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## **CN facing charges after 2005 spill fouled Alta. lake**

*Rail cars leak bunker fuel oil, metres from summer homes bordering Lake Wabamun, Alta. after a freight train derailed as seen in this August 2005 file photo. (CP / John Ulan)*

*In August 2005, rail cars leak bunker fuel oil, metres from summer homes bordering Lake Wabamun, Alta. after a freight train derailed. (CP / John Ulan)*

The Canadian Press

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EDMONTON — Canadian National Railway is facing federal charges alleging a train derailment destroyed bird and fish habitat when it dumped almost 800,000 litres of oil and other chemicals on the shore of a popular Alberta lake.

The charges by the Environment and Oceans and Fisheries departments stem from a spill on Aug. 3, 2005, that fouled Lake Wabamun west of Edmonton and forced 20 people from their homes and cottages.

"I'm glad these guys are (laying charges)," said Doug Goss, who at one time led area residents fighting for compensation and cleanup after the spill.

"Why it took them so long to do it, I have no idea."

The Wabamun spill from 43 cars of heavy bunker C oil and pole-treating oil killed hundreds of birds and fish, polluted beaches and shoreline and forced authorities to truck clean drinking water into the area for 18 months.

By May 2006 the lake was declared safe for swimming and boating, but not for washing dishes, watering vegetables and showering. But as late as last summer, people reported seeing oil on the surface of the lake and the local health authority warned the public to watch for visible oil, tarballs and oily aquatic vegetation on the beach or in shallow water by the shoreline.

A January 2007 report by environmental consultants hired by CN suggested the lake wouldn't suffer permanent damage because of the spill. Tests showed no spill-related contaminants present in the lake's fish. Nor was there evidence that any remaining oil contamination was any threat to human health, the report said.

CN offered about \$7.5 million in compensation to the area's 1,600 residents. The payments ranged in size from \$1,500 to \$27,000 for those closest to the spill.

"We've known about (the charges) for some time," said CN spokesman Jim Feeny, who added the charges were laid Feb. 1.

Feeny said CN has lived up to its promises with regard to the cleanup and ongoing testing and monitoring of the lake.

"We still have monitoring sites on the shoreline at the derailment site," he said. "There are a number of studies that either we or government agencies are doing on the lake itself."

Goss said most of the residents have moved on.

"The lake has cleaned up," he said. "Everybody's pretty much settled with CN. The majority of people at Lake Wabamun have put a lot of this behind them. It was a really nasty time."

CN was also charged by the Alberta government for failing to properly respond to the derailment and spill. A trial date is to be set in June.

One multimillion-dollar lawsuit remains before the courts. The Paul First Nation said the CN environmental report didn't take into consideration the spill's impact on their traditional use of the land, which included hunting, fishing and gathering plants for medicines and religious purposes. Due to prevailing winds at the time, much of the oil on the lake was blown toward where the Paul band lives.

The Transportation Safety Board found that the accident was caused by an aging, defective replacement rail that broke under the train's weight. A panel reviewing Canada's railway safety was also critical of CN for its "culture of fear and discipline" in the railway's safety management plan.

News of the charges Tuesday came the same day CN announced plans to spend \$730 million on infrastructure improvements to its rail system in Canada. Most of that money -- \$400 million -- is to be spent in Western Canada.

The railway was to make its first court appearance on the federal charges in Edmonton on Wednesday.

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