

Spudnik (2014)

Location: Howe Sound, British Columbia

Case number: 120-665-C1

The Incident

On November 12, 2014, the 487 GT, ex-US Navy landing ship built in 1945, *Spudnik*, broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Seaspan tugs were hired to tow the *Spudnik* to the AMIX facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on November 20 and was completed on December 4. A total of 120,000 litres of oil water were removed from the vessel. At the completion of the hydrocarbon removal, all double bottom tanks were opened and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

The Claim

On April 28, 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, for costs and expenses incurred in the cleaning of the *Spudnik* in the amount of \$149,043.60.

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

Assessment and Offer

After investigation and assessment of the claim, the costs associated with moorage from December 22, 2014 through March 31, 2016 in the amount of \$17,979.15 were disallowed since, all work related to hydrocarbon removal having been completed by December 9, 2014, the daily moorage costs were only accepted from November 12 through December 21, 2014. Therefore, on July 26, 2016, the Administrator made a final offer to CCG for the established amount of \$131,064.45 plus interest, as full and final settlement. The offer was accepted by DFO/CCG on September 8, 2016 and a payment in the amount of \$137,747.51 including interest was sent to DFO/CCG on or about September 13, 2016.

Recovery Action

A locator service was tasked to complete a locate and asset search on the *Spudnik*'s owners but it did not identify any exigible assets. Additionally, in December 2016, demand letters were sent to the vessel owners, but were returned as unclaimed.

On March 27, 2017, a Statement of Claim was filed with the Federal Court against both owners. Since no defence was received from any defendants, the Administrator filed a Motion for Default

Judgment on August 30, 2017, following which a Default Judgment was rendered in favour of the Administrator.

The Examination in Aid of Execution of one of the owners was held in November 2017.

As of March 31, 2019, the Administrator continued monitoring the judgment debtors' financial status.

Status

The file remains open.

Related file

King Arthur and *SLM104* (file 120-689-C1): same owner