

U.S. Department of
Homeland Security

United States
Coast Guard



Director
United States Coast Guard
National Pollution Funds Center

US COAST GUARD STOP 7100
4200 WILSON BLVD STE 1000
ARLINGTON VA 20598-7100
E-mail: [REDACTED]@uscg.mil
Fax: 202-493-6937

5890
2/13/2012

Sent Via Email: [REDACTED]@nps.gov

Superintendent, George Washington Memorial Parkway
ATTN: Ms. Dottie Marshall
c/o Turkey Run Park Headquarters
700 George Washington Memorial Parkway
McLean, VA 22101

Re: Claim Number 912016-0001

Dear Ms. Marshall:

The National Pollution Funds Center (NPFC), in accordance with the Oil Pollution Act (OPA) (33 U.S.C. 2701 et seq.), has determined that \$13,538.71 is full compensation for OPA claim number 912016-0001.

This reconsideration determination is based on an analysis of information submitted.

Disposition of this reconsideration constitutes final agency action.

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.

If you have any questions or would like to discuss the matter, you may contact me at the above address or by phone at 800-280-7118.

[REDACTED]
Chief, Claims Adjudication Division

ENCL: Claim Summary / Determination Form
Acceptance/Release Form

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Claim Number: 912016-0001	Claimant Name: Superintendent, George Washington Memorial Parkway ATTN: Ms. Dottie Marshall c/o Turkey Run Park Headquarters 700 George Washington Memorial Parkway McLean, VA 22101
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I, the undersigned, ACCEPT the determination of \$13,538.71 as full compensation for all 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)), arising from the oil pollution incident. 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

_____	_____	_____
DUNS #	Bank Routing Number	Bank Account Number

CLAIM SUMMARY / DETERMINATION FORM

Date	: 2/13/2012
Claim Number	: 912016-0001
Claimant	: George Washington Memorial Parkway
Type of Claimant	: Federal
Type of Claim	: Removal Costs
Claim Manager	: Alyssa Lombardi
Amount Requested	: \$13,756.77

I. Facts

On July 1, 2011, fuel was discovered in the Potomac River—a navigable waterway of the US—from Rock Run, a small tributary that serves as a storm sewer main for Arlington County, VA. The incident was reported to the National Response Center (NRC) via report # 981434 on July 01, 2011, at 14:15 local time by Mr. Briant Atkins with the Alexandria, VA fire and Hazmat team. Agencies responding to the incident include: Arlington County (VA) Fire/EMS/HAZMAT, acting as the lead agency; Alexandria (VA) Fire; Washington Metropolitan Airports Authority; Washington (DC) Fire & EMS; and the US Park Police (USPP).

II. Responsible Party

Samples were taken, but no Responsible Party (RP) could be identified.

III. The Claimant and the Claim

On December 7, 2011, the claimant, Superintendent, George Washington Memorial Parkway (GWMP) (a subsidiary of the National Park Service) submitted a removal cost claim to the National Pollution Funds Center (NPFC), for reimbursement of removal costs in the amount of \$13,756.77 for the services provided from July 1 through July 12, 2011. This claim is for removal costs based on the rate schedule in place at the time services were provided.

The original claim consisted of the following: the Optional OSLTF Claim Form; NRC Report # 981434 and 981439; the GWMP Incident Report; NPS US Government Order for Supplies/Services for this incident; Clean Ventures invoicing for this incident; Maryland Spectral Services invoicing for this incident; GWMP Staff time costs for this incident; disposal manifests for this incident; and photos for this incident.

IV. Request for Reconsideration:

On December 13, 2011, the NPFC issued its initial determination for this claim. The NPFC approved this claim, in the amount of \$13,756.77, as the GWMP was able to demonstrate its loss. On February 10, 2012, GWMP made an official request for reconsideration via email to Ms. Alyssa Lombardi, NPFC. GWMP provided its request for reconsideration in order to amend its claim to reflect the actual burdened rates for its personnel, as well as the costs related to the setting up and executing of the contract for this incident. Thus, the amended SUM CERTAIN for this claim is \$13,716.17.

V. DETERMINATION OF UNCOMPENSATED REMOVAL COSTS:

A. Overview:

1. The NPFC has determined that the actions undertaken by the claimant are deemed consistent with the NCP. This determination is made in accordance with the Delegation of Authority for Determination of Consistency with the NCP for the payment of uncompensated removal cost claims and is consistent with the provisions of sections 1002(b)(1)(B) and 1012(a)(4) of OPA, 33 U.S.C. §§ 2702(b)(1)(B) and 2712(a)(4). The incident involved the discharge of "oil" as defined in OPA 90, 33 U.S.C. § 2701(23), to navigable waters.
2. A Responsible Party was determined, but has not made payment of costs to date. Additionally, the NPFC made notification of this claim to the RP. 33 U.S.C. § 2701(32).
3. The claim was submitted within the six year statute of limitations. 33 U.S.C. § 2712(h)(2)
4. 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.
5. The NPFC Claims Manager has thoroughly reviewed all documentation submitted with the claim and determined what removal costs presented were for actions in accordance with the NCP, and if 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.

The NPFC has determined what costs incurred were reasonable and necessary in order to mitigate the effects of the incident. Upon reconsideration, the NPFC has determined that:

1. Costs associated with Clean Ventures in the amount of \$9,741.92 are both reasonable and compensable.
2. Costs associated with Spectral Services in the amount of \$360.00 are both reasonable and compensable.
3. Of the \$3,614.25 in costs associated with the GWMP staff time, only \$3,436.79 is found compensable. \$177.46 in claimed personnel costs are denied because they are associated with the preparation and execution of the contract for this incident. They are considered administrative duties that are not specifically tied to this event, as the contractor's hours are part of the normal operational costs for the GWMP. Therefore, as they are not a result of the oil spill, the costs associated with the contract administrator are denied.

The NPFC hereby determines that the OSLTF will pay **\$13,538.71** as full compensation for reimbursable removal costs incurred by the Claimant and submitted to the NPFC under claim # 912016-0001. 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.

C. Determined Amount:

The NPFC hereby determines that the OSLTF will pay **\$13,538.71** as full compensation for the claimed removal costs incurred by the Claimant and submitted to the NPFC under claim 912016-0001.

AMOUNT: \$13,

Claim Supervisor

Date of Supervisor's review: 2/13/12

Supervisor Action: *offer alternative*