

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN )  
ADMINISTRATIVE ORDER )  
AGAINST: The Boeing Company ) ORDER FOR REIMBURSEMENT  
OF EXPENSES,  
Docket #8566

To: The Boeing Company  
Attn: Attn: Michael L. Verhaar  
P.O. Box 3707  
Seattle, WA 98124-2207

<b>ORE Docket #:</b>	8566
<b>Invoice Amount:</b>	\$5,542.95
<b>Due:</b>	Within 30 calendar days after this Order for Reimbursement of Expenses is received.
<b>Incident Location:</b>	7750 East Marginal Way; Seattle WA
<b>Date of Incident:</b>	May 28, 2010

The Department of Ecology (Ecology) is issuing this Order for Reimbursement of Expenses (ORE) that orders you to reimburse the state of Washington in the amount of \$5,542.95 for expenses incurred for actions authorized by Revised Code of Washington (RCW) 90.56.350.

Ecology finds:

On May 28, 2010, an open fuel filter valve resulted in Jet A fuel being released into the Duwamish River, waters of the state as defined in RCW 90.56.010. The state of Washington responded to the incident and incurred expenses necessary to the state's obligation under RCW 90.56.350.

Ecology has determined you are liable under RCW 90.56.360 for the necessary expenses incurred by the state of Washington in responding to the incident described above. This ORE is issued under the authority of RCW 90.56.400.

An invoice is enclosed documenting the necessary expenses incurred by the state.

**This amount is due and payable within 30 calendar days after this ORE is received.**

**OPTIONS FOR RESPONDING TO THIS ORDER FOR REIMBURSEMENT OF EXPENSES**

**Option 1: Pay the invoice within 30 days after receiving the ORE.**

Make your payment payable to the *Department of Ecology*. Please include the ORE docket number on your payment.

**Mail payment to:**

Department of Ecology  
Cashiering Unit  
PO Box 47611  
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the invoice amount if you have not paid 30 days after receiving the ORE and have not submitted an Application for Relief (AFR).

**Option 2: Apply for relief to Ecology.**

Complete the enclosed Application for Relief (AFR) form and deliver it to Ecology by mail or in person.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608

This Action is **not** an Order that may be appealed to the Pollution Control Hearings Board under RCW 43.21B.310.

**CONTACT INFORMATION**


Please direct all questions about this ORE to:

John Butler  
Department of Ecology  
Spills Program  
PO Box 47600  
Olympia, Washington 98504-7600  
(360) 407-6970  
jbut461@ecy.wa.gov

**MORE INFORMATION**

- **Chapter 88.40 RCW - Transport of Petroleum Products — Financial Responsibility**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=88.40>
- **Chapter 88.46 RCW - Vessel Oil Spill Prevention and Response**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=88.46>
- **Chapter 90.48 RCW - Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 90.56 RCW - Oil and Hazardous Substance Spill Prevention and Response**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.56>
- **Spill Prevention, Preparedness, and Response Rules**  
[www.ecy.wa.gov/laws-rules/ecywac.html#sppr](http://www.ecy.wa.gov/laws-rules/ecywac.html#sppr)
- **Application for Relief form**  
[www.ecy.wa.gov/biblio/ecy070375.html](http://www.ecy.wa.gov/biblio/ecy070375.html)

**SIGNATURE**

  
\_\_\_\_\_  
Dale Jensen  
Program Manager  
Spill Prevention, Preparedness, and Response Program  
Washington State Department of Ecology

\_\_\_\_\_  
Date 6-27-2011



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

INVOICE

The Boeing Company  
Michael L Verhaar  
PO Box 3707  
Seattle WA 98124-2207

**Boeing Jet Duwamish Spill**

Invoice No. SP11011001  
Project # 8P1Y

To invoice for costs incurred through September 2010.

**Dept of Ecology Costs:**

Salaries & Benefits	\$ 3,555.23	
Indirect/Overhead	1,238.95	
Subtotal		\$ 4,794.18
Goods & Services		16.77
Lab Cost		700.00
Travel		32.00
<b>Total - State of Washington Costs:</b>	<b>\$</b>	<b>5,542.95</b>

Please remit payment and *a copy of this invoice to:*

Department of Ecology  
Attention: Cashiering Unit  
PO Box 47611  
Olympia, WA 98504-7611

If you have any questions or desire further information regarding this billing, contact John Butler at (360) 407-6970. If you have any questions regarding payment of this invoice, contact Beth McKee at (360) 407-7081 or Debbie Iness at (360) 407-7096.

Invoice No.	SP11011001	
<b>FOR FISCAL USE ONLY</b>		
062-SPILLN-173-0434-CP0021-8P1Y	\$	5,542.95
<b>TOTAL</b>	<b>\$</b>	<b>5,542.95</b>



DEPARTMENT OF ECOLOGY  
 FISCAL OFFICE - REVENUE/RECEIVABLE SECTION  
 COST RECOVERY INDIRECT WORKSHEET

Boeing Jet Duwamish Spill  
 Project # 8P1Y  
 Fund 173

To invoice for costs incurred through September 2010.

INDIRECT CALCULATION:

FY 00	0.00	x	0.3160	=	0.00
FY 01	0.00	x	0.3290	=	0.00
FY 02	0.00	x	0.3630	=	0.00
FY 03	0.00	x	0.3790	=	0.00
FY 04	0.00	x	0.3970	=	0.00
FY 05	0.00	x	0.3902	=	0.00
FY 06	0.00	x	0.3963	=	0.00
FY 07	0.00	x	0.3895	=	0.00
FY 08	0.00	x	0.3578	=	0.00
FY 09	0.00	x	0.3547	=	0.00
FY 10	1,820.78	x	0.3680	=	670.05
FY 11	1,734.45	x	0.3280	=	568.90
	-----				-----
TOTAL	3,555.23				1,238.95
	=====				=====

ATTACHMENT PREPARED TO REPORT AGENCY INDIRECT CHARGES.

**WASHINGTON STATE DEPARTMENT OF ECOLOGY  
 DETAIL OF EXPENDITURES  
 ECY 8P1Y**

<b>TYPE</b>	<b>SP</b>	<b>OBJECT</b>	<b>VENDOR</b>	<b>AMOUNT</b>	<b>FM</b>	<b>FY</b>	<b>DOCUMENT NO</b>
<b>GOODS/SERVICES</b>							
	02	TEAUTO	MILEAGE	16.77	13	11	46103643JV
				<u>\$16.77</u>			
<b>LAB COSTS</b>							
	02	TE0D73	LAB COSTS	560.00	12	10	46103394AC
	02	TE0D73	LAB COSTS	140.00	13	11	46103988JV
				<u>\$700.00</u>			
<b>TRAVEL</b>							
	02	GA	MARTIN, BRAD	32.00	12	10	1965-025
				<u>\$32.00</u>			
			<b>Grand Total:</b>	<u>\$748.77</u>			

# Options for Responding to an Order for Reimbursement of Expenses (ORE)

Within 30 calendar days after you receive the ORE, choose one of the following two options.

## Option 1: Pay the Invoice

### Mail payment to:

Department of Ecology  
Cashing Unit  
PO Box 47611  
Lacey, WA 98504-7611

Note: Remember to include the ORE docket number on your payment.



Ecology processes your payment.



The process is finished. Thank you.

**Order for Reimbursement of Expenses (ORE):** An order requiring you to reimburse the state for expenses to respond, assess, and investigate the incident.

**Application for Relief (AFR):** A written request to ask Ecology to reconsider the ORE to determine whether or not it was just and fair under all of the circumstances.

**Notice of Disposition (NOD):** A document informing you of Ecology's decision on the AFR.

## Option 2: Ask Ecology to Reconsider (AFR) to Ecology:

Submit your completed Application for Relief (AFR) to Ecology:

1. Fill out the AFR. A copy was provided with your Order or you can get a copy by:
  - Downloading the form at:  
[www.ecy.wa.gov/biblio/ecy070375.html](http://www.ecy.wa.gov/biblio/ecy070375.html)
  - Calling the contact listed in your ORE
2. Deliver the AFR by fax, mail, or in person to Ecology within 30 days after you receive the ORE.



### Ecology reviews your AFR.

- Ecology will consider your AFR and determine if the ORE is just and fair under all of the circumstances.
- Ecology may request further information.



### Ecology issues a decision (NOD) that either:

1. Affirms the amount assessed by the ORE.
2. Reduces the amount assessed by the ORE.
3. Rescinds the amount assessed by the ORE.

### Mailing Address:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

FAX: (360) 407 - 6989

### Street Address:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

Under what circumstances may I submit an AFR?

If you are able to demonstrate why the invoice is not just and fair under all of the circumstances, you may ask Ecology to reconsider your ORE by submitting an AFR.

How may I respond to the NOD?

You may do one of the following:

- Pay the amount stated in the NOD (See Option 1).
- If Ecology rescinds the ORE, there is no need to respond or to do anything.

Download copies of Laws (RCWs):  
[www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)

Download copies of Rules (WACs):  
[www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

If you need this publication in an alternate format, please call the Washington State Department of Ecology's Spills Program at (360) 407-7455. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6388.



# Application for Relief from Order for Reimbursement of Expenses

## PART 1 – GENERAL INFORMATION

Note: ORE means Order for Reimbursement of Expenses

ORE Docket #:		Invoice amount:	
Site/Incident Location:			
Contact Name:			
Business Name:			
Mailing Address:			
City:		State:	Zip Code:
Phone (1):	( )	Fax:	( )
Phone (2):	( )	Email:	

## PART 2 – REASON(S) FOR THIS REQUEST

Provide the information you want Ecology to consider in determining whether the ORE is **just and fair under all of the circumstances**. Please use additional pages if needed. You may also attach any documentation that supports the information you are providing.

*I certify that the reason(s) given in this application for relief are true and complete statements of fact. I understand that Ecology will rely on the information I provide in this application for relief and that it is a gross misdemeanor to knowingly make a false or misleading material statement to a public servant. RCW 9A.76.175 <http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.76.175>*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date





# Application for Relief from Order for Reimbursement of Expenses

## INSTRUCTIONS

1. **Complete the Application for Relief (AFR)**  
To ask the Department of Ecology (Ecology) to reconsider the Order for Reimbursement of Expenses (ORE), please fill out the AFR. In Part II, provide information that demonstrates the amount invoiced in the ORE is not just and fair under all the circumstances.
  
2. **Submit the completed AFR to Ecology:**  
Deliver the AFR form by fax, mail or in person to Ecology within 30 days after you receive the ORE.

### What happens next?

Ecology will review the AFR.

- We will determine whether the information you provided demonstrates the amount invoiced in the ORE is not just and fair under all of the circumstances.
- We may seek further information while considering your request to cancel or reduce the amount assessed by the ORE.

Ecology will issue a Notice of Disposition that includes:

- The decision on your AFR (affirmed, reduced or rescinded).
- Instructions for responding.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608