

EC2007-238

**PRINCE EDWARD ISLAND BUSINESS DEVELOPMENT INC. ACT
FINANCIAL ASSISTANCE REGULATIONS
NORTH LAKE FISH CO-OPERATIVE LIMITED
AUTHORIZATION**

Pursuant to subsection 2(3) of the *Prince Edward Island Business Development Inc. Act* Financial Assistance Regulations (EC259/05) Council authorized the Corporation to provide a guarantee for North Lake Fish Co-operative Limited's operating line of credit loan at National Bank to a maximum amount of \$1,400,000.00 for the period 1 April 2007 through 30 April 2007, which guarantee will be increased to a maximum amount of \$2,900,000.00 for the period 1 May 2007 through 15 August 2007, and thereafter, reduced to a maximum amount of \$1,600,000.00 for the period 16 August 2007 through 15 September 2007, and to the amount of \$1,200,000.00 for the period 16 September 2007 to 31 March 2008, subject to terms and conditions as required by the Corporation.

EC2007-239

**ENVIRONMENTAL PROTECTION ACT
EXCAVATION PITS REGULATIONS
AMENDMENT**

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

1. Section 1 of the *Environmental Protection Act* Excavation Pits Regulations (EC753/90) is amended

(a) by the addition of the following after clause (a):

(a.1) "Act" means the *Environmental Protection Act* R.S.P.E.I. 1988, Act Cap. E-9;

(b) by the revocation of clause (g) and the substitution of the following:

(g) "residential premises" or "premises" includes residential premises
 (i) any house, dwelling, apartment, flat, tenement or other place that is occupied or may be occupied by a natural person as a residence or that part of any such place that is or may be occupied by a natural person as a residence, whether such residential premises are furnished, partly furnished or unfurnished, and
 (ii) land rented as a mobile home site whether or not the lessor also rents that mobile home to the lessee,
 but does not include premises exempted by these regulations;

2. (1) Section 3 of the regulations is amended

(a) by the revocation of subsection (1) and the substitution of the following:

3. (1) A contractor or a property owner who wishes to obtain a permit to open or operate an excavation pit shall apply for the permit on a form approved by the Minister and pay the fee of \$100. Application for permit

(b) in subsection (3),

(i) in clause (i), by the deletion of the words "for the pit; and" and the substitution of the words "for the pit;";
(ii) in clause (j), by the addition of the word "and" after the semicolon, and

(iii) by the revocation of clause (k).

(2) Subsections 3(6) and (7) of the regulations are revoked and the following substituted:

(6) The Minister may require an applicant to post a bond, in an amount and for a term acceptable to the Minister, to cover the costs of restoration of the site in accordance with the plan submitted with the application under clause 3(3)(j). Bond

3. The regulations are amended by the addition of the following after the heading "PERMITS":

4.1 (1) Subject to section 4, the Minister may issue a permit to an applicant on an application made under subsection 3(1), if the Minister considers that Minister may issue permit

- (a) the application complies with section 3;
- (b) the application is in the public interest;
- (c) the operation of the proposed excavation pit would result in a substantial improvement to the usefulness and appearance of the property subject to the permit;
- (d) the operation of the proposed excavation pit would not represent a hazard to the public or result in damage to the environment; and
- (e) where the Minister has required a bond to be posted under subsection 3(6), the applicant has posted such a bond.

(2) A permit issued under this section expires on January 31 of the year following its issue. Permit expires

4. Section 4 of the regulations is amended

(a) in subsection (1),

(i) by the revocation of clause (d) and the substitution of the following:

- (d) if any part of a proposed excavation pit is within 300 metres of any residential premises other than a residence occupied by the applicant;
- (d.1) if any part of a proposed excavation pit is within 500 metres of any church, school, hospital, nursing home, cemetery, public hall, bathing beach, public skating rink, public park or public playground;

(ii) by the revocation of clause (j); and

(b) by the revocation of subsection (3) and the substitution of the following:

(3) Notwithstanding anything to the contrary in subsection (2), the Minister may issue a permit under subsection 4.1(1), if Exception

- (a) the owners of all residential premises within 101 to 300 metres of any part of the proposed excavation pit acknowledge in writing that they have no objection to the proposed excavation pit; and
- (b) no residential premises are located within 100 metres of the proposed excavation pit.

5. Section 9 of the regulations is revoked.

6. These regulations come into force on April 28, 2007.

EXPLANATORY NOTES

SECTION 1 adds a definition and revokes a definition that is already contained in the Act.

SECTION 2 removes the reference to a bond in the application details and provides more specific requirements for a bond in a separate subsection.

SECTION 3 deals with application for a permit, the issuance of a permit by the Minister and the expiry of a permit.

SECTION 4 deals with the proximity of an excavation pit to residential premises or areas used by the public.

SECTION 5 revokes section 9 of the regulations because it is redundant to section 32 of the Act.

SECTION 6 provides for the commencement of these regulations.

EC2007-240

**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:

- | 1. (1) In these regulations | Definitions |
|--|------------------------------|
| (a) "aboveground storage tank" means the aboveground installation of a storage tank where at least 90% of the storage tank volume is above the floor or the ground surface, as the case may be; | aboveground storage tank |
| (b) "Act" means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9; | Act |
| (c) "alter" means to repair, replace, upgrade, move or remove any part of a storage tank or storage tank system, but does not include regular maintenance servicing of the components of such a system; | alter |
| (d) "API" means American Petroleum Institute; | API |
| (e) "ASTM" means the American Society for Testing and Materials; | ASTM |
| (f) "bulk petroleum sales outlet" means a place where petroleum is contained in storage tank systems at a fixed location by a wholesaler for delivery to retail outlets or for direct delivery to purchasers; | bulk petroleum sales outlet |
| (g) "cathodic protection" means a method of preventing or reducing corrosion to a metal surface by making the metal a cathode using either an impressed direct current or by attaching sacrificial anodes; | cathodic protection |
| (h) "Certificate of Compliance" means a Certificate of Compliance completed in accordance with subsection 9(1); | Certificate of Compliance |
| (i) "Class 1 liquid" means a liquid petroleum that has a flash point below 30 degrees C; | Class 1 liquid |
| (j) "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 such training programs and examinations as may be designated by the Minister; | |
| (k) "Level 1 Licence" means a Level 1 Petroleum Storage Tank Contractor Licence issued by the Minister under subsection 3(2); | Level 1 Licence |
| (l) "Level 2 Licence" means a Level 2 Petroleum Storage Tank Contractor Licence issued by the Minister under subsection 3(3); | Level 2 Licence |
| (m) "licensee" means a person who holds a Level 1 or Level 2 Licence; | licensee |
| (n) "National Fire Code of Canada" means the National Fire Code of Canada, as amended; | National Fire Code of Canada |
| (o) "NFPA" means the National Fire Prevention Association; | NFPA |
| (p) "nominal capacity" means the capacity of a storage tank as established by the manufacturer; | nominal capacity |
| (q) "non-compliant" in respect of a storage tank or a storage tank system, means non-compliant with these regulations; | non-compliant |
| (r) "operator" means the person responsible for the day to day maintenance or operation of a storage tank or a storage tank system and includes the owner, lessee or manager of a storage tank or storage tank system; | operator |

- (s) “out-of-service” means a storage tank that is not being used to dispense petroleum or cannot dispense petroleum; out-of-service
- (t) “owner” means the person who owns, controls or manages a storage tank or storage tank system; owner
- (u) “petroleum” means a mixture of petroleum hydrocarbons in liquid form, with or without additives, that is used or can be used as a combustible fuel for heating purposes; petroleum
- (v) “precast concrete containment vault” means a liquid-tight steel-reinforced precast concrete structure that is manufactured according to the 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; precast concrete containment vault
- (w) “prior regulations” means the Petroleum Storage Tank Regulations (EC322/01) made under the Act and revoked by these regulations; prior regulations
- (x) “product piping” means piping that is installed on a storage tank to convey petroleum from the storage tank to a point of use; product piping
- (y) “reconcile” means reconcile
- (i) to obtain
- (A) storage tank dip measurements,
- (B) dispenser meter readings, or
- (C) in the case of a storage tank connected to a heating appliance, fuel consumption records, and
- (ii) to compare the measurements, readings and records referred to in subclause (i), for the purpose of identifying any differences or discrepancies that may be unaccounted for in such comparison;
- (z) “regular maintenance servicing” means to regularly service for maintenance purposes such components of a storage tank or storage tank system including filters, hoses and nozzles as would affect the routine operation of a storage tank or a storage tank system; regular maintenance servicing
- (z.1) “retail outlet” means a place where petroleum is stored at a fixed location from which delivery of petroleum is made directly to the users; retail outlet
- (z.2) “storage tank” means a storage tank that is used or designed to be used for the storage of any kind of liquid petroleum, that storage tank
- (i) is an underground storage tank,
- (ii) is an aboveground storage tank with a capacity of more than 2200 litres, installed at or in use at a bulk petroleum sales outlet or a retail outlet, or
- (iii) is part of a field-erected aboveground storage tank system that falls within the requirements of the standard API 650-Welded Steel Tanks for Oil Storage;
- (z.3) “storage tank system” means one or more storage tanks together with all piping connecting the storage tanks, both aboveground and underground, including pumps and product transfer apparatus, dyking, and associated spill containment and collection apparatus; storage tank system
- (z.4) “underground storage tank” means a storage tank that is not an aboveground storage tank. underground storage tank
- (2) These regulations apply to storage tanks and storage tank systems. Application

LICENCES

- 2.** (1) The fees for an application for, or renewal of, a licence under these regulations shall be made payable to the Provincial Treasurer. Payable to Provincial Treasurer
- (2) The fee for an application for, or a renewal of, a licence is Application fees
- (a) \$50 for a Level 1 Licence; and
- (b) \$100 for a Level 2 Licence.
- 3.** (1) A person who wishes to perform the work of a petroleum storage tank contractor shall apply for a Level 1 or Level 2 Contractor Licence by Application for licence
- (a) submitting an application to the Minister on Form 2;

- (b) providing such proof of the matters referred to in subsection (2) or (3) as the Minister may require;
- (c) providing such other information as the Minister may require; and
- (d) submitting the application fee.
- (2) The Minister may issue a Level 1 Licence on Form 3 to a person who has successfully completed a written examination approved by the Minister with a mark in the examination of not less than 75%. Level 1 licence
- (3) The Minister may issue a Level 2 Licence on Form 3 to a person who Level 2 licence
- (a) has successfully completed, within the two years prior to the application,
- (i) the Petroleum Storage Tank System Installers Training Course at the Nova Scotia Community College, or
- (ii) a similar course to the course referred to in subclause (i), if approved by the Minister;
- (b) submits a certificate of insurance coverage, during the period of the licence, for the licensee's liability for bodily injury and property damage, including damages arising, during the period of coverage, from a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, and with not less than \$1,000,000 coverage per occurrence; and
- (c) submits proof that the insurance required by clause (b) contains a statement that the insurance coverage may not be cancelled except on thirty days prior written notice to the Minister.
- (4) A licence issued under the prior regulations that was valid immediately before the date these regulations came into force is deemed Transitional
- (a) to be a licence issued under subsection (2) at the level shown on the licence; and
- (b) to expire on January 31, 2008.
- (5) The Minister may, on application and payment of the application fee, renew a Level 1 Licence for a person who held a Level 1 Licence within the 48 months previous to the application. Renewal, Level 1 licence
- (6) The Minister may, on application and payment of the application fee, renew a Level 2 Licence for a person who Renewal, Level 2 licence
- (a) held a Level 2 Licence within the 24 months previous to the application; and
- (b) has submitted the certificate of insurance coverage and proof of the prior notice of insurance cancellation as required by clauses (3)(b) and (c).
- (7) A licence issued or renewed under this section expires on January 31 of the year following the date of issue or renewal of the licence. Expiry
- (8) A person who holds a Level 1 Licence is authorized to remove a storage tank or a storage tank system. Authorization
- (9) A person who holds a Level 2 Licence is authorized to remove, install or alter a storage tank or a storage tank system. Idem
- 4. (1)** The Minister may revoke a licence issued under subsection 3(2) or (3) or renewed under subsection 3(5) or (6), where, in the Minister's opinion, Revocation of licence
- (a) a licensee has contravened the Act or these regulations; or
- (b) in the case of a level 2 Licence, the insurance required under clause 3(3)(b) has expired or been terminated.
- (2) The Minister shall give notice of the revocation of a licence to the licensee pursuant to subsection (1) by Notice of revocation
- (a) personal service; or
- (b) by registered mail to the last known address of the licensee as shown in the records of the Minister.
- (3) A notice sent by registered mail under clause (2)(b) shall be deemed to be served on the licensee Service
- (a) on the date the licensee actually receives the notice; or
- (b) 5 days after the date on which the notice was mailed, whichever is earlier.

INSTALLATION, ALTERATION

- 5.** (1) Subject to subsection 6(1), an owner who intends to have a storage tank or storage tank system installed or altered shall Application to install system
- (a) submit an application to the Minister on Form 1
 - (i) in the case of a proposed installation, at least 20 working days in advance of the proposed installation; or
 - (ii) in the case of a proposed alteration, at least 18 working days in advance of the proposed alteration; and
 - (b) include in the application submitted under clause (a) such other information as the Minister may require.
- (2) Upon receipt of an application made under subsection (1), the Minister shall, in writing within 14 working days of receiving the application, Approve, or reject
- (a) approve the proposed installation or alteration subject to compliance by the owner with the minimum installation standards prescribed by these regulations and such other terms and conditions as the Minister considers necessary; or
 - (b) reject the application on the grounds that the installation or alteration cannot be undertaken because
 - (i) the application did not contain sufficient information;
 - (ii) the storage tank system cannot be installed or altered as proposed due to the Minister's concerns for the protection of the environment; or
 - (iii) the installation or alteration as proposed would not comply with these regulations.
- (3) Unless earlier revoked under these regulations, an approval granted under clause (2)(a) is valid for twelve months from the date of its issue. Approval valid for 12 months
- 6.** (1) Where the owner of a storage tank or a storage tank system needs to make an emergency alteration to prevent petroleum leakage, the owner may proceed to have the alterations performed by a Level 2 licensee without an approval issued under clause 5(2)(a). Emergency alteration
- (2) A licensee who makes emergency alterations to a storage tank or a storage tank system under subsection (1) shall immediately give notice to the Minister regarding the emergency alterations, including the following information: Notice to Minister
- (a) the type of modification performed or to be performed;
 - (b) when the modification is or will be performed;
 - (c) the location of the storage tank or storage tank system;
 - (d) the owner of the storage tank or storage tank system.
- 7.** (1) Where, in the opinion of the Minister, a storage tank or storage tank system is not being, or has not been, installed or altered in accordance with the Act or these regulations, or in accordance with the conditions on the approval under subsection 5(2), the Minister may revoke the approval for installation or alteration of the storage tank or storage tank system by giving written notice of revocation to the owner. Revocation of approval
- (2) A notice of revocation under subsection (1) may be given by Idem
- (a) personal service on the owner; or
 - (b) by mail to the last known address of the owner as shown in the records of the Minister.
- (3) A notice of revocation shall be effective Effective date
- (a) on the date the owner is served with or receives the notice; or
 - (b) 5 days after the date on which the notice is mailed,
- whichever is earlier.
- 8.** (1) A person who received an approval granted under clause 5(2)(a) shall provide notice to the Minister Notice to Minister required
- (a) at least two working days prior to backfilling a newly installed or altered underground storage tank or storage tank system; and
 - (b) on the completion of the installation or alteration of an aboveground storage tank or storage tank system.
- (2) The Minister may cause an environment officer to inspect the storage tank or storage tank system in respect of which a notice was given under subsection (1). Inspection

- 9.** (1) Every Level 2 licensee shall, after completing an installation or alteration to a storage tank or storage tank system, Certificate of Compliance
- (a) if satisfied that such storage tank or storage tank system complies with these regulations, complete and sign a Certificate of Compliance for the storage tank or storage tank system; and
- (b) provide the Minister with the Certificate of Compliance referred to in clause (a) within 4 working days of completion of the installation or alteration of the storage tank or storage tank system.
- (2) Where the Minister receives a Certificate of Compliance under subsection (1), the Minister shall, in writing, Written notice
- (a) approve the Certificate of Compliance if the Minister is satisfied that the installation or alteration of the storage tank or storage tank system complies with these regulations; or
- (b) reject the Certificate of Compliance if
- (i) an environment officer, after inspection under subsection 8(2) is of the opinion that the installation or alteration of the storage tank or storage tank system does not comply with these regulations; or
- (ii) in the opinion of the Minister, the Certificate of Compliance contains errors or omissions.
- (3) Copies of the approval or rejection of a Certificate of Compliance by the Minister under clause (2)(a) or (b) shall be provided to Copies of approval or rejection
- (a) the person who received an approval under clause 5(2)(a); and
- (b) the petroleum supplier listed in the application.
- (4) A Certificate of Compliance required by subsection (1) shall be completed on Form 4. Form 4
- 10.** (1) No person shall operate or cause to be operated a non-compliant storage tank or storage tank system. Non-compliant storage tank or system
- (2) No person shall Prior approval required
- (a) install or cause to be installed; or
- (b) alter or cause to be altered,
- a storage tank or storage tank system, unless
- (c) the installation is made in accordance with a valid approval under subsection 5(2); or
- (d) the installation or alteration was made under subsection 6(1).
- 11.** (1) Subject to subsection (3), no petroleum supplier shall dispense, or cause to be dispensed, petroleum into a newly installed or altered storage tank or storage tank system unless the petroleum supplier has received a copy of the approval of the Minister provided under clause 9(3)(b). No petroleum to be dispensed until approval
- (2) No person shall dispense, or cause to be dispensed, petroleum into an underground storage tank for ballasting purposes unless the person has the written permission of the Minister or an environment officer to do so. Idem
- (3) The Minister may, on the written request of a level 2 licensee who installs or alters a storage tank or storage tank system, grant written approval to Approval to deliver petroleum
- (a) a petroleum supplier to deliver petroleum to the newly installed or altered storage tank or storage tank system; and
- (b) the owner of such storage tank or storage tank system to operate the system in accordance with the approval,
- if
- (c) the petroleum supplier has not received a copy of the approval under clause 9(3)(b); and
- (d) the Minister is satisfied with the Level 2 licensee's determination that the storage tank or storage tank system is suitable for the storage and use of petroleum.
- (4) An approval granted by the Minister under subsection (3) expires 30 days from the date of its issue. Expiry of approval
- (5) An approval granted by the Minister under subsection (3) includes permission to the owner to operate the storage tank or storage tank system for the delivery made under the permit. Permit includes permission to operate

(6) The petroleum supplier to which a 30 day approval was granted under subsection (3) shall not deliver to the storage tank or storage tank system after the approval has expired, unless the petroleum supplier has received a copy of the Minister's approval of the Certificate of Compliance granted under clause 9(2)(a).

Certificate to be submitted before permit expires

UNDERGROUND STORAGE TANK STANDARDS

12. (1) Subject to this section, no person shall install an underground steel storage tank unless

Installation of underground steel storage tank

(a) the storage tank

(i) bears a metal nameplate that complies with section 5 of the Underwriter Laboratories of Canada ULC-S603-00 "Standards for Steel Underground Tanks for Flammable and Combustible Liquids", June 1985,

(ii) installation complies with section 4.3 of the National Fire Code of Canada, and

(iii) has impressed current cathodic protection; or

(b) the storage tank

(i) bears a metal nameplate that complies with section 5 of the National Standard of Canada CAN/ULC-S603.1-03 "External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids",

(ii) installation complies with

(A) Appendix B of CAN/ULC-S603.1-03 as described in subclause (i),

(B) section 4.3 of the National Fire Code of Canada, and

(C) the manufacturer's specifications, and

(iii) has a permanent high impedance meter and zinc reference galvanic monitoring system complying with Underwriter Laboratories of Canada CAN/ULC-S603.1-03, Appendix A.

(2) No person shall install or operate an underground fibreglass storage tank unless such storage tank

Installation of underground fibreglass storage tank

(a) bears a metal label that complies with section 7 of the National Standard of Canada ULC-S615-98 "Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids";

(b) installation complies with section 4.3 of the National Fire Code of Canada; and

(c) meets the manufacturer's specifications.

ABOVEGROUND STORAGE TANK STANDARDS

13. No person shall install a field-erected aboveground storage tank system unless it is designed and built in compliance with API 650-Welded Steel Tanks for Oil Storage.

Field-erected aboveground storage tank

14. No person shall install a shop-fabricated aboveground

Shop-fabricated aboveground storage tank

(a) horizontal storage tank unless it bears a metal label complying with section 4 of the National Standard of Canada ULC-S601-00, "Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids"; or

(b) vertical storage tank unless it bears a metal label complying with section 4 of the National Standard of Canada ULC-S630-00, "Standard for Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids".

15. No person shall install a shop-fabricated aboveground horizontal or vertical storage tank at a retail outlet, unless

Installation complies with Codes

(a) such installation is made in accordance with the National Fire Code of Canada; and

(b) the location of the storage tank complies with the NFPA 30A Code for Motor Fuel Dispensing Facilities and Repair Garages 2003 Edition, as amended.

16. No person shall install an aboveground storage tank in a containment vault unless

Containment vault

(a) the vault is made of precast concrete and is constructed in accordance with

(i) ULC/ORD-C142.15, "Precast Concrete Tanks for Flammable and Combustible Liquids", or

- (ii) the ASTM standard C-891-83 and the manufacturer's specifications;
 - (b) the containment vault is equipped with a secure means of draining collected water from it; and
 - (c) each storage tank installed inside the containment vault
 - (i) has a minimum 30 cm clearance between the storage tank and the sidewalls of the chamber,
 - (ii) has a neoprene pad installed between the storage tank and concrete crib or cradle, and
 - (iii) is accessible for the measurement of petroleum levels for inventory control purposes.
- 17.** (1) No person shall install an aboveground storage tank with a capacity of 2300 litres or greater without a secondary containment system. Secondary containment system
- (2) Subject to subsection (3), the volumetric capacity of the containment system required in subsection (1) shall be Volumetric capacity
- (a) in the case of one storage tank, 110 percent of the petroleum storage capacity of the storage tank; or
 - (b) in the case of a multi-tank storage tank system, 110 percent of the petroleum storage capacity of the largest storage tank.
- (3) The containment capacity of the containment system required by subsection (1) shall be calculated after deducting the exterior displacement volume of the storage tanks, with the exception of the largest storage tank, in order to allow for the displacement volume occupied by the storage tanks. Calculation of capacity
- (4) Subsection (1) does not apply to double-walled aboveground storage tanks. Containment system exemption
- 18.** No person shall install an aboveground storage tank or storage tank system Contact with ground
- (a) in a manner that may result in such a storage tank or storage tank system being in contact with the ground, unless an adequate corrosion control system is installed at the same time to protect the portion of any storage tank that may be in contact with the ground; and
 - (b) unless such storage tank or storage tank system complies with the National Fire Code of Canada.
- 19.** No person shall Removal or alteration of storage tank
- (a) remove an underground storage tank, unless the person is the holder of a valid Level 1 or Level 2 Licence; or
 - (b) install or alter a storage tank or storage tank system, unless the person is the holder of a valid Level 2 Licence.

PIPING STANDARDS

- 20.** (1) No person shall install underground metal piping and associated metal fittings for a storage tank unless such piping and fittings Underground installation
- (a) are of a material type compatible with the contents of a storage tank;
 - (b) conform with the National Standard of Canada CAN/ULC-S603.1-03, "External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids"; and
 - (c) comply with the National Fire Code of Canada.
- (2) No person shall install aboveground Aboveground installation
- (a) product piping or vent piping and associated fittings for a storage tank unless the installation
 - (i) is made using steel of a type specified in the National Fire Code of Canada; and
 - (ii) complies with the National Fire Code of Canada; or
 - (b) rigid product piping for Class 1 liquid or diesel oil systems unless the rigid product piping begins and ends with a swing joint or a flexible connector.
- (3) No person shall install non-metallic underground piping unless such piping Non-metallic underground piping
- (a) conforms with ULC/ORD-C971-2005 "Non-metallic

- underground piping for flammable liquids”;
- (b) complies with the National Fire Code of Canada; and
- (c) complies with the manufacturer’s specifications.

INVENTORY CONTROL

- 21.** The operator of a Class 1 liquid or diesel fuel underground storage tank or storage tank system with a nominal capacity of 2000 litres or greater shall Duties of operator of Class 1 storage tank system
- (a) maintain and reconcile inventory records for each day that the system is in operation;
 - (b) maintain monthly reconciliation summary sheets;
 - (c) retain the inventory records and summary sheets at the site of the storage tank or storage tank system for a minimum of two years; and
 - (d) immediately make such records and summary sheets available for inspection on the request of the Minister.
- 22.** The operator of an aboveground storage tank or storage tank system at a bulk petroleum sales outlet shall Duties of operator of bulk sales outlet
- (a) cause a visual inspection of the aboveground storage tank or storage tank system to be made for each day the aboveground storage tank or storage tank system is in operation to ensure that there is no damage or deterioration of the system that could result in a leak;
 - (b) maintain and reconcile weekly inventory records, and maintain annual reconciliation summary sheets;
 - (c) retain the inventory records and summary sheets made under clause (b) at the site of the bulk petroleum sales outlet for a minimum of five years; and
 - (d) immediately make inventory records and summary sheets available for inspection on the request of the Minister.

REPORTING LEAKS OR LIQUID INTRUSION

- 23.** (1) The owner or operator of an underground storage tank or storage tank system to which section 21 or 22 applies shall immediately inform the Canadian Coast Guard at 1-800-565-1633 when inventory records or reconciliation summary sheets show any unaccounted-for petroleum loss or water gain. Duty to notify Coast Guard
- (2) Every person who has reason to believe that Inform Coast Guard of leak
- (a) petroleum is leaking or has leaked from a storage tank or storage tank system; or
 - (b) water or another liquid is intruding or has intruded into a storage tank or storage tank system
- shall immediately inform the Canadian Coast Guard at 1-800-565-1633.
- 24.** (1) Where, in the opinion of the Minister, petroleum leakage is occurring in a storage tank or storage tank system, the Minister may direct the owner to conduct a leak detection test on the storage tank or storage tank system. Leak detection test
- (2) An owner who receives a directive under subsection (1) or clause 26(4)(b) shall Duties of owner
- (a) have the leak test conducted, at the owner’s expense, by a testing agent acceptable to the Minister;
 - (b) in the case of an underground storage tank or storage tank system, have the leak test conducted using a liquid-medium leak detection system capable of detecting 380 millilitres petroleum loss per hour; and
 - (c) within three days of the leak test, forward to the Minister the written results of the leak test, certified by the testing agent.
- (3) Where a leak test conducted under subsection (2) confirms that a storage tank or storage tank system is leaking petroleum, the owner shall Leak confirmed
- (a) immediately inform the Minister;
 - (b) immediately empty the portion of the storage tank or storage tank system that is leaking petroleum;
 - (c) arrange for a Level 2 licensee to investigate the leak; and
 - (d) either
 - (i) repair the leak; or

(ii) immediately remove any storage tank that is leaking petroleum, in accordance with these regulations.

25. (1) The owner of a storage tank or storage tank system shall cause to be removed any subsurface contamination resulting from the operation of the storage tank or storage tank system by a method approved by the Minister in accordance with the *Environmental Protection Act* Petroleum Hydrocarbon Remediation Regulations (EC655/06) made under the Act.

Removal of subsurface contamination

(2) Any costs associated with compliance with subsection (1) shall be the responsibility of the owner.

Costs

STORAGE TANK UPGRADE AND MONITORING

26. (1) Subject to subsection (2), the owner of a sacrificial anode storage tank system shall ensure that regular maintenance checks are conducted on each such storage tank in the system by a corrosion specialist and comply with the National Standard of Canada CAN/ULC-S603.1-03, as follows:

Regular maintenance checks

- (a) immediately after installation;
- (b) six months after installation;
- (c) annually thereafter.

(2) The owner of the sacrificial anode storage tank system may perform the maintenance checks required without the assistance of a corrosion specialist, if the storage tank system is equipped with a permanent high impedance meter and zinc reference galvanic monitoring system complying with Underwriter Laboratories of Canada CAN/ULC-S603.1-03, Appendix A.

Idem

(3) The owner of a sacrificial anode storage tank system or a corrosion specialist working on such a storage tank system shall immediately notify the Minister, in writing, if the owner or corrosion specialist determines that the cathodic protection does not comply with the CAN/ULC-S603.1-03 standard.

Notify Minister, cathode non-compliance

(4) Where the Minister has reason to believe that the owner of a sacrificial anode storage tank system is not complying with the maintenance checks required by subsection (1), the Minister may direct the owner to

Direction of Minister

- (a) immediately cause the removal of the storage tank system from the ground; or
- (b) conduct a leak detection test on the storage tank system.

(5) The owner of an impressed current storage tank system shall ensure that

Duties of owner

- (a) 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) a corrosion specialist 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.

(6) The owner of an impressed current storage tank system shall immediately notify the Minister if the storage tank system does not conform to the PACE report No. 87-1 standard.

Notify Minister of non-conformance

(7) The owner of a sacrificial anode storage tank system shall

- (a) maintain all records of maintenance checks at the site of the storage tank system for at least two years after the system is no longer in service; and
- (b) on request, make such records immediately available to the Minister for inspection.

Maintenance of records

(8) The owner of an aboveground storage tank, 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.

Inspection interval criteria

27. An owner of a storage tank system where deficiencies are identified as a result of an inspection or maintenance check conducted under

Correction of deficiencies

subsection 26(5) shall cause the storage tank system to be corrected by a corrosion specialist in compliance with the applicable provisions of the following standards:

- (a) technical supplement ULC-S601-00;
- (b) ULC-S630-00;
- (c) API Standard 653.

OUT-OF-SERVICE STORAGE TANKS

28. (1) Subject to subsection (2), the owner of a storage tank or storage tank system that is or will be out-of-service for a period of six consecutive months or more, shall immediately ensure that

Out-of-service storage tank system

- (a) the storage tank or storage tank system is emptied of all liquids and purged of all petroleum vapours in compliance with the NFPA 327 Standard (Standard for Safeguarding of Tanks and Containers for Entry Cleaning or Repair); and
- (b) the fill pipe and other openings are locked.

(2) The owner of an underground storage tank or storage tank system that requires ballast and that has been or will be out-of-service for a period of six months or more shall perform all maintenance to the tank or system required by these regulations during the out-of-service period.

Maintenance where ballast required

(3) The owner of an underground storage tank or storage tank system that is or will be out-of-service for a period of 12 consecutive months or more shall immediately

Out-of-service for 12 months

- (a) notify the Minister, in writing, of the location of the storage tank or storage tank system;
- (b) ensure that the piping for the storage tank or storage tank system
 - (i) is removed from the ground, or
 - (ii) is purged of flammable vapours and petroleum, and is permanently sealed at each end of the piping by capping it,
- (c) remove the storage tank or storage tank system from the ground, and
- (d) remove any petroleum contaminated soil in accordance with the Petroleum Hydrocarbon Remediation Regulations.

(4) The Minister may, on the written request of an owner, waive the requirement of clause (3)(c) for storage tanks that are deemed by an environment officer to be inaccessible.

Waiver of requirement

(5) The Minister may, on the written request of an owner, extend the period of time in subsection (3) during which a storage tank or storage tank system may be out-of-service, for such period as the Minister may specify in writing.

Extension of waiver

(6) The owner of a storage tank or storage tank system who requests an extension of time under subsection (5) shall provide to the Minister, in writing,

Information regarding extension

- (a) the reason for requesting the extension;
- (b) the length of the extension requested; and
- (c) such other information that the Minister may require.

(7) No person shall bring a storage tank or storage tank system back into service unless the person

Bringing back into service

- (a) requests the approval of the Minister to bring the storage tank or storage tank system back into service;
- (b) provides such information and performs such tests on the storage tank or storage tank system as the Minister may require; and
- (c) receives the Minister's approval in writing to bring the storage tank or storage tank system back into service.

29. (1) In this section "site professional" means a site professional as defined in the Petroleum Hydrocarbon Remediation Regulations.

Site professional, defined

(2) Where an underground storage tank or storage tank system is to be removed,

Removal of storage tank or system

- (a) the owner shall notify the Minister of the proposed removal of such tank or system, at least five working days prior to the removal;
- or

(b) where the intended removal will be supervised by a site professional, the site professional shall submit a report to the Minister within 30 days of the removal,

- (i) providing information on the site in the manner set out in sections 2.0 and 3.0 of Schedule B of the Petroleum Hydrocarbon Remediation Regulations, and
- (ii) indicating the impacts of petroleum hydrocarbons on the soil immediately adjacent to the removed storage tank or storage tank system.

STORAGE TANK DISPOSAL

- 30.** (1) Within three months of the removal of a storage tank under section 28, the owner of the storage tank shall Removal of underground storage tank
- (a) reinstall the storage tank in accordance with subsection 29(1);
 - (b) re-use the storage tank with the approval of the Minister under subsection 5(2); or
 - (c) dispose of the storage tank and its contents,
 - (i) at a disposal site approved by the Minister,
 - (ii) by a method approved by the Minister, or
 - (iii) by dismantling the storage tank on-site and disposing of the storage tank by a method approved by the Minister.
- (2) Where a storage tank will be disposed of under clause (1)(c), the owner shall, prior to removing the storage tank from the site Prior to disposal
- (a) cause the storage tank to be purged of petroleum and petroleum vapours by a Level 1 or Level 2 licensee, using a method approved by the Minister; and
 - (b) cause the storage tank to be certified as gas-free by a Level 1 or Level 2 licensee using an appropriate gas detection meter approved by the Minister.
- (3) The Minister may, on the request of the owner of a storage tank, extend the time period for performing the requirements of subsections (1) and (2). Extension of time
- (4) The owner of a storage tank requesting an extension under subsection (3) shall provide the Minister, in writing, with Information to be provided
- (a) the reason for requesting the extension;
 - (b) the length of the extension requested; and
 - (c) such other information as the Minister may require.

GENERAL

- 31.** Upon the 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 or storage tank system is located shall Inspection
- (a) permit inspection of the storage tank or storage tank system by a licensee; and
 - (b) where necessary, uncover the storage tank or storage tank system to permit an inspection by an environment officer at the owner's expense.
- 32.** The forms referred to in these regulations are set out in Schedule A. Forms
- 33.** The *Environmental Protection Act* Petroleum Storage Tanks Regulations (EC322/01) are revoked. Revocation
- 34.** These regulations come into force on April 28, 2007. Commencement

SCHEDULE A

FORM 1 APPLICATION TO INSTALL OR ALTER A STORAGE TANK OR STORAGE TANK SYSTEM

Subsection 5(1) of the Petroleum Storage Tanks Regulations made under the *Environmental Protection Act* R.S. P.E.I. 1988 Cap. E-9 require a person to apply to the Minister for approval before installing or altering a storage tank or storage tank system. All applicable sections of this form must be completed.

Personal information on this form is collected under subsection 5(1) of the Petroleum Storage Tanks Regulations as it relates directly to and is necessary for an application to install or alter a storage tank or storage tank system. If you have any questions about this collection of personal information, you may contact the Director of Pollution Prevention Division, 11 Kent Street, Jones Building, Charlottetown, PE C1A 7N8, Phone: (902) 368-5474.

Storage Tank Owner and Facility Information		
Storage Tank Owner:	Phone:	
Contact Name:		
Mailing Address:		
Community:	Province:	Postal Code:
Physical Location of Storage Tank:		PID#:
Operator's Name (Retail Only):		

Applicant Contact Information (if different from above)		
Company Name:	Contact Name:	
Phone:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:

Storage Tank System Petroleum Supplier		
Company Name:	Contact Name:	
Phone:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:

Storage Tank System and Installation Information		
Type of Storage Tank System:		
<input type="checkbox"/> Below Ground <input type="checkbox"/> Above Ground <input type="checkbox"/> Above Ground Retail		
Application is for a: <input type="checkbox"/> New Installation <input type="checkbox"/> Alteration of Existing System		
Proposed Date of Work:		
Describe proposed work:		

The application must include:

- Site plan complete with all major components (e.g. buildings, roadways, property lines, utilities, location of petroleum equipment)
- List of all proposed equipment to be installed or altered (e.g. storage tanks, piping, containment, dispensers, alarm systems)

Applicant Signature: _____ Date: _____

**FORM 2
APPLICATION FOR PETROLEUM STORAGE TANK
CONTRACTOR'S LICENCE**

Section 19 of the Petroleum Storage Tanks Regulations made under the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, require a person to apply for a Petroleum Storage Contractor's Licence if the person intends to install, alter or remove petroleum storage tanks or petroleum storage tank systems.

Personal information on this form is collected under subsections 3(1) to (6) of the Petroleum Storage Tanks Regulations as it relates directly to and is necessary for an application for a Petroleum Storage Tank Contractor's Licence. If you have any questions about this collection of personal information, you may contact the Director of Pollution Prevention Division, 11 Kent Street, Jones Building, Charlottetown, PE C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information		
Name:	Company Name:	
Partners of Company (if applicable)		
Phone:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:

Level of Licence Applied For	
<input type="checkbox"/> Level 1 (Removals Only)	<input type="checkbox"/> Level 2 (Installing, Altering and Removing)

Applicant Experience
Describe successful completion of a relevant training program(s):

The application must include:

- A certificate of insurance coverage as required by clause 3(3)(b) of the regulations (for Level 2 applications only).

Applicant Signature: _____ Date: _____
(Where applicant is a partnership or a corporation, the signature of a partner, or an authorized officer of the corporation)

The fee to apply for a Level 1 Petroleum Storage Tank Contractor's Licence is \$50.
The fee to apply for a Level 2 Petroleum Storage Tank Contractor's Licence is \$100.

Method of Payment
(Check appropriate box)

Cheque
 Money Order
 Cash (hand delivery only)

Amount Enclosed: \$ _____

Please forward application and payment to:
 Department of Environment, Energy & Forestry
 Pollution Prevention Division
 PO Box 2000, 11 Kent Street
 Charlottetown, PE C1A 7N8
 Fax: (902) 368-5830

Cheques and money orders should be made payable to the Provincial Treasurer.

FORM 3 STORAGE TANK CONTRACTOR'S LICENCE	
<input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2	
Province of Prince Edward Island Petroleum Storage Tanks Regulations, subsection 3(1) to (6)	
Under the <i>Environmental Protection Act</i> Petroleum Storage Tanks Regulations, this Licence is issued to	
Name of Holder	
Mailing Address	
Postal Code	
.....
Date	Minister of Environment, Energy and Forestry

**FORM 4
CERTIFICATE OF COMPLIANCE
PETROLEUM STORAGE TANK SYSTEMS**

Subsection 9(1) of the Petroleum Storage Tanks Regulations made under the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 requires a person who installs or alters a storage tank or storage tank system to submit a Certificate of Compliance to the Minister.

Personal information on this form is collected under subsection 5(1) of the Petroleum Storage Tanks Regulations as it relates directly to the installation or alteration of a petroleum storage tank system. If you have any questions about this collection of personal information, you may contact the Department of Environment, Energy and Forestry, Pollution Prevention Division, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

This is to certify that the storage tank or storage tank system that I have installed on the property owned by _____ at _____, PID #. _____ has been designed, installed or altered, constructed and located in accordance with the requirements of the Petroleum Storage Tanks Regulations, and the manufacturer's specifications.

Storage Tank Details				
Tank	Manufacturer	Tank Material	Capacity	ULC Serial No.

Storage Tank Installation Details

Storage Tank Surface Inspection (Y/N) _____ Field Repairs _____

Storage Tank Test Air Liquid Length of Test Hr _____ Min _____
 Primary Test Results: PASS/FAIL Observation Well? (Y/N) _____
 Secondary Test Results: PASS/FAIL

Type of Anchoring: Deadman Concrete Pad
 Backfill Material _____ Compaction? (Y/N) _____
 Excavation Depth: _____ metres Depth of Cover: _____ metres

Piping Installation Details

Piping Manufacturer _____
 Pipe Trench Separation _____ metres Pipe Slope 1/8" per foot? (Y/N) _____
 Backfill Material _____ Compaction? (Y/N) _____
 Pipe Separation _____ metres Piping Isolated From Storage Tank? (Y/N) _____
 Proper Swing Joint Construction? (Y/N) _____

Piping Test: Air Liquid Length of Test Hr _____ Min _____
 Primary Test Results: PASS/FAIL Proper Vent Height _____ metres
 Secondary Test Results: PASS/FAIL

Alarm System installation Details

Alarm System Manufacturer _____
 Storage Tank Sump? (Y/N) _____ Dispenser Sump? (Y/N) _____
 System Tested and Working? (Y/N) _____

On-Site Monitoring Station Details

Galvanic Monitoring Station? (Y/N) _____ Location of Station: _____
 Number of Electrodes: _____ Proper Electrode Location? (Y/N) _____
 Cathodic Protection Reading _____ Date of Reading (dd/mm/yy) _____
 Vacuum Reading: Before: _____ After Installation: _____

Contractor Information		
Company Name:	Contact Name:	
Phone:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:
_____	_____	_____
Date	Signature	

EXPLANATORY NOTES

SECTION 1 is the definition and application section.

SECTION 2 provides that fees must be made payable to the Provincial Treasurer.

SECTION 3 deals with licences, qualifications and renewals.

SECTION 4 provides for the revocation of a licence by the Minister.

SECTION 5 deals with an application to install or alter a storage tank or storage tank system and provides for the Minister to issue an approval of the application or to reject the application.

SECTION 6 allows for an emergency alteration to a storage tank or storage tank system and requires notice to be given to the Minister.

SECTION 7 provides for the revocation by the Minister of an approval granted under section 5.

SECTION 8 requires a person who holds an approval to install or alter a storage tank or storage tank or storage tank system to provide notice to the Minister prior to backfilling a newly installed or altered underground storage tank system and of the completion of the installation or alteration of an aboveground storage tank or storage tank system..

SECTION 9 requires a certificate of compliance to be submitted to the Minister and provides for approval or rejection by the Minister of the installation or alteration of a storage tank or storage tank system.

SECTION 10 prohibits the operation of a storage tank or storage tank system that is non-compliant with the regulations and prohibits the construction or alteration of a storage tank or storage tank system without the written approval of the Minister.

SECTION 11 prohibits the dispensing of petroleum into a newly installed storage tank or storage tank system without a copy of the approval of the Minister. The section also prohibits dispensing petroleum into an underground storage tank for ballasting purposes without the permission of the Minister or an environment officer. The Minister may issue 30-day permits.

SECTION 12 deals with the installation of steel or fibreglass storage tanks underground.

SECTION 13 prohibits the construction of a field-erected aboveground storage tank except in compliance with the standards of the National Standard of Canada.

SECTION 14 prohibits the construction of a shop-fabricated aboveground storage tank except in compliance with the regulations.

SECTION 15 deals with an aboveground shop-fabricated storage tank and compliance with the National Fire Code.

SECTION 16 deals with standards applicable to an aboveground storage tank in a containment vault.

SECTION 17 deals with a secondary containment system.

SECTION 18 deals with contact with the ground and corrosion control.

SECTION 19 makes it an offence for anyone other than a Level 1 or Level 2 licensee to remove an underground storage tank or storage tank system and an offence for anyone other than a Level 2 licensee to install or alter a underground storage tank or storage tank system.

SECTION 20 deals with the requirements for the installation of underground and aboveground piping for storage tanks.

SECTION 21 deals with inventory control of a large capacity underground storage tank system.

SECTION 22 deals with the duties of the operator of a bulk sales outlet.

SECTION 23 deals with a duty to notify the Coast Guard of a leak or unexplained water gain in a storage tank or storage tank system.

SECTION 24 provides for a leak detection test.

SECTION 25 deals with the removal of subsurface contamination.

SECTION 26 deals with maintenance checks on a sacrificial anode storage tank or storage tank system and notification of the Minister on non-compliance or non-conformance.

SECTION 27 requires corrections to be made to a storage tank or storage tank system that has identified deficiencies.

SECTION 28 deals with out-of-service storage tanks or storage tank systems.

SECTION 29 deals with the removal of an underground storage tank or system.

SECTION 30 deals with the duties of an owner regarding an underground storage tank that has been removed from the ground and an extension of time granted by the Minister to fulfil those duties.

SECTION 31 deals with inspections of storage tanks and storage tank systems.

SECTION 32 provides for the forms referred to in these regulations to be set out in Schedule A.

SECTION 33 revokes the prior regulations.

SECTION 34 provides for the commencement of these regulations.

EC2007-241

ENVIRONMENTAL PROTECTION ACT HOME HEAT 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:

- | | |
|--|-----------------------------|
| 1. (1) In these regulations | Definitions |
| (a) "Act" means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9; | Act |
| (b) "alter" means to repair, replace, upgrade, move or remove any part of a home heat tank system; | alter |
| (c) "combustible tank stand" means any wooden stand that supports a home heat tank and does not meet a fire-resistance rating that is acceptable to the Fire Marshall or the Deputy Fire Marshall; | combustible tank stand |
| (d) "CSA" means the Canadian Standards Association; | CSA |
| (e) "Deputy Fire Marshall" means the person appointed as the Deputy Fire Marshall under clause 2(b) of the <i>Fire Prevention Act</i> R.S.P.E.I. 1988, Cap. F-11; | Deputy Fire Marshall |
| (f) "double-bottom tank" means a primary tank that has
(i) an additional bottom capable of being pressurized, and
(ii) a means to monitor for leaks in the interstitial space between the two bottoms; | double-bottom tank |
| (g) "double-walled metallic tank" means a metallic home heat tank that is constructed with secondary containment and leak detection; | double-walled metallic tank |
| (h) "Fire Marshall" means the person appointed as the Fire Marshall under clause 2(c) of the <i>Fire Prevention Act</i> ; | Fire Marshall |

- (i) “Holland College” means Holland College as established by subsection 2(1) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6; Holland College
- (j) “home heat tank” means an aboveground petroleum storage tank forming a part of a home heat tank system that has a total capacity of 2200 litres or less, that is used to store petroleum for heating residential, commercial or other premises; home heat tank
- (k) “home heat tank system” includes home heat tank system
 (i) a home heat tank, or
 (ii) two or more home heat tanks and the piping connecting those tanks;
- (l) “identification tag” means an identification tag in the form required by Form 4 that is intended to be permanently affixed to a home heat tank; identification tag
- (m) “inside tank” means a home heat tank that is installed inside a building; inside tank
- (n) “inspector’s licence” means a home heat tank inspector’s licence issued under subsection 4(2); inspector’s licence
- (o) “installer’s licence” means a home heat tank installer’s licence issued under subsection 3(2); installer’s licence
- (p) “licensee” means a person who holds a valid installer’s licence or valid inspector’s licence; licensee
- (q) “manufacturer’s label” means a label by which a home heat tank manufacturer indicates compliance with the appropriate tank fabrication, and recognized testing agency standards; manufacturer’s label
- (r) “non-compliant”, in respect of a home heat tank or home heat tank system, means non-compliant with these regulations; non-compliant
- (s) “outside tank” means a home heat tank that is not installed inside a building; outside tank
- (t) “owner” means the person who owns, controls or manages a home heat tank system; owner
- (u) “permanently affixed” means affixed in such a way that an identification tag cannot be removed without destroying or rendering the identification tag as unusable; permanently affixed
- (v) “petroleum” means a mixture of petroleum hydrocarbons in liquid form, with or without additives, that is used or can be used as a combustible fuel for heating purposes; petroleum
- (w) “prior regulations” means the Petroleum Storage Tanks Regulations (EC322/01) made under the Act; prior regulations
- (x) “product line protector” means a device that provides protection from accidental breakage for the shut-off valve and fuel filter assembly of a home heat tank; product line protector
- (y) “ULC” means Underwriters Laboratory of Canada; ULC
- (z) “vent pipe” means a pipe that is installed on a home heat tank to vent petroleum vapours to the atmosphere. vent pipe
- (2) These regulations apply to home heat tanks and home heat tank systems. Application
- (3) For the purposes of these regulations, Aboveground tanks
 (a) an inside tank is aboveground if 100% of the volume of the inside tank is installed above the lowest level of the building in which the tank is installed; and
 (b) an outside tank is aboveground if 100% of the volume of the outside tank is installed above the ground surface,
 whether or not the piping associated with such tank is aboveground or underground.

LICENCES

2. The fees for an application for, or renewal of, a licence under these regulations shall be made payable to the Provincial Treasurer. Fees
3. (1) A person who wishes to install, alter or inspect home heat tanks or home heat tank systems shall apply for a home heat tank installer's licence by Application for an installer's licence
- (a) submitting a completed application to the Minister on Form 1;
 - (b) providing such proof of the matters referred to in subsection (2) and such other information as the Minister may require; and
 - (c) paying the application fee of \$50.
- (2) The Minister may, on receipt of an application, issue a home heat tank installer's licence to an applicant, on Form 2, if the Minister is satisfied that the applicant Licence, qualifications
- (a) is a holder of a valid trade certificate in the oil burner, sheet metal, refrigeration, air conditioning or plumbing trade;
 - (b) has completed a home heat tank installer's course at
 - (i) Holland College,
 - (ii) a community college outside the province that the Minister considers to be equivalent to Holland College;
 - (iii) a private training school in the province licensed under the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.1, or
 - (iv) a private training school outside the province that the Minister considers to be equivalent to a private training school referred to in subclause (iii),
 - (c) is professionally competent as demonstrated by
 - (i) holding a current installer's licence or its equivalent in another jurisdiction in Canada, or
 - (ii) the successful completion by the applicant of such examination as may be established and administered, adopted or accepted by the Minister; and
 - (d) has professional knowledge and skills that are current.
- (3) An installer's licence issued under the prior regulations that was valid immediately before the date these regulations came into force is deemed to be an installer's licence issued under subsection (2). Transitional
- (4) The Minister may, on application, renew an installer's licence issued under subsection (2) to a person who holds the qualifications required by that subsection. Renewal
- (5) An installer's licence issued or renewed under this section expires on January 31 of the year following the date of the issue or renewal of the installer's licence. Expiry
4. (1) A person who wishes to inspect home heat tanks or home heat tank systems shall apply for a home heat tank inspector's licence by Application for an inspector's licence
- (a) submitting a completed application to the Minister on Form 1;
 - (b) providing such proof of the matters referred to in subsection (2) and such information as the Minister may require; and
 - (c) paying the application fee of \$50.
- (2) The Minister may, on receipt of an application, issue a home heat tank inspector's licence to an applicant on Form 3, if after reviewing the application, the Minister is satisfied that the applicant Licence, qualifications
- (a) has completed a home heat tank inspector's course at
 - (i) Holland College,
 - (ii) a community college outside the province that the Minister considers to be equivalent to Holland College;
 - (iii) a private training school in the province licensed under the *Private Training Schools Act*, or
 - (iv) a private training school outside the province that the Minister considers to be equivalent to a private training school referred to in subclause (iii),
 - (b) is professionally competent as demonstrated by
 - (i) the successful completion within the previous two years of an oil burning equipment inspector program described in clause (a);
 - (ii) holding a current inspector's licence or its equivalent in another jurisdiction in Canada, or

- (iii) the successful completion by the applicant of such examination as may be established and administered, adopted or accepted by the Minister; and
- (c) has professional knowledge and skills that are current, as indicated by the consideration by the Minister of
- (i) the recency of the applicant's educational qualifications,
 - (ii) the examination of the applicant under subclause (b)(iii),
 - (iii) the active practice of the applicant as an inspector, or
 - (iv) the taking of a refresher course, program or continuing education courses by the applicant that are acceptable to the Minister.
- (3) An inspector's licence issued under the prior regulations that was valid immediately before these regulations came into force is deemed to be an inspector's licence issued under subsection (2). Transitional
- (4) The Minister may, on application, renew an inspector's licence issued under subsection (2) to a person who holds the qualifications required by that subsection. Renewal
- (5) An inspector's licence issued or renewed under this section expires on January 31 of the year following the date of the issue or renewal of the inspector's licence. Expiry
- 5. (1)** Where, in the opinion of the Minister, a licensee has contravened the Act or these regulations the Minister may revoke the installer's licence or inspector's licence held by the licensee. Revocation of licence
- (2) The Minister shall give written notice of the revocation of a licence under subsection (1) to the licensee by
- (a) personal service; or
 - (b) by registered mail to the last known address of the licensee as shown in the records of the Minister. Notice of revocation
- (3) A notice sent by registered mail under clause (2)(b) shall be deemed to be served on the licensee Service
- (a) on the date the licensee actually receives the notice; or
 - (b) 5 days after the date on which the notice was mailed, whichever is earlier.
- 6.** Every licensee who Inspection
- (a) installs a home heat tank system; or
 - (b) alters, moves or relocates a home heat tank system,
- shall carry out a home heat tank system inspection immediately after completing the installation, alteration, move or relocation.
- 7. (1)** A licensee who installs, alters or inspects a home heat tank system shall ensure that the home heat tank system, as installed Compliance with standards, etc.
- (a) complies with the
 - (i) "Construction Standards for the Installation of Aboveground Home Heat Tank Systems" as described in Schedule B, if the tank was installed on or after March 1, 2004,
 - (ii) "Standard for the Inspection and Tagging of Home Heat Tank Systems on PEI With a Total Capacity of 2,200 Litres or Less for Home Heat Tanks Installed Prior To March 2004" as described in Schedule C if the tank was installed prior to March 1, 2004,
 - (iii) Water Well Regulations (EC188/90) made under the Act,
 - (iv) CSA B139-04 Installation Code For Oil-Burning Equipment,
 - (v) CAN/ULC-S642-87(R2000) Compounds and Tapes for Threaded Pipe Joints,
 - (vi) National Fire Code of Canada 1995 Revised 2002,
 - (vii) CAN/ULC S602-03 Aboveground Steel Tanks for the Storage of Combustible Liquids Intended to be Used as Heating and/or Generator Fuels,
 - (viii) CAN/ULC S643-00 Aboveground Shop Fabricated Steel, Utility Tanks,
 - (ix) ULC/ORD-C80.1-00 Aboveground Non-Metallic Tanks for Fuel Oil; or
 - (x) any other method approved by the Minister; and
 - (b) bears the manufacturer's label.

- (2) Every person who installs a home heat tank shall ensure that such tank was built in conformance with the following codes, as amended: Metallic tank, codes
- (a) ULC ORD-142.5-1992 Aboveground Rectangular Steel Tanks;
 - (b) ULC ORD-142.21-1995 Used-Oil Systems, Aboveground Storage Tanks for Flammable and Combustible Liquids;
 - (c) ULC ORD-142.22-1995 Contained Vertical Steel Aboveground Tank Assemblies for Flammable and Combustible Liquids;
 - (d) ULC-S601-2000 Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids;
 - (e) CAN/ULC-S602-03 Aboveground Steel Tanks for Fuel Oil and Lubricating Oil;
 - (f) ULC-S630-2000 Tanks Aboveground, Vertical, Shop Fabricated Steel for Flammable and Combustible Liquids;
 - (g) CAN/S653-1994 Aboveground, Shop Fabricated Steel, Utility Tanks;
 - (h) ULC/ORD-C80.1-2000 Standard for Aboveground Non-Metallic Tanks for Fuel Oil.
- (3) Where a licensee completes a home heat tank system inspection and is satisfied that the home heat tank system complies with the requirements of subsections (1) and (2), the licensee shall Inspection report, ID tag, etc.
- (a) complete an identification tag in Form 4;
 - (b) calculate the expiry year
 - (i) for a single tank by referring to Schedule D, and
 - (ii) for more than one tank in a multiple tank system by referring to Schedule D in respect of the oldest tank in the system;
 - (c) ensure that the expiry month and year for which the identification tag is completed is single stamped and legible on the identification tag using a numerical stamping tool;
 - (d) complete an inspection report on Form 5 for each tank on which an identification tag was permanently affixed;
 - (e) permanently affix the identification tag to the vent pipe of the tank identified in the inspection report
 - (i) as close as may be practicable to the intake fill pipe and in prominent view, by riveting or some other method approved by the Minister, and
 - (ii) in such a manner that the identification tag is rendered unusable if removed; and
 - (f) submit a copy of the inspection report immediately
 - (i) to the owner, and
 - (ii) to the employer of the licensee, if any.
- (4) The licensee who affixes the tag under clause (3)(e) shall remove any existing identification tags from the home heat tank and forward them to the Department. Removal of old tag
- 8.** A self-employed licensee, and an employer of a licensee, shall submit copies of the inspection reports required under clause 7(3)(d) to the Minister not later than 5 business days after the end of the month in which the inspection was made. Notification, reports, submitted to Minister
- 9.** (1) The Minister shall, at the written request of ID tags issued to employer
- (a) a self-employed licensee; or
 - (b) an employer who employs licensees,
- issue identification tags to such licensee or employer.
- (2) The Minister may refuse to issue identification tags to a self-employed licensee or an employer of a licensee, if the Minister believes that the licensee or employer, as the case may be, has not submitted inspection reports as required by section 8. Refusal to issue tags
- (3) An employer who is issued tags under subsection (1), Assignment of ID tags by employer
- (a) shall assign the identification tags only to employees who hold a valid installer's or inspector's licence;
 - (b) shall maintain a record of which identification tags are assigned to each employee; and
 - (c) may re-assign any identification tag to another employee who holds a valid installer's or inspector's licence.
- (4) A record of identification tags kept under clause (3)(b) shall be Records of id tags

- (a) maintained by a licensee or employer for at least two years from the date they are issued by the Minister; and
- (b) made available to an environment officer on the request of such officer.
- (5) Every person whose installer's licence or inspector's licence has expired and has not been renewed, or has been revoked, by the Minister shall return all unused identification tags to the Minister within 10 working days from the date of expiry or revocation. Return of ID tags by licensee whose licence expires
- (6) An employer who no longer employs licensees shall return all unused identification tags to the Minister within 10 working days of ceasing to employ licensees. Employer returns tags
- (7) An identification tag is no longer valid if the identification tag is removed from ID tag no longer valid
- (a) the property where it was first permanently affixed to a home heat tank vent pipe; or
- (b) the home heat tank system where it was permanently affixed.
- 10.** Where a licensee discovers that a home heat tank system was not installed in accordance with these regulations and has an affixed identification tag, the licensee shall immediately notify the Minister of the particulars of the non-compliant home heat tank system. Non-compliant tank with tag
- 11.** No person shall, except in accordance with subsection 9(3), Sale transfer of ID tags
- (a) give or transfer an identification tag to another person;
- (b) sell an identification tag; or
- (c) alter, re-use, remove or attempt to alter, remove or re-use an identification tag that has been permanently affixed to a home heat tank system.
- 12.** (1) Subject to subsection (2), no person shall install, alter or remove any part of a home heat tank system unless the person holds an installer's licence. Licence required to install
- (2) An owner may install a product line protector or a fuel gauge protector on or near a home heat tank. Exception
- 13.** (1) No person shall sell, or offer to sell, a home heat tank to any other person unless the other person holds a valid installer's licence. Sale of home heat tanks
- (2) Subsection (1) does not apply to a wholesaler who sells home heat tanks to a retailer for the purpose of resale. Exception
- 14.** (1) No person shall deliver petroleum to an outside home heat tank system if No home delivery, when
- (a) the tank
- (i) has a shut-off valve or a fuel filter assembly that is not installed directly under the tank, or
- (ii) is not equipped with a product line protector; or
- (b) the tank has a combustible tank stand.
- (2) After September 1, 2007, no person shall deliver petroleum to a home heat tank where such tank is non-compliant for any of the following reasons: Sept. 1, 2007
- (a) there is no identification tag permanently affixed to the vent pipe;
- (b) the identification tag has no tank expiry date stamped on it;
- (c) the tank expiry date stamped on the identification tag has been reached;
- (d) the person has reason to believe that the identification tag has been altered;
- (e) the person has reason to believe that the identification tag affixed to the vent pipe was not issued by the Minister.
- (3) Notwithstanding clause (2)(a), where an identification tag is not permanently affixed to a home heat tank vent pipe, a person may deliver petroleum to that tank if the person obtains oral confirmation from an environment officer that the person may do so. Exception
- (4) Where a person is prohibited by this section from delivering petroleum to a home heat tank, the person or the person's employer shall Notice to owner and Minister
- (a) immediately give notice to the owner that

- (i) the tank does not have an identification tag or the identification tag does not comply with these regulations; and
- (ii) the person is prohibited by these regulations from delivering petroleum to that home heat tank; and
- (b) report the person's finding to the Minister within one working day of discovering that the home heat tank is non-compliant in accordance with subsection (2).
- 15.** (1) Every person who has reason to believe that petroleum is leaking or has leaked from a home heat tank system shall immediately
- (a) notify the owner of the home heat tank system; and
- (b) report the leak by telephoning the Canadian Coast Guard at 1-800-565-1633.
- (2) Upon receiving a notification under subsection (1), the owner shall immediately cause the system to be taken out of service until the home heat tank system is replaced or repaired in accordance with these regulations.
- 16.** The owner of a double-walled or double-bottom metallic tank shall
- (a) ensure that the tank has an operational leak detecting device; and
- (b) immediately notify the Department if such device indicates that there is a petroleum leak within the interstitial space.
- 17.** At an environment officer's request, the owner of a home heat tank system, and the owner or person in possession of the property on which the home heat tank system is located, shall permit access by the environment officer to the home heat tank system.
- 18.** (1) Where, in the opinion of an environment officer, a home heat tank system does not comply with these regulations, the environment officer may remove, or request an installer to remove, the identification tag and submit the identification tag to the Minister.
- (2) The Minister shall send written notification of the removal of the identification tag to the owner of the home heat tank system not later than the next working day following the day that the identification tag is received by the Minister.
- 19.** Where a home heat tank system has reached its expiry date as indicated on Form 5, the owner of the home heat tank shall replace or remove the home heat tank not later than the month in which the inspection was completed, as shown on Form 5.
- 20.** Every owner of a home heat tank system shall ensure that
- (a) the home heat tank system is inspected and tagged in accordance with section 7; or
- (b) the home heat tank system is upgraded or replaced and tagged in accordance with these regulations,
- on or before September 1, 2007.
- 21.** Where a home heat tank is replaced by a licensee, the licensee performing the replacement shall ensure that no water or sludge contamination is transferred from the home heat tank system to the new tank.
- 22.** The forms and schedules referred to in these regulations are set out in the Schedule.
- 23.** These regulations come into force on April 28, 2007.

Leaking tank

Duty of owner

Double-walled metallic tank

Access by environment officer

Non-compliant home heat tank system

Notice to owner

Replacement of expired tank

Inspection, upgrading deadline

No water or sludge transfer from old tank

Forms

Commencement

SCHEDULE

SCHEDULE A – FORMS

**FORM 1
APPLICATION FOR INSTALLER'S
OR INSPECTOR'S LICENCE**

The Home Heat Tanks Regulations made under the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 require a person to apply for an installer's licence if the person intends to install, alter, remove, inspect or affix identification tags to home heat tank systems (s. 3) or an inspector's licence if the person intends to inspect and affix identification tags to home heat tank systems (s. 4).

Personal information on this form is collected under subsections 3(1) and 4(1) of the Home Heat Tanks Regulations as it relates directly to and is necessary for an application for an installer's licence or an inspector's licence. If you have any questions about this collection of personal information, you may contact the Director of Pollution Prevention Division, Home Heat Tank Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information		
Name:	Company Name:	
Partners of Company (if applicable)		
Phone:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:

Type of Licence Applied For	
<input type="checkbox"/> installer's licence (installing, altering, removing and inspecting) <input type="checkbox"/> inspector's licence (inspections only)	
<input type="checkbox"/> New Applicant	<input type="checkbox"/> Renewal of Licence Present Licence Number:

Applicant Experience
Describe successful completion of a relevant training program(s) (include dates):
Describe experience in inspecting and installing (if applicable) home heat tank systems (e.g. number of installations and/or inspections in the past year):

Applicant Signature: Date:
 (Where applicant is a partnership or a corporation, the signature of a partner, or an authorized officer of the corporation)

The fee to apply for an installer's or inspector's licence is \$50.

Method of Payment (Check appropriate box)	Please forward application and payment to: Department of Environment, Energy & Forestry
<input type="checkbox"/> Cheque	Pollution Prevention Division
<input type="checkbox"/> Money Order	Home Heat Tank Program
<input type="checkbox"/> Cash (hand delivery only)	PO Box 2000, 11 Kent Street
	Charlottetown, PE C1A 7N8
Amount Enclosed: \$.....	Fax: (902) 368-5830

Cheques and money orders should be made payable to the Provincial Treasurer.

FORM 2 INSTALLER'S LICENCE	
<p>Prince Edward Island Environment, Energy and Forestry</p> <p style="text-align: center;">Home Heat Tank Installer's Licence</p> <p>Pursuant to section 3 of the <i>Environmental Protection Act</i> Home Heat Tanks Regulations</p>	<p style="text-align: center;">LICENSEE</p> <p>Surname: _____ Given Name: _____</p> <p>Issue Date: _____ Expiry Date: _____</p> <p>The person named herein is licensed to install, alter, inspect, remove and affix tags to home heat tank systems pursuant to the <i>Environmental Protection Act</i> Home Heat Tanks Regulations.</p>
Licence Number: _____	Authorized Signature: _____

FORM 3 INSPECTOR'S LICENCE	
<p>Prince Edward Island Environment, Energy and Forestry</p> <p style="text-align: center;">Home Heat Tank Inspector's Licence</p> <p>Pursuant to section 4 of the <i>Environmental Protection Act</i> Home Heat Tanks Regulations</p>	<p style="text-align: center;">LICENSEE</p> <p>Surname: _____ Given Name: _____</p> <p>Issue Date: _____ Expiry Date: _____</p> <p>The person named herein is licensed to inspect and affix tags to home heat tank systems pursuant to the <i>Environmental Protection Act</i>, Home Heat Tank Regulations.</p>
Licence Number: _____	Authorized Signature: _____

**FORM 4
IDENTIFICATION TAG**

<p>PEI ABOVEGROUND OIL TANK I.D. TAG</p> <p>XXXXXX 20__</p>

**FORM 5
INSPECTION REPORT**

Homeowner Information

Full Name
 Civic # Street/Road Name or Route #
 Community Postal Code Telephone.....

Installer/Inspector Information

Installer/Inspector Name
 Company

Inspection Information

Type of Inspection:
 Routine Replacement Alteration New Home

Date of Inspection:/...../..... (month/day/year)
 PEI Aboveground Tank ID Tag #
 Tank Location: Outdoors In Basement Other (specify)
 Piping Type: Bottom Outlet End Outlet Top Feed
 Tank Gauge: 14 Gauge 12 Gauge Non-Corrosive

Tank Year of Manufacture Tank Expiry Date
 ULC Serial Number

Passed Inspection Yes No

I certify that the home heat tank system described in this report has been inspected by me and is installed in accordance with the requirements of the *Environmental Protection Act*, and the Construction Standards for Installation of Aboveground Home Heat Tank Systems.

Inspector's Signature.....

Comments

SCHEDULE B

**CONSTRUCTION STANDARDS
FOR THE INSTALLATION OF
ABOVEGROUND HOME HEAT
TANK SYSTEMS**

Section 1.0 General

Section 1.1

This standard is intended to highlight the mandatory installation requirements for all home heat tank systems installed in the Province of Prince Edward Island after March 2004. It is intended to be used in conjunction with the CSA B139-04 Installation Code For Oil-Burning Equipment, CAN/ULC S643-00 Aboveground Shop Fabricated Steel, Utility Tanks and CAN/ULC S602-03 Aboveground Steel Tanks for the Storage of Combustible Liquids Intended to be Used as Heating and/or Generator Fuels. For the purposes of installing home heat tanks on Prince Edward Island, any differences between the B139-04, CAN/ULC S602-03, and S643-00 codes and these standards, these standards shall prevail.

Section 1.2

Home heat tanks shall not be reused except with the oral permission of the Minister.

Section 2.0 Installation of Outside Tanks

Section 2.1

It is the responsibility of a home heat tank installer to ensure that outside home heat tanks or systems are installed in accordance with all applicable codes and regulations in force at the time of installation and in accordance with Figures 1, 2 and 3. The installer shall ensure that:

- (a) a prepared support base is constructed by removing a minimum of 150 mm (6 in) of top soil and replacing it with an equal amount of tamped sand, clean gravel, or poured concrete;
- (b) the support base is situated at least 1.5 meters (5 ft) from a property line, wherever feasible;
- (c) two re-enforced 750mm x 750mm (30 in x 30in) patio stones are placed level on the tamped sand or gravel (*pressure-treated wood material can be used under*

*the tank legs provided that it is below grade and in contact with the ground.
The top surface may be exposed);*

- (d) four tank support legs are centred on the reinforced patio stones or concrete pad ensuring the bottom of the tank is between 100 mm (4 in) and 300 mm (12 in) off the support base;
- (e) product line and fuel gauge protectors are installed except where no portion of the valve or filter protrudes from underneath the tank;
- (f) a horizontal vibration loop is placed as close as possible to the shut-off valve;
- (g) wherever feasible, the product line maintains a continuous downward slope from the tank to the building;
- (h) wherever feasible, the fuel filter is located inside the building;
- (i) tanks are equipped with a working vent whistle and fuel gauge;
- (j) piping and tubing run as directly as practicable and provisions made for expansion, contraction, jarring, vibration, and settling;
- (k) piping and tubing is substantially supported and protected against physical damage;
- (l) two or more cross connected tanks are installed on a common poured cement pad; and
- (m) cross connected tanks are installed in accordance with section 14 of this standard.

Figure 1. Installation Diagram for Outside Tanks

- A1 Concrete pad or reinforced patio stone
- A2 150 mm (6 in) tamped sand or clean gravel replacing 150mm (6 in) of topsoil
- A3 Horizontal vibration loop
- A4 Product line protector
- A5 Fuel gauge and gauge protector
- A6 Fill pipe, vent pipe, vent whistle

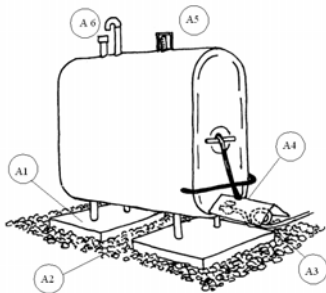


Figure 2 Fuel Clearance Values for the Installation of Multiple Outside Tanks

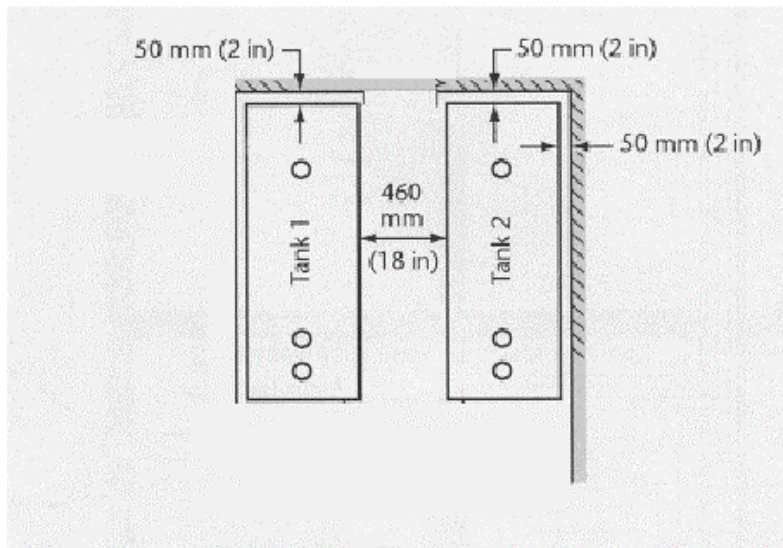
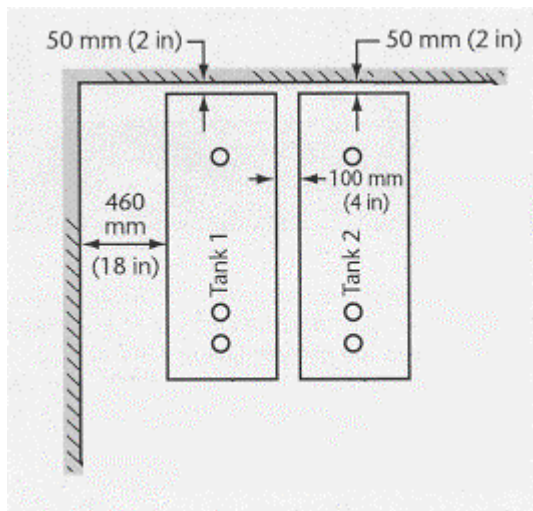


Figure 3 Fuel Clearance Values for the Installation of Multiple Outside Tanks**Section 3.0 Installation of Inside Tanks**

It is the responsibility of a home heat tank installer to ensure that inside home heat tank systems are installed in accordance with all applicable codes and regulations in force at the time of installation and in accordance with Figures 4, 5, 6 and 7. The installer shall ensure that:

- (a) there is a minimum of 460 mm (18 in) clearance along one side and one end of the tank;
- (b) there is a minimum of 50 mm (2 in) clearance from any portion of the tank to a wall;
- (c) sufficient clearance is provided to allow the temporary repair of any tank underside;
- (d) tanks do not impede exit from the building;
- (e) the horizontal distance from the tank to a petroleum fuel-fired appliance is at least 600 mm (2 ft);
- (f) the horizontal distance from the tank to a solid fuel fired appliance is at least 1500 mm (5 ft);
- (g) no portion of the tank prevents 900 mm (3 ft) clear access to an electrical panel;
- (h) fill and vent pipes terminate to the open air; and
- (i) tanks are equipped with a working vent whistle and fuel gauge.

Figure 4. Installation Diagram for Inside Tanks

- A - Concrete flooring
- B - Vent whistle
- C - Vent pipe to outside
- D - Fill pipe to outside
- E - Fuel gauge

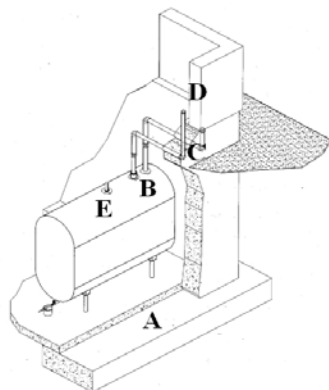
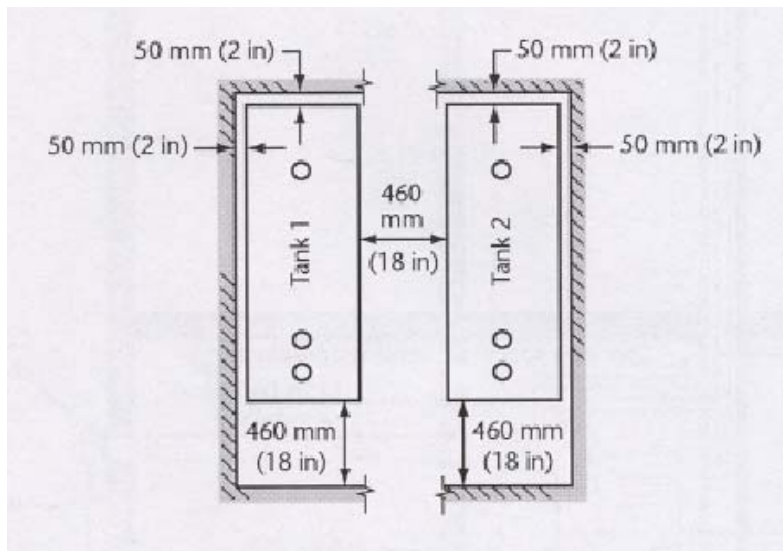
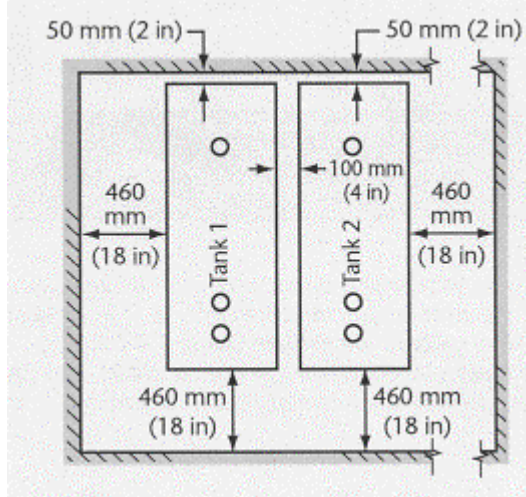
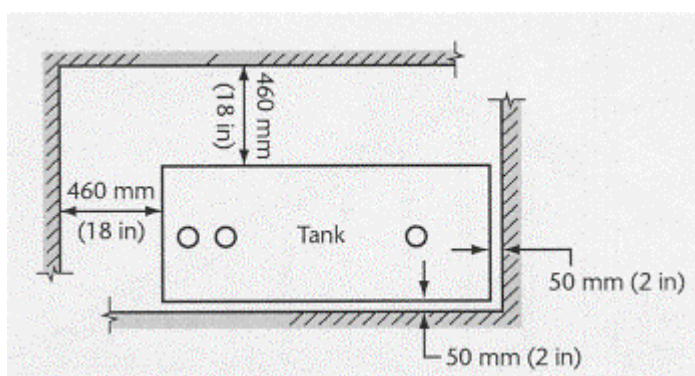


Figure 5 Fuel Clearance Values for the Installation of Multiple Inside Tanks**Figure 6 Fuel Clearance Values for the Installation of Multiple Inside Tanks****Figure 7 Fuel Clearance Values for Single Inside Tank Installations****Section 4.0 Fill Pipe Connections**

Section 4.1

Fill pipes shall be installed in accordance with the requirements of all applicable codes and regulations at the time of installation.

Section 4.2

Fill pipes shall be not less than 50 mm (2 in) in diameter.

Section 4.3

The opening to a fill pipe shall terminate:

- (a) not less than 200 mm (8 in) above the outside elbow of an inside installation;
- (b) as close as possible to the tank for an outside installation;
- (c) not less than 600 mm (2 ft) from any building opening;
- (d) not less than 900 mm (3 ft) from an air intake; and
- (e) not less than 900 mm (3 ft) above ground level.

Section 5.0 Vent Pipe Connections

Section 5.1

Vent pipes shall be installed in accordance with the requirements of all applicable codes and regulations at the time of installation.

Section 5.2

Vent pipes shall terminate at least 150 mm (6 in) above the opening to a fill pipe.

Section 5.3

Single tanks having a capacity of 1250 litres (275 gal) or less capacity shall have vent pipes which correspond to the following chart.

Equivalent Length	Vent Pipe Diameter ID, mm (in)
up to 7.6 m (25 ft)	32 mm (1 ¼ in)
over 7.6 to 15.2 m (over 25 ft to 50 ft)	38 mm (1 ½ in)
over 15.2 m to 30.5 m (over 50 ft to 100 ft)	50 mm (2 in)
over 30.5 m (over 100 ft)	to be accepted by a professional engineer

Note:

One 32 mm (1¼ in) 90° elbow has an equivalent length of 1.0 meter (3 ½ ft) of straight 32 mm (1¼ in) pipe.

One 38 mm (1½ in) 90° elbow has an equivalent length of 1.2 meters (4 ft) of straight 38 mm (1 ½ in) pipe.

One 50 mm (2 in) 90° elbow has an equivalent length of 1.5 meters (5 ft) of straight 50 mm (2 in) pipe.

Section 5.4

Single tanks with a capacity greater than 1250 litres but less than 2200 litres shall have vent pipes not less than 50 mm (2 in).

Section 5.5

Cross-connected tanks shall have 50mm (2 in) separate vent pipes, or 75 mm (3 in) manifold vents as prescribed in Figures 3 and 4, or as supplied by the tank manufacturer. A vent whistle shall be connected to the vent pipe on the same tank to which the fill pipe is connected.

Section 5.6

Vent pipes shall not be cross-connected with fill pipes or with fuel oil return lines from burners.

Section 5.7

The opening to a vent pipe shall terminate close to the building wall and:

- (a) not less than 150 mm (6 in) above a fill pipe;
- (b) not less than 600 mm (2 ft) from any building opening; and
- (c) not less than 900 mm (3 ft) from an air intake.

Section 6.0 Product Lines

Section 6.1

The product line from the tank to the appliance burner shall be replaced whenever a new home heat tank is installed.

Section 6.2

When any portion of a product line runs below a foundation wall, under a floor, or under the ground, it shall be a continuous length of poly-coated non-corrosive copper tubing approved for fuel oil use. This coated product line shall be placed inside a second continuous length of tubing with both ends of the second length of tubing protruding a minimum of 50 mm (2 in) above ground/floor level.

Section 7.0 Testing of New or Replacement Tanks

When installing a single-wall home heat tank system, the installer shall test the tank connections for leaks by means of a pneumatic test, or a hydrostatic test during first filling.

Section 8.0 Piping and Tubing

Section 8.1

All piping and tubing shall be new and shall be standard-weight wrought iron, steel, or brass pipe; or brass, copper, or steel tubing.

Section 8.2

Fill or vent pipes shall be steel or galvanized construction. Galvanized pipes, except as fill or vent pipes on storage or supply tanks, shall not be used when exposed to heat or for conveying preheated fuel oil.

Section 8.3

Flexible metal hose may be used when rigid connections are impracticable, or when required to reduce the effect of jarring or vibration. Such hose shall be of a type certified for the application and shall be installed strictly in accordance with the approval for the appliance.

Section 8.4

Joints and connections shall be made with standard pipe fitting or by welding.

Section 8.5

Cast iron fittings shall not be used.

Section 8.6

A joint in seamless copper, brass, or steel tubing shall be made by means of a flare joint or approved fitting, or shall be brazed with a material having a melting point exceeding 540°C (1000°F).

Section 8.7

Compression fittings shall not be used.

Section 8.8

Threaded joints in the vent and fill piping shall be made fuel-oil tight using joint compound or polytetrafluorethylene tape approved for use with fuel oil.

Section 9.0 Shut-off Valves

A shut-off valve shall be installed in the fuel line as near as practicable to the supply tank, and at such other locations as may be required to avoid spillage during servicing. Shut-off valves shall be:

- (a) of the manual type;
- (b) readily accessible;
- (c) installed to close against the supply of fuel oil;
- (d) substantially protected against physical damage; and
- (e) certified for its intended use.

Section 10.0 Fuel Oil Filters

A suitable fuel oil filter or strainer assembly shall be provided in the fuel supply line to the appliance or equipment, and shall be located inside the building where the appliance or equipment is located, wherever feasible.

Section 11.0 Tank Stands

Section 11.1

Wooden tank stands are permitted for outside installations if constructed using a minimum of 4x4 pressure treated wood for the posts and saddle. These posts must extend high enough on both sides to keep the tank from falling out. The four saddle pieces holding the tank in place shall be a minimum of 4x4 pressure treated wood and bolted together with the four posts. Additional support/cross pieces can be 2x6 pressure treated wood or larger, however, they shall be bolted together using a nut and washer. Except for the tank leg brackets and pipe legs, no portion of the tank shall rest on the wooden stand.

Section 11.2

Steel tank stands shall be constructed using a minimum of two inch tubular steel posts or other material as approved by the Minister. These posts must extend high enough on both sides to keep the home heat tank from falling out. The four saddle pieces holding the tank in place shall also be a minimum of two inch square tubular steel. Except for the pipe legs, no portion of the tank shall rest on the steel stand.

Section 12.0 Distance from a Well (New Home Construction)

No person shall construct, or permit to be constructed, a home heat tank system that is

- (a) 1,200 litres (265 gal.) or less in size, within 5 meters (16 ft) of a well; or
- (b) greater than 1,200 litres in size, within 15 meters (48 ft) of a well.

Section 13.0 PEI Aboveground Tank I.D. Tag

A PEI Aboveground Tank I.D tag shall be attached to the outside vent pipe by the installer as part of the installation process by means of rivets or other methods approved in writing by the Minister.

Section 14.0 Cross Connected Tanks

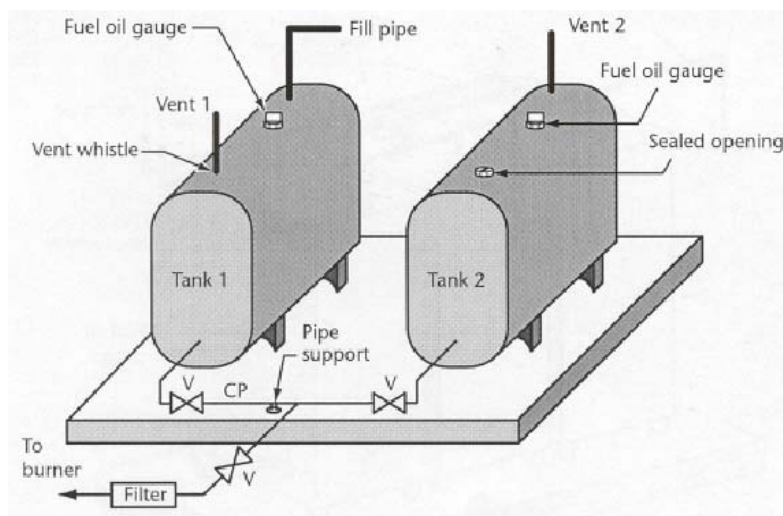
Figures 3 to 6 illustrates the acceptable connection arrangements for cross connected multiple tanks.

Section 14.1

Cross-connect steel tanks with separate vents shall be installed as outlined in Figure 8 and shall include the following specifications:

- (a) fill and vent pipes shall be a 50 mm (2 in) pipe;
- (b) shut-off valves (V) shall be installed for each tank;
- (c) the cross connecting pipe (CP) shall be a 50 mm (2 in) pipe and substantially supported; and
- (d) both tanks shall be installed on a common slab.

Figure 8 Cross-Connected Tanks with Separate Vents

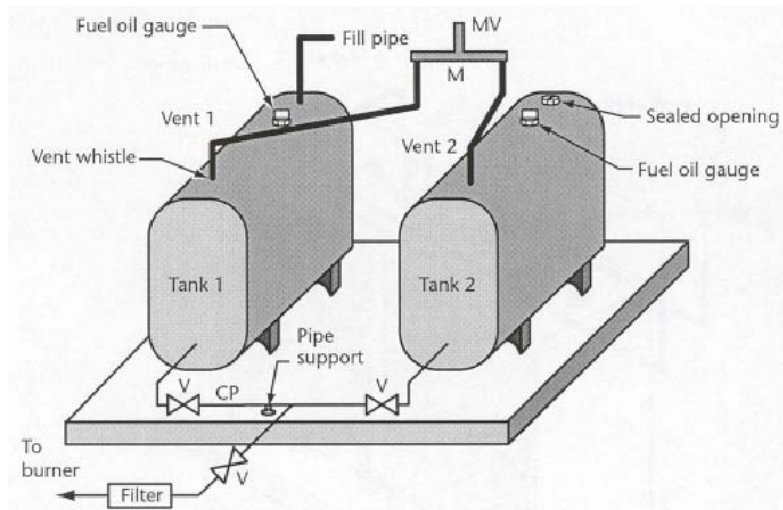


Section 14.2

Cross-connect steel tanks with a common manifold vent shall be installed as outlined in Figure 9 and shall include the following specifications:

- (a) fill and vent pipes shall be 50 mm (2 in) pipe;
- (b) the common manifold (M) and manifold vent (MV) shall be 75 mm (3 in) pipe;
- (c) the common manifold shall be at an elevation above the highest liquid level in the tanks;
- (d) shut-off valves (V) shall be installed for each tank;
- (e) the cross connecting pipe (CP) shall be 50 mm (2 in) pipe and substantially supported; and
- (f) both tanks shall be installed on a common slab;

Figure 9 Cross-Connected Tanks with Manifold Vents



Section 14.3

Two or more tanks with a total capacity of 2200 litres (1100 gal) or less that are connected with top-mounted manifolds shall be of identical manufacture and individual capacity. The fill and supply manifolds shall be supplied by the tank manufacturer or designed by a professional engineer.

SCHEDULE C

STANDARD FOR THE INSPECTION AND TAGGING OF HOME HEAT TANK SYSTEMS ON PEI WITH A TOTAL CAPACITY OF 2,200 LITRES OR LESS FOR HOME HEAT TANKS INSTALLED PRIOR TO MARCH 2004

Section 1.0 General

This standard provides a general overview of the inspection and tagging requirements for home heat tank systems installed prior to March 1, 2004 in the Province of Prince Edward Island. It is not intended to be all inclusive and should be used as a general guide in conjunction with applicable codes and training manuals. Home heat tank systems installed after March 2004 must be inspected and tagged in accordance with the requirements of Schedule B.

This standard is intended to highlight the mandatory inspection requirements for all home heat tanks installed in the Province of Prince Edward Island prior to March 1, 2004. It is intended to be used in conjunction with the applicable versions of CSA B139 Installation Code For Oil-Burning Equipment, CAN/ULC S643 Aboveground Shop Fabricated Steel, Utility Tanks and CAN/ULC S602 Aboveground Steel Tanks for the Storage of Combustible Liquids Intended to be Used as Heating and/or Generator Fuels. The specific version of the codes will depend upon when the tank was originally installed. For example, if the tank was installed in accordance with the CSA B139-00 code, it should also be inspected in accordance with that code.

For the purposes of inspecting home heat tanks on Prince Edward Island, any differences between the B139, CAN/ULC S602, and CAN/ULC S643 codes and these standards, these standards shall be considered paramount.

Section 2.0 Installation of Outside Tanks

Section 2.1

Outside home heat tank systems shall include:

- (a) a prepared support base constructed by removing a minimum of 150 mm (6 in) of top soil and replacing it with an equal amount of tamped sand, crushed gravel, or poured concrete;

- (b) two reinforced patio stones placed level on top of the gravel or tamped sand; *(Note: Reinforced patio stones without the gravel, or 4x4 and larger pressure-treated or creosote timbers are permitted to be used if they are level and in good condition. Individual wooden or cement blocks shall not be used as part of an outside installation);*
- (c) four tank support legs centred on the two re-enforced patio stones or concrete pad ensuring the bottom of the tank is at least 100 mm (4 in) off the support base. Tank legs longer than 300 mm (12 in) must be substantially braced;
- (d) a horizontal vibration loop placed in the product line as close as possible to the shut-off valve;
- (e) a fuel filter connected to the product line and located inside the building, wherever feasible;
- (f) a product line protector;
- (g) a working vent whistle attached to a 37 mm (1 ¼ in) vent pipe;
- (h) a 50 mm (2 in) fill pipe complete with a tight metal cover designed to discourage tampering;
- (i) piping and tubing which is substantially supported and protected against physical damage; and
- (j) a common poured cement pad for two or more cross-connected tanks.

Section 3.0 Installation of Inside Tanks

Section 3.1

Inside home heat tank systems shall include:

- (a) four tank support legs which provide a minimum 100 mm (4 in) space between the tank bottom and the basement floor. *(Note: wooden shims under the tank supports are permitted on an inside tank to provide stability to the tank system and individual cement blocks can be used inside instead of pipe legs provided that no portion of the tank shell is in contact with the cement blocks);*
- (b) a fuel filter connected to the product line;
- (c) a working fuel gauge;
- (d) a working vent whistle attached to the vent pipe;
- (e) a 50 mm (2 in) fill pipe terminating to open air and equipped with a tight metal cover designed to discourage tampering;
- (f) piping and tubing substantially supported and protected against physical damage;
- (g) at least 600 mm (2 ft) horizontal distance from the tank to a petroleum fuel-fired appliance;
- (h) the horizontal distance from the tank to a solid fuel fired appliance is at least 1500 mm (5 ft); and
- (i) there is unimpeded access by a home heat tank to an electrical panel.

Section 4.0 Fill Pipe Connections

Section 4.1

Fill pipes shall be not less than 50 mm (2 in) in diameter.

Section 4.2

Fill pipes shall be covered with a weatherproof cap.

Section 4.3

Fill pipes shall terminate:

- (a) to open air;
- (b) not less than 600 mm (2 ft) from any building opening;
- (c) not less than 900 mm (3 ft) from an air intake;
- (d) close to the building; and
- (e) below the opening of the vent pipe.

Section 5.0 Vent Pipe Connections

Section 5.1

Vent pipes shall be not less than 32 mm (1¼ in) in diameter.

Section 5.2

Vent pipes shall be covered with a weatherproof cap.

Section 5.3

Vent pipes shall terminate:

- (a) to open air;
- (b) not less than 600 mm (2 ft) from any building opening;
- (c) not less than 900 mm (3 ft) from an air intake;
- (d) close to the building; and
- (e) above the opening of the fill pipe.

Section 5.4

When vent pipes from two or more tanks are connected to a common vent, the common vent shall be at least one pipe size larger than the largest vent pipe from the individual tanks.

Section 5.5

Vent pipes shall not be cross-connected with fill pipes or with fuel oil return lines from burners.

Section 6.0 Product Lines

Section 6.1

When any portion of a product line runs below a foundation wall, under a floor, or under the ground, it shall:

- (a) if installed prior to April 1, 2000, be a continuous length of plain or poly coated copper product line inside a continuous run of tubing which protrudes a minimum of 50 mm (2 in) above the ground or basement floor; or
- (b) if installed after April 1, 2000, be a continuous length of poly coated copper product line inside a continuous run of tubing which protrudes a minimum of 50 mm (2 in) above the ground or basement floor.

Section 7.0 Piping and Tubing

Section 7.1

Fill or vent pipes shall be steel or galvanized construction. Galvanized pipes, except as fill or vent pipes on or supply tanks, shall not be used when exposed to heat or for conveying preheated fuel oil.

Section 7.2

Flexible metal hose may be used when rigid connections are impracticable, or when required to reduce the effect of jarring or vibration. Such hose shall be of a type certified for the application and shall be installed strictly in accordance with the approval for the appliance.

Section 7.3

Cast iron or compression fittings shall not be used.

Section 7.4

A joint in seamless copper, brass, or steel tubing shall be made by means of a flare joint or approved fitting, or shall be brazed with a material having a melting point exceeding 540°C (1000°F).

Section 7.5

Threaded joints shall be made fuel-oil tight.

Section 8.0 Shut-off Valves

A shut-off valve shall be installed in the fuel line as near as practicable to the exit from the supply tank, and at such other locations as may be required to avoid spillage during servicing.

Section 9.0 Fuel Oil Filters

A suitable fuel oil filter or strainer assembly shall be provided in the fuel supply line to the oil burner, and shall be located inside the building wherever feasible.

Section 10.0 Tank Stands

Section 10.1

Wooden oil tank stands are permitted for outside installations if constructed using a minimum of 4x4 pressure treated wood for the posts and saddle. These posts must extend high enough on both sides to keep the tank from falling out. The four saddle pieces holding the tank in place shall be a minimum of 4x4 pressure treated wood and bolted together with the four posts. Additional support/cross pieces can be 2x6 pressure treated wood or larger, however, they shall be bolted together using a nut and washer. Except for the leg brackets and pipe legs, no portion of the tank shall rest on the wooden stand.

Section 10.2

Steel tank stands shall be constructed using a minimum of two inch tubular steel posts or other material as approved by the Department. These posts must extend high enough on both sides to keep the home heat tank from falling out. The four saddle pieces holding the tank in place shall also be a minimum of two inch square tubular steel. Except for the pipe legs, no portion of the tank shall rest on the steel stand.

Section 11.0 PEI Aboveground Tank I.D. Tag

PEI Aboveground Tank I.D tags attached to the outside vent pipe as part of the inspection process shall be attached by means of rivets or other method approved in writing by the Minister.

Schedule D
Mandatory Replacement Years for Home Heat Tanks
(calculated from the year of manufacture)

Steel Thickness	Outlet/Connection Type	Mandatory Replacement Year
Non-metallic Tanks	Not applicable	No mandatory replacement year
Double Bottom Metallic Tank	Not Applicable	No mandatory replacement year
Metallic Tank with Nominal steel thickness of 2.0 mm*	Tank end or top burner connection	15 years from year of tank manufacture.
Metallic Tank with Nominal steel thickness of 2.0 mm*	Bottom outlet burner connection	20 years from year of tank manufacture.
Metallic Tank with Nominal steel thickness of 2.3 mm**	Tank end or top burner connection	20 years from year of tank manufacture.
Metallic Tank with Nominal steel thickness of 2.3 mm**	Bottom outlet burner connection	25 years from year of tank manufacture.

* - The permissible minimum steel thickness of a 2.0 mm (14 gauge) tank is between 1.80 mm and 2.09 mm.

** - The permissible minimum steel thickness of a 2.3 mm (12 gauge) tank is 2.10 mm and above.

EXPLANATORY NOTES

SECTION 1 is the definition section.

SECTION 2 deals with fees.

SECTION 3 deals with the application form, the qualifications for, and the issuance of, an installer's licence.

SECTION 4 deals with the application form, the qualifications for and issuance of an inspector's licence.

SECTION 5 deals with the revocation of a licence.

SECTION 6 requires an inspection to be made by a person who installs, alters or moves a home heat tank.

SECTION 7 deals with compliance with standards, inspection reports and removal of old identification tags.

SECTION 8 deals with the submission of reports to the Minister.

SECTION 9 deals with identification tags issued to employers or self-employed licensees and the assignment of identification tags to licensees.

SECTION 10 requires a licensee to notify the Minister if the licensee finds a non-compliant tank that has an identification tag.

SECTION 11 prohibits the sale or transfer of identification tags.

SECTION 12 prohibits the installation, alteration or moving of a home heat tank or system unless it is done by a person holding an installer's licence. An exception is made for the installation by an owner of a product line protector.

SECTION 13 prohibits the sale of a home heat tank except to a person who holds a licence issued under these regulations and makes an exception where a wholesaler sells to a retailer for resale.

SECTION 14 prohibits delivering of petroleum to an outside home heat tank that has no product line protector or that has a combustible tank stand. The section also prohibits delivery after September 1, 2007 to a tank that does not have an identification tag.

SECTION 15 deals with notices respecting a leaking tank.

SECTION 16 deals with double-walled metallic tanks.

SECTION 17 deals with access by an environment officer to a home heat tank system.

SECTION 18 deals with the removal of an identification tag from a non-compliant home heat tank.

SECTION 19 deals with the replacement of a home heat tank before the expiry date on the identification tag.

SECTION 20 sets a deadline of September 1, 2007 for inspection and tagging of home heat tank systems.

SECTION 21 prohibits the transfer of water or sludge between tanks.

SECTION 22 provides for the forms and Schedules referred to in these regulations to be set out in the Schedule.

SECTION 23 provides for the commencement of these regulations.

EC2007-242

FATHERS OF CONFEDERATION BUILDINGS ACT FATHERS OF CONFEDERATION BUILDINGS TRUST APPOINTMENTS

Pursuant to subsection 3(1) of the *Fathers of Confederation Buildings Act* R.S.P.E.I. 1988, Cap. F-6 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Ann Kelly Winsloe (reappointed)	4 February 2007 to 31 July 2009
Michael Schurman Summerside (reappointed)	4 February 2007 to 31 July 2009

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**LIQUOR CONTROL ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 8 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14, Council made the following regulations:

1. Subsection 7(2) of the *Liquor Control Act Regulations* (EC704/75) is amended by the deletion of the words “; the fee for a Class II permit shall be twenty-five dollars and in addition, at the time of the purchase of liquor, the permit holder shall pay the amount equal to ten per cent of the purchase price on all spirits and wine” and the substitution of the words “and the fee for a Class II permit shall be twenty-five dollars”.

2. Section 20 of the regulations is amended by the deletion of the words “and in addition, payable at the time of purchase, an amount equal to ten per cent on the purchase price of all spirits and wine”.

3. Section 29 of the regulations is amended by the deletion of the words “in addition, payable at the time of purchase, an amount to equal ten per cent of the purchase price of all spirits and wine”.

4. Section 40 of the regulations is amended by the deletion of the words “two hundred dollars for a membership of over one hundred and fifty; and in addition payable at the time of purchase, an amount equal to ten per cent of the purchase price of all spirits and wine” and the substitution of the words “and two hundred dollars for a membership of over one hundred and fifty”.

5. Section 50 of the regulations is amended by the deletion of the words “and in addition, payable at the time of purchase an amount equal to ten per cent of the purchase price of all spirits and wine”.

6. (1) Subsection 50.1(1) of the regulations is amended by the deletion of the words “and the fee of \$200” and the substitution of the words “and the prescribed fee”.

(2) Subsection 50.1(4) of the regulations is revoked and the following is substituted:

(4) The holder of a special premises license shall pay an annual fee of \$200. Annual fees

7. Subsection 50.2(5) of the regulations is revoked and the following substituted:

(5) The holder of a caterer’s license shall pay an annual fee of \$200. Fees

8. (1) Subsection 50.3(2) of the regulations is amended by the deletion of the words “a fee of \$200” and the substitution of the words “the prescribed fee”.

(2) Section 50.3 of the regulations is amended by the addition of the following after subsection (3):

(3.1) The holder of a winery license shall pay an annual fee of \$200. Fees

9. (1) Subsection 50.4(1) of the regulations is amended by the deletion of the words “the fee of \$100, or \$50 for six months” and the substitution of the words “the prescribed fee”.

(2) Subsection 50.4(4) of the regulations is revoked and the following substituted:

(4) A tourist home licensee shall pay an annual fee of \$100, or \$50 for six months. Fees

10. Form 7 of the regulations is amended by the deletion of the words
“The 10 percent surcharge on spirits and wines is paid at the liquor store
where liquor is purchased.”

11. These regulations come into force on April 30, 2007.

EXPLANATORY NOTES

SECTIONS 1 to 10 amend the regulations to drop the current 10 percent regulatory fee on the purchase of liquor by various types of license holders.

SECTION 11 provides for the commencement of these regulations.