

WHAT IS A DAMAGE CLAIM?

Those who have been harmed financially by an oil spill may submit a damage claim application for reimbursement of out-of-pocket losses. The Oil Spill Fund's claim process offers victims an important remedy. For many victims, hiring a lawyer to sue a responsible party is simply not feasible. Claim submission procedures are straightforward and Fund staff members are trained to assist claimants with particular questions.

The Fund negotiates the settlement of most damage claims so that the spiller compensates the victim directly. To be eligible for payment, claims must be submitted within the statute of limitations by parties which are not legally responsible for the contamination. Claims must be filed no later than three years after the date of discovery of damage, and no later than ten years after the date of the incident that caused the damage. A damage claim application form is available on-line at www.osc.state.ny.us.

WHY IS IT IMPORTANT TO MONITOR SITE CLEANUPS?

It is important to monitor the condition and remediation of spill sites and any migration of the contamination in the soil or groundwater. It is critical that municipal officials, citizens and other stakeholders remain fully informed about the level and risk of contamination.

Government agencies have an obligation to respond fully to requests for information in a timely manner. This obligation is especially serious when threats are posed to human health and the environment. Fund staff members are available to provide information on spills for which the Fund has financed a cleanup, and to facilitate obtaining information from other sources.

HOW TO CONTACT THE OIL SPILL FUND

To contact the Fund, please:

E-Mail: oilspill@osc.state.ny.us

Call: (518) 474-6657, Mon-Fri 9:00 AM to 5:00 PM

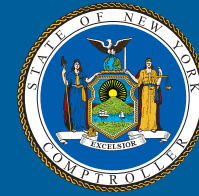
Write: New York Environmental Protection and
Spill Compensation Fund
Office of the State Comptroller
110 State Street
Albany, New York 12236



**Oil Spill
Fund**

www.osc.state.ny.us

New York State
Office of the State Comptroller
Thomas P. DiNapoli



New York
Environmental Protection and Spill
Compensation Fund

Oil Spill Fund

Pays for the cleanup of petroleum spills



Pays damage claims to parties
injured by a spill



Recovers costs from parties
responsible for spills



Partners with municipalities
to protect the environment and
revitalize communities



WHAT IS AN OIL SPILL?

An oil spill is the unauthorized discharge of petroleum. In New York, the Navigation Law governs oil spills and defines a discharge as “any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of petroleum into the waters of the state or onto lands from which it might flow or drain into said waters.” It defines petroleum as “oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene.” In New York, liability (or legal responsibility) for a discharge is broad.

New York law requires that a person report any petroleum spill within two hours after discovering the spill. It also requires that a party responsible for a discharge of petroleum work with the Department of Environmental Conservation (DEC) to remediate the environmental damage and public health threats that result from an oil spill.

To report a spill anywhere in New York State, call the 24-hour Spill Hotline at 1-800-457-7362.

WHAT IS THE OIL SPILL FUND?

Authority is vested in Comptroller Thomas P. DiNapoli to appoint and supervise an administrator of the New York Environmental Protection and Spill Compensation Fund. This fund, more commonly known as the Oil Spill Fund (Fund), is responsible for the cleanup of oil spills, the protection of the environment and public health, and the reimbursement of costs related to oil spills. The Oil Spill Fund’s accountability and oversight help to keep petroleum license fees low and to assure that irresponsible petroleum handlers and property owners bear financial responsibility for their spills.

WHAT DOES THE OIL SPILL FUND DO?

The Oil Spill Fund:

- finances cleanup and removal of petroleum contamination when a responsible party fails to do so;
- reimburses eligible claims for losses suffered by victims of oil spills;
- works closely with DEC to clean up oil spills;
- works closely with the Office of the Attorney General to recover monies spent on oil spills;
- accounts for the State’s oil-spill-related revenues and expenditures;
- acts as liaison among program stakeholders, including the regulated community, responsible parties, municipalities, environmental groups, members of the Legislature, spill victims, and other governmental agencies;
- places liens on properties that are sites of oil spills when the owners are responsible parties and fail to pay for cleanup;
- assures equitable settlement of cost recovery cases and consistent prosecution of all cases;
- safeguards petroleum registration and license fees and surcharges, and assures that they are used appropriately;
- assures the independence of judgment and obligation to protect public monies inherent in the Office of the State Comptroller;
- requires thorough investigations and cleanups based on factual, technical information from DEC program staff, thus protecting victims of spills, public health and the environment;
- maintains the financial integrity and independence of the Oil Spill Fund; and
- reviews brownfield applications for spill sites under redevelopment.

WHY ARE CLEANUPS IMPORTANT?

New Yorkers have a significant interest in making sure that oil spills are remediated and spill victims are compensated. Most of us use petroleum on a daily basis, and there are thousands of oil spills every year. Because petroleum is a pervasive and dangerous substance, oil spills present a unique environmental and public health hazard. Oil spills also have profound economic effects on many New York industries and municipalities. Oil spills are far more numerous than hazardous waste spills, can move rapidly in the environment, and have significant health and economic impacts. The Oil Spill Fund’s strict liability for cleanup of oil spills and for damage claims ensures adequate, but not excessive or unjustified, cleanups and assures that responsible parties pay for cleanups.

WHO PAYS FOR CLEANUPS?

Most oil spills in New York are remediated, to some extent, by the party responsible for the spill. For many spills, however, the responsible party is unknown, or unwilling or unable to handle a cleanup. When this happens, the Fund must assume responsibility for the spill. This means that DEC, as the Fund’s technical arm, must undertake the cleanup at the Fund’s expense. This mechanism allows for rapid, expert response that protects public health and environmental resources.

WHO FUNDS THE OIL SPILL FUND?

The Oil Spill Fund receives storage tank registration fees and license fees imposed on barrels of petroleum imported for use in New York. The Fund also obtains reimbursement of cleanup costs and damage claim payments from responsible parties.