



**National Pollution Funds Center**  
*Funding Today for a Cleaner Tomorrow*

# **National Pollution Funds Center and the Oil Spill Liability Trust Fund**

Virtual presentation for  
RRT 5  
April 2025



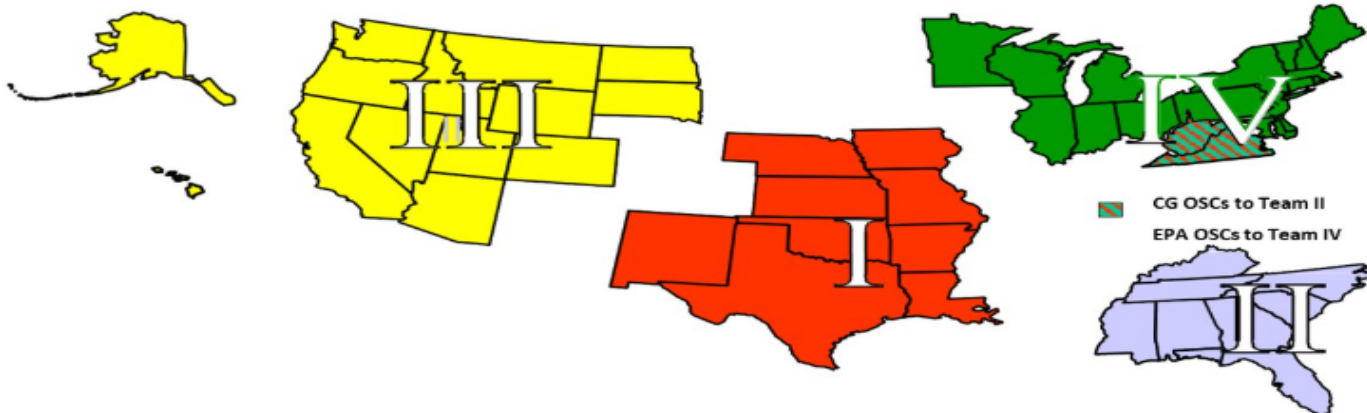
# NPFC Case Teams

## NPFC Case Management Division Regional Boundaries

Chief	William Carter	202-795-6070	202-384-8226
Deputy	Thomas McCrossen	202-795-6093	202-746-0510

TEAM 3	NAME	OFFICE	CELL
Regional Manager	Greg Bule	202-795-6073	202-494-9091
Case Officer	Steve Natale	202-795-6087	
Case Officer	Rich Boes	202-795-6071	
Case Officer	Russ Strathern	202-795-6084	
Case Officer	MSSR2 Jon Alexander	202-795-6081	

TEAM 4	NAME	OFFICE	CELL
Regional Manager	Tyler Krulla (Acting)	202-795-6142	202-841-5929
Case Officer	CWO Hugo Gaytan	202-795-6082	
Case Officer	Vacant	202-795-6142	
Case Officer	MST1 Chelsea Warren	202-795-6080	
DMS Case Officer	John Hahn	202-795-6089	202-365-8563



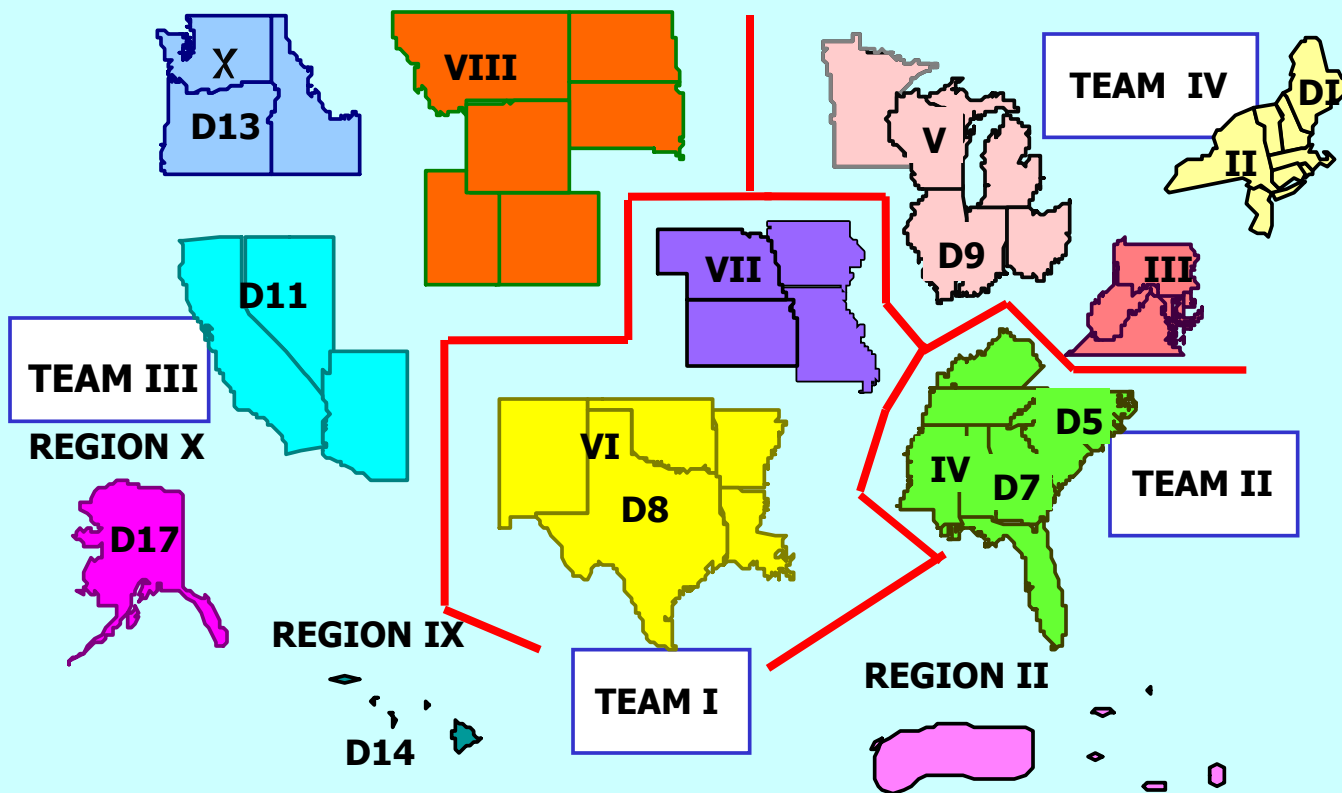
TEAM 1	NAME	OFFICE	CELL
Regional Manager	Chris Marcy	202-795-6092	202-494-9120
Case Officer	Vacant	202-795-6083	
Case Officer	Sean Devine	202-795-6077	
Case Officer	Matt Fischer	202-795-6078	
Case Officer	MSTC Geoffrey Goforth	202-795-6076	

TEAM 2	NAME	OFFICE	CELL
Regional Manager	Dwayne Adkins	202-795-6079	202-360-6061
Case Officer	Mike Steele	202-795-6069	
Case Officer	Jason White	202-795-6088	
Case Officer	MSSR2 Josh Galloway	202-795-6075	
Case Officer	MSTCS Adam Richards	202-795-6074	



# NPFC Case Teams

Illustrating CG Districts and EPA Regions





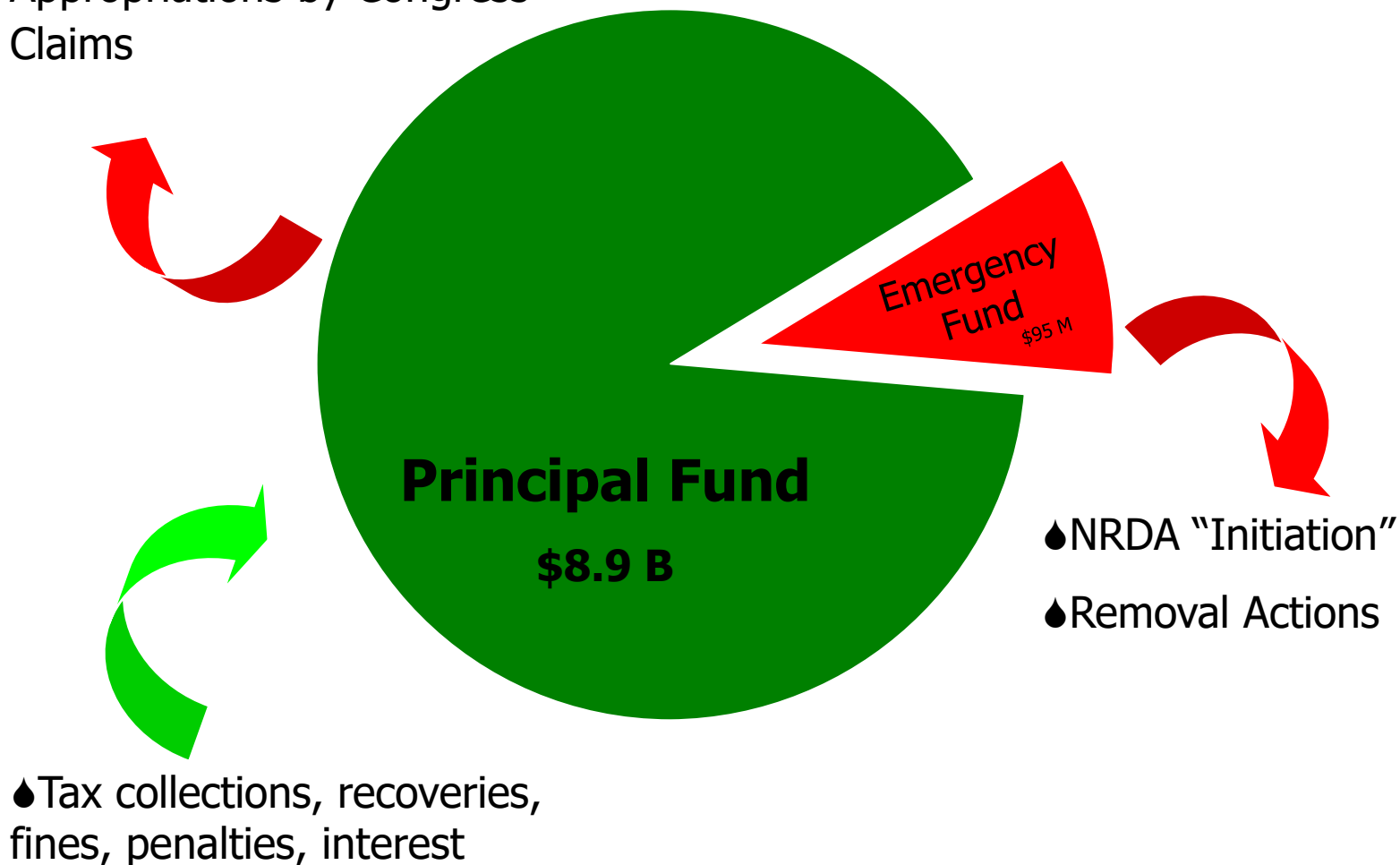
# Major Missions of the NPFC

- ❖ Administer the Oil Spill Liability Trust Fund (OSLTF)
  - Provide Funding for Oil Removal Activities and the Initiation of Natural Resource Damage Assessments (NRDA) Related to Oil Discharges
  - Pay Claims for Loss and Damage from Oil Discharges
  - **Recover Costs from Responsible Parties**
  - **OMB, GAO, the Hill, DOJ, CG & DHS Management!**
- ❖ Administer the Certificate of Financial Responsibility (COFR) Program
- ❖ CERCLA Funding Manager for the Coast Guard



# 9 Billion Dollar Fund

- Appropriations by Congress
- Claims





# Four Phases of Response Operations

- ❖ Phase I - Discovery or Notification.  
(Not funded by OSLTF)
- ❖ Phase II - Preliminary Assessment & Initiation of Action.
- ❖ Phase III - Containment, Countermeasures, Cleanup & Disposal.
- ❖ Phase IV - Documentation & Cost Recovery.



# Threshold Issues



- ❖ Is the substance oil?
- ❖ Is there a discharge or substantial threat of a discharge of oil?
- ❖ Is the discharge or threat of discharge into navigable waters?



# Substantial Threat

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Complex assessment & evaluation of incident by the Federal On-Scene Coordinator

OSLTF may be used to respond to substantial threats of discharge of oil

The Federal On-Scene Coordinator has sole authority to make these determinations

The FOSC determines when threat has been mitigated

Determinations have significant funding and liability implications for Marine Environmental Responses and Responsible Parties





# Threat vs. Substantial Threat



A threat may be defined as a possibility of a discharge due to the occurrence of some extraordinary and undesired event outside the scope of normal operations. Threat conditions are relatively static and may be easily controlled. Conditions are unlikely to deteriorate before the threat is eliminated. The threat may be eliminated in the near term.



# Factors to Consider

1. The likelihood of a discharge under the circumstances; that the situation presents an unacceptable probability that a discharge will occur without FOSC intervention.
2. The proximity to navigable waters, the quantity of oil which may be discharged, and the lack of barriers to stop the oil from flowing to the water indicate that a spill will impact navigable waters.
3. The flow path to surface waters (for land based discharges) as indicated by slope, soil permeability, water table, storm drains, curtain drains, natural or manufactured conduits, or the like.



# Factors to Consider (continued)

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4. The condition of or damage to the source, and the environmental factors or weather which may change the conditions, indicate that a spill will occur.
5. The potential impact of a discharge on the particular environment, including proximity to environmentally sensitive areas, populous areas, etc.
6. That action must be taken quickly to prevent a spill.



# Accessing the Fund




National Pollution Funds Center


*Funding Today for a Cleaner Tomorrow*


**Ceiling and Number Assignment Processing System (CANAPS)**


Acting on behalf of: **National Pollution Funds Center** [\[Logout\]](#)


 Due to the critical shortage of CERCLA response funds available for Coast Guard FOSCs responding to CERCLA incidents, effective immediately CANAPS will only authorize a maximum of \$25K per case. Any additional funding levels needed above that threshold needs to be processed through the NPFC Duty Officer. The NPFC Duty Officer may be reached at 202-494-9118.


The CANAPS wizard will guide you through the steps to request a new project number and ceiling or to amend a previously opened project. Use of this system is restricted to authorized Coast Guard and Environmental Protection Agency (EPA) users only. Unauthorized use is prohibited.


 [New Project Wizard](#)  
This wizard allows you to request a new project number and ceiling from the NPFC


 [Change Ceiling](#)  
Increase or decrease the ceiling for an existing project


 [Cancel Project](#)  
Cancel a previously opened project - use only when **no** funds have been expended


 [Check Project Ceiling](#)  
Check the ceiling for a previously opened project

 [CANAPS FAQs](#)  
Check for the answers to many common questions in CANAPS FAQ

 [CANAPS POCs](#)  
Points of Contact for CANAPS questions and issues

 [Change Account Settings](#)  
Change your CANAPS account settings (i.e. Unit ID)

 [User Administration](#)  
Manage CANAPS Administrators

 [Ballston Utilities](#)  
Access CANAPS Ballston Utilities

- ❖ FOSCs use CANAPS
- ❖ Estimate your Ceiling and give yourself some leeway.
- ❖ Do not cancel a project without first contacting the NPFC!



# CANAPS

## Incident Information (Step 2 of 5)

\* Indicates a Required Field.

Incident Date	12/27/2023	*
Incident Location		*
Incident State		
Navigable Body of Water		
Type of Product Spilled	Oil	
Amount Spilled		Units <div>Barrels Drums Gallons Pounds</div>
MISLE Case/Activity Number		
FPN/CPN		
NRC Incident Number		
Responsible Party		

Is there a related CERCLA Project? (Only complete for applicable Oil Projects.)

☐ Yes

☒ No

**Next >>**



# CANAPS

## Spill Information (Step 3 of 5)

\*Indicates a Required Field.

Source of Spill/Threat  \*

Vessel Type

Vessel/Facility Name

Vessel Identification Number (VIN)

Has the FOSC Made a Determination of a Substantial Threat of a Discharge or Release?

Description of Substantial Threat

Potential Amount that Could be Spilled  Units

Additional Comments

Next >

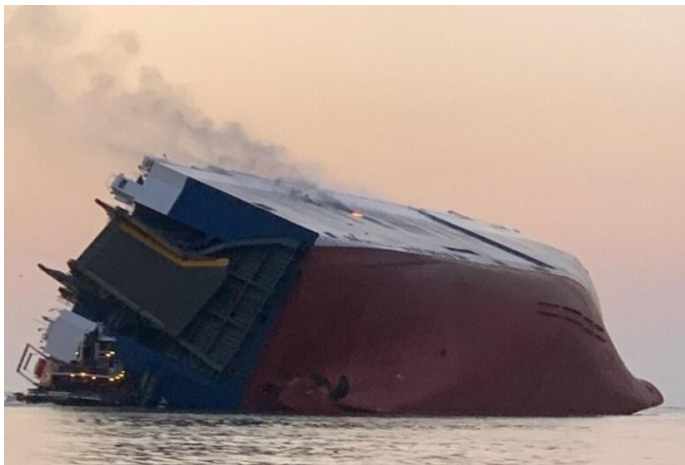
\*Indicates a Required Field.

Source of Spill/Threat	
Vessel Type	Mystery Vessel_NON_COFR

Has the FOSC Made a Determination of a Substantial Threat of a Discharge or Release?	Yes No Unknown
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# PRFA Uses



- ❖ PRFA – Incident Management
- ❖ PRFA – Removal (Agency or using Contractors)
- ❖ PRFA – Wildlife Branch & Environmental Unit
- ❖ PRFA – ESA Section 7
- ❖ In Most Coastal States
  - SOSC agencies
  - Counties/Cities
  - DOI - FWS/NPS/MMS/USGS
  - DOI – OEPC/BLM/BuRec
  - NOAA





# PRFA

- ❖ The PRFA obligates the OSLFT for payment, by reimbursement, of costs incurred in response activities.
- ❖ Two types of PRFAs, Federal and Non-Federal. Only used for Other Government Agencies (OGA) (ex. EPA, DOI, State of Washington Ecology, Cal-OSPR)
- ❖ Under the PRFA, an FOSC may agree to reimburse:
  - ❖ Personnel salary costs; including overtime
  - ❖ Travel and per diem
  - ❖ Charges for agency owned equipment
  - ❖ Actual expenses for contractor/vendors for supplied goods to support FOSC.
- ❖ FOSC provides a Statement of Work to describe required actions.
- ❖ FOSC and OGA must agree to specific goods/services and agency must provide a good faith estimate of anticipated costs with individual line items. This is made as an attachment to PRFA.





# PRFA limitations

- ❖ PRFAs cannot be used to obtain goods or services directly from private individuals, groups, or companies. Only OGAs.
  - ❖ If a company needs to be hired, contact DOL-92 for contractor agreements.
- ❖ PRFAs are not used for Natural Resources Damage Assessments (NRDA).
  - ❖ If an agency approaches the you for a NRDA initiate, contact your case officer.
- ❖ PRFAs are not used for assessment actions.
- ❖ PRFAs are not used for payment of damages.
  - ❖ If approached by individuals or agencies about damages or claims, contact your case officer.



# RP Identification

- ❖ Level of proof should be equivalent to or exceed what's required for a Civil Penalty.
- ❖ Documentation- State Registration, bill of sale, agreements of use, etc.
- ❖ NVDC Docs, Witness Statement, Driver's License, MMDs, paperwork marina has on vessel. Take photos of documentation if you cant get copies
- ❖ If you don't have it don't put someone down on the IRAT/Cost Doc
- ❖ Discuss Potential RP with your Case Officer before IRAT submission



# RP Identification

- ❖ Use your Intel Shops for help in contact information.
- ❖ Properly document contact info when issuing correspondence to potential RPs.
- ❖ Trust but verify third party accounts of ownership/operation.
- ❖ Document the issuance and receipt of any and all correspondence, including:
  - ❖ Notice of Federal Interest
  - ❖ Administrative Order
  - ❖ Notice of Federal Assumption




# Claims

- ❖ A claimant must first present a claim for uncompensated removal costs to the responsible party, if after 90 days the responsible party has not settled the claim, the claimant may present to the NPFC.
- ❖ \*\* State agencies do not have to bill a Responsible Party first before submitting a claim to the NPFC for removal costs or damages.\*\*
- ❖ An OSLTF Claimants guide and claim form is available on the NFPC website to all users to assists all claimants.



# Notice of Designation

- ❖ **FOSC** identifies the source of a discharge and contacts the NFPC when the potential for claims exists.
- ❖ The NPFC will notify the RP with a Notice of Designation letter.
- ❖ RP has 05 days withing notice to deny in writing.
- ❖ If the RP denies designation, NPFC will work with FOSC for claims advertisement and claims in their place.

<b>U.S. Department of Homeland Security</b> <b>United States Coast Guard</b>		<b>DIRECTOR</b> <b>NATIONAL POLLUTION FUNDS CENTER</b>	<b>US COAST GUARD STOP 7100</b> 4200 WILSON BLVD STE 1000 ARLINGTON VA 20598-7100 Staff Symbol: Ca Phone: 202-493-6831 Toll-Free: 1-800-358-2897 Ext. 36831 FAX: 202-493-6937 Email: Thomas.S.Morrison@uscg.mil
			16480 April 28, 2010
<b>CERTIFIED MAIL:</b> 7008 3230 0001 9575 2556			
BP Exploration & Production Inc. 200 Westlake Park Boulevard Houston, TX 77079			
			<b>RE: DEEPWATER HORIZON</b> <b>FPN: N10036</b>
Dear Sir:			
<p>On or about April 21, 2010 an incident under the Oil Pollution Act of 1990, 33 USC § 2701 et. seq., occurred approximately 45 miles offshore from Louisiana on Mississippi Canyon Block 252 in the Gulf of Mexico. The incident involved an explosion and fires on the Mobile Offshore Drilling Unit (MODU) Deepwater Horizon, which subsequently sank. Our information indicates that the resulting oil discharges include discharges from the MODU on or above the surface of the water as well as ongoing discharges of oil from the well head. This notice designates the offshore facility as a source of an oil discharge pursuant to 33 USC § 2714 (a) and notifies BP Exploration &amp; Production Inc., a responsible party, of its responsibility to advertise for claims. By copy of this letter, we are also notifying your guarantor, BP Corporation North America Inc., of this designation and its responsibility for advertising.</p> <p>Unless you deny designation pursuant to 33 USC § 2714 (b) you must publicly advertise this designation and the procedures by which claims may be presented to you. The advertisement must begin within 15 days of the date of this letter and must continue for no less than 30 days. Enclosure (1) outlines the required content of this advertisement and enclosure (2) is a sample advertisement. You may choose to follow this sample but are not required to do so as long as your advertisement contains the required information. Your advertisement must be disseminated in such a manner that all potential claimants are notified. To accomplish this, we require that you advertise in the newspaper(s) having general circulation in the area(s) where claimants may be affected. We also require that you post notices in marinas, marine supply stores, bait and tackle shops located in the areas impacted by the incident. You must also provide direct notification where individuals have been identified as receiving damages from your spill. You may propose other methods of advertisement and notification, but they may be used only when approved in advance by the National Pollution Funds Center. The advertisement must note that a claimant may present a claim for interim short-term damages representing less than the full amount to which the claimant ultimately may be entitled. And that payment of such claim shall not preclude recovery for damages not reflected in the paid or settled partial claim. Because of the potential magnitude of this incident additional advertising may be required.</p> <p>You are directed to inform us of the specifics of your advertising, including the name of any newspaper(s) or other publication(s) in which the advertisements run, the geographical area covered by the publications, and how often the advertisement will appear, as appropriate. Send us copies of the advertisement and advise us in writing that you have begun advertising within 20 days of receipt of this letter. If we do not receive these documents, we will assume that you did not comply. If you do not comply with these requirements, the National Pollution Funds Center will advertise for claims. If we advertise, you will be charged for our costs, as well as for the costs of any administration, adjudication, and payment of claims.</p>			



# SERVICES NPFC **CAN** PROVIDE DURING A SPILL

- ❖ Spokesperson for all OSLTF access, documentation, and claims issues
- ❖ Assure ceiling levels are adequate
- ❖ Assist with financial reporting
- ❖ Assist in RP identification
- ❖ Help the Finance Section succeed
- ❖ Provide legal advice in coordination w/ FOSC's lawyers
- ❖ Provide COFR & Guarantor information
- ❖ Provide info on RPs' Limits of Liability
- ❖ Prepare Notice of Designation
- ❖ Ensure OPA claims are addressed by RP or NPFC
- ❖ Negotiate & execute PRFAs
- ❖ Negotiate, execute, & coordinate INRDA IAG w/FLAT



# SERVICES NPFC **CANNOT** PROVIDE DURING A SPILL

- ❖ NPFC case officers are not contracting officers;
- ❖ NPFC case officers will not serve as your FSC or LSC
- ❖ NPFC case officers will not serve as your Time Unit Leader or Cost Unit Leader
- ❖ NPFC case officers will not validate utilization of resources
- ❖ Request NSF & IMAT staffing; esp. for Type 2 & 1 incidents



# Final thoughts from a Case Officer's prospective

- ❖ CALL US! We are here to assist at every level, call and know your case officers before, during, and after an event.
- ❖ 40CFR300.135(c) The OSC/RPM shall, to the extent practicable, collect pertinent facts about the discharge or release, such as its source and cause; the identification of potentially responsible parties...
- ❖ Get complete contact information for Potential Responsible Parties; phone, email, address. Get FULL name, SSN, DL #, age (DOB) if at all possible
- ❖ Final SITREP-POL
- ❖ Explain costs incurred and what costs those may be, as per NOFI. Do not discuss whether billing may or may not occur. Leave that to the NPFC. FOSC/R do not determine if a project cost will be recovered.