

2004 Bill 202

Fourth Session, 25th Legislature, 53 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

ENVIRONMENTAL PROTECTION AND ENHANCEMENT (VAPOUR CONTROL EQUIPMENT) AMENDMENT ACT, 2004

MR. MASYK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 202

2004

ENVIRONMENTAL PROTECTION AND ENHANCEMENT (VAPOUR CONTROL EQUIPMENT) AMENDMENT ACT, 2004

(Assented to _____, 2004)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cE-12

1 The *Environmental Protection and Enhancement Act* is amended by this Act.

2 Section 107(1) is amended

(a) by renumbering clause (a) as clause (a.5) and by adding the following before clause (a.5):

- (a) “bulk plant” means a secondary distribution facility where gasoline is normally received by cargo tank truck and stored in bulk for subsequent shipment;
- (a.1) “cargo tank truck” means a vehicle designed or equipped for the purpose of transporting gasoline in bulk;
- (a.2) “CCME Code” means the Canadian Council of Ministers of the Environment document titled “*Environmental Code of Practice for Vapour Recovery in Gasoline Distribution Networks*,” CCME-EPC/TRE-30E (March, 1991);
- (a.3) “CGSB Standard” means the standards in the Canadian General Standards Board document titled

“Standard for Vapour Control Systems in Gasoline Distribution Networks,” CAN/CGSB-3.1000-M91, as amended from time to time;

- (a.4) “gasoline” means a petroleum distillate or a mixture of petroleum distillates and oxygenates intended for use as fuel in automotive or marine engines, but does not include methane, ethane or propane;

(b) by adding the following after clause (c):

- (c.1) “service station” means a facility used for the purpose of storing and dispensing gasoline to motor vehicles;
- (c.2) “stage I vapour controls” means devices or equipment used to recover vapours during the bulk transfer and storage of gasoline that meet the requirements of stage I vapour control systems specified in the CGSB standard;
- (c.3) “terminal” means a primary distribution facility where gasoline is normally received by pipeline, rail car or marine transfer and stored in bulk for subsequent shipment.

3 The following is added after section 122:

**Division 1.1
Gasoline Vapour Control**

Stage I vapour controls required

122.1(1) Subject to subsection (2), all terminals, bulk plants, service stations and cargo tank trucks that commenced operation prior to January 1, 2005, must be equipped with stage I vapour controls in accordance with the regulations on or before January 1, 2014.

(2) Effective January 1, 2005, any replacement or new equipment installed at the terminals, bulk plants, service stations or cargo tank trucks referred to in subsection (1) must be equipped with stage I vapour controls in accordance with the regulations.

(3) All terminal, bulk plants, service stations and cargo tank trucks that commence operation on or after January 1, 2005, must be equipped with stage I vapour controls in accordance with the regulations.

Lieutenant Governor in Council regulations

122.2(1) The Lieutenant Governor in Council shall make regulations

- (a) adopting the CGSB Standard as the minimum technical standard for stage I vapour controls;
- (b) adopting the CCME Code as the minimum regulation requirement for the implementation and operation of stage I vapour controls.

(2) The Lieutenant Governor in Council may make regulations exempting any person or class of persons from the requirements in this Division.

4 Section 227 is amended in clause (j) by adding “122.1,” after “112,”.

5 Section 228 is amended in subsection (2) by adding “122.1,” after “112,”.

6 Section 229 is amended by adding “122.1,” after “112,”.

7 The Schedule of Activities is amended in section 2 by adding the following after clause (b):

(b.1) the storage and distribution of gasoline,

8 This Act comes into force on January 1, 2005.

Explanatory Notes

1 Amends chapter E-12 of the Revised Statutes of Alberta 2000.

2 Section 107(1) presently reads:

107(1) In this Part,

- (a) “owner of a substance” means the owner of the substance immediately before or during the release of the substance;*
- (b) “person having control of a substance” means the person having charge, management or control of the substance;*
- (c) “person responsible for the contaminated site” means*
 - (i) a person responsible for the substance that is in, on or under the contaminated site,*
 - (ii) any other person who the Director considers caused or contributed to the release of the substance into the environment,*
 - (iii) the owner of the contaminated site,*

- (iv) *any previous owner of the contaminated site who was the owner at any time when the substance was in, on or under the contaminated site,*
- (v) *a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in any of subclauses (ii) to (iv), and*
- (vi) *a person who acts as the principal or agent of a person referred to in any of subclauses (ii) to (v)*

but does not include

- (vii) *a municipality in respect of a parcel of land shown on its tax arrears list, unless after the date on which the municipality is entitled to possession of the parcel under section 420 of the Municipal Government Act or becomes the owner of the parcel under section 424 of that Act the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel, or*
- (viii) *a person who investigates or tests a parcel of land for the purpose of determining the environmental condition of that parcel, unless the investigation or test releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel.*

3 New division added introducing gasoline vapour control requirements.

4 Section 227 presently reads in part:

227 A person who

- (j) contravenes section 60, 61, 67, 75, 76, 79, 87, 88, 108, 109, 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 178, 179, 180, 181, 182, 188, 191, 192, 209 or 251*

is guilty of an offence.

5 Section 228 presently reads:

228(1) A person who commits an offence referred to in section 60, 87, 108(1), 109(1) or 227(a), (d), (f) or (h) is liable

- (a) in the case of an individual, to a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years or to both fine and imprisonment, or*

- (b) in the case of a corporation, to a fine of not more than \$1 000 000.*

(2) A person who commits an offence referred to in section 61, 67, 75, 76, 79, 88, 108(2), 109(2), 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 188, 191, 192, 209, 227(b), (c), (e), (g) or (i) or 251 is liable

- (a) in the case of an individual, to a fine of not more than \$50 000, or*

(b) in the case of a corporation, to a fine of not more than \$500 000.

(3) A person who commits an offence referred to in section 178, 179, 180, 181 or 182 is liable

(a) in the case of an individual, to a fine of not more than \$250, or

(b) in the case of a corporation, to a fine of not more than \$1000.

6 Section 229 presently reads:

229 No person shall be convicted of an offence under section 61, 67, 75, 76, 79, 88, 108(2), 109(2), 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 188, 191, 192, 209, 227(b), (c), (e), (g) or (i) or 251 if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

7 Section 2 of the Schedule of Activities presently reads:

2 The construction, operation or reclamation of a plant, structure or thing for

- (a) the manufacture or processing of petroleum products,*
- (b) the manufacture or processing of natural gas, its products or its derivatives,*
- (c) the manufacture or processing of chemical and allied products,*
- (d) the manufacture or processing of pulp and paper products,*
- (e) the manufacture or processing of stone, clay or glass products,*
- (f) the manufacture or processing of cement and lime products,*
- (g) the manufacture or processing of fertilizer products,*
- (h) the manufacture or processing of primary metal or metal products,*
- (i) the manufacture or processing of wood or wood products,*
- (j) the manufacture of asphalt or ready-mixed concrete,*
- (k) the processing of coal, heavy oil, oil sands or minerals,*
- (l) the processing of food,*

- (m) *the manufacture or processing of secondary food products, beverages or animal by-products,*
- (n) *the generating of thermal electric power or steam,*
- (o) *the generating of hydro-electric power,*
- (p) *the processing of wastewater sludges,*
- (q) *the application to land of non-livestock generated wastes, wastewaters and wastewater sludges,*
- (r) *the manufacture of animal feed,*
- (s) *seed cleaning or forage drying,*
- (t) *the storage, treatment, processing or disposal of hazardous waste,*
- (u) *the combustion of solid, liquid or gaseous fuels or wastes,*
- (v) *the storing and processing of hazardous recyclables,*
- (w) *the storing and processing of designated material,*
- (x) *the manufacture or use of biotechnology products,*
- (y) *the manufacture or processing of explosives,*
- (z) *the manufacture or processing of sulphur products,*
- (aa) *the storage, treatment, processing or disposal of batteries,*
- (bb) *the processing or mining of salt,*
- (cc) *the surface storage of brine associated with hydrocarbon storage facilities,*
- (dd) *the coating of pipe or wire,*
- (ee) *the cleaning of containers,*
- (ff) *the blending of chemicals and paints,*
- (gg) *the preserving of wood,*
- (hh) *the process of electroplating, or*
- (ii) *any other industrial, manufacturing or processing purpose.*

8 Coming into force.