

**SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR**

**Port of Bécancour rules and procedures**

**\*\* This document is a translation of the original French version. In the event of any discrepancy between the two versions, the French version shall prevail and is the only version with legal authority.\*\***

***Société du parc  
industriel et portuaire  
de Bécancour***

**Québec** 



## Port of Bécancour rules and procedures

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## PORT OF BÉCANCOUR RULES AND PROCEDURES

### ARTICLE 1 - INTERPRETATION

#### 1.1 Definitions

- 1.1.1 **Authorized activities** refers to all commercial port activities authorized by the SPIPB;
- 1.1.2 **Marine agent** refers to the person or company authorized by the owner, manager or charterer to attend to the matters pertaining to the Vessel at the Port of Bécancour;
- 1.1.3 **Harbour Master's office** refers to the control and surveillance centre at the Port of Bécancour;
- 1.1.4 **Barge** refers to a barge, dredger, floating bell, pontoon or non-self-propelled houseboat;
- 1.1.5 **Tier 1 company** refers to a company that: i) owns a building on the territory of the SPIPB and whose primary use of this building is the transformation of material by industrial processes, or ii) is a major player in the supply chain (raw or transformed material) of process plants on the SPIPB territory. It is understood that any shipowner or stevedore does not automatically qualify as a Tier 1 Company, except where they qualify otherwise under the terms of i) or ii);
- 1.1.6 **Tier 2 company** refers to a company with a property on the territory of the SPIPB whose primary vocation is the transportation of goods by sea for Canada's northern market;
- 1.1.7 **Tier 3 company** refers to all companies other than Tier 1 and Tier 2 companies that require access to the Port of Bécancour;
- 1.1.8 **Common areas** refers to those areas of the Port over which the SPIPB does not grant an exclusive right to any party, and which are intended for common use by all Port Users and their employees, agents, customers, guests and others, and includes, but is not limited to, staging areas, traffic lanes, corridors and stairwells, elevators, washrooms, sidewalks, pedestrian areas, longshoremen's rooms, fire hydrants, walkways, parking areas, landscaped areas and other areas as may be designated from time to time by the SPIPB;
- 1.1.9 **Fee schedule** refers to the fee schedule of the various amounts and penalties, if any, payable by the User or any person responsible for or owner of a Vessel in connection with its stay or passage through the Port of Bécancour.
- 1.1.10 **Port harbour** refers to all water contained i) inside the basin (also known as "harbour basin") formed by the presence of the breakwater dock belonging to the SPIPB and ii) around dock B1;
- 1.1.11 **Pass** refers to the written authorization issued by the SPIPB to any Person authorized to carry out an activity at the Port, upon receipt by the SPIPB of the form duly completed for this purpose;

- 1.1.12 **Constituent Act** refers to the constituent act of the SPIPB <sup>1</sup>;
- 1.1.13 **Environmental legislation** refers to all applicable Canadian and provincial legislation, past, present and/or future, pertaining to health, safety, pollution or environmental protection, including, but not limited to, those pertaining to emissions, spills or other releases or threatened releases of hazardous materials or Pollutants into the environment or natural resources (including, but not limited to, ambient air, surface water, groundwater, water or sewage systems or soils) or which have an impact on the environment or natural resources, or which are related to the manufacture, processing, distribution, use, treatment, recycling, storage, disposal, transportation, sale, offer for sale, distribution or handling of hazardous materials, including, but not limited to, the *Loi sur la qualité de l'environnement (Environmental Quality Act)* and its regulations as well as the *Canada Shipping Act* and its related regulations such as the *Vessel Pollution and Dangerous Chemicals Regulations*<sup>2</sup>, and the *Ballast Water Control and Management Regulations*<sup>3</sup> ;
- 1.1.14 **Harbour Master** refers to the person or representative(s) duly appointed by the SPIPB to apply the provisions of these Rules and Procedures;
- 1.1.15 **Dangerous goods** refers to all classes of dangerous goods, excluding Dangerous Goods Class 1, identified in the *Transportation of Dangerous Goods Act, 1992*<sup>4</sup>;
- 1.1.16 **Dangerous goods Class 1** refers to any goods identified in the *Transportation of Dangerous Goods Act, 1992*<sup>5</sup>;
- 1.1.17 **Vessel(s)** refers to any kind of vessel, boat or craft designed, used, exclusively or not, for maritime navigation, self-propelled;
- 1.1.18 **Operations** refers to all or any part of the work relating to the loading, discharging, moving or handling of goods, bunkers, Vessel supplies, Vessel and handling facilities, performed on SPIPB property either, a) aboard a Vessel; b) ashore; c) aboard floating cranes or other floating lifting equipment; d) aboard barges, houseboats, rafts or cribwork alongside a Vessel in connection with such loading or discharging;
- 1.1.19 **Small vessel(s)** as defined in the *Small Vessel Regulations* <sup>6</sup>;
- 1.1.20 **Person** is interpreted broadly to mean any individual, company, partnership, body corporate, trust, organization, association, government agency or entity recognized by the Act, as well as any group of Persons, however designated or constituted;
- 1.1.21 **Pilot** refers to Pilots who are members of the Corporation of Lower St. Lawrence Pilots or the Corporation of mid St. Lawrence Pilots;
- 1.1.22 **Pollutant** refers to any material or substance that is (i) defined, classified, listed or considered, within the meaning of the Environmental Laws, to be a solid, liquid or gaseous

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<sup>1</sup> Act respecting the Société du parc industriel et portuaire de Bécancour (L.R.Q., c. S-19.001)

<sup>2</sup> Vessel Pollution and Dangerous Chemicals Regulations (SOR/2012-69)

<sup>3</sup> Ballast Water Control and Management Regulations (SOR2011-237)

<sup>4</sup> Transportation of Dangerous Goods, 1992 SC 1992, c 34, sect 2 ; *Transportation of Dangerous Goods Regulations* (SOR 2001-286)

<sup>5</sup> Ibid, note 4.

<sup>6</sup> *Small Vessel Regulations* (SOR/2010-91)

material, a microorganism, a sound, vibration, radiation, heat, odour, radiation or any combination of any of these that may in any way alter the quality of the environment, a pollutant, a contaminant, a waste, a hazardous waste, a residual material, a dangerous, deleterious or toxic material or substance or a hazardous product, or (ii) is toxic, explosive, gaseous, flammable, radioactive, corrosive, oxidizing, deleterious, leachable or otherwise hazardous and is controlled or regulated under Environmental Laws or (iii) may cause harm to the environment and to any real or personal property or (iv) the discharge, release, use, storage, transportation, handling or disposal of which is regulated, prohibited or controlled, generally or specifically, by a Competent Authority exercising jurisdiction under Environmental Laws, including, but not limited to, all petroleum and other hydrocarbons and their derivatives and by-products, hazardous substances or goods, asbestos, polychlorinated biphenyls (PCBs), chlorinated solvents, gaseous, solid and liquid wastes, special wastes, toxic substances and hazardous or toxic chemicals;

- 1.1.23 **Port of Bécancour** refers to the SPIPB's port facilities in its area of activity;
- 1.1.24 **Rules and procedures** refers to the present rules and procedures as adopted by the SPIPB and amended from time to time by the SPIPB;
- 1.1.25 **MCTS** refers to Marine Communications and Traffic Services;
- 1.1.26 **SPIPB** refers to the Société du parc industriel et portuaire de Bécancour, a company duly constituted by its constituent act;
- 1.1.27 **Website** refers to the SPIPB website address <sup>7</sup>;
- 1.1.28 **Multi-user terminal** refers to all berths, common areas and exclusive areas for certain Users, owned by the SPIPB;
- 1.1.29 **Territory of activity** refers to the territory described in Schedule I of the Constituent Act, in the City of Bécancour;
- 1.1.30 **Draught** refers to the depth of water below the waterline, measured vertically at the lowest point of the vessel's hull;
- 1.1.31 **Hot work** refers to any work that uses a flame or may produce a source of ignition, such as heating, cutting or welding, whether performed in the facilities of the Port of Bécancour, on board any Vessel or in any structure or vehicle at the Port facilities, a commercial berth, approach area, navigation channel or anchorage;
- 1.1.32 **Vehicle** refers to all vehicles within the meaning of the *Highway Safety Code* (chapter C-24.2) and its applicable regulations, including without limitation a low-speed vehicle, a motor vehicle, an autonomous vehicle, a commercial vehicle, a passenger vehicle, a tool vehicle, a heavy vehicle, an off-road vehicle and a road vehicle;
- 1.1.33 **User(s)** refers to all persons who have obtained a Pass issued by the SPIPB for the use of port facilities;

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<sup>7</sup> [www.spipb.com](http://www.spipb.com)



- 1.1.34 **Port area** refers to the harbour area of the Port of Bécancour reserved for industrial and commercial activities;

## **ARTICLE 2 - GENERAL INFORMATION**

### **2.1 Mission of the SPIPB**

- 2.1.1 The mission of the SPIPB is to promote the economic development of Québec by developing and operating, on a self-financing basis, an industrial and port park on its Territory of Activities. To this end, the SPIPB establishes practical rules that promote the efficient operation of the Port of Bécancour by integrating economic, social and environmental aspects, as well as the guiding principles of participation, cooperation and accountability.

- 2.2 Scope of application These Rules and Procedures are produced in accordance with Section 18 of the Constituent Act and have been developed to promote safe and efficient navigation in the waters managed by the SPIPB, to protect life, infrastructure and the environment, and may be amended at any time at the discretion of the SPIPB. These Rules and Procedures are not intended to replace applicable federal and provincial laws and regulations, where applicable.

- 2.2.1 These Rules and Procedures are applicable to all Vessels located at the Port of Bécancour Seaway and must be complied with at all times by all Vessels entering, leaving, berthing, departing, manoeuvring or anchoring in the waters of the Port of Bécancour Seaway, as well as by all marine operators using the facilities and/or the Multi-User Terminal for their Authorized Activities and by all other persons having access to the facilities or the Multi-User Terminal of the Port of Bécancour. These Rules and Procedures are minimum procedures. Nothing prevents any Vessel Master and/or Pilot from applying more stringent standards and procedures. Furthermore, the Harbour Master and/or any other authority having jurisdiction may improve the content hereof or impose any additional obligations on Vessels and Users in connection with their use of the Port of Bécancour, depending on the circumstances.

### **2.3 Exclusions**

- 2.3.1 These Rules and Procedures do not contain the rates of the SPIPB. The Fee Schedule available on our Website applies to Users of SPIPB port facilities.

## **ARTICLE 3 - COMPLIANCE WITH SPIPB PROPERTY RULES**

### **3.1 Harbour Master authority**

- 3.1.1 All Vessels, Users and visitors to the Port of Bécancour at the Port of Bécancour's perimeter must comply with these Rules and Procedures and pay, where applicable, all fees that apply to them or their operations and that are set out in the Fee Schedule.

- 3.1.2 The Harbour Master is designated by the SPIPB as the person responsible for ensuring compliance with and application of these Rules and Procedures.
- 3.1.3 Instructions to Vessels may be communicated directly to the Vessel by the Harbour Master, the Harbour Master's Office, and/or its delegated representative(s), through the Harbour Master's Office or through an MCTS station. The Harbour Master, the Vessel's agent or MCTS may communicate their instructions verbally, in writing or electronically, or by any other means deemed reasonable by the SPIPB.
- 3.1.4 When the situation may require, Notices to Shipping and Notices to Mariners will be issued by MCTS identifying work in progress and/or any other special situation.
- 3.1.5 Although a Pilot or MCTS may report available berths at the Port, the Harbour Master has the sole authority to assign a berth at the Port of Bécancour or to authorize a Vessel to call. Without the express written authorization of the Harbour Master, Vessels taking up a berth at the Port of Bécancour following information received from a Pilot or MCTS do so at their own risk and may be required to change berth or leave the Port of Bécancour upon receipt of instructions to that effect from the Harbour Master and bear all costs thereof, without any liability being incurred by the SPIPB.
- 3.1.6 At any time, the Harbour Master may bring to the attention of a User a situation that is dangerous to the environment or to the infrastructures of the Port of Bécancour, and request that the User correct the situation within a reasonable period of time. If it is impossible to correct the situation within a reasonable time, or if circumstances so require, the SPIPB may order that Operations be halted.

### 3.2 Access to the Port of Bécancour

- 3.2.1 It is forbidden to enter the SPIPB Port Area without prior written authorization from the Harbour Master. Written authorization from the SPIPB is required for any activity that is not an Authorized Activity. Depending on the type of activity, permits may be required. It is the User's responsibility to obtain the authorizations and permits required for their activities.
- 3.2.2 Only persons directly involved in Operations or sporadically invited by an Approved User may obtain a Pass.
- 3.2.3 It is the responsibility of the Master and/or Pilot of a Vessel and/or marine facility, and/or shipping agency, to provide the Harbour Master with a list of persons authorized to obtain a Port Area Pass, together with a copy of their identity document and full contact details.
- 3.2.4 All persons on the Port of Bécancour's Territory of Activities must comply with all regulations and with these Rules and Procedures. The Harbour Master reserves the right to withdraw any Pass or authorization from any person or User to the extent that such person or User's employees, representatives and/or subcontractors fail to comply with the instructions and rules brought to its attention or which appear on the signs and devices installed under the authority of the SPIPB. Similarly, the SPIPB may withdraw the Pass of any User or restrict access to any person who does not behave in a civil and courteous manner at the Port.

3.2.5 Passes are issued on a personal basis and may not be transferred, in whole or in part. Authorized persons must return their Passes to the Harbour Master's Office at the end of their use of Port of Bécancour facilities, and are responsible for any damage caused by failure to comply with the above.

3.2.6 The SPIPB disclaims all liability towards any person who does not comply with the laws and regulations in force or with the present Rules and Procedures. The SPIPB is not responsible for accidents, loss or damage sustained on its Territory of Activities.

### 3.3 Damage to installations and infrastructure belonging to the SPIPB

3.3.1 Any breakage or damage to the installations and infrastructures belonging to the SPIPB must be reported to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 herein. Unless otherwise advised by the SPIPB, repairs will be carried out by the SPIPB. Those responsible for such damage shall assume all costs relating to such repairs, payable upon receipt of an invoice from the SPIPB, in addition to a fifteen percent (15%) administration fee.

### 3.4 Vehicle traffic

3.4.1 It is forbidden to drive a Vehicle on the port facilities of the Multi-User Terminal, unless authorized by the Harbour Master.

3.4.2 Any person authorized to drive a Vehicle on the Multi-User Terminal is required to drive safely, at a speed not exceeding the indicated limits and to respect all signs. Entering and exiting the various areas must be done in a safe manner, taking into account other Users and surrounding property. The driver must at all times comply with the laws and regulations applicable to the operation of Vehicles.

3.4.3 The SPIPB may impose any noise abatement measures it deems necessary on Vehicles operating at the Port of Bécancour.

### 3.5 SPIPB authority

The SPIPB may withdraw the Port Pass and issue fines, fees and penalties to any Person or User who contravenes or fails to comply with these Rules and Procedures. Penalties, fees and fines will be established from time to time by the SPIPB and identified in the Fee Schedule.

## **ARTICLE 4 - NAVIGATION SAFETY**

### 4.1 Safety speed

4.1.1 All vessels must proceed at a safe speed in accordance with the standards established by the *Collision Regulations*<sup>8</sup>.

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<sup>8</sup> *Collision Regulations* C.R.C, c. 1416

4.1.2 Safe speed refers to the minimum necessary speed at which a Vessel can maintain a safe course.

4.2 Under-keel clearance

4.2.1 All vessels must maintain an under-keel clearance of at least 0.30 metres at all times.

4.3 Use of anchors

4.3.1 Any use of anchors must be reported to the Harbour Master. Anchors used to manoeuvre at a dock must be properly stowed in the hawse pipe prior to securing the Vessel's final mooring line. Blocked anchors or chains must be reported immediately to the Harbour Master's office via MCTS.

4.3.2 Whenever an anchor is used in the berthing manoeuvre of a Vessel, the Harbour Master's Office must be informed by e-mail to the address indicated in ARTICLE 11 -of the present Rules.

4.3.3 Approval is required from the Harbour Master before releasing any large obstructive object such as a stone or chain or if any part of an anchor or chain remains in the water after the Vessel's arrival.

4.4 Navigation obstacles

4.4.1 Vessels fitted with equipment which interferes with the manoeuvring of nearby vessels must give way to moving vessels (inbound or outbound).

4.4.2 When navigational conditions are unfavorable, the Harbour Master may, if requested to do so by a Vessel berthed or wishing to sail at the Port of Bécancour, require a berthed self-unloading Vessel, or other loading/unloading vessel/equipment, to temporarily retract its unloading boom or any other equipment that may extend beyond the Vessel's side. When such a request is forwarded to the Harbour Master's Office by a Vessel within the limits of the port, the Harbour Master may, at his discretion, issue a directive to the Master of the self-unloading Vessel to temporarily retract his unloading boom, who must comply immediately.

4.4.3 If loading and/or unloading operations are then in progress on the self-unloading Vessel, the Multi-User Terminal operator will be informed of the situation and must comply with the instructions of the Master of the self-unloading Vessel involved. The request must be sent to the Harbour Master's Office as soon as possible, and before the start of the manoeuvres.

4.4.4 The Master and/or Pilot of a Vessel located within the limits of the Port of Bécancour may also request, within the same timeframe, that the Harbour Master's Office, during unfavourable navigation conditions, retract the arms of the gantry cranes belonging to the Multi-User Terminal operator when no loading/unloading operation is in progress, if he considers that this constitutes an obstacle to navigation.

**ARTICLE 5 - VESSEL RULES AND PROCEDURES**

5.1 Pre-arrival procedures

### 5.1.1 Berthing requests

- (a) All docks are under SPIPB governance.
- (b) It is the responsibility of the Harbour Master to authorize a Vessel to moor at a designated berth, following verification.
- (c) No Vessel may berth at a dock under the authority of the SPIPB unless it has received prior written authorization from the Harbour Master.
- (d) The *Berthing Request* form, as found on the SPIPB Website, must be completed and sent to the Harbour Master's Office at least five (5) working days prior to the Vessel's scheduled arrival date by e-mail to the address indicated in ARTICLE 11 hereof.
  - a. The Vessel owner or his representative(s) must indicate the Vessel's scheduled arrival and departure dates and times;
  - b. The form must be completed regardless of the country in which the vessel is registered.

### 5.1.2 **Berth priority**

- (a) Berthing priority is assigned in the following order:
  - 1) Vessels serving the Aluminerie de Bécancour (ABI) have priority at all times on berth #5
  - 2) First come first served according to the completed "Berth Request" form sent five (5) days prior to the vessel's arrival.

In the event of conflict, however, the following order will be respected:

- 1) Vessel serving a Tier 1 Company
    - Vessel may be required to wait, at its own expense, a maximum of 48 hours before being assigned a berth;
  - 2) Vessel serving a Tier 2 Company
    - Vessel may be required to wait, at its own expense, a maximum of 72 hours before being assigned a berth;
  - 3) Vessel serving a Tier 3 Company
    - Waiting time at their expense;
- (b) The Harbour Master, at his discretion and acting reasonably, reserves the right to deviate from the above berthing priority rules for any reason.
- (c) Notwithstanding any of the provisions hereof, the SPIPB shall not be liable

for any damages or costs resulting from a change in the order of priority or delays in berthing a Vessel.

#### 5.1.3 **Arrival notice**

- (a) Masters must notify the Harbour Master's Office of their estimated time of arrival at the Port of Bécancour every 6, 12, 24, 48 and 72 hours prior to their arrival.
- (b) The Harbour Master will confirm to the Vessel, 24 hours before its arrival, the availability of the berth which will be allocated according to the priority order.
- (c) The granting of a berth number is at the discretion of the Harbour Master, the berth number may change at any time;
- (d) Once in berth, the Harbour Master reserves the right to require a move or departure of a Vessel for any reason, at the Vessel's expense, it being understood that when the move or departure is required in application of the priority rules described above, a minimum notice of 48 hours will be given;
- (e) Prior to arrival, the Master or Marine Agent must possess and must provide upon request to the Harbour Master's Office of the Port of Bécancour a certificate of general civil liability and property damage insurance.

#### 5.1.4 Additional information

- (a) Before the arrival of the Vessel, the following additional information must be sent by e-mail to the Harbour Master's Office:
  - (b) last 5 ports of call;
  - (c) vessel's IMO number;
  - (d) name, telephone number and the Vessel Security Officer's number;
  - (e) IMO crew list;
  - (f) crew changes if necessary;
  - (g) names of suppliers such as: goods suppliers, food suppliers, heating oil suppliers, repairers, etc., and;
  - (h) names of any other visitors.

#### 5.1.5 Special requirement for tankers

Before arriving at any berth, any Oil Vessel, Gas Vessel, Chemical Vessel or any other type of tanker must provide a declaration of status and be gas-free or inert, as the case may be. For further information, it is the Vessel's responsibility to contact the Harbour Master's Office at the address given in ARTICLE 11 hereof.

#### 5.1.6 Communication

Prior to the arrival of the Vessel, the Master or his representative must provide a telephone number to the Harbour Master's Office and must be reachable at all times.

### 5.2 Arrival procedures

#### 5.2.1 Berthing

- (a) All Vessels at berth must be securely moored and maintain uniform tension on all lines. The SPIPB gives no guarantee as to the capacity and limits of mooring lines. Depending on weather conditions and the prevailing situation, the Master shall take appropriate measures to ensure the safety of any Vessel moored at berth.
- (b) Vessels moored alongside a dock must maintain equal tension on all mooring lines. Weather conditions may require the use of additional mooring lines. If pilotage services have been used, the Pilot's advice should be followed regarding the mooring of Vessels.
- (c) Without obligation or liability, the Harbour Master is entitled to impose a specific mooring plan on the Vessel's Master and to require modifications to such plan. Unless otherwise authorized in writing by the Harbour Master, a maximum of one (1) mooring line per bollard is permitted.
- (d) Means of access between the Vessel and the shore shall be safe and shall consist of a suitable gangway or accommodation ladder fitted with an approved net between the Vessel and the dock. The means of access should be adequately lit at all times when it is dark.

#### 5.2.2 Crewing

- (a) All Vessels must have sufficient crew on board to enable them to manoeuvre safely along a port facility or to depart at any time on the order of the Harbour Master. A sufficient number of crew members must be present at all times to ensure the safety and security of the Vessel, to ensure that mooring lines and gangways are properly manned and to guarantee rapid emergency response.
- (b) The Harbour Master may, in special circumstances, require a Vessel to increase the number or quality of its crew to ensure its safety and security.
- (c) The Harbour Master may authorize inactive (laid-up) vessels to have only one watchman on board, who must be contactable at all times by the Harbour Master's office.
- (d) The SPIPB prohibits the leaving of cranes or other equipment in common areas or in the vicinity of bollards used for the mooring of Vessels without the written authorization of the Harbour Master.

#### 5.2.3 Unmanned vessels

Barges or other unmanned Vessels must have mooring lines with sufficient span to remain securely moored regardless of changing water levels. Such Vessels must have a person or company on duty at all times. The telephone numbers of the persons on duty must be provided to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.

### 5.3 Procedures during while at berth

5.3.1 As soon as the berth request has been made, the Master or his representative must provide the Harbour Master's Office with daily updates on the expected times of arrival ETA, completion, departure, etc., as well as any other relevant information.

5.3.2 If a Vessel is delayed in its loading operations or its departure from the Port of Bécancour, the Vessel's Master or his representative must immediately notify the Harbour Master of the reason and indicate the probable duration of the delay. The owner of the Vessel must assume all costs resulting from the delay and work promptly to effect its departure as soon as possible.

#### 5.3.3 Inactive vessels (decommissioned)

Specific written authorization from the Harbour Master is required for any inactive Vessel moored at the Port of Bécancour. Failing this, the SPIPB reserves the right to take any measures and impose any penalties as provided for in the Fee Schedule.

#### 5.3.4 Warping (shifting on mooring lines)

- (a) Warping (shifting on mooring line) is strictly forbidden, unless expressly authorized in writing by the Harbour Master's Office. The Harbour Master's office will grant this authorization depending on the type and condition of the bollards on the dock, the type and condition of the Vessel, the weather conditions, the presence of other Vessels in the vicinity or any other condition relating to the Vessel and the safety of the operation. The Harbour Master's decision whether or not to authorize such a manoeuvre is final.
- (b) The Harbour Master's Office may establish any conditions it wishes with regard to shifting or when it authorizes a Vessel to move along a dock solely with the aid of mooring lines and which require the shifting of more than one mooring line from one bollard to another.
- (c) Also, any Vessel intending to use its engines to assist in manoeuvring is required, under the *Pilotage Act* and its regulations, to retain the services of a Pilot. Vessels intending to use a tug to assist in manoeuvring are required to retain the services of a Pilot.
- (d) When a Vessel has to move its mooring lines, the services of linesmen are compulsory.
- (e) In all circumstances, the Master or person in charge must take into account and evaluate the effects of weather conditions, the presence of ice, the capacity and crew of the Vessel, river currents and the Vessel's draft.



- (f) No Vessel shall be moved between two (2) berths without the written authorization of the Harbour Master's Office.

### 5.3.5 Moving or removing goods

- (a) At any time, the Harbour Master may require any person in control of the goods, including but not limited to the shipowner or stevedore (the “**Person responsible for the goods**”), to immediately remove or move the goods inside or outside the Multi-User Terminal.
- (b) If a Person responsible for the goods fails to comply with a notice given to them to move or remove their goods, the penalties provided for in the Fee Schedule will apply and the Harbour Master may, in addition, have such goods moved or removed at the owner's risk and expense. The SPIPB shall not be liable for any damage caused to such goods as a result of their removal or storage.
- (c) An additional charge of twenty-five percent (25%) of the total costs incurred by the SPIPB will be imposed on the owner of the goods following the movement or removal of the goods by the SPIPB.
- (d) The entry into the Port of Bécancour of Dangerous Goods capable or likely to cause serious damage to persons or the environment is restricted. Regardless of quantity, the owner or person in charge of a Vessel carrying Class 1 Dangerous Goods, i.e. explosives of any category, must obtain approval from the Harbour Master prior to its arrival at the Port of Bécancour. The request must be sent to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.
- (e) The Harbour Master's Office may refuse one or more dangerous cargoes which, due to their quantity or level of risk, may become a possible threat to persons, installations or the environment.
- (f) Any movement of goods must take place under favourable conditions. It is the responsibility of the Person responsible for the goods to ensure that the general conditions at the Port at the time of movement, including weather conditions, are adequate and suitable for the movement of the goods. The Port Master may, if necessary, restrict or stop the User's activities at the Port if weather conditions are unfavourable or likely to contravene environmental laws.

### 5.3.6 Berthing permit

- (a) Except in case of emergency, no Vessel may berth or anchor without written authorization and only in a place and in a manner indicated by the Harbour Master's Office.
- (b) Where the owner or person in charge of a Vessel is unavailable, or refuses or neglects to obey an order to move the Vessel, the Harbour Master may, at the risk and expense of the owner of the Vessel:
  - i) Take possession of and move the vessel;

- ii) Use any means and force reasonably necessary to move the Vessel;
  - iii) Order tugs to move the Vessel;
  - iv) Berth, anchor or moor the Vessel at any place to the satisfaction of the Harbour Master.
- (c) The SPIPB shall not be liable for any damage caused to the Vessel pursuant to its rights herein.

#### 5.3.7 Bollard resistance

Bollards must not be subjected to forces exceeding their limits. For further details on bollard capacity and resistance, it is the responsibility of the owner or person in charge to contact the Harbour Master's Office.

#### 5.3.8 Cargo handling operations

- (a) If a Vessel must wait for another Vessel to be loaded, unloaded or transfer its cargo before berthing or anchoring, the owner of the cargo or the person responsible for loading/unloading the Vessel shall, subject to compliance with the rules concerning the health and safety of workers, use commercially reasonable efforts to ensure that, without regard to any overtime or extra worker charges payable by the Vessel or any other charges or damages:
- i) Loading, unloading or transfer operations are carried out as quickly as possible, working the maximum possible hours and with the largest possible number of workers; and
  - ii) The cargo is promptly moved from the immediate vicinity of the berth or anchorage to enable the waiting Vessel to berth, load, unload or transfer its cargo.
- (b) If the loading, unloading, transfer or movement of the Vessel's cargo while another Vessel is waiting is not carried out promptly, in the opinion of the Harbour Master, acting reasonably, the Harbour Master may instruct the owner, cargo owner or person in charge of the Vessel to do the following:
- i) Move the Vessel from the berth or anchorage to allow the waiting Vessel to berth or anchor and commence Loading, Unloading or Transfer Operations; or
  - ii) Move cargo out of the immediate vicinity of the berth or anchorage.
- (c) If, in order to enable a Vessel waiting to berth or anchor promptly, the Operations for moving the cargo of a Vessel are carried out uninterruptedly, or the said Vessel or cargo are moved in accordance with an order of the Harbour Master, the owner, cargo owner or person in charge of the Vessel waiting to berth shall ensure that, without regard to any charges for overtime

or extra labour which may be payable by the Vessel or any other charges or damages:

- i) Loading, unloading or transfer operations of the waiting vessel are carried out promptly;
  - ii) The cargo of the waiting Vessel is quickly moved from the immediate vicinity of the berth or anchorage.
- (d) Notwithstanding the foregoing, the Harbour Master may require that overtime be worked by the Vessel and/or that a Vessel be moved temporarily or permanently, at their expense, if the berthing period (arrival/departure) is not respected and/or in order to leave the dock available according to the Mooring Priority Order, at the Harbour Master's sole discretion.
  - a. In the event of refusal to move or failure to respect the previously authorized stay, the SPIPB reserves the right to apply a penalty of \$3,000/hour as well as all other applicable fees and charges according to the Fee Schedule in effect;
  - b. Refusal to pay the penalty automatically prohibits the shipowner or his manager from staying at the Port of Bécancour in the future.

#### 5.3.9 Demobilization or testing of engine (vessel deprived of power) and equipment

- (a) Vessels intending to carry out equipment or machinery tests at dockside or at anchor (other than routine pre-docking tests), including demobilization of the main engine(s), steering gear or other on-board systems affecting the propulsion or manoeuvrability of the Vessel, must notify MCTS and request written authorization from the Port of Bécancour by contacting the Harbour Master's Office at the e-mail address indicated in ARTICLE 11 hereof. The estimated time for demobilization of the engine must be reasonable to allow the Vessel to be moved if necessary.
- (b) Prior written authorization from the Harbour Master's Office is required before commencing any repairs or maintenance or any other work which may affect the Vessel's ability to move or depart rapidly on request from a port facility or anchorage.
- (c) This authorization is given subject to favourable weather forecasts and site requirements. Vessels may be required to move to a waiting berth to carry out repairs or test engines and machinery.
- (d) The Master or his representative must keep a continuous and vigilant watch on deck and additional properly rigged hawsers are required to prevent the Vessel from moving.
- (e) In all cases where emergency repairs must be made to a Vessel located at a Port of Bécancour facility, the Master or person responsible for the Vessel must communicate to the Harbour Master's Office the nature of the repairs and the effect they will have on the Vessel's ability to move. At the same time,

the Master or person responsible for the Vessel must provide an estimate of the time required to complete the repairs and render the Vessel capable of being moved safely.

#### 5.3.10 Boats and pleasure crafts

- (a) For safety and security reasons, it is strictly forbidden for small boats/pleasure crafts to berth at any berth at the Port of Bécancour without prior written authorization from the Harbour Master. The Harbour Master may, in special circumstances, authorize a small boat to berth. Requests to this effect must be sent to the Harbour Master's office by e-mail to the address indicated in ARTICLE 11 - hereof.
- (b) Where the owner or person responsible for a small boat/pleasure craft is unavailable, or refuses or neglects to obey any order to move the boat, the SPIPB may, at the owner's risk and expense, and without liability of the SPIPB:
  - i) Take possession of the boat and move it;
  - ii) Use reasonable means and force necessary to move the boat;
  - iii) Order tugs to move the boat;
  - iv) Dock, anchor or moor the boat at any point to the satisfaction of the SPIPB.

#### 5.3.11 Damage to SPIPB infrastructures by a Vessel

In the event of damage to any SPIPB infrastructure, the Vessel's Master or any person with knowledge of the incident must immediately contact the Harbour Master's Office and MCTS to inform them of the situation. The owner of the Vessel will be liable for any damage caused to any infrastructure of the SPIPB or resulting from such incident.

#### 5.3.12 Use of tugs

- (a) Under certain circumstances and conditions related to environmental protection, navigational safety or safety of facilities or Operations, the Harbour Master may require the Vessel to procure tug services. Additional towing requirements may also be instituted by the operators of the various terminals.
- (b) When he deems it necessary, the Harbour Master may require a Vessel to use the services of a Pilot or a tug to carry out berthing manoeuvres or to leave the terminal.
- (c) When the Harbour Master's Office requires a Vessel or operation to use the services of tugs or Pilots, such services shall be at the expense and risk of the owner of the Vessel.
- (d) The SPIPB shall not be liable for any error, fault or negligence on the part of any Pilot or tug(s) used in the berthing, unberthing or navigation of any Vessel.

#### 5.4 Vessel maintenance

##### 5.4.1 Demobilization or testing of propulsion or manoeuvring machinery

- (a) Vessels intending to carry out tests on equipment or machinery, to demobilize the main engine, propulsion systems or any other machinery affecting the manoeuvrability of the Vessels, must apply in advance to the Harbour Master's Office in writing.
- (b) The Harbour Master's Office will only give permission when weather forecasts and berth availability are favourable. Specific conditions on machinery undergoing maintenance may be imposed, requiring equipment to be operational after a given period and additional mooring lines to be installed, or a tug to be made available (at the customer's expense) during the maintenance period.
- (c) When authorization is granted by the Harbour Master's Office, the Master must notify MCTS that maintenance is about to begin. Once repairs have been completed, the Master must again notify MCTS and the Harbour Master's Office.
- (d) Maintenance work must not affect the vessel's fire-fighting capabilities, pumps or stability.

##### 5.4.2 Main propeller start-up

- (a) When a Vessel is berthed at a dock, its propulsion equipment must not be started. Testing is forbidden without the written authorization of the Harbour Master.
- (b) In all cases where authorization is given, additional mooring lines must be installed and the equipment or machinery must be maintained at the minimum speed.

- (c) No Vessel may use its propeller to remove ice along a dock while the Vessel is berthing, unless otherwise advised by the Harbour Master. The Vessel will be liable for any damage to the dock, fenders or bollards.

#### 5.4.3 Equipment extending beyond the Vessel's sides

- (a) Unless authorized in writing, no rigging, loading equipment or other equipment on a Vessel in the waters of the Port of Bécancour may project or extend beyond the Vessel's sides in such a manner as to endanger life or property or create a hazard or obstacle to navigation. If a Vessel requires equipment to extend beyond its sides, such Vessel must obtain written authorization to this effect from the Harbour Master's Office by forwarding an e-mail to the address indicated in ARTICLE 11 - hereof.
- (b) If and when swinging equipment threatens to interfere with the manoeuvring of other Vessels in the vicinity, the swinging equipment must be brought inboard until the manoeuvring Vessel has passed. The Master or person responsible for the manoeuvring Vessel must advise the Vessel with the protruding equipment of the intended movement, and indicate the time required for the manoeuvre while giving the Vessel with the protruding equipment sufficient time to bring the equipment inboard. The Master or person responsible of the manoeuvring Vessel must inform the other Vessel without delay of any change in the manoeuvring time.

#### 5.4.4 Approval for refuelling operations

- (a) For refuelling operations, masters must refer to the Canadian Coast Guard guidelines on Refuelling Operations available on the Coast Guard website.
- (b) For refuelling operations, a request must be made and authorized by the Harbour Master's Office.
- (c) Vessel refuelling must be continuously monitored to ensure that no spills occur and that emergency procedures are immediately initiated in the event of a spill.
- (d) The organization must ensure that the supply truck respects the minimum distance of three (3) metres from the wheel guard.
- (e) All fuel suppliers operating on the Port shall obtain and maintain five million dollars (\$5,000,000) of public liability insurance protecting the insured and the SPIPB (as an additional insured), against the monetary consequences resulting from liability they may incur for any reason whatsoever during their Operations.
- (f) The Harbour Master's Office must be informed immediately in the event of a Pollutant spill. The Person responsible for the Vessel undertakes, in the event of a spill, to comply with the SPIPB's environmental procedure in the event of a spill, which is available on the SPIPB website.

- (g) It is forbidden to refuel a Vessel if Dangerous Goods are being loaded or unloaded and/or Hot Work is being carried out in the vicinity of the Multi-User Terminal.

#### 5.4.5 Vessels moored together

- (a) A Vessel may be moored against another Vessel at the berths of the Port of Bécancour only with the written authorization of the Harbour Master's Office, which may be obtained by sending an e-mail to the address indicated in ARTICLE 11 hereof.
- (b) Such authorization will only be granted in special circumstances. This rule does not apply to bunker boats or other service boats.
- (c) All Vessels, when ordered by the Harbour Master's Office, must allow any other Vessel to moor against them. Sufficient mooring lines must reach the dock from the outer vessel to ensure that excessive strain is not imposed on the lines of the inner vessel. When a Vessel is moored against another Vessel, a free, safe and unobstructed passage must be made available to the outer Vessel for loading and unloading, and to allow access to and from shore.
- (d) When a Vessel is moored against another Vessel, the outside Vessel must ensure that adequate fenders are installed. Unless both Vessels agree otherwise, the Vessel with the higher freeboard must provide the gangways.

#### 5.4.6 Vessels seized or arrested

- (a) Vessels seized at the Port of Bécancour or its approaches are the responsibility of the law enforcement agency making the seizure. This agency shall, as soon as the seizure is made and as soon as practicable, notify the Harbour Master's Office of the seizure or of the termination of a seizure. The agency must provide the Harbour Master's Office with the name of a contact person and telephone numbers accessible 24 hours a day, 7 days a week.
- (b) A Vessel which is subject to a navigation ban by a competent government agency during a stay at the Port of Bécancour must, via its agent, advise the Harbour Master's Office of the seizure as well as of the lifting of its seizure. The Vessel must, as soon as possible, via its owner or representative, contact the Harbour Master's Office and advise them of its plan of action to resolve the situation.
- (c) The SPIPB shall require as an essential condition of acceptance of the Vessel the issuance in its favour of an irrevocable letter of credit in an amount equivalent to three (3x) the market value of the Vessel in order to guarantee compliance with the obligations of any Vessel under arrest at the Port of Bécancour.

#### 5.4.7 Rescue boat

- (a) Prior to carrying out a rescue exercise in which a dinghy is lowered into the water and/or released from the falls, the Vessel must inform the Harbour



Master's Office and MCTS in this regard, including the start and end times, at the coordinates indicated in ARTICLE 11 - hereof.

#### 5.4.8 Safety exercises

- (a) Prior to carrying out a safety drill, the Vessel must inform the Harbour Master's Office by e-mail at the e-mail address indicated in ARTICLE 11 - hereof and MCTS of its intention, the details relating to the drill, including the use of the sound signal.
- (b) In addition, no safety drill may take place without the permission of the Harbour Master. The Master or Operator may request permission via their agent or by contacting the Harbour Master using the contact details given in ARTICLE 11 - hereof.
- (c) All exercises or training sessions must:
  - i) Take place during daylight hours;
  - ii) Held when the weather is fine; and
  - iii) Be completed at least one (1) hour before sunset.
- (d) When permission for a safety drill is granted by the Harbour Master, at least one (1) hour before the start of a drill or training, the Vessel shall contact:
  - i) The Vessel's agent;
  - ii) The Harbour Master's Office; and
  - iii) MCTS.
- (e) One (1) minute prior to the commencement of the safety drill or training, the Master shall contact MCTS to advise them of the commencement of the drill or training.
- (f) Upon completion of the safety drill or training, the Master shall contact the Harbour Master's Office and MCTS to advise them that the safety drill or training has been completed.
- (g) If lifeboats or rescue craft are launched by hook or release gear and rowed or powered, they may do so provided that:
  - i) The boats remain at least 50 metres from the Vessel; and
  - ii) If an abnormal or emergency situation occurs, the exercise is immediately terminated and the Harbour Master's Office is immediately contacted and informed of the situation.

#### 5.4.9 Services at the Port of Bécancour

- (a) Fresh water services

All requests for fresh water must be sent by e-mail to the Harbour Master's Office, indicating that "fresh water service is required". Forms and rates are available on the website.

(b) Waste management

Dumping of waste, garbage or other residual materials in the harbour of the Port of Bécancour is strictly prohibited. The recovery of residual materials from the Vessel can be done using a hermetically sealed container and under the supervision of the responsible authorities. For further information, please contact the Harbour Master's Office.

5.4.10 Special operations

If diving operations are in progress, restrictions on navigation in certain areas may be in force. "Notices to Shipping" referring to these restrictions will be issued via MCTS. The Harbour Master's Office must be notified before and after any diving operations. See section 10.2 for more information on authorizations required for diving operations.

5.5 Multi-user terminal

5.5.1 This section is intended for any User of a multi-user Terminal for the following purposes:

- (a) Loading or unloading of Vessels;
- (b) Storage;
- (c) Transportation;
- (d) Vessel provisioning;
- (e) Any other activity authorized by the SPIPB.

5.5.2 All Operations on a Multi-User Terminal must be authorized in writing to the Harbour Master.

5.5.3 Any entity wishing to operate on the Multi-User Terminal must provide the Harbour Master's Office with an up-to-date emergency measures plan adapted to the type of operations concerned on a regular basis and on request. The Harbour Master may at any time require modifications to the emergency measures plan submitted.

5.5.4 All merchandise belonging to Users of a Multi-User Terminal, regardless of its class, whether it consists of gear, storage equipment, miscellaneous materials or merchandise intended for trade, must be disclosed to the Harbour Master's Office and is subject to a fee in accordance with the Fee Schedule, unless otherwise advised by the SPIPB. In addition, all User merchandise, regardless of class, transiting the Port of Bécancour must be authorized in writing by the Harbour Master.

5.5.5 Any request for storage of merchandise in the Common Spaces by Users of a Multi-User Terminal must be sent to the Harbour Master's Office at least 72 hours in advance. The

Fee Schedule may apply to such requests. The request must include the following information:

- (a) Expected start date of storage or operation period.
- (b) Expected end date of storage or operation period.
- (c) Type of merchandise or goods to be stored.
- (d) For appurtenances or any merchandise not intended for trade: indicate area required.
- (e) For all merchandise intended for trade: indicate weight in tons.
- (f) Name of person responsible for the dossier.

5.5.6 Any entity wishing to carry out Operations in connection with international Vessels on the Multi-User Terminal must provide the Harbour Master with confirmation of Transport Canada security accreditation. The confirmation of certification shall state the purpose of the certification, as well as its duration.

5.5.7 All Users of the Multi-User Terminal must comply with the security guidelines and procedures required from time to time by the SPIPB.

5.5.8 Health and safety

- (a) Any company acting as an employer for workers using the Port of Bécancour's Multi-User Terminal to conduct Port Operations must comply with the directives of the Regulation respecting safety measures in the workplace and the Regulation respecting loading equipment, as well as any other federal and provincial laws, regulations, directives or orders applicable at the Port of Bécancour and to the employer.
- (b) It is mandatory for the employer to communicate to the Harbour Master his occupational health and safety prevention policy, as well as the name and contact information of the person responsible for enforcing the policy on site or his substitute.
- (c) On the Multi-User Terminal, everyone must wear basic personal safety equipment: boots, helmet and goggles, as well as a bib, flotation jacket when working near water, and carry their card (Permanent or Occasional Pass) visibly. Other PPE (personal protective equipment) may also be required, depending on the activity.
- (d) All health and safety, security and environmental incidents and near misses must be reported to the Harbour Master.
- (e) A copy of any incident report produced by the employer concerning an incident that took place on the Port of Bécancour shall be forwarded to the Harbour Master's Office without delay.

### 5.5.9 Environment

- (a) Subject to ARTICLE 7 -, any entity wishing to use the Multi-User Terminal to carry out Operations must provide the Harbour Master with an environmental management plan including measures to manage the risks of spills on land or at sea, as well as a spill management plan and an emergency response plan in the event of an incident. The plan must be approved by the Harbour Master, who may require modifications.
- (b) With respect to pumping and discharging into the waters of the Port's Harbour, all Vessels on or bound for the Port of Bécancour's Multi-User Terminal must comply with Canada's *Environment Quality Act*<sup>9</sup>, *Ballast Water Regulations*<sup>10</sup> and the *Vessel Pollution and Hazardous Chemicals Regulations*.<sup>11</sup>
- (c) In all cases, no bulk materials or uncontainerized or unpackaged Hazardous Substances or Pollutants may be stored on unpaved surfaces.
- (d) In no event shall the SPIPB nor any of its employees, representatives, directors, officers or agents be liable for any damages relating to the environment at the Port of Bécancour, except in the case of gross negligence or intentional misconduct on the part of the SPIPB. The Owner and its representatives, as well as any User, shall indemnify and hold harmless the Port of Bécancour and its employees, representatives, agents, directors, shareholders and officers (including the Government of Québec) from and against any and all claims, demands, damages, losses or proceedings whatsoever related directly or indirectly to any environmental incident or situation caused by them or any employee, representative, agent or person for whom they are responsible under the law.

## ARTICLE 6 - USE OF PORT FACILITIES

### 6.1 Placing or using light markers or day marks

- 6.1.1 To ensure the use of appropriate devices, minimize the effect on vessel traffic and port use, and ensure that notices (i.e. Notices to Mariners, Notices to Shipping, charts, publications) are kept up to date, approval is required prior to the installation or activation of any light or day mark.

### 6.2 Placing, altering, removing or relocating navigational aids, buoys, mooring devices, floats, stakes, markers or signs in a designated area

- 6.2.1 To ensure the use of appropriate devices, minimize the effect on vessel traffic and the use of the Port of Bécancour, as well as to ensure the updating of notices (i.e. Notices to

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<sup>9</sup> *Environment Quality Act* (Q-2,.)

<sup>10</sup> *Ballast Water Regulations* (SOR/2021-120)

<sup>11</sup> *Vessel Pollution and Hazardous Chemicals Regulations* (SOR/2012-69)

Mariners, Notices to Shipping, charts, publications), approval is required prior to the placement, alteration, removal or relocation of any aid to navigation, buoy, mooring line, float, stake, marker or sign.

6.3 Structures on the Port of Bécancour SPIPB territory

- 6.3.1 To ensure that the construction, placement, reconstruction, repair, alteration, relocation or removal of any structure on, in, over, under, through or across the ground results in the enhanced use of the Port of Bécancour, prior written approval by the SPIPB is required, subject or not to any conditions at the SPIPB's discretion, if any. A request must be sent to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.

6.4 Fishing

- 6.4.1 All forms of fishing (ice and other) are prohibited at the Port of Bécancour.

6.5 Fire, dynamite, fireworks or burning

- 6.5.1 Prior to performing any action that may cause a fire or explosion, blasting, setting off fireworks, or burning any form of material, any person must send a request to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.

- 6.5.2 Such activities must be held in areas where emergency response resources are available. Applicants for authorization must provide the following information, in writing:

- (a) Identity of the person responsible for the Operation;
- (b) Type of activity;
- (c) Location of the Operation;
- (d) Time and duration;
- (e) Measures taken to reduce or mitigate risk;
- (f) Completed and approved environmental assessment;
- (g) Net quantity of explosives.

- 6.5.3 The Harbour Master may refuse permission for these types of activities or impose such measures as he deems necessary.

6.6 Installing placards, posters, signs or devices

- 6.6.1 Prior to installing any placard, sign, poster or device, any person must apply to the Harbour Master's Office unless such person is authorized to do so by necessary inference under the terms of a contract or lease with, or permit granted by the SPIPB.

6.7 Solicitation

- 6.7.1 Prior to engaging in any form of solicitation, selling or offering for sale any goods or services, distributing flyers, leaflets or advertising material, any person must send a

request to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.

6.8 Swimming

6.8.1 Swimming is strictly forbidden at the Port area.

6.9 Electricity

6.9.1 Any person must send a request to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof for a request for additional electricity from SPIPB infrastructures.

**ARTICLE 7 - ENVIRONMENTAL POLICIES**

7.1 Guiding principles

7.1.1 All environmental directives and policies adopted by the SPIPB are based on the following four (4) principles:

- (a) Environmental compliance;
- (b) Environmental protection;
- (c) Environmental management; and
- (d) Raising awareness of its environmental commitment.

7.2 SPIPB programs

Programs embedded in the management of Port of Bécancour activities include:

- (a) Environmental Compliance Verification Program for Port of Bécancour Operations and Users;
- (b) Soil management program;
- (c) Effluent and surface water management program;
- (d) Inclusion of environmental clauses in leases;
- (e) Environmental impact assessment of projects; and
- (f) The SPIPB sustainable development policy.

7.3 General environmental policies for the Port of Bécancour

7.3.1 All activities undertaken at the Port of Becancour by any Vessel, any User and any other person having access to the Port of Becancour shall at all times (i) comply with all Environmental Laws, (ii) keep the Port of Becancour and the SPIPB free from any Pollutant, any contamination or any damage to the environment and (iii) take all necessary measures to prevent and avoid any release of Pollutant into the environment. For clarity, and without limiting the generality of the foregoing, any Vessel, User and any other person having access to the Port of Bécancour remains responsible for any contamination and damage to the environment resulting from its Operations at the Port Area (and surrounding lands) and shall indemnify and hold harmless the SPIPB and its employees, representatives, agents, directors and officers (including the Government of Québec) from and against any and all claims in connection with such contamination and damage.

7.3.2 Scrap, cargo and other goods

Any person who, at the Port of Bécancour, drops, rejects, deposits, dumps or discharges waste, residual materials, cargo, gear, Pollutants or any other matter, substance, product or material that interferes with navigation must:

- (a) Immediately take measures that are technically and economically feasible to remove them;
- (b) Report the incident without delay to the Harbour Master's Office and provide a description of what has fallen, been rejected, been deposited, discharged or spilled and indicate its approximate location;
- (c) If the person does not immediately remove the scrap, waste material, cargo, gear, Pollutants, item, substance, product or material, the SPIPB may proceed with their removal and, in the event that the things removed interfere with navigation, their removal may be done at the expense of the person responsible in addition to an administrative fee of twenty percent (20%) of the amount of such fees incurred by the SPIPB.

7.3.3 Pollutant spills

- (a) In the event of a spill, emission or release of a Pollutant, or contaminants into the environment, you must immediately report the situation to the persons listed below, at the coordinates indicated in ARTICLE 11 - hereof:

- i) Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (Québec - Urgence-Environnement ;

- i) Harbour Master's office.

As well as any mandatory proceedings, depending on the event, in accordance with applicable laws, such as:

- i) Canadian Coast Guard; and

- ii) Environment and Climate Change Canada – National Environmental Emergencies Centre

- (b) In addition to the obligations set forth in any Environmental legislation, any person responsible for the spill must:
  - i) Provide any advice required, where applicable, under environmental legislation;
  - ii) Promptly recover any Pollutants spilled or discharged, remove any contaminated material, including any contaminated soil, surface or groundwater, fill and property, and carry out any remedial work required under Environmental legislation; and
  - iii) Have prepared, when reasonably required, to the full satisfaction of the SPIPB, a report by an independent and recognized environmental consultant, chosen by the responsible person and accepted by the SPIPB, confirming the removal of the Pollutants or hydrocarbons and the rehabilitation of the environment, in accordance with the Environmental Legislation in force. It is understood that the work provided for in this paragraph must be carried out without delay.
- (c) The person responsible for the spill must carry out the operations of mitigation, recovery, limitation of propagation or migration, containment or clean-up of the Pollutants promptly. If these Operations are not carried out promptly, within the period prescribed by the SPIPB, the SPIPB (or the Port of Bécancour) will take all necessary measures to correct the situation at the expense of the person responsible for the spill.
- (d) In the event of a spill during Oil Transfer Operations, both the Receiver and the Supplier shall (2) immediately notify the Harbour Master. The supplier and receiver must immediately implement their emergency response plan and respond to the spill.
- (e) Hydrocarbons
  - i) In addition to complying with any applicable obligations or requirements under the Environmental Acts to this effect, every Vessel must have a hydrocarbon pollution emergency response plan which must identify the person authorized to implement the plan and confirm that the Vessel has an agreement with an emergency response organization certified by the Canadian Coast Guard, all in compliance with the CSA.
  - ii) In the event of an oil spill during refuelling operations, both the consignee and the supplier must (2) immediately notify MCTS and the Harbour Master's Office.
  - iii) Prior to refuelling operations, the Harbour Master's Office must be notified by e-mail to the address indicated in ARTICLE 11 hereof. Refuelling operations will be carried out with the approval of the Harbour Master. Black and grey water.



- (f) All Vessels and all persons are prohibited from discharging or dumping wastewater or sewage sludge into the waters or onto the shores, littoral or any other area of the Port of Bécancour.
- (g) All discharges or spills, including unauthorized or accidental discharges or spills, must be reported by e-mail to the Harbour Master and the MCTS at the address indicated in ARTICLE 11 - hereof. Immediate corrective measures should be undertaken and the appropriate government agencies must be informed and approve all measures taken by the User. Corrective measures must include the immediate cessation of the discharge or spill, all at the User's expense.

#### 7.3.4 Work, Renovations and Maintenance

- (a) Hull sandblasting and painting
  - i) Vessels at anchor or moored at the Port of Bécancour must obtain written authorization from the Harbour Master before any maintenance is carried out on the exterior of the hull. Sandblasting residues must be collected promptly and contained by an effective method to prevent dispersion by the weather. This includes sandblasting or painting using processes such as abrasive blasting, needle guns and electric grinders. This requirement does not apply to the maintenance of bridges and accommodations where sandblasting is not used.
  - ii) The Master or the person in charge of the Vessel must ensure that adequate measures are in place to protect the environment, and take all necessary measures to ensure that no material, residue or waste enters the waters or the shores, coastline or any other area of the Port of Bécancour. Sandblasting and painting must not interfere with or adversely affect the activities of other Port Users. If sandblasting or painting includes hot work, such work must not be carried out without the approval of the Harbour Master's office.
  - iii) It is forbidden to clean the hulls of vessels in the waters of the Port of Bécancour.
- (b) Painting
  - i) No scraping of old paint from the exterior walls of the Vessel may be carried out when the Vessel is docked at the Port of Bécancour's Multi-User Terminal.
  - ii) Painting for touch-ups or waterlines is permitted with written authorization from the Harbour Master, who may require any environmental protection measures he deems necessary.
- (c) Removal of waste and used oil
  - i) No refuse, solid kitchen waste, food waste, paper, cloth, plastic, metal, or any bottle, pottery or similar waste or debris may be dumped or

thrown into the waters or onto the banks, shoreline or any other area of the Port of Bécancour. Vessels wishing to dispose of waste must contact a contractor approved by the SPIPB.

- ii) Hazardous materials, such as flammable liquids (and their containers), batteries, heat transfer fluids, corrosive materials and engine blocks must be placed in appropriate containers and managed in accordance with environmental legislation.
- iii) Used oils must be placed in recycling containers designed for this purpose, away from road traffic and any other possible source of danger. A contractor approved by the SPIPB must be used to empty these containers on a regular basis, and dispose of them at a site authorized under environmental legislation.

(d) Snow removal

- i) For the safety of operations, the protection of the environment and the safety of navigation, it is forbidden to dump snow from a dock or a Multi-User Terminal into the river or into a basin.

#### 7.3.5 Noise, dust, smoke, light pollution

In order to minimize environmental impacts and promote a harmonious relationship with the community, the Master or person in charge of the vessel moored at the Port of Bécancour must:

- (a) Run only the minimum number of generators required;
- (b) Minimize the use of electric and pneumatic tools;
- (c) Ensure that all noise-generating activities are carried out in a noise-minimizing manner;
- (d) For docked vessels, ensure that deck lights are kept to a minimum while complying with the vessel's safety and security standards;
- (e) Ensure that the beam from the deck lights is directed towards the deck;
- (f) Any work likely to emit noise, dust or smoke must be approved in advance by the Harbour Master;
- (g) Any other measure necessary to maintain the peace and quiet of riverside residences;
- (h) Take all necessary and reasonable means to mitigate any nuisance caused by noise, dust, lighting or odours. This includes optimizing and maintaining equipment so as to reduce such nuisance.

#### 7.3.6 Sirens, whistles, alarms

- (a) Wherever possible, limit the use of the vessel's whistle, except where required by the Collision Regulation.
- (b) Any work likely to emit an alarm siren must first be approved by the Harbour Master.

## **ARTICLE 8 - INSURANCE**

### **8.1 Insurance, indemnity and non-liability**

- 8.1.1 Any owner of a Vessel wishing to use the Port of Bécancour and the Multi-User Terminals and/or any User carrying out Operations at the Port of Bécancour at one of the Multi-User Terminals must provide the Harbour Master's Office with their valid certificate of insurance issued by one of the members of the International Group of P&I Clubs or by its equivalent in Canada if the owner of the Vessel or the User does not have access to this type of insurer, covering, in particular, environmental risk, civil liability and the activity in question, in an amount of at least USD\$1,000,000,000 for environmental risk and at least USD\$20,000,000 for P&I coverage (general civil liability), it being understood that the amount of coverage must be sufficient for the activity in question, to the satisfaction of the SPIPB.
- 8.1.2 Vessel owners carrying Dangerous Goods or Class 1 Dangerous Goods and Users carrying out Operations at the Port of Bécancour in connection with such Dangerous Goods or Class 1 Dangerous Goods must also hold any additional insurance coverages required under Applicable Legislation to the satisfaction of the SPIPB.
- 8.1.3 Except in the case of gross negligence or wilful misconduct on its part, the SPIPB shall in no event be liable for damage to goods stored on its premises caused by water, snow, steam or rain or for any reason whatsoever.
- 8.1.4 The User or the owner of the Vessel, as the case may be, agrees to indemnify and hold harmless the SPIPB and its employees, representatives, agents, directors and officers (including the Gouvernement du Québec), except in the case of gross negligence or intentional fault on the part of the latter, from any claim, suit or action arising directly or indirectly from an event occurring at the Port of Bécancour or in connection with its use of port facilities or its Operations, and also undertakes, at the request of the SPIPB, to take up the defence of the SPIPB and its directors, officers, employees, agents and affiliates, including the Gouvernement du Québec, where applicable, in any action resulting from such event and in which the SPIPB or its shareholders, directors, officers, employees, agents and affiliates are parties. The User or the owner of the Vessel, as the case may be, shall assume all costs, disbursements, damages and expenses (including, without limitation, the fees of the attorneys of the SPIPB, at the latter's option) incurred by the SPIPB in connection with the defense of its rights against any such claim, suit or action. Without limiting the generality of the foregoing, the User or the Vessel Owner, as the case may be, shall indemnify and hold harmless the SPIPB and its employees, representatives, agents, directors, shareholders and officers (including the Government of Québec) from and against any and all liability, claims, suits or actions arising directly or indirectly from the following:
- (a) the failure or alleged failure of the User or the owner of the Vessel or its representative, as the case may be, to comply, in whole or in part, with the obligations provided for under the present Rules and Procedures or any document related thereto;
  - (b) non-compliance with any agreement entered into between them and any third party or subcontractor in connection with its activities and Operations at the Port of Bécancour;

- (c) any damage, loss or destruction to any property or person located on its port facilities, death or injury to any User, Vessel owner or its representatives, employees, agents, visitors, subcontractors or other persons under its responsibility by virtue of the law;
- (d) any violation of the Environmental Legislation by itself or its representatives, employees, agents, visitors, subcontractors or any other person under its responsibility by virtue of the law.

## **ARTICLE 9 - EMERGENCY AND SAFETY**

### **9.1 Reportable situations**

9.1.1 Any witness to any of the incidents listed below at the Port of Bécancour shall report the incident as soon as possible to the authorities indicated in paragraph 9.2.2 below:

- (a) Fire;
- (b) Explosion;
- (c) Injury or death;
- (d) Criminal activity;
- (e) Intrusion;
- (f) Collision with dock or vessel;
- (g) Grounding;
- (h) Pollutant spill;
- (i) Discharge of deleterious materials;
- (j) Hydrocarbon spill;
- (k) Loss of equipment or cargo overboard; and
- (l) Incident involving dangerous goods.

(hereinafter “**Incident or Serious Accident**”)

## 9.2 Emergency services

9.2.1 All masters and crews have an obligation to provide the necessary support to emergency services responding to a Serious Incident or Accident, which support includes, but is not limited to, the following points:

- (a) Provide all information concerning the goods, hazardous materials and pollutants on board the Vessel.
- (b) Inform of the presence on board of goods, hazardous materials and pollutants.
- (c) When the safety of the Vessel is at stake, the Master or his designated officer must provide the appropriate information on matters such as stability, access, international connections, etc., in order to ensure the safety of the Vessel.
- (d) The shipowner or the person in charge of the vessel must be able to provide the emergency service with relevant information on important elements such as stability, access, international connections, etc.
- (e) Spills of deleterious materials will require the presence of representatives of the Port of Bécancour and other government departments. Potential or actual hazards to the environment or to the safety of personnel or property may require the movement of Vessels within the waters of the Port of Bécancour and will be directed by the Harbour Master, whose instructions must be observed. In such circumstances, the Harbour Master may order the use of a Pilot, Tug or other services necessary for the safe movement of a Vessel.

9.2.2 In the event of an Incident or Serious Accident, the vessel's Master or Safety Officer must communicate the emergency to the following parties:

- (a) 911;
- (b) MCTS;
- (c) Harbour master's office.

9.2.3 Other resources for port security issues

- (d) Sûreté du Québec
- (e) The Border Services Agency provides border control services including Vessel clearance, immigration and border health monitoring.
- (f) Fire, Police, Ambulance: 911

## 9.3 Priority conditions

9.3.1 Whenever, in the interests of safety or environmental protection, the Harbour Master requires a Vessel or Operation to receive assistance from tugs, Pilots or other agencies or services, the cost of such assistance shall be at the expense and risk of the Vessel concerned.

9.3.2 Except in response to an emergency or in an effort to save a life, no person at the Port of Bécancour shall act or omit to act so as to do or permit to be done any act having or likely to have any of the following results:

- (a) Threaten the safety or health of individuals;
- (b) Impede navigation;
- (c) Obstruct or threaten any part of the Port of Bécancour or any port infrastructure;
- (d) Interfere with an Authorized Activity;
- (e) Divert a watercourse, cause or affect currents, cause siltation or accumulation of material, or otherwise alter water depth;
- (f) Cause a nuisance;
- (g) Cause damage to a Vessel or port infrastructure;
- (h) Alter soil, air or water quality;
- (i) Adversely affect the operations of the Port of Bécancour or the SPIPB.

## **ARTICLE 10 - SPECIAL ACTIVITIES**

### **10.1 Special permits / authorizations**

10.1.1 It is forbidden for any person to engage in any of the activities mentioned in the following section at the Port of Bécancour unless they obtain special written authorization from the Harbour Master and comply with the conditions included in the authorization. Unless otherwise specified, approval must be obtained from the Harbour Master by forwarding a request by e-mail to the address indicated in ARTICLE 11 - hereof, together with any supporting documents indicated below or reasonably requested by the Harbour Master.

### **10.2 Dive operations**

10.2.1 Recreational diving is not permitted in the harbour basin, the vicinity of the Multi-User Terminal and the commercial docks. Commercial diving operations within port areas must be approved in advance by the Harbour Master, in writing. Applicants for authorization must provide the following information:

- (a) Identity of the person responsible for the operation;
- (b) Type of activity;
- (c) Location of the operation;
- (d) Time and duration;

(e) On-site number available 24/7.

10.2.2 Following prior approval, the Harbour Master's Office of the Port of Bécancour must be notified immediately before divers enter the water and immediately after they exit the water.

10.2.3 Diving operations must be suspended immediately at the request of the Harbour Master during a manoeuvre.

10.2.4 If MCTS receives an indication from anyone that unapproved diving operations are taking place, they should contact the Harbour Master's Office.

### 10.3 Hot work

10.3.1 Unless a specific written agreement is in place with a User, all Hot Work is subject to a permit application (with the exception of Hot Work on a vessel). Application for a Hot Work permit must be made by e-mail to the address indicated in ARTICLE 11 hereof and include a list of the work to be performed. In addition, written authorization will only be granted if the applicant is able to guarantee in writing that they will comply with the conditions set out in the permit. The Harbour Master may require on-site verification of compliance with the conditions set out in the permit. All hot work must be carried out in areas designated by the Harbour Master.

#### 10.3.1.1 Hot work on a vessel

No SPIPB permit is required to perform Hot Work on a vessel.

However, if work is to be carried out on a vessel, the latter must notify the Harbour Master by e-mail to the address indicated in ARTICLE 11 - hereof, and include a list of the work to be carried out. The Harbour Master reserves the right to prohibit Hot Work on a vessel.

### 10.4 Dangerous goods, industrial waste and pollutant management

10.4.1 Permit application. A permit is required to move, store or transport Dangerous Goods and Class 1 Dangerous Goods. To obtain a permit, the owner or the person in charge of the Vessel must submit a permit application, 24 hours prior to the arrival of the material or prior to the arrival of the Vessel. The request must be made to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 - hereof.

10.4.2 Any owner of a cargo of Dangerous Goods wishing to use a Multi-User Terminal for its unloading or loading must comply with the requirements of the Cargo, Fumigation and Loading Equipment Regulations<sup>12</sup>.

10.4.3 The owner of the goods or his representative must submit his request for a permit to the Harbour Master 24 hours before the arrival of the Vessel or goods.

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<sup>12</sup> Cargo, Fumigation and Tackle Regulations(SOR/2007-128)



10.4.4 The storage of Dangerous Goods within the perimeter of the Multi-User Terminal must have the prior written authorization of the Harbour Master, upon receipt of the required documentation, even if the storage site is the subject of an agreement with an operator.

10.5.5 Any transport or transit of Class 1 Dangerous Goods at the Port must be subject to a permit application. Dangerous goods cannot be stored at the Multi-User Terminal.

10.5 Discharge or transshipment of waste or similar substances

10.5.1 Waste or other similar substances must be disposed of in a site that complies with current laws and regulations.

10.6 Transfer of hydrocarbons, chemicals or liquefied gas between two vessels at berth, other than operations by a bunkering vessel

10.6.1 Request for Authorization. Before carrying out any operation involving the transfer of hydrocarbons, chemical products or liquefied gases between two (2) Vessels, written authorization must be obtained from the Harbour Master's Office.

10.6.2 The request must be submitted 24 hours in advance by e-mail to the address indicated in ARTICLE 11 hereof and include the following information:

- (a) Identity of the person responsible for the operation;
- (b) Type of activity;
- (c) Location of the operation;
- (d) Time and duration;
- (e) Nature and quantity of goods to be transferred;
- (f) Transfer method;
- (g) Type of fenders in place;
- (h) Communication between the Vessels has been tested and its operation confirmed;
- (i) Spill clean-up procedures are in place;
- (j) The operation will remain under constant supervision until completed. Vessels transferring persistent hydrocarbons or other deleterious liquids must comply with the appropriate checklists, including those required by Transport Canada - Marine Safety.
- (k) Chemical and liquefied gas transfer operations are approved and analyzed on merit. The SPIPB may refuse permission to carry out any operation if there is a risk to people, installations or the environment.

10.7 Dredging operations

10.7.1 Dredging Operations that are necessary to maintain the safety of the waters of the Port of Bécancour require that Service Boats operate within the main navigation channels, berths and basin. Every effort will be made to ensure that operations do not interfere with a Vessel approaching or leaving a berth or the waters of the Port of Bécancour.

10.7.2 Vessels crossing such operations must pass at low speed, giving the Operations as much maritime space as possible. Notices to Shipping will mention the operation, and MCTS will advise of the areas and Vessels involved.

10.7.3 Persons requesting authorization for dredging operations must submit their request in writing to the Harbour Master's Office by e-mail to the address indicated in ARTICLE 11 hereof and provide the following information:

- (a) Identity of the person responsible for the operation;
- (b) Type of activity;
- (c) Location of the operation;
- (d) Time and duration;
- (e) On-site number available 24/7.

10.8 Excavation or removal of materials or substances

- (a) Application to perform work. Before excavating or removing material or soil from Port of Bécancour facilities, an application must be submitted to the Harbour Master's Office unless authorized to proceed under the terms of a contract with or written authorization from the SPIPB.
- (b) Notwithstanding the duly approved request, a notice of the start of the work date must be sent to the Harbour Master's Office by e-mail 48h00 before the start of the work.

10.9 Lighting flares or other signalling devices

10.9.1 Authorization Request. To ensure that measures are taken to reduce or mitigate risk and notify emergency response resources, written approval from the Harbour Master's Office is required prior to the activation of a flare or other signaling device.

10.9.2 Applicants for authorization must provide the following information:

- (a) Identity of the person responsible for the operation;
- (b) Type of activity;
- (c) Location of the operation;
- (d) Time and duration;
- (e) On-site number available 24/7.

**ARTICLE 11 - CONTACT INFORMATION**

|                                                                                                                                         |            |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------|
| Canadian Coast Guard                                                                                                                    | Telephone: | 1-800-363-4735                                     |
| Harbour master's office at the Port of Bécancour (available 24/7)<br><br>Port security officer                                          | Telephone: | 819-384-4048                                       |
|                                                                                                                                         | Email:     | <a href="mailto:port@spipb.com">port@spipb.com</a> |
| Société du parc industriel et portuaire de Bécancour (SPIPB)                                                                            | Telephone: | 819-294-6656                                       |
|                                                                                                                                         | Email:     | <a href="mailto:info@spipb.com">info@spipb.com</a> |
| Environment and Climate Change Canada – National Environmental Emergencies Centre                                                       | Telephone: | 1-866-283-2333                                     |
| Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (Québec - Urgence-Environnement) | Telephone: | 1-866-694-5454                                     |
| Police - Sûreté du Québec                                                                                                               | Telephone: | 911                                                |
| Sécurité incendie Ville de Bécancour (Fire safety)                                                                                      | Telephone: | 911                                                |