

*Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals  
CSA 2001 – Regulatory Reform Project –Phase 2 - Consultations  
Discussion Paper for National CMAC - Fall 2007*

CANADA SHIPPING ACT, 2001 (CSA 2001)

REGULATORY REFORM PROJECT

PHASE 2

PUBLIC CONSULTATION

*Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals*

CANADIAN MARINE ADVISORY COUNCIL (CMAC)

DISCUSSION PAPER

**Fall 2007**

**Please forward your comments to:**

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*This Discussion Paper has been prepared for comment and/or discussion.*



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**Responsible Authority**

The Director, Operations & Environmental Programs, is responsible for this document.

**Approval**

**Richard Day**

Director, Operations & Environmental Programs

**Date signed:**

## **Possible Amendments to the *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals***

### **Background**

The *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals* entered into force on May 3, 2007 under the Canada Shipping Act. As discussed at the May 2007 meeting of the CMAC Standing Committee on the Environment, the Regulations are being redrafted to be consistent with the CSA 2001 and at the same time some updates are also being incorporated, as previously agreed.

Subsequent to the Regulations being published in the *Canada Gazette Part II* on May 16, 2007, comments have been received concerning the provisions for garbage in Division 5 of the Regulations relating to authorized discharges of cargo residues and the discharge of comminuted food waste from garburators. In considering these comments, the Department has also raised the issue of greywater, which we consider related to the garburator issue. These items are summarized below for consideration of the SC concerning any possible recommendations for amendments to the Regulations.

### **Cargo Residues/Sweepings**

In order to implement Annex V of MARPOL, the Regulations included, in the definition of garbage, cargo residues from bulk cargoes not otherwise regulated. Consistent with Annex V, discharges of cargo residues are then limited to areas outside the territorial sea, as specified in section 140 of the Regulations. Recognizing existing guidelines, practices and U.S. requirements, allowances were made to permit the discharge of cargo residues in the Great Lakes and St. Lawrence River, as specified in section 142.

The shipping industry have submitted the following 3 comments:

1. The following cargoes should be included into the acceptable category of disposal of cargo washings in the St. Lawrence River below St. Lambert Lock, Montreal (subsection 142(2)).
  - Grain (wheat, barley, oats, soybeans, flax, canola, corn, etc.)
  - Cement
  - Coal
  - Carbonized coke
  - Mill scale

- Slag
  - Aggregates of any kind (limestone, dolomite, sand, crushed washed stone, quartz, etc.)
2. Canadian flag vessels should have the same considerations for iron ore, coal, and salt from Toledo and Windsor/Sarnia as the U.S. grants U.S. Carriers from Detroit to Toledo. This corridor is important for Canadian flag vessels to service the Canadian salt and grain trades (paragraph 142(1)(b)).
  3. In the interests of safety to navigation, the Canadian recognition of up-bound and down-bound Lake Carriers Association vessel traffic recommended course lines should be taken into account when delineating offshore limits for disposals.

### **Food Waste Discharges**

In order to implement international requirements under Annex V of MARPOL, the Regulations included food wastes in the definition of garbage and, consistent with Annex V, discharges of food wastes were limited to areas outside the territorial sea, as specified in paragraph 140(1)(b) of the Regulations, unless they have been ground so that they would pass through a 25 mm screen, in which case they could be discharged when at least 3 nautical miles from the baseline of the territorial sea. Under the previous *Garbage Pollution Prevention Regulations*, solid galley wastes were included in the definition of garbage, but liquefied galley wastes were not considered to be garbage and therefore there were no restrictions on their discharge. As the Regulations implement Annex V of MARPOL, it was also the intent to use the IMO ‘Guidelines for the Implementation of Annex V of MARPOL 73/78’ to assist in interpreting the provisions of Annex V and the Regulations. Section 5.2.1 of the IMO Guidelines states the following:

5.2.1 A wide variety of food waste grinders are available on the market and are commonly fitted in most modern ships’ galleys. These food waste grinders produce a slurry of food particles and water that washes easily through the required 25 mm screen. Output ranges from 10 to 250 litres per minute. It is recommended that the discharge from shipboard comminuters be directed into a holding tank when the vessel is operating within an area where discharge is prohibited.

This has been interpreted to imply that discharges from galley garburators are intended to be regulated as garbage discharges. The Guidelines also note that greywater, including dishwater, is not to be considered as garbage.

Certain ships have reported difficulty in meeting these new provisions and have noted that the provisions for the discharge of effluent from a garburator are stricter than those for the discharge of raw sewage.

A review of the provisions for garburator effluent is then considered appropriate and might include the following options:

1. Consider the requirements to be appropriate and make no amendments.
2. Determine that garburator effluent is not garbage and therefore treat it like greywater, but give consideration to implementing provisions for greywater.
3. Make the discharge provisions similar to those for raw sewage (with or without the 5-year period of grace).
4. Determine areas (different from those for raw sewage) where the discharge of the effluent may be authorized as it is not considered to be deleterious.

### **Greywater Discharges**

Greywater is meant to include drainage from dishwasher, shower, laundry, bath and washbasin drains. It may also include water from swimming pools and spas. As noted above, there is as well an option to consider the effluent from a garburator as greywater. Greywater is not considered to be garbage or sewage and at this time is not covered by the Regulations nor MARPOL as long as it does not contain a pollutant prescribed in the Regulations or MARPOL.

While generally posing less harm, greywater can on occasion contain some harmful constituents, such as detergent residues and chlorine from bleach in laundry discharges.

The creates some legal uncertainty for stakeholders since the Regulations do not cover this type of discharge and as the *Fisheries Act* with its general prohibition on discharges of deleterious substances may apply. Including provisions in the Regulations for greywater discharges would provide legal certainty.

New provisions for greywater could be considered and might include the following options:

1. Consider the requirements to be appropriate and make no amendments.
2. Make the discharge provisions similar to those for raw sewage (with or without the 5-year period of grace).
3. Determine areas where the discharge of greywater may be authorized as it is not considered to be deleterious.
4. Determine areas where the discharge of greywater would not be authorized as it is may be deleterious
5. If options 2-4 are considered a more precise definition may be required, with or without the inclusion of garburator effluent.

## **COMMENTS**

Your comments should be forwarded to Bob Gowie whose coordinates appear on the cover page of this discussion paper.

## **NEXT STEPS**

Upon conclusion of these consultations this November, the development of the Regulations will be finalized; taking into consideration comments received, followed by pre-publication in the Canada Gazette, Part I with a comment period of 30 days. It is anticipated that publication in Part II will occur, mid-2008.