

Chaulk Determination (CCG Claim) (2014)

Location: Port of Trois-Rivières, Quebec
Case number: 120-667-C1

The Incident

On December 26, 2014, the tugboat *Chaulk Determination*, sank at the wharf of the Port of Trois-Rivières and was leaking fuel oil into the St. Lawrence River. At the time of the incident, the tug was reported as having 22 tonnes of diesel fuel on board, and the real amount of pollutants on board was unknown. The owner having declared that he had no money and insurance to respond to the incident, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander. The following organizations were involved in the response operation: Environment Canada, Transport Canada and local authorities.

After considering various options to deal with the pollution threat, while taking into account the sensitive ecosystem as well as the onset of winter, CCG decided to raise the vessel. Group Ocean was engaged for that purpose on January 12, 2015. The work started on January 22, 2015 with the removal of contaminated ice from within oil boom surrounding the tug. Vacuum trucks were used to recover oil and contaminated water from the boomed area. On February 10, all accessible pollutants were removed from the tug. A total of 50.315 tonnes of marine diesel was recovered, as well as significant amounts of other pollutants, including 10 tonnes of oily bilge water, 300,304 litres of water with traces of pollutants and 469,270 litres of ice with traces of pollutants. The tug was refloated on February 21. Once raised, it was winterized, cleaned, moored at Section 1 of the Port of Trois-Rivières and turned over to the port authority.

Measures taken by the Administrator

A technical marine surveyor was engaged to observe and report on the salvage operations.

On August 18, 2015, the Administrator filed an action *in rem* in the Federal Court (file T-1461-15) against the vessel in order to obtain a security as provided under section 102 of the *Marine Liability Act*. The vessel was subsequently deconstructed, however a sister ship, the *Chaulk Lifter*, was sold by the owners' creditors, the proceeds of the judicial sale being distributed by the Federal Court in the Court file T-272-15. File T-1461-15 involving the *Chaulk Determination* was put in abeyance and the Administrator became party to the file T-272-15 involving the *Chaulk Lifter*. On November 17, 2016, the Federal Court issued its decision, and allowed the Administrator to participate in the distribution of the proceeds of the judicial sale of the sister ship *Chaulk Lifter* on the basis of section 102 of the *Marine Liability Act*.

The Claim

On December 9, 2016, CCG filed a claim in the amount of \$4,585,963.68 with the Administrator, pursuant to the *Marine Liability Act*, for costs and expenses incurred responding to the pollution incident of the *Chaulk Determination*.

The Administrator determined that the claim was admissible under Part 7 of the *Marine Liability Act*.

Assessment and Offer

Further information in support of the claim was requested from CCG on February 3, 2017, and the documentation was received on March 30, 2017.

The Administrator disallowed the claim for portions of the costs of the Contract Services engaged by CCG. Further, the Administrator disallowed portions of CCG costs relating to personnel, equipment, material and living expenses.

On July 18, 2018, after investigation and assessment of the claim, the Administrator made a global offer to CCG for the established amount of \$4,200,576.18, including interest, pursuant to section 105 of the Act. The offer was accepted on September 17, 2018 and, on September 19, 2018, a payment in the amount of \$4,200,576.18 inclusive of interest was made to CCG.

Recovery Action

The Fund had filed a claim in the judicial sale of *Chaulk Lifter*, a sister ship, which had been arrested and sold by Verreault Navigation Inc. for unrelated debts. The Fund received \$45,184.44 as per the Federal Court decision issued on November 17, 2016 (2016 FC 1281). The Administrator applied this amount against the claim of the Trois-Rivières Port Authority, which had been filed and assessed prior to the one received from CCG in the same incident. There was no reasonable prospect for additional recovery.

Status

The file was closed on March 26, 2019.

Related file

Chaulk Determination (Port Authority claim), case number 120-700 (same incident).