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For more information concerning the history of these regulations, please see the Table of Regulations.

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CHAPTER E-9

ENVIRONMENTAL PROTECTION ACT

HOME HEAT TANKS REGULATIONS

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

1. (1) In these regulations

   (a) “Act” means the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9;
   (b) “alter” means to repair, replace, upgrade, move or remove any part of a home heat tank system;
   (c) “corrosion resistant” means constructed of
      (i) non-metallic material, or
      (ii) metallic material with an epoxy coated lining;
   (d) “CSA” means the Canadian Standards Association;
   (f) “double-bottom tank” means a primary tank that has
      (i) an additional bottom capable of being pressurized, and
      (ii) a means to monitor for leaks in the interstitial space between the two bottoms;
   (g) “revoked by EC66/12;”
   (h) “Fire Marshall” means the person appointed as the Fire Marshall under clause 2(c) of the *Fire Prevention Act*;
   (i) “Holland College” means Holland College as established by subsection 2(1) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6;
   (j) “home heat tank” means an aboveground petroleum storage tank that
      (i) has a capacity of 2200 litres or less,
      (ii) is installed in a fixed location, and
      (iii) is connected or intended to be connected to oil burning equipment;
   (k) “home heat tank system” means
(i) a home heat tank, or
(ii) where two or more home heat tanks are connected in a system
that has a total capacity of 2200 litres or less, those home heat
tanks together with the piping connecting those home heat tanks;

published by the Department and dated June, 2011, as amended from
time to time;

(l) “identification tag” means an identification tag in a form
approved by the Minister that is intended to be permanently affixed
to a home heat tank;

(m) “inside tank” means a home heat tank that is installed inside a
building;

(n) revoked by EC66/12;

(o) “installer’s licence” means a home heat tank installer’s licence
issued under subsection 3(2);

(p) “licensee” means a person who holds a valid installer’s licence;

(q) “manufacturer’s label” means a label by which a home heat tank
manufacturer indicates compliance with the appropriate tank
fabrication, and recognized testing agency standards;

(r) “oil burning equipment” means equipment, an appliance or a
fixture that uses petroleum for the purpose of generating heat, and
includes a furnace, water heater, range and stove;

(r.1) “oil filter canister” means a canister containing an oil filter
device that is designed to be connected to the petroleum supply line
from a home heat tank system to oil burning equipment;

(s) “outside tank” means a home heat tank that is not installed inside
a building;

(t) “owner” means the person who owns, controls or manages a
home heat tank system;

(u) “permanently affixed” means affixed in such a way that an
identification tag cannot be removed without destroying or rendering
the identification tag as unusable;

(v) “petroleum” means a mixture of petroleum hydrocarbons in
liquid form, with or without additives, that is used or can be used as
a combustible fuel for heating purposes;

(w) “prior regulations” means the Petroleum Storage Tanks
Regulations (EC322/01) made under the Act;
(x) “product line protector” means a device that provides protection from accidental breakage for the shut-off valve and fuel filter assembly of a home heat tank;

(y) “ULC” means Underwriters Laboratory of Canada;

(z) “vent pipe” means a pipe that is installed on a home heat tank to vent petroleum vapours to the atmosphere.

(2) These regulations apply to home heat tanks and home heat tank systems.

(3) For the purposes of these regulations,
   (a) an inside tank is aboveground if 100% of the volume of the inside tank is installed above the lowest level of the building in which the tank is installed; and
   (b) an outside tank is aboveground if 100% of the volume of the outside tank is installed above the ground surface, whether or not the piping associated with such tank is aboveground or underground. (EC241/07; 66/12)

LICENCES

2. The fees for an application for, or renewal of, a licence under these regulations shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC241/07; 66/12)

3. (1) A person who wishes to install, alter or inspect home heat tanks or home heat tank systems shall apply for a home heat tank installer’s licence by
   (a) submitting a completed application to the Minister on a form approved by the Minister;
   (b) providing such proof of the matters referred to in subsection (2) and such other information as the Minister may require; and
   (c) paying the application fee of $50.

(2) The Minister may, on receipt of an application, issue a home heat tank installer’s licence to an applicant if the Minister is satisfied that the applicant
   (a) holds, in respect of the trade of Oil Heat System Technician, Sheet Metal Worker, Refrigeration and Air Conditioning Mechanic or Plumber,
      (i) a valid Certificate of Qualification issued under the Apprenticeship and Trades Qualification Act R.S.P.E.I. 1988, Cap. A-15.1, or
      (ii) a valid certificate with an Interprovincial Standards Red Seal Endorsement issued by another province or a territory under the
Canadian Council of Directors of Apprenticeship Interprovincial Standards (Red Seal) Program;
(b) has completed either
   (i) a home heat tank installer’s course offered at
       (A) Holland College,
       (B) a community college outside the province that the Minister considers to be equivalent to Holland College,
       (C) a private training school registered under the Private Training Schools Act R.S.P.E.I. 1988, Cap. P-20.1, or
       (D) a private training school outside the province that the Minister considers to be equivalent to a private training school referred to in paragraph (C), or
   (ii) an industry-based training program that the Minister considers to be equivalent to a home heat tank installer’s course referred to in subclause (i);
(c) is professionally competent as demonstrated by
   (i) holding a current installer’s licence or its equivalent in another jurisdiction in Canada, or
   (ii) the successful completion by the applicant of such examination as may be established and administered, adopted or accepted by the Minister;
(d) has professional knowledge and skills that are current; and
(e) holds insurance satisfactory to the Minister
   (i) with 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 the coverage, from a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, and
   (ii) that provides that coverage may not be cancelled except on thirty days’ written notice to the Minister.

(3) An installer’s licence issued under the prior regulations that was valid immediately before the date these regulations came into force is deemed to be an installer’s licence issued under subsection (2).

(4) The Minister may, on application, renew an installer’s licence issued under subsection (2) to a person who holds the qualifications required by that subsection.

(5) A installer’s licence shall be issued or renewed for a term that
   (a) commences on the later of
       (i) February 1 in any year that the installer’s licence is issued or renewed, and
       (ii) the date in any year on which the installer’s licence is issued or renewed; and
(b) expires on January 31 of the second year following the year in which the licence is issued or renewed.

(5.1) Notwithstanding subsection (5) as it read immediately before the day this subsection comes into force, an installer’s licence that is in effect on that day is deemed to expire on April 10, 2012, unless sooner revoked.

(5.2) Subsection (5.1) does not apply to an installer’s licence described in that subsection if, before April 10, 2012,
(a) the person who holds the installer’s licence submits to the Minister proof satisfactory to the Minister that the person holds insurance of the type required under clause 3(2)(e) for the period commencing April 10, 2012 and ending on January 31, 2014; and
(b) the Minister finds the insurance held by the person for that period to be satisfactory.

(5.3) Notwithstanding subsection (5) as it read immediately before the day this subsection comes into force, where the Minister under subsection (5.2) finds the insurance held by the person who holds an installer’s license described in subsection (5.1) to be satisfactory, the installer’s licence is deemed to expire on January 31, 2014, unless sooner revoked.

(5.4) The Minister shall, by personal service or ordinary mail, give written notice to the person who makes a submission to the Minister under subsection (5.2) of
(a) the Minister’s decision under that subsection; and
(b) if relevant, of the deemed expiry date of the installer’s license under subsection (5.3). (EC241/07; 66/12)

4. (1) to (5) Revoked by EC66/12. (EC241/07; 66/12)

5. (1) Where, in the opinion of the Minister, a licensees has contravened the Act or these regulations the Minister may revoke the installer’s licence held by the licensee.

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

(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. (EC241/07; 66/12)
6. (1) A licensee who installs or alters a home heat tank system shall, immediately after completing the installation or alteration, carry out a home heat tank system inspection.

(2) A licensee who carries out a home heat tank system inspection shall comply with the requirements set out in the Home Heat Tank Systems Technical Standards Handbook. (EC241/07; 66/12)

7. (1) A licensee who installs, alters or inspects a home heat tank system shall ensure that the home heat tank system, as installed,

(a) complies with the standards and requirements in effect on the date of the installation, as established in
   (i) the Home Heat Tank Systems Technical Standards Handbook,
   (ii) the Water Well Regulations (EC188/90),
   (iii) CSA standard CSA B139-15, Installation Code for Oil-Burning Equipment for Residential and Small Commercial Buildings, as amended,
   (iv) ULC standard CAN/ULC-S642-07, Compounds and Tapes for Threaded Pipe Joints,
   (v) National Fire Code of Canada 1995 Revised 2010, as amended,
   (vi) ULC standard CAN/ULC-S602-14, Aboveground Steel Tanks for Fuel Oil and Lubricating Oil, as amended,
   (vii) ULC standard CAN/ULC-S601-14 (R2015), Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids, as amended,
   (viii) ULC standard CAN/ULC-S670-14, Standard for Aboveground Non-metallic Tanks for Fuel Oil and Other Combustible Liquids, as amended, and
   (ix) any other direction issued by the Minister; and

(b) bears the manufacturer’s label.

(2) A licensee who installs, alters or inspects a home heat tank shall ensure that the home heat tank complies with the standards and requirements in effect on the date the home heat tank was constructed, and established in the following codes:

(a) ULC standard CAN/ULC-S677-14, Standard for Fire Tested Aboveground Tank Assemblies for Flammable and Combustible Liquids, as amended;
(b) ULC standard ULC/ORD-142.21 1995 Used-Oil Systems, Aboveground Storage Tanks for Flammable and Combustible Liquids, as amended;
(c) ULC standard ULC-S601-14 (R2015), Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, as amended;
(d) ULC standard CAN/ULC-S602-14, Aboveground Steel Tanks for Fuel Oil and Lubricating Oil, as amended;
(e) ULC standard CAN/ULC-S653-06, Standard for Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids, as amended;
(f) ULC Standard CAN/ULC-S670-14, Standard for Aboveground Non-metallic Tanks for Fuel Oil and Other Combustible Liquids, as amended.

(3) No person shall install an outside tank unless the tank is constructed of a non-metallic material.

(4) No person shall install an inside tank unless the tank is
(a) constructed of a non-metallic material; or
(b) a double-bottom tank with a bottom outlet.

(5) No person shall, on or after July 1, 2020, install an inside tank unless the tank is constructed of a non-metallic material.

(6) Subsection (4) is repealed on July 1, 2020. (EC241/07; 66/12; 778/15)

8. Revoked by EC66/12. (EC241/07; 66/12)

9. (1) The Minister shall, at the written request of
(a) a self-employed licensee; or
(b) an employer who employs licensees,
issue identification tags to such licensee or employer.

(2) The Minister may refuse to issue identification tags to a self-employed licensee or an employer of a licensee, if the Minister believes that the licensee or employer, as the case may be, has not submitted inspection reports as required by section 8.

(3) An employer who is issued tags under subsection (1),
(a) shall assign the identification tags only to employees who hold a valid installer’s;
(b) shall maintain a record of which identification tags are assigned to each employee; and
(c) may re-assign any identification tag to another employee who holds a valid installer’s.

(4) A record of identification tags kept under clause (3)(b) shall be
(a) maintained by a licensee or employer for at least two years from the date they are issued by the Minister; and
(b) made available to an environment officer on the request of such officer.

(5) Every person whose installer’s licence has expired and has not been renewed, or has been revoked, by the Minister shall return all unused identification tags to the Minister within 10 working days from the date of expiry or revocation.

(6) An employer who no longer employs licensees shall return all unused identification tags to the Minister within 10 working days of ceasing to employ licensees.

(7) An identification tag is not valid
(a) unless the identification tag is permanently affixed to the vent pipe of a home heat tank, by riveting or another manner approved by the Minister;
(b) if the identification tag has expired;
(c) if the identification tag and any part of the home heat tank to which the identification tag is affixed are removed from the home heat tank system to which the identification tag relates; or
(d) if the home heat tank system to which the identification tag relates is moved from the location at which the home heat tank system was inspected.

(8) An identification tag expires on June 30 of the expiry year, if any, stamped on the identification tag. (EC241/07; 66/12)

10. Where an identification tag is affixed to a home heat tank, and a licensee finds that the home heat tank or any part of the home heat tank system to which the identification tag relates does not meet the requirements of these regulations, the licensee shall, within one working day after making the finding, give written notice of the finding to the Minister. (EC241/07; 66/12)

11. No person shall, except in accordance with subsection 9(3),
(a) give or transfer an identification tag to another person;
(b) sell an identification tag; or
(c) alter, re-use, remove or attempt to alter, remove or re-use an identification tag that has been permanently affixed to a home heat tank system. (EC241/07)

12. (1) Subject to subsection (2), no person shall install, alter or remove any part of a home heat tank system unless the person holds an installer’s licence.

(2) An owner may install a product line protector or a fuel gauge protector on or near a home heat tank. (EC241/07)
12.1 (1) No person shall affix an identification tag to a home heat tank unless the person is a licensee.

(2) No licensee shall affix an identification tag to a home heat tank except in accordance with the Home Heat Tank Systems Technical Standards Handbook. (EC66/12)

13. (1) No person shall sell, or offer to sell, a home heat tank to any other person unless the other person holds a valid installer’s licence.

(2) Subsection (1) does not apply to a wholesaler who sells home heat tanks to a retailer for the purpose of resale. (EC241/07)

13.1 No person shall sell, or offer to sell, an oil filter canister unless
(a) the person purchasing the oil filter canister is a licensee; and
(b) the oil filter canister
   (i) is corrosion resistant,
   (ii) bears a manufacturer’s label confirming that the oil filter canister is corrosion resistant, if the oil filter canister is constructed of metallic material, and
   (iii) has an ethylene propylene diene M-class rubber gasket. (EC66/12)

14. (1) No person shall deliver petroleum to a home heat tank system unless
(a) an identification tag is permanently affixed to the vent pipe of a home heat tank within the home heat tank system; and
(b) the person has no reason to believe that the identification tag referred to in clause (a) is not valid, has been altered or was not issued by the Minister.

(2) Subject to subsection (4), no person shall deliver petroleum to an outside home heat tank system that has an end outlet or bottom outlet connection to oil burning equipment unless
(a) a shut-off valve or fuel filter assembly is installed directly under the home heat tank system; or
(b) the shut-off valve for the home heat tank system is equipped with a product line protector.

(3) Subject to subsection (4), no person shall deliver petroleum to an outside home heat tank system that is supported by a wooden tank stand unless
(a) the posts and saddle of the tank stand are constructed of pressure-treated wood that is 10.16 cm x 10.16 cm or 4 inches x 4 inches, or greater;
(b) the cross pieces of the tank stand are constructed of pressure-treated wood that is 5.08 cm x 15.24 cm or 2 inches x 6 inches, or greater; and
(c) the posts, saddle and cross pieces of the tank stand are bolted together using a nut and washer system.

(4) Where, immediately before the coming into force of this section, an outside home heat tank system is in use and
(a) an identification tag is permanently affixed to the vent pipe of a home heat tank within the home heat tank system; and
(b) there is no reason to believe that the identification tag is not valid, has been altered or was not issued by the Minister, subsections (2) and (3) do not apply in respect of the home heat tank system until the earlier of
(c) the expiry of the identification tag; and
(d) the removal of the tag under section 18.

(5) Where a person attempting to deliver petroleum to a home heat tank system finds that the home heat tank system does not meet the requirements of this section, the person shall
(a) give written notice to the owner of the home heat tank system, as soon as possible, that
(i) the home heat tank system does not meet the requirements of this section, and
(ii) the person is prohibited by these regulations from delivering petroleum to the home heat tank system;
(b) where the person is employed by a petroleum supplier, notify the petroleum supplier, as soon as possible, of the person’s finding; and
(c) within one working day after the attempted delivery, give written notice of the person’s finding to the Minister.

(6) A petroleum supplier who receives a notification under clause (5)(b) shall ensure that written notice is given to the owner of the home heat tank system and the Minister in accordance with clauses (5)(a) and (c). (EC241/07; 740/07; 66/12)

14.1 (1) A person who delivers petroleum to an outside double-bottom tank shall check the interstice monitoring system of the tank.

(2) Where a person referred to in subsection (1) finds that the interstice monitoring system of a double-bottom tank indicates a leak into the interstitial space, the person shall
(a) complete the delivery of petroleum at the time of discovering the leak;
(b) give written notice of the leak, as soon as possible, to the owner of the tank;
(c) where the person is employed by a petroleum supplier, notify the petroleum supplier, as soon as possible, of the leak; and
(d) within one working day after discovering the leak, give written notice of the leak to the Minister.

(3) A petroleum supplier who receives a notification under clause (2)(c) shall ensure that written notice is given to the owner of the double-bottom tank and the Minister in accordance with clauses (2)(b) and (d). (EC66/12)

14.2 A person who conducts an annual oil-burning equipment maintenance inspection as required in CSA standard CSA B-139-15, Installation Code for Oil-Burning Equipment for Residential and Small Commercial Buildings, as amended, in respect of an inside double-bottom tank shall
(a) check the interstice monitoring system of the tank; and
(b) where the person finds that the interstice monitoring system of the tank indicates a leak into the interstitial space, give written notice of the leak, within one working day after the date of the maintenance inspection, to the owner of the tank and to the Minister. (EC66/12; 778/15)

14.3 The Minister shall, within seven days after receipt of notification of a leak into the interstitial space of a double-bottom tank under clause 14.1(2)(c) or 14.2(b), direct an environment officer to remove the identification tag affixed to the tank. (EC66/12)

14.4 Every person who conducts an annual oil-burning equipment maintenance inspection as required in CSA standard CSA B-139-15, Installation Code for Oil-Burning Equipment for Residential and Small Commercial Buildings, as amended, in respect of a bottom outlet home heat tank shall
(a) determine whether a corrosion resistant oil filter canister is connected to the petroleum supply line to the oil burning equipment; and
(b) where a corrosion resistant oil filter canister is not connected to the petroleum supply line to the oil burning equipment, install a corrosion resistant oil filter. (EC66/12; 778/15)

15. (1) Every person who has reason to believe that petroleum is leaking or has leaked from a home heat tank system shall immediately
(a) notify the owner of the home heat tank system; and
(b) report the leak by telephoning the Canadian Coast Guard at 1-800-565-1633.

(2) Upon receiving a notification under subsection (1), the owner shall immediately cause the system to be taken out of service until the home
heat tank system is replaced or repaired in accordance with these regulations. (EC241/07)

16. The owner of a double-bottom tank shall
   (a) ensure that the tank has an operational leak detecting device; and
   (b) immediately notify the Department if such device indicates that there is a petroleum leak within the interstitial space. (EC241/07; 66/12)

17. At an environment officer’s request, the owner of a home heat tank system, and the owner or person in possession of the property on which the home heat tank system is located, shall permit access by the environment officer to the home heat tank system. (EC241/07)

18. (1) Where, in the opinion of an environment officer, a home heat tank system does not comply with these regulations, the environment officer may remove, or request an installer to remove, the identification tag and submit the identification tag to the Minister.

   (2) The Minister shall send written notification of the removal of the identification tag to the owner of the home heat tank system not later than the next working day following the day that the identification tag is received by the Minister. (EC241/07)

19. Where an identification tag affixed to a home heat tank expires, the owner of the home heat tank system to which the identification tag relates shall arrange for a licensee to, before the end of the expiry year stamped on the identification tag,
   (a) replace the home heat tank system with a home heat tank system that meets the requirements of these regulations;
   (b) replace any component of the home heat tank system necessary to ensure that the home heat tank system meets the requirements of these regulations; or
   (c) remove the home heat tank system in accordance with section 20. (EC241/07; 66/12)

20. (1) Where a home heat tank system is no longer in use, the owner of the home heat tank system shall arrange for a licensee to
   (a) ensure that all petroleum is removed from the home heat tank system;
   (b) disconnect all exposed piping or tubing from the home heat tank system; and
   (c) remove the fill and vent pipes and remove the home heat tank system from its location.
(2) Where a home heat tank system is relocated, the owner of the home heat tank system shall arrange for a licensee to remove any fill and vent pipes that are no longer in use.

(3) An environment officer may, in writing, waive the requirements of clause (1)(b) or (c) in respect of a home heat tank system, or a part of a home heat tank system, where

(a) the home heat tank system is located inside a building or structure; and
(b) an environment officer determines that the home heat tank system or part of the home heat tank system is inaccessible.

(4) Where an environment officer determines that a home heat tank system or part of a home heat tank system is inaccessible under clause (3)(b), the owner of the home heat tank system shall arrange for a licensee to:

(a) ensure that all petroleum is removed from the home heat tank system; and
(b) in respect of each home heat tank within the home heat tank system,
   (i) shut off the outlet valve, remove the filter, and plug or cap the outlet valve, and
   (ii) plug or cap appropriate openings, including the supply or return outlets or inlets, except for the vent pipe. (EC241/07; 66/12)

21. Where a home heat tank is replaced by a licensee, the licensee performing the replacement shall ensure that no water or sludge contamination is transferred from the home heat tank system to the new tank. (EC241/07)

22. Revoked by EC66/12. (EC241/07; 66/12)
SCHEDULE

SCHEDULE A – FORMS

Revoked by EC66/12. (EC241/07; 66/12)

SCHEDULE B

CONSTRUCTION STANDARDS
FOR THE INSTALLATION OF
ABOVEGROUND HOME HEAT
TANK SYSTEMS

Revoked by EC66/12. (EC241/07; 66/12)

SCHEDULE C

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

Revoked by EC66/12. (EC241/07; 66/12)

Schedule D

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

Revoked by EC66/12. (EC241/07; 66/12)