

Gouvernement du Québec

O.C. 1085-2003, 15 October 2003

An Act respecting petroleum products and equipment (R.S.Q., c. P-29.1)

Petroleum products — Amendments

Regulation to amend the Petroleum Products Regulation

WHEREAS, under sections 5, 7, 8, 14, 22, 37, 51 and 96 of the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1), the Government may make regulations on the matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the Petroleum Products Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 September 2001, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT the Regulation to amend the Petroleum Products Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Petroleum Products Regulation*

An Act respecting petroleum products and equipment (R.S.Q., c. P-29.1, ss. 5, 7, 8, 14, 22, 37, 51 and 96)

1. The Petroleum Products Regulation is amended by replacing the title by “Regulation respecting petroleum products and equipment”.

* The Petroleum Products Regulation, made by Order in Council 753-91 dated 29 May 1991 (1991, *G.O.* 2, 1839), was last amended by the regulation made by Order in Council 156-99 dated 24 February 1999 (1999, *G.O.* 2, 227). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

2. Section 5.1 is replaced by the following:

“**5.1.** A permit holder who operates a fuel dispensing outlet adjoining a public road, south of the 55th parallel, must supply road vehicles equipped with a diesel motor with low-sulphur diesel fuel, except for farm, mine, forest and construction machinery and tool vehicles.”.

3. Section 45 is amended

(1) by replacing “d’inutilisation” in the French text of paragraph 8 by “pendant lesquelles il ne se sert pas”;

(2) by replacing “disuse and abandonment of” in paragraph 9 by “the periods during which he does not use the underground storage system or abandons”.

4. Section 48 is amended by replacing “analyze it, make sure” by “ensure that the content complies with the requirements in Division 1 of Chapter 2.2 and”.

5. Section 49 is amended by replacing the first paragraph by the following:

“**49.** An inspection shall be carried out during the installation, replacement, abandonment or removal of petroleum equipment. During such inspection, the inspector shall ensure that the requirements set out in the following sections are met: 69, 83, 83.1, 95.0.1, 95.0.2, 95.0.4 to 95.0.7, 99, 100, 103, 104 and 105 as regards only the clearance between the top of the tank and the level of the ground, 122 to 126, subparagraphs 1, 2 and 3 of the first paragraph of section 130, section 130.1, paragraphs 1 and 5 of section 130.2, sections 135, 137 to 138, 143 to 145, 150 to 160, subparagraph 3 of the first paragraph of section 167, sections 175, 178, 180, 181, 183, 185 as regards only the clearance between piping and the level of the ground, sections 189, 192 to 196, 198, 201 to 203, 206 to 208.2, 208.4, 208.6, 218, 221, 226 as regards the protection of piping by barriers, 230, 236, 237, 249, 251, 253, 254, 256 to 259, 302, 303, 307 to 312, 314 to 316, 317.1, the first paragraph of section 320, sections 321, 323 to 325, 328, 335, 341 to 344, 349, 359, 365, 369 to 380, 382, 387, 388, 390, 399, 401, 428 to 431, 433, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.”.

6. Section 53 is amended

(1) by striking out “204”, “208.5”, “302”, “303”;

(2) by adding “64”, “the second paragraph of section 130” and “258”, in numerical order.

7. Section 54 is amended

(1) by striking out “204”, “208.5”, “211”, “216” and “the second paragraph of section 226”;

(2) by adding “64”, “the second paragraph of section 130”, “165”, “the second paragraph of section 167”, “226 as regards the protection of piping by barriers” and “258”, in numerical order.

8. Section 55 is amended

(1) by striking out “151”, “211”, “216” and “the second paragraph of section 226”;

(2) by adding “165”, “second paragraph of section 167” and “226 as regards the protection of piping by barriers”, in numerical order.

9. Section 63 is amended by replacing “every day” in the second paragraph by “for more than one week”.

10. The heading of Chapter 3 is replaced by the following:

“STANDARDS APPLICABLE TO PETROLEUM EQUIPMENT AND PRODUCTS”.

11. The following section is inserted before section 66.10:

“**66.9.1.** The standards applicable to used oil in this Chapter apply only to used oil stored in a service station.”.

12. Section 70 is amended by replacing “petroleum product” in the first paragraph by “volume of petroleum products larger than 100 litres”.

13. Section 92 is revoked.

14. The following heading is inserted after section 95:

“TANKS AND PIPING”.

15. Sections 96, 133, 173, 174, 179, 199 and 200 are renumbered 95.0.1, 95.0.2, 95.0.3, 95.0.4, 95.0.5, 95.0.6, 95.0.7 respectively and are inserted before Chapter 3.1.

16. Section 99 is amended

(1) by replacing “179” in the first paragraph by “95.0.5”;

(2) by replacing “1990” in subparagraph 2 of the last paragraph by “1995”.

17. Section 122 is amended by replacing “96” in the second paragraph by “95.0.1”.

18. Section 125 is replaced by the following:

“**125.** A steel underground tank, manufactured and protected against corrosion in accordance with Standard CAN/ULC-S603.1-92 Galvanic Corrosion Protection Systems for Underground Steel Tanks for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada, that has been removed from the ground, may be reused to store petroleum products provided that it still meets the requirements of the (Technical Supplement) ULC-S603(A)-2001 Refurbishing of Steel Underground Tanks for Flammable and Combustible Liquids published by the Underwriters’ Laboratories of Canada.”.

19. Section 128 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**128.** Where a permit holder does not use his underground storage system for a period of less than 180 days, he shall”;

(2) by deleting paragraphs 1 and 4;

(3) by replacing “of disuse” in paragraph 3 by “in which it is not used”.

20. Section 129 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**129.** Where a permit holder does not use his underground storage system for a period of more than 180 days but less than 2 years, he shall”;

(2) by deleting paragraphs 1 and 5;

(3) by replacing “of disuse” in paragraph 4“ by ”in which the system is not used”.

21. Section 130 is amended

(1) by replacing the part preceding paragraph 1 of the first paragraph by the following:

“**130.** Where the permit holder or owner of petroleum equipment decides to no longer take petroleum products from an underground storage system or has not taken petroleum products therefrom for more than 2 years, he shall”;

(2) by replacing “, if the tank is reusable under” in subparagraph 4 of the first paragraph by “have it recertified according to the requirements of”;

(3) by replacing the second paragraph by the following:

“The permit holder or owner of petroleum equipment is required to comply with the provisions of subparagraph 1 of the first paragraph only if not more than five years have elapsed since petroleum products have been taken from the tank and it is demonstrated that the equipment is leak proof

(1) by a leak detection test in compliance with section 269; or

(2) by a pressure test using an inert gas, in compliance with section 110.2, except subparagraphs 1 and 5 of the first paragraph of that section, of a minimum duration of four hours, for simple or double wall tanks emptied of any petroleum product.”

22. Section 131 is amended

(1) by inserting “underground” before “storage”;

(2) by replacing “has been in disuse” by “has not been used”.

23. Section 132 is replaced by the following:

“**132.** Where an owner or permit holder has not used an underground tank and its piping for a period exceeding one year, the tests prescribed in sections 267 and 269 shall be conducted before the equipment is reactivated.”

24. Section 137.2 is amended

(1) by replacing “A permit holder’s aboveground motor fuel tank” by “An aboveground motor fuel tank intended for the sale of petroleum products that is”;

(2) by replacing “an isolated” by “a designated”.

25. Section 150 is amended by replacing “133” in the second paragraph by “95.0.2”.

26. Section 154 is amended by striking out “where necessary to respect the volumetric capacity requirement set forth in section 151”.

27. Section 165 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**165.** Where the permit holder does not use his aboveground storage installation for a period of more than 180 days, he shall”;

(2) by deleting paragraphs 1 and 6.

28. Section 166 is replaced by the following:

“**166.** Where the permit holder does not use his aboveground storage installation for a period of less than 180 days, he shall gauge the tanks at least once a week.”

29. Section 167 is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“**167.** Where the owner or permit holder of an aboveground storage installation decides to no longer use the installation or has had it closed for more than 2 years, he shall:”;

(2) by deleting subparagraph 1 of the first paragraph;

(3) by replacing “only subparagraphs 1 and 2 apply provided that the period of disuse does not exceed 5 years” in the second paragraph by “a period of 2 years shall be extended to 5 years for subparagraphs 3, 4 and 5”.

30. Section 169 is amended by replacing “133” in paragraphs 1 and 2 by “95.0.2”.

31. Section 179 is amended by replacing “173”, “174”, “199” and “200” in the first paragraph by “95.0.3”, “95.0.4”, “95.0.6” and “95.0.7”.

32. The heading preceding section 192 is amended by inserting “underground” before “metallic”.

33. Section 208.1 is amended by replacing the first paragraph by the following:

“**208.1.** The end of a vent pipe shall be higher than the end of a fill pipe, not less than 3.5 metres above ground level for a Class 1 petroleum product tank, not less than 2 metres for a tank containing other products and not less than 1.5 metres from any building opening for a Class 1 petroleum product tank or not less than 600 millimetres for a tank containing other products. The end of a vent pipe shall terminate in open air outside buildings in such a manner that flammable vapour cannot be drawn into building openings.”

34. Section 208.5 is revoked.

35. Section 208.6 is amended

(1) by striking out “Aboveground” before “tanks”;

(2) by replacing “133” by “95.0.2”.

36. Section 237 is amended

(1) by striking out “steel” in the first paragraph;

(2) by deleting the second paragraph.

37. Section 249 is amended

(1) by replacing “2 metres measured horizontally” by “1.5 metres”;

(2) by adding the following paragraph:

“For a Class 2 motor fuel tank supplying an electricity generating system or for a heating oil tank supplying a heating system, the distance must not be less than 600 millimetres from any opening in the building.”

38. Section 253 is amended by adding the following after the first paragraph:

“The first paragraph does not apply where

(1) the tank is equipped with an overflow protection device in compliance with standard ULC/ORD-C58.15-1992 “Overflow Protection Devices for Flammable Liquid Storage Tanks” published by the Underwriters’ Laboratories of Canada, adapted so as to include in the tank the volume of petroleum product that could be contained in the filling pipes without exceeding the maximum filling level of the tank as specified in the Standard; or

(2) the other openings of the tank are equipped with a backflow device such as a back pressure spring valve.”

39. Section 260.2 is amended by replacing “96” in the last paragraph by “95.0.1”.

40. Section 274 is amended by striking out “, either with service, as a self-serve or unattended self-serve outlet, and with or without a service centre” in the definition of “user outlet”.

41. Section 309 is amended by replacing “and shall be protected by barriers where not sufficiently protected by the island” in the first paragraph by “or be protected by barriers”.

42. Section 310 is amended

(1) by replacing the first paragraph by the following:

“The fueling areas, except those intended to supply off-road vehicles or farm equipment, those intended to be used for a single period of less than one year or those situated in a designated area, must be impervious to petroleum products over a surface extending at least 3 metres in front and 1.5 metres to the sides of each motor fuel dispenser measured from the centre of the dispenser.”;

(2) by inserting the following after the second paragraph:

“The measurements set forth in the first paragraph apply to any fuelling area built or modified after 26 February 1996.”;

(3) by replacing “The preceding paragraphs apply” in the third paragraph by “The second paragraph applies” and “capacity of more” by “capacity equal to or greater”.

43. Section 327 is amended by replacing “ULC-S612-M83” by “CAN/ULC-S612-99”.

44. Section 335 is amended by replacing the first paragraph by the following:

“**335.** Underground tanks used to store used oil must be equipped with a double shell and piping system which must have an automatic leak detector system equipped with a visual and audible alarm and be manufactured in accordance with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.12-1992: Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.”.

45. Section 362 is amended by striking out “for the sale of motor fuel”.

46. Section 428 is amended in the French text by replacing “celui-ci” in the first paragraph by “propriété”.

47. Sections 486 to 488, 490, 493 to 495, 497 to 499, 502, 503, 516 and 517 are revoked.

48. The following is inserted before Chapter 8:

**“CHAPTER 7.1
PENAL**

528.1. Every person who contravenes any provision of sections 5.1, 130, 167, 260.1, 260.2 and 348 is guilty of an offence and is liable to the penalty prescribed under paragraph 1 of section 106 of the Act if a natural person or under paragraph 2 of the same section if a legal person.”.

49. Paragraph 3.1 of Schedule 1 is amended

(1) by replacing “CAN/CGSB-3.25-M89” in subparagraph 1 by “CAN/CGSB-3.25-94”;

(2) by replacing “CAN/CGSB-3.22-93” in subparagraph 2 by “CAN/CGSB-3.22-97”;

(3) by replacing “CAN/CGSB-3.23-93” in subparagraph 3 by “CAN/CGSB-3.23-97”;

(4) by replacing “CGSB-3-GP-24Ma” in subparagraph 4 by “3-GP-24c”.

50. Schedule 1 is amended by replacing “638” in the requirement for heating oil number 6 relating to the ASTM D 445 method listed in Table 4 by “650”.

51. Schedule 7 is amended by replacing paragraphs 1 to 4 of section 3 by the following:

“1. may be protected against corrosion according to the Petroleum Association for Conservation of the Canadian Environment Report PACE 87-1: Guideline Specification for the Impressed Current Method of Cathodic Protection of Underground Petroleum Storage Tanks;

2. replace before reaching 25 years after its installation;

3. replace before reaching 25 years after its installation and subject to a leak detection test in accordance with section 269 within 12 months of the year of assessment of its condition and every 5 years afterward;

4. replace before obtaining a T/S of 180 or before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with section 269 every year;”.

52. Schedule 8 is amended

(1) by striking out “****” before ratings D, 1.5 and 0.5 in the table;

(2) by striking out “**** Where section 412 applies, the distance must be 0.15 metres for steel vats.” in the legend after the table.

53. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5990

M.O., 2003

Order of the Minister of Public Security concerning the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec dated 22 October 2003

Police Act
(R.S.Q., c. P-13.1)

WHEREAS l'École nationale de police du Québec shall establish, by by-law, in accordance with section 16 of the Police Act (R.S.Q., c. P-13.1), standards for its professional training activities, the approval of training activities developed outside the school, admission requirements, teaching requirements, examinations and certificates of studies and diplomas, as well as standards of equivalence. The by-law must be submitted to the Minister of Public Security. The admission requirements for training in police patrolling shall establish, in particular, the medical requirements and the requirements relating to physical condition that must be met by students;

WHEREAS on October 22, 2003, the governing board of l'École nationale de police du Québec has adopted the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec;

WHEREAS section 12 of Regulations Act (R.S.Q., c. R-18.1) which prescribes that a proposed regulation may be approved without having been published, prescribed by section 8 of this Act, if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of this Act which prescribes that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* when the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS sections 13 and 18 of this Act which prescribe that the reason justifying the absence of the preliminary publication and such coming into force shall be published with the regulation;