

Proposed Changes to the Vessel Pollution and Dangerous Chemicals Regulations

Fall CMAC 2014



RDIMS# 9886228

Canada

Introduction

- Transport Canada is advancing amendments to the Vessel Pollution and Dangerous Chemicals Regulations to
 1. Update requirements to reflect new international standards
 2. Respond to technical issues raised by stakeholders
 3. Make minor adjustments
- A discussion paper outlining the proposed changes is available on request.
- Comments are welcome until December 5, 2014.



Key changes

- New annual tanker inspections
- New provisions for oil barges
- New IMO standards for managing garbage
- Changes to discharge requirements for sewage
- Consequential amendments for administrative monetary penalties and ticketing

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Key change: New annual tanker inspections

- Supports a commitment for mandatory annual tanker inspections under the World Class Tanker Safety System
- Builds on a current voluntary approach for oil tankers
- Oil and chemical tankers (including LNG) over 5000 gross tonnage to be inspected by Transport Canada inspectors on their first visit to Canada, and each year thereafter
 - Compliance with the Regulations, MARPOL and SOLAS.
- Certificate would be issued by the inspector and remain valid for one year

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Key change: New provisions for existing oil barges

- Responds to review of the *Standards and Guidelines for the Construction, Inspection and Operation of Barges that Carry Oil in Bulk* - TP 11960
- Responds to concerns for small fuel barge operators face double hull requirements in January 1, 2015
- Oil barges
 - less than 150 GT would be exempted
 - between 150 and 5000 GT would have alternative options
 - over 5000 GT must follow the regulations

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Options for Double hulling existing oil barges

- Decommissioning of side and wing tanks and carrying cargo only in tanks located along the centerline of the barge
- New bulkheads or reconfigure existing bulkheads to a continuous bulkhead along the length of the cargo spaces at least 760 mm from the inside of the outer hull
- Fitting pre-fabricated tanks into cargo spaces, approved by class or standards organization for oil storage
 - Must consider stability, ensure proper ventilation and be verified by a recognized organization or naval architect
- An alternative arrangement approved by class to be equivalent to double hull protection, which may include:
 - An oil resistant foam is applied to the inside of the outer hull to ensure a smooth surface, and an oil resistant membrane liner is fitted over the foam
 - An oil resistant membrane liner is fitted inside the tank

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Key change: New IMO standards for managing garbage

- The Revised Annex V to the MARPOL Convention has been in force since January 1, 2013
- Canada is Party to Annex V and must meet new provisions
 - Dunnage can no longer be discharged overboard
 - Cargo owners need to classify their products as harmful to the marine environment or not
 - use the United Nations General Harmonized System (GHS) of toxicological testing
 - GHS is a broadly used system for many regulatory needs and data for most products are available
- Transport Canada working at IMO subcommittee on listing substances considered not harmful and harmful, to save need for testing

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Key change: Discharge requirements for sewage

- Respond to concerns for small vessels that are not certified to navigate beyond 3 nautical miles
- Propose to amend section 96 of the Regulations to allow
 - Small vessels under 400 GT certified for less than 15 people may
 - discharge sewage 1 nautical mile from shore, except in designated sewage area
 - use a smaller holding tank, but suitable for crew and voyage
 - Passenger vessels certified to 100 passengers on short routes less than 2 hours duration may to use a smaller holding tank, but suitable for their voyages
 - Above does not apply in designated sewage areas
- Section 96 would be re-drafted for clarity; dividing the clauses for large vessels (subject to Annex IV to MARPOL) and clauses small vessels (which are not)

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Designated Sewage Areas

- As Transport Canada looks at further flexibility for small vessels to manage sewage, it is recognized some communities seek further controls
- Measures for further flexibility do not apply in designated sewage areas
- Designated sewage areas, set out in Schedule 2 to the Regulations provide enhanced protection, through a more stringent discharge standard
 - fecal coliform counts of 14/100mL compared to 250/100mL
 - As few vessels can meet this standard, only those with advanced waste water treatment systems, this basically bans sewage discharges
- Transport Canada may consider establishing further designated sewage areas, through this regulatory process, when proponents have
 - define a specific area and explain why it needs further protection
 - consulted stakeholders local municipal government,
 - provide information on available sewage reception facilities

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Key change: Administrative monetary penalties (AMPs) and ticketing

- AMPs are an effective enforcement tool set out under *Administrative Monetary Penalties and Notices (CSA 2001) Regulations* (SOR/2008-97) range from \$250 to \$25,000
- Ticketing provides a more appropriate enforcement option for minor offenses, with a maximum fine of \$250
- TC administers the AMPs regulations while Justice Canada administers the *Contraventions Regulations*
- To ensure appropriate enforcement measures are available when the changes are made, the regulatory proposal would include consequential amendments to the AMPs Regulations
- At the same time, the Regulations are approved, TC will ask Justice Canada to proceed with changes to the *Contraventions Regulations*

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Adjustments and clarifications

Proposed Change	Rationale
Extend exemption for discharges standards to Arctic waters beyond shipping safety control zones	Avoids potential conflict with the Arctic Waters Pollution Prevention Act
Exemption for government vessels to apply only when on non-commercial service	Makes the wording consistent with exemptions in the MARPOL Convention
Canadian Vessels to adhere to Special Areas for sewage (Annex IV to MARPOL)	New standard adopted by IMO
Add discharge prohibitions for certain Canadian marine protected areas (MPAs)	Ensure the Regulations do not conflict with certain MPAs set by DFO and Parks Canada

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Adjustments and clarifications

Proposed Change	Rationale
Prohibit use and carriage of heavy fuel oils in the Antarctic waters	Implements IMO standard that Canada is party to
In sewage provisions, add references to owner or operator of pleasure craft	Clarifies that sewage provisions apply to pleasure craft
Delete "sewage sludge" from definition of holding tank	Change reflects international definition and term "sewage sludge" is not required
Allowance for vessels to use composting or incinerating toilets	Responds to emerging trend

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Adjustments and clarifications

Proposed Change	Rationale
Align discharges of cargo residues in the Great Lakes and St Lawrence in US waters to US dry cargo residue rule	Ensures Canadian vessels in US waters adhere to US rules
Shorter retention of fuel samples for short run vessels	Relieves administrative burden for ferries and tugs over 400 GT
Exempt from Tier III nitrogen oxides standards vessels under 500 GT, but over 24 m long, built before 1 January 2021 designed and used only for recreational purposes	Reflect changes to IMO standards for “super yachts”
Remove provision to change date of Tier III NOx standards based on IMO review	IMO review completed, clause no longer needed



Questions or Comments

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