

**2.** The Regulation is amended by inserting the following after section 1:

“**1.1.** Subject to section 49 of the Act, amended by section 44 of chapter 10 of the Statutes of 2005, a contractor and an owner-builder are exempt from the application of Chapter IV of the Act as regards the requirement to hold a “4515 petroleum equipment installation contractor” licence in the subcategory of the category of specialized contractor and in the subcategory of the category of owner-builder referred to in Schedule B to the Regulation respecting the professional qualification of building contractors and owner-builders approved by Order in Council 876-92 dated 10 June 1992 where

(1) the planned construction work involves the installation of an aboveground tank outside the building, if the tank is not connected by piping to an apparatus designed to use, dispense or transfer a petroleum product or to another tank, and the tank’s capacity is

(a) less than 2500 L for a tank that is to contain gasoline, fuel ethanol or aviation fuel; or

(b) less than 5000 L for a tank that is to contain diesel fuel, biodiesel fuel or fuel oil;

(2) the planned construction work involves the installation or removal of an aboveground petroleum equipment installation outside a building when the installation was manufactured and a tank was connected by piping, during the manufacturing, to an apparatus designed to use, dispense or transfer a petroleum product, and the tank’s capacity is

(a) less than 2500 L for a tank that is to contain gasoline, fuel ethanol or aviation fuel; or

(b) less than 5000 L for a tank that is to contain diesel fuel, biodiesel fuel or fuel oil; or

(3) the planned construction work involves the installation, maintenance, repair or alteration of an apparatus that is part of a petroleum equipment installation.”.

**3.** The Regulation is amended by inserting the following after section 3.3.0.1:

#### “DIVISION I.2

#### EXEMPTION FROM THE APPLICATION OF SECTION 35 OF THE BUILDING ACT

**3.3.0.2.** The owner of a petroleum equipment installation that includes high-risk petroleum equipment is exempt from furnishing the certificate of conformity

required under section 35 of the Building Act if the owner holds an approval referred to in section 80 of the Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions (2005, c. 10).”.

**4.** The Regulation is amended by inserting the following after section 3.3.5:

#### “DIVISION II.3

#### EXEMPTION FROM THE APPLICATION OF CHAPTER VIII OF THE CONSTRUCTION CODE AND CHAPTER VI OF THE SAFETY CODE

**3.3.6.** The following are exempt from the application of Chapter VIII of the Construction Code approved by Order in Council dated            and Chapter VI of the Safety Code approved by Order in Council dated            :

(1) any apparatus that uses a petroleum product in a petroleum equipment installation and that is to be connected by piping to a tank designed to hold such a product; and

(2) any petroleum equipment or petroleum equipment installation manufactured and designed to use a petroleum product.”.

**5.** Section 3.5 is amended by inserting “, their petroleum equipment installations” after “gas”.

**6.** Section 3.6 is amended by inserting “, their petroleum equipment installations” after “electrical installations”.

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

7875

### Draft Regulation

Building Act  
(R.S.Q., c. B-1.1)

#### Safety Code — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Safety Code, appearing below, may be approved by the Government with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish throughout Québec the basic standards that apply to petroleum equipment installations (installations to use, store or dispense petroleum products), to ensure the safety of the public using them. The standards are now adopted by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1).

The standards constitute Chapter VI of the Safety Code and are essentially the requirements already set out in the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) and the regulatory requirements currently in force, made under that Act and set out in the Regulation respecting petroleum products and equipment, approved by Order in Council 753-91 dated 29 May 1991 (1991, *G.O.* 2, 1839). Adaptations have been made to take into account the provisions of the Building Act, to facilitate their applications and mainly to distinguish between the responsibilities of architects, engineers and contractors, which are integrated into the Construction Code, and those of owners of petroleum equipment installations.

The draft Regulation sets out minimum safety standards respecting the condition, use, maintenance and operation of the installations and their vicinity that the owners must comply with in order to prevent accidents and fires.

The draft Regulation also includes framework measures for the monitoring of compliance with the requirements, in particular a process to monitor the compliance of high-risk petroleum equipment forming part of a petroleum equipment installation, using certificates of conformity that must be produced by persons recognized by the Board and furnished by the owners prior to the issue of a permit authorizing its use.

To date, study of the matter has shown no financial impact on the public or enterprises, including small and medium-sized enterprises.

Further information may be obtained by contacting Pierre Gauthier, Régie du bâtiment du Québec, 800, place d'Youville, 15<sup>e</sup> étage, Québec (Québec) G1R 5S3; telephone: 418 643-9896 or fax: 418 646-9280.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gilbert, President and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

LAURENT LESSARD,  
*Minister of Labour*

## Regulation to amend the Safety Code \*

### Building Act

(R.S.Q., c. B-1.1, ss. 35.2, 175, 176, 176.1, 178, 179, 185, 1st par., subpars. 2.1, 5, 5.1, 5.2, 6.3, 6.4, 20, 37 and 38 and s. 192; 2005, c. 10 ss. 60, 62 and 63)

1. The Safety Code is amended by adding the following after section 108:

### “CHAPTER VI PETROLEUM EQUIPMENT INSTALLATION

#### DIVISION 1 INTERPRETATION

109. In this Chapter, unless the context indicates otherwise,

“cargo tank” means a tank having one or more compartments fixed to a truck, a railway car, a trailer or a semi-trailer and used to transport, transfer or dispense petroleum products; (*citerne*)

“container” means a container that holds less than 45 L; (*contenant*)

“fuelling area” means the part of the dispensing area situated opposite each motor fuel dispenser where vehicles stop to be refuelled; (*aire de ravitaillement*)

“portable tank” means a container that holds not less than 45 L and not more than 225 L and is designed to be moved; (*réservoir portatif*)

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

“service area” means the space in a building used for servicing or repairing vehicles. (*aire d’entretien*)

In this Chapter, “airport outlet”, “aviation fuel”, “biodiesel fuel”, “booth”, “bulk plant”, “designated location”, “diesel fuel”, “first storey”, “flash point”, “fuel oil”, “high-risk petroleum equipment”, “marina outlet”, “motor fuel”, “motor fuel dispensing outlet”, “petroleum equipment”, “recognized person”, “self-serve

\* The Safety Code, approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654), was last amended by the regulation approved by Order in Council 121-2006 dated 28 February 2006 (2006, *G.O.* 2, 1121). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

facility”, “service centre”, “storey”, “tank”, “unattended self-serve facility”, “underground piping”, “underground tank” and “user outlet” have the meaning assigned in section 8.01 of Chapter VIII of the Construction Code made under the Building Act (R.S.Q., c. B-1.1).

**110.** For the purposes of this Chapter, petroleum products include the classes and types listed in section 8.02 of the Construction Code.

## DIVISION II APPLICATION

**111.** Subject to the regulatory exemptions under subparagraph 1 of the first paragraph of section 182 of the Building Act, the codes, standards and provisions of this Chapter apply to petroleum equipment and petroleum equipment installations covered by that Act, including their vicinity.

Despite the first paragraph, petroleum equipment installations erected before (*insert the date of coming into force of Chapter VIII of the Construction Code*) are considered to comply with the provisions of this Chapter that require compliance with a technical standard drawn up by a body if the equipment that is part thereof meets the requirements of the technical standard applicable at the time of the erection or alteration of the installation.

In addition, if a provision of this Chapter requires that petroleum equipment be approved under such a standard, the equipment is presumed to comply with the provision if it is approved under the standard applicable at the time of its manufacturing or erection.

## DIVISION III REGISTER, ATTESTATION AND PERMITS

### §1. Register

**112.** The owner of a petroleum equipment installation that includes high-risk petroleum equipment must keep in a register or append thereto, as the case may be, the following information and documents:

(1) during the existence of the petroleum equipment, a copy of the plans relating to all construction work carried out on the equipment and all technical information relating to the alterations made to the equipment;

(2) for at least 10 years,

(a) inspection certificates issued by a certified inspector under section 52 of the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) and certificates of conformity or safety produced by a recognized person;

(b) the information listed in paragraph 9 of section 119;

(c) notices of correction given to a permit holder under section 92 of the Act respecting petroleum products and equipment as it read before (*insert the date of coming into force of chapter 10 of the Statutes of 2005*) or remedial notices given by the Régie du bâtiment du Québec under section 122 of the Building Act;

(d) corrosion protection system inspection reports;

(e) leak detection system inspection reports;

(f) leak detection test reports;

(g) operating performance monitoring reports, tests, inspections, water dips required under section 141 and a description of the measures taken to meet, where applicable, the requirements of sections 137 to 140, 143 to 151, 187 and 225;

(h) periods during which the equipment was not used; and

(i) a description of any measure taken to meet, if applicable, the requirements of sections 172, 173 and 177; and

(3) for at least two years,

(a) copies of petroleum product purchase, delivery, sale and withdrawal records;

(b) gauge readings of the product, water dip readings in the tanks and readings of dispenser meters;

(c) calculations allowing the monthly determination of any gain or loss of product if gauging of petroleum products is required under this Chapter; and

(d) dates on which draining was carried out, the quantity that was drained and the name of the person or enterprise that carried out the draining.

For fuel oil, diesel and biodiesel tanks used to supply a generator set, only the documents in subparagraph 1 need be retained for a minimum of two years.

The register must be made available to the Régie or a recognized person.

### §2. Certificates of conformity

**113.** The owner of a petroleum equipment installation that includes high-risk petroleum equipment must provide the Régie at the following inspection intervals

with a certificate of conformity that meets the requirements of section 115, produced and signed by a recognized person:

- (1) for underground petroleum equipment
  - (a) having a double wall without an automatic leak detection system or having a single wall, every two years; or
  - (b) for fuel oil or having a double wall with an automatic leak detection system, every four years;
- (2) for bulk plants, every two years; and
- (3) for aboveground petroleum equipment, every six years.

If a private inspection program referred to in Division V of Chapter III of the Act respecting petroleum products and equipment as it read before (*insert the date of coming into force of chapter 10 of the Statutes of 2005*) ends and at least six months remain before the expiry of the permit, the holder of the permit must provide the Régie with a certificate of conformity before that date.

**114.** The inspection required for the certificate of conformity referred to in section 113 must be carried out within 12 months before the end of the period covered by the certificate.

The inspection period referred to in section 113 starts on the expiry date of the first permit issued at the address of the site where the high-risk petroleum equipment covered by the permit is situated. The inspection period for equipment existing before (*insert the date of coming into force of this Regulation*) remains the same as the period applicable before that date.

If new high-risk petroleum equipment is erected at the address for which the owner holds a permit, the inspection period required for the equipment must be adjusted to coincide with the current period.

If petroleum equipment installed at the same address has different inspection periods, the shorter period takes precedence.

**115.** The recognized person is to certify

- (1) that he or she has verified the register referred to in section 112 and that the register is in compliance with the requirements of that section;
- (2) that he or she has searched for signs of leaks to ensure that the petroleum equipment does not leak and is not a hazard to public safety;

(3) that, in the case of underground petroleum equipment, he or she has examined the operation of the equipment and inventories to ensure that they meet the requirements of sections 143, 172, 173, the second paragraph of section 174, sections 175, 211, the first paragraph of section 213, sections 223, 224, the first paragraph of section 233, sections 242, 244, 248 and 252 of this Chapter and the requirements of section 8.95, the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.124, 8.125, 8.127, 8.128, 8.142, 8.145, 8.146, the first paragraph of section 8.153, sections 8.156, 8.159, 8.160, the second and third paragraphs of section 8.162, sections 8.164, 8.165, the first and second paragraphs of section 8.166, sections 8.168, 8.170, 8.172, 8.180, 8.183 and 8.185 of the Construction Code;

(4) that, in the case of a bulk plant, he or she has examined the operation of the petroleum equipment to ensure that it meets the requirements of sections 143, 172, 173, the second paragraph of section 174, sections 175, 186, the first paragraph of section 188, section 192, the first paragraph of section 193, sections 198, 201, the second paragraph of section 205, section 211, the first paragraph of section 213, sections 222 to 224, the first paragraph of section 225, sections 252, 258, 260, 262, 263, 265 and 273 of this Chapter and the requirements of section 8.47 with respect to aboveground tanks, sections 8.64, the first paragraph of section 8.65, section 8.93, the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.108, paragraph 4 of section 8.113, the first, fourth and sixth paragraphs of section 8.116, sections 8.124, 8.125, 8.127, 8.128, 8.142, 8.143, 8.145, 8.146, 8.156, 8.195, 8.198, the first paragraph of section 8.199, section 8.200 with respect to manual valves, sections 8.204, 8.209, 8.211, 8.213, 8.215, paragraph 4 of section 8.127 and paragraph 5 of that section except with respect to the references to paragraphs 1 and 2 mentioned therein, of the Construction Code; and

(5) that, in the case of aboveground petroleum equipment other than bulk plants, he or she has examined the operation of the equipment to ensure that it meets the requirements of sections 156 and 184 but only with respect to the first paragraph of section 8.60 of the Construction Code, section 185, the first and second paragraphs of section 188, section 192, the second paragraph of section 193, sections 198, 201, the second paragraph of section 205, the first paragraph of section 213, sections 223, 224, the first paragraph of section 225, the second paragraph of section 227, the first paragraph of section 233, sections 241, 242, 244, paragraph 3 of section 246, sections 248 and 252 of this Chapter and the requirements of sections 8.53, 8.56, 8.57, 8.64, paragraph 1 of section 8.65, sections 8.72,

8.93, 9.95, the first and second paragraphs of section 8.96 with respect to Class 1 petroleum products and the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.108, paragraphs 1 to 4 and 6 of section 8.116, sections 8.142, 8.145, 8.146, subparagraph 1 of the first paragraph of section 8.153, sections 8.156, 8.159, 8.160, the second and third paragraphs of section 8.162, sections 8.164, 8.165, the first and second paragraphs of section 8.166, sections 8.168, 8.170, paragraph 4 of section 8.178, sections 8.180, 8.183 and 8.185 of the Construction Code.

Otherwise, the recognized person must inform the owner of any irregularities found and the reasons for refusing to produce the required certificate of conformity. The person must also inform the Régie within 30 days.

The certificate must also contain a description of the petroleum equipment inspected, its type, make, model and capacity, the petroleum product it is to contain, the address of the place where it is situated, the date of signature, the name, address, telephone number, professional order membership number and temporary permit or certification number issued pursuant to the Act respecting petroleum products and equipment of the recognized person who produced the certificate. The certificate may be produced on the form provided for that purpose by the Régie.

**116.** Persons who meet the requirements of sections 8.13 and 8.14 of the Construction Code may be recognized by the Régie to produce and sign the certificate of conformity required under section 113.

**117.** The recognition of a person may be revoked by the Régie for the reasons listed in section 8.15 of the Construction Code.

### §3. *Permits*

**118.** The owner of a petroleum equipment installation that includes at least one component that is high-risk petroleum equipment must obtain a permit for the use of all the high-risk petroleum equipment situated at the same address, until the equipment is removed from its respective place of use.

**119.** The owner of a petroleum equipment installation applying for the issue or renewal of a permit must provide the Régie with the following information and documents:

(1) the owner's name, home address and, where applicable, the business number assigned to the owner under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) if the application is made on behalf of a partnership or a legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number referred to in paragraph 1;

(3) the address and telephone number of the site where the petroleum equipment covered by the application is situated if the address is different from the address of domicile or head office;

(4) if a certificate is required, the date of the certificate produced by a recognized person referred to in section 116 since the last application for the issue or renewal of a permit and the date on which the owner was informed by a recognized person of any irregularity; the owner must also provide the professional order membership number or temporary permit number of the person or the certification number of the certified inspector, where applicable;

(5) the characteristics of the petroleum equipment covered by the application, in particular

(a) the storage capacity in litres;

(b) the nature of the petroleum products stored or intended to be stored;

(c) the date of installation and the name and address of the contractor or owner-builder who installed the equipment;

(d) the year of manufacture and the name and address of the manufacturer;

(e) the automatic leak detection systems on high-risk petroleum equipment; and

(f) a description of the location of all high-risk petroleum equipment on the site;

(6) a declaration from the owner stating that the application information is accurate and complete;

(7) the date of the owner's signature;

(8) the certificate of conformity required; and

(9) in the case of an application for renewal, a declaration of the events having affected the equipment during the permit validity period, including

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

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



(c) all failures in storage or dispensing equipment that are a hazard to public safety; and

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

**120.** A permit modification application must contain

(1) the information required under paragraphs 6 to 8 of section 119; and

(2) a description of the new equipment installed or the alterations made to the equipment covered by the permit.

**121.** At the time an application for the issue, modification or renewal of a permit is made, required information and documents previously provided to the Régie need not be re-filed if the owner attests to their current accuracy and completeness.

**122.** The Régie issues or renews a permit on the following conditions:

(1) the owner has provided the information and documents required under section 119;

(2) the application for issue or renewal has been received and the fees have been paid to the Régie;

(3) the owner has complied with all the provisions of this Chapter that apply to the petroleum equipment covered by the permit application after being convicted of an offence related to the equipment, or with a supplementary measure required under section 122 of the Building Act;

(4) when applying for a renewal, the owner declares that the requirements of this Chapter to ensure the testing of the operating performance of the petroleum equipment covered by the permit are met;

(5) the certificate of conformity or safety accompanying the permit application has not been produced on the basis of inaccurate or misleading information; and

(6) the certificate submitted has been produced by a recognized person.

**123.** A permit may only be modified by the Régie at the request of an owner if

(1) the name of the owner of the high-risk petroleum equipment or the address of the site where the equipment is situated has changed; or

(2) a change to the petroleum equipment covered by the permit during the permit validity period invalidates the permit or the certificates of conformity submitted.

The modification application must be accompanied by the required certificate of conformity, where applicable, and the fees payable to the Régie.

**124.** The owner must inform the Régie of any change resulting in inaccuracy or incompleteness of the information, the certificate of conformity or the other documents submitted with the application for the issue, renewal or modification of the permit.

**125.** The holder of a permit must post the permit in public view at the address where the petroleum equipment covered by the permit is situated.

**126.** The term of a permit is 24 months; a permit may, however, be issued for a period shorter than 24 months to meet

(1) the expiry dates of the permits issued to the same holder in the same administrative region;

(2) the expiry dates of the various permits for petroleum equipment situated at the same address; or

(3) the period of use of the petroleum equipment for an activity whose expected duration is shorter than two years.

**127.** A permit is suspended for so long as the holder does not comply with an order made under section 123 or 124 of the Building Act.

#### **§4. Fees**

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

If the validity period of the permit is shorter than 24 months, the fee payable is determined in proportion to the number of months of validity of the permit issued by the Régie but is not lower than \$85 per year.

#### **DIVISION IV GENERAL PROVISIONS APPLICABLE TO ALL PETROLEUM EQUIPMENT**

**129.** Petroleum equipment must be used for the purposes for which it is designed and must be maintained in proper and safe working order.

**130.** Petroleum equipment must be used and maintained so that it does not present a risk of spillage, leakage, fire, explosion or intoxication.

**131.** The owner of a petroleum installation or equipment must ensure during its operation that

- (1) the processes and equipment used are safe;
- (2) safety devices provided for that purpose are used correctly; and
- (3) the necessary precautions are taken so as to prevent risks of explosion, fire, spillage, leakage or other accidents.

The owner must also comply with the servicing, use and draining requirements applicable to the equipment or installation under this Chapter.

**132.** Petroleum equipment must

- (1) be leak-proof to prevent any risk of explosion, fire, spillage or other accident;
- (2) be used so as not to endanger the life of any person or cause serious injury;
- (3) be housed to limit access to authorized persons by the owner of the equipment and to prevent any contact with objects that may increase the risk of accidents; and
- (4) have protection devices that ensure the safety of persons who have access to the equipment or who use it.

**133.** The required rectification must be made if the operating conditions of the petroleum equipment are hazardous owing, in particular, to intensive use, modifications, wear and tear or obsolescence, or when a leak is detected.

**134.** Petroleum equipment that does not meet the minimum requirements for use, condition or servicing in this Chapter may not be used to store or dispense a petroleum product.

**135.** The owner of a petroleum equipment installation that includes high-risk petroleum equipment must inform the Régie of any fire, explosion, loss of life or disaster involving petroleum equipment within 24 hours after the owner becomes aware of the incident.

## **DIVISION V** **TESTING OF THE OPERATING PERFORMANCE**

### *§1. Application*

**136.** This Division applies to the high-risk petroleum equipment in a petroleum equipment installation.

### *§2. Inspections*

**137.** Every two years, the owner of underground petroleum equipment must

- (1) inspect the cathodic protection performance

(a) in the case of a sacrificial anode system, in accordance with CAN/ULC Standard S603.1-03 External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; and

(b) in the case of an impressed current cathodic protection system where such system is an addition to an underground petroleum equipment installation, in accordance with RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by Nace International; and

- (2) ensure the proper operation of the automatic petroleum products leak detection system.

**138.** Every year, the owner must inspect and ensure the proper operation of

- (1) the safety valves of an aboveground piping system; and
- (2) every grounding circuit in a petroleum equipment installation.

**139.** The owner must ensure that every motor fuel dispenser connected to an underground tank has a meter that is calibrated at least once every two years.

### *§3. Leak detection tests*

**140.** Where single-wall petroleum equipment is buried within 150 m from a vertical plane touching the closest outside wall of subway or pedestrian, road or railway tunnel works under construction or already completed, the owner must conduct a leak detection test every year in compliance with the second paragraph of section 8.130 of the Construction Code.

#### §4. Motor fuel dispensing

**141.** The owner must water dip each underground motor fuel tank every week.

The owner must also inspect the observation well if the tank does not have a continuous monitoring system with an alarm.

**142.** Every day the owner uses the equipment, the owner must

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

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

If, however, the owner of high-risk petroleum equipment does not use the equipment for more than one week, the owner must gauge the equipment once a week during the period the equipment is not used.

**143.** The owner must conduct leak detection tests on underground tanks and piping in accordance with the second paragraph of section 8.130 of the Construction Code each time one of the following occurs inexplicably:

(1) a volume loss of at least 0.5% of the petroleum products removed from a tank or a number of tanks containing the same product over a period of one month;

(2) a loss of petroleum products over at least five consecutive days;

(3) a loss of petroleum products over at least 18 days in a month, if the product level is measured every day;

(4) a loss or gain of petroleum products over at least 15 days in one month, if the product level is measured 6 days a week; or

(5) the water level in the bottom of the tank exceeds 50 mm.

**144.** The owner must inspect each year and ensure the proper operation of each fusible safety valve and automatic leak detection system according to the manufacturer's instructions.

#### §5. Airport outlets

**145.** The owner must inspect each year the grounding system of dispensers and tanks to ensure it meets the requirements of Chapter V of the Construction Code.

**146.** The owner must inspect the inside of each tank containing aviation fuel at least once every five years to prevent deposit build-up.

#### §6. Bulk plant servicing and inspection

**147.** The owner must inspect each year and ensure the proper operation of each safety valve in the petroleum equipment installation.

**148.** The owner must carry out a visual inspection of piping and the aboveground tank once a week to ensure they are leak-proof.

**149.** The owner must test once a month the operating performance of valves, overflow controls, vents and fire protection devices.

**150.** The owner must gauge or dip tanks at least once a week and, if there has been a receipt of petroleum products, the owner must gauge or dip the tanks during the day of receipt.

**151.** The owner must, using the volume added and removed, reconcile the volume of petroleum products that should be in the tanks with the volume obtained by gauging; in the case of an aboveground tank having a capacity greater than 250,000 L, the owner must also take into account the temperature of the petroleum product at the time of gauging.

### DIVISION VI PROVISIONS APPLICABLE TO PETROLEUM EQUIPMENT

#### §1. Handling and prevention

**152.** The transfer of Class 1 and Class 2 petroleum products must take place at a distance of more than 5 m from a flame or any other ignition source.

**153.** A Class 1 petroleum product may not be used as a cleaner or solvent.

#### §2. Petroleum product storage

**154.** In addition to the provisions of this subdivision, the owner must comply with sections 8.19 and 8.20 of the Construction Code.

**155.** Class 1 and Class 2 petroleum products or substances impregnated with those products must be stored in sealed containers suitable for such products.

**156.** Storage of petroleum products inside a building must meet,



(1) in the case of a container, the requirements of section 4.2 of the National Fire Prevention Code of Canada – 2005, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada;

(2) in the case of an aboveground tank not referred to in subparagraph 3, the requirements of section 4.3 of the National Fire Prevention Code of Canada, subject to the provisions of this Chapter; and

(3) in the case of a container in a motor fuel dispensing outlet, the requirements of section 4.6 of the National Fire Prevention Code of Canada.

Despite subparagraphs 1 and 2 of the first paragraph, storage of a petroleum product in a tank inside a building to supply a generator engine or a fuel oil system must meet the requirements of CAN/CSA Standard B139-04 Installation Code for Oil-Burning Equipment, published by the Canadian Standards Association.

### §3. Containers and portable tanks

**157.** A container or a portable tank used for petroleum products must meet the requirements for small containers in the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002.

**158.** A glass container may not be used to store a Class 1 petroleum product, except in the case of a sample of less than 1 L.

**159.** A damaged container or portable tank that presents a risk of leakage must not be used to store a petroleum product and its content, if applicable, must be transferred to an undamaged container or tank.

**160.** Every petroleum product container to be distributed must bear, in legible letters, the name of the product it contains.

**161.** Red must be the dominant colour on a container used for a Class 1 petroleum product.

The word “DANGER” or “INFLAMMABLE” must be legibly marked on the container and the nature of the contents must be specified.

**162.** A container or a portable tank containing a petroleum product must be hermetically sealed.

In the case of a metal container or portable tank that has a pump, it is considered hermetically sealed if the pump has a vapour-tight seal.

**163.** A Class 1 petroleum product must be dispensed from a portable tank with a hand pump that has a hermetic seal.

### §4. Aboveground tank and piping

**164.** In addition to the provisions in this subdivision, the owner must comply with sections 8.24 to 8.26 of the Construction Code.

**165.** Nonmetallic piping must meet the requirements of any of standards ULC/ORD-C107.7-1993 Glass-Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids, ULC/ORD-C107.4-1992 Ducted Flexible Underground Piping Systems for Flammable and Combustible Liquids and ULC/ORD-C971-2005 Nonmetallic Underground Piping for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada. Piping that meets the requirements of ULC/ORD Standard C971-2005 Nonmetallic Underground Piping for Flammable and Combustible Liquids must also be installed so that there are no joints in the ground.

**166.** Double-wall piping must consist of piping that meets the requirements of section 8.25 or 8.26 of the Construction Code or section 165 of this Chapter installed inside other piping that meets the requirements of section 8.25 or 8.26 of the Construction Code or the requirements of section 165 of this Chapter, or the requirements of ULC/ORD Standard C107.19 Secondary Containment of Underground Piping for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada.

On a Class A site, double-wall piping must have an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C107.12-1992 Line Leak Detection Devices for Flammable Liquid Piping or ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters’ Laboratories of Canada.

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

For the purposes of the second paragraph, the following places are Class A sites:

(1) a site within 1,000 m measured horizontally from a well used to collect drinking water for a residence that cannot be connected to a waterworks system, from the intake of a pipe used to supply a municipality with drinking water, from a channel used exclusively to

supply a municipality with drinking water or from a well whose water is used in the making of a food product; and

(2) a site within 50 m measured horizontally from a station, a tunnel or other underground structure necessary for the operation of a subway, a public building with one or more storeys situated below the ground floor or the first storey, as defined in the Public Buildings Safety Act (R.S.Q., c. S-3) or in its regulation, from an underground or semi-underground parking garage that may accommodate at least six vehicles and that requires mechanical ventilation in accordance with section 6.2.2.3 of Chapter I of the Construction Code made pursuant to the Building Act.

## **DIVISION VII**

### **PROVISIONS APPLICABLE TO HIGH-RISK PETROLEUM EQUIPMENT**

#### **§1. General**

**167.** High-risk petroleum equipment may only be used if there are portable fire extinguishers in proper working order nearby.

**168.** The owner must keep oil absorbents at all times on the premises where high-risk petroleum equipment is situated.

#### **§2. Underground tanks**

**169.** On a Class A site, as defined in section 166, the tank must have a double wall.

The double wall must have, in its interstitial space, an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C58.12-1992 Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada.

The double wall must also contain, in its interstitial space, where applicable, brine composed exclusively of calcium chloride with or without potassium chloride or sodium chloride where the respective concentration does not exceed 42%, 3% and 2%.

**170.** On a Class B site, a tank must

(1) have an automatic leak detection system; or

(2) meet the requirements of section 8.29 of the Construction Code and be connected to piping that meets the requirements of section 8.78 of that Code.

For the purposes of the first paragraph, the following sites are Class B sites:

(1) a site within 1,000 m measured horizontally from a water intake or from a well used for purposes other than those in subparagraph 1 of the fourth paragraph of section 166;

(2) a site within 50 m measured horizontally from a watercourse, lake, pond or any other comparable body of water or from an area subject to a 20-year flood event as indicated on the land use planning and development plans or in an interim control by-law adopted under the Act respecting land use planning and development (R.S.Q., c. A-19.1); and

(3) a site within 50 m but not more than 150 m measured horizontally from a subway station or tunnel, an underground public area or an underground parking garage.

**171.** Every excavation in which a tank has been installed since 11 July 1991 must have an observation well, unless the petroleum equipment installation was erected between 30 April 1999 and (*insert the date of coming into force of this Regulation*) and meets the requirements of sections 8.29 and 8.78 of the Construction Code. If two underground tanks are less than 1.5 m apart, at least one observation well must be installed.

The well must consist of a perforated pipe at least 150 mm in diameter installed vertically, extending down at least below the bottom of the tanks, and be accessible from the ground. The pipe must also be enclosed inside a permeable lining if it is buried in sand.

**172.** An owner who ceases to remove petroleum products from an underground tank for a period of at least one week but less than 180 days must

(1) lock the fill and gauge pipe caps and covers and motor fuel dispensers and lock the main electrical control; and

(2) gauge each tank every week.

**173.** An owner who ceases to remove petroleum products from an underground tank for a period of 180 days or more but less than two years must

(1) empty the tanks, piping, motor fuel dispensers and pumps of Class 1 petroleum products and, if calculations confirm that the groundwater may lift a tank, the owner must fill the tank with a petroleum product other than a Class 1 product;

(2) lock the fill and gauge pipe caps and covers and motor fuel dispensers and lock the main electrical control; and

(3) gauge each tank containing a petroleum product every month.

**174.** An owner who ceases permanently to remove petroleum products from an underground tank or who has not removed petroleum products for two years or more must comply with section 8.45 of the Construction Code.

Subject to section 31.51 of the Environment Quality Act, the owner may, however, comply only with paragraph 1 of section 8.45 if not more than five years have elapsed since petroleum products were last removed from the tank and one of the following tests shows that the tank and piping are leak-proof:

(1) a leak detection test that meets the requirements of the second paragraph of section 8.130 of the Construction Code; and

(2) for single or double-wall tanks emptied of any petroleum products, a pressure test using an inert gas performed in compliance with the following requirements:

(a) a safety valve set at not more than 40 kPa capable of discharging the flow from the pressure source must be installed on a tank opening and its operation must be inspected before each test;

(b) the pressure must be measured using a pressure gauge calibrated in units of not more than 1 kPa;

(c) a pressure of at least 30 kPa and not more than 35 kPa must be created inside the tank;

(d) once the temperature has been stabilized and the pressure source removed, the created pressure must be maintained for at least four hours; and

(e) in the case of a compartment tank, each compartment must be tested separately, not simultaneously and only when the adjacent compartment is not under pressure.

**175.** An owner of underground petroleum equipment who has ceased to remove petroleum products from the equipment for more than one year must conduct a leak detection test that meets the requirements of the second paragraph of section 8.130 of the Construction Code before using the equipment.

**176.** The owner of a site where underground petroleum equipment is installed must, before assigning rights to the site, inform the assignee in writing of tank and piping siting and of the length of time the equipment has not been used.

**177.** An underground tank may be abandoned on its site if the requirements of section 8.46 of the Construction Code are met.

### §3. *Aboveground tanks*

**178.** In addition to the provisions of this subdivision, the owner must comply with sections 8.49 to 8.53, 8.56, 8.57, paragraph 4 of section 8.62 and sections 8.64 and 8.65 of the Construction Code.

**179.** Siting of an aboveground tank must meet the requirements of section 8.48 of the Construction Code with the references in Table 2 of that section to sections 8.60 and 8.61 replaced by references to sections 184 and 185 of this Chapter respectively.

**180.** Openings for gauging aboveground tanks intended to store Class 1 petroleum products must be provided with a vapour-tight cap or cover that must remain closed at all times except for gauging.

**181.** The intake end of a fill pipe for an aboveground tank must have a device that prevents its opening by any person not authorized by the owner of the equipment.

**182.** The shut-off valve required under section 8.57 of the Construction Code must remain closed and locked when the facility is closed except the shut-off valve on an installation supplying a heating system or a generator engine.

**183.** An aboveground tank that has a heating appliance must have thermometers and thermostats in proper working order so that the temperature of the product it contains is maintained at least 10 °C below its flash point.

**184.** An aboveground tank installed after 11 July 1991 must meet the requirements of section 8.60 of the Construction Code.

**185.** The dike required under section 184 is not required if the tank meets the requirements of section 8.61 of the Construction Code.

**186.** The dike around a tank must not be higher than 1.8 m from the bottom of the diked area, except in the case of a bulk plant dike erected before 1 January 1973.

**187.** The inside wall and the bottom of the diked area of a petroleum equipment installation erected after 30 April 1999 must meet the requirements of paragraph 5 of section 8.62 of the Construction Code. The owner must also comply with the requirements of section 8.63 of that Code.

**188.** The water in the diked area of an aboveground tank must be drained by a drainage system such as a sump or channel located at its lowest point having a valve kept closed that allows drainage of water.

The valve control for the drainage system must be accessible at all times.

The water must be channelled into an oil interceptor with a separator before disposal.

Water drained from an aboveground tank must be channelled directly into an oil interceptor with a separator before disposal.

**189.** No combustible material, container or portable tank may be located inside a diked area.

Vegetation to prevent soil erosion inside a diked area must be maintained in such manner that it does not contribute to a fire spreading.

**190.** Despite the second paragraph of section 111, the tank in a petroleum equipment installation may not be used to store a product other than a petroleum product, unless the diked area of the installation meets the requirements of paragraph F of section 4.3.2.3.2 of NFPA Standard 30-2003 Flammable and Combustible Liquids Code, published by the National Fire Protection Association.

**191.** An owner who ceases to remove petroleum products from an aboveground tank for a period of at least one week but less than 180 days must gauge the tank every week.

**192.** An owner who ceases to remove petroleum products from an aboveground tank for a period of 180 days or more but less than two years must

(1) drain all petroleum products from the tank, piping, loading and unloading equipment and leak and spill protection equipment;

(2) lock the fill and gauge pipe caps and covers and any other opening in an installation that contains a petroleum product, and lock the loading and unloading equipment and the main electrical control;

(3) condemn the stairs, walkways and other construction giving access to the roof of a tank; and

(4) permanently open the dike drainage valve if the dike contains only one tank.

**193.** An owner who permanently ceases to remove petroleum products from an aboveground tank or has not removed products for two years or more must

(1) drain petroleum products from the tank, piping and loading and unloading equipment; and

(2) remove the tank, piping, motor fuel dispensers, loading and unloading equipment and leak and spill protection equipment in accordance with the requirements of Chapter VIII of the Construction Code.

In the case of a marine bulk plant, a tank supplying heating appliances or a storage system in a designated location, the requirement in subparagraph 2 of the first paragraph applies only if petroleum products have not been removed from the tank for more than five years.

**194.** Before taking a tank out of service, an aboveground tank must be purged of any petroleum products vapour.

**195.** Despite the second and third paragraphs of section 111, an aboveground tank or piping component may not be reused for storing petroleum products aboveground unless the requirements of section 8.67 of the Construction Code are met.

**196.** Despite the second and third paragraphs of section 111, any tank removed that is not to be reused or that cannot be reused under the requirements of section 8.67 of the Construction Code must be demolished in accordance with section 8.68 of that Code.

#### **§4. Piping**

**197.** In addition to the provisions of this subdivision, the owner must comply with sections 8.72 to 8.74, 8.80, 8.93, 8.95 to 8.98, 8.100, 8.103, 8.104, the second paragraph of section 8.107, sections 8.108, 8.109, 8.111,

8.113, 8.115, paragraphs 1 to 4 of section 8.116, sections 8.117 to 8.119, 8.121 to 8.125, 8.127 and 8.128 of the Construction Code.

**198.** Except in the case of piping supplying a marine bulk plant, every petroleum equipment installation erected after 19 May 1984 must meet the requirements of section 8.71 of the Construction Code.

**199.** Aboveground piping for petroleum products must meet the requirements of section 8.77 of the Construction Code.

**200.** Any underground portion of piping connected to an underground tank installed after 11 July 1991 on a Class A site referred to in section 166 must have a double wall that meets the requirements of section 8.78 of the Construction Code.

**201.** Aboveground tanks installed after 11 July 1991 must have safety vent piping that meets the requirements of section 8.102 of the Construction Code.

**202.** Petroleum product velocity in aboveground piping must not exceed 2.5 m/s, unless the piping is directly connected to a marine wharf.

If the piping is insulated, the insulation must be non-combustible.

**203.** Aboveground piping for petroleum products must be identified to indicate its contents.

The piping may not be red in colour.

**204.** Each time a petroleum product is found on aboveground piping or on the ground, or a leak is suspected, the piping must be subjected to a leak detection test in accordance with section 8.110 of the Construction Code.

**205.** Aboveground piping must be supported and located so as to reduce vibration and stress to a minimum.

The piping must also be protected by barriers in areas subject to vehicle impact.

**206.** Aboveground indoor piping that is to contain petroleum products must be supported overhead or be located in a trench; it may not be installed under combustible flooring.

The trench referred to in the first paragraph must have trapped drains or positive ventilation to the outdoors preventing the accumulation of flammable vapours.

The aboveground piping must be located close to the ceiling or beams, or along walls, not less than 1.8 m above the floor.

**207.** No open flame is to be used to heat piping containing petroleum products.

**208.** An aboveground tank must be filled using vapour-tight connections; that requirement does not apply when filling a fuel oil tank connected to heating equipment.

**209.** Every fill pipe on a tank for storing motor fuel, except fill pipes on a tank connected to a generator engine using diesel or biodiesel fuel, must extend to a distance of not more than 200 mm from the bottom of the tank.

#### *§5. Replacement and servicing*

**210.** In addition to the provisions in this subdivision, the owner must comply with section 8.47 of the Construction Code.

**211.** Every high-risk underground steel tank that is not protected against corrosion according to the standard or document mentioned in section 8.42 of the Construction Code as well as steel piping not protected against corrosion that is connected to the tank must be removed from the ground if the tank does not meet the requirements of ULC/ORD Standard C58.10-1992 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids, published by the Underwriters' Laboratories of Canada.

Despite the foregoing, the owner is not required to remove the piping from the ground if a leak detection test complying with the second paragraph of section 8.130 of the Construction Code indicates that the piping is leak-proof and the piping is protected against corrosion according to the requirements of RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by NACE International.

In addition, the owner is not required to remove a tank installed before 11 July 1991 from the ground immediately if the evaluation of the tank condition, as provided for in Schedule I, falls within any of zones 2 to 4 of the graph in the Schedule. The tank must then be removed not later than the time specified in paragraph 3 of the Schedule.



**212.** If a petroleum product leaks out of steel underground piping that is not protected against corrosion, and the tank connected to the piping is not required to be removed from the ground according to the requirement of section 211, the entire length of the piping must be removed.

**213.** The owner must subject the petroleum equipment to a leak detection test in accordance with the second paragraph of section 8.130 of the Construction Code if, for an unknown reason, an event causes a leak or the presence of a petroleum product or petroleum product vapours in the vicinity of the equipment.

If the leak detection test indicates a leak, all defective components in the installation must be repaired or replaced and another leak detection test must be performed.

#### **DIVISION VIII PROVISIONS APPLICABLE TO MOTOR FUEL DISPENSING OUTLETS AND SERVICE CENTRES**

##### **§1. General**

**214.** In addition to the provisions in this subdivision, the owner must comply with sections 8.134, 8.135, 8.136, except with respect to aboveground tanks, the first paragraph of section 8.139, sections 8.140, 8.142, 8.143, 8.145, 8.146, 8.148, 8.151, the first paragraph of section 8.153, sections 8.154 and 8.156 of the Construction Code.

**215.** Every valve on an aboveground line connected to a tank, every end of a petroleum product line and every fill pipe must be identified in accordance with the document entitled Using the CPPI Colour-Symbol System to Mark Equipment and Vehicles for Product Identification, published by the Canadian Petroleum Products Institute.

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

The fire extinguishers must be accessible, have an effective total rating equivalent to at least 20-B,C and be maintained in proper working order. One extinguisher must be located less than 10 m from the dispensing areas.

**217.** The owner must keep oil absorbents on the premises of a motor fuel dispensing outlet or a service centre.

**218.** A fuelling area used to dispense motor fuel after sunset must be lighted.

**219.** No vehicle may be fuelled if it is not parked inside a fuelling area.

**220.** A vehicle may not be fuelled with a Class 1 petroleum product while the engine is running.

That requirement also applies in the case of a vehicle fuelled with a Class 2 petroleum product if the dispenser is located at a distance of less than 8 m measured horizontally from a dispenser for a petroleum product referred to in the first paragraph.

No person may smoke or light a flame within 7.5 m of a dispenser within a servicing area for the fuel supply system of an internal combustion engine, within an area in which Class 1 or Class 2 petroleum products are received or transferred, or inside a booth completely or partially within a dispensing area.

**221.** Every motor fuel dispenser for a Class 1 or Class 2 petroleum product must meet the requirements of CSA Standard B346-M1980 Power-Operated Dispensing Devices for Flammable Liquids, published by the Canadian Standards Association.

In the case of an aviation fuel dispenser, all components must be suitable for such a product.

**222.** Every fuelling area must meet the requirements of section 8.144 of the Construction Code; the sizes required in the first paragraph of that section apply only to a fuelling area sited or altered after 26 February 1996.

**223.** A motor fuel dispenser installed after (*insert the date of coming into force of chapter 10 of the Statutes of 2005*) must satisfy the requirements of section 8.147 of the Construction Code.

Despite section 8.145 of the Construction Code, a motor fuel dispenser installed inside a building before (*insert the date of coming into force of chapter 10 of the Statutes of 2005*) must meet the following conditions:

(1) the dispensing area must have a continuous mechanical ventilation system electrically connected to the dispenser in such manner that the dispenser may only operate while the ventilation is operating at full capacity; and

(2) the dispensing area must be protected by an automatic dry-chemical fire extinguishing system.

**224.** Every submersible pump in a motor fuel dispensing outlet and every tank situated at a level higher than the base of a motor fuel dispenser must have a fusible safety valve set not higher than 70°C firmly attached to the island.

The shear point of the valve must be situated in the zone extending from 25 mm below the base of the dispenser to 13 mm above the base.

**225.** If a motor fuel dispenser pump is not installed inside the dispenser, the pump must have a leak detection device.

The operation of the device must be inspected annually according to the method recommended by the manufacturer.

**226.** Every pit for a submersible pump or the piping of a submersible pump installed in a motor fuel dispensing outlet after 30 April 1999 must be enclosed in a liquid-tight casing resistant to petroleum products.

The casing must be covered, located and serviced in such manner as to prevent external loads being transmitted to the pump, tank or piping.

The pit must be large enough to enable the pump to be inspected and serviced.

**227.** The owner of a motor fuel dispensing outlet must ensure that the person fuelling a vehicle activates the dispensing nozzle manually.

A dispensing nozzle with a latch-open device may not be used in a self-serve facility, an airport outlet or a marina outlet.

**228.** Every hose to be used for dispensing a Class 1 or Class 2 petroleum product must meet the requirements of CAN/ULC Standard S612-99 Hose for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, or be of a type used for aviation fuel, at an airport outlet.

## §2. *Service stations and service centres*

**229.** A Class 1 petroleum product may be transferred inside a service area in a building that has a basement, a pit or other sunken area where flammable vapours may accumulate only if the areas have continuous mechanical ventilation.

**230.** The owner of a service station or service centre must ensure that no tank truck containing a Class 1 petroleum product or vapours of such product is parked inside a service area unless the vehicle is being serviced.

**231.** Petroleum equipment may be used in or near a building housing a service station or a service centre if

(1) the hazardous areas listed in Schedule II to Chapter VIII of the Construction Code are separated from any room housing a solid or liquid fuel or gas heating appliance by walls having a fire-resistance rating of at least one hour within the meaning of Chapter I of the Construction Code;

(2) the room containing such a heating appliance does not

(a) have an opening less than 2.5 m from the floor; and

(b) is not used to store a Class 1 or Class 2 petroleum product or as a service area for work on the fuel supply system of internal combustion engines or to dispense, transfer or handle Class 1 petroleum products; the bottom of the combustion chamber of the heating appliance must be at least 500 mm above the floor and the appliance must be protected from impact;

(3) the combustion air necessary for the appliance comes from outside the building;

(4) the return air intake of a forced-air heating appliance is at least 1.25 m from the floor if it is located in a room listed as a hazardous area in Schedule II to Chapter VIII of the Construction Code; and

(5) the burner and the combustion chamber of the equipment are at least 2.5 m from the floor in any area where Class 1 petroleum products are dispensed, transferred or handled.

## §3. *Self-serve facilities*

**232.** In addition to the provisions of this subdivision, the owner must comply with sections 8.159 to 8.164 of the Construction Code.

**233.** Every motor fuel dispenser used at a self-serve facility must have a remote on and off control of a console type located inside a building.

The control must be in the off position at all times except when the dispensing nozzle is used for dispensing motor fuel.

**234.** No sign may indicate to a self-serve facility customer using a motor fuel dispenser after (*insert the date that occurs 180 days after the date of coming into force of this Regulation*) that the customer must reduce the flow after the automatic triggering of the dispensing nozzle.

**235.** The owner must ensure that

- (1) the attendant need not control more than one console;
- (2) the attendant has direct access at all times from the work station to the motor fuel dispenser console;
- (3) the attendant carrying on duties unrelated to the sale of petroleum products does not move away from the console; and
- (4) the provisions of sections 152, 157 to 159, 220 and paragraph 1 of section 8.153 of the Construction Code are complied with.

**236.** In the event of a spill or a fire, the owner must ensure that the attendant uses the emergency master control to shut off all dispensers until the danger of fire has passed or the fire is under control.

#### *§4. Unattended self-serve facilities*

**237.** In addition to the provisions in this subdivision, the owner must comply with sections 8.165 to 8.168 of the Construction Code.

**238.** The owner must ensure that motor fuel being dispensed in an unattended self-serve facility is reserved for commercial vehicles and is dispensed only by a customer or the attendant authorized for that purpose in writing by the owner.

When motor fuel is being dispensed, the requirements of sections 152, 157 to 159, 220 and paragraph 1 of section 8.153 of the Construction Code must be met.

**239.** Two dry-chemical extinguishers each having a rating of 20-B,C and an accessible emergency control able to shut off pump operation must be located at a distance of not more than 18 m from an unattended self-serve motor fuel dispenser.

#### *§5. Marina outlets*

**240.** In addition to the provisions in this subdivision, the owner must comply with sections 8.170, 8.172, 8.175 and 8.177 of the Construction Code.

**241.** Every petroleum product piping installed on a dock, wharf, pier or pontoon must be protected, where applicable, from impact such as impact from a water craft or seaplane.

**242.** Every motor fuel dispenser used at a marina outlet must have a safety valve that meets the requirements of section 224.

**243.** Every tank for storing petroleum products exposed to ground water or to flood conditions must be anchored to prevent displacement.

**244.** Every aboveground tank for storing motor fuel must be surrounded by a dike or have a diked area or double wall and a fence if the tank is used for commercial purposes.

In addition, the dike, diked area, double wall and fence must meet the requirements of paragraph 1 of section 8.61, paragraphs 1, 2 and 4 of section 8.62 and paragraphs 1 and 2 of section 8.217 of the Construction Code and the requirements of sections 186, 187 and the first paragraph of section 188 of this Chapter.

#### *§6. Airport outlets*

**245.** In addition to the provisions in this subdivision, the owner must comply with paragraphs 4 and 5 of section 8.178, sections 8.179, 8.180, 8.182 to 8.185, 8.187, the first paragraph of section 8.188 and section 8.189 of the Construction Code.

**246.** Every airport outlet tank for storing aviation fuel installed after 11 July 1991 must meet the following requirements:

- (1) have a manhole;
- (2) if the tank is fibreglass, all its metallic components must be bonded; and
- (3) have at least a 1% slope.

**247.** The owner must ensure that fuelling and motor fuel controls meet the requirements of CAN/CSA Standard B836-2005 Storage, Handling and Dispensing of Aviation Fuel at Aerodromes, published by the Canadian Standards Association.

**248.** Every facility for dispensing aviation fuel must have a ground.

**249.** The owner of high-risk petroleum equipment must visually inspect the piping each month and conduct an annual hydrostatic test at a minimum pressure of one and one half times the normal operating pressure on the piping used for transferring aviation fuel.

**250.** The requirements of section 8.145 with respect to the distance between a fuel dispenser and dock, wharf, pier or pontoon or approach thereto, sections 8.170, 8.172, 8.175 and 8.177 of the Construction Code and the requirements of section 242 of this Chapter also apply to an airport outlet from which a plane is fuelled on a body of water.

### §7. *User outlets*

**251.** In addition to section 252, the owner must comply with section 8.191 of the Construction Code.

**252.** If a motor fuel dispenser is left unattended, a control located inside the building or kept outdoors under key must prevent the dispenser from operating.

## DIVISION IX PROVISIONS APPLICABLE TO BULK PLANTS

### §1. *General*

**253.** In addition to the provisions in this subdivision, the owner must comply with sections 8.192 to 8.194 of the Construction Code.

**254.** The owner must post a conspicuous sign at the main gate indicating the owner's name, address and telephone number or that of the owner's authorized agent.

**255.** The telephone numbers of the police, fire department and ambulance services must be posted by the owner in a conspicuous manner in the main building of a bulk plant.

**256.** Notices indicating where the emergency controls are located and giving instructions in the handling of the firefighting equipment must be posted by the owner in a conspicuous manner on loading ramps and near emergency controls.

### §2. *Loading and unloading installations*

**257.** In addition to the provisions in this subdivision, the owner must comply with sections 8.195, 8.198 to 8.202 and 8.204 of the Construction Code.

**258.** No combustible material may be placed at a distance of less than 5 m from a loading or unloading facility or from filling or gauging pipes.

**259.** Every hose used for dispensing a petroleum product in a container of not more than 225 L designed to be moved must have a dispensing nozzle of non-magnetic material provided with a manual trigger and an automatic shut-off.

The trigger must be kept open manually when in use.

**260.** Every installation used for loading and unloading must have a ground, an electric conductor and a clip making it possible to ground the cargo tank.

In the case of a key-operated bulk plant, an installation erected after 19 May 1984 must permit the flow of petroleum products only if the grounding has been effected.

**261.** Every installation used for filling a tank truck or a tank car by bottom loading must meet the requirements of section 8.206 of the Construction Code and the presettable meter of the installation must be used during such loading.

**262.** The portion of the loading and unloading zones of a bulk plant laid out for the parking of a cargo tank during loading or unloading must,

(1) in the case of Class 1 or Class 2 petroleum products, have a collection system for collecting those products; the system must consist of a concrete apron, an oil separator and a drain connecting the apron and the separator; or

(2) in the case of Class 3 petroleum products or Class 1, Class 2 or Class 3 petroleum products in bulk plants located north of the 53rd parallel and bulk plants located in a designated location, be liquid-tight and laid out in such manner that a spilled product remains confined.

**263.** Loading and unloading zones built after 19 May 1984 for tank cars must be liquid-tight and laid out in such manner that a spilled product remains confined.

### §3. *Pumping*

**264.** In addition to section 265, the owner must comply with sections 8.209 to 8.216 of the Construction Code.

**265.** An internal combustion engine may not be used to operate a pump at a bulk plant.

### §4. *Fencing*

**266.** In addition to section 267, the owner must comply with section 8.217 of the Construction Code.

**267.** The areas around the gate of a bulk plant must be kept free of obstacles.

### §5. *Safety of operations*

**268.** The owner of a bulk plant must ensure that

(1) the receiving tank of the installation is designed to hold the volume intended for it;

(2) the grounding device of the tank is connected to the cargo tank before a petroleum product is transferred into an aboveground tank; and

(3) the ventilation of the tank is satisfactory and that there is no leak in the supply line during the transfer of a petroleum product.

**269.** A petroleum product must be removed from a bulk plant tank in such manner that internal tank pressure is not increased.

**270.** The owner of a bulk plant must ensure that no petroleum product is transferred into the cargo tank of a vehicle while its engine is running.

**271.** The owner of a bulk plant must have in accessible places at least two fire extinguishers in proper working order, each having a capacity equivalent to 20-B,C.

**272.** If a bulk plant is not under the supervision of the owner during normal operating hours, all loading and unloading valves, water drain valves, fill pipes, pump controls and gates must be locked, except electric remote-control valves.

Outside normal operating hours, shut-off valves in the proximity of aboveground tanks must also be closed and locked.

**273.** A key-operated installation for loading tank trucks or tank cars supplied by the aboveground tank at a bulk plant must have a remote-control shut-off valve that opens only when the motor of the loading pump is operating.

The valve must be located at the outlet of the tank in such manner as to meet the requirements of section 272 if the bulk plant is not under the continuous supervision of the owner.

**274.** The owner of high-risk petroleum equipment must provide each attendant at a bulk plant with instructions for operating the bulk plant under normal and emergency conditions.

In the case of a bulk plant that has key-operated dispensing or loading devices, the owner must also provide the instructions to each person having a key.

In addition, the instructions must be posted in the main building of the bulk plant.

**275.** The owner of high-risk petroleum equipment must inform attendants at each shift change of any tests to be carried out.

A list of the tests must also be posted on the site.

**276.** A motor fuel tank may fuel the engine of a vehicle inside a bulk plant only if the vehicle is used in the operation of the plant.

**277.** No product other than a petroleum product or a petroleum product additive may be transferred at a loading ramp for petroleum products.

## DIVISION X OFFENCES

**278.** Every contravention of any of the provisions of this Chapter, except section 128, constitutes an offence.”.

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

## SCHEDULE I (s. 211)

### EVALUATION OF UNPROTECTED STEEL TANK CONDITION

1. The soil aggressiveness value (S.A.V.) is determined according to the method of the Petroleum Association for Conservation of the Canadian Environment.

2. The tank/soil index (T/S) is determined by multiplying the soil aggressiveness value by the age of the tank.  $T/S = (S.A.V. \times AGE)$ .

3. On the basis of the values obtained, the requirements to be met are as follows (see Graph):

#### Zone 1

The tank may be protected against corrosion according to RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by NACE International;

#### Zone 2

The tank must be replaced before the tank reaches 25 years after its installation;

#### Zone 3

The tank must be replaced before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with the second paragraph of



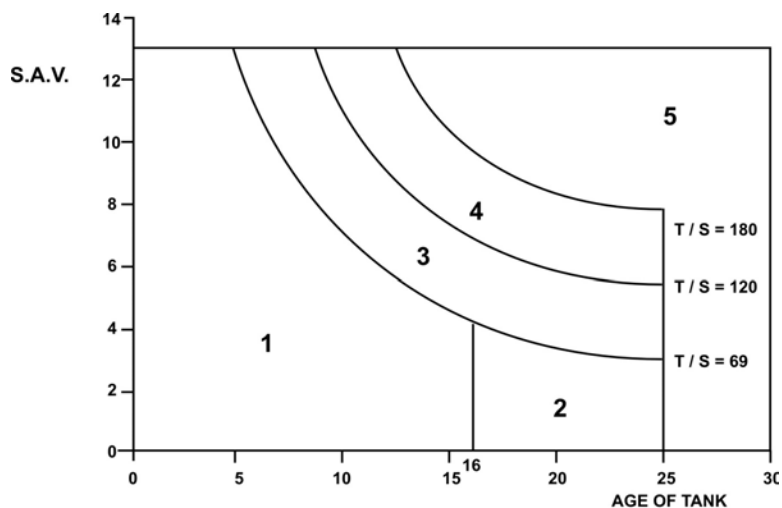
section 8.130 of the Construction Code within 12 months as of the year of assessment of its condition and every five years afterward;

#### Zone 4

The tank must be replaced 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 the second paragraph of section 8.130 of the Construction Code every year;

#### Zone 5

The tank must be replaced immediately.



7876

### Draft Regulation

An Act respecting the Health and Welfare  
Commissioner  
(R.S.Q., c. C-32.1.1)

#### Consultation forum

##### — Procedure for selecting persons

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure for selecting persons qualified for appointment to the consultation forum, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the procedure to be followed by the Health and Welfare Commissioner to appoint the 27 members that compose the consultation forum.

In accordance with the Act respecting the Health and Welfare Commissioner (R.S.Q., c. C-32.1.1) the mandate of the forum is to provide the Commissioner with its point of view on the matters or issues the Commissioner submits to it as part of a consultation.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.