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Canadian Scientific Pollution & Environmental Control Society
2007 W. 4th Avenue, Vancouver 9, B.C. Telephone 736-8404

January 29, 1974

Mr. G.W.R. Graves,
Director, Marine Safety,
Department of Transport,
Ottawa, Ontario K1A 0N7

RE: A Code of Recommended Standards
for the Prevention of Pollution at
Marine Terminals - Marine Oil Terminals

Dear Mr. Graves:

Thank you for the draft of A Code of Recommended Standards for the Prevention of Pollution at Marine Terminals - Marine Oil Terminals, prepared by the Department of Transport.

The comments which follow are in accordance with your stated desire to receive comments from interested companies and organizations. It should be noted there are subject areas in the draft on which we have made no comments. We have restricted our analysis to areas in which we have specific interest.

We would like to convey our congratulations to the department for its efforts in bringing forth standards such as are proposed in the draft document. If the standards are implemented, it will go a long way towards protecting the marine environment from the harmful effects of oil spills.

Before we begin our discussion on specific areas of the report, we would like to discuss a more general concern: namely, the merits of the draft becoming a code of recommended standards as opposed to becoming a set of re-



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gulations, enforceable on their own merit. While the standards allow for stringent actions to be taken, they don't expressly require such actions. We draw your attention to the Intergovernmental Marine Consultative Organization (IMCO)'s long experience with large segments of shipping industries and nation's governments ignoring their non-obligatory regulations (see SPEC's "Crude Crisis"). Established only as a code of recommendations the standards are not mandatory. We, therefore, urge the standards be made regulatory, with all the attendant powers necessary for mandatory enforcement.

Turning to specific sections of the draft --

1) Page 1, paragraph four; where the sentence reads:

" In so far as existing terminals are concerned, the standards recommended herein should be met as far as applicable and practicable."

COMMENT: This sentence, in effect, nullifies any power the code of recommended standards might have had. It is conceivable that every oil terminal may be able to argue strongly that the standards do not apply to their facilities, or that the standards are impractical.

The words "applicable and practicable" are vague and ambiguous. They open the standards to liberal interpretations by the officer or department in charge of enforcement.

We recommend that the sentence be deleted.

2) Page 9, paragraph 1.1.3; where the sentence reads:

"Where a new terminal is constructed or an existing terminal modified to standards that fail to meet the standards contained in this document, such failure may be deemed to constitute prima facie evidence of non-compliance with the provisions of the Acts and regulations referred to in Section 1.1.2 above."



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COMMENT: It appears here that the code limits the enforcement of the standards to new and modified terminals and not existing unmodified terminals.

We recommend the code be applied to all oil terminals, with the understanding that a permit system be developed where each existing oil terminal will be allowed a specific time period in which to modify its facilities to meet the recommended standards.

3) Page 9, paragraph 1.2.1; where the sentence reads:

"- the natural ability of the oceans to assimilate and dissipate oil spills"

COMMENT: This criteria must be removed. Assimilation and dissipation of oil in the marine environment does not protect the marine organisms in that environment from the effects of the oil

Dissipation and assimilation are concepts of environmental protection which for sometime have been proven ineffective. The basis for believing that dissipation and assimilation protect the environment has been the concept of 'the solution to pollution is dilution', when, indeed, it is not. Higher smoke stacks, sewer lines extended further out to sea and oil terminals built near assimilative and dissipative waters, don't solve the environmental degradation problem. Instead they spread and hide the problem and delay the acuteness of the effects.

For too long, marine authorities have believed that once oil is out of sight and no longer in the form of a slick, it is out of the environment. This is not true. Toxic and carcinogenic hydrocarbon fractions of oil can persist for years in the fatty tissues of marine animals and in the sediments of ocean bottom (see Dr. Max Blumer's "A Small Oil Spill", Woods Hole, Oceanographic Institute, Woods Hole, Massachusetts).



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Bacterial and chemical changes brought to the harmful oil hydrocarbons, are the only factors which neutralize their effects. The criteria could be replaced with the following:

"the natural ability of the oceans to biodegrade and neutralize the harmful effects of oil spills"

4) Page 31, Paragraph 10.2.1; where it reads:

"The control exercised over pumping of oil from ship to shore, shore to ship and ship to ship should be sufficiently effective, by way of return lines or other arrangements, to provide for emergency stoppage of oil transfer and shut down procedures."

COMMENT: This paragraph should be expanded to include the following:

- a) Provisions for the onshore pump men to know where oil spill equipment is stored, and provisions for the onshore pump men to be trained in oil spill clean up techniques.
- b) Provisions for the use of overflow alarms in all ships receiving fuel or cargo oil.

5) Page 33, paragraph 12.1.1; where it reads:

"The terminal should be fitted and equipped with suitable docking aids including the following:

- doppler approach systems
- berthing V.H.F.
- current meter
- anemometer

COMMENT: Following this paragraph should be a paragraph 12.1.2, reading:

The terminal should be equipped with suitable bilge, ballast and oily water reception and treatment facilities. The treatment facilities shall reduce oil content in the treated water to 10 parts per million or less.

6) Page 38, under A. General, in the section entitled "PREVENTION OF ACCIDENTS AND CONTINGENCY PLANNING"; the following should be added:

COMMENT: The added section should be marked paragraph 15.1.4 and read:



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The ship and dock where oil transfers occur should be surrounded by an approved oil boom before transfer operations commence. The oil booms should be tied or anchored away from the ship. The deal connection where the booms are fastened to shore or dock must be capable of withstanding the currents created by tides and weather conditions.

This concludes our comments and recommendations. We wish your Department success in the formulation and institution of the new standards. We hope this letter is the first of many discussions between our two organizations on matters concerning oil, the marine environment and marine transport.

Environmentally Yours,

A handwritten signature in cursive script that reads "Gary Gallon".

Gary Gallon,
Chairman, Energy Committee
SPEC Federation

c.c.: H.O. Buchanan, Regional Manager, Department of Transport
Chris Hatfield, Pacific Region, Environmental Protection Service
Robert Williams, B.C. Environmental Land Use Committee

GG/sd

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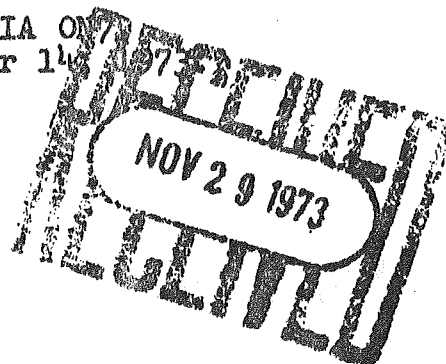


DEPARTMENT OF TRANSPORT
MINISTÈRE DES TRANSPORTS

YOUR FILE
VOTRE RÉF:
IN REPLY QUOTE
RÉF. À RAPPÉLER:

8354-21

Ottawa KIA OM 7
September 14 1973



Dear Sir:

A Code of Recommended Standards
for the Prevention of Pollution
at Marine Terminals

Marine Oil Terminals

I enclose a copy of a draft Code of Recommended Standards for the Prevention of Pollution at Marine Terminals - Marine Oil Terminals, which has been prepared in the Ministry of Transport in consultation with various interested departments of the federal government. These standards have been developed with a view to defining, in general terms, recommended practice with respect to site selection, design and operation of marine oil terminals and the safe control of shipping using such facilities.

Before issuing the Code in final form we are anxious to receive comments from interested companies and organizations and any suggested improvements. Your comments may be addressed to this office.

We hope that these standards will be a useful guide in the planning, maintenance and operation of marine oil terminals. If you need additional copies they can be obtained from the Directorate of Public Affairs of this Ministry.

Yours truly,

G.W.R. Graves
Director, Marine Safety

Encl.



Ms. 138/73

For release
September 13, 1973

TRANSPORT MINISTRY PRODUCING CODE OF RECOMMENDED STANDARDS
FOR PREVENTION OF POLLUTION AT MARINE OIL TERMINALS

OTTAWA - A proposed code of recommended standards for the prevention of pollution at marine oil terminals is available to interested parties for review and comment, Transport Minister Jean Marchand announced today.

The code's standards are not regulatory, Mr. Marchand pointed out, but are criteria which can be revised if consultation with interested sectors of the public or industry indicates that amendments are desirable.

The code was developed by a group representing those Government departments most concerned with the siting, design and operation of marine oil terminals. Its purpose is to provide guidelines which may be useful in the planning of such installations. The setting of recommended standards is in keeping with the obligations of the Ministry and the authority it has with respect to the administration of the Canada Shipping Act and the Navigable Waters Protection Act.

The circulation of the proposed code at this time is to afford opportunity for comment from all interested parties. It is anticipated that its strict application may not always be possible and in the development of some marine oil terminals more specific standards, appropriate to the contemplated sites, would have to be devised by the developer in discussion with the Ministry.

The code places considerable emphasis on navigation safety and in this connection Mr. Marchand stressed the importance attached

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to the utilization of hydraulic model testing in the course of planning oil terminals. He noted that this technique has been used by the Transport Ministry for some time in solving the special and complex problems associated with projects of this type.

Copies of the draft code can be obtained from the Directorate of Public Affairs, Ministry of Transport, 26th Floor, Tower 'C', Place de Ville, Ottawa, Ontario, K1A 0N5.



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**A CODE OF RECOMMENDED
STANDARDS FOR THE PREVENTION
OF POLLUTION AT MARINE
TERMINALS**

MARINE OIL TERMINALS