

Draft Regulations

Draft Regulation

An Act respecting petroleum products and equipment (R.S.Q., c. U-1.1; 1997, c. 64)

Petroleum Products — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Petroleum Products Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make adjustments following the adoption of the Act to amend the Act respecting the use of petroleum products and other legislative provisions (1997, c. 64). Since the coming into force of the Act, the owner of high-risk petroleum equipment or the person he appoints and to whom he entrusts the responsibility of carrying out the maintenance and repair must hold a permit which will be issued to him only if the equipment in question has been the subject of a certificate issued by a certified inspector.

The draft Regulation also provides for the conditions for the issue of permits, for certification of inspectors and their obligations, the contents of the registers kept by permit holders and certified inspectors, the testing of the operating performance by permit holders, the inspection plan by the certified inspector and the standards applying to petroleum equipment, as well as a basic updating of standards already existing.

Further information may be obtained by contacting Ms. Sylvie Drolet, Direction de la Sécurité des équipements pétroliers, ministère des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau B-405, Charlesbourg (Québec) G1H 6R1; tel. (418) 627-6385.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Pierre Lavallée, Director, Direction de la Sécurité pétroliers, ministère des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau B-405, Charlesbourg (Québec) G1H 6R1.

GUY CHEVRETTE,
Minister of State for Natural Resources
and Minister of Natural Resources

Regulation to amend the Petroleum Products Regulation(*)

An Act respecting petroleum products and equipment (R.S.Q., c. U-1.1, ss. 5, 7, 8, 14, 22, 23, 25, 27, 37, 39, 41, 51, 54, 59 and 96; 1997, c. 64, ss. 2 and 14)

1. Section 1 of the Petroleum Products Regulation is amended

(1) by inserting the following after the definition of “fuelling area”:

““reception area” means the area around the fill pipe of an underground tank and around the site of an aboveground tank; (*aire de réception*)

“transfer area” means the area on which the transfer of petroleum products is carried out; (*aire de transvasement*)”;

(2) by substituting the following for the definition of “bulk-storage plant”: “installations for storing bulk petroleum products for dispensing purposes; (*dépôt*)”;

(3) by inserting the following after the definition of “isolated location”:

““level 1 leak detection” means an operation carried out by means of a device or a method allowing for the detection of a leak of 0.38 litre/hour, with a detection probability of 95 % and a false alarm probability of 5 %; (*détection de fuites de niveau 1*)

“level 2 leak detection” means an operation carried out by means of a device or a method allowing for the detection of a leak of 0.76 litre/hour, with a detection probability of 95 % and a false alarm probability of 5 %; (*détection de fuites de niveau 2*)”; and

(4) by inserting the following after the definition of “unloading zone”:

* The Petroleum Products Regulation made by Order in Council 753-91 dated 29 May 1991 (1991, G.O. 2, 1839) was amended by the Regulations made by Orders in Council 108-96 dated 24 January 1996 (1996, G.O. 2, 1180) and 505-98 dated 8 April 1998 (1998, G.O. 2, 1614). For errata, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

““used oil” means oil that has been used in a motor vehicle or hydraulic equipment; (*huile usée*)”.

2. Section 2 is amended by substituting the words “used oil” for the word “lubricants” in paragraph 3.

3. Sections 6, 11 and 12 are revoked.

4. The heading preceding section 13 is amended by adding the words “and flammability of products” after the words “Classification of petroleum products”.

5. The following is substituted for section 13:

“**13.** Petroleum products are classified as follows:

(1) Class 1: petroleum distillates having a flash point below 37.8 °Celsius determined by method D 56-82 of the American Society for Testing and Materials;

(2) Class 2: petroleum distillates having a flash point equal to or above 37.8 °Celsius, but below 60 °Celsius determined by method D 93-80 of the American Society for Testing and Materials;

(3) Class 3: petroleum distillates having a flash point equal to or above 60 °Celsius determined by method D 92-78 of the American Society for Testing and Materials.”.

6. Sections 14, 15 and 16 are revoked.

7. Section 17 is amended by inserting the words “and safety” after the word “quality”.

8. Section 20 is amended

(1) by substituting the following for subparagraph 6 of the first paragraph:

“(6) the name of the supplier of petroleum product that made the last two deliveries;”;

(2) by substituting the following for subparagraph 8 of the first paragraph:

“(8) the name of the transporter that made the last two deliveries;”;

(3) by substituting the following for the second paragraph: “The report shall be signed by the inspector who took the sample and by the permit holder or the controls operator.”.

9. The following is substituted for section 21:

“**21.** Analysis of the samples taken shall be made in accordance with the methods and standards prescribed in Schedule 1.”.

10. The following is substituted for Chapter 2:

**“CHAPTER 2
PERMITS FOR THE USE OF HIGH-RISK
PETROLEUM EQUIPMENT**

**DIVISION 1
ISSUE, RENEWAL OR MODIFICATION**

22. An application for the issue or renewal of a permit shall be made in writing and indicate:

(1) whether it is a new application or an application for renewal;

(2) in the case of a new application, the capacity in which the person makes the application:

(a) as owner of the equipment; or

(b) as operator responsible for servicing and repairing the equipment;

(3) the name, address and telephone number of the applicant, as well as the address and telephone number of the site on which the equipment is located, if those particulars are different from those covered by the application;

(4) if the applicant is a legal person, the registration number given to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(5) if the application is not made in the capacity of owner, the name, address and telephone number of the owner of each tank as well as his consent and signature authorizing the applicant to obtain a permit for the use of the equipment;

(6) where applicable, the date of the certificates and of the notices given by a certified inspector since the last application, as well as the name and certification number of the inspector who has issued or given them;

(7) the main characteristics of each piece of equipment covered by the application, indicating, in particular:

(a) their storage capacity in litres;

(b) the types of products stored;

(c) the date of their installation and the name and address of the installer;

(d) the year during which they were manufactured and the name and address of the manufacturer;

(e) the specifications of the tanks, piping or accessories;

(f) the leak detection systems;

(g) the description of the situation of the piece of equipment or of all the equipment on the site; and

(8) the nature of the activities of the applicant.

23. An application for modification to a permit shall describe the new equipment installed or indicate the changes made to the equipment covered by the permit.

24. When an application for the issue of a permit, for its renewal or for a modification to it is made, any information or document that has already been sent to the Minister need not be sent again if the applicant attests that it is still accurate and complete.

25. In addition to the payment of the fees, any application for the issue of a permit, for its renewal or for a modification to a permit shall include

(1) a written statement of the applicant or his authorized representative attesting to the fact that the information submitted to the Minister is accurate and complete;

(2) the date and the signature of the applicant or his authorized representative; and

(3) in the case of an application for renewal, the attestation that the equipment is in good working order, including a declaration of the events having affected the equipment during the period of validity of the permit and comprising the following information:

(a) all petroleum product leaks and spills greater than 100 litres;

(b) all explosions and fires related to petroleum equipment;

(c) all failures in storage or dispensing equipment which are a hazard to the environment; and

(d) the date of the event and the extent of the damage.

DIVISION 2

PERIOD OF VALIDITY

26. The period of validity of the permit is 24 months.

Notwithstanding the foregoing, a permit may be issued for a period shorter than 24 months to have the following met:

(1) the expiry dates of permits held by the same holder in the same administrative region;

(2) the expiry dates of different permits at the same address;

(3) the period of validity of a permit with the period of use of petroleum equipment, for the purpose of a building site or another type of activity of a temporary nature and whose anticipated duration is shorter than two years; or

(4) in the case of the issue of a new permit for petroleum equipment already installed, the date of renewal of the permit according to the expiry date of the first permit issued for that equipment on the site.

DIVISION 3

FEE PAYABLE

27. The fee payable for the issue or renewal of a 24-month permit is \$130 to which \$40 are added for each 10 000-litre portion, up to a maximum of \$2 500.

Where the period of validity of the permit is shorter than 24 months, the payable fee is determined in proportion to the number of months of validity of the permit issued by the Minister. Notwithstanding the foregoing, the fee may never be lower than \$85 per year.

28. The fee is payable in one instalment.

29. A fee of \$25 is required for the consideration of an application for temporary authorization or for a permit transfer referred to in section 27 of the Act respecting petroleum products and equipment (R.S.Q., c. U-1.1; 1997, c. 64).

30. A fee of \$1 000 is required for the consideration of an application or for a renewal of the approval of a private inspection program for high-risk petroleum equipment.

CHAPTER 2.1 CERTIFICATION OF INSPECTORS

DIVISION 1 APPLICATION FOR CERTIFICATION OR RE-REGISTRATION

31. An application for certification or re-registration shall be submitted to the Minister in writing.

32. In addition to the annual fee required for the registration and to the duties payable for the consideration of the application for certification or re-registration, the applications shall be accompanied by the following information and documents:

(1) the name, address and telephone number of the applicant;

(2) proof that he has all the qualifications required under section 34 to sit the examination;

(3) where applicable, written proof, dating back not more than two years, that he has passed the examination required under section 35;

(4) where applicable, written proof, dating back not more than two years, that he has participated in the training session required under section 35;

(5) a written declaration of the applicant attesting that the information submitted to the Minister is accurate and complete; and

(6) the signature of the applicant.

33. When an application for certification or an application for re-registration is made, any information or any document that has already been sent to the Minister need not be sent again if the applicant attests that it is still accurate and complete.

34. To sit the examination provided for in section 35, an applicant shall have at least one of the following qualifications:

(1) at the time of the coming into force of section 38 of the Act respecting petroleum products and equipment, hold a licence of Master-Installer issued under the Act respecting the use of petroleum products (R.S.Q., c. U-1.1);

(2) be a member in good order of the Ordre des ingénieurs du Québec or the Ordre des technologues professionnels du Québec or, where he is not a resident in Québec, be a member of a professional order of an

equivalent nature according to the requirements of the government of his place of residence; or

(3) have at least two years of experience in inspection, surveillance or installation of petroleum equipment.

Examination for admission and training session

35. To be certified, an applicant shall

(1) pass the written examination, held by the Minister with a mark of 80 %; and

(2) follow the training session offered by the Minister.

36. A certified inspector who has not been entered on the register for two years because he did not pay the annual fee shall comply with the certification conditions prescribed in sections 31, 32 and 35 in order to register again.

37. Any person who fails the examination may apply to the Minister for the review of the mark obtained within 30 days after the mark is sent.

38. No person may sit more than two supplemental examinations.

Liability insurance

39. To be certified and registered as a certified inspector, an inspector shall hold a civil liability insurance policy which must provide the following minimum conditions:

(1) a minimum guarantee of \$500 000 per claim and \$1 000 000 for all claims relating to the period covered;

(2) commitment by the insurer to take up the defence of the insured and to pay, up to the amount of the guarantee, any amount that the insured may legally have to pay to a third party as damages relatively to a claim for loss submitted during the period of guarantee and resulting from a fault or other or from a negligence made by him as an inspector;

(3) a commitment by the insurer to give a 15-day notice to the Minister in case of cancellation or non-renewal of or modification to the contract; and

(4) an exclusion to the effect that acts performed under the influence of narcotics, soporifics, drugs or alcohol may not be opposable to a third party referred to in paragraph 2 of section 41 to whom the insured has to pay damages.

40. The inspector shall immediately notify the Minister in writing of the cancellation of his civil liability insurance contract or of any modification made to it.

DIVISION 2 FEES PAYABLE

41. The amount of fee payable for the consideration of an application for certification is \$250.

42. The annual fee payable for registration in the register of inspectors is \$250.

43. The fee for re-registration is \$50.

CHAPTER 2.2 CONTENTS OF REGISTERS

DIVISION 1 PERMIT HOLDERS' REGISTER

44. A permit holder shall keep in his register a copy of the plans of the finished work as well as any technical information relating to the modifications made to the petroleum equipment during their lifetime.

45. A permit holder shall record and keep in his register the following information and documents for ten years:

- (1) inspection certificates issued by the certified inspector;
- (2) events having affected the petroleum equipment;
- (3) copy of any notice of corrections;
- (4) inspection reports of the corrosion prevention system, where applicable;
- (5) inspection reports of the leak detection systems, where applicable;
- (6) leak test reports;
- (7) all reports relating to the testing of the operating performance and to tests or information of any nature required under Division 2 of Chapter 2.3 as well as under sections 157, 167 and 320;
- (8) periods during which the petroleum equipment was not used; and
- (9) information concerning abandonments of underground tanks on their sites provided for in sections 128, 129, 130.1, 130.2 and 157.

46. A permit holder shall record the following information and documents in his register for at least two years:

- (1) copies of purchase, delivery, sale and withdrawal records of petroleum products;
- (2) gauging readings of the product and water dip readings in the tanks and readings of the meters of dispensers;
- (3) the calculation allowing the monthly determination of any gain or loss of the product for each required gauging;
- (4) dates on which draining was carried out, the quantity that has been drained and the name of the person or business which carried out the draining.

For fuel oil tanks, only the documents in subparagraph 1 of the first paragraph shall be kept by the permit holder for at least two years.

DIVISION 2 REGISTER OF CERTIFIED INSPECTORS

47. A certified inspector shall keep in a register the following information and documents:

- (1) copies of inspection certificates issued;
- (2) the reports on each inspection; and
- (3) other documents such as plans, analyses, analysis reports or photographs necessary for the inspection.

The documents shall be kept for at least ten years.

CHAPTER 2.3 INSPECTION OF HIGH-RISK EQUIPMENT AND TESTING OF THE OPERATING PERFORMANCE

DIVISION 1 INSPECTION PLAN

48. During any inspection, a certified inspector shall take cognizance of the contents of registers and analyze it, make sure that the petroleum equipment subject to the inspection shows no hazard, search for leak sign and if applicable, analyze the plans submitted.

49. An inspection shall be carried out during the installation, replacement or removal of petroleum equipment. During such inspection, a certified inspector shall make sure that the equipment subject to the inspection meets the requirements provided for in the following

sections, where applicable: 69, 83, 83.1, 96, 99, 100, 103 to 105, 113, 122 to 126, subparagraph 2 of the first paragraph of section 130, 133, 135, 137 to 138, 143 to 145, 150 to 160, subparagraphs 2 and 3 of the first paragraph of section 167, 173 to 185, 189, 192 to 208.2, 208.4 to 208.6, 211, 216 to 223, 2nd paragraph of section 226, 230, 235 to 237, 249, 251, 253 to 260, 302, 303, 307 to 312, 314 to 317.1, 1st paragraph of section 320, 321, 323 to 328, 335, 341 to 345, 349, 353, 354, 357, 359, 363 to 366, 369 to 382, 385 to 388, 390, 399, 401, 403, 422, 428 to 431, 433, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.

For equipment already installed or removed, a certificate may be issued by a certified inspector if the equipment meets the previous requirements, where applicable. The equipment shall also be leak tested as prescribed in section 269 and shall undergo an annual inspection, according to the type of equipment, in accordance with sections 53, 54 and 55.

50. The inspection of petroleum equipment shall be carried out within the last 12 months of the following inspection periods:

- (1) for underground petroleum equipment:
 - (a) single-wall tanks: an inspection every two years;
 - (b) double-wall tanks: an inspection every four years;
- (2) for underground fuel oil or used oil petroleum equipment: an inspection every four years;
- (3) for bulk-storage plants: an inspection every two years; and
- (4) for aboveground petroleum equipment: an inspection every six years.

For the purposes of the first paragraph, the inspection period shall be calculated as of the expiry date of the permit issued at the address.

Notwithstanding the first paragraph, an inspection of the petroleum equipment shall be carried out in accordance with sections 53, 54 and 55 for the first renewal of the permit issued under section 25 of the Act respecting petroleum products and equipment.

51. Where new equipment is installed at the same address, the inspection period of the latter shall be adjusted according to the expiry date of the first permit issued for all the equipment at that address.

52. If petroleum equipment installed on the same site is subject to different inspection periods, the shorter one prevails over the others for all the equipment.

53. During the inspection of underground petroleum equipment subject to inspection, a certified inspector shall analyze the operating performance of the equipment and inventories in order to make sure that the equipment meets the requirements provided for in the following sections, where applicable: 123, 124, 128 to 130, 132, 173, 174, 177, 178, 201, 203 to 206, 208, 208.1, 208.5, 208.6, 216, 2nd paragraph of section 226, 230, 235 to 237, 249, 251, 253, 254, 256 to 260.2, 302, 303, 307 to 312, 314 to 317.1, 1st paragraph of section 320, 321, 323, 324, 328, 341 to 345, 349, 353, 354, 357, 359, 365, 366, 369 to 377, 380 to 382, 385 to 388, 390, 399, 401, 404, 428 to 431, 435, 437 to 439, 444, 446 to 450, 452, 453, 461 to 463 and 470 to 476.

54. During the inspection of a bulk-storage plant, the certified inspector shall analyze the operating performance of equipment subject to inspection in order to make sure that the equipment meets the requirements provided for in the following sections, where applicable: 123, 124, 128 to 130, 132 to 135, 137, 138, 143 to 145, 150 to 160, 173, 177, 178, 201, 203 to 206, 208, 208.1, 208.4 to 208.6, 211, 216, 218, 2nd paragraph of section 226, 229, 230, 235 to 237, 243, 249, 251, 253, 254, 256 to 260.2, 307 to 310, 315 to 317.1, 1st paragraph of section 320, 321, 328, 365, 399, 401 to 404, 422, 428 to 431, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.

55. During the inspection of aboveground petroleum equipment other than a bulk-storage plant, a certified inspector shall inspect the operating performance of equipment subject to inspection in order to make sure that the equipment meets the requirements provided for in the following sections, where applicable: 83, 83.1, 133, 135, 137 to 138, 143 to 145, 150 to 153, 155 to 160, 173, 174, 177 to 180, 201, 203 to 206, 208, 208.1, 208.6, 211, 216, 218, 2nd paragraph of section 226, 230, 235 to 237, 243, 249, 259, 260, 267, 307 to 312, 314 to 317.1, 1st paragraph of section 320, 321, 323, 324, 328, 341 to 345, 349, 353, 354, 357, 359, 363, 365, 366, 369 to 382, 385 to 388, 390, 399, 401, 403 and 404.

56. A permit holder shall, in addition to the periodic inspections required under section 50, have any equipment inspected when it does not show the necessary imperviousness qualities according to the inspection report received by the Minister or complaints made concerning the condition of the equipment where the complaints are considered justified by him.

Such an inspection shall be carried out within 30 days following the forwarding of a written notice by the Minister indicating the imperviousness problems thus identified and specifying the equipment in question.

The inspector shall carry out such an inspection in accordance with the requirements provided for in sections 53 to 55.

Where such an inspection is carried out within 12 months preceding the end of the period provided for in section 50 and the inspection referred to in that section has not been carried out yet, it takes the place of the required periodical inspection.

DIVISION 2

TESTING OF THE OPERATING PERFORMANCE

Inspections

57. Every two years, a permit holder owning a steel underground tank shall inspect:

(1) the cathodic protection performance in the case of a sacrificial anode system, in accordance with Standard CAN4-S603.1-M-85;

(2) the cathodic protection performance in the case of an impressed current cathodic protection system where such system is an addition to an underground storage system, in accordance with Report No. 87-1, February 1987, by the Petroleum Association for Conservation of the Canadian Environment (PACE); and

(3) the automatic leak detection system for petroleum products.

58. The safety valves of an aboveground piping system shall be inspected annually and the reports shall be kept for inspection by a certified inspector.

59. A grounding circuit shall be inspected annually to make sure of its efficiency.

60. A motor fuel dispenser linked to an underground tank shall be equipped with a meter that shall be calibrated at least once every two years.

Leak test

61. Where petroleum equipment is buried within less than 150 metres measured horizontally from a vertical plane touching the closest outside wall of a subway under construction or a completed subway, the permit holder shall leak test the equipment each year in compliance with section 269.

Standards applying to motor fuel dispensing

62. On a weekly basis, a permit holder shall water dip each underground motor fuel tank.

He shall also inspect the observation well if it is not equipped with a continuous surveillance alarm system.

63. Every day he uses the equipment, a permit holder shall

(1) gauge all underground tanks and read all dispenser meters;

(2) reconcile receipt and withdrawal records for each underground tank with the daily gauge readings taken pursuant to paragraph 1.

Notwithstanding the foregoing, if the permit holder does not use his equipment every day, he shall gauge them once a week.

64. A permit holder shall have the underground petroleum equipment examined and, where applicable, shall leak test it in accordance with section 269, each time a leak is suspected or each time one of the following occurs:

(1) an unexplained loss of at least 0.5 % in the flow of a tank during one month;

(2) unexplained losses of the product during at least five consecutive days;

(3) unexplained losses of the product during at least 18 days in a month where the level of the stored product is gauged every day;

(4) unexplained losses or gains of the product during at least 15 days in a month where the level of the stored product is gauged 6 days per week;

(5) the level of water at the bottom of the tank exceeds 50 millimetres.

65. A permit holder shall inspect annually the operating performance of each safety valve having a maximum fusible link. The inspection shall be carried out according to the method recommended by the manufacturer of each valve.

Used oil

66. A permit holder shall gauge each month the used oil tank.

The tank containing used or waste petroleum products shall be drained before gauging shows any hazard of spillage.

Airport outlet

66.1. A permit holder shall inspect or have inspected, at least once a year, the grounding and bounding systems of dispensers and tanks.

66.2. A permit holder shall inspect the cleanliness of each storage tank at least once every five years.

Standards applying to the servicing and inspection of a bulk-storage plant

66.3. A safety valve shall be inspected at least once a year.

66.4. A permit holder shall, each week, carry out a visual inspection of piping and aboveground storage installations in order to detect any leak and remedy it.

66.5. A permit holder shall, each month, test the operating performance of all valves, overflow controls, vent lines and fire protection devices.

66.6. Where there has been a receipt of petroleum products during the day, the permit holder shall gauge or dip the tanks.

66.7. A permit holder shall gauge or dip all tanks at least once a week.

66.8. A permit holder shall reconcile receipt and withdrawal records with the gauge or dip readings.

66.9. In the case of an aboveground tank having a capacity exceeding 250 000 litres, the permit holder shall take the temperature of the product at the time of gauging.”.

11. The following is substituted for the heading of Chapter 3: “STANDARDS APPLYING TO ALL PETROLEUM EQUIPMENT”.

12. The Regulation is amended by deleting the heading “DIVISION 1 GENERAL” before section 67.

13. The Regulation is amended by inserting the following before section 67:

“**66.10.** Used or waste petroleum products shall be collected into a tank, a portable tank or a closed container that is compatible with petroleum products.

66.11. No person may pour a Class 1 or a Class 2 petroleum product within five metres of a flame or of any other source of ignition.

66.12. No person may use a Class 1 petroleum product as a cleaner or solvent.”.

14. Sections 71 to 79 are revoked.

15. Section 83 is amended

(1) by substituting the year “1995” for the year “1985” in paragraph 1;

(2) by striking out the words “for a user’s establishment” in paragraph 2;

(3) by striking out the words “and lubricant” in paragraph 3.

16. The Regulation is amended by inserting the following after section 83:

“**83.1.** Motor fuel storage intended to supply an electricity generating system and fuel oil storage, inside a building, shall meet the requirements of Standards Council of Canada Standard CAN/CSA-B139-M91: Installation Code for Oil Burning Equipment.”.

17. Sections 93 and 95 are revoked.

18. The Regulation is amended by inserting the following chapter after section 95:

“CHAPTER 3.1 STANDARDS APPLYING TO HIGH-RISK PETROLEUM EQUIPMENT

95.1. Petroleum equipment may not be used if there are no fire extinguishers in working order nearby.”.

19. The Regulation is amended by substituting the heading “DIVISION 1 UNDERGROUND TANKS” for the heading “DIVISION 2 UNDERGROUND TANKS” before section 96.

20. The following is substituted for section 96:

“**96.** An underground tank shall be manufactured and installed in accordance with one of the following standards:

(1) Standards Council of Canada Standard CAN/ULC-S603-92: Underground Steel Tanks;

(2) Standards Council of Canada Standard CAN4-S615-M83: Underground Reinforced Plastic Tanks;

(3) Underwriters' Laboratories of Canada Standard ULC/ORD-C58.10-1992: Jacketed Steel Underground Tanks for Flammable and Combustible Liquids.”.

21. Section 97 is revoked.

22. Section 99 is amended

(1) by inserting the words “according to the standards specified in section 179” after the words “double-wall piping” in the first paragraph;

(2) by inserting the word “automatic” before the word “leak” in the second paragraph; and

(3) by deleting the third paragraph.

23. Section 100 is amended by striking out the word “vapours” in the first paragraph.

24. Section 101 is revoked.

25. Section 102 is amended by striking out the first paragraph.

26. The following is substituted for paragraph 3 of section 103:

“(3) at least 1 metre measured horizontally from the property line;”.

27. Paragraph 3 of section 107 is deleted.

28. The following is substituted for section 108:

“**108.** A tank shall be set on a backfill foundation at least 300 millimetres thick, exceeding its perimeter by at least 300 millimetres, and made of

(1) in the case of a fibreglass tank, pea gravel, rounded pea gravel of a diameter between 3 and 20 millimetres or crushed stone showing a granulometry of at least 3 millimetres and of not more than 13 millimetres of diameter. In both cases, the material shall be clean, without dust, sand, debris, organic material, ice or snow so that not more than 3 % of its weight passes through a #8 sieve;

(2) in the case of a steel tank, clean or natural stoneless sand, without debris, organic material, ice or snow and compacted to at least 90 % according to the Modified Proctor Test; or

(3) in the case of a jacketed steel underground tank, clean or natural stoneless sand, without debris, organic material, ice or snow and compacted to at least 90 % according to the Modified Proctor Test, or pea gravel or rounded pea gravel of a diameter between 3 and 20 millimetres.

The tank shall be backfilled with the material described in subparagraphs 1, 2 and 3 of the first paragraph up to the finishing grade layer which shall not be more than 300 millimetres thick.”.

29. Section 110.2 is amended

(1) by substituting the number “175” for the number “174” in subparagraph 1 of the first paragraph;

(2) by substituting the words “adjusted to a maximum of” for the words “of not more than”.

30. The first paragraph of section 113 is amended by substituting the words “analysis documents” for the words “inspection form”.

31. The following is substituted for section 122:

“**122.** A steel underground tank shall be protected against corrosion in accordance with either of the following methods:

(1) Standards Council of Canada Standard CAN/ULC-S603.1-92: Galvanic Corrosion Protection Systems for Underground Steel Tanks;

(2) PACE-87-1 method of the Petroleum Association for Conservation of the Canadian Environment; if its induced current system constitutes an addition to an underground storage system.

Notwithstanding the foregoing, a tank complying with the standard provided for in paragraph 3 of section 96 need not be protected against corrosion.”.

32. Section 123 is amended by adding the words “except where the petroleum equipment complies with the requirements of section 99” after the word “well” in the second line.

33. Section 128 is amended

(1) by substituting the word “site” for the word “facility” in the first paragraph;

(2) by adding “in his register” after the word “readings” in paragraph 3; and

(3) by substituting the word “vérification” for the word “inspection” in the same paragraph in the French text.

34. Section 129 is amended

(1) by substituting the word “site” for the word “facility” in the first paragraph;

(2) by adding “in his register” after the word “readings” in paragraph 4; and

(3) by substituting the word “vérification” for the word “inspection” in the same paragraph in the French text.

35. Section 130 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

“(3) inform the involved branch of the Ministère de l’Environnement et de la Faune and the involved municipality of any contamination related to petroleum products;”;

(2) by deleting the words “, advise the Minister of the manufacturer’s name and the serial number of the tank” in subparagraph 4.

36. The text preceding paragraph 1 of section 130.1 is amended by substituting the words “Upon inspection by a certified inspector,” for the words “With the authorization required under section 60,”.

37. Section 130.2 is amended

(1) by substituting the following for paragraph 1:

“(1) determine whether the surrounding soil is contaminated, by having the soil analyzed, or by having the ground water analyzed by an accredited laboratory if the level of ground water is higher than the bottom of the tank;”;

(2) by substituting the following number “66.9” for the number “72” in paragraph 2.

38. The Regulation is amended by substituting the following for the number of the division, its heading and the text preceding section 133:

**“DIVISION 2
ABOVEGROUND TANKS**

Aboveground tank manufacturing”

39. The Regulation is amended by inserting the following after section 137.1:

“**137.2.** A permit holder’s aboveground motor fuel tank located within the limits of a municipality shall be fenced in accordance with the requirements of sections 471, 472, 474 and 476.”.

40. The following is substituted for section 150:

“**150.** An aboveground tank installed after the coming into force of the Act respecting petroleum products and equipment shall be equipped with a dike to form a diked area around the aboveground tank or tank farm holding 5 000 litres or more.

The first paragraph does not apply to tanks holding 50 000 litres or less equipped with an overfill protection device complying with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.15 - 1992: Overfill Protection Devices for Flammable Liquid Storage Tanks if they meet the standards provided for in paragraphs 6, 7 and 8 of section 133 or, in the case of double-wall tanks, the standards provided for in paragraphs 1, 3 and 5 of the same section.

The first paragraph does not apply in the case of a tank in which is stored Type No. 4, No. 5 or No. 6 heating oil provided that the tank is equipped with a channel or other system capable in the event of leakage of containing or directing the product to a safe location.”.

41. Section 157 is amended by adding the following text at the end of the second paragraph:

“A laboratory report attesting to the permeability of the soil and thickness shall be attached to the documents of analysis of the project.”.

42. Section 167 is amended

(1) by substituting the words “for bulk-storage plants” for the words “for operators” in subparagraph 4 of the first paragraph;

(2) by striking out the words “showing that the site is not contaminated” in subparagraph 4 of the first paragraph.

43. The following is substituted for section 169:

“**169.** An aboveground tank or piping component may be reused for aboveground petroleum products storage if the following conditions are observed:

(1) it has been manufactured in accordance with the standards required under section 133, and the plates identifying the manufacturer and the standards organization are legible;

(2) it has been cleansed, inspected and subjected to hydrostatic leak testing or pneumatic leak testing with inert gas in compliance with the standards prescribed in section 133, and has been protected against exterior corrosion; and”.

44. The Regulation is amended by substituting the word and number “**DIVISION 3**” for the word and number “**DIVISION 4**” preceding the heading “**DISPOSAL OF UNREUSABLE TANKS**”.

45. The following is substituted for section 171:

“**171.** To dispose of an un reusable tank, it is required to

(1) cleanse it of any petroleum residue;

(2) purge it of any vapour and make sure that, during the disposal operation, the concentration of flammable vapour is less than 10 % of the lower limit of flammability at all times;

(3) cut it in such manner as to render it unusable and to prevent any subsequent vapour build-up;

(4) carry out the above operations in a safe location recognized by the municipality using the equipment necessary to prevent petroleum residue from contaminating the environment; and

(5) dispose of petroleum residue in compliance with section 66.9.”.

46. Section 172 is revoked.

47. The Regulation is amended by substituting the word and number “**DIVISION 4**” for the word and number “**DIVISION 5**” preceding the heading “**PIPING**”.

48. The following is substituted for sections 173 to 208:

“**173.** Welded and seamless steel piping shall comply with one of the following manufacturing standards:

(1) American Petroleum Institute Standard API-5L: Specification for Line Pipe;

(2) American Society for Testing and Materials Standard ASTM A53: Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, or

(3) Canadian Standards Association Standard CSA-Z245.1: Steel Line Pipe.

Where service pressure exceeds 875 kilopascals, piping and fittings shall conform to American National Standards Institute Standard ANSI B31.3-1976: Chemical Plant and Petroleum Refinery Piping.

174. Piping carrying heating oil or motor fuel intended to supply an electricity generating system may be of copper; it shall comply with the requirements of Standards Council of Canada Standard CAN/CSA_B140.0-M87: General Requirements for Oil Burning Equipment.

175. Threaded joints in piping for petroleum products shall be made

(1) using a joint compound that conforms to Underwriters’ Laboratories of Canada Standard ULC-C340: Standard for the Testing of Pipe Joint Compounds; or

(2) with polytetrafluoroethylene tape that conforms to Underwriters’ Laboratories of Canada Standard ULC-C1321: Guide for the Investigation of Seal Materials—Polytetrafluoroethylene Plastic Tape.

176. Welding of piping for petroleum products shall conform to one of the following standards:

(1) American Petroleum Institute Standard API-1104: Standard for Welding Pipelines and Related Facilities; or to

(2) American Petroleum Institute Standard API-1107: Recommended Pipeline Maintenance Welding Practices.

177. Except in the case of marine pipe lines serving a marine bulk-storage plant, any installation constructed after 19 May 1984 shall have separate pipe lines for

(1) unleaded regular or premium gasoline;

(2) leaded regular gasoline;

(3) Class 1 petroleum products other than gasoline;

(4) Class 2 petroleum products; and

(5) Class 3 petroleum products.

178. All aboveground or underground metallic piping, couplings, flanges and bolts for flammable or combustible liquids shall be protected against external corrosion.

Installation of underground piping

179. A double-wall piping shall be made up of piping complying with the requirements of sections 173, 174, 199 and 200 and shall be installed inside other piping complying with sections 173, 174 or 199, or complying with the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.19-1992: Secondary Containment of Underground Piping for Flammable and Combustible Liquids.

In a Class A site, the double-wall piping shall have an automatic leak detection system equipped with a visual and audible alarm and shall be manufactured in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C107.12-1993: Line Leak Detection Devices—Flammable Liquid Piping or with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.

Notwithstanding the foregoing, vent line piping need not be double-wall piping.

180. Metallic and non-metallic piping shall be approved by Underwriters' Laboratories of Canada or by the Canadian Standards Association and shall be installed in accordance with the manufacturer's instructions.

If the piping has not been approved in compliance with the first paragraph, the piping connecting a drain collector to a separator or interceptor tank shall be made of a material unaffected by petroleum products and able to withstand a leak test of 20 kilopascals.

181. In all piping at the tank except piping that is vertical above its point of connection to the tank, swing joints or approved underground flexible connectors shall be used.

A swing joint or flexible connector shall also be installed at the base of each dispenser and at the connection of a submerged pump and with the vertical portion of a vent.

Notwithstanding the foregoing, a swing joint is not compulsory where piping is flexible.

182. All the piping supplied by an underground tank shall be connected at the top of the tank, be free of

pockets or traps allowing liquids to accumulate, and a minimum slope of 1 % towards the tank shall be maintained.

183. Piping passing through concrete shall be placed in a sleeve to allow for expansion.

184. Piping shall be backfilled with one of the following materials:

- (1) clean or natural stoneless sand compacted mechanically on site in the case of steel piping;
- (2) crushed stone or pea gravel in the case of fibreglass piping; or
- (3) according to the manufacturer's recommendations in the case of flexible piping.

Steel piping running above a fibreglass tank shall be coated with a protective anti-corrosive material.

185. Piping shall be backfilled with a material mentioned in section 184 in such manner that

- (1) the piping is bedded on at least 150 millimetres of backfill;
- (2) there is at least 150 millimetres measured horizontally of backfill between the piping and the excavation wall;
- (3) the backfill between two pipes is at least twice as thick as the nominal diameter of the largest pipe; and
- (4) the backfill above the piping is at least 450 millimetres deep including the finishing grade layer.

186. Where all the piping is ready to be connected to a tank, it shall be subject to a leak test according to sections 187 and 188.

187. The leak testing of the inner wall of double-wall piping or of single-wall piping shall be conducted as follows:

- (1) the ends of the pipes shall be hermetically plugged;
- (2) the pressure shall be measured using a pressure gauge calibrated in units of not more than 10 kilopascals;
- (3) air or nitrogen hydrostatic pressure, of not less than 350 kilopascals and not more than 700 kilopascals shall be applied. Notwithstanding the foregoing, the suction pipes of the piping conveying heating oil or fuel intended to supply an electricity generating system and covered by

Standards Council of Canada Standard CAN/CSA-B139-M91: Installation Code for Oil Burning Equipment may be vacuum tested under at least 68 kilopascals; and

(4) each connection and all pipe surfaces shall be tested for leaks, using leak detection fluid.

Once the temperature has been stabilized and the pressure source removed, the pressure applied shall be maintained for at least one hour.

Notwithstanding the foregoing, where the installation of the inner wall of double-wall piping makes it impossible to test all pipe surfaces as required under subparagraph 4 of the first paragraph, only accessible parts shall be tested using leak detection fluid.

Where piping is designed to be exclusively used in suction, it shall be leak tested according to the manufacturer's recommendations.

188. The outer wall of double-wall piping shall be leak tested according to the manufacturer's recommendations.

189. Once the tests prescribed in section 186 have been conducted and the piping has been connected to the tank, the connections of single-wall piping or the connections of the inner wall of double-wall piping that have not been tested shall be air leak tested in accordance with section 190 or shall be nitrogen leak tested.

The test shall be conducted as follows:

(1) a safety valve of not more than 40 kilopascals capable of evacuating the flow from the pressure source shall be installed and inspected before each test;

(2) the pressure shall be measured using a pressure gauge calibrated in units of not more than one kilopascal;

(3) a pressure of not less than 30 kilopascals and not more than 35 kilopascals shall be applied over the entire installation; and

(4) using leak detection fluid, all the connections between the tank and piping shall be tested for leaks while the entire installation is under pressure.

Once the temperature has been stabilized and the pressure source removed, the pressure shall be maintained for at least one hour.

190. Air may be used only in a leak test for equipment that has never contained a petroleum product or that has been purged of all petroleum product vapour.

191. Where a leak test reveals leakage, all connections between the tank and the piping shall be reworked and the entire installation subjected to another leak test.

Metallic piping

192. During work to install, repair, alter or add metallic valves, piping or connections, new parts shall be used and shall be protected against corrosion in accordance with Section B of Standards Council of Canada Standard CAN4-S603.1-M85.

A cathodic protection system shall also be used where such work entails the use of galvanized steel piping.

Corrosion protection is not required if the piping is installed in a designated location for a period of less than 2 years.

193. Metallic piping shall be installed with at least 2 000 kilopascal resistance screwed fittings or Schedule 40 welded fittings.

194. A coupler shall be a 2 000 kilopascal coupler designed for petroleum products.

195. A swing joint for threaded steel piping shall have two 90° elbows and a nipple. A swing joint comprising

(1) a male-female elbow;

(2) a close fully-threaded nipple; or

(3) a 45° elbow

shall not be used.

196. Piping shall not have tightened end joints or fully threaded joints.

197. Joint threads shall be made tight with a thread sealant resistant to petroleum products and that has been approved by Underwriters' Laboratories of Canada or by the Canadian Standards Association.

198. Galvanized piping shall not be welded.

Non-metallic piping

199. Fibreglass piping shall meet the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.7-1993: Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids.

200. Flexible piping shall meet the requirements of Underwriters' Laboratories of Canada Standard ULC/ORD-C107.4-1992: Ducted Flexible Underground Piping Systems Flammable and Combustible Liquids.

201. Non-metallic piping shall be underground.

202. A swing joint for rigid non-metallic piping may have a 90° elbow that can be connected to the system for unloading the product, connected to a 1.5 metre-long non-metallic nipple connected to another 90° elbow in turn connected to non-metallic piping at least 1.5 metres in length.

The abovementioned swing joint may not be used at the base of a dispenser.

Vents

203. Every tank shall be individually vented.

204. A vent on a Class 1 petroleum products tank shall have a weather-proof hood and a flame arrester.

The hood shall not create additional resistance to the passage of gases.

205. A vent on a Class 2 petroleum products tank shall have at least one weather-proof hood.

206. A vent shall also be located on the outside of a building so that escaping vapours cannot enter the building.

207. A vent pipe shall be installed with a minimum slope of 1 % towards the tank.

208. The aboveground portion of a vent shall be fixed in such manner that it is protected from vehicle impact.

208.1. A vent pipe shall be higher than a fill pipe, not less than 3.5 metres above ground level for a motor fuel tank, not less than 2 metres for a tank containing other products, not less than 1.5 metres measured horizontally from any building opening for a motor fuel tank or 600 millimetres for a tank containing other products, and shall terminate in open air in such manner that flammable vapour cannot be drawn into buildings through openings or accumulate next to buildings.

The end of a vent pipe of an underground gasoline tank shall be located at least 7.5 metres measured horizontally from any dispenser.

Underground tank vents

208.2. An underground tank shall be provided with vent openings and piping having a cross-sectional area sufficient to vent the tank during the maximum filling or withdrawal rate without causing the allowable stress for the tank to be exceeded.

208.3. An air vent shall not extend into an underground tank more than 25 millimetres except where the vent is equipped with a vent alarm.

208.4. The minimum diameter of a vent shall conform to the following table where the vent pipe does not have more than seven elbows:

TABLE OF VENT DIAMETERS (in millimetres)

Maximum Flow Rate (litres/minute)	Pipe Length		
	15 metres	30 metres	60 metres
380	32	32	32
760	32	32	32
1 140	32	32	38
1 520	32	38	50
1 900	32	38	50
2 280	38	50	50
2 660	50	50	50
3 040	50	50	75
3 420	50	50	75
3 800	50	50	75

N.B. The size of a vent is based on the highest filling or emptying flow rate.

A vent pipe having more than seven elbows shall be of a diameter greater than the minimum indicated in the table.

208.5 An underground tank vent shall have a vertical pipe extending not less than 3.5 metres above ground level.

Aboveground tank vents

208.6 Aboveground tanks installed after 11 July 1991 shall have both normal venting and safety venting that conform to American Petroleum Institute Standard API-2000: Venting Atmospheric and Low Pressure Storage Tanks, or to a tank construction standard mentioned in section 133.”.

49. The second paragraph of section 211 is deleted.

50. Section 233 is amended by substituting the word “aboveground” for the word “overhead”.

51. The following is substituted for the second paragraph of section 254:

“The first paragraph applies from 1 January 1998 to any underground storage system already installed in the case of an operator who held or should have held a permit under the Act respecting the use of petroleum products (R.S.Q., c. U-1.1) at the time of the coming into force of the Act respecting petroleum products and equipment, and from 1 January 2001 for a user who held or should have held a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment, but does not require the replacement of overfill protection and spill containment devices already installed.”.

52. The Regulation is amended by substituting the word and number “**DIVISION 5**” for the word and number “**DIVISION 5.1**” preceding the heading “REMOVAL OF UNDERGROUND TANKS AND THEIR PIPING”.

53. Section 260.1 is amended

(1) by substituting the following for the first paragraph:

“An operator or owner who held or should have held a permit under the Act respecting the use of petroleum products, as well as any owner of high-risk steel petroleum equipment that is not protected against corrosion according to paragraph 1 of section 96 and section 122 at the time of the coming into force of the Act respecting petroleum products and equipment shall remove it from the ground before”;

(2) by substituting the words “cet exploitant ou ce propriétaire” for the words “l’exploitant ou le propriétaire” in subparagraph 5 of the first paragraph in the French text;

(3) by substituting the words and numbers “paragraph 1 of section 96 and section 122” for the word and number “section 97” in subparagraph 5 of the first paragraph;

(4) by substituting the words “cet exploitant ou ce propriétaire” for the words “l’exploitant ou le propriétaire” in the second paragraph in the French text; and

(5) by substituting the word and numbers “subparagraphs 2, 3, 4 or 5” for the word and numbers “subparagraphs 2, 3 or 4”.

54. Section 260.2 is amended

(1) by substituting the following for the first paragraph:

“A user who held a or should have held a registration certificate under the Act respecting the use of petroleum products, as well as any owner of high-risk steel petroleum equipment that is not protected against corrosion according to paragraph 1 of section 96 and section 122 at the time of the coming into force of the Act respecting petroleum products and equipment shall remove it from the ground before”;

(2) by substituting the words “cet utilisateur ou ce propriétaire” for the words “l’utilisateur ou le propriétaire” in subparagraph 5 of the first paragraph in the French text;

(3) by substituting the words and numbers “paragraph 1 of section 96 and section 122” for the word and number “section 97” in subparagraph 5 of the first paragraph;

(4) by substituting the words “cet utilisateur ou ce propriétaire” for the words “l’utilisateur ou le propriétaire” in the second paragraph in the French text;

(5) by substituting the words and numbers “subparagraphs 2, 3, 4 or 5” for the words and numbers “subparagraphs 2, 3 or 4” in the second paragraph; and

(6) by adding the following paragraph after the second paragraph:

“The owner of a tank that was not registered under the Act respecting the use of petroleum products who uses high-risk steel petroleum equipment that is not protected against corrosion according to paragraph 1 of section 96 and section 122 and that contains oil that was used in a motor vehicle or in hydraulic equipment shall remove it from the ground before 1 January 2001.”.

55. Section 260.3 is amended by substituting the following for the first paragraph:

“Where an underground tank must be replaced or where cathodic protection is added thereto, all steel piping that is not protected against corrosion and is connected thereto shall be removed from the ground. Notwithstanding the foregoing, the owner, operator or user who held a permit or a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment is not required to remove piping from the ground if a leak test complying with section 269 shows that it is impervious and if he

protects it in accordance with the PACE-87-1 method of the Petroleum Association for Conservation of the Canadian Environment.”.

56. The following is substituted for the second paragraph of section 262:

“Where moving the component is not feasible, repairs may be made on site so long as all appropriate safety precautions are taken.”.

57. Section 263 is revoked.

58. Section 265 is revoked.

59. The Regulation is amended by inserting the heading “Leak tests” after section 266.

60. The following is substituted for section 267:

“**267.** Where a leak is suspected in a tank or in its lines, the permit holder shall submit the petroleum equipment to a level 1 leak detection test or to a test described in section 269.”.

61. Section 268 is revoked.

62. The following is substituted for section 269:

“**269.** The leak detection test prescribed in section 267 shall be hydrostatic or vacuum conducted following a method capable of detecting leaks of 1.2 litres per hour with a 95 % probable success rate and a margin of error of no more than 5 %, or any other test that meets the objectives of level 1 and level 2 tests with the exception of pneumatic tests with inert gas in the case of tanks and to the exclusion of observation well surveillance systems. The methods shall be methods accepted by Underwriters’ Laboratories of Canada, by the Canadian Standards Association, by Midwest Research Institute or by Vista Research Inc., in accordance with the “Evaluation of Volumetric Leak Detection Methods for Underground Fuel Storage Tanks”.”.

63. Section 270 is revoked.

64. The following is substituted for section 271:

“**271.** The results of the leak test conducted according to section 269 shall be recorded in the register of the permit holder.”.

65. Chapter 4 of the Regulation is amended by substituting the following for the heading: “STANDARDS APPLYING TO MOTOR FUEL DISPENSING OUTLETS AND SERVICE CENTRES”.

66. The following is substituted for section 274:

“**274.** “Motor fuel dispensing outlet and service centre” means a

“airport outlet”: a petroleum products dispensing outlet where the product is dispensed to aircraft; (*poste d’aéroport*)

“gas station”: a petroleum products dispensing outlet where the product is dispensed to road vehicles but where no vehicle servicing is available; (*poste d’essence*)

“marine outlet”: a petroleum products dispensing outlet where the product is dispensed to motor boats; (*poste de marina*)

“self-serve facility”: a petroleum products dispensing outlet where the consumer fills his motor vehicle with the product under the surveillance of the permit holder; (*libre-service avec surveillance*)

“service centre”: a site where the fuel system is serviced and where lubricating oil is changed; (*atelier de mécanique*)

“service station”: a petroleum products dispensing outlet where the permit holder dispenses petroleum products to road vehicles and where vehicle servicing is available; (*station-service*)

“unattended self-serve facility”: a petroleum products dispensing outlet for commercial vehicles where the consumer fills his own vehicle with the product without the permit holder in attendance; (*libre-service sans surveillance*)

“user outlet”: a petroleum products dispensing outlet for the exclusive use of the user, either with service, as a self-serve or unattended self-serve outlet, and with or without a service centre; (*poste d’utilisateur*).”.

67. Section 275 is revoked.

68. Section 276 is amended by striking out “retailer’s” in the second paragraph.

69. Section 279 is revoked.

70. The headings preceding sections 282, 283 and 287 as well as sections 282 to 288 are revoked.

71. The following is substituted for section 289:

“**289.** Petroleum equipment may be used only if two extinguishers suitable for extinguishing petroleum product fires are kept on the premises.”.

72. The following is substituted for section 291:

“**291.** Petroleum equipment may be used only if there is oil-absorbent material on the premises.”

73. Section 293 is revoked.

74. Section 296 is revoked.

75. Section 297 is amended by striking out the words “In each facility.”

76. The headings preceding section 298 and sections 298, 299 and 300 are revoked.

77. Section 302 is amended by substituting the number “65 000” for the number “50 000”.

78. Section 309 is amended by substituting the following for the third paragraph:

“The second paragraph applies to any pump island already built on 29 February 1996 from 1 January 1998 for an operator who held or should have held a permit under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment or from 1 January 2001 for a user who held or should have held a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment and does not apply to collector boxes already installed.”

79. Section 310 is amended by substituting the following for the third paragraph:

“The preceding paragraphs apply from 1 January 1998 to the fuelling area of an operator who held or should have held on 29 February 1996 a permit under the Act respecting the use of petroleum products manufactured before 11 July 1991, and from 1 January 2001 to tanks having a capacity of more than 2 500 litres of a user who held or should have held a registration certificate under the Act respecting the use of petroleum products at the time of the coming into force of the Act respecting petroleum products and equipment.”

80. Section 312 is amended by substituting the word “site” for the word “facility” in the first paragraph.

81. Section 314 is amended by substituting the words “the owner” for the words “an operator”.

82. Section 317.2 is revoked.

83. Section 320 is amended

(1) by substituting the words “The permit holder” for the words “The owner, user and operator” in the second paragraph;

(2) by deleting the third paragraph.

84. Section 321 is amended by substituting the words “liquid tight casing and resistant to petroleum products” for the words “metal or concrete casing or in a casing made of a combination of both materials”.

85. Section 323 is amended by

(1) by substituting the word “outlet” for “facility”;

(2) by deleting the third paragraph.

86. The following is substituted for section 324:

“**324.** It is prohibited to use a dispensing nozzle equipped with a latch-open device at an airport outlet or a marine outlet.”

87. Section 325 is amended by substituting the words “permit holder” for the words “holder of a retailer’s permit for motor fuel and lubricants” in the second paragraph.

88. Section 330 is amended by substituting the words “building located on the site” for the words “facility’s building”.

89. Section 348 is amended by substituting the number “66.11” for the number “74”.

90. Section 356 is amended

(1) by substituting the number “66.11” for the number “74”;

(2) by striking the word and number “and 367”.

91. Section 366 is amended by substituting the word “outlet” for the word “facility”.

92. Section 367 is revoked.

93. Section 373 is amended by substituting the number “317.1” for the number “319”.

94. The Regulation is amended by inserting the following after section 380:

“**380.1.** Where an installation includes storage tanks for aviation fuel of different classes, dispensers shall be equipped with an overflowing selective nozzle spout in accordance with Standard SAE SPEC. AS 1852.

380.2. In airport outlets:

(1) fuelling shall be carried out according to Standard AK-66-06-400, Section 7.03 of the Transport Canada Manual, as it read in April 1990;

(2) fuelling during a thunderstorm shall be carried out according to Standard AK-66-06-400, Section 7.03 of the Transport Canada Manual, as it read in April 1990;

(3) fuelling from containers of a capacity between 200 and 250 litres shall be carried out according to Standard AK-66-06-399, Appendix B of the Transport Canada Manual, as it read in April 1990;

(4) fuelling from two tank trucks is prohibited.”

95. Section 383 is revoked.

96. The following is substituted for section 384:

“**384.** When receiving petroleum products, the products must be left to settle at least ten minutes in the delivery tank. Afterwards, a sample of not less than five litres shall be taken from the lowest point of each compartment of the delivery tank and shall meet the visual and density tests described in the second paragraph before it is transferred to the storage tanks.

The sample shall be visually examined by a qualified person and it shall be subjected to a density test, where it has been subjected to a change of more than 4 kg/m³. The delivery of the product shall be interrupted as long as the reason of the change of density has not been determined and the observations shall be entered in the register of operations.”

97. The following is substituted for section 385:

“**385.** Tank fill lines shall have line strainers fitted with No. 40 mesh baskets or equivalent to No. 40. A line strainer with a No. 60 mesh basket shall be installed on the upstream side of each meter, each pump and each piece of equipment requiring a line strainer.”

98. The following is substituted for section 386:

“**386.** Aviation fuel dispensing systems shall have a filtering system comprising one or several of the following elements:

- (1) a micronic particle filter (five microns);
- (2) a 15 P.P.M. water separator filter; and
- (3) a filter monitor.”

99. Section 387 is amended by striking out the words “of the facility”.

100. The following is substituted for section 391:

“**391.** An attendant dispensing aviation fuel shall ensure that while fuelling, the operations are carried out in accordance with Standard NFPA 407: Standard for Aircraft Fuel Servicing — 1996 Edition.”

101. Sections 392 and 393 are revoked.

102. Section 395 is amended by substituting the word “outlet” for the word “facility”.

103. The following is substituted for section 396:

“**396.** Piping shall be marked in accordance with American Petroleum Institute Bulletin No. 1542: Airport Equipment Marking for Fuel Identification, Sixth Edition, November 1996.

The permit holder shall visually inspect piping used for the transfer of aviation fuel each month and shall annually carry out a hydrostatic test, at a minimum pressure of one and one half times its normal operating pressure.”

104. Section 402 is revoked.

105. Division 8 of Chapter 4 comprising sections 404.1 and 404.2 is revoked.

106. Chapter 5 comprising sections 413, 414, 415, 416, 417, 418, 419 and 420 is revoked.

107. Section 428 is amended by striking out the words “in the facility”.

108. Section 443 is revoked.

109. Section 445 is revoked.

110. The heading preceding section 454 and sections 454, 455 and 456 are revoked.

111. The following is substituted for section 457:

“**457.** Before beginning to transfer a petroleum product, the permit holder or the person at the controls shall ensure that the receiving tank can hold the volume intended for it and that the grounding device of the delivery vehicle’s cargo tank is connected and that so is the ground device of the tank in the case of an aboveground tank.”

112. Section 458 is amended by substituting the words “the permit holder or the person at the controls” for the words “an operator or user”.

113. Section 461 is amended by striking out the words “d’utilisation” in paragraph 2 in the French text.

114. The heading preceding section 465 and sections 465 to 469 are revoked.

115. The following heading is substituted for the heading preceding section 483: “Public access”.

116. The following is substituted for section 484:

“**484.** No product other than a petroleum product or petroleum product additive shall be stored in a tank covered by the permit.”.

117. The following heading is substituted for the heading of Chapter 7: “STANDARDS APPLYING TO PETROLEUM PRODUCT DELIVERY”.

118. Sections 489, 491, 492, 496 and 500 are revoked.

119. The Regulation is amended by inserting the heading “Use of a tank truck” before section 504.

120. The Regulation is amended by inserting the following after section 504:

“**504.1.** Hoses used to transfer petroleum products shall on an annual basis be pressure tested to not less than one and one half times their normal operating pressure.”.

121. The heading preceding section 507 and section 507 are revoked.

122. The Regulation is amended by inserting the following after section 510:

“**510.1.** Before each delivery, the person who delivers petroleum products shall ensure that the fill pipe of a customer’s installation is clearly marked where there is more than one fill pipe. In the event it is not identified, he shall refuse to make the delivery.”.

123. Section 511 is amended by substituting the words “if accessible or” for the word “to” in the first paragraph.

124. The Regulation is amended by inserting the following after section 511:

“**511.1.** Where an installation is not equipped with an overflow alarm, the person who delivers petroleum products shall satisfy himself that the customer’s tank can accept the quantity of heating oil to be delivered.”.

125. The Regulation is amended by inserting the following after section 513:

“**513.1.** The person who delivers petroleum products shall interrupt delivery and shall notify the customer in the event he finds the installation to be defective or that the product has overflowed.”.

126. The heading preceding section 518 and sections 518, 519 and 520 are revoked.

127. Section 527 is amended by striking out the words and number “Notwithstanding section 496,” in the third paragraph.

128. The following is substituted for section 529:

“**529.** Any person who contravenes any provision of sections 17, 43, 47 to 59, 61, 64 to 66.11, 68 to 273, 276 to 528 is guilty of an offence punishable under section 106 of the Act.”.

129. Sections 530 and 531 are revoked.

130. The words “de stockage”, “stockage”, “le stockage”, “stocké”, “stocker” and “au stockage” are substituted for the words “d’entreposage”, “entreposage”, “l’entreposage”, “entreposé”, “entreposer” and “à l’entreposage” wherever they occur in the headings preceding sections 80, 128, 165, 304 and 335 and in sections 1, 18, 80 to 83, 87, 125, 126, 128, 129, 131, 155, 165, 167, 218, 254, 262, 303, 304, 335, 336, 375, 376, 381, 394, 434, 512 and 526 in the French text.

131. The words “permit holder” are substituted for the words “owner”, “owner or operator”, “of the operator”, “owner, operator or user”, “operator or user”, “operator, user or attendant” wherever they occur in sections 20, 128, 129, 130, 130.2, 142, 165, 167, 168, 257, 258, 273, 288, 351, 354 to 356, 389, 423 to 426, 464, 470, 478, 481 and 482.

132. The words “hors sol” are substituted for the words “de surface” and “en surface” wherever they occur in the headings preceding sections 137, 165, 209, 214, 216, 221, 224, 235 and 244 and in sections 83, 133 to 135, 137, 137.1, 138, 139, 144, 145, 149, 161, 165, 167, 170, 209 to 211, 213, 243, 252, 266, 280, 304, 365, 371, 382, 422, 427, 428, 479 and 480 in the French text.

133. The words “on the site”, “site” and “of the site” are substituted for the words “in the facility”, “facility” and “of the facility” wherever they occur in sections 1, 20, 131, 292 and 482.

134. The words “of a property” or “of the property” are substituted for the words “of a facility” or “of the facility” wherever they occur in sections 293 and 308; the words “facility’s” and “of the facility” are struck out in sections 359 and 449.

135. The word “designated” is substituted for the word “isolated” in sections 1, 137.1 and 167; the word “désigné” is substituted for the word “isolé” in section 461 in the French text.

136. The word “manufactured” is substituted for the words “constructed” and “built” wherever they occur in sections 99, 110.4, 125, 133, 217, 309 and 453.

137. The words “controls operator” are substituted for the word “attendant” wherever they occur in sections 305 and 391; the words “à l’opérateur”, “de l’opérateur” et “l’opérateur” are respectively substituted for the words “au préposé”, “du préposé au contrôle” and “le préposé au contrôle” in sections 345 to 348, 350, 352 and 354 in the French text.

138. Schedules 2 to 6 and 9 are revoked.

139. Chapter 2.1, Division 2 of Chapter 2.2 as well as Division 1 of Chapter 2.3 enacted by section 10 of this Regulation come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Sections 1 to 9, Chapter 2, Division 1 of Chapter 2.2 and Division 2 of Chapter 2.3 enacted by section 10 as well as sections 11 to 138 of this Regulation come into force on 1 May 1999.

2544

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping and fur trade — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting trapping and the fur trade, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow a person under 16 years of age to trap without holding a certificate or licence and it makes provisions for the turning over of lynx carcasses upon registration.

To that end, it will authorize such a person to trap provided that he remains under the immediate supervision of a person of full age holding a valid trapping licence, and provided that he traps on a territory where the licence holder may trap. Also, a trapper who captures a lynx will have to turn its carcass over when registering the animal.

To date, study of the matter has revealed no negative impact on small and medium-sized businesses.

Further information may be obtained by contacting:

Mr. Serge Bergeron
Ministère de l’Environnement et de la Faune
Service de la réglementation
675, boulevard René-Lévesque Est, 10^e étage, boîte 91
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3880, extension 4078
Fax: (418) 528-0834
E-mail: serge.bergeron@mef.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec), G1R 5V7.

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

Regulation to amend the Regulation respecting trapping and the fur trade(*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 55 and 162, pars. 10 and 16;
1998, c. 29, s. 22, pars. 2 and 3)

1. The Regulation respecting trapping and the fur trade is amended by inserting the following after section 10:

* The Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991 (1991, *G.O.* 2, 3890), was last amended by the Regulation made by Order in Council 540-98 dated 22 April 1998 (1998, *G.O.* 2, 1653) and by the Regulation made by Minister’s Order 1998-008 dated 14 September 1998 (1998, *G.O.* 2, 3893). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.