

Mystery Spill (2018)

Location: Ingomar, NS
Case number: 120-826-C1

The Incident

On April 30, 2018, the Canadian Coast Guard (CCG) at Dartmouth, NS, received a marine pollution report indicating a spill at Ingomar wharf near Shelburne, NS. CCG dispatched three Environmental Response (ER) personnel to the scene.

Upon arrival at Ingomar wharf, the CCG ER personnel spoke to a local fisherman who stated that the area had been covered by a sheen earlier in the day. When questioned as to the source of the sheen, the fisherman implicated a specific vessel on the north side of the wharf. The Wharf Supervisor indicated that the owner of this unnamed vessel had been provided with material to clean oil from her bilge. CCG advised that there was no evidence of active pollution by the time ER personnel reached the scene.

ER personnel spoke with a second fisherman before departing the scene. This second fisherman mentioned a second vessel that may have released hydraulic fluid around the time of the first discharge.

Transport Canada officials had been on the scene prior to the afternoon arrival of the CCG ER personnel on April 30. Transport Canada officials advised that the owner of the *Devil's Dream*, a small fishing vessel, had admitted to accidentally releasing engine oil while emptying the vessel's bilge outside the harbour. The owner estimated that eight litres had been lost, with less than one litre ending up in the harbour.

The Claim

On November 15, 2018, the Administrator received a claim in the amount of \$1,406.75 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident, pursuant to the *Marine Liability Act*.

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

Assessment and Offer

On December 12, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$1,406.75, plus interest, pursuant to section 105 of the Act. The offer was accepted on December 27, 2018 and, on January 10, 2019, a payment in the amount of \$1,446.68 including interest was made to CCG.

Recovery Action

Since the CCG was not able to identify the source of the unrecoverable sheen, the Office of the Administrator contacted Transport Canada in December 2018, to obtain the written statement given by the vessel owner to departmental officials. This attempt proved to be unsuccessful.

On January 31, 2019, counsel for the Administrator sent a demand letter to the owner of the vessel, to which there was no response. Given the small amount of the claim, and the absence of any

further leads, the Administrator was satisfied that all reasonable measures had been taken to recover against the polluter, and ultimately decided, on recommendation of counsel, to close the file.

Status

The file was closed on March 28, 2019.