

## 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](mailto:claims@sopf.gc.ca)**



## Small Claims Form (Clean-up and/or pollution prevention)

**PURPOSE:** This form may be used for submitting claims to the *Ship-source Oil Pollution Fund* by the claimant or any appointed representative for expenses totalling less than \$15,000 as a result of an incident. This form is to cover expenses for the clean-up of assets or of the environment and for measures taken for the prevention of oil pollution following an incident. You may use your own version of this form however all information applicable to your case will have to be provided, using attachments as needed. Please refer to the guide as needed.

### 1. Claimant Information

Private Citizen    Company Employee    Government Employee    Charitable/Environmental Organization

Full Name:  Organization:

Address:

City:  Province:  Postal Code:

Telephone: (Work)  (Mobile)  (Residence)

Email:  Website:

### 2. Cause of Incident and Identification of Responsible Party/Operator

Land Based    Vessel    Unknown

If known, indicate: **Vessel type**    Oil Tanker    General Cargo    Fishing    Pleasure    Tug

Other, explain:

Vessel Name(s):  Registered Vessel Owner(s):

Address:

City:  Province:  Postal Code:

Telephone:

#### Vessel Insurance Information:

Insurer:  Policy no.:

#### Person who identified the source:

Full Name:

Address:

City:  Province:  Postal Code:

### 3. Description of Occurrence

Date:  Time:  Location:

(ex. 3:38 PM EST)

Sea State:  Weather:  Tide, Current:

Has a public authority been advised of/attended the incident?    No    Yes, specify

Details including area affected, damages incurred, size of floating oil, samples and, if known, the type of oil released:

Types of vessels in the vicinity before and at the time of the oil spill:

**4. The claim relates to:**     Clean-up work     Pollution prevention

Please describe the clean-up work or measures taken to prevent or reduce oil pollution related to this occurrence including any photographs

**5. Materials and supplies utilized, including costs :** \$

Describe

**6. Contract services acquired, including costs :** \$

Describe

**7. Travel costs :** \$

Describe

**8. Salaries and overtime costs :** \$

Describe

**9. Vehicles, boats, pollution counter-measures and other equipment deployed, including costs :** \$

Describe

**10. Additional Expenses :** \$

Describe

**11. Amount Claimed**

The total monetary amount of the claim filed for compensation \$  **Taxes:**  included  not included

**12. Has the claim been submitted to the party who caused the damage?**  No  Yes

Date submitted:

**13. Action taken by party who caused the damage, if any:**  No action  Denied  Other, explain

**14. Are you seeking indemnification from an insurance company or aware of an action in court to recover costs which are the subject of the claim?**  No  Yes, please provide details

Insurance Company:  Policy no.:

Court in which the action is pending:  Case no.:

Counsel Name:  Telephone:

Address:

City:  Province:  Postal Code:

**15. Signature**  Claimant  Appointed Representative

I declare that all the information provided above is correct and complete, and that all costs claimed have been incurred and eligible under this claim. I undertake to inform immediately the Fund of any new information pertinent to this claim. Furthermore, I declare that this claim does not include any expense previously paid for by any other party.

**This form must be signed before submitting.**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Completed forms can be submitted by **fax** at 613-990-5423 or **mailed** to: Office of the Administrator of the Ship-source Oil Pollution Fund, Suite 830, 180 Kent Street, Ottawa, ON K1A 0N5 Canada. You may also **email** the form and all supporting documents to [claims@sopf.gc.ca](mailto:claims@sopf.gc.ca)

**Please include all necessary documents and attachments when submitting the form.**

**Additional Information**

[Empty box for providing additional information]