

Updated April 4, 2008

**Department of the Environment  
Sustainable Planning Branch  
Sciences and Planning Division**

**HANDOUT ON PETROLEUM STORAGE WITHIN A WELLFIELD PROTECTED AREA**

**CONDITIONS/REQUIREMENTS**

For the purposes of this policy, “**emergency purposes**” in relation to the storage of petroleum means for the purposes of ensuring the uninterrupted delivery of essential services to the public, i.e., essential services that are necessary to protect the health, safety and general welfare of the public. Without limiting the generality of the foregoing, such services include those related to health care, water, sanitation, electricity, transportation, fire, and policing.

For the purposes of this policy, “**elevators**” that use petroleum based products will be converted to non-petroleum based products if the total amount of petroleum permitted per parcel by the *Wellfield Protected Area Designation Order* (Order) is exceeded. This will be done subject to a phased exemption process.

1. In cases where elevators have no secondary containment on the hydraulic cylinder, exemptions may be issued for periods of 7 and 10 years after designation in Zones A and B, respectively, during which time the conversion to a non-petroleum based product must take place. If an exemption is required in Zone C, it may be for an indefinite period of time.
2. In cases where elevators have secondary containment on the hydraulic cylinder, exemptions may be issued for periods of 10 and 15 years after designation in Zones A and B, respectively, during which time the conversion to a non-petroleum based product must take place. If an exemption is required in Zone C, it may be for an indefinite period of time.

Applications for exemptions for the storage of volumes of liquid petroleum products in amounts that exceed what is permitted by the Order shall be dealt with in the following manner:

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## **ZONE A**

### **26 – 1200 Litres (Zone A):**

The Order permits up to 25 litres of petroleum storage per parcel in Zone A. Therefore, anyone using a home heating oil tank in Zone A will require an exemption.

The Minister or the Minister's municipal delegate may provide exemptions with respect to *existing* petroleum storage tanks in Zone A subject to the following conditions:

- 1) The term of the exemption cannot exceed a period of 13 years after the wellfield is designated, except in situations where the petroleum is stored for emergency purposes in which case the duration of the exemption may exceed 13 years upon whatever conditions the Minister deems necessary.
- 2) If after a period of three years from the date the wellfield is designated the tank is or becomes 10 or more years old, it must immediately be replaced by a new tank constructed of at least a 12-gauge metal that must be installed by a licensed Oil Burner Technician in accordance with the requirements of CSA-B139 and the tank manufacturer's instructions. The age of the tank will be determined from the manufacturer's tag affixed to the tank. Tanks that do not have a specific date of manufacture will be assumed to have been manufactured on January 1 of the year of manufacture.

### **1201 - 10 000 Litres (Zone A):**

The Minister or municipal delegate may provide exemptions with respect to *existing* petroleum storage tanks, subject to the following conditions:

- 1) The applicant must submit an exemption application to the Minister or municipal delegate.
- 2) Prior to an exemption being issued, the applicant must acquire a report which fully describes the petroleum storage system and confirms that the system is in compliance with all applicable laws, standards and regulations. This report must be prepared by Registered Professional Engineer or Geoscientist and be submitted within one year of the date of designation to the Regional Water Planning Officer or municipal delegate.
- 3) Should an exemption be granted, the exemption holder will be given three years from the date of designation to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister.

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- 4) The exemption holder must acquire an annual report, prepared by a Registered Professional Engineer or Geoscientist, for the duration of the exemption. This report is to be sent to the municipal delegate or the Regional Water Planning Officer. The first report is due one year after the issuance of the exemption. The report must state that: (a) the liquid petroleum storage tanks and associated infrastructure are in satisfactory condition; (b) the practices of product delivery, handling, storage, utilization and transfer are consistent with the protection of the ground and groundwater from contamination; (c) no further actions are required to reduce the risk of ground and groundwater contamination to acceptable levels; and (d) the liquid petroleum storage tanks and associated infrastructure are in full compliance with all applicable laws, standards and regulations.
- 5) Such other requirements as may be required by the Minister (e.g., the adoption of any recommendations outlined in the above report, the provision of emergency response plans, proof of insurance, or groundwater monitoring plans).
- 6) If no secondary containment systems are installed in accordance with paragraph 3 shown above, exemptions will expire three years from the date of designation. If secondary containment systems are installed in accordance with the above, exemptions will expire 10 years from the date of installation. In situations where the petroleum is stored for emergency purposes, the duration of the exemption will be at the discretion of the Minister upon whatever conditions the Minister deems necessary.
- 7) Upgrades of petroleum storage systems within the exemption period are permitted, however, overall storage volumes on the parcels shall not increase nor shall the exemption period change.
- 8) Reporting conditions (see 2 and 4 above) in this document do not apply to petroleum storage systems that store less than 2000 litres of petroleum product.
- 9) Exemptions for new or expanded petroleum storage systems will not be granted.

#### **10 001 – 150 000 Litres (Zone A)**

All previous conditions shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) The applicant may be permitted by the Minister or municipal delegate to transfer the petroleum to a parcel in Zone C (See Zone C **10 001 – 150 000 Litres**).

#### **Greater than 150 000 Litres (Zone A):**

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The previous conditions (excluding conditions 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) Exemptions to exceed the Order's petroleum storage requirements shall be limited to 5 years after Designation of the wellfield, except in situations where the petroleum is stored for emergency purposes in which case the duration of the exemption may exceed 5 years upon whatever conditions the Minister deems necessary.

## **ZONE B**

### **76 - 1200 Litres (Zone B)**

As stated earlier, the Order permits up to 1200 litres of petroleum storage per parcel in Zone B. The Order does not prescribe the mode of storage for amounts up to 75 litres in Zone B but any amount between 76 and 1200 litres must be stored in a tank equipped with a secondary containment system acceptable to the Minister.

The Minister or municipal delegate may provide exemptions with respect to *existing* petroleum storage tanks which do not meet the above requirements in Zone B upon the following conditions:

#### **Stainless Steel and Fiberglass Tanks**

The Department considers a stainless steel or fibreglass tank to be equivalent in safety to a steel tank equipped with a secondary containment system acceptable to the Minister. Therefore, exemptions may be granted to persons who store petroleum in a stainless steel or fiberglass tank for a period of time in accordance with the manufacturer's warranty. In other words, the exemption expires upon the expiration of the manufacturer's warranty. All tanks must be installed by a licensed Oil Burner Technician in accordance with the requirements of CSA-B139 and the tank manufacturer's instructions.

#### **All Other Tanks**

- 1) For all other tanks, the term of the exemption cannot exceed a period of 15 years after the wellfield is designated, except in situations where the petroleum is stored for emergency purposes in which case the duration of the exemption may exceed 15 years upon whatever conditions the Minister deems necessary.

- 2) If after a period of five years from the date the wellfield is designated the tank is or becomes 10 or more years old, it must immediately be replaced by a new tank constructed of at least a 12-gauge metal that must be installed by a licensed Oil Burner Technician in accordance with

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the requirements of CSA-B139 and the tank manufacturer's instructions. The age of the tank will be determined from the manufacturer's tag affixed to the tank. Tanks that do not have a specific date of manufacture will be assumed to have been manufactured on January 1 of the year of manufacture.

Note: After an exemption expires, any amount between 76-1200 litres in Zone B must then be stored in a tank equipped with a secondary containment system acceptable to the Minister or else in an exempted stainless steel or fibreglass tank as set out above.

#### **1201 – 10 000 Litres (Zone B):**

The previous conditions (excluding conditions 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years from the date of designation to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister.
- 2) If no secondary containment systems are installed in accordance with the above, exemptions will expire five years from the date of designation. If secondary containment systems are installed in accordance with the above, exemptions will expire 20 years from the date of installation. In situations where the petroleum is stored for emergency purposes, the duration of the exemption will be at the discretion of the Minister upon whatever conditions the Minister deems necessary.

#### **10 001 – 150 000 Litres (Zone B):**

The previous conditions (excluding condition 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years from the date of designation to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister.
- 2) If no secondary containment systems are installed in accordance with the above, exemptions will expire five years from the date of designation. If secondary containment systems are installed in accordance with the above, exemptions will expire 20 years from the date of installation. In situations where the petroleum is stored for emergency purposes, the duration of the exemption will be at the discretion of the Minister upon whatever conditions the Minister deems necessary.

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- 3) The applicant may be permitted by the Minister or municipal delegate to transfer the petroleum to a parcel in Zone C (See Zone C **10 001 – 150 000 Litres**).

**>150 000 Litres (Zone B):**

The previous conditions (excluding condition 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years from the date of designation to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister.
- 2) If no secondary containment systems are installed in accordance with the above, exemptions will expire five years from the date of designation. If secondary containment systems are installed in accordance with the above, exemptions will expire 7 years from the date of installation. In situations where the petroleum is stored for emergency purposes, the duration of the exemption will be at the discretion of the Minister upon whatever conditions the Minister deems necessary.

**ZONE C**

**2001 – 10 000 Litres (Zone C):**

The previous conditions (excluding conditions 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply to *existing* petroleum storage systems, in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years (time starts after designation of the wellfield) to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister. Once the secondary containment system is installed, the duration of the exemption is valid for an indefinite period of time.

The Minister may approve *new* and *renovated* storage systems exemptions upon the following terms:

- 1) An exemption will not be issued if an option or alternative exists to achieve the function of the facility.
- 2) Only above ground petroleum storage systems equipped with secondary containment systems satisfactory to the Minister will be considered for an exemption.
- 3) The Minister may only grant exemptions for new installations following receipt of a report by a

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Registered Professional Engineer or Geoscientist on behalf of the property owner. The report shall fully describe the proposed installations and confirm that they are in full compliance with all applicable laws, standards and regulations.

- 4) The exemption holder must acquire an annual report, authored by a Registered Professional Engineer or Geoscientist, for the duration of the exemption. This report is to be sent to the Minister. The first report is due one year after the exemption is issued. The report must state that: (a) the liquid petroleum storage tanks and associated infrastructure are in satisfactory condition; (b) the practices of product delivery, handling, storage, utilization and transfer are consistent with the protection of the ground and groundwater from contamination; (c) no further actions are required to reduce the risk of ground and groundwater contamination to acceptable levels; and (d) the liquid petroleum storage tanks and associated infrastructure are in full compliance with all applicable laws, standards and regulations.
- 5) Such other requirements as may be required by the Minister with input from the municipality (e.g., the adoption of any recommendations outlined in the above report, the provision of emergency response plans, proof of insurance, or groundwater monitoring plans).

#### **10 001 – 150 000 Litres (Zone C)**

*Existing* petroleum storage systems will be allowed in Zone C subject to the previous conditions (excluding conditions 3 and 6) shown under Zone A (1201 – 10 000 Litres), in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years (time starts after designation of the wellfield) to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister. Once the secondary containment system is installed, the duration of the exemption is valid for an indefinite period of time.

The Minister may approve the *transfer* of 10 001 – 150 000 litres of petroleum from Zone A or B to Zone C upon the following terms:

- 1 Only the installation of above-ground petroleum storage systems equipped with secondary containment systems satisfactory to the Minister will be considered for an exemption. However, if the system is too large, the Minister may consider an underground system.
- 2 The Minister may only grant exemptions for new installations following receipt of a report by a Registered Professional Engineer or Geoscientist on behalf of the property owner. The report shall fully describe the proposed installations and confirm that they

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are in full compliance with all applicable laws, standards and regulations.

- 3 The exemption holder must acquire an annual report, authored by a Registered Professional Engineer or Geoscientist, for the duration of the exemption. This report is to be sent to the Minister and copied to the Regional Water Planning Officer. The first report is due one year after the exemption is issued. The report must state that: (a) the liquid petroleum storage tanks and associated infrastructure are in satisfactory condition; (b) the practices of product delivery, handling, storage, utilization and transfer are consistent with the protection of the ground and groundwater from contamination; (c) no further actions are required to reduce the risk of ground and groundwater contamination to acceptable levels; and (d) the liquid petroleum storage tanks and associated infrastructure are in full compliance with all applicable laws, standards and regulations.
- 4 Such other requirements as may be required by the Minister with input from the municipality (e.g., the adoption of any recommendations outlined in the above report, the provision of emergency response plans, proof of insurance, or groundwater monitoring plans).

#### **>150 000 Litres (Zone C):**

The previous conditions (excluding conditions 3 and 6) shown under Zone A (1201 – 10 000 Litres) apply, in addition to the following:

- 1) Should an exemption be granted, the exemption holder will be given five years from the date of designation to ensure that petroleum storage tanks are equipped with secondary containment systems satisfactory to the Minister.
- 2) If no secondary containment systems are installed in accordance with the above, exemptions will expire five years from the date of designation. If secondary containment systems are installed in accordance with the above, exemptions will expire 10 years from the date of installation. In situations where the petroleum is stored for emergency purposes, the duration of the exemption will be at the discretion of the Minister upon whatever conditions the Minister deems necessary.