

Guide for completing the Small Claims Form (Clean-up and/or pollution prevention)

Glossary

Oil: any type of mineral oil (crude, diesel, distillate, lubricants, etc..)

Mystery spill: a marine spill of unknown source (this does not include spills from land sources)

SOPF: Ship-source Oil Pollution Fund

General

You may use this form when filing a claim to the SOPF for clean-up or prevention expenses less than CDN \$15,000 for a single incident.

The SOPF is available to pay claims for oil pollution damage caused by all classes of ships as well mystery spills. This compensation is available for costs incurred for reasonable measures taken to contain/stop and prevent pollution at the source, and for measures taken to clean vessels, equipment and the environment following a pollution discharge incident. It is also available for reasonable costs of operational measures taken during oil spill recovery on the water and to clean shorelines. In addition, compensation may also cover operational measures taken such as mobilizing essential resources even if no pollution occurred.

You must file your claim with the SOPF within two years after the day on which the oil pollution damage occurs and five years after the occurrence that causes that damage. However, the sooner the claim is submitted the sooner the SOPF can start its assessment.

You must inform the SOPF if a claim is also submitted to the owner of the ship or its insurer, for the same incident. Should you sue the shipowner in court, the SOPF shall be named as a party to the litigation.

You - or your appointed representative - must sign your claim. Upon receipt of your claim, the SOPF may appoint a local marine expert who may contact you/your appointed representative to obtain additional information as required.

The following refer to the sections of the Small Claims Form

Section 3. Description of occurrence

In this section, simply explain what happened, where and when the incident occurred and, to the extent possible, why it happened and who was involved. Indicate to the best of your knowledge the extent of the pollution referring to nautical charts, maps or coordinates and describe the length and breadth of the oil sheen and the area most heavily contaminated. Describe the pollution threat or damage.

If available, attach any supporting documents and documentary evidence linking the oil pollution with the suspect ship involved, such as photographs, video recordings and the collection and chemical analysis of oil samples if you have any. Indicate whether any public authorities were advised of the spill and/or attended and provide, if you can, the name and contact information of the person contacted or in attendance.

Section 4. Description of clean-up work or pollution prevention measures taken

Indicate whether the claim relates to clean-up work, pollution prevention or both. Describe briefly the work that you performed for the clean-up of vessels, damaged equipment or the environment or the measures taken to prevent or reduce the oil pollution damage. Indicate the date when these actions were performed and attach any available photographs. If applicable, describe the work undertaken by the lead government agency or by commercial contractors who were not hired by you.

Guide for completing the Small Claims Form

Section 5. Materials and supplies utilized, including costs

Provide the costs of all materials and supplies that were used during the operations. Show details such as the types and quantity of materials used, rate of hire or unit price for purchases, and total cost including taxes. Costs for materials that were not fully used and can be used at another time should be excluded from charges or pro-rated. Attach copies of the acquisition invoices showing date of payment.

Section 6. Contract services acquired, including costs

Document the commercial services that you acquired for the operations. Provide contractors' original invoices clearly indicating that the work performed or services rendered were to support the operations. The invoice should include the unit cost of special equipment deployed, the hourly rate and time period of operation. The costs and expenses for mobilization and demobilization should be set out clearly separate from the actual costs of equipment used on the site of the oil pollution incident. Substantiate all contract services, including sub-contractors, with the contractor's personnel time sheet indicating details of work assignments. Where appropriate, explain the cost effectiveness and other reasons for engaging a particular contractor. Provide proof of payment including date and attach any copies of standing offer agreements, written contracts, and tendering documents with commercial contractors.

Section 7. Travel Costs

Document the travel costs for all personnel assigned for the operations by identifying the name of the individual travelling, the period covered, the mode of transportation and location. Provide the travel records showing expenses, such as airfares, ferry charges, vehicle mileage, meal cost allowances, and hotel accommodations with all corresponding receipts.

Section 8. Salaries and overtime costs

Document the costs of personnel involved in the operation. Indicate the name of each worker, their role, the dates on which work was carried out and the hourly rates for salaries and overtime. Provide copies of company records as evidence of proof of payment of wages and overtime. Attach daily field reports, logs or other amplifying documentation as required.

Section 9. Vehicles, boats, pollution counter-measures and other equipment deployed, including costs

Document the use of vehicles and support vessels deployed during the operations. The description should include the type of asset used, distance travelled, the purpose of its use, the duration of deployment, the hourly and daily charge-out rates. Identify all the equipment deployed during the operation and describe briefly the purpose of its use. Provide information on the dates of assignment, the equipment category and type, rate of hire, standby rates, periods of usage and mobilization and demobilization costs. Attach amplifying documentation as required.

Section 10. Additional expenses

Document any residual expenses such as disposal costs of pollutants and contaminated equipment and other expenses directly related to the subject of this claim.

Should you have any questions on how to complete this form, please forward them to claims@sopf.gc.ca