 77586  
FAX (713) 474-2812

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P.O. BOX 8  
SEABROOK, TX 77586  
FAX (713) 474-2812

1. SITUATION: (ALL TIMES LOCAL)
    - 1.A. OVERVIEW: ON 06AUG2010 1900 SECTOR HOU/GAL RECEIVED A REPORT FROM THE TEXAS GENERAL LAND OFFICE (TGLO) REPORTING SHEEN DISCHARGING FROM A SUBMERGED TANK IN TRINITY BAY(29 41.20N, 094 45.11W). ON 07AUG2010 0700, INITIAL INVESTIGATION BY SECTOR HOUSTON AND TGLO DISCOVERED A SUBMERGED TANK DISCHARGING EMULSIFIED CRUDE OIL INTO TRINITY BAY. PENINSULA MARINE, CONTRACTOR FOR GALVESTON BAY ENERGY HAD PREVIOUSLY DISCOVERED THE SUBMERGED TANK AND ATTEMPTED TO REMOVE THE TANK ON 06AUG2010. DURING THE ATTEMPTED REMOVAL, PENINSULA MARINE ACCIDENTALLY CAUSE DAMAGE TO THE TANK, CAUSING IT TO DISCHARGE OIL. PENINSULA MARINE DEPLOYED BOOM AND SORBENT PADS TO REDUCE ENVIRONMENTAL IMPACT. CURRENTLY THE OWNER OF THE TANK IS UNKNOWN.
    - 1.B. O/S WEATHER: PARTLY CLOUDY, 95 DEGREES, VISIBILITY 8 MILES, WIND W AT 15-20 KTS, SEA TEMP 88.
    - 1.C. RESPONSIBLE PARTY INFORMATION: UNKNOWN
    - 1.D. VESSEL DATA: N/A
    - 1.E. SAR STATUS: N/A
    - 1.F. CG RESOURCES SUMMARY: NONE
    - 1.G. RESOURCES AT RISK: VARIOUS FISH, INVERTEBRATES, AND BIRDS.
    - 1.H. ECONOMIC IMPACT: MINIMAL
    - 1.I. KEY STAKEHOLDER ISSUES: NONE
    - 1.J. HEALTH AND HUMAN SAFETY ISSUES: HEAT INDEX IS EXPECTED TO BE 100-105 WITH SCATTERED THUNDERSTORMS APPROACHING.
    - 1.K. MEDIA INTEREST: NONE
    - 1.L. CASUALTY INFORMATION: NONE
    - 1.M. UNIFIED COMMAND STATUS: STATE ENGAGED ONSCENE, NO RP AT THIS TIME.
  2. ACTIONS TAKEN: (ALL TIMES LOCAL):
    - 2.A. 1015: OIL MOP ONSCENE. VERIFIED NO NEW PRODUCT AND BOOM IN PLACE. BOOM LIGHT ALSO CHANGED.
    - 2.B. 1300: OIL MOP SECURED OPERATIONS FOR THE DAY.
  3. ADDITIONAL INFORMATION:
    - 3.A. BRIGHT-LINE TEST: N/A
    - 3.B. CONTRACTORS INFO: OIL MOP LLC AND T(AND)T MARINE SERVICES
    - 3.C. COST INCURRED THIS PERIOD: 1,967
    - 3.D. TOTAL CURRENT COST TO THE FUND: 33,204
    - 3.E. CEILING REMAINING: 46,335
    - 3.F. OTHER AMPLIFYING INFORMATION: NONE
  4. FUTURE PLANS AND RECOMMENDATIONS:
    - 4.A. RESIDUAL OIL REMAINS IN THE SUBMERGED EMPTY OIL TANK, POSING A CONTINUAL THREAT AND THE COMPLETE REMOVAL AND DISPOSAL OF THE TANK IS THE MOST PRACTICAL METHOD TO PREVENT FURTHER DAMAGE TO THE ENVIRONMENT. CURRENT PLANS INCLUDE RECOVERY OF TANK WITH AN OPERATIONAL PERIOD BEGINNING ON 18 AUGUST 0759. SITREP SIX IS EXPECTED TO BE RELEASED ON 23 AUGUST.
  5. COMMANDERS INTENT: N/A
  6. CASE STATUS: OPEN, PENDING
- BT

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From: McClure, Christopher YN1, Christopher.J.McClure2@uscg.mil  
Sent: Tuesday, August 24, 2010 7:28 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 SITREP-POL SIX AND FINAL: MINOR, CRUDE OIL,  
SUBMERGED TANK,

PR 232351Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO CCGDEIGHT NEW ORLEANS LA//DRMC/DRM/DW/DP/DR//  
INFO COMDT COGARD WASHINGTON DC//DG-533//  
COGARD NATIONAL RESPONSE CENTER WASHINGTON DC  
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COGARD GST MOBILE AL  
COGARD AIRSTA HOUSTON TX  
COGARD MSC WASHINGTON DC  
COGARD SILC NORFOLK VA//PCB-1//

BT

UNCLAS //N16465//

SUBJ: SITREP-POL SIX AND FINAL: MINOR, CRUDE OIL, SUBMERGED TANK,  
TRINITY BAY,

NRC 950210, FPN N10055

ZEN2/ENVIRONMENTAL PROTECTION AGENCY

REGION VI

FIRST INTERNATIONAL BUILDING

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DALLAS, TX 75270

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OFFICE OF THE SECRETARY

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1. SITUATION: (ALL TIMES LOCAL)

1.A. OVERVIEW: ON 06AUG2010 1900 SECTOR HOU/GAL RECEIVED A REPORT FROM THE TEXAS GENERAL LAND OFFICE (TGLO) REPORTING SHEEN DISCHARGING FROM A SUBMERGED TANK IN TRINITY BAY(29 41.20N, 094 45.11W). ON 07AUG2010 0700, INITIAL INVESTIGATION BY SECTOR HOUSTON AND TGLO DISCOVERED A SUBMERGED TANK DISCHARGING EMULSIFIED CRUDE OIL INTO TRINITY BAY. PENINSULA MARINE, CONTRACTOR FOR GALVESTON BAY ENERGY HAD PREVIOUSLY DISCOVERED THE SUBMERGED TANK AND ATTEMPTED TO REMOVE THE TANK ON 06AUG2010. DURING THE ATTEMPTED REMOVAL, PENINSULA MARINE ACCIDENTALLY CAUSE DAMAGE TO THE TANK, CAUSING IT TO DISCHARGE OIL. PENINSULA MARINE DEPLOYED BOOM AND SORBENT PADS TO REDUCE ENVIRONMENTAL IMPACT. CURRENTLY THE OWNER OF THE TANK IS UNKNOWN.

1.B. O/S WEATHER: PARTLY CLOUDY, 95 DEGREES, VISIBILITY 8 MILES, WIND W AT 15-20 KTS, SEA TEMP 88.

1.C. RESPONSIBLE PARTY INFORMATION: UNKNOWN

1.D. VESSEL DATA:N/A

1.E. SAR STATUS: N/A

1.F. CG RESOURCES SUMMARY: NONE

1.G. RESOURCES AT RISK: VARIOUS FISH, INVERTEBRATES, AND BIRDS.

1.H. ECONOMIC IMPACT: MINIMAL

1.I. KEY STAKEHOLDER ISSUES: NONE

1.J. HEALTH AND HUMAN SAFETY ISSUES: HEAT INDEX IS EXPECTED TO BE 100-105 WITH SCATTERED THUNDERSTORMS APPROACHING.

1.K. MEDIA INTEREST: NONE

1.L. CASUALTY INFORMATION: NONE

1.M. UNIFIED COMMAND STATUS: STATE ENGAGED ONSCENE, NO RP AT THIS TIME.

2. ACTIONS TAKEN: (ALL TIMES LOCAL):

2.A. 17AUG2010 1000: OIL MOP ONSCENE AND VERIFIED NO NEW PRODUCT AND/OR SHEEN ON THE WATER. SEC HOU/GAL INSTRUCTED OIL MOP TO REMOVE BOOM.

2.B. 1300: OIL MOP SECURED OPERATIONS FOR THE DAY.

3. ADDITIONAL INFORMATION:

3.A. BRIGHT-LINE TEST: N/A

3.B. CONTRACTORS INFO: OIL MOP LLC AND T(AND)T MARINE SERVICES

3.C. COST INCURRED THIS PERIOD: 2,017

3.D. TOTAL CURRENT COST TO THE FUND: 35,221

3.E. CEILING REMAINING: 44,318

3.F. OTHER AMPLIFYING INFORMATION: NONE

4. FUTURE PLANS AND RECOMMENDATIONS:

4.A. SEC HOU/GAL PLANS TO LEAVE THE SUBMERGED TANK AT ITS CURRENT LOCATION. THE COST ASSOCIATED WITH SALVAGING AND DISPOSING OF THE TANK OUTWEIGHED THE POTENTIAL DETRIMENT TO THE ENVIRONMENT. T (AND) T MARINE DIVERS VERIFIED THE TANK TO BE BETWEEN 8 TO 10 FEET UNDER WATER. IT HAS BEEN DEEMED NOT TO BE A HAZARD TO NAVIGATION. SEC HOU/GAL HAS NOTIFIED TGLO AND ARE HAVING IT PLACED ON THEIR ABANDONED VESSEL PROGRAM. WATERWAYS MANAGEMENT HAS ALSO BEEN NOTIFIED.

5. COMMANDERS INTENT: N/A

6. CASE STATUS: CLOSED.

BT

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From: Piper, Michael YN1, Michael.G.Piper@uscg.mil  
Sent: Monday, August 09, 2010 7:41 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 FW: CGMS FWD:USE OF POLLUTION FUNDS

P 071657Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO COGARD SILC NORFOLK VA  
INFO CCGDEIGHT NEW ORLEANS LA//M/CC//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COMCOGARD NPFC WASHINGTON DC  
COGARD NSFCC ELIZABETH CITY NC  
COMCOGARD SECTOR HOUSTON GALVESTON TX  
BT

UNCLAS //N16450//

SUBJ: USE OF POLLUTION FUNDS

1. A FPN HAS BEEN OPENED TO CONDUCT CLEANUP OPERATIONS OF AN UNKNOWN AMOUNT OF OIL INSIDE A TANK IN TRINITY BAY.
  2. DETAILS ARE: A TANK OF AN ESTIMATED TOTAL CAPACITY OF 210 BARRELS WAS DISCOVERED IN TRINITY BAY. APPROXIMATELY 60 GALLONS OF PRODUCT WAS ON THE SURFACE OF THE WATER ABOVE THE TANK. SECTOR HOUSTON GALVESTON IS ASSUMING FEDERAL CONTROL OF OIL REMOVAL OPERATIONS. OIL IN WATER AND POTENTIAL OIL REMAINING INSIDE THE TANK POSES A SUBSTANTIAL THREAT TO THE MARINE ENVIRONMENT.
    - A. CONTRACTOR NAME: OIL MOP LLC.
    - B. REASON FOR USE OF CONTRACTOR: RESPONSE TIME.
    - C. BOA NUMBER: HSCG84-04-A-800135
    - D. FEDERAL PROJECT NUMBER: N10055
    - E. LOCATION OF DISCHARGE: TRINITY BAY N 29 41 20 W 094 45 11.
    - F. CONTRACTOR NOT TO EXCEED: 3,000.00
    - G. DATE OF ATP: 07AUG10
    - H. DATE WORK STARTED: 07AUG10
  3. REQUEST YOU ISSUE DELIVERY ORDER.
- BT

---

From: Piper, Michael YN1, Michael.G.Piper@uscg.mil  
Sent: Monday, August 09, 2010 7:41 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 FW: CGMS FWD:USE OF POLLUTION FUNDS

P 071657Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO COGARD SILC NORFOLK VA  
INFO CCGDEIGHT NEW ORLEANS LA//M/CC//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COMCOGARD NPFC WASHINGTON DC  
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    - A. CONTRACTOR NAME: OIL MOP LLC.
    - B. REASON FOR USE OF CONTRACTOR: RESPONSE TIME.
    - C. BOA NUMBER: HSCG84-04-A-800135
    - D. FEDERAL PROJECT NUMBER: N10055
    - E. LOCATION OF DISCHARGE: TRINITY BAY N 29 41 20 W 094 45 11.
    - F. CONTRACTOR NOT TO EXCEED: 3,000.00
    - G. DATE OF ATP: 07AUG10
    - H. DATE WORK STARTED: 07AUG10
  3. REQUEST YOU ISSUE DELIVERY ORDER.
- BT

---

From: Piper, Michael YN1, Michael.G.Piper@uscg.mil  
Sent: Wednesday, August 11, 2010 8:00 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 FW: CGMS FWD:USE OF POLLUTION FUNDS

R 101951Z AUG 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO COGARD SILC NORFOLK VA  
INFO CCGDEIGHT NEW ORLEANS LA//M/CC//  
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UNCLAS //N16450//

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  - A. CONTRACTOR NAME: T AND T MARINE SALVAGE.
  - B. REASON FOR USE OF CONTRACTOR: SPECIALTY RESPONSE EQUIPMENT.
  - C. BOA NUMBER: DTCG84-02-A-800126
  - D. FEDERAL PROJECT NUMBER: N10055
  - E. LOCATION OF DISCHARGE: TRINITY BAY N 29 41 20 W 094 45 11.
  - F. CONTRACTOR NOT TO EXCEED: 45,000.00
  - G. DATE OF ATP: 10AUG10
  - H. DATE WORK STARTED: 07AUG10
3. REQUEST YOU ISSUE DELIVERY ORDER.

BT

---

From: McClure, Christopher YN1, Christopher.J.McClure2@uscg.mil  
Sent: Wednesday, November 24, 2010 7:06 AM  
To: ARL-PF-NPFC Parser; ARL-PF-NPFC Pollution  
Cc:  
Subj: FPN N10055 USE OF POLLUTION FUNDS

R 232133Z NOV 10  
FM COMCOGARD SECTOR HOUSTON GALVESTON TX  
TO COGARD SILC NORFOLK VA  
INFO CCGDEIGHT NEW ORLEANS LA//M/CC//  
COGARD FINCEN CHESAPEAKE VA//OCQ//  
COMCOGARD NPFC WASHINGTON DC  
COGARD NSFCC ELIZABETH CITY NC  
COMCOGARD SECTOR HOUSTON GALVESTON TX  
BT

UNCLAS //N16450//

SUBJ: USE OF POLLUTION FUNDS

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  - A. CONTRACTOR NAME: OIL MOP LLC.
  - B. REASON FOR USE OF CONTRACTOR: RESPONSE TIME.
  - C. BOA NUMBER: HSCG84-04-A-800135
  - D. FEDERAL PROJECT NUMBER: N10055
  - E. LOCATION OF DISCHARGE: TRINITY BAY N 29 41 20 W 094 45 11.
  - F. CONTRACTOR NOT TO EXCEED: 17,655.15
  - G. DATE OF ATP: 23NOV10
  - H. DATE WORK STARTED: 07AUG10
3. REQUEST YOU ISSUE DELIVERY ORDER.

BT

NNNN