



Ship and Rail  
Compensation Canada  
Ship Fund

## Sample Small Claim: Government Agency Claimant

October 2024 Edition



## GOVERNMENT AGENCY CLAIMANT SCENARIO

The Canadian Coast Guard (CCG) Atlantic Regional Operations Centre (“ROC”) receives a call at 1530h on 22 June 2019 about the fishing vessel (F/V) *Wee Fisher* polluting at the government wharf at Eastern Passage, NS.<sup>1</sup> The caller refuses to give his name or a contact number. The ROC sends the info to the Deputy Superintendent, Environmental Response for action.

The weather is warm, with sunny skies, no wind, and flat, calm sea conditions. Eastern Passage is a popular tourist location featuring several restaurants, gift shops, and charter boat operations. The local fish plant is closed, but there will be tourists in the area buying lobster.

The Deputy Superintendent tasks two Response Specialists (R Doucette and W Evans) to investigate. The two Response Specialists arrive on site in a truck (RAM 1500 crew cab) at 1630h. They board the *Wee Fisher* (a glass reinforced plastic hull, 30-foot, 9 GT fishing vessel with a single diesel engine) and speak to the owner Al Henneberry. The owner advises that he was working on his trap hauler when a hydraulic line parted, spilling hydraulic oil over the side and into the bilge. He managed to plug the leaks and was using rags to clean up but was unable to do anything with the oil over the side and has no idea how much oil was lost. Although spread out, some hydraulic oil remains visible in and around the wharf pilings and a mixture of hydraulic oil with traces of engine lube oil remains in the bilge of the vessel.

With help from Henneberry and his son, CCG deploys a bundle of sorbent boom around the *Wee Fisher* with a pike pole and uses a bundle of pads in and around the wharf pilings to recover the remaining visible oil.

CCG then turns its attention to the oil mixture in the bilge. CCG provides two bundles of pads to Henneberry so that he and his son can clean the oil from the bilge and wipe down the deck. One Response Specialist stays with the vessel to assist the owner and his son with the clean-up of the vessel while the other inspects the surrounding area and speaks with the owner of the lobster pound. Although concerned, the lobster pound owner does not see any damage.

By 2030h, the vessel has been wiped down, the bilge is sufficiently clean, and Henneberry advises he will install a bilge sock in the morning as a preventive measure. Although cooperative, Henneberry tells CCG that he has just purchased the *Wee Fisher* and has not had the time to get a small craft safety inspection or secure insurance.

CCG collects six garbage bags of contaminated pads and sorbent boom and returns to base, arriving at 2300h. The soiled sorbents will be disposed of by a local contractor on 25 June. The two Response Specialists have a late dinner on their way back to base.

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<sup>1</sup> This detailed hypothetical scenario is provided to fully illustrate the context of the Sample Small Claim, which follows. Note that claimants under the Small Claims Process may not possess such detailed information, and they are not required to submit anything like this to the Administrator as part of a Small Claim.

## SAMPLE SMALL CLAIM — GOVERNMENT AGENCY CLAIMANT

### A. CLAIMANT INFORMATION: CORPORATIONS OR OTHER ORGANIZATIONS

Full official name of corporation or organization: **Department of Fisheries and Oceans / Canadian Coast Guard**

Type of corporation or organization: **Federal Agency**

Official identification number, if applicable: **N/A**

Full name of authorized representative for the purposes of this claim: **John Rattenbury**

Title of authorized representative: **Superintendent, Environmental Response**

Telephone: **902-555-3699**

Email: **john.rattenbury@dfo-mpo-gc.ca**

Address: **50 Discovery Drive, Dartmouth, NS, B2Y 3Z8**

### B. DESCRIPTION OF THE INCIDENT

Incident date: 22 June 2019 (Caspol report 2019-00567 refers)

- 1630h – Response specialists, R. Doucette and R.S. W. Evans, on-site with RAM1500 (004356)
  - F/V *Wee Fisher* loss of hydraulic fluid, owner attempting clean-up (inadequate) unknown amount of pollutants discharged
  - Deployed 1 bundle sorbent boom and 1 bundle pads around vessel and under wharf
  - Provided 2 bundles of pads to Owner (and son) to clean bilge and wipe down vessel
- 1900h - Spoke with lobster pound owner, advised of situation and confirmed no apparent damage
- 2030h - Free-floating oil around F/V and wharf recovered with deployed sorbents
- 2130h - 6 bags of oil contaminated sorbents removed and departed site
- 2300h - Arrived CCG base (supper)

Contractor picked up bags for disposal on 25 June 2019.

Owner has no insurance; no CCG action taken to recover from Henneberry

Owner Name: Al Henneberry, 900 Romkey Drive, Eastern Passage NS, B3G 1G9, cell number: 902-497-1138

### C. DESCRIPTION OF DAMAGES

The total amount of this CCG claim is **\$1,178.55**.

Materials: 3 bags sorbent pads; 1 bundle sorbent boom	\$180.00
Contracted service: disposal of 6 bags oily waste	276.00
Travel: dinner (2 at \$50.65)	101.30
Salary (regular hours): 2 GT-04 personnel @ 2.5 hours each	160.90
Salary (overtime): 2 GT-04 personnel @ 4 hours each	386.16
Vehicle: RAM1500 (004356), crew cab	67.56
Admin: 2.53% on regular salaries and travel	<u>6.63</u>
<b>TOTAL :</b>	<b>\$1,178.55</b>

### D. ATTESTATION

Signature of Attestor:



Printed full name of Attestor: **John Rattenbury (Superintendent, Environmental Response)**

Place of attestation: **Dartmouth, Nova Scotia**

Date of attestation: **22 November 2019**

Signature of Witness:



Printed full name of Witness: **Richard Doucette (Environmental Response Specialist)**

Witness telephone: **902-555-3699**

Witness email: **richard.doucette@dfo-mpo.gc.ca**

Witness address: **50 Discovery Drive, Dartmouth, NS, B2Y 3Z8**