



Date MM/DD/YYYY

United States Environmental Protection Agency
Washington, DC 20460

OMB No. 2050-0106

Expiration

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Claim for CERCLA Response Action

General Instructions: Complete all fields electronically. If an item is not applicable to your claim, enter "N/A" in the appropriate field. Attach additional supporting information in a separate file with your application. Specific instructions are presented on page 4 of this form.

I. Introductory Material

A. Name, Title, and Address of Claimant(s):

B. Name of Site:

C. Preauthorization Decision Document Number and Date (attach copy):

D. Name, Title, and Address of Agent (if any) Authorized to Represent the Claimant:

II. Relates to Potentially Responsible Parties (PRPs)

A. Has the claimant made a reasonable effort to identify any PRPs (other than any who may be parties to this claim)? Describe those efforts.

B. Has the claimant presented a request for reimbursement to known PRPs (other than any who may be parties to the claim)? If yes, attach names, addresses and dates of presentation. Describe any responses.

C. If a partial settlement was reached with PRPs after presentation of the claim as described in B., did EPA approve any release? If no, explain.

D. Is there any action pending in court regarding this site or response actions? If yes, explain.

III. Relates to Claims for a Preauthorized Phase

A. Is this a claim for a preauthorized phase? If no, provide the completion date of the subject response action and skip B, C, D and E.



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B. How many claims are authorized in the PDD?

C. For which preauthorized phase are you filing a claim at this time?

D. Is completion of the next preauthorized phase on schedule? If no, explain.

E. Estimated date for submitting claim for the next preauthorized phase.

IV. Relates to Response Action

A. Was the response/preauthorized phase completed in accordance with the PDD? If yes, skip B.

B. Was a modification to the preauthorization request submitted to and approved by EPA? If yes, provide number and date. If no, explain how and why the response differs from the PDD.

C. Was the response completed in accordance with the Statement of Work and the Work Plan? If yes, skip D.

D. Explain how and why the response differs from the Statement of Work and/or the Work Plan.

E. Address how each of the PDD terms and conditions were met (in the order that they appear in the PDD). Provide documentation of such adherence in an appendix.

F. Provide the name and address of the location where all cost documentation and any other records relating to the claim will be maintained.

V. Relates to Amount of Response Claim

A. Provide the following summary information:

Current Claim Submission

Type of Response Activities Represented by Claim

Total Eligible Response Costs Represented by Claim \$ _____

Percentage of Claimed Costs to Total Response Costs _____ %



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Dollar Amount of Reimbursement Claimed \$ _____

Any past Claim Awards Under the Subject PDD

Number of Previous Claims _____

Total Sum of Previous Awards \$ _____

PDD

Reimbursement Cap Set For All Claim Submissions \$ _____

B. Provide the following breakdown of the eligible response costs asserted in this claim submission

Labor \$ _____

Travel \$ _____

Equipment \$ _____

Materials and Supplies \$ _____

Contractual Services \$ _____

Other Direct Costs \$ _____

Indirect Costs \$ _____

TOTAL RESPONSE COSTS \$ _____

With the exception of contractual services, provide detailed summaries of the components of each of the above cost categories. Address how the costs incurred were required under the PDD and are reasonable, allowable, and allocable according to Federal cost principles. Specify which of the Federal cost principles were used and explain the basis for that selection.

C. Provide a cost breakdown of all contractual services performed for this claim submission. Explain how the incurred costs were required under the PDD and are reasonable, allowable and allocable according to Federal cost principles. Specify which of the Federal cost principles were used and explain the basis for that selection.

Certification

I certify that all information herein is true to the best of my knowledge. I agree to supply additional information, as requested, in support of this claim and access to the site for purpose of inspection.

Signature of Applicant/Date

CERCLA Penalty for Presenting Fraudulent Claim

Any person who knowingly gives or causes to be given false information as a part of a claim against the Hazardous Substance Superfund may, upon conviction, be fined in accordance with the applicable provisions of Title 18 of the United States Code or imprisoned for not more than 3 years (or not more than 5 years in the case of a second or subsequent conviction), or both. (42 USC 9612 (b)(1)).

Civil Penalty for Presenting Fraudulent Claim or Making False Statements

The claimant is liable to the United States for a civil penalty of \$2,000 and an amount equal to two times the amount of damages sustained by the Government because of the acts of that person, including costs of the civil action.

Criminal Penalty for Presenting Fraudulent Claim or Making False Statements



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The claimant will be charged a maximum fine of not more than \$10,000 or be imprisoned for a maximum of 5 years, or both (See 62 Stat 698, 749, 18 USC 287, 1001)

Instructions for Submitting a Claim for a CERCLA Response Action

This form is for claims against the Hazardous Substances Superfund as authorized by sections 111(a)(2) and 112 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). Claims can only be awarded for reasonable response costs incurred pursuant to a preauthorization decision document (PDD) issued by EPA. The regulatory procedures for obtaining preauthorization from EPA and for the submission and award of claims are found at 40 CFR Part 307.

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The claimant bears the burden for demonstrating that their response costs should be reimbursed. Consequently, all claim submissions should be factually thorough, well-documented and based on sound analysis. Due to the complexity of the issues involved, it is in the claimant's best interest to organize the submission so that it can be easily read by EPA officials.

In many cases, the spaces provided on this form will be insufficient for a full presentation of the information solicited. In such circumstances, the claimant shall attach supporting documentation and provide clear cross-references between the items on this form and the attachments.

A number of items will also require that the claimant provide appendices. In these appendices, the claimant shall supply sufficient documentation to support the statements presented in the form. Since it would be impractical and undesirable to include all supporting data, the appendices should usually consist of detailed summaries of the primary data. However, the original documents should be identified, catalogued and available for presentation, if requested. As with the attachments, the claimant shall provide clear cross-references between this form and the appendices.

Claimant should consult 40 CFR section 307.22(g) to assert any claims of business confidentiality.

When completed, this form should be sent electronically to CERCLA_Forms@epa.gov for review and consideration by the Office of Superfund Remediation and Technology Innovation.

The sections below provide instructions for particular items on the claim form.

- I. A. Provide the name, title, and address of the person(s) submitting this claim. If the claim is submitted by a group of persons who have created a legal entity to act as claimant, information should be provided concerning the identity and location of both the entity and the constituent parties.

- B. Provide the site name as it appears on the PDD.



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C. Supply the number and date of the PDD for this claim. A copy of the DD shall also be provided in an appendix. If the claimant has been granted preauthorization to modify the PDD, these amendments must be described and copies provided.

D. "Agent" refers to any duly authorized agent, executor, administrator, or other legal representative of the claimant. If this claim is submitted by such an agent, they must present evidence of authority to so represent the applicant.

II. A. Pursuant to 40 CFR Section 307.31(a)(3), claimants must provide documentation that a search to identify potentially responsible parties was conducted in accordance with 307.30 and any contacts with such parties.

B. Pursuant to 40 CFR Section 307.30(d)-(e), if 1) the first claim was denied by the responsible party or not responded to within 60 days, and 2) EPA agrees that there is no reason to believe that subsequent claims would be honored by such responsible party, the denial of the first claim, or lack of response, shall be considered a denial of every subsequent claim. The claimant may seek EPA's agreement at any time a claim is presented. The claimant will be advised of EPA's agreement when the claimant is notified in writing regarding the award or denial of the claim.

C. Self-explanatory

D. Claimants may not pursue both an action in court against a third party PRP and a claim against the Fund at the same time for the same response costs. EPA will return claims when the Agency determines that a claimant has initiated an action for recovery of the same response costs, in court, against a party potentially liable under section 107 of CERCLA.

III-IV. Self-explanatory

V. A. Self-explanatory

B. This item is concerned with the actual response costs incurred during the time period represented by this claim submission - not the percentage of those response costs for which the claimant is seeking reimbursement. Federal cost principles are described in 2 CFR Part 200. If the claim represents more than one stage of response activity, indicate this on the form and provide similar cost breakdown in an appendix. These instructions are applicable to Item V. C. below.

C. Contractual services will vary depending on the response action performed and the operable unit represented by the claim submission. Typical categories of response activity include:

Security

Groundwater sampling

Construction

- Administrative Expenses

- Materials

Operation & Maintenance