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October 5, 2010

To: Propane Filling Plant and Container Refill Licence Holders, Propane Regulation Risk Reduction Group, and Propane Advisory Council

Re: Proposed Regulatory Amendment to Ontario Regulation 211/01 of the *Technical Standards and Safety Act, 2000* Pertaining to Risk and Safety Management Plans

Attached for your information is the Ministry of Consumer Services' regulatory posting regarding their proposed adjustments to the risk and safety management plan process for propane transfer facilities. The full proposal is also available on the Regulatory Registry at www.ontariocanada.com/registry.

Please note that any questions or input should be directed to the Ministry of Consumer Services. The contact information is provided within the enclosed posting package.

Sincerely,

A handwritten signature in black ink that reads "John R. Marshall".

John R. Marshall
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Enclosure

**Ministry of
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MEMORANDUM

TO: Technical Safety and Standards Authority

FROM: Ontario Ministry of Consumer Services

DATE: October 5, 2010

This memo is to advise the Technical Standards and Safety Authority (TSSA) and certain propane facility licensees of proposed changes to the regulatory requirements pertaining to risk and safety management plans (RSMPs).

Currently, Regulation 211/01 of the *Technical Standards and Safety Act, 2000*, requires certain licensed propane transfer facilities (retail outlets, filling plants, cardlocks/keylocks, private outlets or container refill centres) in Ontario to have a RSMP in place as a condition of licensing by the date of licence renewal beginning January 1, 2011.

The Government has decided to adjust the process for small facilities (facilities with total capacity, including fixed and transient storage, of 5,000 U.S. water gallons or less). The Government would also provide an additional 90 days for all sizes of facilities to file their RSMPs.

The Ministry of Consumer Services is seeking input and comments from industry about the proposed adjustments. The full proposal is attached and is also available on the Regulatory Registry at www.ontariocanada.com/registry. The referenced documents can be accessed by clicking on the links in the Regulatory Registry posting.

The Ministry has launched a 10-day consultation on the details of the proposal. The closing date for comments is October 14, 2010.

The Ministry asks that the TSSA distribute this memo and the attached proposal to affected licensees immediately. This information is also being shared with the Ontario Propane Association, the Propane Gas Association of Canada and other industry parties for their immediate distribution to members.

LE FRANÇAIS SUR L'INVERSE

Note de service

Destinataire : Commission des normes techniques et de la sécurité

Expéditeur : Ministère des Services aux consommateurs de l'Ontario

Date : Le 5 octobre 2010

Cette note de service vise à informer la Commission des normes techniques et de la sécurité (CNTS) ainsi que les exploitants d'installations de propane des changements proposés pour les exigences réglementaires en matière de plans de gestion des risques et de la sécurité.

À l'heure actuelle, le Règlement 211/01 de la Loi de 2000 sur les normes techniques et la sécurité, exige que certaines installations exploitées où l'on transfère du propane (points de vente au détail, usines de chargement, dépôts à approvisionnement sélectif par carte-accès ou par clé, points de vente privés ou postes de remplissage pour conteneurs) d'avoir des plans de gestion des risques et de la sécurité en place et en fait une condition d'octroi de licence lors du renouvellement de la licence qui débutera à la date du 1^{er} janvier 2011.

Le gouvernement a décidé d'adapter le processus pour les installations de petite taille (dont la capacité totale de 5 000 gallons américains ou moins l'entreposage permanent et de transit y compris). Le gouvernement permettra également aux installations de toutes tailles de disposer de 90 jours supplémentaires pour compléter leurs plans de gestion des risques et de la sécurité.

Le ministère des Services aux consommateurs attend les suggestions et les commentaires des parties issues du secteur industriel sur les ajustements proposés. La proposition dans sa totalité est jointe et est également disponible sur le Registre de réglementation au www.ontariocanada.com/registry. Les documents auxquels il est fait mention sont disponibles en cliquant sur les liens des articles du Registre de réglementation.

Le ministère a lancé une consultation de 10 jours en vue de traiter des détails de la proposition. La date de clôture pour les commentaires est le 14 octobre 2010.

Le ministère demande à la CNTS de distribuer cette note de service ainsi que la proposition ci-jointe aux exploitants immédiatement. Cette information a également été communiquée à l'Ontario Propane Association, à l'Association canadienne du gaz propane ainsi qu'à d'autres parties impliquées dans le secteur de l'industrie pour leur participation à la distribution immédiate aux membres.

REGULATORY REGISTRY POSTING

Title: Proposed regulatory amendments to Regulation 211/01 of the *Technical Standards and Safety Act, 2000*

Description: Proposed adjustment to the risk and safety management plan process for propane transfer facilities.

Ministry Contact Email: andrea.wallace@ontario.ca

Additional Contact Email: erica.zucco@ontario.ca

Ministry Contact Address: Ministry of Consumer Services
Policy Branch
777 Bay Street, 5th Floor
Toronto, ON M7A 2J3
Attention: Andrea Wallace, Senior Policy and Program Analyst

Summary of Proposal:

In December 2008, the government made amendments to the regulations under the *Technical Standards and Safety Act, 2000* to implement the recommendations of the Propane Safety Review panel (see Additional Document 1 - Report of the Propane Safety Review). The amendments were made to O. Reg 211/01 (Propane Storage and Handling) and to O. Reg. 2115/01 (Fuel Industry Certificates).

These amendments included a requirement for certain propane transfer facilities in Ontario (retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre) to have a risk and safety management plan (RSMP) in place as a condition of licensing beginning January 1, 2011 (see Additional Document 2 - Propane Storage and Handling (O. Reg. 211/01) of the *Technical Standards and Safety Act, 2000*). An RSMP identifies hazards, assesses risks, identifies mitigation measures, and sets out an emergency response and preparedness plan for each facility. Ontario is the first province to require RSMPs for propane facilities.

The Ministry of Consumer Services seeks comments on a proposal to adjust the RSMP process for small facilities (total capacity of fixed and transient storage equal to or less than 5,000 US Water Gallons) and provide a 90-day extension for all facilities. The adjustment would be consistent with the Propane Safety Review, would scale the RSMP process to facility size, and would support industry compliance through transitional timing relief.

Adjustment #1: Template RSMP for Small Facilities (5,000 USWG or less)

The proposal would require small facilities to complete a template RSMP, which would collect information on the facility and its activities, the surrounding area, and emergency preparedness and planning.

The licence holder would complete and submit the template RSMP to the Technical Standards and Safety Authority (TSSA) as part of its licence renewal process. The type of information required by the template includes, but not limited to:

1. Facility Information

- Legal business name and name(s) of licence holder and facility operator, address, contact information and hours of business.
- Year the facility was established and the year in which any significant modifications were completed at the site.
- Facility's total capacity of propane, including the maximum number of and capacity for each type and size of vessel, annual throughput and number of transfers per month.
- Name of propane supplier(s)

2. Updated Facility Site Plan

- Facility's current site plan, updated with specific information about the volume and location of propane storage, and other flammable materials, other structures on site and emergency equipment.

3. Map of Surrounding Area

- The licence holder will be required to provide a map of the facility's surrounding area which captures the location and set-backs of the single largest propane vessel on site, hazard distance and estimate of nearby population using an established formula, the location of sensitive institutions and additional property and certain municipal information.
- The map can be prepared either by the facility operator or through commercially available GIS mapping services.

4. Emergency Response and Preparedness Plan

- In cooperation with local fire services, the licence holder will provide information on the facility's emergency training plans, security procedures, water supply capabilities and emergency response contacts.
- The emergency response and preparedness plan component of the RSMP will be provided to local fire services for review and comment before the completed template is submitted to the TSSA for approvals.

In order to address certain small facilities, which may present a higher risk, as regulator, the TSSA would be provided with the authority to require a small facility to complete the current RSMP process.

Medium and large facilities, with a total capacity of greater than 5,000 U.S Water Gallons, would continue to complete the current RSMP process (see Additional Document 3 - TSSA guidelines for RSMPs).

Adjustment #2: 90-Day Timing Extension for All Propane Transfer Facilities

An additional 90 days, from the date of licence renewal, would be provided to all propane transfer facilities to file their RSMPs with the TSSA. For example, a facility with a renewal date of January 2, 2011 would be extended to April 2, 2011.

The timing relief would provide small facilities time to comply with the new RSMP process, and medium and large facilities time to work with their engineers to complete their RSMPs, secure fire service approvals and implement mitigations.

Posting Date: October 5, 2010

Comments Due Date: October 14, 2010

Link to Additional Document 1:

Report of the Propane Safety Review

http://www.sse.gov.on.ca/mcs/Documents/Propane_Safety_Report.pdf

Link to Additional Document 2:

Propane Storage and Handling (O. Reg. 211/01) of the *Technical Standards and Safety Act, 2000*

<http://www.search.e-laws.gov.on.ca/en/isysquery/6a203202-ac12-4f08-9ec3-ed72a1d84280/1/doc/?search=browseStatutes&context=#hit1>

Link to Additional Document 3:

TSSA guidelines for RSMPs, for medium and large facilities (total capacity of 5,000 U.S Water Gallons or greater)

<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=2BE798CC360F4DBE8F0B16B9541C80C5>

Privacy Statement

Please note that unless requested and agreed otherwise by the Ministry of Consumer Services, all materials or comments received from organizations in response to this consultation will be considered public information and may be used and disclosed by the ministry to assist the ministry in evaluating and revising the proposed regulatory amendments. This may involve disclosing materials or comments, or summaries of them, to other interested parties during and after the request for public comment process.

An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified. Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by the individual. However, materials or comments by individuals may be used and disclosed by the ministry to assist in evaluating and revising the proposed regulatory amendments.

Personal information of those who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the ministry without the individual's consent unless required by law. If you have any questions about the collection of this information, please contact Lynne Gottschling at Lynne.Gottschling@ontario.ca.