

# **PLEASE NOTE**

This document, prepared by the <u>Legislative Counsel Office</u>, is an office consolidation of this regulation, current to December 4, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations*.

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291 or by email to <a href="mailto:rmmacintyre@gov.pe.ca">rmmacintyre@gov.pe.ca</a>.

#### **CHAPTER E-9**

#### **ENVIRONMENTAL PROTECTION ACT**

#### PETROLEUM STORAGE TANKS REGULATIONS

Pursuant to section 25 of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

#### INTERPRETATION

#### 1. (1) In these regulations

Definitions

(a) "aboveground" means a storage tank which is installed with 90% aboveground or more of its volume above the ground surface or above the lowest level of a building, and includes tanks installed in a basement or cellar:

(b) "alteration" includes repair, replacement, upgrading or removal alteration of any part of an underground storage tank system, or any part of an aboveground tank system required to be registered pursuant to these regulations.

(c) "bulk petroleum sales outlet" means a place where petroleum is bulk petroleum stored in storage facilities at a fixed location by a wholesaler for delivery to retail outlets or for direct delivery to users;

(d) "cathodic protection" or "cathodically protected" means a cathodic protection method of preventing or reducing corrosion to a metal surface by making the metal a cathode by means of either an impressed direct current or attaching sacrificial anodes;

(e) "Class 1 liquid" means a petroleum liquid which has a flash point Class 1 liquid below 30 degrees C;

(f) "corrosion specialist" means

corrosion specialist

- (i) a person recognized by the National Association of Corrosion Engineers as a corrosion technician, or
- (ii) a person who has successfully completed training programs and examinations designated by the Minister;
- (g) "dispenser" means any stationary device which is used to deliver dispenser or pump petroleum from a storage tank system;

(h) "identification label" means a notice in Form 3A;

identification label

(i) "identification tag" means a notice in Form 3;

identification tag

2	Cap. E-9 Environmental Protection Act Petroleum Storage Tanks Regulations Updated 2004
inspector	(j) "inspector" means an inspector who has received a Home Heat Inspection (HHIp) license;
large capacity storage tank	(k) "large capacity storage tank" means an aboveground storage tank of a capacity greater than 2200 litres;
leak	(l) "leak" means any loss of petroleum products because of a defect in or damage to a storage tank system;
licensee	<ul> <li>(m) "licensee" means a person who</li> <li>(i) inspects, installs or alters a small capacity storage tank and has received a Home Heat Installation (HHI) or Home Heat Inspector (HHIp) license under these regulations,</li> <li>(ii) removes an underground storage tank system and has received a Level I license under these regulations,</li> <li>(iii) installs or alters an underground storage tank system and has received a Level II license under these regulations;</li> </ul>
manufacturer's label	(n) "manufacturer's label" means a label by which a storage tank manufacturer indicates compliance with appropriate tank fabrication standards;
National Fire Code of Canada	(o) "National Fire Code of Canada" means the National Fire Code of Canada, 1995;
nominal capacity	(p) "nominal capacity" means the capacity established by the manufacturer for a storage tank;
operator	(q) "operator" means the person responsible for the day to day maintenance or operation of a storage tank system and includes the owner, lessee or manager;
out of service	(r) "out of service" means not dispensing petroleum product or not capable of dispensing petroleum product;
owner	(s) "owner" means the person who has possessory rights to or care, control or management of a storage tank system;
permanently affix	(t) "permanently affix" means to rivet or attach to a storage tank system or by some other method approved in writing by the Minister;
petroleum	<ul><li>(u) "petroleum" means a mixture of hydrocarbons, with or without additives, that is used or could be used as a combustible fuel for</li><li>(i) internal combustion engines, including gasoline, diesel fuel, and airplane fuel.</li></ul>

(iii) lubricant, including used engine oil;

and airplane fuel, (ii) heating fuel, and

(v) "precast concrete containment vault" means a liquid-tight steelreinforced precast concrete structure which is manufactured precast concrete containment van according to the American Society of Testing Materials (ASTM) standard C-858-83 with the exception that the minimum compressive strength (ASTM section 7.6) for the design shall be 4500 psi at 28 days of age;

containment vault

(v.1) "product line protector" means a device attached to a small product line capacity storage tank that helps protect the shut-off valve and fuel protector filter assembly from accidental breakage;

(w) "product piping" means piping which is installed to convey product piping liquid petroleum product from a storage tank to a point of use;

(x) "reconcile" means to identify unaccounted for differences reconcile between storage tank dip measurements, dispenser meter readings and, in the case of tanks connected to a heating appliance, fuel consumption records;

(y) "retail outlet" means a place where petroleum is stored at a fixed retail outlet location for delivery direct to users;

(z) "small capacity storage tank" means an aboveground storage small capacity tank with a capacity of 2200 litres or less, used as a fuel storage tank storage tank for heating residential, commercial or other premises;

(aa) "storage tank" or "tank" means any structure, any part of which storage tank or tank is used, or is designed to be used for the underground or aboveground storage of any liquid petroleum of any kind;

(bb) "storage tank system" means one or more storage tanks together storage tank system with all connecting piping, both aboveground and underground, including pumps and product transfer apparatus, dyking, and associated spill containment and collection apparatus to a tank above the ground surface and any tank under the ground surface;

(cc) "underground" means having 10% volume or more beneath the underground ground surface;

(dd) "vent piping" means pipe which is installed to vent petroleum vent piping vapours from a storage tank to the atmosphere;

(ee) "waste oil" means any used petroleum product no longer waste oil suitable for its initially intended use.

(2) Where the word, "Minister", is used in these regulations, it includes Minister includes an employee of the Department authorized to perform the function.

employee

(3) A reference to standards in these regulations means the current standards standards as revised, amended or substituted. (EC322/01; 674/04)

#### STORAGE TANK REGISTRATION

## Registration mandatory

**2.** (1) No person shall own, use, construct, alter or operate, or cause to be constructed, altered or operated, an underground storage tank system without a certificate of registration issued under these regulations, for all tanks used in the system.

Idem

(2) No person shall own, use, construct, alter or operate or cause to be constructed, altered or operated an aboveground storage tank system in which any portion of any tank is, or is to be in contact with the ground surface without a certificate of registration, issued under these regulations, for all tanks used in the storage tank system that are large capacity storage tanks.

Idem

(3) No person shall own, use, construct, alter or operate, or cause to be constructed, altered or operated, an aboveground storage tank system, for the purpose of storing any petroleum product offered for sale at a retail outlet, without a certificate of registration, issued under these regulations, for all tanks used in the system.

#### Application, unregistered tanks

(4) The owner of any unregistered storage tank system shall apply on Form 1 for registration of all tanks used in the system within six months of the effective date of these regulations.

#### Registration, identification tag

- (5) The Minister may issue to an owner of an underground storage tank system,
  - (a) a certificate of registration in Form 2, which shall include a registration number for each storage tank used in the system; and
  - (b) identification tags in Form 3 which shall be affixed to the appropriate fill pipes by the owner.

Prohibition

(6) No person shall deliver petroleum to an underground storage tank system which does not display a valid identification tag. (EC322/01)

## No delivery without valid label

- **3.** (1) Subject to subsection (2), no person shall deliver petroleum to a small capacity storage tank,
  - (a) where there is not a valid identification label permanently affixed to the vent pipe indicating that the tank expiry date has not been reached;
  - (b) where there is reason to believe that the identification label has been altered; or
  - (c) where there is reason to believe that the identification label affixed to the vent pipe has not been issued by the Minister.

Effective date

(2) Subsection (1) comes into effect on September 1, 2007.

(3) Every person who installs a small capacity storage tank on or after the date this subsection comes into effect shall affix a Form 3A identification label permanently to the vent pipe as part of the installation process. (EC322/01;245/03)

Identification label

**3.1** (1) No person shall, after February 3, 2005, deliver petroleum to an Delivery to tank outside small capacity storage tank that is not equipped with a product line protector where the tank has

(a) a shut-off valve; or

Updated 2004

(b) a fuel filter assembly,

that is not installed directly under the tank.

(2) No person shall, after July 31, 2005, deliver petroleum to an Delivery to tank outside small capacity storage tank that has a combustible tank stand. (EC674/04)

with a combustible

4. (1) A petroleum delivery person who identifies identification label Report to Minister deficiencies pursuant to subsection 3(1) shall forthwith report the deficiencies to the owner of the small capacity storage tank and to the Minister.

Revoke registration

(2) Where, in the opinion of the Minister, a storage tank system is not in compliance with the Act or these regulations, the Minister may

- (a) revoke the certificate of registration; and
- (b) remove any identification label or tag.
- (3) A revocation made pursuant to subsection (2) shall become Notice effective upon written notice to the owner.
- (4) Where a change in the name of the owner or operator of a storage Change of owner or tank system is expected, the owner of the system shall notify the Minister in writing not less than 30 days before the effective date of the change, giving the name and mailing address of the new owner or operator. (EC322/01)

#### **NEW INSTALLATIONS**

**5.** (1) This section applies to storage tank systems which will have (a) underground tanks installed after these regulations come into force and having a nominal capacity of less than 9000 litres, except those at retail outlets and bulk petroleum sales outlets; and (b) aboveground tanks installed after these regulations come into force and having a nominal capacity greater than 2200 litres and less than 9000 litres, except tanks at retail outlets and bulk petroleum sales outlets.

Application of

Conditional approval

6

- (2) No person shall construct a storage tank system to which this section applies, unless the person
  - (a) applies to the Minister at least four weeks in advance of the proposed installation; and
  - (b) receives conditional approval of the system from the Minister.

Application, Form 1

(3) An application pursuant to subsection (2) shall be in Form 1.

Response

- (4) The Minister shall, within two weeks of receipt of an application pursuant to subsection (2), indicate in writing to the applicant
  - (a) conditional approval of the storage tank system, subject to compliance with the minimum installation standards prescribed in these regulations and such other conditions as the Minister considers necessary; or
  - (b) refusal of the storage tank system because of the sensitivity of the proposed site, or for any other reason which, in the opinion of the Minister, warrants refusal in order to protect the environment.

Conditional approval

(5) Subject to subsection (6), conditional approval granted pursuant to subsection (4) is valid for twelve months from the date of issue.

Revocation

(6) Where, in the opinion of the Minister, a storage tank system is not in compliance with the Act or these regulations, the Minister may revoke the conditional approval of the storage tank system.

Notice

(7) A revocation made pursuant to subsection (6) is effective upon written notice to the owner or operator of the storage tank system.

Notice by licensee

- (8) A licensee shall give written notice to the Minister
  - (a) at least two days prior to backfilling a newly installed underground storage tank system; and
  - (b) of the completion of an aboveground storage tank system.

Inspection

- (9) Upon receipt of notice pursuant to subsection (8), the Minister may
  - (a) have the storage tank system inspected by an environment officer;
  - (b) after an inspection has been carried out pursuant to clause (a), issue final approval of the system; and
  - (c) where the Minister is satisfied that the storage tank system complies with these regulations, issue a certificate of registration for the storage tank system.

Ballast

(10) No person shall dispense, or cause to be dispensed, petroleum into an underground storage tank for ballasting purposes except where written permission has been given by the Minister. (EC322/01)

Application of section

**6.** (1) This section applies to

- (a) all storage tank systems at retail outlets and bulk petroleum sales outlets: and
- (b) all storage tank systems, including those connected to heating appliances, which have a nominal capacity of 9000 litres or greater.
- (2) No person shall construct a storage tank system to which this Conditional section applies unless the person

approval

- (a) applies to the Minister at least four months in advance of the proposed installation; and
- (b) receives conditional approval of the system from the Minister.
- (3) An application pursuant to subsection (2) shall be in Form 1.

Application, Form 1

- (4) The Minister shall, within one month of receipt of an application Response pursuant to subsection (2), indicate in writing to the applicant
  - (a) conditional approval of the system, subject to compliance with the minimum installation standards prescribed in these regulations, and to such conditions as the Minister considers necessary; or
  - (b) refusal of the system because of the sensitivity of the proposed site, or for any other reason which, in the opinion of the Minister warrants refusal in order to protect the environment.

Engineering plans

- (5) An applicant who receives conditional approval shall submit engineering plans for the system to the Minister at least four weeks prior to the proposed installation date.
- (6) Subject to subsection (7), a conditional approval granted pursuant Conditional to subsection (4) is valid for twelve months from the date of issue.

approval

(7) Where, in the opinion of the Minister, a storage tank system is not Revocation of in compliance with the Act or these regulations, the Minister may revoke the conditional approval of the system.

conditional approval

(8) A revocation made pursuant to subsection (7) is effective upon Notice of written notice to the owner or operator of the storage tank system.

revocation

Notice by licensee

- (9) A licensee shall give written notice to the Minister
  - (a) at least two days prior to covering a newly installed underground storage tank system; and
  - (b) of the completion of an aboveground storage tank system.

(10) Upon receipt of notice pursuant to subsection (9), the Minister Inspection may have the storage tank system inspected by an environment officer,

(a) final approval of the storage tank system; and

and may issue

(b) a certificate of registration, in Form 2, for the storage tank system. (EC322/01)

#### MINIMUM CONSTRUCTION AND INSTALLATION STANDARDS

#### **Underground Storage Tank Systems**

## Underground steel tanks

- **7.** (1) Subject to this section, no person shall install, underground, a steel storage tank unless it bears a metal nameplate that complies with
  - (a) section 5 of the National Standard of Canada CAN 4-S603-M85 "Standards for Steel Underground Tanks for Flammable and Combustible Liquids", June 1985; or
  - (b) section 5 of the National Standard of Canada CAN 4-S603.1-M85 "Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids".

#### Manner of installation

- (2) A storage tank to which clause (1)(a) is applicable, shall
  - (a) have impressed current cathodic protection; or
  - (b) subject to subsection (3), the storage tank shall be inside a precast concrete containment vault approved by the Minister and installed in compliance with the ASTM standard C-891-83 and the manufacturer's specifications.

## Concrete containment vaults

- (3) A storage tank to which clause (2)(b) is applicable shall be installed in a concrete containment vault
  - (a) which has a minimum of 30 cm. clearance between the tank and the sidewalls of the vault;
  - (b) which allows the tank to be accessible for inspection purposes by an opening or manway approved by the Minister;
  - (c) which has a neoprene pad installed between the tank and vault crib or cradle; and
  - (d) which allows the tank to be accessible for measurement of petroleum levels for inventory control purposes.

## Galvanically protected tanks

- (4) A storage tank to which clause (1)(b) is applicable
  - (a) shall be installed in compliance with,
    - (i) Appendix B of CAN 4-S603.1-M85 as above,
    - (ii) section 4.3 of the National Fire Code of Canada, and
    - (iii) the manufacturer's specifications; and
  - (b) where the tank has a nominal capacity of 4000 litres or greater, the installation shall include a permanent high impedance meter and zinc reference galvanic monitoring system in compliance with Underwriter Laboratories of Canada (ULC) S603.1-1977, Appendix A.

#### Fibreglass tanks underground

- (5) A fibreglass storage tank installed underground
  - (a) shall bear a metal label that complies with section 7 of the National Standard of Canada CAN 4-S615-M83 "Reinforced Plastic Underground Tanks for Petroleum Products"; and

(b) shall meet the manufacturer's specifications. (EC322/01)

#### Large Capacity Storage Tanks

8. (1) No person shall construct a field-erected aboveground large Field-erected large capacity storage tank system unless it is designed and built in compliance capacity tanks with API 650-Welded Steel Tanks for Oil Storage.

Shop fabricated, aboveground

Cap. E-9

- (2) No person shall install aboveground a shop-fabricated
  - (a) horizontal storage tank unless it bears a metal label in compliance with section 4 of the National Standard of Canada CAN 4-S601-M84, "Standards for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids";
  - (b) vertical tank unless it bears a metal label in compliance with section 4 of the National Standard of Canada CAN 4-S630-M84. "Standard for Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids";
  - (c) double wall steel tank unless it bears a metal label in compliance with the National Standard of Canada CAN 4-S603-M84; or
  - (d) underground storage tank unless it is approved in writing by the Minister for aboveground use pursuant to clause 35(2)(a).
- (3) No person shall install aboveground a field-erected storage tank or Fire standards a shop-fabricated horizontal or vertical tank except in compliance with the National Fire Code of Canada.

(4) No person shall install aboveground a shop-fabricated horizontal or Construction vertical storage tank at a retail outlet except in compliance with the Department's "Construction Standards for Installation of Aboveground Petroleum Storage System at Retail Outlets".

(5) Every owner of a large capacity storage tank, in contact with the Tank markings ground, shall ensure that the tank is marked in lettering four inches high and on at least two sides of the tank, which identifies the contents of the tank.

- (6) No person shall install aboveground a storage tank system unless it Fire standards complies with the National Fire Code of Canada.
- (7) No person shall install aboveground a storage tank in a precast Vault, water concrete containment vault, unless the vault is equipped with a secure means of draining collected water from the vault.

(8) No person shall install aboveground a large capacity storage tank Prohibition which will be in contact with the ground, unless an adequate corrosion control system is installed at the same time to protect the portion of the tank that may be in contact with the ground. (EC322/01)

#### Small Capacity Storage Tanks

## Aboveground small capacity tank

- 9. No person shall install a small capacity storage tank unless
  - (a) it bears a manufacturer's label; and
  - (b) the installation complies with
    - (i) the Department's "Construction Standards for Installation of Aboveground Home Heat Storage System", and
    - (ii) the manufacturer's specifications. (EC322/01)

#### Piping and Associated Fittings

Compatibility

**10.** (1) No person shall install underground piping and associated fittings of a type that is not compatible with the contents of a storage tank.

Standards

(2) No person shall install steel underground piping and associated fittings except a type specified in section B.3.9.1 of the National Standard of Canada CAN 4-S603.1-M85, "Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids".

#### Cathodic protection

- (3) No person shall install underground steel piping and associated fittings
  - (a) without providing cathodic protection for the piping and fittings in compliance with section B.3.10.1 of the National Standard of Canada CAN 4-S603.1-M85; and
  - (b) except in compliance with section B.3.9.3, section B.3.9.4, section B.3.9.5, section B.3.9.7, and section B.3.9.9 of the National Standard of Canada CAN 4-S603.1-M85.

Plastic piping

- (4) No person shall install fibreglass reinforced plastic (FRP) underground piping except
  - (a) in conformity with ULC-C107C-M1984 (Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids); and
  - (b) in compliance with the standard required by clause (a) and the manufacturer's specifications.

Vent piping

(5) No person shall install aboveground product piping or vent piping and associated fittings except a steel type specified in section 4.4.2, section 4.4.3, and section 4.4.5 of the National Fire Code of Canada.

Fire standards

(6) No person shall install aboveground product or vent piping and associated fittings except in compliance with section 4.3.5, and section 4.3.10 of the National Fire Code of Canada.

(7) No person shall install aboveground rigid product piping for Class 1 liquid or diesel oil systems unless the systems begin and end with a Rigid piping swing joint or flexible connector. (EC322/01)

Cap. E-9

11. No person shall make a connection to a small capacity storage tank Connection unless it complies with

standards

- (a) the Department's "Construction Standards for Installation of Aboveground Home Heat Storage System"; and
- (b) the manufacturer's specifications. (EC322/01)

#### STORAGE TANK CONTRACTORS

12. (1) No person shall install, alter, or remove a small capacity storage Install, alter, tank unless the person is the holder of a valid HHI license.

(2) Subsection (1) comes into effect on September 1, 2002.

Effective date

(3) No person shall remove an underground storage tank, unless the Underground person is the holder of a valid Level I license.

storage tanks

(4) No person shall install or alter an underground storage tank system, Underground unless the person is the holder of a valid Level II license.

storage tank systems Retail outlet systems

- (5) No person shall install a large capacity storage tank system for the purpose of storage of any petroleum product offered for sale at a retail outlet, unless the person is the holder of a valid Level II license.
  - (6) An applicant for a HHI license or a Level I license shall

Application, HHI or Level I license

- (a) complete and submit Form 4 to the Minister;
- (b) successfully complete any training and examination programs designated by the Minister;
- (c) if the applicant is a Level 1 licensee, pay an annual license fee of \$50; and
- (d) if the applicant is an HHI licensee, pay an annual renewal license fee of
  - (i) \$20 if the licensee has installed fewer than 11 tanks in the previous year, or
  - (ii) \$50 if the licensee has installed 11 tanks or more in the previous year.
- (7) An applicant for a Level II license shall

Application. Level II license

- (a) complete and submit Form 4 to the Minister;
- (b) successfully complete any training and examination programs designated by the Minister;
- (c) submit a certificate of insurance coverage, during the period of the license, for the installer's liability for bodily injury and property damage, including damages arising from a contaminant being

introduced into the environment in a sudden, unintended or unexpected occurrence, during the period of insurance, with not less than \$1,000,000 coverage per occurrence;

- (d) submit proof that the insurance required by clause (c) contains a statement that the insurance coverage may not be cancelled except upon thirty days prior written notice to the Minister; and
- (e) pay a license fee of \$100.

License issued

(8) The Minister, if satisfied that an applicant has complied with these regulations, may issue an HHI license, Level I license or Level II license, in Form 5 or Form 6A as applicable.

Expiry

12

- (9) A license issued under subsection (8)
  - (a) shall expire on January 31 of the year following the date of issue of the license; and
  - (b) may be subject to any conditions that the Minister considers necessary for the protection of the environment. (EC322/01; 674/04)

Sale of small capacity storage **12.1** (1) No person shall, after July 31, 2005, sell, or offer to sell, a small capacity storage tank to any other person unless the other person holds a valid HHI license.

Exception

(2) Subsection (1) does not apply to small capacity storage tanks used as part of a valid installation pursuant to these regulations. (EC674/04)

Revocation

13. (1) Where, in the opinion of the Minister, a licensee has contravened the Act or these regulations, or where the insurance required by subsection 12(7) has ceased to be in effect, the Minister may revoke the license.

Notice of revocation

- (2) Notice of revocation of a license pursuant to subsection (1) may be given by
  - (a) personal service; or
  - (b) by registered or certified mail to the last known address of the licensee shown in the records of the Minister.

Deemed service

- (3) A notice mailed pursuant to subsection (2) shall be deemed to be served on the licensee
  - (a) on the date the licensee actually receives the notice; or
- (b) 5 days after the date of mailing, whichever is earlier. (EC322/01)

Inspector, label

**14.** (1) No person shall carry out an inspection for the purposes of attaching an identification label unless the person is the holder of a valid HHIp license or a valid HHI license.

HHIp license

(2) An applicant for a HHIp license shall

- (a) complete and submit Form 4A to the Minister;
- (b) successfully complete any training and examination programs designated by the Minister; and
- (c) pay an annual renewal license fee of \$50.
- (3) The Minister, if satisfied that an applicant complies with these License issued regulations, may issue a license in Form 6B.
  - (4) A license issued pursuant to subsection (3)

Expiry, conditions

- (a) shall expire on January 31 of the year following the date of issue of the license; and
- (b) may be subject to any conditions the Minister considers necessary for the protection of the environment.
- (5) Where, in the opinion of the Minister, a licensee has contravened Revocation the Act or these regulations, the Minister may revoke the license.
- (6) Notice of revocation of a license pursuant to subsection (5) may be Notice of given by
  - (a) personal service; or
  - (b) by registered or certified mail to the last known address of the licensee shown in the records of the Minister.
- (7) A notice mailed pursuant to subsection (6) shall be deemed to be Deemed service served on the licensee
  - (a) on the date the licensee actually receives the notice; or
- (b) 5 days after the date of mailing, whichever is earlier. (EC322/01; 674/04)

#### INVENTORY CONTROL

15. (1) The operator of a Class 1 liquid or diesel fuel underground Daily records storage tank system with a tank of a nominal capacity of 2000 litres or greater shall maintain and reconcile inventory records each day the system is in operation and shall maintain monthly reconciliation summary sheets.

(2) The operator shall retain the inventory records and summary sheets Records retention, at the site of the storage tank system for a minimum of two years, and shall make them available for inspection by the Minister upon request.

- (3) The Minister may advise the Island Regulatory and Appeals Failure to maintain Commission of any failure to maintain the inventory records and summary sheets as required by this section. (EC322/01)
- **16.** (1) The operator of an underground storage tank system which

(a) has a capacity of 9000 litres or greater; and

Weekly records

(b) is connected to a heating appliance, shall maintain and reconcile weekly inventory records and maintain annual reconciliation summary sheets.

Records retention, inspection

(2) The operator shall retain the inventory records and summary sheets at the site of the storage tank system for a minimum of five years and shall make them available to the Minister for inspection upon request. (EC322/01)

Visual inspection, records

- **17.** The operator of an aboveground storage tank system at a bulk petroleum sales outlet shall
  - (a) make a visual inspection of the aboveground storage tank system for each day the aboveground storage tank system is in operation, to ensure there has been no damage or deterioration of the system which could result in a leak;
  - (b) maintain and reconcile weekly inventory records and maintain annual reconciliation summary sheets; and
  - (c) retain the inventory records and summary sheets at the site of the bulk petroleum sales outlet for a minimum of five years and shall make them available to the Minister for inspection upon request. (EC322/01)

#### REPORTING LEAKAGE

Application of section

**18.** (1) This section applies to owners and operators of all storage tank systems for which records are required to be kept pursuant sections 15, 16, or 17.

Report leakage

(2) The owner or operator of an underground storage tank system shall immediately inform Transport Canada Canadian Coast Guard, when inventory records or reconciliation summary sheets show product loss or water gain that is unaccounted for.

Idem

(3) Any person who has reason to believe that petroleum is leaking or has leaked from a storage tank system, or that water or other liquid is intruding or has intruded into a storage tank system shall immediately inform Transport Canada Canadian Coast Guard.

Leak detection test

(4) Where, in the opinion of the Minister, leakage is occurring in a storage tank system, the Minister may order the owner to conduct a leak detection test.

Idem

(5) An owner who receives an order pursuant to subsection (4) shall(a) have the test conducted, at the owner's expense, by a testing agent registered with the Minister;

- (b) in the case of an underground storage tank system, have the test conducted using a liquid-medium leak detection system capable of detecting 380 millilitres product loss per hour; and
- (c) within three days of the test, forward to the Minister the written results of the test, certified by the testing agent. (EC322/01)

#### **ALTERATIONS**

19. (1) No owner of a storage tank system shall alter it or cause it to Approval of be altered without first applying for and receiving approval of the alteration alteration from the Minister.

(2) Subject to subsection (6), an application shall be made on Form 1 Advance notice of not less than two weeks in advance of the proposed starting date of the alteration alteration.

(3) Subject to subsection (6), the Minister shall indicate in writing to Response the applicant

- (a) conditional approval of the alteration, subject to compliance with the minimum installation standards prescribed by these regulations;
- (b) conditional approval of the alteration, subject to compliance with such conditions as the Minister considers necessary for the protection of the environment; or
- (c) refusal of the alteration because of the sensitivity of the proposed site, or for any other reason which, in the opinion of the Minister, warrants refusal in order to protect the environment.

Conditional

- (4) Subject to subsection (5), a conditional approval granted pursuant approval, expiry to subsection (3) shall be valid for a period of twelve months from the date of issue.
- (5) Where, in the opinion of the Minister, alterations to a storage tank Revocation of system do not comply with the Act or these regulations, the Minister may revoke the conditional approval of the system, which revocation shall become effective upon notification to the owner.

(6) Where the owner of a storage tank system needs to make an Emergency emergency alteration to prevent product loss, the owner may apply to the Minister for immediate approval, and the Minister may waive the time frames in subsections (2) and (4), and grant approval subject to any conditions the Minister considers necessary for the protection of the environment.

- (7) The owner shall take reasonable precautions to prevent and contain Precautions spillage of petroleum during alterations.
  - (8) A licensee shall give written notice to the Minister

Notice by licensee

- (a) upon completing an alteration of an aboveground storage tank system as described in subsection (1); and
- (b) at least two days prior to backfilling an altered underground storage tank system.

Inspection

16

- (9) Upon receipt of notice pursuant to subsection (8), the Minister may
  - (a) have the storage tank system inspected by an environment officer;
  - (b) issue a final approval of the system; and
  - (c) where required pursuant to section 2, issue a certificate of registration. (EC322/01)

#### STORAGE TANK UPGRADE, REMOVAL AND MONITORING

Removal, old underground tanks

**20.** (1) The owner of an existing steel underground storage tank system which is not cathodically protected, shall remove the storage tank system from the ground prior to the storage tank system reaching fifteen years of age.

Exception

(2) Notwithstanding subsection (1), the owner of an existing non-corroding small capacity storage tank is not required to replace the tank pursuant to this section.

Replacement within 5 years

- (3) Where a steel small capacity storage tank
  - (a) has a nominal steel thickness of 2.0 mm.;
  - (b) has a tank end or a top burner connection; and
  - (c) was manufactured fifteen or more years ago,

the owner of the tank shall replace it within five years of the effective date of these regulations.

Idem

- (4) Where a steel small capacity storage tank
  - (a) has a nominal steel thickness of 2.0 mm.;
  - (b) has a bottom outlet burner connection; and
  - (c) was manufactured twenty or more years ago,

the owner of the tank shall replace the tank within five years of the effective date of these regulations.

Idem

- (5) Where a steel small capacity storage tank
  - (a) has a nominal steel thickness of 2.3 mm.;
  - (b) has a tank end or top burner connection; and
  - (c) was manufactured twenty or more years ago,

the owner of the tank shall replace the tank within five years of the effective date of these regulations.

Idem

- (6) Where a steel small capacity storage tank
  - (a) has a nominal steel thickness of 2.3 mm.;
  - (b) has a bottom outlet burner connection; and

- (c) was manufactured twenty-five or more years ago, the owner of the tank shall replace the tank within five years of the effective date of these regulations.
- (7) The owner of a storage tank system shall remove any subsurface Removal of contamination by a method approved by the Minister.

contaminants

(8) Where the clean up of a storage tank system is done by means of In situ remediation an in situ remediation system, the owner shall ensure the in situ remediation system is continuously maintained and operated until the clean up has been completed to the satisfaction of the Minister.

(9) Any costs associated with compliance with subsections (7) and (8) Owner responsible are the responsibility of the storage tank system owner. (EC322/01)

for costs

21. The owner of a sacrificial anode storage tank system shall ensure Sacrificial anode that maintenance checks are conducted on the system

systems

- (a) by a corrosion specialist or the corrosion specialist's authorized representative in compliance with the National Standard of Canada CAN 4-S603.1-M85; and
- (b) at the following times:
  - (i) immediately after installation,
  - (ii) six months after installation, and
  - (iii) once a year thereafter. (EC322/01)
- **22.** The owner of an impressed current storage tank system shall ensure (a) that maintenance checks are conducted on the system in compliance with the Petroleum Association for Conservation of the Canadian Environment (PACE) report No. 87-1, part 5.5(c) and part 6(a) and (c); and

- (b) that a corrosion specialist or a corrosion specialist's authorized representative is contacted immediately, if
  - (i) the rectifier status lights indicate a problem, or
  - (ii) the controlled parameter charge has a reading greater than 10% of the normal operating condition.
- 23. The owner shall permanently retain all records of maintenance Records, checks at the site of the storage tank system and shall make them available to the Minister for inspection upon request. (EC322/01)

maintenance checks

24. The owner of a large capacity storage tank, as described in section 8, Inspection with a capacity of 50,000 litres or greater shall ensure that inspections are conducted in conformance with the interval criteria in section 4.4.2 of API Standard 653. (EC322/01)

Environmental Protection Act Petroleum Storage Tanks Regulations

Idem

18

25. The owner of a small capacity storage tank shall ensure that an HHI or HHIp licensee conducts an inspection on or before September 1, 2006. (EC322/01)

Deficiencies

**26.** Any deficiencies in a large capacity storage tank identified as a result of the inspection conducted pursuant to section 24 shall be corrected by the owner in compliance with technical supplement CAN/ULC-S601(A) or CAN/ULC-S630(A) or with API Standard 653, as applicable. (EC322/01)

Time for correction of deficiencies

- 27. The owner of a small capacity storage tank for which deficiencies are identified on an inspection pursuant to section 25
  - (a) shall correct the deficiencies;
  - (b) shall ensure that the storage tank and its installation comply with these regulations; and
  - (c) shall ensure that the deficiencies are corrected within five years of the effective date of these regulations. (EC322/01)

Removal, leaking aboveground tank 28. Where a small capacity storage tank is replaced pursuant to section 27 or 29, an HHI licensee shall ensure that no water or sludge contamination is transferred from the old tank to the new tank. (EC322/01)

Replacement, leaking tank

29. Where an inspection made pursuant to section 22 identifies a leaking small capacity storage tank, the owner shall replace the tank immediately with an acceptable small capacity storage tank in accordance with these regulations. (EC322/01)

Acceptable tank

- 30. Where an inspection made pursuant to section 25 identifies an acceptable small capacity storage tank, as described in sections 9, 11 and 20, an HHIp or HHI licensee shall
  - (a) complete the identification label in Form 3A, calculating the expiry date for the tank by reference to section 20;
  - (b) permanently affix the identification label to the vent pipe for the tank identified in the inspection report on Form 7; and
  - (c) complete and submit an inspection report on Form 7 to the Minister within ten days of the inspection. (EC322/01)

Upgraded tank

- 31. Where a deficient small capacity storage tank has been upgraded in compliance with sections 9, 11 and 20, an HHI licensee shall
  - (a) complete the identification label in Form 3A, calculating the expiry date for the tank by reference to section 20;
  - (b) permanently affix the identification label to the vent pipe for the tank identified in the inspection report on Form 7; and
  - (c) complete and submit an inspection report on Form 7 to the Minister within ten days of the inspection. (EC322/01)

**32.** No person shall permanently affix an identification label to a small capacity storage tank except in accordance with these regulations. (EC322/01)

Label meets regulations

33. No person shall alter, re-use, or attempt to alter or re-use an No alteration, reuse identification label that has been permanently affixed to a small capacity storage tank. (EC322/01)

#### OUT OF SERVICE STORAGE TANKS

**34.** (1) Subject to subsection (2), the owner of a storage tank system Out of service tanks which has been or is to be out of service for a period of six consecutive months or more shall immediately ensure

- (a) that the tank is emptied of all liquids and purged of all hydrocarbon vapours as per the NFPA 327; and
- (b) that the fill pipe and other openings are locked.
- (2) The owner of an underground storage tank system which has been Maintenance or will be out of service for a period of six months or more which requires ballasting shall maintain the system during the out-of-service period.

(3) The owner of an underground storage tank system which has been out of service or is to be out of service for a period of twelve consecutive months or tanks, permanent more shall immediately

- (a) notify the Minister in writing of the location of the tank and permit inspection by the Minister as required; and
- (b) ensure that a licensee
  - (i) removes the piping from the ground, or purge the piping of flammable vapours and product and permanently seals the end of the piping by capping it,
  - (ii) removes the tank from the ground, and
  - (iii) removes any petroleum-contaminated soil. (EC322/01)
- 35. (1) No person shall reinstall an underground storage tank which has Reinstallation been removed from the ground unless the tank has been re-certified by its manufacturer according to

- (a) National Standard of Canada 4-S603.1-M85, "Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids"; or
- (b) National Standard of Canada Technical Supplement CAN 4-S615(A)85 "Refurbishing of Reinforced Plastic Underground Tanks for Petroleum Fuels".
- (2) No person shall use an underground storage tank that has been Approval of use removed from service unless approved for use by the Minister

- (a) for aboveground use for petroleum storage; or
- (b) for re-installation underground inside a precast concrete containment vault that complies with these regulations. (EC322/01)

#### STORAGE TANK DISPOSAL

Disposal

- **36.** The owner of an underground storage tank which has been removed from the ground, shall ensure the identification tag required pursuant to subsection 2(5) remains permanently affixed to the tank and shall, within one month of the removal
  - (a) obtain re-certification and reinstall it pursuant to subsection 35(1);
  - (b) obtain approval of the Minister and use the tank as an aboveground tank pursuant to subsection 35(2);
  - (c) take the following measures:
    - (i) have the tank purged of petroleum and petroleum vapours by a contractor registered with the Minister, using a method approved by the Minister;
    - (ii) have the tank verified as gas-free by a contractor using a gas detection meter approved by the Minister,
    - (iii) perforate the tank, and
    - (iv) dispose of the tank and any contents at a disposal site approved by the Minister or by a method approved by the Minister; or
  - (d) under conditions acceptable to the Minister, dispose of a tank permanently in the location in which it is installed, by a method approved by the Minister. (EC322/01)

#### **GENERAL**

Manufacturer's label

**37.** In any prosecution under these regulations, the material thickness, capacity, intended purpose and year of manufacture of a storage tank shall be deemed to be as stated on the manufacturer's label on the tank, unless proven otherwise. (EC322/01)

Inspection

**38.** Upon request of an environment officer, the owner of a storage tank or storage tank system, and the owner of the property upon which a storage tank system is located shall permit inspection of the storage tank system, and shall, where necessary, uncover the storage tank system to permit the inspection. (EC322/01)

Forms

**39.** The forms referred to in these regulations are set out in the Schedule. (EC322/01)

#### **SCHEDULE**

 $Environmental\ Protection\ Act$ 

Petroleum Storage Tanks Regulations

Office Use Only
Application No.:
Classification:
Map Number:

#### FORM 1 APPLICATION FOR STORAGE TANK REGISTRATION

( For existing tanks, altering existing tanks and installation of new tanks )

Under subsection 2(4) of the Petroleum Storage Tanks Regulations made under the *Environmental Protection Act* R.S.P.E.I. 1988. Cap E-9, all storage tank systems must be registered. All applicable sections of this form must be completed by the tank owner to

qualify for tank registration.	18 101111 11	iust be co	mpieteu	by the tall	k owner to	,
1 ,	ility Info	ormation				
1. Tank Ownership Owner's Name						
Mailing Address			Postal Co	ode		
Business Name						
☐ Above Gro ☐ Existing Tank Registration (Proceed to #2)	☐ Tank	☐ Belov		New Install Proceed to		
2. Existing Tank(s) Registration:  a.  Year Round Operation b. Estimated Year of Installa Tank No. 1 2 3. Tank Alteration: a. Proposed Date Tank to be b. Existing Tank Registratio Tank No. 1 2 c. Year Round Operation (Proceed to #5. Sketch or 4. New Tank Installation Site: a. Proposed Date Tank(s) to b. Year Round Operation (Proceed to #5. Sketch or 5. Sketch or Map indicating the exact 1 roads, wells, underground pipelines, same as on other sections of this For	Altered: n Numbe. 3  G Seas Map) be Instal G Seas Map) ocation ostreams	ers(s): 4 onal Ope	5 ration □	6 Permanen	tly Out of	Use
6. Tank and Piping Construction	Tank	Tank	Tank	l Boxes the	Tank	Tank
a. Est. Total Capacity (Litres)	#1	#2	#3	#4	#5	#6
b. Material of Construction (Mark One Only)						
Steel Fibreglass Reinforced Plastic						

Other					l	
c. External protection (Mark All That Apply) Sacrificial Anode Impressed Current Zinc Reference Electrode None Unknown Other, Please Specify			0 0 0	0000	0 0 0 0	00000
d. Piping (Mark All That Apply) Black/Bare Steel Galvanized Steel Fibreglass Reinforced Plastic Cathodically Protected Unknown Other, Please Specify	0 0 0	0 0 0	0 0 0		0 0 0 0	00000
e. Substance currently or Last Stored Empty Furnace/Diesel Kerosene Gasoline Waste Oil Unknown Other, Please Specify	0 0 0					000000
f. Additional Information (For Tanks Out of Service) Est. Date Tank Last Used m/y Est. Quantity Remaining (1) Filled with Inert material?	_			_		
OFFICE USE - REGISTRATION NO.						
Map No Easting No	No	orthing N	o		Ortho	
7. Certification I certify that to the best of my knowledge the submitted information is true, accurate and complete.  Name and official title of owner or Owner's authorized representative  Signature  Date Signed						
Send This Application To: Department of Fisheries, Aquaculture and Environment Air Quality & Hazardous Materials Section P.O. Box 2000, Charlottetown, P.E.I. C1A 7N8 (EC322/01)						

#### PROVINCE OF PRINCE EDWARD ISLAND

#### ${\it Environmental\ Protection\ Act\ Petroleum\ Storage\ Tank\ Regulations}$

# FORM 2 STORAGE TANK REGISTRATION CERTIFICATE

Subject to the provisions and a 1988, Cap. E-9 and the Regula	requirements of the Environmental Prations made thereunder	otection Act R.S.P.E.I.
	STORAGE TANK OWNER'S NAME	
	JAME OF FACILITY (BUSINESS NAME)	
ADDRESS		LOCALITY
	PROPERTY NUMBER	
is registered to operate the pet	roleum storage tank(s) listed below at	the above location.
Tank Registration No.	Petroleum Product Stored	Capacity (L)
Issued this	day of	, 20
No		
(EC322/01)	Chief, Environme	ental Protection Division

# FORM 3 IDENTIFICATION TAG

# P.E.I. Department of Environmental Resources

I.D. Tag Number

0001

(EC322/01)

Cap. E-9

Cap. E-9

FORM 3A IDENTIFICATION LABEL

PEI ABOVEGROUND OIL TANK ID TAG 000 000 20

(EC245/03)

25

# FORM 4 APPLICATION FOR STORAGE TANK CONTRACTOR'S LICENSE

Under section 12 of the Petroleum Storage Tanks Regulations made under the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, storage tank contractors must apply for a Storage Tank Contractor's License.

The undersigned applies for a license to carry on a business of installing, altering or removing a petroleum storage tank system and in support thereof makes the following statement of facts

1. Name of person, Firm (Specify Partners) or Corporation to be Registered:			
2. Address:			
Systems:	Altering or Removal of Petroleum Storage Tank		
Number of Removals in the Past Year     Number of Installations in the Past Year     Successful Completion of a Training	ear:		
7. Is the required Certificate for Compre acts for which you would be responsible 8. Level of Contractor's License Applied			
an Authorized Officer of the Corporation			
Date:			
Send This Application To:	Department of Fisheries, Aquaculture and Environment Air Quality & Hazardous Materials Section P.O. Box 2000, Charlottetown, P.E.I. C1A 7N8		

#### FORM 4A APPLICATION FOR HOME STORAGE TANK INSPECTOR'S LICENSE

Under sections 12 and 14 of the Petroleum Storage Tanks Regulations made under the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9, persons who inspect home storage tanks must apply for a Home Heat Tank Inspector's License.

The undersigned applies for a license to carry on a business of inspecting an aboveground petroleum storage tank system and in support thereof makes the following statement of facts:

1. Name of person, Firm (Specify Pa	artners) or Corporation to be Registered:			
2. Address:				
3. Applicant's Experience in Inspecting Petroleum Storage Systems:				
4. Successful Completion of a Train	ning Program. Describe:			
Signature of Applicant (Where a Pa an Authorized Officer of the Corpor	artnership or a Corporation, the Signature of a Partner or ration)			
Date:				
Send This Application To:	Department of Fisheries, Aquaculture and Environment Air Quality & Hazardous Materials Section P.O. Box 2000, Charlottetown, P.E.I. C1A 7N8			

# FORM 5 STORAGE TANK CONTRACTOR'S LICENSE

Level I 🗖 Level II 🗖

Province of Prince Edward Island Petroleum Storage Tanks Regulations, Section 12

Under the <i>Environmental Protection Act</i> Petrole this License is issue	6
Name of Holder	
Mailing Address	
Postal Code	
Date	Signature of Minister

Cap. E-9

	RM 6A STALLATION LICENSE
Prince Edward Island Environment, Energy and Forestry  Home Heat Tank Installation and Inspection License	LICENSEE  Name:  Company:  Issue Date: Expiry Date:
Pursuant to subsection 12(1) of the <i>Environmental Protection Act</i> Petroleum Storage Tanks Regulations	The person named herein is licensed to install, alter and remove small capacity storage tanks pursuant to the <i>Environmental Protection Act</i> Petroleum Storage Tanks Regulations.
License Number:	Authorized Signature:

(EC674/04)

(EC674/04)

Cap. E-9

# FORM 7 PROVINCE OF PRINCE EDWARD ISLAND HOME HEAT STORAGE TANK INSTALLATION INSPECTION REPORT

Personal Information:
Homeowner's Name: Property Tax #
Address: Phone # (home)
Postal Code:
Storage Tank Information
Date of Inspection:
Tank ID #
Tank Expiry Date:
Tank Location: Aboveground Outdoors ☐ In Basement ☐
Piping: Bottom Outlet ☐ End Outlet ☐
Installer's Name
Company Name
Phone Number
Approved (Y/N) Date
Inspector Homeowner