

## ***Fisheries Act Violation Has Fuel Retailer Fined \$1.25 Million***

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March 23, 2020

On February 18, 2020, Alberta fuel retailer Drever Agencies Inc. was fined \$1.25M for violations of the federal *Fisheries Act*.<sup>1</sup> This fine is the latest in a trend of million dollar fines for *Fisheries Act* contraventions.

### **THE FACTS**

In August 2017, Environment and Climate Change Canada (“ECCC”) enforcement officers were notified of a solvent spill at a commercial property in Wetaskiwin, Alberta. While responding to the spill, enforcement officers observed dead fish in a creek that flows into the Battle River. ECCC’s investigation found that approximately 1,800 liters of Petrosol solvent had leaked from a storage tank owned by Drever Agencies Inc. and entered the creek.<sup>2</sup> Petrosol is used in a variety of industrial purposes including thinning paints, dissolving resins, and cleaning and degreasing metal.<sup>3</sup> Laboratory analyses determined that the solvent was deleterious to fish.<sup>4</sup>

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<sup>1</sup> RSC, 1985, c F-14.

<sup>2</sup> Environment and Climate Change Canada, “Fisheries Act offence results in \$1.25 million fine for Alberta-based fuel retailer” (19 February 2020), <https://www.canada.ca/en/environment-climate-change/news/2020/02/fisheries-act-offence-results-in-125-million-fine-for-alberta-based-fuel-retailer.html>.

<sup>3</sup> Matthew Black, “Alberta company fined \$1.25M after 2017 Wetaskiwin solvent spill” (20 February 2020), CTV News, <https://edmonton.ctvnews.ca/alberta-company-fined-1-25m-after-2017-wetaskiwin-solvent-spill-1.4820195>.

<sup>4</sup> Environment and Climate Change Canada, “Fisheries Act offence results in \$1.25 million fine for Alberta-based fuel retailer” (19 February 2020), <https://www.canada.ca/en/environment-climate-change/news/2020/02/fisheries-act-offence-results-in-125-million-fine-for-alberta-based-fuel-retailer.html>.

## THE FINE

Drever Agencies Inc. is just one of many companies that have received million dollar fines in recent years for violations of the *Fisheries Act*. For example:

- ♦ In July 2019, Kirby Offshore Marine Operating LLC was fined \$2.7M for spilling over 100,000 litres of diesel fuel into the Pacific Ocean<sup>5</sup>
- ♦ In November 2018, Irving Pulp and Paper Limited was fined \$3.5M for releasing improperly treated effluent into the Saint John River<sup>6</sup>
- ♦ In October 2017, Teck Coal Limited was fined \$1.425M for releasing effluent from a water treatment facility into a creek<sup>7</sup>
- ♦ In June 2017, Prairie Mines & Royalty ULC was fined \$3.5M for discharging contaminated water and sediment into the Athabasca River.<sup>8</sup>

Be aware that *Fisheries Act* fines are significantly higher than fines typically awarded under provincial legislation such as the *Environmental Protection Act*<sup>9</sup> or the *Ontario Water Resources Act*.<sup>10</sup> See our article titled: [Small Fines; Big Consequences](#).

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Document #: 1694667

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<sup>5</sup> *R v Kirby Offshore Marine Operating*, 2019 BCPC 185.

<sup>6</sup> Environment and Climate Change Canada, “Irving Pulp & Paper Limited sentenced to pay \$3.5 million penalty for three Fisheries Act offences and commits to construct new effluent treatment facility” (5 November 2018), <https://www.canada.ca/en/environment-climate-change/news/2018/11/irving-pulp-paper-limited-sentenced-to-pay-35-million-penalty-for-three-fisheries-act-offences-and-commits-to-construct-new-effluent-treatment-faci.html>.

<sup>7</sup> Environment and Climate Change Canada, “Steelmaking coal exporter fined for Fisheries Act violations in British Columbia” (5 October 2017), <https://www.canada.ca/en/environment-climate-change/services/environmental-enforcement/notifications/steelmaking-coal-exporter-fisheries-act.html>.

<sup>8</sup> Environment and Climate Change Canada, “Company sentenced to pay \$3,500,000 for Obed Mountain mine spill” (12 June 2017), <https://www.canada.ca/en/environment-climate-change/services/environmental-enforcement/notifications/company-sentenced-obed-mountain-spill.html>.

<sup>9</sup> RSO 1990, c E19 [EPA].

<sup>10</sup> RSO 1990, c O40.