

Farley Mowat (2015) (CCG)

Location: Shelburne harbour, NS

Case number: 120-679-C1

The incident

On June 24, 2015, Canadian Coast Guard (CCG) Environmental Response personnel were notified that the M/V *Farley Mowat* was sinking at the wharf in Shelburne, Nova Scotia. The vessel was well down by the stern and was thought to be touching the bottom off the Harbour Authority dock.

CCG personnel attended the site on June 25 and found that the *Farley Mowat* could not be boarded because it was unstable and some 20 feet off the side of the dock. A 600-foot containment boom was deployed around the vessel. The harbour was patrolled to locate debris and oil drums that had floated off the deck when the vessel sank. Transport Canada Marine Safety and Environment Canada Enforcement personnel were on site. A Transport Canada surveillance aircraft completed an over flight and reported 37 litres of oil in the harbour between the site and the shipyard. Several media interviews were conducted on site. A diving company was contracted to assess the vessel the following day. CCG arranged to deploy its regional mobile command post and security was posted at the dock gate.

On June 26, sludge and an oil sheen were observed inside the containment boom and also extending 1000 feet off the dock outside the boom. An additional 200 feet of boom was deployed around the backside of the dock and absorbents were placed inside the booms. Divers assessed the condition of the vessel, the location of the hull leaks, and the amount of oil inside the structure. During the next several days, CCG conducted harbour patrols with two of its pollution response boats and inspected the local trout farm, which had not been affected by the spill. Transport Canada over flights reported 13 litres of oil sheen within the harbour itself.

On June 27, a contractor arrived with a vacuum truck, which was used to remove oily waste that was floating within four accommodation spaces in the vessel. Oil was found in two separated holding tanks and removed by suction hose with the aid of the diving team. The total volume vacuumed out was 22,500 litres of oil mixture. It was estimated that 10 per cent of the total volume, or 2,250 litres, was fuel oil. In the meantime, CCG personnel recovered the last of the five oil drums that had floated away from the vessel during the sinking. An additional 1000 lbs of oil-soaked absorbents were recovered from the inside the containment boom for a total recovery of 2000 lbs of absorbent materials.

The contractors continued daily salvage operations from June 28 to August 2, when the wreck was raised and refloated alongside the pier. A contractor fabricated steel pilings which were driven into the harbour seabed adjacent to the wharf in preparation for the raising operation. These pilings were used as support for the vessel to stabilize it during the raising process. In addition, submersible pumps were used on the vessel once the hull was stabilized. During this extended salvage operation, CCG personnel continued to conduct daily harbour patrols with a pollution response boat, recovering stray oil pads found along the shoreline. CCG also tended to the

containment booms and collected oil-soaked absorbent materials. Air patrols were conducted frequently and the overall monitoring of the contractor's salvage measures continued throughout.

On August 3, a vacuum truck and hot water pressure washer were used to clean the interior of the vessel. Pumps and hoses were removed, and the divers fabricated and installed plugs on the sea bays. CCG removed the containment booms and demobilized its response boat.

On August 5, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, Shelburne Harbour Authority and CCG. It was agreed that all reasonable measures had been taken to remove pollutants from the vessel. The owner was notified that CCG was finished with its response. The *Farley Mowat* was secured alongside and CCG personnel departed the site.

Measures taken by the Administrator

This incident was initially brought to the Administrator's attention on June 25, 2015, by counsel in Halifax. The Administrator, therefore, instructed counsel to engage a marine technical surveyor to attend the scene of the operation during salvage of the sunken vessel. The surveyor had discussions with CCG personnel about the measures planned for the recovery operations. As a result, the surveyor was able later to advise the Administrator about the measures being taken by the contractors during the re-floating operations.

The Claim

On January 18, 2016, CCG, on behalf of the Department of Fisheries & Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$814,815.05, pursuant to the *Marine Liability Act*.

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

Assessment and Offer

On June 29, 2016, after investigation and assessment of the claim, the Administrator sent an offer to DFO/CCG for the established amount of \$813,316.15, plus interest, as full and final payment.

The offer was accepted and a payment of \$839,863.02 (including \$26,546.87 in accrued interest) was made to DFO/CCG on or about August 23, 2016.

Recovery Action

The Administrator engaged a professional locator service to complete a locate and asset search of the registered owner of the vessel. No exigible assets were identified. The owner is, however, a repeat polluter whose vessels *Ryan Atlantic II*, *Hannah Atlantic* and *Farley Mowat* have generated claims against the Fund totalling over \$1 million. As a result, the Administrator commenced an action in the Federal Court. The owner filed a defence, and the case was heard on December 20, 2017.

On 4 February 2019, a favourable decision on the Administrator's motion for summary judgment in the amount of \$839,863.02 plus interest was rendered by the Federal Court.

Status

The file remains open.

Related files

Farley Mowat (2015) (Shelburne), file_120-679-C1-1 (same incident, different claimant).

Farley Mowat (2017), file 120-718-C1 (same ship, same location, same claimant, different incident).

Ryan Atlantic II (2017), file 120-653-C1 (same owner).

Hannah Atlantic (2014), file 120-652-C1 (same owner).