Removal Cost Claims

Claims for removal costs are the costs of removal incurred after a discharge of oil has occurred; or, when there is a substantial threat of a discharge of oil. Specifically, removal costs are the costs of actions to prevent, minimize, or mitigate the effects of the oil pollution that resulted from an oil spill incident.

General Claim Requirements

A claim for removal costs can be submitted by any claimant. When preparing a 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 uncompensated pollution removal 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 that the removal actions were reasonable and determined by the [Federal On-Scene Coordinator](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (FOSC) to be consistent with the [National Contingency Plan](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary) or directed by the FOSC.
* Prove that the removal actions were necessary to prevent, minimize, or mitigate the effects of the incident. Additionally, that the uncompensated pollution removal costs were incurred as a result of these actions.
* Prove that you first presented your uncompensated pollution removal costs 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 that is the subject of your claim;
	+ You are the Governor of a State, and your removal costs are for costs incurred by the State;
	+ You are a responsible party asserting a claim under the OPA;
	+ 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 RP 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 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 six years after the date of completion of all removal actions for the incident. Specifically, the actual date of completion of all removal actions for the incident or the date the FOSC determines that the removal actions which form the basis of the claim is completed, whichever is earlier.

**Examples of Removal Cost Claims**

***Oil Spill Response Organization (OSRO) Claim***

You were contracted to respond to an oil spill incident and perform oil spill response activities and were not compensated for the response actions performed. In that event, you may elect to commence an action in court against the RP or you may present a removal cost claim to the Fund after proper presentment of your uncompensated pollution removal costs to the RP has been made. Proper presentment is achieved when your claim is not settled within 90 days after the date upon which the claim was submitted to the RP for payment or if the RP denies all liability for the claim. Once proper presentment of your uncompensated pollution removal costs has been satisfied, you may submit your removal cost claim to the Fund.

***State Agency Claim***

You are a State agency that responded to an oil spill incident to conduct regulatory oversight of the oil spill response. At the conclusion of the response, you may submit your removal cost claim directly to the Fund and by-pass submitting your claim to the RP as States are exempt from making RP presentment of their uncompensated pollution removal costs.

***Individual Personal Claim***

You own waterfront property where your boat and dock were oiled following an oil spill incident. You notified the CG National Response Center after discovering the incident and discussed your situation with the FOSC overseeing the oil spill response activities. Following that discussion, you hired a local OSRO to remove the oil from your boat and dock. Once cleanup is complete, you would be required to make proper presentment of your uncompensated pollution removal costs to the RP. Proper presentment is achieved when your claim is not settled within 90 days after the date upon which the claim was submitted to the RP for payment or if the RP denies all liability for the claim. Once proper presentment of your claim has been satisfied, you may submit your removal cost claim to the Fund. In the alternative and when lacking a RP (e.g., the incident was determined to be a mystery spill by the FOSC), you may come directly into the Fund with your removal cost claim. Note – the OSRO costs subject to your claim must have been paid to your OSRO prior to submitting your claim to the Fund.

Examples of Supporting Documentation

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

* Photographs or videos of the incident and the response actions.
* Reports from local, State, or Federal agencies overseeing or involved in the incident.
* Analysis of the oil that is the subject of the incident on which you based your claim submission.
* Report or statement from the FOSC attesting:
	+ That your response activities were consistent with the National Contingency Plan or directed by the FOSC;
	+ That your level of effort in responding to the oil spill was reasonable and necessary to prevent, minimize, or mitigate the effects of the incident; and
	+ The date the FOSC considered all pollution removal activities complete.
* Contractor and subcontractor rate schedules, invoices, and receipts.
* Proof of payment (copies of cancelled checks or affidavits) indicating the date and the amount you paid each contractor and subcontractor.
* Contractor and subcontractor daily logs that include:
	+ The names of personnel, labor categories/titles, hours worked, dates worked, and personnel rates;
	+ Equipment used, equipment rates, and hours/dates used; and
	+ Summary of work accomplished each day.
* Disposal manifests provided by the disposal facility.
* Disposal facility’s invoice with proof of payment.
* 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 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 4:00 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.