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CHAPTER P-5.1

PETROLEUM PRODUCTS ACT

REGULATIONS

Made by the Public Utilities Commission, pursuant to section 66 of the *Petroleum Products Act* R.S.P.E.I. 1988, Cap. P-5.1

- 1.** (1) Every licensee shall comply with the provisions of the Act and these regulations, and shall conduct its business or exercise its privileges in accordance with the class, terms, conditions and restrictions of the license under which it operates. Compliance
- (2) For the purposes of these regulations, “licensee” includes employees, representatives or agents of the licensee. (EC38/91) “licensee”, includes
- 2.** (1) Every licensee shall comply with the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, and the regulations, codes and standards adopted thereunder. Fire prevention
- (2) No licensee shall dispense or allow to be dispensed motor fuel into any portable container which does not meet the requirements of the *Fire Prevention Act*. Portable containers
- (3) No motor fuel shall be dispensed through a nozzle which is not in accordance with the requirements of the *Fire Prevention Act* and the Island Regulatory and Appeals Commission. Nozzles
- (4) All vent pipes of storage facilities must be kept at a height and in a location that allows for adequate and safe venting of fumes in accordance with the *Fire Prevention Act* and the requirements of the Commission. (EC38/91; 639/93) Venting
- 3.** Every licensee shall keep in inventory sufficient petroleum products to supply public demand adequately, having regard to its traditional business demands. (EC38/91) Inventory
- 4.** (1) The Commission shall determine the grades of petroleum products permitted to be sold in the province. Grades
- (2) Petroleum product grades shall be identified on the pumps at all retail outlets in the province. Identification, pumps
- (3) Licensees shall ensure that all of their tanks or other storage containers of petroleum products are clearly marked in letters and figures Identification, storage containers

identifying the grade of quality of the petroleum products contained within them.

Identification,
containers

(4) No licensee shall place, or allow to be placed or stored for sale, a petroleum product in a container that is incorrectly identified or marked with respect to that petroleum product. (EC38/91)

Mixing grades

5. No licensee shall mix any grade or quality of gasoline or other petroleum product with any other grade or quality of gasoline or other petroleum product for resale unless such mixture has been authorized by order of the Commission. (EC38/91)

Minimum
specifications for
each grade

6. No licensee shall sell or offer for sale any petroleum product that does not comply with the minimum specifications for the type or grade of petroleum product as issued by the Canadian General Standards Board or the Island Regulatory and Appeals Commission. (EC38/91; 639/93)

Grades to be
offered

7. Every retail outlet which offers for sale at least two grades of gasoline shall offer for sale, as a minimum requirement, regular unleaded and premium unleaded grades of gasoline. (EC38/91)

Pump islands

8. The outside edges of pump islands located at retail outlets shall be positioned as follows:
(a) at least 45 feet from the centreline of 66-foot wide highways;
(b) at least 65 feet from the centreline of 100-foot wide highways;
(c) as ordered by the Commission where the outlet is located adjacent to a highway of a width not specified above. (EC38/91)

Stickers etc.

9. Licensees shall attach such stickers or other identification to pumps, vehicles or other equipment as required by the Commission. (EC38/91)

Fill pipe
requirements

10. Every retailer shall keep the fill pipe to each storage facility of his outlet
(a) locked when not in use;
(b) painted in a colour approved by the Commission to identify the grade or quality of the petroleum product stored in the facility; and
(c) tagged with a tag to be provided by the wholesaler that clearly identifies the grade or quality of petroleum product stored in the facility. (EC38/91)

General standards
re tidiness etc.

11. (1) Every licensee shall at all times
(a) keep its outlet, including pumps, signs, lights, and associated facilities, in good repair, fully serviced, painted, and in a clean and tidy condition;
(b) keep the grounds of its outlet clean and free from any accumulation of discarded tires, car parts and other forms of rubbish or junk.

- (2) Every retailer of motor fuels shall at all times Other requirements
- (a) provide competent, trained pump attendants for the dispensing of motor fuels at manned outlets and at split-service outlets;
 - (b) provide competent, trained console operators to control the dispensing of motor fuels at self-service outlets and at split-service outlets;
 - (c) post the hours of operation in a conspicuous manner on a sign clearly visible to the public;
 - (d) dispense diesel fuel only from pumps utilized exclusively for that product. (EC38/91)
- 12.** Every vehicle used in the delivery of heating fuel or motor fuel to a consumer shall Delivery vehicles
- (a) have conspicuously attached to it the name and address of the licensee, in letters and figures easily legible;
 - (b) be equipped with printing metering equipment that meets the requirements of the Weights and Measures Division of the Department of Consumer and Corporate Affairs (Canada). (EC38/91)
- 13.** Except as provided for under section 21.1 of the Act and with the exception of propane, every motor fuel stored at retail outlets which serve the motoring public, shall be stored in underground facilities which comply with the requirements of the Petroleum Storage Tank Regulations (EC187/90) made under the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9. (EC639/97) Fuel storage
- 14.** (1) All pumps used at retail outlets shall be of a type approved by the Department of Consumer and Corporate Affairs (Canada) and the Commission. Pumps
- (2) No pump shall be used at a retail outlet unless it indicates the price per litre, the volume dispensed, and the total cost of the sale. (EC38/91) Price, volume and total cost
- 15.** Prices charged by a wholesaler or wholesaler-retailer to retailers for each grade of heating fuel or motor fuel shall be in cents per litre to the nearest one-tenth of a cent. (EC38/91) Prices, to retailers
- 16.** Outlets shall be open during normal business hours in order to provide a reasonable opportunity for the public to purchase petroleum products and obtain other services associated with the sale thereof. (EC38/91) Opening hours
- 17.** (1) No ship, boat, vessel or other watercraft shall be fuelled from a tank truck on a wharf, port, dock or other berthing facility where the fuel required is accessible from a licensed fixed fuelling facility. Fuelling of boats, etc.

Idem, written
authorization

(2) Where watercraft are unable to access the required fuel from fixed fuelling facilities, the authority having jurisdiction at that wharf, port, dock or other berthing facility may issue a written authorization to a licensee to fuel watercraft at that location from a tank truck for a specific period, in which case the licensee must file a copy of the authorization with the Commission. (EC639/97)

Direct fuelling by
distributor

18. (1) No retail distributor shall deliver fuel directly to the fuel supply system of any vehicles required to be registered pursuant to the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5 with the exception that “special mobile equipment” as defined in that Act and which does not require inspection thereunder may be fuelled with diesel fuel from tank trucks at job sites.

Exception

(2) Notwithstanding subsection (1), a retail distributor shall, when requested, deliver diesel fuel directly into the fuel supply systems of vehicles in excess of 3,200 kilograms in weight at the following job sites:

- (a) produce trucks at farms while actively engaged in planting or harvesting crops;
- (b) pulp trucks at forestry, lumber or pulp mills while actively engaged in harvesting wood chips or logs;
- (c) dump trucks at excavation pits while actively engaged in construction by moving fill, gravel, sand, topsoil, or asphalt.

Prohibition

(3) Nothing in subsection (2) shall be read as permitting roadside fuel deliveries by tank trucks. (EC762/98)

Reports by
wholesalers

19. (1) Every wholesaler shall provide the Commission with reports respecting the sales of petroleum products to retailers in the province, for such periods and including such information as the Commission may specify.

Records by
wholesalers

(2) Every wholesaler shall keep the following records at its primary accounting office in the province, for a period of not less than two years:

- (a) records showing the movement of all petroleum products between refinery or supply depot and each storage distribution facility;
- (b) a consolidation of all storage distribution facilities’ sales readily reconcilable with returns submitted to the Commission for each storage distribution facility;
- (c) a monthly summary of all sales in Prince Edward Island to enable monthly and yearly returns to be completed;
- (d) company audit reports of each storage distribution facility;
- (e) complete daily inventory and movement of each petroleum product received by and distributed from each terminal, bulk plant,

bulk station or other storage facility together with the stock transfer, stock control and stock adjustment vouchers;

(f) a summary of daily sales with full information as to the name of the purchaser, number of the invoice, quantity, grade and price of the petroleum product sold, supported by a copy of each invoice in numerical sequence with the above information. (EC38/91)

20. Petroleum products sold, exchanged or transferred by one wholesaler to another shall not be included in computing the volumes of petroleum products sold by a wholesaler licensed under this Act. (EC38/91)

Sales etc. between wholesalers

21. Every retailer shall make such returns and provide such information respecting its business as the Commission may require and shall keep, for not less than two years

Returns by retailers

(a) a record of all purchases of petroleum products supported by records of daily meter readings;

(b) a daily record of all sales of petroleum products supported by records of daily meter readings. (EC38/91)

22. (1) Subject to subsection (2), records kept pursuant to sections 19 and 21 shall be kept in a central location in the province, and shall be available for examination, during normal business hours, by any member of the Commission or any other person authorized for that purpose by the Commission.

Access to records

(2) The Commission may allow an exemption from subsection (1) upon such terms as it may consider necessary. (EC38/91)

Exemption

23. (1) No change in use of any portion of any outlet shall be made by a licensee without the prior approval of the Commission.

Change of user of outlet

(2) The Commission may require such information and make such conditions for its approval under this section as the Commission considers necessary. (EC38/91)

Conditions

24. The Commission may cancel a license that has been surrendered by the licensee without holding a hearing. (EC38/91)

Cancellation

25. No licensee shall install or alter any storage facilities or dispensing equipment at any outlet without the prior written permission of the Commission. (EC38/91)

Alterations

26. Application shall be made to the Commission in the event of a change of class, mode, location, owner, operator, supplier or tank truck. (EC38/91)

Application

- Prohibition of sale
Liquid petroleum
gas
- 27.** The Commission may at any time prohibit the storage or sale of any petroleum product at any outlet. (EC38/91)
- 28.** No licensee shall distribute, directly or indirectly, liquid petroleum gas unless certified to do so by the Office of the Attorney General. (EC38/91; 639/93)
- Insurance
- 29.** A licensee shall carry such public liability insurance as may be required by the Commission. (EC38/91)