

ITEM 1
MANAGER'S REPORT NO. 64
COUNCIL MEETING 88/10/11

RE: TRANS MOUNTAIN PIPE LINE CO. LTD., WESTRIDGE TERMINAL
RESPONSE TO ENQUIRIES FROM COUNCIL

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Chief Public Health Inspector be adopted.

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TO: MUNICIPAL MANAGER 1988 OCTOBER 03
FROM: CHIEF PUBLIC HEALTH INSPECTOR
SUBJECT: TRANS MOUNTAIN PIPE LINE CO. LTD.
WESTRIDGE TERMINAL
RESPONSE TO ENQUIRIES FROM COUNCIL
PURPOSE: To respond to Council enquiries regarding vessel loading operations at Westridge Terminal.

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

The following report is in response to enquiries from Municipal Council regarding National Energy Board legislation for off spec crude and which Government authority had jurisdiction for controlling air emissions from vessels docked at Trans Mountain Pipe Line Co. Ltd., Westridge Terminal.

1. Which Government authority has the jurisdiction to control vessel odour emissions from ships receiving crude oil products at Westridge Terminal and could require a vessel to connect to a vapour recovery system?

Response

Environmental Health Division staff have discussed this enquiry with Environment Canada, Provincial Ministry of the Environment, Greater Vancouver Regional District, Canadian Coast Guard and the National Harbours Board-Port of Vancouver. No single Government authority accepts responsibility for controlling air emissions from vessels while docked and receiving product at Westridge Terminal.

The absence of a Government authority to regulate air emission discharges from vessels while receiving product at Westridge Terminal was raised as an issue by Municipal Council to the National Energy Board during their consideration of the Trans Mountain Pipe Line Co. Ltd. expansion application.

For the information of Council, on 1988 September 16, the Corporation of Burnaby filed with the Federal Court of Appeal an Application for Leave to Appeal the National Energy Board approval of Trans Mountain Pipe Line Co. Ltd.'s expansion application. The argument filed in support of the application contained the following comments concerning connecting vessels to dockside scrubbers.

"It is submitted that when the Board decided that "it does not have the authority to order that vessels arriving at Westridge be connected to the dockside scrubber" (Reasons for Decision, p.13, col.1), and consequently imposed no requirement to use the scrubber, the Board erred in its interpretation of its jurisdiction. While it is correct that the Board has no jurisdiction to direct vessels or their masters, the Board clearly has jurisdiction to lay down a condition pursuant to Section 49(2) of the National Energy Board Act that Trans Mountain not deliver crude oil or product at the Westridge Terminal that is not scrubbed."

2. National Energy Board Regulations for Crude Oil Sulphur Content Permitted to be Transported by Pipe Line at Trans Mountain Pipe Line Co., Burnaby Facilities.

In response to concerns raised by Municipal Council regarding the shipping of off spec odorous crude oil products, the National Energy Board issued regulations limiting the sulphur content to no greater than 0.9% by weight for crude oil products transferred by pipe line to Trans Mountain Pipe Line Co. Ltd., Burnaby Facilities.

Environmental Health Division staff have recently confirmed with the National Energy Board that these regulations are still in place. There have been no discussions concerning removing the sulphur content limit once crude oil product storage tanks with vapour recovery systems are in place at Trans Mountain Pipe Line Co. Ltd., Burnaby Facilities.

Correspondence has been sent to the National Energy Board requesting that the Municipality of Burnaby be immediately informed upon any discussion by the National Energy Board staff to eliminate or amend the regulations.

A further report will be submitted for Council's consideration upon receipt of the Federal Court of Appeal's decision regarding the Application for Leave to Appeal the National Energy Board's approval of Trans Mountain Pipe Line Co. Ltd.'s expansion application.

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cc: Director Administrative &
Community Services
Medical Health Officer

G. V. Harvie

G.V. Harvie, C.P.H.I.(C)
CHIEF PUBLIC HEALTH INSPECTOR