

Does My Claim Qualify?

The questions below can guide you in determining whether an oil spill incident meets all the OPA requirements.

1. **Did this spill incident occur on or after August 18, 1990?**

Yes – Proceed to Question 2.

No – Sorry, OPA only allows us to consider claims for incidents that occurred on or after the enactment of the Act (i.e., August 18, 1990). You may want to contact the Environmental Protection Agency (EPA) to see if one of its programs can assist you.

2. **Did this spill incident involve oil?**

Yes – Proceed to Question 3.

No – Sorry, the Oil Pollution Act (OPA) only allows us to consider claims for incidents that involve oils. If the spill involved hazardous chemicals or other substances, you can't receive compensation under OPA. You may want to contact the Environmental Protection Agency (EPA) to see if one of its programs can help you.

3. **Did this oil spill incident discharge or substantially threaten to discharge into navigable waters of the U.S.?**

Yes – Proceed to Question 4.

No – Sorry, the Oil Pollution Act (OPA) only allows us to consider claims for oil spill incidents that impacted or substantially threatened the navigable waters of the U.S. You may want to contact the Environmental Protection Agency (EPA) to see if one of its programs can help you.

4. **Did you present your claim to the responsible party of this incident (if that party is known)?**

Yes – Based on your responses, it sounds like the spill meets all OPA requirements and that you may submit claims for damages and removal costs.

No, because. . .

- ***No one has been identified as the responsible party*** – Based on your responses, it sounds like the spill meets all OPA requirements and that you may submit claims for damages and removal costs.
- ***The NPFC has advertised for claims*** (as in the ATHOS I spill) – Based on your responses, it sounds like the spill meets all OPA requirements and that you may submit claims for damages and removal costs.
- ***I am filing a removal cost claim, and I meet one of the exceptions for this type of claim*** – Based on your responses, it sounds like the spill meets all OPA requirements and that you may submit claims for damages and removal costs.

No – OPA requires that you submit your claim to the responsible party (RP) before submitting your claim to the NPFC. You must give the RP 90 days to settle your claim. If after 90 days the RP has not settled your claim (or any time after the RP denies your claim in writing), you may then submit your claim to the NPFC.

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Documenting the Spill Falls under OPA

When you submit your claims package, you must include documentation showing that the spill falls under OPA; you may use whatever documentation you believe best supports your claim. Listed below are examples of documentation often submitted to show the spill falls under OPA.

- Copy of the advertisement for claims by the responsible party or the NPFC
- Reports from local, State, or Federal agencies, especially from the [Federal On-Scene Coordinator](#)
- Newspaper articles describing the spill
- Witness statements

Now that you've established that the spill falls under OPA, you can [document your claim for damages and/or removal costs](#).