

6. Re: Oil Spill in Burnaby Lake via Eagle Creek

Council on December 18, 1972, discussed a press report regarding a firm that had been convicted and fined \$25.00 for spilling rapeseed oil into Eagle Creek and Burnaby Lake. Council as a result of this investigation resolved that:

- (a) an investigation be made to determine the possibility of having the Migratory Birds' Act, under which the charge in question was laid, amended to increase the penalty for offences;
- (b) an enquiry be made to ascertain whether the case can be appealed, for the purpose of having a greater penalty imposed, either by the Federal Government (who prosecuted the case) or by the Municipality;
- (c) a report be submitted on the merits of making a submission to the Provincial Government requesting that the Provincial Health Act be amended to increase the penalty for offences relating to pollution increased, and that it be indicated in the report whether our Bylaw pertaining to such matters should be likewise amended;
- (d) the Municipal cost of the clean-up resulting from the subject oil spillage be provided.

The Solicitor advises as follows:

"Answering question (a) on this subject, representations would have to be made to the Federal Government at Ottawa to increase the penalties already provided for offences against the Migratory Birds' Act and the Regulations passed pursuant thereto. The present penalty section of the Act provides that on a summary conviction an offender may be fined not more than \$300.00 and not less than \$10.00 or be imprisoned for a term not exceeding six months, or be both fined and imprisoned.

Answering question (b), since the Federal prosecutor did not ask for a maximum penalty, I doubt very much if the Department of Justice would authorize an appeal to increase the penalty levied by Judge Goulet.

Answering question (c), the penalty for any bylaw infraction is limited by the provisions of the Summary Convictions Act for the Province which presently provides for a maximum fine of \$500.00 or imprisonment for six months, or both. The maximum amount under the Provincial Health Act is also \$500.00."

Attached for the information of Council is a summarization of time that was consumed by employees of the Municipal Health Department who were directly involved with the clean-up of the subject oil spill. The total cost for the time that was expended by Municipal employees is \$587.83. This amount includes benefits but excludes transportation. (Because Health Department employees often attend to more than one matter during a business trip within the Municipality, it is not possible to isolate specific travel costs that are associated with just one assignment such as the clean-up of rapeseed oil from Eagle Creek.) The cost was calculated on a straight time basis because the majority of hours were worked between 9:00 a.m. and 5:00 p.m.

The firm that was responsible for the deposit of rapeseed oil in Eagle Creek is in the process of being billed for the Municipal cost of clean-up in the amount of \$587.83.

It should be pointed out that the firm that caused the pollution expended a large sum of money on the clean-up of the oil spill. Municipal clean-up was confined to the lower reaches of the creek.

ITEM 6
MANAGER'S REPORT NO. 5
COUNCIL MEETING Jan. 22/73

6. Re: Oil Spill in Burnaby Lake via Eagle Creek (Cont'd)

If Council desires to have pollution laws and regulations amended to allow for more stringent penalties to offenders, the Solicitor advises that the appeal for such action be worded to include all applicable laws and regulations. This approach takes into account the fact that there are more than just a few laws and regulations under which a pollution charge can be laid, and therefore provides a greater assurance that the assessment of a penalty for pollution is commensurate with whatever type of charge prosecuting parties wish to lay.

RECOMMENDATION:

THAT the Federal and Provincial Governments be requested to amend all applicable laws and regulations to provide for more stringent penalties for acts of pollution involving watercourses and bodies of water.

FILED
MANAGER'S REPORT NO. 5
COUNCIL MEETING Jan. 22/73

THE CORPORATION OF THE DISTRICT OF RUPMABY

INTER-OFFICE COMMUNICATION

TO: G. H. Armson DEPARTMENT: DATE: January 5, 1973
FROM: A. C. Broomfield DEPARTMENT: OUR FILE # 17-15-72
SUBJECT: Log Report on Agra Foods
Rapeseed Oil Spill YOUR FILE #

August 18, 1972

| | | |
|-----------------|---|--------------------|
| G.V. Harvie | 9:25 a.m. - 12:20 p.m.) 1:30 p.m. - 6:00 p.m.) 8:20 p.m. - 8:40 p.m.) | 7 hours 50 minutes |
| A.C. Broomfield | 1:30 p.m. - 5:00 p.m. | 4 hours 30 minutes |
| A.S. Hamade | 9:25 a.m. - 12:20 p.m. | 2 hours 55 minutes |
| G.H. Armson | 4:10 p.m. - 6:00 p.m. | 1 hour 50 minutes |

August 19, 1972

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|-----------------|-----------------------|--------------------|
| G.V. Harvie | 8:15 a.m. - 1:00 p.m. | 4 hours 45 minutes |
| A.C. Broomfield | 8:15 a.m. - 1:00 p.m. | 4 hours 45 minutes |

August 20, 1972

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|-------------|------------------------|------------|
| G.V. Harvie | 9:45 p.m. - 10:15 p.m. | 30 minutes |
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August 21, 1972

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|-----------------|--|--------------------|
| G.V. Harvie | 10:00 a.m. - 12:30 p.m.) 2:30 p.m. - 3:30 p.m.) | 3 hours 30 minutes |
| A.C. Broomfield | 10:00 a.m. - 12:30 p.m.) 2:30 p.m. - 3:30 p.m.) | 3 hours 30 minutes |

August 22, 1972

| | | |
|-----------------|---|--------------------|
| G.V. Harvie | 9:30 a.m. - 12:30 p.m.) 2:00 p.m. - 3:30 p.m.) | 4 hours 30 minutes |
| A.C. Broomfield | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |
| D.J. Edwards | 9:30 a.m. - 12:30 p.m. | 3 hours |
| A.S. Hamade | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |

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RE: Log Report on Agra Foods
Rapeseed Oil Spill

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August 23, 1972

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|-----------------|-----------------------|-------------------|
| G.V. Harvie | 3:00 p.m. - 3:45 p.m. | 1 hour 45 minutes |
| A.C. Broomfield | 3:00 p.m. - 3:45 p.m. | 1 hour 45 minutes |

August 24, 1972

| | | |
|-----------------|--|--------------------|
| G.V. Harvie | 2:00 p.m. - 5:00 p.m.) 8:30 p.m. - 8:45 p.m.) | 3 hours 15 minutes |
| A.C. Broomfield | 2:00 p.m. - 5:00 p.m. | 3 hours |
| A.S. Hamade | 2:00 p.m. - 5:00 p.m. | 3 hours |

August 25, 1972

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|-----------------|--|-------------------|
| G.V. Harvie | 10:20 a.m. - 11:00 a.m.) 3:00 p.m. - 3:30 p.m.) | 1 hour 10 minutes |
| A.C. Broomfield | 10:20 a.m. - 11:00 a.m.) 3:00 p.m. - 3:30 p.m.) | 1 hour 10 minutes |

August 28, 1972

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|-------------|-----------------------|-------------------|
| G.V. Harvie | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |
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August 29, 1972

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|-----------------|--|-------------------|
| G.V. Harvie | 11:00 a.m. - 12:30 p.m.) 4:30 p.m. - 5:00 p.m.) | 2 hours |
| A.C. Broomfield | 11:00 a.m. - 12:30 p.m. | 1 hour 30 minutes |
| A.S. Hamade | 11:00 a.m. - 12:30 p.m. | 1 hour 30 minutes |
| G.H. Armon | 4:30 p.m. - 5:00 p.m. | 30 minutes |

August 30, 1972

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|-----------------|------------------------|--------------------|
| G.V. Harvie | 10:30 a.m. - 2:00 p.m. | 3 hours 30 minutes |
| A.C. Broomfield | 10:30 a.m. - 2:00 p.m. | 3 hours 30 minutes |
| A.S. Hamade | 10:30 a.m. - 2:00 p.m. | 3 hours 30 minutes |
| G.H. Armon | 11:00 a.m. - 1:30 p.m. | 2 hours 30 minutes |

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Log Report on Acre Foods
Ranched Hill Spill

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August 31, 1972

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|-----------------|-----------------------|-------------------|
| G.V. Harvie | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |
| A.S. Hamde | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |
| A.C. Broadfield | 2:00 p.m. - 3:30 p.m. | 1 hour 30 minutes |

September 1, 1972

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|-----------------|--|------------|
| G.V. Harvie | 11:00 a.m. - 11:30 a.m. 4:00 p.m. - 4:15 p.m. | 45 minutes |
| A.C. Broadfield | 11:00 a.m. - 11:30 a.m. 4:00 p.m. - 4:15 p.m. | 45 minutes |

COLLECTOR'S TIME

| | |
|-----------------|---------------------|
| G.V. Harvie | 30 hours 30 minutes |
| A.C. Broadfield | 27 hours 30 minutes |
| A.S. Hamde | 17 hours 30 minutes |
| G.H. [unclear] | 6 hours 30 minutes |
| D.J. [unclear] | 3 hours |

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