

ITEM 5078 16  
MANAGER'S REPORT NO. 27  
COUNCIL MEETING 1984 04 09

**RE: PROPOSED REACTIVATION AND EXPANSION OF TEXACO TANK FARM FOR HANDLING  
OF METHANOL AND RELATED ALCOHOL DERIVATIVES**

*The Municipal Manager has been advised that the delegation planned by Johnston Terminals Ltd. for the Council meeting of 1984 April 09 will not be able to be present on April 09 but will be present on April 30.*

*The Municipal Manager recommends that Council consider only the first two recommendations in the following report from the Director Planning & Building Inspection. It would be appropriate, under these circumstances, for Municipal Council to table to April 30 consideration of the third recommendation in the Director Planning & Building Inspection's report.*

MUNICIPAL MANAGER'S RECOMMENDATIONS:

1. *THAT the first two recommendations as contained in the following report from the Director Planning & Building Inspection be adopted; and*
2. *THAT recommendation #3 as made by the Director Planning & Building Inspection be tabled until 1984 April 30.*

\* \* \* \* \*

TO: MUNICIPAL MANAGER 1984 March 30  
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our file: 15.003.1  
SUBJECT: PROPOSED REACTIVATION AND EXPANSION OF TEXACO TANK FARM FOR  
HANDLING OF METHANOL AND RELATED ALCOHOL DERIVATIVES  
=====

RECOMMENDATIONS:

1. THAT Council request Texaco Canada Inc. to reconsider its position and make its lands available for sale or lease to the Corporation of the District of Burnaby for the development of the Barnet Marine Park in accordance with the municipal intent of the 1976 February 06 Agreement which provides the Municipality with a right of first refusal to purchase all or any part of the subject property.

2. THAT a copy of this report be forwarded to:

Mr. L. G. Crase, Administrator  
Property Management  
Texaco Canada Inc.  
90 Wynford Drive  
Don Mills, Ontario M3C 1K5

Mr. R. C. E. Kitching  
Project Manager  
Johnston Terminals Ltd.  
P. O. Box 5300  
Vancouver, B. C. V6B 4B6

3. THAT Council's consideration of the Johnston Terminals Ltd. proposal to reactivate and expand the Texaco Tank Farm be tabled pending resolution of the question of the Municipality's proposal to purchase or lease the subject lands for park development.

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SUMMARY:

The following report reviews the background of the 1976 agreement which provided for the acquisition of Texaco lands for the development of the Barnet Marine Park and for the continued operation and limited expansion of the tank farm. While this agreement recognizes the potential for limited Texaco expansion, it contains a right of first refusal whereby the Municipality can acquire the Texaco lands for park development if they are no longer required for Texaco's own use and if Texaco decides to dispose of the property.

The proposal before Council provides for Texaco to lease this property for a 25 year period to Johnston Terminals for the development of a bulk liquid terminal. In our view, this action circumvents our understanding of the intent of the Municipality's right of first refusal by the fact that the property is proposed to be leased rather than sold. Therefore, we are of the opinion that Texaco should be formally requested to reconsider its position and honour this intent and enter into negotiations with the Municipality to make its lands available for sale or lease for park development.

Information is also provided in this report responding to certain technical questions raised previously by the Municipal Council and the relationship of the Johnston Terminal methanol proposal to current zoning regulations is examined.

The Johnston Terminals' proposal primarily provides for the export of methanol. Additional potential export cargos include vinyl acetate monomer and canola oil. Potential import cargos include tertiary butyl alcohol.

The subject property is zoned M7a (Marine District) which provides for the regulation and location of water-oriented uses and related activities, including the storage of petroleum products, in proper relationship to surrounding development. When this matter was initially considered by Council, strong concern was expressed over the intensification of a use which was considered incompatible with the development of a major marine park. However, prior to Council formulating an official position in this regard, staff was requested to provide additional information on certain aspects of the proposal.

This report provides this information and further examines the relationship of the development proposal to the Municipality's objectives in developing the Barnet Marine Park.

It is concluded that the proposed development of a bulk liquid terminal is consistent with existing zoning requirements and Johnston Terminals Ltd. intends to utilize the latest technology and institute the requisite environmental and safety measures. However, the Planning and Building Inspection Department is concerned that the Municipality's right to exercise a right of first refusal to purchase this property is being circumvented which, in turn, will frustrate our development objectives for the Barnet Marine Park.

REPORT

1.0 BACKGROUND:

Council received the attached Manager's Report No. 55, Item 4 on 1983 September 12. This report recommended that Council approve, in principle, the proposal to utilize the Texaco Tank Farm for the handling of methanol and related alcohol derivatives consistent with the M7a (Marine District) zoning requirements.

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It was also recommended that, prior to the issuance of a Preliminary Plan Approval and a Building Permit, staff be instructed to ensure that satisfactory measures are provided for environmental control including site spill control, containment and recovery facilities; fire protection systems and facilities; access roads, including the provision of alternative access for emergency purposes; and the certification by a registered engineer as to the integrity and reliability of the existing tanks and ancillary equipment.

Essentially, this initial report concluded that, although numerous modifications are required for environmental control and for the upgrading of protection systems, the existing Texaco Tank Farm can be made adaptable for the proposed use. It was recognized, however, that particular attention will need to be paid to this proposal to ensure that potential conflicts with the adjacent Barnett Marine Park are minimized.

These initial conclusions and recommendations reflected the fact that the development proposal complied with existing zoning regulations. In reviewing this report, a number of technical questions were raised and the Municipal Council requested staff to examine the possibility of acquiring the subject property. As a result of this direction, staff is now recommending that a final resolution of the proposal to acquire or lease these lands be obtained before Council adopts a position on the Johnston Terminals' proposal.

## 2.0 STATUS OF ACQUISITION AGREEMENT:

When the Municipality acquired lands previously from Texaco, the attached 1976 February 06 Agreement outlined certain conditions for development associated with the purchase and the continued operation of the Texaco Tank Farm.

The section pertaining to the right of first refusal reads as follows:

"AND THE GRANTOR further grants unto the Grantee, for a period of twenty-one (21) years less one (1) day from the date hereof, in the event the Grantor desires to sell, convey or dispose of all or any portion of Lot 1, a right of first refusal to purchase all or any portion of Lot 1 for a period of sixty (60) days from the receipt by the Grantee of the intent to sell by the Grantor and if after the expiration of the 60-day period the Grantor and the Grantee have not agreed on the terms of a sale to the Grantee, the Grantor may offer Lot 1 or any portion of Lot 1 for sale on the open market PROVIDED that it is mutually agreed that this right of first refusal will not apply to my transfer from the Grantor to any subsidiary or associated company or to a sale or transfer to Her Majesty the Queen in Right of Canada or in the Right of the Province of British Columbia or any Crown Corporation or agency; and that any such transfer from the Grantor to a subsidiary or associated company shall contain a covenant which shall bind such subsidiary or associated company obtaining title, to grant to the Grantee a like first right to purchase."

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The 21 years referred to above was the result of an action that occurred in 1976 April. In the conveyance from Texaco to Burnaby dated 1976 February 06, Texaco granted to Burnaby the right of first refusal to purchase Lot 1, D.L. 214, Group 1, N.W.D., Plan 49510, retained by Texaco. The Registrar requested that this clause be struck out or amended because in his opinion, it offended the rule against perpetuities in that it did not specify when the right of first refusal will be exercised. Council therefore authorized that the time for exercising the right be limited to twenty-one years from the date of the conveyance and that the conveyance be amended accordingly. This limitation satisfied the rule and provided Burnaby with ample time in which to decide whether or not to exercise this right if Texaco should ever decide to sell.

The agreement did not provide for the Municipality to have a right of first refusal in the event Texaco was to lease the property for other than their own purposes.

### 3.0 STATUS OF EXISTING ZONING:

As noted previously, this property is zoned M7a which provides for the storage of petroleum products. This zoning category was developed to accommodate the fact that Texaco was to maintain its operation within the confines of the Marine Park. It specifically limited operations to the storage aspects and eliminated any potential for manufacturing or processing of petroleum products.

The purpose behind creating such a category and the registration of a right of first refusal was to permit Texaco to continue its operations and to state the Municipality's desire to acquire these lands if they were no longer required for Texaco's own use.

### 4.0 TECHNICAL CONSIDERATIONS OF PROPOSED REACTIVATION AND EXPANSION OF TANK FARM:

Johnston Terminals Ltd. has provided a brief for the individual members of Council providing general information on their Company, the proposed development and responding to the specific questions raised by Council during their initial consideration of this matter. The contents of this brief as they relate to these questions are summarized as follows and information is provided on other matters raised by Council.

#### 4.1 PROPOSED ACQUISITION OF TEXACO LANDS

The Municipal Manager was requested to pursue the possibility of acquiring the Texaco property for inclusion in the Barnet Marine Park Development. Accordingly, on 1983 October 05, a letter was forwarded to Texaco Canada Inc. requesting them to consider this proposal. They replied on 1983 October 31 stating that they were not interested in selling the property at the present time.

Given this situation, Council was advised that the Municipal Manager had requested Texaco to consider an alternative solution whereby the Municipality would lease these lands on a long-term basis. On 1984 January 16, the Manager received a letter from Texaco advising that, inasmuch as they have been involved in a negotiated proposal with Johnston Terminals, they are not in a position at this time to undertake any such negotiations with the Municipality. They did state, however,

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that in the event this situation changes, they would be more than prepared to contact the Manager in this regard.

It is evident, therefore, that Texaco intends to pursue leasing the subject lands to Johnston Terminals and is not prepared to consider making them available to the Municipality.

While we recognize Texaco's position in this regard, this Department does not agree with their conclusion that the fact they are involved in a negotiated proposal with Johnston Terminals, precludes their undertaking negotiations to sell or lease these lands to the Municipality. At the time the Municipality acquired lands from Texaco in 1976 for the development of the Barnet Marine Park, the acquisition agreement provided for Texaco to retain two acres of vacant land to provide for expansion in the future. The Municipality further negotiated a right of first refusal to purchase all or any portion of the Texaco property for a period of 60 days from receipt of notice from Texaco of its intent to sell, convey or dispose of all or any portion of this property.

It is clear that the initial Agreement provides for the continued operation and expansion of the terminals for Texaco's own use or for the use of a subsidiary or associated company. However, it is now apparent that they no longer require these lands for their own use and consequently we believe the Municipality should first be given the right to exercise the intent of the right of first refusal.

Irrespective of any negotiations which have taken place with Johnston Terminals, we believe that an overriding consideration is the concern expressed by members of Council over this proposal and the potential impact on the development of the Barnet Marine Park.

#### 4.2 RE-DESIGNATION OF ZONING FOR PARK USE

On 1984 January 16, Council adopted a motion requesting staff to report to Council on the legal ramifications and other possible considerations resulting from a proposed rezoning of the approximately 2 acres of the subject lands (which are designated for expansion purposes) to Park and Public Use.

The Municipal Solicitor has advised that Section 723 of the Municipal Act reads as follows:

"Property shall be deemed not to be taken or injuriously affected by reason of the adoption of a zoning by-law or its amendment or repeal. This sub-section does not apply to land zoned exclusively for public use."

In the Solicitor's view, the rezoning of these lands for park use probably would give rise to such a claim.

#### 4.3 RELATIONSHIP TO PORT OF VANCOUVER MASTER PLAN

The Port was requested to provide an initial comment on the proposal from their perspective relative to the Port of Vancouver Master Plan. In particular, they were requested to comment on the fact that this proposal would provide for additional tanker traffic through the Second Narrows and what would the Port's position be in this regard.

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The Harbour Master replied on 1983 October 26 stating that there are several aspects of the proposal which are matters for consideration by the Port of Vancouver, the primary concern being that of safety and navigation.

He noted that no mention was made in the proposal as to the frequency and size of vessels that are envisaged to use this facility. It was stated that there is an element of danger that must be associated with the transport of such dangerous goods, and the degree of danger involved in such transits of the Second Narrows increases proportionately to the size and frequency of vessels involved.

On the assumption, however, that the size of vessels would be similar to chemical tankers currently using the Inner Harbour, they stated that the matter of safety and navigation would seem acceptable as safeguarded by the Second Narrows Movement Restriction Area Standing Orders which are designed to minimize risk factors.

The information subsequently provided by Johnston Terminals states that the average internationally trading chemical/parcel tanker ranges from 15,000 d.w.t. to 40,000 d.w.t. Very few ships in the parcel tanker range exceed 40,000 d.w.t., with the vast majority being about 23-27,000 d.w.t.

They presently envisage that the Barnet terminal would handle approximately 200,000 tonnes per year and this will be in parcels averaging 10,000 tonnes per vessel. Based on this rationale, they would expect to have an average of one vessel calling at the terminal every eighteen (18) days, or twenty (20) vessel calls per year.

Staff contacted the Harbour Master's office and advised them of the foregoing. They stated that the proposed tanker size is consistent with chemical tankers currently using the Inner Harbour and the proposed frequency of vessel calls is acceptable.

Their 1983 October 26 letter did note, however, that the Port of Vancouver Master Plan will recommend that no new terminals be established for the handling, storage and transport of dangerous or hazardous goods within the Inner Harbour.

They also advised that, in the event the proposal to reactivate and expand the Texaco Tank Farm is progressed, it is likely that the provisions of the Tempol Code would be used as guidelines to safeguard the Terminal, the Municipality and the Port. (The Tempol Code establishes environmental and safety standards for the construction of terminals and berthing facilities.)

It should be noted that they have stated that the foregoing factors would form the basis for review from the Port's perspective should it be decided to proceed with this proposal.

#### 4.4 SIZE, TYPE AND FREQUENCY OF VESSELS CALLING AT PROPOSED TERMINAL

This information is detailed in the preceding section and indicates that the vessel sizes will be within limits which are acceptable to Port authorities.

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#### 4.5 SIZE AND PROPOSED DESIGN OF DOCK STRUCTURE

The existing approach causeway and loading dock structure is proposed to be re-decked and extended approximately 100 feet. The four existing wooden dolphins are to be removed and replaced with a concrete or steel structure to accommodate construction in deeper water. In overall size and sheer bulk, the dock will not be much different from the present structure.

#### 4.6 RAILCAR RECEIVING AND FREQUENCY

All export cargos will be received in railcars with the annual number equalling 1,666 or an average of 32 cars per week. The terminal is proposed to be designed to handle 22 cars at one time and, therefore, rail receiving would be undertaken approximately 2 shifts per week. Since the majority of these cars will be coming from a single customer, it is possible that blocks of cars will be rotated between the production facilities and the terminal with up to 66 cars being discharged in a single day every two weeks.

If this proposal is advanced further, it will be necessary to initiate discussions with the Canadian Transport Commission and CP Rail on the safety aspects associated with this facet of the proposed operation. For example, it may be necessary to install Jordan rails to contain the railcars within the rail right-of-way on the mainline in the event of a train derailment.

#### 4.7 VEHICULAR ACCESS

Vehicular access is currently provided by Texaco Drive north from the Barnet Highway. When this matter was reviewed previously, the Director Engineering expressed concern over the potential impact of truck traffic on Texaco Drive and the Barnet Highway intersection. He stated that it may be warranted to consider a traffic signal and channelization similar to the precedent which was established at the Gulf Oil refinery.

Johnston terminals has advised that they have no plans or expectations of any vehicular tanker traffic either delivering or picking up products from the proposed terminal. They anticipate the only increase in vehicular traffic will be as a result of increased employment at the site which may represent between 6 to 10 persons.

On the basis of the foregoing, the Engineering Department and the Fire Department are satisfied with the sufficiency of the existing intersection and the access road. The only remaining concern will be the need to achieve adequate site distances at the private crossing of the railway into the site. This may require minor modifications to Texaco Drive south of the railway.

#### 4.8 ENVIRONMENTAL IMPACT OF PROPOSED TERMINAL AND MITIGATIVE MEASURES PROPOSED

In the previous Council report, it was noted that the Environmental Health Department had stated that insofar as health hazard is related to employees on the plant site or to nearby park patrons, they are of the opinion that methanol has more potential for health effects than gasoline as shown by the vapour hazard comparative index.

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Johnston Terminals Ltd. has provided the attached letter from Tera Environmental Consultants outlining three of the products they expect to handle through the Texaco site and detailing their moderately adverse side effects. They have stated that the principal concern from the storage of methanol would be from the fumes should they be vented to the air.

Johnston Terminals have committed to the GVRD, as administrators of the Waste Management Act (Emissions), that there will be no venting of vapour to the air.

They have further stated that two types of possible systems to prevent venting of gases are proving efficient.

(a) Vapour Recovery and Condensation

The most efficient method of vapour control is to re-cycle all vapours in the storage tank through a refrigeration system, resulting in the cooling of the product, its condensation and re-introduction to the tank as a liquid, thus no gases escape and there is no change in the state of the product and no waste.

(b) Vapour Recovery by Incineration

Incineration or thermal oxidation of gases has been chosen by Pacific Coast Terminals in Port Moody to dispose of vapours from the tank farm presently being installed for Styrene Monomer. It is also used by Nabob Foods in Burnaby to reduce the odour of roasting coffee at its plant.

In principle, the system is designed to thermally oxidize any gases or particulate matter in the air and in the case of the products proposed for the Barnet Terminal, turn them into water vapour and CO<sub>2</sub>.

Johnston Terminals have stated that the final choice of the system to be installed will be based on the most efficient method available which engenders the combined requirements of the GVRD and the needs and preference of their customers.

4.9 ALTERNATIVE EMERGENCY ACCESS

Johnston Terminals has proposed to provide an emergency access road from the east end of the terminal connecting with the Barnet Marine Park road system. They also propose providing access roads for fire fighting equipment along the top of the containment dykes, with hydrants and standpipes located strategically around the site.

It is also intended that the terminal safety and fire fighting equipment will be upgraded to conform to the latest standards appropriate to a facility of this size.

The proposal to connect this emergency access to the Barnet Marine Park road system will need to be carefully examined by the Recreation and Cultural Services Department and the Fire Department. However, in principle, this proposal would seem to provide for the most efficient and effective method of providing alternative access in an emergency situation.



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#### 4.10 TERMINAL SECURITY

Johnston Terminals has stated that the facility would be enclosed with 6 foot high security fencing with access controlled by electronically operated gates. When the terminal is not in operation, there will be regular security patrols and inspection. Automatic fire detection and intruder alarms are proposed with direct connections to both the Police and Fire Departments.

#### 5.0 CONCLUSIONS:


In reviewing this proposal, it is evident that Johnston Terminals Ltd. is prepared to construct a bulk liquid terminal which utilizes the latest technology and which is responsive to environmental and safety concerns. Moreover, the Texaco property is zoned M7a which provides for the storage of petroleum products.

The question before Council is the acceptability of this use relative to the development of the surrounding Barnet Marine Park. As a basic principle, the Planning and Building Inspection Department is opposed to the intensification of a use which is not in keeping with the public recreational character of the park. However, Texaco has historically operated a bulk terminal at this location and at the time negotiations were undertaken to acquire portions of their lands for the park development, provision was made for the continuation and limited expansion of their operation within the context of the M7a zoning designation and the agreement providing for a right of first refusal.

On the surface, it would seem to follow that Johnston Terminals should be able to acquire Texaco's interest in the lands and proceed with their development proposal. However, it should be recognized that the Municipality does hold a right of first refusal to acquire portions of the Texaco property if it is no longer required for its expansion purposes and if it decided to dispose of the property. The intent of this right is apparently being circumvented by the fact that the property is to be leased and not sold to Johnston Terminals.

Therefore, we are of the opinion that Council should formally request Texaco Canada Incorporated to honour the intent of the previous acquisition Agreement and enter into negotiations with the Municipality to make its lands available for sale or lease for park development.

PB/jce  
Attach.

  
A: L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

cc: Director Recreation & Cultural Services  
Chief Public Health Inspector  
Director Fire Services  
Director Engineering  
Municipal Solicitor

ITEM 4  
MANAGER'S REPORT NO. 55  
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MUNICIPAL MANAGER'S RECOMMENDATION:

1. *THAT the recommendations of the Director Planning & Building Inspection be adopted.*

\* \* \* \* \*

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COUNCIL MEETING 1984 04 09

TO: MUNICIPAL MANAGER 1983 SEPTEMBER 06  
OUR FILE: 15.003.1

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: PROPOSED REACTIVATION AND EXPANSION OF TEXACO TANK FARM FOR  
HANDLING OF METHANOL AND RELATED ALCOHOL DERIVATIVES.

RECOMMENDATIONS:

1. THAT Council approve, in principle, the proposal to utilize the Texaco Tank Farm for the handling of Methanol and related Alcohol derivatives consistent with the M7a (Marine District) zoning requirements.
2. THAT, prior to the issuance of Preliminary Plan Approval and a Building Permit, staff be instructed to ensure that satisfactory measures are provided for environmental control including site spill control, containment and recovery facilities; fire protection systems and facilities; access roads, including the provision of an alternative access for emergency purposes; and the certification by a registered Engineer as to the integrity and reliability of the existing tanks and ancillary equipment.

3. THAT a copy of this report be forwarded to:

Mr. R.C.E. Kitching  
Project Manager  
Johnston Terminals Ltd.  
P. O. Box 5300  
Vancouver, B. C. V6B 4B6

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SUMMARY:

The following report provides Council with information on the proposal to reactivate and expand the Texaco Tank Farm for the storage and handling of Methanol and related Alcohol derivatives. This report concludes that, although numerous modifications are required for environmental control and for the upgrading of protection systems, the existing Texaco Tank Farm can be made adaptable for the storage and handling of methanol and alcohol derivatives. Particular attention will need to be paid to this proposal to ensure that potential conflicts with the adjacent Barnet Marine Park are minimized.

REPORT

BACKGROUND:

The subject lands are located within the Barnet Marine Park as illustrated on the attached Figure 1. As part of the implementation of the Marine Park Concept, the Municipality acquired certain lands as shown on the attached Figure 2. The acquisition agreement, which was negotiated in 1975, provides for Texaco to retain two acres of vacant land to the east of its plant to provide for expansion in the future. The Municipality negotiated the right of first refusal to purchase all or any part of this two acres if it is no longer required for expansion purposes. Further, it was made abundantly clear to Texaco that we did not have the authority to bind future Councils to agreeing to any form of expansion program. Also, the entire Texaco holdings were rezoned from M3 (Heavy Industrial District) to M7a (Marine District) to ensure that they cannot be developed for anything but a marine use or the possible extension of the existing tank farm.

The M7a zone provides for the regulation and location of water-oriented uses and related activities in proper relationship to surrounding development. The storage of petroleum products is a permitted use in the M7a zone.

EXISTING SITUATION:

1. EXPANSION PROPOSAL

We are in receipt of a letter advising that Johnston Terminals Limited proposes to reactivate the Texaco Bulk Storage Terminal to handle Methanol and related Alcohol derivatives. In principle, it is their intention to reactivate the terminal, clear and refurbish the existing facilities and to add additional tanks. They also intend to reconstruct the dock approach causeway and build a suitable marine structure for berthing appropriate sized vessels. The existing rail access will be reactived to accommodate approximately 16 cars, and all safety and environmental equipment overhauled or replaced to provide a safe environment and work place.

The terminal will provide employment for approximately 10 persons on an ongoing basis and will provide significant employment for construction trades during the refurbishing period.

Applications have been submitted to the Ministry of Environment for a permit under the Waste Management Act (Effluent and Emissions).

Prior to proceeding with this proposal, Johnston terminals has requested the details as to the appropriate Municipal permits which may be required.

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## 2. SUITABILITY OF PROPOSED USE

If we were in a position of examining this proposal as a new use which would be situated within a major marine park, it is certain that it would not be viewed as a compatible use. However, the Tank Farm was located on Burrard Inlet prior to the establishment of the Barnet Marine Park. In fact, its continued operation and expansion was recognized in the acquisition of lands for the park and in the preparation of the resultant development plan. Notwithstanding these facts, Council should consider this application in light of its overall objectives for the development of the Burrard Inlet Foreshore.

In order to put this proposal into the proper perspective, the Planning and Building Inspection Department requested other Departments to review and provide comment on this proposal. Their responses are summarized as follows:

### a) RECREATION AND CULTURAL SERVICES

This Department has stated that the recently completed Park/Beach facility due east of Texaco presently attracts in excess of 1,000 people on any given weekend day. Moreover, they are currently reclaiming the foreshore area to the west of Texaco which, once completed, will invite additional people to the area. Consequently, their staff is concerned that no intensification of use of the Texaco site be permitted which will jeopardize either the safety of park users or the safety of the environment.

### b) ENGINEERING DEPARTMENT

The Director Engineering has advised that information submitted by the applicant does not indicate any areas of direct concern to that Department at this time, with the possible exception of traffic generation. Specifically, they are concerned with the truck traffic that may be generated as Texaco Drive, which is the only vehicular access to the site from the Barnet Highway, is constructed to a substandard interim pavement cap. Moreover, the intersection at the Barnet Highway is only controlled by a stop sign. They have stated that it may be warranted to consider a traffic signal and channelization similar to the precedent which was established at the Gulf Oil refinery. They have further noted that, as the Barnet Highway is a Provincial responsibility, the Ministry of Transportation and Highways may have similar concerns regarding traffic volumes and access.

Once additional data becomes available, they will then review that information for further direction.

### c) FIRE DEPARTMENT

The Assistant Chief Fire Prevention Officer has advised that Methanol (Methyl Alcohol) and all related alcohol derivatives are classified as flammable liquids and are considered a dangerous commodity. The transportation of these products under Railroad Shipping Regulations is treated in a manner comparable to gasoline.

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The Provincial Fire Commissioner's and the Municipal Fire Department's approval of plans for the reactivation and/or expansion of these facilities will be required and must include existing and proposed water supplies, fire protection systems and facilities, and access roads; all of which will require upgrading to meet Municipal and Provincial standards.

Certification by a qualified Engineer as to the integrity and reliability of the existing tanks and ancillary equipment will be required as they have been out of service for a number of years.

#### d) ENVIRONMENTAL HEALTH

This Division has reviewed the subject proposal and concluded that, although numerous modifications are required for environmental control, they are of the opinion that the existing facility can be made adaptable for the proposed use.

They advised that generally, the handling and storage requirements for methanol are closely related to gasoline, which was the previous permitted use. However, there are some differences in the general characteristics of methanol and gasoline. They further provided the following comments relative to the review of this proposal:

##### i) Definition of methanol and other alcohol derivatives - zoning requirements.

The primary source of methanol today is natural gas. Basically, any material that can be thermally decomposed into hydrogen and carbon monoxide or carbon dioxide is considered a potential source of methanol. Today, almost all of the world's methanol is petroleum derived (from natural gas, refinery light gas streams or naphtha fractions).

##### ii) General characteristics and hazards associated with the storage and shipment of methanol and alcohol derivatives - as compared to gasoline.

Flashpoint - Definition: Flashpoint is the lowest temperature which allows enough vapour formation to form an ignitable mixture. Methanol: +52°F Gasoline: -45°F.  
Auto ignition temperature - Definition: Minimum temperature it takes for the product to ignite itself.  
Methanol: 725°F, 385°C Gasoline: 536°F, 280°C  
Flammability Limits (Explosive limits) - Definition: Concentration of vapour in which flame is self-propagating (given as percentage concentration of product in air).

Methanol: 6.0% to 36% Gasoline: 1.4% to 7.6%  
Boiling Point: Methanol 147°F, 64°C Gasoline: 100°-400°F, 38°-204°C

Threshold Limit Value - TLV - Definition: An exposure level under which most people can work consistently for 8 hours a day, day after day, with no harmful effects.

Methanol: 200 ppm (parts per million)

Gasoline: 500 ppm (a low number indicates a higher toxicological hazard)

Vapour hazard - Definition: An overall hazard comparison index. This takes into account the TLV and potential for vapourization of the product. Methanol: 820 Gasoline: 176

(A higher number indicates higher hazard.)

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In analysing the foregoing information, they have stated that insofar as health hazard is related to employees on the plant site or to nearby park patrons is concerned, they are of the opinion that methanol has more potential for health effects as shown by the vapour hazard comparative index. The Fire Prevention Office has provided information which rates both commodities as having a dangerous fire hazard rating.

iii) Site spill control and containment requirements

An inspection conducted on 1983 August 03 of the Texaco Bulk Terminal facility revealed that numerous areas at the facility would require upgrading relative to product spill control, containment and recovery. Currently, the Texaco facility contains four bulk storage tanks ranging in size from 750,000 to 1,500,000 gallons. The immediate area surrounding each tank is dyked and designed to contain the entire volume of product stored in the tank. Each containment area is drained directly into the Inlet. An existing rail tank car loading area is located on the rail spur line. No containment is provided in association with the rail loading area.

The Environmental Health Department has contacted the Federal Department of Fisheries and Oceans to determine methanol's toxicity to the aquatic environment. Methanol is less toxic to fish (trout) than gasoline. Stronger concentration is required to produce lethal effects on fish (gasoline 100 ppm, methanol 8,100 ppm). Methanol which is accidentally discharged into the Burrard Inlet would dissolve in water, making it impossible to recover. With this in mind, land-based control and containment measures must be designed to provide total containment of stormwater which may contain spilled methanol.

The Environmental Health Department is currently in receipt of a copy of an application under the Waste Management Act for the discharge of stormwater originating from the Texaco facility to the Inlet. They have requested the Waste Management Branch to not issue a permit unless adequate spill prevention control procedures for methanol are provided. The Environmental Health Department staff will be reviewing these procedures with the Waste Management Branch and the applicant.

Re: Proposed Reactivation and Expansion of Texaco Tank Farm for  
Handling of Methanol and Related Alcohol Derivatives  
1983 September 06

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e) PLANNING AND BUILDING INSPECTION DEPARTMENT

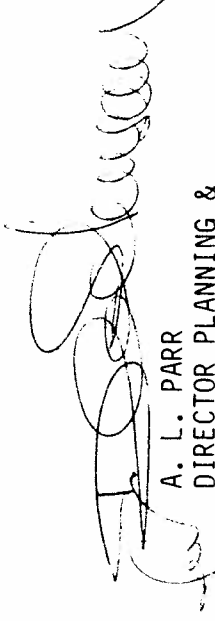
The essential question for this Department has been one of the acceptability of the proposed use relative to the development objectives embodied in the Barnet Marine Park Development Plan. As a basic principle we are opposed to the intensification of a use which is not in keeping with the public recreational character of the surrounding marine park.

However, we recognize the fact that Texaco has historically operated at this location and that the negotiations to acquire lands for the development of the park provided for the continuation and expansion of the Texaco facilities. Therefore, we believe it is in order for Council to approve the subject proposal in principle on the proviso that sufficient safeguards are incorporated into the development approval process to ensure that requirements for environmental and protection facilities, which are noted herein, are satisfied.

This Department would be responsible for ensuring that these matters are attended to as a condition of Preliminary Plan Approval and the subsequent receipt of a Building Permit.

PB/jce  
Attach.

cc: Chief Public Health Inspector  
Chief Fire Prevention Officer  
Director Engineering  
Director Recreation & Cultural Services



A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

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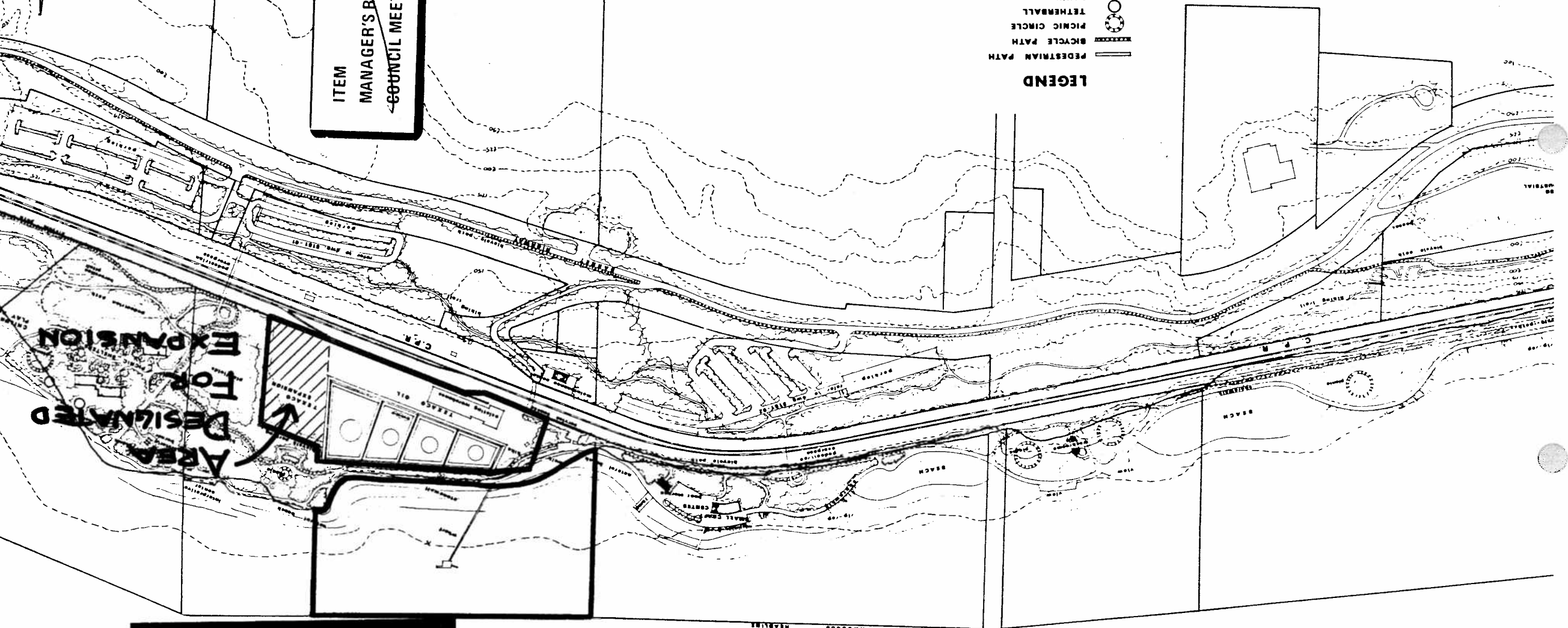
176  
NORTH  
1983 APR 25  
1" = 400' PB

Figure 1

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# TEXACO PROPERTY

- LEGEND**
- PEDESTRIAN PATH
  - BICYCLE PATH
  - PICNIC CIRCLE
  - TENNISBALL
  - LAWN
  - PLANTING



AREA DESIGNATED FOR EXPANSION

ITEM 16  
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# LANDS PURCHASED FOR BARNET MARINE PARK

- LEGEND**
- PEDESTRIAN PATH
  - BICYCLE PATH
  - PICNIC CIRCLE
  - TETHERBALL
  - LAWN
  - ☁ PLANTING

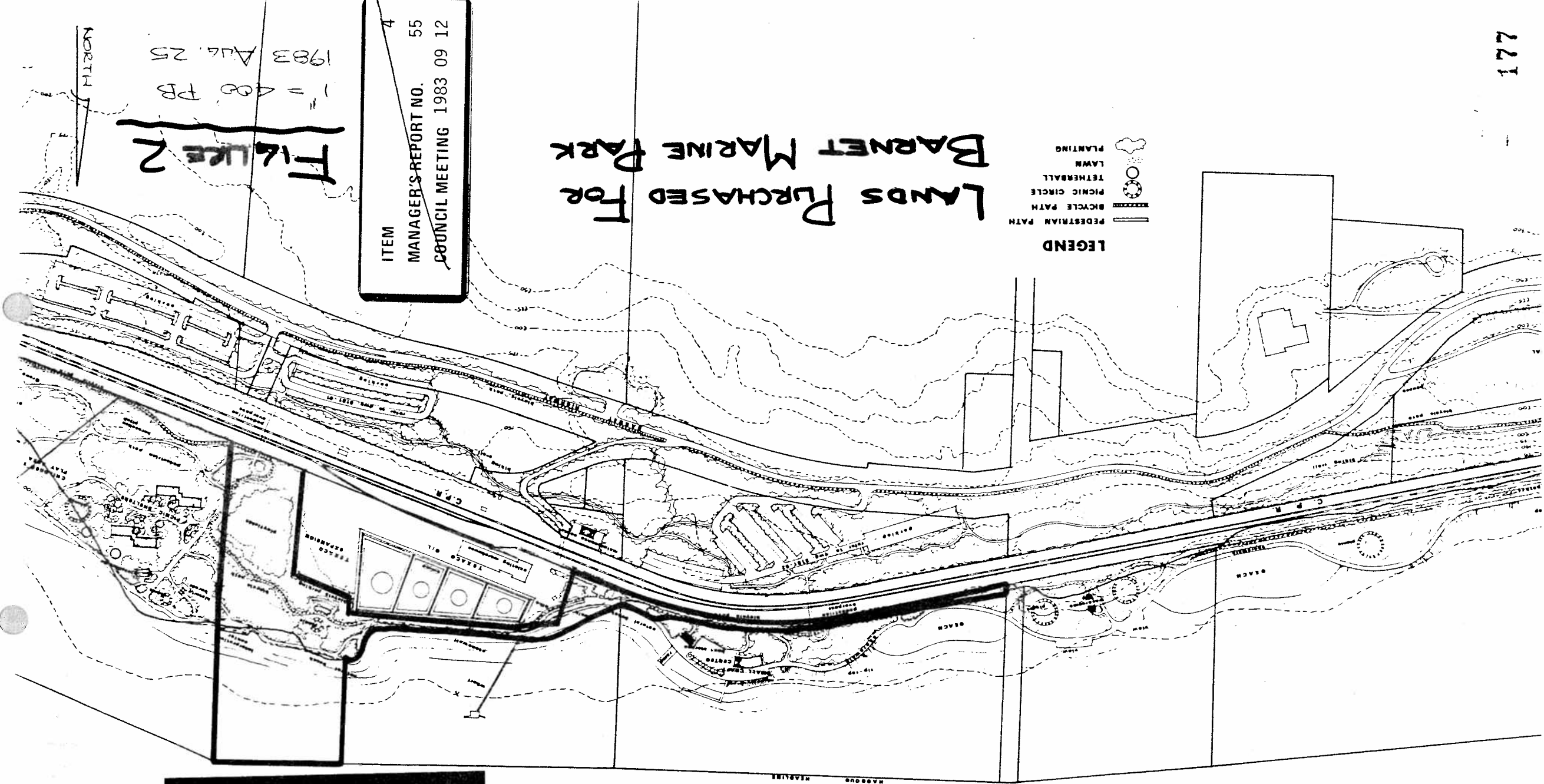
ITEM 4  
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**FIGURE 2**

1" = 400' FB  
 1983 AUG. 25

NORTH ↑



October 24, 1983

R.C.E. Kitching  
Project Manager Marine Terminals  
Johnston Terminals & Storage Ltd.  
2020 Yukon Street  
Vancouver, B.C.  
V6B 4B6

Dear Sir:

Re: Environmental Description of Proposed Products for the Texaco Site

There are three products anticipated to be shipped from the "Texaco Site" in Burnaby. These are methanol, tert butyl alcohol, and vinyl acetate monomer. Methyl alcohol is a relatively well known product presently being shipped through Vancouver Wharf and other terminals in the Lower Mainland. Vinyl acetate monomer and tert butyl alcohol are not commonly known in the Port of Vancouver.

**METHYL ALCOHOL (METHANOL)**

Methyl Alcohol is a watery liquid which is colorless with a distinct alcohol odour. It is a highly mobile liquid which floats and mixes with water. Generally regarded as flammable and produces irritating vapours.

Methanol is non corrosive but may explode if ignited in an enclosed area. Flashback along vapour trail may occur.

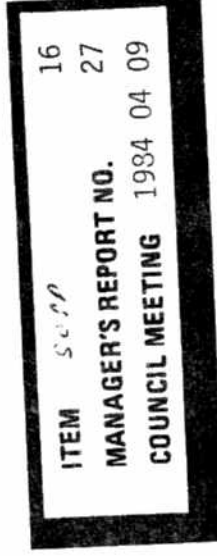
Methanol is poisonous if swallowed. It is an irritant to the eyes and skin. The vapours are irritating to the eyes and skin as well if inhaled. It will cause dizziness and headache.

The toxicity of methanol to aquatic life is moderate. It may be dangerous to aquatic life in high concentration. It is estimated that it requires 250 parts per million to kill goldfish in an 11-hour period. There is no food chain concentration potential and the alcohol dilutes and dissipates rapidly. The biological hazard rating is low.

In summary therefore, methanol is non-corrosive, is moderately explosive, highly flammable, of moderate toxicity to aquatic life, and has low biological hazard.

R.C.E. Kitching (cont'd)

- 2 -



#### TERT BUTYL ALCOHOL

Tert Butyl Alcohol is a colorless watery liquid. It mixes with water. Tert butyl alcohol is not a corrosive. Its explosive hazard is moderate and is slightly oxidizing. Fire potential is moderate as well. When exposed to heat on ignition the fire hazard may be high. However, there is no spontaneous heating or ignition.

The toxicity of tert butyl alcohol is moderate to high if swallowed. On contact, it results in irritation of eyes and skin. If concentrated vapours are inhaled, it results in irritation to the mucous linings.

The toxicity to aquatic life is low, requiring more than 1000 parts per million to kill fish over a 24 hour period.

The biological hazard rating is low.

In summary, therefore, Tert butyl alcohol is not corrosive, is moderately explosive, and has a moderate fire potential. Its toxicity is moderate if swallowed or inhaled, however, its biological toxicity is low and its biological hazard rating is low.

#### VINYL ACETATE MONOMER

Vinyl acetate is a clear, colorless liquid and has a sour, sharp odour. The liquid floats on water and does not mix with water.

Vinyl acetate monomer is moderately explosive when ignited and confined to an enclosed area. It becomes highly explosive when heated and ignited in an enclosed area. Vinyl acetate monomer is highly flammable.

Vinyl acetate monomer is moderately toxic when swallowed and of low toxicity when inhaled. It irritates the mucous membranes when inhaled. Its biological hazard rating would be low.

In summary, vinyl acetate monomer is non-corrosive, has only a moderate explosive hazard rating but is highly flammable. Its toxicity when swallowed or inhaled is moderate to low while its toxicity to aquatic organisms is low.

Yours very truly,



Helmut J. Urhahn  
President

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BY 4365  
BY 4366  
BY 43787

SUBSTITUTE FORM A - PARTICULARS

- (a) Address of person entitled to be registered if different from that shown in instrument.  
*for change of name of McCall  
Frederic on 6/3/79 2:57  
P.C.S.Y.*
- (b) Full name, postal address and telephone of person presenting instrument for registration.  
*John J. McCall  
1449 E. 41st St. Burnaby  
BC V5C 2G4*
- (c) Declared Value:  
\$1,100,000.00
- (d) Request delivery of Duplicate C. T. Yes/No  
*Robert [Signature]*  
Signature of Applicant  
(Solicitor for Grantee)

THIS INDENTURE made the 6th day of February, 1976.  
IN PURSUANCE OF THE "SHORT FORM OF DEEDS ACT"

BETWEEN:  TEXACO CANADA LIMITED, a body corporate incorporated under the laws of Canada and having its registered office in British Columbia at 1177 West Hastings Street, in the City of Vancouver, in the Province of British Columbia;

(hereinafter called "the Grantor")  
OF THE ONE PART

AND: THE CORPORATION OF THE DISTRICT OF BURNABY,  
1949 Canada Way, in the Municipality of Burnaby,  
in the Province of British Columbia;

(hereinafter called "the Grantee")  
OF THE OTHER PART

WITNESSETH that in consideration of and for the sum of Ten Dollars (\$10.00) and other good and valuable consideration now paid by the Grantee to the Grantor (the receipt whereof is hereby by it acknowledged) the Grantor GRANTS unto the Grantee, its successors and assigns FOREVER:

ALL AND SINGULAR that certain parcel or tract of land and premises situate in the Municipality of Burnaby, in the Province of British Columbia and described as:

Set out in Schedule "A" hereto  
(hereinafter called "the Lands") or stamped on the application

DATE OF REGISTRATION OF REGISTRATION  
Registered on 3<sup>rd</sup> day of 7, 1976  
on application received at the time written

3767 1195.00

NEW WESTMINSTER  
REGISTERED  
REGISTERED  
REGISTERED

18.2 1976  
Date of Issue Deed  
Booked Value  
Price Money  
Number

70.

44365

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TOGETHER with all buildings, fixtures, commons, ways, profits, privileges, rights, easements and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto and the estate, right, title, interest, property, claim and demand of the Grantor in, to or upon the said lands.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, to and for its sole and only use forever; SUBJECT NEVERTHELESS to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown, and subject to all taxes, rates and local improvement assessments whether assessed against said lands now or subsequently to be assessed and all building restrictions (if any) to which the said lands or any part thereof are at the date of this indenture subject;

AND SUBJECT FURTHER TO:

1. The Grantor reserves unto itself for the benefit of:

Lot One (1) of  
District Lot Two Hundred Fourteen (214),  
Group One (1),  
New Westminster District,  
Plan 49510

(hereinafter called "Lot 1")

the full, free and uninterrupted right, liberty, right-of-way and easement for the Grantor, its servants, employees, agents and all others, the licensees of the Grantor from time to time and at times to enter, use, labour, go, return, pass and repass over, along and upon all that portion of the Lands outlined in brown and more particularly shown on the Explanatory Plan of easements of a portion of Lots 1 and 2, which Explanatory Plan was certified by D. T. Simons, B.C.L.S., on the 24th day of September, 1975 and filed in the New Westminster Land Registry Office herewith under No. 49652, a copy of which is hereto annexed as Schedule "B" and hereinafter referred to as the "Explanatory Plan", to lay down, construct, install, operate, maintain, alter, enlarge, repair, renew and replace over, through and upon the aforesaid easement a road or way of asphalt, concrete or similar material together with any and all necessary ditches, culverts and drainage systems and to pass and repass over the aforesaid easement with or without laden or unladen vehicles or equipment.

The Grantee covenants and agrees not to excavate, remove, install, erect or permit to be excavated, removed, installed or erected upon or under the said easement any earth, pit, foundation or other works, structures, improvements or installations, or do or permit to be done any other act or deed which might interfere with the said easement hereinbefore granted.

2. The Grantor further reserves unto itself for the benefit of the said Lot 1 the full, free and uninterrupted right, liberty, right-of-way and easement for the Grantor, its servants, employees, agents and all others, the licensees of the Grantor from time to time and at all times to enter, use, labour, go, return, pass or repass over, along and upon all that portion of the Lands outlined in brown on the Explanatory Plan hereto attached as Schedule "B" and filed in the New Westminster Land Registry Office herewith, to construct, maintain, repair, enlarge, renew, alter or replace the improvements situate on the Grantor's lands PROVIDED THAT in the event the Grantor disturbs, damages, or otherwise injures the improvements and landscaping on the aforesaid easement, it will, at its expense, repair or replace such improvements and landscaping to the state existing prior to the use of the easement by the Grantor.

3. The Grantor reserves unto itself for the benefit of:

Lot Three (3) of  
District Lot Two Hundred Fourteen (214),  
Group One (1),  
New Westminster District,  
Plan 49510

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44000

an easement in perpetuity for the encroachment of the footings of accessory dock facilities and other appurtenances pertaining to the accessory dock over those portions of Lot 2 shown outlined in purple on the Explanatory Plan prepared by D. T. Simmons on the 24th day of September, 1975, and attached hereto as Schedule "B" and filed in the New Westminster Land Registry Office herewith, for the purpose of constructing, maintaining and using an accessory dock and other appurtenances pertaining to the accessory dock constructed (and for any replacement and alteration to such dock) on Lot 3.

For the purposes of this easement, "accessory" shall have the meaning of "ancillary to the use of the adjoining Lot 1 retained by the Grantee".

The Grantor covenants and agrees to save the Grantee harmless and to indemnify and keep indemnified the Grantee from all claims, demands, damage, costs, expenses, charges and taxes which may be sustained or incurred by the Grantee from the construction, use, maintenance or existence of the encroachment for dock facilities.

The Grantee covenants and agrees not to excavate, remove, install, erect or permit to be erected upon or under the aforesaid easement area granted in this clause, any earth, pit foundation or other works, structures of installation or do or permit to be done any other act or deed which may interfere with the use of or the construction of dock facilities constructed on Lot 3.

4. The Grantor grants to the Grantee, its servants, agents, workmen and assigns for the benefit of Lot 2 an easement over that portion of Lot 1 outlined in green on the Explanatory Plan prepared by D. T. Simmons on the 24th day of September, 1975, and filed in the New Westminster Land Registry Office herewith, a copy of which is hereto attached as Schedule "B", to pass and repass in motor vehicles or other vehicles laden or unladen.

5. The Grantee covenants and agrees with the Grantor that, for the benefit of Lot 1, it will not construct, install, erect, or build on that portion of Lot 2 outlined in blue on the said Explanatory Plan any buildings, improvements, structures or installations; provided however, that this restrictive covenant is not to be applicable to parkland facilities, such as landscaping and trails, and is merely for the purpose of conforming to the setback regulations required for the installation of improvements on Lot 1. It is mutually agreed between the Grantor and Grantee that the covenant herein contained shall be a covenant running with the land and shall be a charge and encumbrance against Lot 2.

AND THE GRANTOR covenants with the Grantee that it has the right to convey the Lands described in Schedule "A" to the Grantee notwithstanding any act of the Grantor; and that the Grantee shall have quiet possession of the Lands free from all encumbrances save as aforesaid.

AND THE GRANTOR covenants with the Grantee that it will execute such further assurances of the said Lands described in Schedule "A" as may be requisite.

AND THE GRANTOR covenants with the Grantee that it has done no acts to encumber the said Lands described in Schedule "A" save as aforesaid.

AND THE GRANTOR releases to the Grantee all its claims upon the said Lands save as aforesaid.

AND THE GRANTOR further grants unto the Grantee, in the event the Grantor desires to sell, convey or dispose of all or any portion of Lot 1, a right of first refusal to purchase all or any portion of Lot 1 for a period of sixty (60) days from the receipt by the Grantee of the intent to sell by the Grantor and if after the expiration of the 60-day period the Grantor and the Grantee have not agreed on the terms of a sale to the Grantee, the Grantor may offer Lot 1 or any portion of Lot 1 for sale on the open market PROVIDED that it is mutually agreed that this right of first

for a period of twenty-one (21) years less one (1) day from the date hereof.

RETR

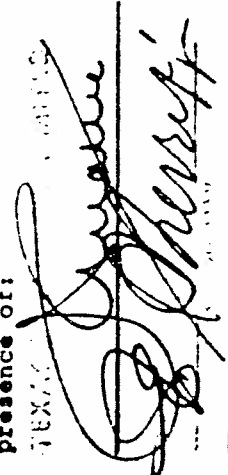
*Right of First Refusal*

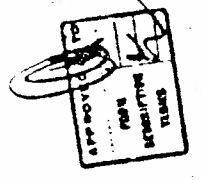
refusal will not apply to any transfer from the Grantor to any subsidiary or associated company or to a sale or transfer to Her Majesty the Queen in Right of Canada or in the Right of the Province of British Columbia or to any Crown Corporation or agency; and that any such transfer from the Grantor to a subsidiary or associated company shall contain a covenant which shall bind such subsidiary or associated company obtaining title, to grant to the Grantee a like first right to purchase.



THE GRANTOR agrees that the consideration of One Million, One Hundred Thousand Dollars (\$1,100,000.00) includes a settlement of any and all claims for injurious affection to Lot 1 and Lot 3 which might arise or have arisen by reason of the sale of Lot 2 to the Grantee.

THE GRANTEE covenants and agrees to assume the obligations contained in the easement agreements filed in the New Westminster Land Registry Office under #G42476 and #G42477 in favour of Her Majesty the Queen in Right of Canada and to indemnify and keep indemnified the Grantor from any and all claims, demands, losses, damages, costs and expenses which may be sustained or incurred by the Grantor by reason of the breach of any provision of the said easement agreements.

IN WITNESS WHEREOF the Grantor and Grantee have hereto caused their respective common seals to be hereunto affixed in the presence of their respective proper signing officers duly authorized in that behalf the day and year first above written.

The COMMON SEAL of the GRANTOR was hereunto affixed in the presence of:  
 TEXAS  




The COMMON SEAL of the GRANTEE was hereunto affixed in the presence of:  
 MAYOR  
 DEPUTY CLERK

