

## CLAIM SUMMARY / DETERMINATION

<b>Claim Number:</b>	N12062-0003
<b>Claimant:</b>	State of Louisiana
<b>Type of Claimant:</b>	State
<b>Type of Claim:</b>	Removal Costs
<b>Claim Manager:</b>	[REDACTED]
<b>Amount Requested:</b>	\$74,225.52

### FACTS:

**Oil Spill Incident:** On August 29, 2012, Hurricane Isaac made landfall over various states including Louisiana, for over 60 hours, causing substantial flooding and multiple waterway closures. Sector New Orleans opened FPN N12062.

On September 02, 2012, Sector New Orleans stood up a Unified Command with the United States Environmental Protection Agency (EPA), Louisiana Oil Spill Coordinator's Office (LOSCO) and Louisiana Department of Environmental Quality (LDEQ). In collaboration with Oil Spill Responders (OSROs) and partners from the Unified Command, the operations section responded and mitigated several incidents, while assessing potential and / or actual pollution incidents. Operations were conducted on a daily basis.

The Unified Command with the assistance of the National Oceanic and Atmospheric Administration (NOAA) and Scientific Support Coordinator (SSC) continuously assessed the impact of pollution on the Louisiana shoreline.<sup>1</sup>

**The Claimant:** The State of Louisiana Oil Spill Coordinator's Office (LOSCO) serves as the single point of contact for all programs related to oil spills in Louisiana. Its mission is to respond to oil spill events, restore natural resources, protect economic infrastructure, and safeguard public health. LOSCO is funded by a two-cent barrel tax on all oil transported to or from vessels at Louisiana marine terminals. LOSCO coordinates the state's oil spill response efforts, making sure that cleanups are properly completed.<sup>2</sup>

**The Claim:** On July 20, 2016, LOSCO presented a removal cost claim to the National Pollution Funds Center (NPFC) for reimbursement of its uncompensated removal costs in the amount of \$74,225.52 for its services that they provided from August 29, 2012 through October 02, 2012.

On September 20, 2016, the NPFC, in accordance with the Oil Pollution ACT (OPA) (33 U.S.C. 2701 et seq.), determined that \$73,584.25 was compensable for this claim based on an analysis of the information presented. The NPFC initially denied \$641.20 that pertained to mileage because there was not sufficient evidence to support the costs claimed. Also, \$0.07 was denied because there was a variance between what the Claimant requested and what the documentation supported.

<sup>1</sup> FPN N12062, SITREP-POL ONE, ACTUAL, HURRICANE ISAAC RESPONSE

<sup>2</sup> Losco.state.la.us

**Reconsideration of the Claim:** On September 22, 2016, LOSCO requested reconsideration of the NPFC's initial determination via email<sup>3</sup> and provided additional documentation that supports its claimed mileage for the Louisiana Department of Environmental Quality (LDEQ)<sup>4</sup> during the oil spill response.

**NPFC Determination on Reconsideration:**

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. The request for reconsideration must be in writing and include the factual or legal grounds for the relief requested, providing any additional support for the claim.

Upon receipt of the Claimant's request for reconsideration, the NPFC performed a *de novo* review of the entire claim submission.

This review sought to determine whether or not the Claimant provided sufficient evidence on reconsideration to substantiate the mileage claimed and that their removal costs were reasonable, properly documented and determined to be OPA compensable pollution removal costs.

In support of the Claimant's request for reconsideration, the Claimant provided equipment records for mileage by person and vehicle which accounts for daily mileage traveled for which the Claimant incurred during their response to the oil spill. On reconsideration, the NPFC hereby determines that the OSLTF will offer **\$74,225.45** as full compensation for the reimbursable removal costs incurred by the Claimant and submitted to the NPFC under claim N12062-0003. It is important to note that \$0.07 remains denied as it is an unsubstantiated cost.

**AMOUNT: \$74,225.45**

Claim Supervisor: [REDACTED]

Date of Supervisor's review: 9/28/16

Supervisor Action: *Reconsideration Approved*

<sup>3</sup> 2016 09 22 Email from Mr. [REDACTED] to Ms. [REDACTED]

<sup>4</sup> Department of Environmental Quality Equipment Record - Mileage