



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **ENVIRONMENTAL PROTECTION ACT PETROLEUM STORAGE TANKS REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to December 26, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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ENVIRONMENTAL PROTECTION ACT  
CHAPTER A-01-01

PETROLEUM STORAGE TANKS REGULATIONS

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

INTERPRETATION

1. Definitions

(1) In these regulations

- (a) “**aboveground storage tank**” means the aboveground installation of a storage tank where at least 90% of the storage tank volume is above the floor or the ground surface, as the case may be;
- (b) “**Act**” means the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9;
- (c) “**alter**” means to repair, replace, upgrade, move or remove any part of a storage tank or storage tank system, but does not include regular maintenance servicing of the components of such a system;
- (d) “**API**” means American Petroleum Institute;
- (e) “**ASTM**” means the American Society for Testing and Materials;
- (f) “**bulk petroleum sales outlet**” means a place where petroleum is contained in storage tank systems at a fixed location by a wholesaler for delivery to retail outlets or for direct delivery to purchasers;
- (g) “**cathodic protection**” means a method of preventing or reducing corrosion to a metal surface by making the metal a cathode using either an impressed direct current or by attaching sacrificial anodes;
- (h) “**Certificate of Compliance**” means a Certificate of Compliance completed in accordance with subsection 9(1);
- (i) “**Class 1 liquid**” means a liquid petroleum that has a flash point below 30 degrees C;
- (j) “**corrosion specialist**” means
  - (i) a person recognized by the National Association of Corrosion Engineers as a corrosion technician, or
  - (ii) a person who has successfully completed such training programs and examinations as may be designated by the Minister;

- (k) “**Level 1 Licence**” means a Level 1 Petroleum Storage Tank Contractor Licence issued by the Minister under subsection 3(2);
- (l) “**Level 2 Licence**” means a Level 2 Petroleum Storage Tank Contractor Licence issued by the Minister under subsection 3(3);
- (m) “**licensee**” means a person who holds a Level 1 or Level 2 Licence;
- (n) “**National Fire Code of Canada**” means the National Fire Code of Canada, as amended;
- (o) “**NFPA**” means the National Fire Prevention Association;
- (p) “**nominal capacity**” means the capacity of a storage tank as established by the manufacturer;
- (q) “**non-compliant**” in respect of a storage tank or a storage tank system, means non-compliant with these regulations;
- (r) “**operator**” means the person responsible for the day to day maintenance or operation of a storage tank or a storage tank system and includes the owner, lessee or manager of a storage tank or storage tank system;
- (s) “**out-of-service**” means a storage tank that is not being used to dispense petroleum or cannot dispense petroleum;
- (t) “**owner**” means the person who owns, controls or manages a storage tank or storage tank system;
- (u) “**petroleum**” means a mixture of petroleum hydrocarbons in liquid form, with or without additives, that is used or can be used as a combustible fuel for heating purposes;
- (v) “**precast concrete containment vault**” means a liquid-tight steel-reinforced precast concrete structure that is manufactured according to ASTM standard ASTM C858-10e1, Standard Specification for Underground Precast Concrete Utility Structures, as amended, with the exception that the minimum compressive strength (ASTM section 7.6) for the design shall be 4500 psi at 28 days of age;
- (w) “**prior regulations**” means the Petroleum Storage Tank Regulations (*EC322/01*) made under the Act and revoked by these regulations;
- (x) “**product piping**” means piping that is installed on a storage tank to convey petroleum from the storage tank to a point of use;
- (y) “**reconcile**” means
  - (i) to obtain
    - (A) storage tank dip measurements,
    - (B) dispenser meter readings, or
    - (C) in the case of a storage tank connected to a heating appliance, fuel consumption records, and
  - (ii) to compare the measurements, readings and records referred to in subclause (i), for the purpose of identifying any differences or discrepancies that may be unaccounted for in such comparison;
- (z) “**regular maintenance servicing**” means to regularly service for maintenance purposes such components of a storage tank or storage tank system including filters, hoses and nozzles as would affect the routine operation of a storage tank or a storage tank system;
- (z.1) “**retail outlet**” means a place where petroleum is stored at a fixed location from which delivery of petroleum is made directly to the users;



- (z.2) “**storage tank**” means a storage tank that is used or designed to be used for the storage of any kind of liquid petroleum, that
- (i) is an underground storage tank,
  - (ii) is an aboveground storage tank with a capacity of more than 2200 litres, installed at or in use at a bulk petroleum sales outlet or a retail outlet, or
  - (iii) is part of a field-erected aboveground storage tank system that falls within the requirements of API standard API 650, Welded Steel Tanks for Oil Storage, Twelfth Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), as amended;
- (z.3) “**storage tank system**” means one or more storage tanks together with all piping connecting the storage tanks, both aboveground and underground, including pumps and product transfer apparatus, dyking, and associated spill containment and collection apparatus;
- (z.4) “**underground storage tank**” means a storage tank that is not an aboveground storage tank.

#### **Application**

- (2) These regulations apply to storage tanks and storage tank systems. (EC240/07; 780/15)

## **LICENCES**

### **2. Payable to Provincial Treasurer**

- (1) The fees for an application for, or renewal of, a licence under these regulations shall be made payable to the Provincial Treasurer.

#### **Application fees**

- (2) The fee for an application for, or a renewal of, a licence is
- (a) \$50 for a Level 1 Licence; and
  - (b) \$100 for a Level 2 Licence. (EC240/07)

### **3. Application for licence**

- (1) A person who wishes to perform the work of a petroleum storage tank contractor shall apply for a Level 1 or Level 2 Contractor Licence by
- (a) submitting an application to the Minister on Form 2;
  - (b) providing such proof of the matters referred to in subsection (2) or (3) as the Minister may require;
  - (c) providing such other information as the Minister may require; and
  - (d) submitting the application fee.

#### **Level 1 licence**

- (2) The Minister may issue a Level 1 Licence on Form 3 to a person who has successfully completed a written examination approved by the Minister with a mark in the examination of not less than 75%.

#### **Level 2 licence**

- (3) The Minister may issue a Level 2 Licence on Form 3 to a person who

- (a) has successfully completed, within the two years prior to the application,
  - (i) the Petroleum Storage Tank System Installers Training Course at the Nova Scotia Community College, or
  - (ii) a similar course to the course referred to in subclause (i), if approved by the Minister;
- (b) submits a certificate of insurance coverage, during the period of the licence, for the licensee's liability for bodily injury and property damage, including damages arising, during the period of coverage, from a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, and with not less than \$1,000,000 coverage per occurrence; and
- (c) submits proof that the insurance required by clause (b) contains a statement that the insurance coverage may not be cancelled except on thirty days prior written notice to the Minister.

**Transitional**

- (4) A licence issued under the prior regulations that was valid immediately before the date these regulations came into force is deemed
  - (a) to be a licence issued under subsection (2) at the level shown on the licence; and
  - (b) to expire on January 31, 2008.

**Renewal, Level 1 licence**

- (5) The Minister may, on application and payment of the application fee, renew a Level 1 Licence for a person who held a Level 1 Licence within the 48 months previous to the application.

**Renewal, Level 2 licence**

- (6) The Minister may, on application and payment of the application fee, renew a Level 2 Licence for a person who
  - (a) held a Level 2 Licence within the 24 months previous to the application; and
  - (b) has submitted the certificate of insurance coverage and proof of the prior notice of insurance cancellation as required by clauses (3)(b) and (c).

**Expiry**

- (7) A licence issued or renewed under this section expires on January 31 of the year following the date of issue or renewal of the licence.

**Authorization**

- (8) A person who holds a Level 1 Licence is authorized to remove a storage tank or a storage tank system.

**Idem**

- (9) A person who holds a Level 2 Licence is authorized to remove, install or alter a storage tank or a storage tank system. *(EC240/07)*

**4. Revocation of licence**

- (1) The Minister may revoke a licence issued under subsection 3(2) or (3) or renewed under subsection 3(5) or (6), where, in the Minister's opinion,
  - (a) a licensee has contravened the Act or these regulations; or



- (b) in the case of a level 2 Licence, the insurance required under clause 3(3)(b) has expired or been terminated.

**Notice of revocation**

- (2) The Minister shall give notice of the revocation of a licence to the licensee pursuant to subsection (1) by
  - (a) personal service; or
  - (b) by registered mail to the last known address of the licensee as shown in the records of the Minister.

**Service**

- (3) A notice sent by registered mail under clause (2)(b) shall be deemed to be served on the licensee
  - (a) on the date the licensee actually receives the notice; or
  - (b) 5 days after the date on which the notice was mailed,whichever is earlier. (EC240/07)

## INSTALLATION, ALTERATION

**5. Application to install system**

- (1) Subject to subsection 6(1), an owner who intends to have a storage tank or storage tank system installed or altered shall
  - (a) submit an application to the Minister on Form 1
    - (i) in the case of a proposed installation, at least 20 working days in advance of the proposed installation; or
    - (ii) in the case of a proposed alteration, at least 18 working days in advance of the proposed alteration; and
  - (b) include in the application submitted under clause (a) such other information as the Minister may require.

**Approve, or reject**

- (2) Upon receipt of an application made under subsection (1), the Minister shall, in writing within 14 working days of receiving the application,
  - (a) approve the proposed installation or alteration subject to compliance by the owner with the minimum installation standards prescribed by these regulations and such other terms and conditions as the Minister considers necessary; or
  - (b) reject the application on the grounds that the installation or alteration cannot be undertaken because
    - (i) the application did not contain sufficient information;
    - (ii) the storage tank system cannot be installed or altered as proposed due to the Minister's concerns for the protection of the environment; or
    - (iii) the installation or alteration as proposed would not comply with these regulations.

**Approval valid for 12 months**

- (3) Unless earlier revoked under these regulations, an approval granted under clause (2)(a) is valid for twelve months from the date of its issue. (EC240/07)

**6. Emergency alteration**

- (1) Where the owner of a storage tank or a storage tank system needs to make an emergency alteration to prevent petroleum leakage, the owner may proceed to have the alterations performed by a Level 2 licensee without an approval issued under clause 5(2)(a).

**Notice to Minister**

- (2) A licensee who makes emergency alterations to a storage tank or a storage tank system under subsection (1) shall immediately give notice to the Minister regarding the emergency alterations, including the following information:
- (a) the type of modification performed or to be performed;
  - (b) when the modification is or will be performed;
  - (c) the location of the storage tank or storage tank system;
  - (d) the owner of the storage tank or storage tank system. *(EC240/07)*

**7. Revocation of approval**

- (1) Where, in the opinion of the Minister, a storage tank or storage tank system is not being, or has not been, installed or altered in accordance with the Act or these regulations, or in accordance with the conditions on the approval under subsection 5(2), the Minister may revoke the approval for installation or alteration of the storage tank or storage tank system by giving written notice of revocation to the owner.

**Idem**

- (2) A notice of revocation under subsection (1) may be given by
- (a) personal service on the owner; or
  - (b) by mail to the last known address of the owner as shown in the records of the Minister.

**Effective date**

- (3) A notice of revocation shall be effective
- (a) on the date the owner is served with or receives the notice; or
  - (b) 5 days after the date on which the notice is mailed,
- whichever is earlier. *(EC240/07)*

**8. Notice to Minister required**

- (1) A person who received an approval granted under clause 5(2)(a) shall provide notice to the Minister
- (a) at least two working days prior to backfilling a newly installed or altered underground storage tank or storage tank system; and
  - (b) on the completion of the installation or alteration of an aboveground storage tank or storage tank system.

**Inspection**

- (2) The Minister may cause an environment officer to inspect the storage tank or storage tank system in respect of which a notice was given under subsection (1). *(EC240/07)*





**9. Certificate of Compliance**

- (1) Every Level 2 licensee shall, after completing an installation or alteration to a storage tank or storage tank system,
- (a) if satisfied that such storage tank or storage tank system complies with these regulations, complete and sign a Certificate of Compliance for the storage tank or storage tank system; and
  - (b) provide the Minister with the Certificate of Compliance referred to in clause (a) within 4 working days of completion of the installation or alteration of the storage tank or storage tank system.

**Written notice**

- (2) Where the Minister receives a Certificate of Compliance under subsection (1), the Minister shall, in writing,
- (a) approve the Certificate of Compliance if the Minister is satisfied that the installation or alteration of the storage tank or storage tank system complies with these regulations; or
  - (b) reject the Certificate of Compliance if
    - (i) an environment officer, after inspection under subsection 8(2) is of the opinion that the installation or alteration of the storage tank or storage tank system does not comply with these regulations; or
    - (ii) in the opinion of the Minister, the Certificate of Compliance contains errors or omissions.

**Copies of approval or rejection**

- (3) Copies of the approval or rejection of a Certificate of Compliance by the Minister under clause (2)(a) or (b) shall be provided to
- (a) the person who received an approval under clause 5(2)(a); and
  - (b) the petroleum supplier listed in the application.

**Form 4**

- (4) A Certificate of Compliance required by subsection (1) shall be completed on Form 4. (EC240/07)

**10. Non-compliant storage tank or system**

- (1) No person shall operate or cause to be operated a non-compliant storage tank or storage tank system.

**Prior approval required**

- (2) No person shall
- (a) install or cause to be installed; or
  - (b) alter or cause to be altered,
- a storage tank or storage tank system, unless
- (c) the installation is made in accordance with a valid approval under subsection 5(2); or
  - (d) the installation or alteration was made under subsection 6(1). (EC240/07)

**11. No petroleum to be dispensed until approval**

- (1) Subject to subsection (3), no petroleum supplier shall dispense, or cause to be dispensed, petroleum into a newly installed or altered storage tank or storage tank system unless the petroleum supplier has received a copy of the approval of the Minister provided under clause 9(3)(b).

**Idem**

- (2) No person shall dispense, or cause to be dispensed, petroleum into an underground storage tank for ballasting purposes unless the person has the written permission of the Minister or an environment officer to do so.

**Approval to deliver petroleum**

- (3) The Minister may, on the written request of a level 2 licensee who installs or alters a storage tank or storage tank system, grant written approval to
- (a) a petroleum supplier to deliver petroleum to the newly installed or altered storage tank or storage tank system; and
  - (b) the owner of such storage tank or storage tank system to operate the system in accordance with the approval,
- if
- (c) the petroleum supplier has not received a copy of the approval under clause 9(3)(b); and
  - (d) the Minister is satisfied with the Level 2 licensee's determination that the storage tank or storage tank system is suitable for the storage and use of petroleum.

**Expiry of approval**

- (4) An approval granted by the Minister under subsection (3) expires 30 days from the date of its issue.

**Permit includes permission to operate**

- (5) An approval granted by the Minister under subsection (3) includes permission to the owner to operate the storage tank or storage tank system for the delivery made under the permit.

**Certificate to be submitted before permit expires**

- (6) The petroleum supplier to which a 30 day approval was granted under subsection (3) shall not deliver to the storage tank or storage tank system after the approval has expired, unless the petroleum supplier has received a copy of the Minister's approval of the Certificate of Compliance granted under clause 9(2)(a). (EC240/07)

## UNDERGROUND STORAGE TANK STANDARDS

**12. Installation of underground steel storage tank**

- (1) Subject to this section, no person shall install an underground steel storage tank unless
- (a) the storage tank
    - (i) bears a metal nameplate that complies with section 5 of ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended, and



- (ii) installation complies with section 4.3 of the National Fire Code of Canada, 2010, as amended; and
- (b) the storage tank
  - (i) bears a metal nameplate that complies with section 5 ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended,
  - (ii) the installation complies with
    - (A) Appendix B of ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended, and
    - (B) section 4.3 of the National Fire Code of Canada, 2010, as amended, and
  - (iii) has a permanent high impedance meter and zinc reference galvanic monitoring system that complies with ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, Appendix A , as amended.

**Installation of underground fibreglass storage tank**

- (2) No person shall install or operate an underground fibreglass storage tank unless such storage tank
  - (a) bears a metal label that complies with section 7 of ULC standard CAN/ULC-S615-14, Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, as amended;
  - (b) installation complies with section 4.3 of the National Fire Code of Canada; and
  - (c) meets the manufacturer’s specifications. *(EC240/07; 780/15)*

**ABOVEGROUND STORAGE TANK STANDARDS**

**13. Field-erected aboveground storage tank**

No person shall install a field-erected aboveground storage tank system unless it is designed and built in compliance with API standard API 650, Welded Steel Tanks for Oil Storage, Twelfth Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), as amended. *(EC240/07; 780/15)*

**14. Shop-fabricated aboveground storage tank**

No person shall install a shop-fabricated aboveground

- (a) horizontal storage tank unless it bears a metal label complying with section 4 of ULC standard ULC-S601-14, Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, as amended; or
- (b) vertical storage tank unless it bears a metal label complying with section 4 of ULC standard ULC-S601-14, Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, as amended. *(EC240/07; 780/15)*

**15. Installation complies with Codes**

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

- (a) such installation is made in accordance with the National Fire Code of Canada, 2010, as amended; and
- (b) the location of the storage tank complies with NFPA standard NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2003 Edition, as amended. *(EC240/07; 780/15)*

**16. Containment vault**

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

- (a) the vault is made of precast concrete and is constructed in accordance with
  - (i) ULC standard ULC/ORD-C142.15-14, Precast Concrete Tanks, as amended, or
  - (ii) ASTM standard ASTM C891-11, Standard Practice for Installation of Underground Precast Concrete Utility Structures, as amended, and the manufacturer's specifications;
- (b) the containment vault is equipped with a secure means of draining collected water from it; and
- (c) each storage tank installed inside the containment vault
  - (i) has a minimum 30 cm clearance between the storage tank and the sidewalls of the chamber,
  - (ii) has a neoprene pad installed between the storage tank and concrete crib or cradle, and
  - (iii) is accessible for the measurement of petroleum levels for inventory control purposes. *(EC240/07; 780/15)*

**17. Secondary containment system**

- (1) No person shall install an aboveground storage tank with a capacity of 2300 litres or greater without a secondary containment system.

**Volumetric capacity**

- (2) Subject to subsection (3), the volumetric capacity of the containment system required in subsection (1) shall be
  - (a) in the case of one storage tank, 110 percent of the petroleum storage capacity of the storage tank; or
  - (b) in the case of a multi-tank storage tank system, 110 percent of the petroleum storage capacity of the largest storage tank.

**Calculation of capacity**

- (3) The containment capacity of the containment system required by subsection (1) shall be calculated after deducting the exterior displacement volume of the storage tanks, with the exception of the largest storage tank, in order to allow for the displacement volume occupied by the storage tanks.

**Containment system exemption**

- (4) Subsection (1) does not apply to double-walled aboveground storage tanks. *(EC240/07)*

**18. Contact with ground**

No person shall install an aboveground storage tank or storage tank system



- (a) in a manner that may result in such a storage tank or storage tank system being in contact with the ground, unless an adequate corrosion control system is installed at the same time to protect the portion of any storage tank that may be in contact with the ground; and
- (b) unless such storage tank or storage tank system complies with the National Fire Code of Canada, 2010, as amended. (EC240/07; 780/15)

**19. Removal or alteration of storage tank**

No person shall

- (a) remove an underground storage tank, unless the person is the holder of a valid Level 1 or Level 2 Licence; or
- (b) install or alter a storage tank or storage tank system, unless the person is the holder of a valid Level 2 Licence. (EC240/07)

**PIPING STANDARDS****20. Underground installation**

- (1) No person shall install underground metal piping and associated metal fittings for a storage tank unless such piping and fittings
  - (a) are of a material type compatible with the contents of a storage tank;
  - (b) conform with ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended; and
  - (c) comply with the National Fire Code of Canada, 2010, as amended.

**Aboveground installation**

- (2) No person shall install aboveground
  - (a) product piping or vent piping and associated fittings for a storage tank unless the installation
    - (i) is made using steel of a type specified in the National Fire Code of Canada, 2010, as amended; and
    - (ii) complies with the National Fire Code of Canada, 2010, as amended; or
  - (b) rigid product piping for Class 1 liquid or diesel oil systems unless the rigid product piping begins and ends with a swing joint or a flexible connector.

**Non-metallic underground piping**

- (3) No person shall install non-metallic underground piping unless such piping
  - (a) conforms with ULC standard ULC/ORD-C971-2005, Nonmetallic Underground Piping for Flammable and Combustible Liquids, as amended;
  - (b) complies with the National Fire Code of Canada 2010, as amended; and
  - (c) complies with the manufacturer's specifications. (EC240/07; 780/15)

## INVENTORY CONTROL

### 21. Duties of operator of Class 1 storage tank system

The operator of a Class 1 liquid or diesel fuel underground storage tank or storage tank system with a nominal capacity of 2000 litres or greater shall

- (a) maintain and reconcile inventory records for each day that the system is in operation;
- (b) maintain monthly reconciliation summary sheets;
- (c) retain the inventory records and summary sheets at the site of the storage tank or storage tank system for a minimum of two years; and
- (d) immediately make such records and summary sheets available for inspection on the request of the Minister. *(EC240/07)*

### 22. Duties of operator of bulk sales outlet

The operator of an aboveground storage tank or storage tank system at a bulk petroleum sales outlet shall

- (a) cause a visual inspection of the aboveground storage tank or storage tank system to be made for each day the aboveground storage tank or storage tank system is in operation to ensure that there is no damage or deterioration of the system that could result in a leak;
- (b) maintain and reconcile weekly inventory records, and maintain annual reconciliation summary sheets;
- (c) retain the inventory records and summary sheets made under clause (b) at the site of the bulk petroleum sales outlet for a minimum of five years; and
- (d) immediately make inventory records and summary sheets available for inspection on the request of the Minister. *(EC240/07)*

## REPORTING LEAKS OR LIQUID INTRUSION

### 23. Duty to notify Coast Guard

- (1) The owner or operator of an underground storage tank or storage tank system to which section 21 or 22 applies shall immediately inform the Canadian Coast Guard at 1-800-565-1633 when inventory records or reconciliation summary sheets show any unaccounted-for petroleum loss or water gain.

#### Inform Coast Guard of leak

- (2) Every person who has reason to believe that
  - (a) petroleum is leaking or has leaked from a storage tank or storage tank system; or
  - (b) water or another liquid is intruding or has intruded into a storage tank or storage tank system

shall immediately inform the Canadian Coast Guard at 1-800-565-1633. *(EC240/07)*

### 24. Leak detection test

- (1) Where, in the opinion of the Minister, petroleum leakage is occurring in a storage tank or storage tank system, the Minister may direct the owner to conduct a leak detection test on the storage tank or storage tank system.



**Duties of owner**

- (2) An owner who receives a directive under subsection (1) or clause 26(4)(b) shall
- (a) have the leak test conducted, at the owner's expense, by a testing agent acceptable to the Minister;
  - (b) in the case of an underground storage tank or storage tank system, have the leak test conducted using a liquid-medium leak detection system capable of detecting 380 millilitres petroleum loss per hour; and
  - (c) within three days of the leak test, forward to the Minister the written results of the leak test, certified by the testing agent.

**Leak confirmed**

- (3) Where a leak test conducted under subsection (2) confirms that a storage tank or storage tank system is leaking petroleum, the owner shall
- (a) immediately inform the Minister;
  - (b) immediately empty the portion of the storage tank or storage tank system that is leaking petroleum;
  - (c) arrange for a Level 2 licensee to investigate the leak; and
  - (d) either
    - (i) repair the leak; or
    - (ii) immediately remove any storage tank that is leaking petroleum, in accordance with these regulations. (EC240/07)

**25. Removal of subsurface contamination**

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

**Costs**

- (2) Any costs associated with compliance with subsection (1) shall be the responsibility of the owner. (EC240/07)

## STORAGE TANK UPGRADE AND MONITORING

**26. Regular maintenance checks**

- (1) Subject to subsection (2), the owner of a sacrificial anode storage tank system shall ensure that regular maintenance checks are conducted on each such storage tank in the system by a corrosion specialist and comply with ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended, as follows:
- (a) immediately after installation;
  - (b) six months after installation;
  - (c) annually thereafter.

**Idem**

- (2) The owner of the sacrificial anode storage tank system may perform the maintenance checks required without the assistance of a corrosion specialist, if the storage tank system is equipped with a permanent high impedance meter and zinc reference galvanic monitoring system complying with ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended, Appendix A.

**Notify Minister, cathode non-compliance**

- (3) The owner of a sacrificial anode storage tank system or a corrosion specialist working on such a storage tank system shall immediately notify the Minister, in writing, if the owner or corrosion specialist determines that the cathodic protection does not comply with ULC standard CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, as amended.

**Direction of Minister**

- (4) Where the Minister has reason to believe that the owner of a sacrificial anode storage tank system is not complying with the maintenance checks required by subsection (1), the Minister may direct the owner to
- (a) immediately cause the removal of the storage tank system from the ground; or
  - (b) conduct a leak detection test on the storage tank system.

**Duties of owner**

- (5) The owner of an impressed current storage tank system shall ensure that
- (a) maintenance checks are conducted on the system in compliance with the Petroleum Association for Conservation of the Canadian Environment PACE Report No. 87.1, Impressed Current Method of Cathodic Protection of Underground Petroleum Storage Tanks, Clause 5.5(c) and Part 6(a) and (c) for impressed current systems, as amended; and
  - (b) a corrosion specialist is contacted immediately, if
    - (i) the rectifier status lights indicate a problem, or
    - (ii) the controlled parameter charge has a reading greater than 10% of the normal operating condition.

**Notify Minister of non-conformance**

- (6) The owner of an impressed current storage tank system shall immediately notify the Minister if the storage tank system does not conform to PACE Report No. 87.1, Impressed Current Method of Cathodic Protection of Underground Petroleum Storage Tanks, Clause 5.5(c) and Part 6(a) and (c) for impressed current systems, as amended.

**Maintenance of records**

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

**Inspection interval criteria**

- (8) The owner of an aboveground storage tank, with a capacity of 50,000 litres or greater shall ensure that inspections are conducted in conformance with the interval criteria in section





4.4.2 of API Standard 653, 2014, Tank Inspection, Repair, Alterations and Reconstruction, 5th edition, as amended. (EC240/07; 780/15)

**27. Correction of deficiencies**

An owner of a storage tank system where deficiencies are identified as a result of an inspection or maintenance check conducted under subsection 26(5) shall cause the deficiencies of the storage tank system to be corrected by a corrosion specialist in compliance with the applicable provisions of the following standards:

- (a) technical supplement ULC standard CAN/ULC-S601-14 (R2015), Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, as amended;
- (b) API Standard 653, 2014, Tank Inspection, Repair, Alterations and Reconstruction, 5th edition, as amended. (EC240/07; 780/15)

## OUT-OF-SERVICE STORAGE TANKS

**28. Out-of-service storage tank system**

- (1) Subject to subsection (2), the owner of a storage tank or storage tank system that is or will be out-of-service for a period of six consecutive months or more, shall immediately ensure that
  - (a) the storage tank or storage tank system is emptied of all liquids and purged of all petroleum vapours in compliance with NFPA standard NFPA 326, 2015, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair, as amended; and
  - (b) the fill pipe and other openings are locked.

**Maintenance where ballast required**

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

**Out-of-service for 12 months**

- (3) The owner of an underground storage tank or storage tank system that is or will be out-of-service for a period of 12 consecutive months or more shall immediately
  - (a) notify the Minister, in writing, of the location of the storage tank or storage tank system;
  - (b) ensure that the piping for the storage tank or storage tank system
    - (i) is removed from the ground, or
    - (ii) is purged of flammable vapours and petroleum, and is permanently sealed at each end of the piping by capping it,
  - (c) remove the storage tank or storage tank system from the ground, and
  - (d) remove any petroleum contaminated soil in accordance with the Petroleum Hydrocarbon Remediation Regulations.

**Waiver of requirement**

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

**Extension of waiver**

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

**Information regarding extension**

- (6) The owner of a storage tank or storage tank system who requests an extension of time under subsection (5) shall provide to the Minister, in writing,
- (a) the reason for requesting the extension;
  - (b) the length of the extension requested; and
  - (c) such other information that the Minister may require.

**Bringing back into service**

- (7) No person shall bring a storage tank or storage tank system back into service unless the person
- (a) requests the approval of the Minister to bring the storage tank or storage tank system back into service;
  - (b) provides such information and performs such tests on the storage tank or storage tank system as the Minister may require; and
  - (c) receives the Minister's approval in writing to bring the storage tank or storage tank system back into service. *(EC240/07; 780/15)*

**29. Site professional, defined**

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

**Removal of storage tank or system**

- (2) Where an underground storage tank or storage tank system is to be removed,
- (a) the owner shall notify the Minister of the proposed removal of such tank or system, at least five working days prior to the removal; or
  - (b) where the intended removal will be supervised by a site professional, the site professional shall submit a report to the Minister within 30 days of the removal,
    - (i) providing information on the site in the manner set out in sections 2.0 and 3.0 of Schedule B of the Petroleum Hydrocarbon Remediation Regulations, and
    - (ii) indicating the impacts of petroleum hydrocarbons on the soil immediately adjacent to the removed storage tank or storage tank system. *(EC240/07)*

## STORAGE TANK DISPOSAL

**30. Removal of underground storage tank**

- (1) Within three months of the removal of a storage tank under section 28, the owner of the storage tank shall
- (a) reinstall the storage tank in accordance with subsection 29(1);
  - (b) re-use the storage tank with the approval of the Minister under subsection 5(2); or
  - (c) dispose of the storage tank and its contents,
    - (i) at a disposal site approved by the Minister,



- (ii) by a method approved by the Minister, or
- (iii) by dismantling the storage tank on-site and disposing of the storage tank by a method approved by the Minister.

**Prior to disposal**

- (2) Where a storage tank will be disposed of under clause (1)(c), the owner shall, prior to removing the storage tank from the site
  - (a) cause the storage tank to be purged of petroleum and petroleum vapours by a Level 1 or Level 2 licensee, using a method approved by the Minister; and
  - (b) cause the storage tank to be certified as gas-free by a Level 1 or Level 2 licensee using an appropriate gas detection meter approved by the Minister.

**Extension of time**

- (3) The Minister may, on the request of the owner of a storage tank, extend the time period for performing the requirements of subsections (1) and (2).

**Information to be provided**

- (4) The owner of a storage tank requesting an extension under subsection (3) shall provide the Minister, in writing, with
  - (a) the reason for requesting the extension;
  - (b) the length of the extension requested; and
  - (c) such other information as the Minister may require. (EC240/07)

**GENERAL**

**31. Inspection**

Upon the request of an environment officer, the owner of a storage tank or storage tank system, and the owner of the property upon which a storage tank or storage tank system is located shall

- (a) permit inspection of the storage tank or storage tank system by a licensee; and
- (b) where necessary, uncover the storage tank or storage tank system to permit an inspection by an environment officer at the owner's expense. (EC240/07)

**32. Forms**

The forms referred to in these regulations are set out in Schedule A. (EC240/07)

**33. Revocation**

The *Environmental Protection Act Petroleum Storage Tanks Regulations (EC322/01)* are revoked. (EC240/07)



## SCHEDULE A

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

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

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

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

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

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

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

The application must include:

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(EC240/07)

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

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

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

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

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

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

The application must include:

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**Method of Payment**  
 (Check appropriate box)

- Cheque  
 Money Order  
 Cash (hand delivery only)

**Amount Enclosed:** \$ \_\_\_\_\_

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

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

(EC240/07)

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

(EC240/07)

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

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

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

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

<b>Storage Tank Details</b>				
<b>Tank</b>	<b>Manufacturer</b>	<b>Tank Material</b>	<b>Capacity</b>	<b>ULC Serial No.</b>



Storage Tank Installation Details	
Storage Tank Surface Inspection (Y/N) _____	Field Repairs _____
Storage Tank Test <input type="checkbox"/> Air <input type="checkbox"/> Liquid	Length of Test Hr _____ Min _____
Primary Test Results: PASS/FAIL	Observation Well? (Y/N) _____
Secondary Test Results: PASS/FAIL	
Type of Anchoring: <input type="checkbox"/> Deadman <input type="checkbox"/> Concrete Pad	
Backfill Material _____	Compaction? (Y/N) _____
Excavation Depth: _____ metres	Depth of Cover: _____ metres
Piping Installation Details	
Piping Manufacturer _____	
Pipe Trench Separation _____ metres	Pipe Slope 1/8" per foot? (Y/N) _____
Backfill Material _____	Compaction? (Y/N) _____
Pipe Separation _____ metres	Piping Isolated From Storage Tank? (Y/N) _____
Proper Swing Joint Construction? (Y/N) _____	
Piping Test: <input type="checkbox"/> Air <input type="checkbox"/> Liquid	Length of Test Hr _____ Min _____
Primary Test Results: PASS/FAIL	Proper Vent Height _____ metres
Secondary Test Results: PASS/FAIL	
Alarm System installation Details	
Alarm System Manufacturer _____	
Storage Tank Sump? (Y/N) _____	Dispenser Sump? (Y/N) _____
System Tested and Working? (Y/N) _____	
On-Site Monitoring Station Details	
Galvanic Monitoring Station? (Y/N) _____	Location of Station: _____
Number of Electrodes: _____	Proper Electrode Location? (Y/N) _____
Cathodic Protection Reading _____	Date of Reading (dd/mm/yy) _____
Vacuum Reading: Before: _____	After Installation: _____
Contractor Information	
Company Name: _____	Contact Name: _____
Phone: _____	Fax: _____
Mailing Address: _____	
Community: _____	Province: _____ Postal Code: _____
_____	_____
<b>Date</b>	<b>Signature</b>

(EC240/07)