CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972 AND ITS 1996 PROTOCOL

Notification under article 8.2 of the London Protocol regarding a case of emergency

The Canadian Authorities informed IMO on 1 March 2012 of their decision to issue a permit for the emergency disposal within Canadian internal marine waters (off the coast of Cape Breton Island, Nova Scotia) of up to a total of 2,000 cubic metres of dredged material. The material has been assessed and found to be suitable for open water disposal.

The Canadian Authorities offered to consult with IMO on this matter – as required under article 8.2 of the London Protocol and the Canadian Environmental Protection Act of 1999 (CEPA). The following explanation was offered in this regard:

"As the CEPA requires a full permit assessment, environmental assessment, and consultation period before a published permit can be used for loading or disposal activities, we occasionally encounter situations which prevent the issuance of a regular permit soon enough to allow the activities to occur when needed. The delay in start date can exacerbate or cause an environmental or human health emergency.

This particular situation involves the disposal of dredged material from a fishing harbour. Winter storms have lead to dangerous conditions at Cheticamp Harbour. Small Craft Harbours branch of the Department of Fisheries and Oceans has confirmed that conditions at the harbour constitute a navigational safety hazard. The disposal activity will occur entirely within Canadian internal marine waters (off the coast of Cape Breton Island, Nova Scotia) and will not have an impact on any neighbouring state."

The Canadian Authorities have issued emergency permit No. 4543-2-06707 which is intended to avert dangerous conditions resulting in a navigational safety hazard in the entrance channel to Cheticamp Harbour, and which will be valid from 15 March to 30 April 2012. The permit is shown in the annex hereto.

In discussing this case with the Canadian Authorities, it was agreed to inform the Contracting Parties of this matter rather than seek their advice. This decision was based on the following:

.1 the emergency permit would avert causing an environmental or human health emergency from recent storms;

.2 no other State's interests would be affected; and

.3 the fact that the dredged material in question would undergo a complete assessment under CEPA (1999) and the London Protocol.
If necessary, further enquiries can be directed to:

Mr. David Taillefer
Head, Disposal at Sea and Marine Policy
Environmental Assessment and Marine Programmes
Environment Canada
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Canada
Notice is hereby given that, pursuant to section 128 of the Canadian Environmental Protection Act, 1999, Disposal at Sea Emergency Permit No. 4543-2-06707 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. **Permittee:** Public Works and Government Services Canada, Halifax, Nova Scotia.

2. **Waste or other matter to be disposed of:** Dredged material.

2.1. Nature of waste or other matter: Dredged material consisting of gravel, sand, silt and clay.

3. **Duration of permit:** Permit is valid from March 15, 2012, to April 30, 2012.

4. **Loading site:** Cheticamp Channel, Nova Scotia, at approximately 46°38.295´ N, 61°00.624´ W (NAD83), as described in Attachment B, submitted in support of the permit application.

5. **Disposal site:** Cheticamp Channel, Nova Scotia, at approximately 46°38.295´ N, 61°00.624´ W (NAD83), as described in Attachment B, submitted in support of the permit application.

6. **Method of loading:** Dredging will be carried out using a barge-mounted excavator.

7. **Route to disposal site(s) and method of transport:** Most direct route from the loading site to the disposal site via sidecasting.

8. **Method of disposal:** Disposal will be carried out by sidecasting.

9. **Total quantity to be disposed of:** Not to exceed 2,000 m³ place measure.

9.1. The Permittee shall submit the procedures to measure or estimate quantities of dredged material disposed of at each disposal site to Ms. Jayne Roma identified in 12.1.(a). The Department of the Environment shall approve the procedures prior to the commencement of the first dredging operation to be conducted under this permit.

10. **Inspection**

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the Canadian Environmental Protection Act, 1999.

10.2. Ships operating under the authority of this permit shall be marked in accordance with the Collision Regulations of the Canada Shipping Act when located on or in the waterway.

11. **Contractors**

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.
11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

12. **Reporting and notification**

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to:

(a) Ms. Jayne Roma, Environmental Protection Operations Directorate, Environment Canada, Atlantic Region, Queen Square, 16th Floor, 45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6, 902-490-0716 (fax), jayne.roma@ec.gc.ca (e-mail);

(b) Mr. Mark Dalton, Environmental Enforcement Directorate, Environment Canada, Atlantic Region, 45 Alderney Drive, 16th Floor, Queen Square, Dartmouth, Nova Scotia B2Y 2N6; 902-490-0775 (fax); mark.dalton@ec.gc.ca (e-mail); and

(c) Mr. Charles MacInnis, Fisheries and Oceans Canada, Civic 2920, Highway 104, Antigonish, Nova Scotia B2G 2K7, 902-863-5818 (fax), charles.macinnis@dfo-mpo.gc.ca (e-mail).

12.2. The Canadian Coast Guard, Marine Communication and Traffic Services (MCTS) Sydney (1-800-686-8676) is to be notified in advance of the commencement of work so that appropriate Notices to Shipping/Mariners may be issued.

12.3. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Ms. Jayne Roma, as identified in paragraph 12.1.(a), within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: a list of all work completed pursuant to the permit, including the location of the loading and disposal site(s) used, the quantity of matter disposed of at the disposal site and the dates on which disposal activities occurred.

13. **Special precautions**

13.1. The loading and disposal at sea activities referred to under this permit shall be carried out in accordance with Section 46 of the permit application.

I. R. GEOFFREY MERCER
Regional Director
Environmental Protection Operations Directorate
Atlantic Region

On behalf of the Minister of the Environment