Government Revenues Damage Claim

Claims for loss of government revenue originate from the damages resulting from the net loss of revenue due to injury, destruction, or loss of real property, personal property, or natural resources. Revenue is defined as taxes, royalties, rents, fees, and net profit shares.

General Claim Requirements

A claim for loss of government revenue can be presented by the Government of the United States, a State, or a political subdivision of a State, who sustained the loss. When preparing the claim for submission to the [Oil Spill Liability Trust Fund](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (OSLTF or Fund), the claimant is reminded that they bear the burden of providing all evidence, information, and documentation deemed relevant and necessary by the Director of the CG National Pollution Funds Center (NPFC), to support and properly process the claim. At a minimum, the claimant will be required to:

* Prove that the damage costs associated with the claim meet the criteria for a claim as established within the [Oil Pollution Act of 1990](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (OPA) as detailed below.

	+ The substance associated with the response was [oil](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/);
	+ That there was a [discharge](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) of oil or [substantial threat of discharge](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) of oil;
	+ The discharge or substantial threat of oil discharge impacted a [navigable waterway of the United States](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/); and
	+ The discharge or substantial threat of discharge of oil originated from a [vessel](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) or [facility](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/).
* Prove the identification and description of the economic loss for which compensation is claimed, including the applicable authority, property affected, method of assessment, rate, and method and dates of collection.
* Prove that the loss of revenue was due to the injury to, destruction of, or loss of real or personal property or natural resources.
* Prove the total assessment or revenue collected for comparable revenue periods.
* Prove the net loss of revenue.
* Prove that you first presented your loss of government revenue damage costs claim to the [responsible party (RP)](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary), unless:

	+ The NPFC has advertised for claims specific to the incident;
	+ You are a U.S. claimant in a case where a [foreign offshore unit](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary) has discharged oil; or
	+ A responsible party was never identified for the incident that is the subject of your claim and the incident was determined to be a [mystery spill](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) by the [Federal On-Scene Coordinator](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (FOSC).
* Submit your signed claim in writing with a [sum certain](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (total claimed costs) for compensation resulting from the incident.
* Submit the claim within three years after the date on which the injury and its connection with the discharge in question were reasonably discoverable with the exercise of due care.

Compensation Allowed

* The amount of compensation allowable is the total net revenue actually lost.

Example of Loss of Government Revenues Damage Claim

Your city collects revenue from street parking adjacent to your public beach. However, an oil spill has impacted your beach, and the beach was closed to the public to facilitate oil spill response activities. In preparation for submitting your claim to the NPFC, you were able to obtain information documenting your applicable authority to collect revenue from the street parking, the property affected, your method of assessment rate, and method and dates of collection. Additionally, you were able to obtain proof that the beach closure (and resulting parking revenue loss) was a direct result of the oil spill. Lastly, you compared your rate of assessment against other comparable revenue periods and were able to determine the actual net loss of revenue. By providing this information along with other required information (e.g., General Claim requirements and other Supporting Documentation), you may have a government revenue damage claim for the government revenues lost during the oil spill incident.

Examples of Supporting Documentation

You must provide evidence that supports your claim, and you can use whatever documentation you believe best supports your claim. Listed below are examples of documentation typically submitted in support of loss of government revenue damage claims:

* Photographs or videos of the incident and the response actions.
* Reports from local, State, or Federal agencies overseeing the incident.
* Analysis of the oil that is the subject of the incident on which you based your claim submission.
* Proof of revenue from the loss year and three previous years, with a focus on the months surrounding the incident.
* Documentation supporting your assessment of loss calculations and actual net revenue loss.
* Affidavits or witness statements attesting to the incident and your response to the incident.
* Any additional documentation that you feel supports your claim.

How to Submit Your Claim

1. Develop a claim submission that meets the general requirements for a claim found in 33 CFR 136.10 or complete the [Optional OSLTF Claims Form](https://www.uscg.mil/Portals/0/NPFC/docs/PDFs/OSLTF_Claim_Form_Rev_Aug19.pdf?ver=2017-08-15-124737-893)that describes your claim.
2. Attach supporting documentation, such as those listed above.
3. Submit your removal cost claim submission electronically to the NPFC Claims Division at hqs-smb-npfc-claimsinfo@uscg.mil. Please note, the NPFC’s email server will only accept email attachments up to 8MB in size and any attachments larger than 8MB will be rejected by the NPFC’s mail server. As such, the NPFC recommends claimants request a drop-off for any supporting claim documents in excess of 8MB within their claim submission email to the NPFC. Upon receipt of your electronic claim submission and email request to drop-off additional documents, the NPFC will send you a link to the DoD SAFE server that will allow you to upload your additional documents using the NPFC’s Claims Division email account hqs-smb-npfc-claimsinfo@uscg.mil as the recipient of your documents.

In the alternative, you can mail your claim submission with supporting documentation via US Postal Service or other mail service carriers to the following address:

CG National Pollution Funds Center: Claims

US Coast Guard Stop 7605

2703 Martin Luther King Jr Ave. SE

Washington DC 20593-7605

Note – all mail intended for the NPFC is screened before delivery to our office. In the past, the irradiation methods employed during screening have destroyed CDs and thumb-drives mailed to the NPFC in support of claim submissions. As such, the NPFC Claims Division may ask you to provide your information electronically via the DoD SAFE site if the CDs/thumb drives provided in support of your claim submission are damaged during the screening process.

Questions

The NPFC maintains a toll-free number that’s monitored Monday – Friday from 7:00 a.m. to 4 p.m. EST. The toll-free number is 1-800-280-7118. You can also email the NPFC Claims Division at hqs-smb-npfc-claimsinfo@uscg.mil. Calls or emails placed to the NPFC Claims Division after normal working hours, or on Holidays/weekends, will be responded to on the next business day.

Disclaimer

The summary information contained within this document is intended to assist claimants in the preparation of their claim and not as the sole source of information regarding the OPA or claims regulations. Instead, claimants should review and then rely upon the OPA located at <https://uscode.house.gov/view.xhtml?path=/prelim@title33/chapter40&edition=prelim> and implementing regulations located at <https://www.ecfr.gov/current/title-33/chapter-I/subchapter-M/part-136> for information definitive to their claim and claim submission.