

Technical Operating Procedures

for

STATE ACCESS

under

The Oil Pollution Act of 1990

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U.S. COAST GUARD  
NATIONAL POLLUTION FUNDS CENTER

NOVEMBER 1992

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U.S. Department  
of  
Transportation



United States  
Coast Guard

Director  
United States Coast Guard  
National Pollution Funds Center

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NPFCINST 16451.1

OCT 30 1992

NATIONAL POLLUTION FUNDS CENTER INSTRUCTION 16451.1

Subj: Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (P.L. 101-380)

1. PURPOSE. The enclosed Technical Operating Procedures (TOPs) are to be used by the National Pollution Funds Center (NPFC) to provide guidance to Federal On-Scene Coordinators (FOSCs) and Coast Guard Districts concerning a State Governor's request for access to the Oil Spill Liability Trust Fund (Fund) under section 1012 (d) (1) of the Oil Pollution Act of 1990 (OPA 90) (P.L. 101-380). These procedures have been developed to support the published interim rule (33 CFR 133) which accords the Governor of a State or the designated State official the opportunity to request funding for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.
2. DISCUSSION.
  - a. The National Pollution Funds Center administers the Fund. The NPFC is responsible for developing regulations to implement section 1012 (d).
  - b. The interim rule implements section 1012 (d) (1) of OPA 90 whereby the Governor of a State or a designated State official may request funding for removal costs concordant with the National Contingency Plan (NCP) not exceeding \$250,000 per incident. At a later date, this interim rule may be incorporated into a Notice of Proposed Rulemaking covering all provisions of section 1012 (d).
  - c. This TOPs is designed solely to facilitate the administration of the Fund by the NPFC. It should not be construed to confer any legal right or cause of action upon any party, nor to create any legal obligation on the NPFC.
3. CHANGES. Changes to TOPs will be published by the NPFC for distribution to FOSCs, Coast Guard district offices, and other established users. Changes will be numbered consecutively.

NPFCINST 16451.1  
OCT 30 1992

4. ACTION. The enclosed TOPs shall be used as guidance for any obligation of the Fund for State Access under section 1012 (d) (1).

D. F. SHEEHAN  
Director  
National Pollution Funds Center

Encl: (1) Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (P.L. 101-380)

Distribution: COMDT (G-M)  
MLCLANT(f)  
MLCPAC(f)  
All CGD(m)  
FINCEN (OCD)

REQUEST FOR COMMENTS.

The NPFC desires comments concerning these technical operating procedures. Please address comments to:

Director (cp)  
U.S. Coast Guard  
National Pollution Funds Center  
4200 Wilson Blvd Ste 1000  
Arlington VA 22203-1804

To submit comments on the regulations (33 CFR 133-State Access to OPA 90), follow the procedure specified in the Supplementary Information section of the preamble to 33 CFR 133.

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**RECORD OF CHANGES**

<b>CHANGE NUMBER</b>	<b>DATE OF CHANGE</b>	<b>DATE ENTERED</b>	<b>BY WHOM ENTERED</b>
CH-1	12 Feb 93	12 Feb 93	RH, CWO2

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STATE ACCESS TO OIL SPILL LIABILITY TRUST FUND  
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TECHNICAL OPERATING PROCEDURES  
STATE ACCESS TO OIL SPILL LIABILITY TRUST FUND

1. INTRODUCTION. Section 1012 (d) (1) of the Oil Pollution Act of 1990 (Public Law 101-380, hereafter referred to as "OPA 90") provides that the President, upon request of the Governor of a State or his or her designated state official, may obligate the Oil Spill Liability Trust Fund (Fund) for payment in an amount not to exceed \$250,000 per incident for removal costs consistent with the National Contingency Plan (NCP) (40 CFR 300). The removal costs must be required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of discharge, of oil. Pursuant to the authority delegated to the Coast Guard in Executive Order 12777, the Coast Guard has published an interim regulation (33 CFR Part 133) to implement the provisions of section 1012 (d) (1) of OPA 90.

A. PURPOSE. The purpose of this document is to provide technical operating procedures concerning eligibility, communications, financial management, and recordkeeping for States requesting access to the Fund, Federal On-Scene Coordinators (FOSCs), and Coast Guard (USCG) District staffs.

B. SCOPE. The technical operating procedures described herein apply specifically to requests for funding under section 1012 (d) (1) of OPA 90. Funding under section 1012 (d) (1) will herein be referred to as "State Access." These technical operating procedures focus on information that is needed to support cost recovery efforts of the Coast Guard National Pollution Funds Center (NPFC). Refer to Figure 1 for a flowchart of the State Access process.

These procedures do not address the provisions of Section 1012 (d) (2) of OPA 90 (e.g., advance agreements with individual States, advance payments from the Fund, or access to the Fund by political subdivisions of a State). These procedures are intended as a supplement to, and not as a substitute for, the regulations contained in 33 CFR Part 133. Compliance with 33 CFR 133 is required whenever utilizing State Access to the Fund. Nothing in this document supersedes the requirements of the NCP. Of particular note, the designated state official, in accordance with 33 CFR 133.5 (b) and section 300.320 (a) (6) of the NCP, assumes the responsibility for notifying the trustees of natural resources affected/potentially affected by the incident.

C. BACKGROUND. State Access to the Fund provides a new avenue for States to receive Federal funds for immediate removal costs resulting from their response to actual or threatened discharges of oil. State Access does not supersede or preclude the use of existing Federal payment regimes. The State should not seek and will not receive payments for the same costs from more than one payment regime. Generally, there are two other payment regimes which the States may initiate to obtain Federal funding for oil spill incident removal actions:

1. ACTING AS FOSC CONTRACTOR. State agencies may perform removal actions under the direct supervision of the FOSC. In these situations, the FOSC issues an Oil Spill Response Authorization to the State to establish a contractual relationship and obligate the Fund. With this method of funding the State is not limited to \$250,000 per incident, and the FOSC is actively directing the State's response actions.

2. CLAIMS. Section 1012 (a) (4) of OPA 90 authorizes use of the Fund for "the payment of claims in accordance with section 1013 for uncompensated removal costs determined by the President to be consistent with the National Contingency Plan or uncompensated damages". Regulations describing claims procedures are found in 33

CFR Part 136. States may submit claims for uncompensated removal costs, which may include those salaries, equipment, and administrative costs directly related to a specific incident. A State may submit claims for removal costs directly to the Fund even if the responsible party is known. Claims other than for removal costs must first be submitted to the designated responsible party. Claims payments are not limited to \$250,000 per incident.

D. **ADDITIONAL INFORMATION.** For additional information regarding these procedures or related subjects, State representatives, FOSCs, Coast Guard district staffs, and other interested parties are urged to contact the NPFC (see paragraph 13).

2. **REQUESTING FUNDS.**

A. **ELIGIBILITY CONSIDERATIONS.** Pursuant to 33 CFR 133.5, 133.7, and 133.13, the following will be evaluated by the FOSC when contacted by the State requesting funds under section 1012 (d) (1):

1. Is the incident eligible for immediate removal under the Clean Water Act, as amended by OPA 90?
2. Is the substance discharged/threatening discharge oil?
3. Did the incident occur after August 18, 1990?
4. Is the aggregate amount of the request equal to or less than \$250,000?
5. Are the proposed actions consistent with the NCP (including 40 CFR 300.305 (c)'s requirement that a reasonable effort is made to have the discharger voluntarily and promptly perform removal actions)?
6. Are the proposed level of response, proposed actions, and amounts requested appropriate for the circumstances?
7. Has the State the means to complete the immediate removal?

B. **COSTS INCURRED BEFORE FOSC CONTACT.** Immediate removal costs involving a specific oil discharge incident which, due to exigent circumstances, were incurred by the State prior to the initial request to the FOSC for State Access, are allowable under State Access if the FOSC determines that: 1) notification is timely; 2) the response was consistent with the magnitude of the incident; and 3) costs incurred were otherwise reasonable under the circumstances and in all other respects were allowable.

C. **CONTACTING THE FOSC.** In accordance with 33 CFR 133.9, the Governor or designated State official (henceforth referred to as the State official) shall request access to the Fund from the FOSC who is pre-designated for the area of the incident. The best method for contacting the FOSC is the telephone, because it allows for discussions and conference-calling.

D. **EVALUATION BY FOSC.** Considering the NCP, 33 CFR 133.15, and the criteria in paragraph 2.A. above, the FOSC determines whether or not the proposed removal actions are eligible for funding. The FOSC may contact the NPFC case officer whenever questions arise. The decision by the FOSC is final. The FOSC may respond as follows:

1. If the FOSC concludes that the incident is not eligible for Federal removal under the NCP, that any of the criteria in paragraph 2.A. above are not met, or otherwise does not find State Access to be the appropriate removal mechanism for the incident, he/she will deny the request for State Access. The FOSC may conclude that the incident is eligible for removal under the NCP, but that a Federally led response is more appropriate to the situation. In this event, the FOSC may decide to utilize State resources through contract (see paragraph 1.C.1.). Whenever a request for State Access is denied for any reason (including a decision for a Federally led response or a decision for no Federal response), the FOSC will, by the next business day following his/her decision, notify the NPFC Case Management Division (NPFC (cm)) and District (m) office, as appropriate, of the request and the specific reason(s) for denial.

2. If the FOSC concludes that all of the criteria in paragraph 2.A. above are fulfilled and that State Access to the Fund is the best method to address the incident, he/she may then approve the request for State Access and contact the NPFC for assignment of a case-specific Federal Project Number (FPN) and a removal action funding ceiling (ceiling). The FOSC is responsible for ensuring that the State official is expeditiously informed of the FPN/ceiling.

#### E. OBLIGATION OF THE FUND AND ASSIGNMENT OF THE FEDERAL PROJECT NUMBER AND FUNDING CEILING.

1. The FOSC will pass the same information to the NPFC district representative that he/she would pass for other types of oil discharge responses when accessing the Fund through CANAPS. The FOSC identifies this as a State Access removal (in the comments block of CANAPS) which he/she has approved, requests assignment of an FPN/ceiling, and provides the name and telephonic/electronic/postal mail contact information of the requesting State official. With the issuance of an FPN/ceiling for the incident, the Coast Guard has obligated the Fund for payment. All further communications by all parties regarding the oil discharge incident should include the FPN and ceiling.

2. The Fund is obligated for payment to the State and a cooperative agreement between the Coast Guard and the State is in effect when the NPFC assigns the FPN to this project. At this point the State may begin incurring costs against the FPN/ceiling.

3. NPFC will access CANAPS to process the assignment of the FPN/ceiling. The message should include the NPFC, the FOSC, and the cognizant Regional Response Team (RRT) members as addressees, and should also be faxed to the cognizant State official. In addition to the information which is usually included in this type of notification, this message includes as a reference the telephone conference between the FOSC and the NPFC in which the FPN and ceiling were assigned, specifically notes that the funds were provided for State Access, and includes the telephonic, electronic, and mail contact information of the State official.

F. RAISING THE CEILING. Requests for raising the amount of the FPN's ceiling are made to the cognizant FOSC. The procedure is identical to that outlined in subparagraphs 2.A-E. above. Requests for a higher ceiling shall not raise the overall ceiling above the \$250,000/incident limit.

G. OIL DISCHARGE REMOVAL AUTHORIZATION. An "Oil Discharge Removal Authorization" (see Appendix A) documents the cooperative agreement between the State and the Coast Guard. Upon issuance of the CANAPS message assigning the FPN/ceiling, the NPFC case officer forwards the Oil Discharge Removal Authorization and a certifications package (see

paragraph 7.D. below) to the State official. The State official should contact the NPFC case officer listed in the Authorization if any questions arise.

H. **TERMINATION OF STATE ACCESS FUNDING.** If, at any time after approving a request for State Access, the FOSC determines that any of the criteria in paragraph 2.A. above were not/are no longer applicable to the immediate removal action, the FOSC may terminate State Access to the Fund. In this event, the State may receive payment for its allowable immediate removal costs that were incurred in good faith prior to the termination. While it is normally expected that the State official will notify the FOSC via POLREP (see paragraph 5 below) upon determination that the immediate removal is complete, the FOSC retains the authority to unilaterally declare completion of a Federal removal and terminate further Federal funding of the removal at any time the FOSC determines that immediate removal is complete.

3. **DESIGNATION OF SOURCE & IDENTIFICATION OF RESPONSIBLE PARTY.**

A. **INVESTIGATION AND NOTIFICATIONS.** In accordance with the Section 300.305 of the NCP and 33 CFR 133.23, the State shall promptly complete a thorough investigation to determine the source of discharge and to identify the responsible party(ies) (RP--normally, the owner or operator of the vessel or facility, including vehicles). The State should include this information in its POLREPs (see paragraph 5) and pass it directly to the NPFC case officer and FOSC via telephone as soon as it is known.

B. **LETTER OF DESIGNATION.** Following receipt from the State of source and RP information, the NPFC case manager issues a Letter of Designation to the RP(s) to notify them of their designation as an RP and their responsibilities as an RP under Federal law. Also, the NPFC will send a copy of the Letter of Designation to the FOSC and State official.

4. **REMOVAL COSTS.** Funds provided to the State under OPA 90 Section 1012 (d) (1) are for "immediate removal" of a discharge or substantial threat of a discharge. Pursuant to OPA 90 Sections 1001(31) and 1012 (a) (1), and 33 CFR 133.13, allowable removal costs are all direct costs incurred to prevent, minimize, and mitigate oil pollution from the specific incident, including the costs of monitoring removal actions taken by the responsible party(ies) and the costs to prepare required documentation. State Access may only be used to pay for removal costs that are directly related to the specific incident. Costs must generally be incurred at the site or in support of on-site activities. State Access to the Fund is for immediate removal costs only, and will not be utilized for long-term removal or remediation costs, nor the costs of natural resource damage assessments. If questions arise, contact the NPFC case manager. Allowable costs include:

A. **CONTRACT COSTS.** The State may be paid for contract costs incurred specifically for the removal action (e.g., cleanup contractor costs, waste disposal contractor costs, administrative contractor costs (for on-site cost documentation), etc. ).

B. **OUT OF POCKET EXPENSES.** The State may also be paid for unbudgeted out-of-pocket State costs incurred specifically for the removal action, (e.g., OSHA and RCRA costs for the incident, travel to the site, consumable materials purchased specifically for the removal action, transportation or shipping costs for bringing materials to the site, equipment rentals, etc.).

C. **STATE SALARY, EQUIPMENT, AND OVERHEAD COSTS.** The State may be paid for the salaries of personnel directly employed in the removal activities (including documenting those activities), the costs associated with the use of State equipment, and applicable overhead costs as may

be applied in accordance with OMB Circular A-87. Incorporating the State's predetermined standard rates for the period of use (usually hours or days) is the preferred method.

5. **POLLUTION REPORTS (POLREPs).** The incident reporting requirements specified in 300.315 of the NCP apply to the State official during immediate removals conducted under 33 CFR 133.

A. **POLREP CONTENTS.** Each POLREP must clearly describe the source, location, situation, actions taken, and future plans. The POLREP shall identify the responsible party, if known. The POLREP should also note any potential damages incurred by third parties as a result of the incident which may give rise to claims under OPA 90. These may include private removal actions not funded through the Coast Guard; damages to natural resources or property (real or personal); loss of subsistence use of natural resources; loss of revenues by Federal, State, or local governments; loss of profits or earning capacity; and costs of State or local governments in providing increased or additional public services. The POLREP should cite the FPN and assigned ceiling and list the amount of obligations against that ceiling.

B. **POLREP FREQUENCY.** POLREPs are sent as significant developments occur during response actions, and a final POLREP should be sent within 48 hours following the completion of immediate removal actions. It is envisioned that removal actions conducted under State Access will typically be of short duration, and the State may only need to file one POLREP (i.e., POLREP One and Final).

C. **POLREP COMMUNICATION.** The State official shall submit POLREPs through communications networks or procedures established by the RRT. POLREPs are forwarded to the following:

1. FOSC who authorized the State Access request;
2. NPFC (cm);
3. RRT; and
4. Others as specified in area/local contingency plans.

The POLREP should be delivered in writing by expeditious means (e.g., facsimile (fax), overnight mail, electronic mail, etc.) and may be provided by phone only when other expeditious means are unavailable.

6. **RECORDKEEPING.** In accordance with 33 CFR Part 133.19 and Section 300.315 of the NCP, the State shall establish sufficient controls and procedures to provide documentation as follows:

A. **DOCUMENTING COSTS-GENERAL.** The State should clearly identify the costs of immediate removal activities, the need for incurring those costs, the source of the spill, the identity of the responsible parties, and the facts which support those conclusions.

1. **WORK/PURCHASE WAS AUTHORIZED.** Provide documentation that the work or purchase was authorized, (e.g., contracts, travel orders, purchase orders, work orders, rental contracts, etc.). The documentation should indicate why that activity was necessary and show the relationship to the removal actions at the specific site. A supervisor's certification is sufficient for State direct labor costs.

2. **WORK/PURCHASE RECEIVED AND ACCEPTED.** Provide documentation that the work or purchase was reviewed and accepted as complying with the authorization (e.g., receiving reports, delivery tickets with receipt signatures, ad hoc reports, etc.).

3. **BILLED FOR THE WORK.** Provide documentation of the cost of the work or purchase and that the State was properly billed for those costs, (e.g., contractor's/vendor's invoice, cash register receipts, travel reimbursement vouchers, employee timesheets or logs, etc.).

a. **Work performed.** The documentation should show the work performed - the service provided, the equipment used, the persons employed, etc. - and the quantity of each item of work performed each day (i.e., the delivered work product). Contractors performing work should prepare the documentation of the work performed. The State is responsible for ensuring the documentation of salary and equipment usage costs for the State.

b. **Work unit.** The documentation should identify costs according to the unit of work for each item. For contracts, that unit of work is established by the contract line items (CLINs). For time and material based contracts, the unit of work is normally hours. The delivered work product for documentation purposes is, however, the number of units of the item provided per day (unless otherwise specified). For State employee salary costs, the unit is hours of work. For State equipment, the work unit is also typically hours, unless specific daily rates are established for that equipment.

c. **Cost of work.** The documentation should show the cost of each unit of each item of work per day (or other time period set in the controlling agreement for that item) and the extended total cost. As discussed in paragraph 4.C., State salary and equipment usage costs should be determined using the State's standard rates.

4. **PAID FOR THE WORK.** Provide documentation that the amount invoiced, shown on receipts, or presented on travel vouchers was paid or authorized for payment. State certification that the cost is authorized for payment and will be paid through normal State processes is sufficient for requesting payment from the Fund, provided that any later corrections or changes to the amount paid are promptly reported to the NPFC.

**B. DOCUMENTING SALARY, EQUIPMENT USAGE, AND ADMINISTRATIVE COSTS.** State salary, equipment, and administrative costs are documented as follows for each day of removal activity:

1. Date
2. Identification (employee ID, equipment ID or description, function for removal action)
3. Category (e.g., grade level, equipment type)
4. Number of hours charged for that day
5. Rate
6. Total cost (hours times rate)
7. Cumulative total for all days

**C. INCIDENT REPORT.** The State official requesting Fund access should ensure that an Incident Report is submitted to the NPFC and the FOSC within 30 days after the completion of immediate removal activities. The Incident Report is a summary of the incident removal, and is used for recovery from the RP and various statistical purposes. The Incident Report should describe the incident and list parties of interest. The Incident Report should also include copies of any related State reports, violation reports, etc., available at the time. The Incident Report may be included as



part of a POLREP, provided that the Incident Report portion is specifically identified and all necessary information is presented.

1. INCIDENT DESCRIPTION. The Incident Report includes the following:
  - a. Report Date
  - b. Federal Project Number and Ceiling
  - c. Name and address of State agency submitting report and name of FOSC
  - d. Name and phone number of contact person
  - e. Date of incident
  - f. Dates and times removal actions began and ended
  - g. Location of incident
  - h. Material involved
  - i. Quantity discharged
  - j. Nature of substantial threat if no discharge
  - k. Body of water affected
  - l. Ambient conditions which may affect removal
  - m. Source of discharge or substantial threat
  - n. Short description of the incident and removal activities (if not adequately described in POLREPS)
  - o. Short description of damage to any potential natural resource or other damages due to the incident

2. PARTIES OF INTEREST. In addition to the information describing the incident, the Incident Report should include information identifying all parties of interest (e.g., State participants in the removal activities, the responsible parties, witnesses) as follows:

- a. Names and addresses of responsible parties, owners and operators of vessels or facilities
- b. Names, identification numbers, and phone numbers of State employees involved in the removal activities
- c. Names, addresses, and phone numbers of local municipality participants, (e.g., fire department employees, local police)
- d. Names, addresses, and phone numbers of any witnesses

7. REQUESTING PAYMENT. The State should forward the documents listed in subparagraphs A.-D. below to NPFC (cm). The State will receive payment for allowable immediate removal costs after the documentation has been received and reviewed favorably by the NPFC.

A. DISBURSEMENT VOUCHER. The State requests payment using either 1) SF-1080 (see Appendix D), Voucher for Transfers Between Appropriations and/or Funds (preferred), 2) SF 270, Request for Advance or Reimbursement, or 3) an equivalent State invoice acceptable to the NPFC.

B. INCIDENT REPORT (See paragraph 6.C. above). Submitting a properly-documented request for a partial payment is encouraged if preparing the submission of a request for full payment would delay the NPFC's receipt of the Incident Report longer than 30 days beyond the completion of the immediate removal.

C. REMOVAL COSTS (See paragraph 4).

D. CERTIFICATIONS. Certain certifications (see Appendix B) involving cooperative agreements between Federal and State agencies are required by 49 CFR Parts 18, 20, and 29 (see paragraph 12.A. below for a complete description). Accordingly, the State official shall ensure compliance with, sign, and return the following certifications:

1. Certification Regarding Lobbying.
2. Certification Regarding Debarment, Suspension, and Other Responsibility Matters.
  - a. The certification for Primary Covered Transactions is required from the State itself.
  - b. The certifications for Lower Tier Covered Transactions shall be submitted by the State on behalf of each of its contractors.
3. Certification Regarding Drug-Free Workplace Requirements.
  - a. Required from the State to certify its employees. If, in accordance with 49 CFR 29.630 (c), the State has a current blanket Drug-Free Workplace certification, the State official may forward a copy of it in lieu of signing an incident-specific certification.

E. OVERALL CERTIFICATION. By the act of submitting the request for payment, the State official is certifying that costs incurred were consistent with the advance approval by the FOSC, that costs were directly related to removal actions for the specific incident, and that the State will pay or has paid the amounts presented.

F. COPIES TO FOSC. The State shall submit a copy of the Incident Report and cost documentation (see paragraphs 7.B.-C. above) to the cognizant FOSC.

G. TIMELINESS. In accordance with 33 CFR 133.19 (b), the request for payment, Incident Report, cost documentation, and certifications described in paragraphs VII.A-D. above should reach the NPFC no later than 30 days after the completion of immediate removal actions. In the event that certain documentation is unavailable or delayed, the State should submit that portion of the documentation that is available and forward a supplemental request for payment as the additional records become available. This information is needed rapidly to allow the NPFC to expeditiously pay the State and seek reimbursement from responsible parties. In accordance with 49 CFR 18.41 (b) (4), the NPFC may deobligate the Fund for payment if all required documentation is not received by the NPFC and found to be complete and satisfactory within 90 days following completion of an immediate removal action. The State is ineligible for payment under 33 CFR 133 following deobligation of the Fund.

8. REVIEW OF DOCUMENTATION. Upon receipt of the documents in paragraphs 7.A.-D. above, the NPFC will review them for completeness and to ensure that all removal costs are eligible for payment. If the documentation is not complete, the NPFC will promptly notify the State of what information is missing. If the NPFC determines that there are costs of an operational nature which may be ineligible for payment, the NPFC will confer with the cognizant FOSC. If the NPFC concludes that certain removal costs are ineligible for payment, it will delete those costs from the payment request made to the USCG Finance Center, and will promptly send a report of the disallowed costs to the State and to the FOSC. If, 90 days following the completion of the immediate removal, the State has failed to submit documentation to the NPFC which the NPFC finds to be complete and satisfactory, the NPFC may deobligate the Fund for payment of any removal costs which remain unsubstantiated.

9. PAYMENT PROCESS. After the State documents are reviewed and found to be complete and satisfactory, the NPFC Case Manager authorizes payment and the NPFC Financial Manager promptly processes the payment request through the USCG Finance Center.

10. COOPERATION IN COST RECOVERY/LITIGATION. By requesting State Access to the Fund, the State agrees to cooperate fully in any cost recovery actions and/or litigation to enforce the provisions of OPA 90.

11. DOCUMENTATION AND THE FOOSC. Copies of the FPN/ceiling authorization, Oil Discharge Removal Authorization, Incident Report, cost documentation, and report of disallowed costs are sent to the FOOSC for informational purposes only. The FOOSC is not obligated to review or retain these documents.

12. RELATIONSHIP TO COOPERATIVE AGREEMENT REQUIREMENTS. As described in 33 CFR 133.5 (c), the Federal Grant and Cooperative Agreement Act of 1977 (31 USC 6301-6308) and 49 CFR Parts 18, 20, 29, and 90 apply to Fund monies obligated for payment under the State Access provisions of Section 1012 (d) (1) of the Oil Pollution Act. While compliance with these laws and regulations requires the submission of certain forms/reports from the State to the Federal government, some of the forms/reports have been waived because the nature of immediate removal actions obviates the need them.

A. REQUIRED FORMS/REPORTS. (refer to procedures throughout this document for a complete description of all forms/reports required under State Access). The following forms/reports are required by 49 CFR 18, 20, and 29, have not been waived, and should be submitted concurrently with the Incident Report and cost documentation:

1. SF 270, Request for Advance or Reimbursement

This form or the optional/preferred SF 1080 (Voucher for Transfers Between Appropriations) or a State invoice acceptable to the NPFC is used by States to request payment from the Fund.

2. Certification Regarding Lobbying

(See paragraph 7.D.1.) Required by 49 CFR 20. A copy of this certification is included in the certifications package provided by the NPFC to the State.

3. Certification Regarding Debarment, Suspension, and other Responsibility Matters

(See paragraph 7.D.2.) Required by 49 CFR 29. A copy of this certification is included in the certifications package provided by the NPFC to the State. The cooperative agreement between the State and the Coast Guard is a primary covered transaction. A contract between the State and a private contractor is a lower-tier covered transaction.

4. Certification Regarding Drug-Free Workplace Requirements

(See paragraph 7.D.3) Required by 49 CFR 29. A copy of this certification is included in the certifications package provided by the NPFC to the State (see paragraph 7.D.3.a. for blanket certification exception).

B. WAIVER OF CERTAIN FORMS/REPORTS. The requirements in 49 CFR Parts 18, 20, and 29 regarding the following specific forms and reports are waived as follows for State Access under 1012 (d) (1) of the Oil Pollution Act:

1. SF 424, Application for Federal Assistance

The requirement for use of this form is waived. The request made by the Governor or his/her designated representative to the FOSC for access to the Fund suffices as an application.

2. SF 272, Federal Cash Transactions Report

This form is not required since, under OPA 90 Sect. 1012 (d) (1), the Fund only pays States for costs already incurred.

3. SF 424A, Budget Information - Non-construction Programs

This form is not required since, under OPA 90 Sect. 1012 (d) (1), the Fund only pays States for those costs already incurred, and each incident represents a separate agreement between the State and the Fund.

4. SF 424C, Budget Information - Construction Programs

This form is not required because removal actions are not considered construction programs.

5. SF 269A, Financial Status Report

The requirement for this report is waived. The State's request for payment that is submitted with the Incident Report and accompanying cost documentation meets all financial reporting requirements. It is envisioned that each incident would be completed in substantially less than three months.

6. Nonconstruction performance reports

The requirement for this report is waived. Performance information available from subsequent applications contains sufficient information to meet programmatic needs.

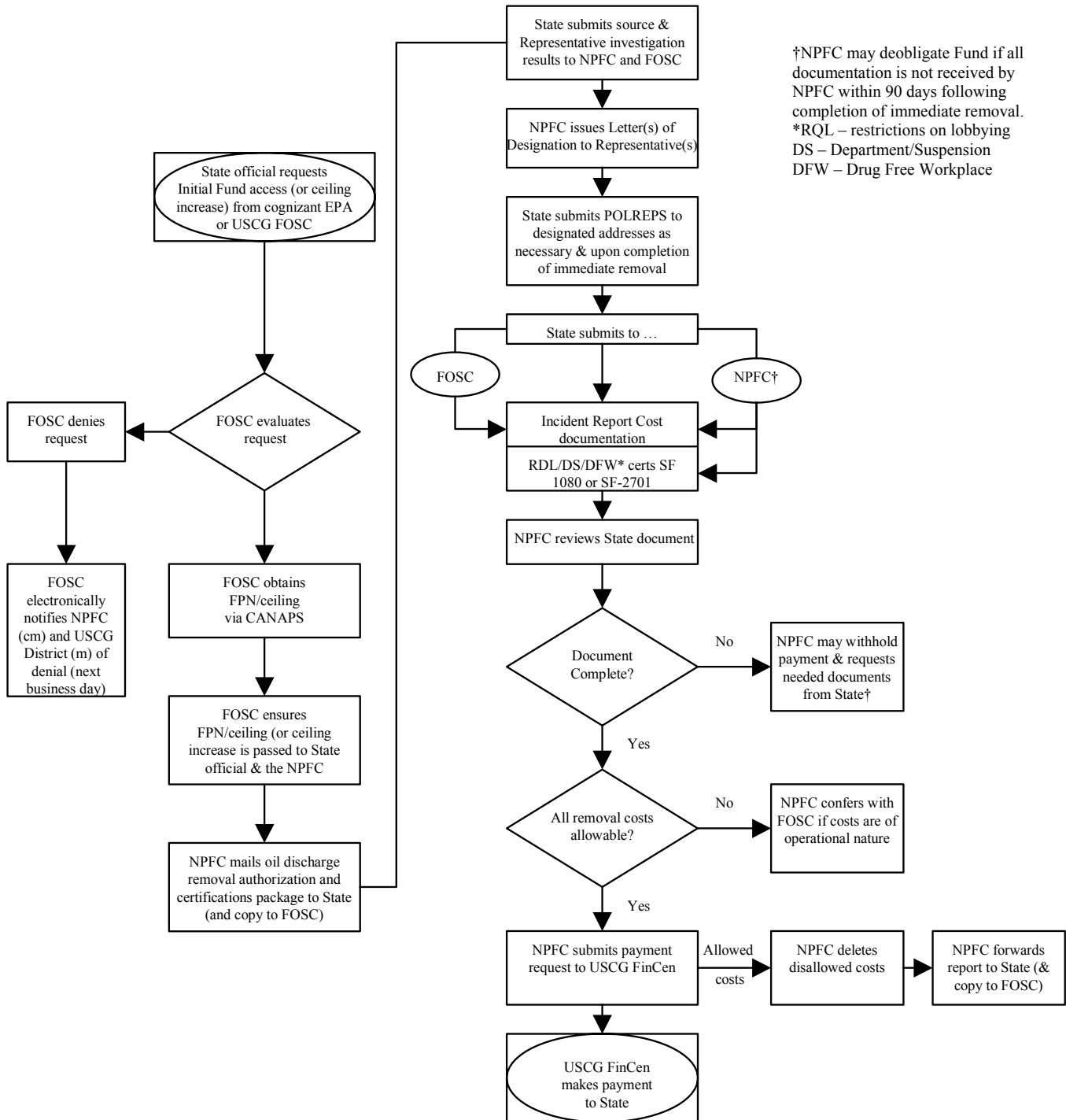
C. FEDERAL AUDIT. In accordance with 49 CFR 90, acceptance of Federal funds through a cooperative agreement may make the State subject to an annual or biennial Statewide Federal audit of all of its grants and cooperative agreements with the Federal government.

13. NPFC POINT OF CONTACT. The NPFC case management officer can be contacted as follows:

Director (cm)  
U.S. Coast Guard  
National Pollution Funds Center  
4200 Wilson Blvd Ste 1000 Tel. (202) 493-6732  
Arlington VA 22203-1804 Fax. (202) 493-6896

## FLOW

### State Access to OSLTF Under Secretary. 1012(d)(1) of OPA 90



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STATE OIL DISCHARGE REMOVAL AUTHORIZATION

FOR

THE OIL POLLUTION ACT OF 1990

(PUBLIC LAW 101-380)

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STATE OIL DISCHARGE REMOVAL AUTHORIZATION

Recipient State: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Purpose

This document obligates the Oil Spill Liability Trust Fund (Fund) for payment to the Recipient State for certain removal costs incurred in response to the following pollution incident:  
\_\_\_\_\_, FPN #\_\_\_\_\_.

This funding authorization is contingent upon the Recipient's compliance with the requirements contained herein, the National Contingency Plan (40 CFR Part 300), 33 CFR Part 133, and 49 CFR Parts 18, 20, 29, and 90.

2. Approved Functions and Pay Limit

Payment will be made only for actions that are consistent with the initial authorization or approved in advance by the FOSC. Approval may be verbal or written. Assessment, restoration, rehabilitation, or replacement of Natural Resources damaged by the spill are not covered.

Maximum limit of authorization: \$ \_\_\_\_\_.

3. Conditions

See attached page(s) for special conditions, dates of performance, direction, or approvals.

4. Period of Authorization

This authorization shall remain in effect until the designated State official notifies the FOSC and NPFC that the immediate removal has been completed or the FOSC terminates Federal funding of the immediate removal.

5. Payment Procedure

The Recipient State will submit the required documents in accordance with 33 CFR Part 133 upon completion of removal activities.

The Coast Guard may deobligate the Fund for payment of any costs for which proper documentation has not been received within 90 days following the date of the completion of the immediate removal.

STATE OIL DISCHARGE REMOVAL AUTHORIZATION

6. Hold Harmless and Indemnify

By performing any action or seeking any reimbursement under this funding authorization, the Recipient State agrees to indemnify and hold harmless the United States of America, and all of its departments and agencies, including without limitation the U.S. Coast Guard and the Oil Spill Liability Trust Fund ("United States"), with respect to any and all suits, actions and claims, of whatever kind or nature, arising from or relating to the Recipient's; actions, omissions, or other involvement in this spill. Recipient State further agrees to waive any rights of action and/or claims which it may have against the United States arising from or relating to its actions, omissions, or other involvement in this spill.

7. No Agency

Nothing in this funding authorization is intended to create an agency relationship between the Recipient State and the United States of America (or any of its departments, agencies, or employees). Nor shall anything in this funding authorization be construed as creating an agency relationship. By performing any action or seeking any reimbursement under this funding authorization, the Recipient State agrees that it has not been authorized to act as an agent of the United States, and shall not act in any such capacity.

B. Accounting Data

Document Control Number: \_\_\_\_\_

9. Points of Contact

A. \_\_\_\_\_ Tel ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
FOSC

B. \_\_\_\_\_ Tel ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
Recipient State Representative

C. \_\_\_\_\_ Tel ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
NPFC Case Officer

10. Authorizing Official

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Attachments: No \_\_\_\_\_ Yes \_\_\_\_\_

AMENDMENT TO  
STATE OIL DISCHARGE REMOVAL AUTHORIZATION

Issued to (Recipient State): \_\_\_\_\_

By (NPFC Case Officer): \_\_\_\_\_

Date of Original Authorization: \_\_\_\_\_

FPN # of Original Authorization: \_\_\_\_\_

The Authorization cited above is amended as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Document Control Number (if applicable): \_\_\_\_\_

**Authorizing Official**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

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CERTIFICATIONS  
FOR  
CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

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**APPENDIX A TO PART 49 CFR 20  
CERTIFICATION REGARDING LOBBYING**

Certification for Contracts, Grants, Loans, and

**Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying." (See Appendix C) in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,00 for each such failure.

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

FPN# \_\_\_\_\_

Return signed originals to:  
National Pollution Funds Center (cm)  
4200 Wilson Blvd.  
Arlington, VA 2203-1804

**APPENDIX A TO PART 29  
CERTIFICATION REGARDING DEPARTMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS  
PRIMARY COVERED TRANSACTION**

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation into this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitation for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. (202) 366-4268).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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Certification Regarding Debarment, Suspension, and  
other Responsibility Matters  
Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

SIGNATURE \_\_\_\_\_

FPN # \_\_\_\_\_

TITLE \_\_\_\_\_



**APPENDIX B to 49 CFR PART 29**  
**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY**  
**AND VOLUNTARY EXCLUSION**  
*LOWER TIER COVERED TRANSACTIONS*

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. (202) 366-4268).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding, Debarment, Suspension, Ineligibility, and Voluntary Exclusion  
Transactions Lower Tier Covered

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily included from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

FPN # \_\_\_\_\_

**APPENDIX C TO 49 CFR PART 29  
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**  
Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplace under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation. State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:  
Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);  
Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;  
Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;  
Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

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Certification Regarding Drug-Free Workplace Requirements  
Alternate I. (Grantees Other Than Individuals)

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about--
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (2), with respect to any employee who is so convicted--
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee may insert in the space provided below the sites(s) for the performance of work done in connection with the specific grant:  
 Place of Performance (Street address, city, county, state, zip code)

---

Check if there are workplaces on file that are not identified here.

SIGNATURE \_\_\_\_\_ FPN # \_\_\_\_\_

TITLE \_\_\_\_\_

APPENDIX C TO 49 CFR PART 29  
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identification must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:  
Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);  
Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;  
Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;  
Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

---

Certification Regarding Drug-Free Workplace Requirements  
Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant:
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

FPN # \_\_\_\_\_

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB

0345-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> a. bid/offer/application b. initial award c. post-award	<b>3. Report Type:</b> a. initial filing b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> Prime _____ Subawardee _____ Tier _____, <i>if known:</i>  Congressional District, <i>if known:</i> _____		<b>5. If Reporting Entity is No. 4 in Subawardee, Enter Name and Address of Prime:</b>  Congressional District, <i>if known:</i> _____
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, <i>if applicable:</i> _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$ _____	
<b>10. a. Name and Address of Lobbying Entity</b> <i>(if individual, last name, first name, MI):</i>  _____  (attach Continuation Sheet(s) SF-LLL-A, if necessary)	<b>b. Individuals Performing Services (including address if different from No. 10a)</b> <i>(last name, first name, MI):</i>  _____	
<b>11. Amount of Payment (check all that apply):</b>  \$ _____ actual _____ planned _____	<b>13. Type of Payment (check all that apply):</b> a. retainer b. one-time fee c. commission d. contingent fee e. deferred f. other, specify: _____	
<b>12. Form of Payment (check all that apply):</b> a. cash b. in-kind; specify: nature _____ value _____		
<b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b>  _____  (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
<b>15. Continuation Sheet(s) SF-LLL-A attached:</b> Yes _____ No _____		
<b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which NPFC was placed by the tier above when this transaction was made or entered into. This disclosure is requested pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the requested disclosure shall be subject to a civil penalty of not less than \$10,000 and nor more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone No.:</b> _____ <b>Date:</b> _____	
		Authorized for Local Reproduction Standard Form - LLL

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

- (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
  12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
  13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
  14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and relative activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
  15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
  16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (03-48-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by

OMB

CONTINUATION SHEET

0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

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Standard Form 1080 Revised April 1982 Department of the Treasury FRM 2-2500 1080-109	<b>VOUCHER FOR TRANSFERS                  BETWEEN APPROPRIATIONS AND/OR FUNDS</b>				VOUCHER NO. <hr/> SCHEDULE NO. <hr/> BILL NO. <hr/> PAID BY
Department, establishment, bureau, or office receiving funds					
Department, establishment, bureau, or office charged  Director (CM) United States Coast Guard National Pollution funds Center 4200 Wilson Blvd. Suite 1000 Arlington, VA 22203-1804					
ORDER NO.	DATE OF DELIVERY	ARTICLE OR SERVICES	QUAN-TITY	UNIT PRICE	AMOUNT
				COST    PER	DOLLARS AND CENTS
				TOTAL	
Remittance in payment hereof should be sent to					
ACCOUNTING CLASSIFICATION <i>Office Receiving Funds</i>					
<b>CERTIFICATE OF OFFICE CHARGED</b> I certify that the above articles ere received and accepted or the services performed as stated and should be charged to the appropriations(s) and/or fund(s) as indicated below; or that the advance payment requested is approved and should be paid as indicated.					
			..... (Authorized administrative or certifying officer)		
..... (Date)			..... (Title)		
ACCOUNTING CLASSIFICATION <i>Office Charged</i>					
Paid by Check No					

NSN 7540-00-634-4230

U.S. G. F. C. 1983 - 381 526-8279

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