



Environmental Management Act

**GASOLINE VAPOUR
CONTROL REGULATION**

B.C. Reg. 226/95

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Consolidated Regulations of British Columbia

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Environmental Management Act

GASOLINE VAPOUR CONTROL REGULATION

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Contents

1	Interpretation	1
2	Service station requirements	2
3	Application for exemption from service station requirements	3
4	Cargo tanker requirements	4
5	Bulk plant requirements	5
6	Terminal requirements	6
7	General requirements	8
8	Exemption from section 6 of the Act	8
9	Records and reporting	8
10	Offence and penalty	9
FORM 1		10
FORM 2		10
FORM 3		11

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GASOLINE VAPOUR CONTROL REGULATION

B.C. Reg. 226/95

Interpretation

1 (1) In this regulation:

“**Act**” means the *Environmental Management Act*;

“**bulk plant**” means a gasoline distribution establishment where gasoline is normally received by cargo tanker and stored in bulk for distribution by cargo tanker;

“**cargo tanker**” means a motor vehicle having a bulk liquid tank mounted on the frame or chassis of the vehicle, or a trailer having a bulk liquid tank mounted on the trailer, that is used for the transportation between facilities of gasoline only or of gasoline and other petroleum products;

“**CGSB Standard**” means the standards in Canadian General Standards Board document entitled Standard for Vapour Control Systems in Gasoline Distribution Networks, CAN/CGSB-3.1000-M91;

“**director**”, for the purposes of applying this regulation in the Metro Vancouver Regional District, means a district director;

“**exemption tag**” means an exemption tag described in section 3 (5);

“**existing terminal**” means a terminal that commenced operations before September 1, 1995;

“**facility**” means a service station, bulk plant or terminal;

“**fill pipe**” is the pipe through which a service station gasoline storage tank is filled;

“**fleet refuelling station**” means a service station used primarily to fuel a taxi fleet, service vehicle fleet or any similar fleet of vehicles used on highways;

“**gasoline**” means a petroleum distillate, or a mix of petroleum distillates and oxygenates, with a Reid Vapour Pressure greater than 48 kilopascals, intended for use in automotive or marine internal combustion engines, but does not include methane, propane or ethane;

“**Lower Fraser Valley**” means the part of British Columbia bounded on the north by latitude 49° 30', on the east by longitude 121° 15' and on the west by longitude 123° 20';

“**new terminal**” means a terminal that is not an existing terminal;

“**nozzle**” means any device primarily used to dispense gasoline into fuel tanks of motor vehicles or vessels;

“**operating service factor**” means the operating service factor as defined in the CGSB Standard;

“**owner**” means the person who owns all or part of a facility or cargo tanker and includes a lessee or an operator who is authorized by the owner to act as the owner's agent;

- “**service station**” means any premises equipped to dispense gasoline into fuel tanks of motor vehicles or vessels and includes a retail service station, card lock or fleet refuelling station;
- “**submerged fill**” means a system for loading gasoline into any tank using a pipe to provide entry below the liquid surface, thereby minimizing splash and vapour formation;
- “**terminal**” means a gasoline distribution establishment where gasoline is received by pipeline, rail car or marine transfer, or directly from a refinery, and is stored in bulk for distribution by cargo tanker;
- “**trailer**” means trailer as defined in the *Motor Vehicle Act*;
- “**vapour balancing system**” means a system by which gasoline vapour displaced from a tank receiving gasoline is recovered into the tank that is the source of the gasoline;
- “**vapour control system**” means a vapour balancing system, a vapour destruction system or a vapour recovery system;
- “**vapour destruction system**” means a system for the removal of gasoline vapour from cargo tankers and for the destruction of vapour in a vapour destruction unit;
- “**vapour destruction unit**” means the part of a vapour destruction system that receives gasoline vapour and destroys it by thermal oxidation or other means;
- “**vapour recovery system**” means a system for the removal of gasoline vapour from cargo tankers and for the recovery of the vapour in a vapour recovery unit;
- “**vapour recovery unit**” means the part of a vapour recovery system that receives gasoline vapour and recovers it for subsequent use.
- (2) For the purposes of interpreting the CGSB Standard, “**authority having jurisdiction**” means the ministry of the minister responsible for the administration of Part 6 of the Act as represented by a director.

[am. B.C. Regs. 109/2002, s. 1; 321/2004, s. 11 (a) and (b); 191/2018, App. 2, s. 2; 216/2019, s. 10.]

Service station requirements

- 2 (1) Effective May 1, 1996, every owner of a service station located in the Lower Fraser Valley which
- (a) is equipped with 2 or more nozzles,
 - (b) is equipped with a single nozzle and, in any calendar year after 1991, dispensed more than 750 000 litres of gasoline, or
 - (c) replaces or installs new gasoline storage tanks on or after September 1, 1995 must equip the facility with a vapour balancing system on each gasoline storage tank.
- (2) Subsection (1) does not apply to any of the following:
- (a) a service station which receives gasoline solely by marine vessel;

GASOLINE VAPOUR CONTROL REGULATION

- (b) a gasoline storage tank with a storage capacity of less than 2 000 litres;
 - (c) a service station located on a farm and used solely for the fuelling of farm vehicles and equipment;
 - (d) a service station used for the fuelling of vehicles and equipment if the vehicles and equipment are only used on the site where the service station is located.
- (3) Subsection (1) does not apply to a gasoline storage tank that is under 21 000 litres capacity if
- (a) the storage tank is not supplied by a cargo tanker with over 21 000 litres capacity, and
 - (b) the owner of the storage tank gives notice to a director in Form 1 respecting the tank size and supplier.
- (4) Repealed. [B.C. Reg. 321/2004, s. 11 (c).]
- (5) Every owner of a service station that is required to have a vapour balancing system must ensure the proper operation of the system and, without restricting the foregoing, must ensure that
- (a) vapour recovery adapters at underground storage tanks are accessible to cargo tanker operators, and
 - (b) a periodic visual check of service station vapour balancing equipment is performed.
- [am. B.C. Reg. 321/2004, s. 11 (b) and (c).]

Application for exemption from service station requirements

- 3** (1) The owner of a service station equipped with 2 or more nozzles which
- (a) commenced operations before September 1, 1995, and
 - (b) has not dispensed more than 750 000 litres of gasoline in any calendar year after 1991
- may apply to a director, in the manner and with the information specified by the director, for an exemption from the requirements of section 2 (1).
- (2) The director, upon being satisfied that the applicant has met the criteria of subsection (1), may grant an exemption in Form 2.
- (3) The exemption granted under subsection (2)
- (a) may be for up to 5 years and, on receipt of a further application, a director may grant one or more subsequent exemptions,
 - (b) is, subject to paragraph (c), revocable on 6 months written notice to the owner, and
 - (c) is immediately revoked if
 - (i) the service station dispenses more than 750 000 litres in any calendar year, or

- (ii) any of the conditions of the exemption are breached.
- (4) The director must, when granting the exemption, issue an exemption tag for each gasoline storage tank operated by the service station.
- (5) The exemption tag issued under subsection (4) must
 - (a) be made of aluminum and painted orange,
 - (b) be marked with the words “Exempted from Vapour Balancing Requirements”, and
 - (c) state the expiry date of the exemption.
- (6) The owner of a service station exempted under subsection (2) must attach an exemption tag to the fill pipe of each gasoline storage tank.
- (7) A person must not
 - (a) attach an exemption tag to a fill pipe, or
 - (b) operate a service station with an exemption tag attached to a fill pipeunless the exemption tag has been issued under subsection (4) for that service station.

[am. B.C. Reg. 321/2004, s. 11 (b), (d) and (e).]

Cargo tanker requirements

- 4** (1) Effective May 1, 1996, every owner of a cargo tanker with over 21 000 litres capacity that is used to deliver gasoline
- (a) from a terminal required by this regulation to be equipped with a vapour control system, or
 - (b) to any retail service station, card lock or fleet refuelling station in the Lower Fraser Valley which is equipped with 2 or more nozzles and which does not have an exemption tag attached to its fill pipe
- must equip the cargo tanker with a vapour balancing system.
- (2) Effective May 1, 1997, a person must not deliver more than 2 000 litres of gasoline from a cargo tanker to a gasoline storage tank located at a retail service station, card lock or fleet refuelling station in the Lower Fraser Valley that is equipped with 2 or more gasoline nozzles unless the storage tank has
- (a) a vapour balancing system, or
 - (b) an exemption tag attached to its fill pipe.
- (3) Subsection (2) does not apply to deliveries made from a cargo tanker having a capacity of 21 000 litres or less.
- (4) Effective May 1, 1996, every owner of a cargo tanker required by subsection (1) to be equipped with a vapour balancing system must, at least once in every 12 months, pressure test and vacuum test the cargo tanker, including all vapour balancing system hoses and fittings, for vapour tightness in accordance with the CGSB Standard.

GASOLINE VAPOUR CONTROL REGULATION

- (5) If a cargo tanker fails either the pressure test or the vacuum test, the owner must, within 48 hours after it has failed the test, remove the cargo tanker from service until it has been repaired in accordance with the CGSB Standard.
- (6) Every owner of a cargo tanker that passes the pressure test and vacuum test must identify the most recent testing date by marking the date of the vacuum and pressure tests in a visible location on the front right side of the cargo tanker.
- (7) The testing dates must be indicated, in bold print of a minimum 50mm size, with references to “vacuum test” or “vacuum” and “pressure test” or “pressure”, and the corresponding testing dates in a day/month/year format.
- (8) Every owner of a cargo tanker that is required to have a vapour balancing system must ensure the proper operation of the system and, without restricting the foregoing, must do all of the following:
 - (a) provide adequate training to cargo tanker operators respecting the use of the vapour balancing system, including when the operator is prohibited by this regulation from transferring gasoline;
 - (b) provide written operating procedures to cargo tanker operators;
 - (c) provide written standard maintenance procedures to employees maintaining the system;
 - (d) ensure that whenever fuel is transferred between a facility and a cargo tanker, both of which are equipped with a vapour control system, the vapour connections are completed before making the liquid connections by using the sequence recommended in the CGSB Standard;
 - (e) conduct periodic visual checks of the cargo tanker vapour balancing system to ensure that it is in good working order;
 - (f) ensure the proper use of the vapour control system by cargo tanker operators.

Bulk plant requirements

- 5** (1) Effective May 1, 1996, every owner of a bulk plant in the Lower Fraser Valley that
- (a) commences operations after September 1, 1995 and in any calendar year receives 4.5 million litres or more of gasoline,
 - (b) expands capacity after September 1, 1995 and in any calendar year after expansion receives 4.5 million litres or more of gasoline above that which the bulk plant received on average in the 3 calendar years before the expansion, or
 - (c) has received 20 million litres or more of gasoline in any calendar year after 1991
- must equip each gasoline vapour storage tank with vapour balancing systems both for unloading from a cargo tanker and for delivery to a cargo tanker.

-
- (2) Effective May 1, 1996, every owner of a bulk plant in the Lower Fraser Valley that has received 4.5 million litres or more of gasoline in any calendar year after 1991 must equip each gasoline storage tank with a vapour balancing system for unloading from a cargo tanker to the storage tank.
 - (3) Subsections (1) and (2) do not apply to unloading from a cargo tanker if the gasoline storage tank is equipped with a floating roof tank.
 - (4) Effective May 1, 1996, every owner of a bulk plant in the Lower Fraser Valley that is required to have a vapour balancing system must, at least once in every 24 months, test the system for leaks.
 - (5) Vapour balancing systems required by this section must
 - (a) use vapour connections for cargo tanker hook-ups designed to prevent the release of vapour into the atmosphere, and
 - (b) include collection systems for condensate.
 - (6) Every owner of a bulk plant that is required to have a vapour control system must ensure the proper operation of the system and, without restricting the foregoing, must
 - (a) provide adequate training to employees operating the system,
 - (b) provide written operating procedures to cargo tank operators and employees operating the system, and
 - (c) conduct periodic visual checks of the vapour balancing system to ensure that it is in good working order.

Terminal requirements

- 6** (1) Effective May 1, 1996, every owner of
 - (a) an existing terminal in the Lower Fraser Valley, or
 - (b) a new terminal in the Lower Fraser Valley that in any calendar year transfers more than 250 million litres of gasoline to cargo tankersmust equip the terminal with a vapour recovery system.
- (2) Effective May 1, 1996, every owner of a new terminal in the Lower Fraser Valley that in any calendar year transfers more than 25 million litres but less than 250 million litres of gasoline to cargo tankers must equip the terminal with a vapour recovery system or, if approved by a director, a vapour destruction system.
- (3) Effective May 1, 1996, the owner of a terminal required by this regulation to have a vapour recovery system or vapour destruction system must not permit the loading of gasoline from the terminal to a cargo tanker with a capacity of over 21 000 litres unless the cargo tanker is equipped with a vapour balancing system.
- (4) Effective May 1, 1996, every owner of a terminal required by this regulation to have a vapour recovery system or vapour destruction system must, at least once in every 12 months,

GASOLINE VAPOUR CONTROL REGULATION

- (a) conduct tests specified in the CGSB Standard to ensure that vapour recovery unit or vapour destruction unit emissions do not exceed the level specified by the CGSB Standard, and
 - (b) test the vapour control system for leaks.
- (5) Every vapour recovery system or vapour destruction system must
 - (a) use vapour connections for cargo tanker hook-ups designed to prevent the release of vapour to the atmosphere,
 - (b) include collection systems for condensate, and
 - (c) have a minimum of 2 vapour connections at each loading bay capable of loading 2 or more cargo tankers simultaneously.
- (6) Except as provided by subsection (7), the owner of a terminal required to be equipped with a vapour recovery system or vapour destruction system must ensure that
 - (a) the facility has an operating service factor in each calendar year of 95% or greater, and
 - (b) planned maintenance involving reductions in the effectiveness of vapour control does not occur between May 1 and September 15 of each year.
- (7) A terminal may have an operating service factor of less than 95% during a calendar year if
 - (a) a director finds that the terminal owner has used due diligence in keeping the terminal's vapour recovery system or vapour destruction system operative, and
 - (b) the terminal complies with a plan approved by the director to bring the terminal into compliance with subsection (6).
- (8) The owner of a terminal required to have a vapour recovery system or vapour destruction system must notify a director if the system is inoperative or is expected to be inoperative for a period exceeding 48 hours.
- (9) Every owner of a terminal that is required to have a vapour recovery system or vapour destruction system must ensure the proper operation of the system and, without restricting the foregoing, must do all of the following:
 - (a) provide adequate training to employees operating the system;
 - (b) provide written operating procedures to cargo tank operators and employees operating the system;
 - (c) provide written standard maintenance procedures to employees maintaining the system;
 - (d) conduct periodic visual checks of the system to ensure that it is in good working order.

[am. B.C. Reg. 321/2004, s. 11 (b) and (e).]

General requirements

- 7
- (1) Effective May 1, 1996, a person must not transfer more than 500 litres of gasoline between a facility equipped with a vapour control system and a cargo tanker equipped with vapour balancing system unless the systems have been properly connected prior to the transfer.
 - (2) Effective May 1, 1996, a person must not transfer more than 500 litres of gasoline from a bulk plant or terminal to a cargo tanker unless
 - (a) the transfer is carried out by submerged fill, or
 - (b) the transfer is carried out between a facility and a cargo tanker, both of which are equipped with and use vapour control systems.
 - (3) The owner of a facility or cargo tanker that is required to have a vapour control system must, except where otherwise provided by this regulation, ensure that the system complies with the CGSB Standard and is installed, operated and maintained in accordance with the recommendations and requirements of the CGSB Standard.
 - (4) Leak testing of terminals and bulk plants, as required by this regulation, must be conducted using a combustible gas meter and must be tested as specified in the CGSB Standard while the vapour control system is in use.

Exemption from section 6 of the Act

- 8
- (1) An owner is exempt from section 6 (2) and (3) of the Act in relation to air emissions from an activity or operation defined as “petroleum storage” in the Waste Discharge Regulation involving bulk refined petroleum products, if the operator, in engaging in the activity or operation, complies with this regulation.
 - (2) Despite subsection (1), if the activity or operation described in subsection (1) is a transfer of gasoline from a cargo tanker to a gasoline storage tank or from a gasoline storage tank to a cargo tanker, the owner is exempt from section 6 (2) and (3) of the Act in relation to the discharge of gasoline vapours discharged to the environment during the transfer only if the owner complies with
 - (a) this regulation, and
 - (b) the requirements relating to gasoline vapour control imposed by a municipal bylaw, permit or other approval.

[en. B.C. Reg. 321/2004, s. 11 (f).]

Records and reporting

- 9
- (1) Effective January 1, 1996, every owner of a facility in the Lower Fraser Valley must record the volumes of gasoline received by the facility, and, in the case of a terminal, delivered from the facility, and must maintain these records and all supporting documentation in accordance with subsection (3).

GASOLINE VAPOUR CONTROL REGULATION

- (2) Effective May 1, 1996, every owner of a facility or cargo tanker in the Lower Fraser Valley which is required to have a vapour control system must keep records of
- (a) the times during which the system is inoperative for maintenance or other reasons,
 - (b) any testing required by this regulation,
 - (c) abnormalities observed during visual checks, and
 - (d) any employee training required by this regulation,
- and must maintain these records in accordance with the requirements of subsection (3).
- (3) A person required by this regulation to maintain records or supporting documentation must do all of the following:
- (a) in the case of a record, ensure at the time of preparing or first obtaining the record that the record has been certified with the name and signature of a responsible person who is able to verify the information contained in the record;
 - (b) keep the record or supporting documentation for at least 3 years after the date of preparing or first obtaining the record or supporting documentation;
 - (c) if requested to do so by an officer, produce the record or supporting documentation for inspection within 48 hours;
 - (d) in the case of a record of testing required by this regulation, maintain the record as set out in Form 3;
 - (e) if requested to do so by a director, deliver to the director, within 48 hours after receiving the request, copies of any record or supporting documentation specified by the director.

[am. B.C. Reg. 321/2004, s. 11 (e).]

Offence and penalty

- 10** (1) Subject to subsection (2), a person who contravenes this regulation commits an offence and is liable, on conviction, to a fine not exceeding \$100 000.
- (2) A person who contravenes section 6 (1) commits an offence and is liable, on conviction, to a fine not exceeding \$200 000.
- (3) A person who knowingly gives false information in an application under this regulation, or in any record required to be kept under this regulation, commits an offence and is liable, on conviction, to a fine not exceeding \$100 000.

GASOLINE VAPOUR CONTROL REGULATION

Form 1

FORM 1**NOTIFICATION OF TANK SIZE AND SUPPLIER***(Section 2 (3))*

I,(name of owner or operator), operating as (business name of service station), verify that I have (a) gasoline storage tank(s) located at (civic address of service station) which is (are) not currently supplied, and will not be supplied, with gasoline by a cargo tanker with over 21 000 litres capacity. I verify that the capacity and location of each storage tank listed below is accurate.

	<i>Capacity (in litres)</i>	<i>Approximate Location on Service Station Lot</i>
Tank 1:		
Tank 2:		
Tank 3:		

(list additional tanks, if applicable, on a separate sheet)

The usual supplier(s) of gasoline to this facility is (are) as follows:

	<i>Name of Supplier</i>	<i>Address of Supplier</i>
1.		
2.		
3.		

SIGNED BY(name of owner or operator) in (city or town) this day of, 20.... .

Signature of owner or operator

WITNESSED BY(name of witness) (address)

Witness Signature

FORM 2

[am. B.C. Reg. 321/2004, s. 11 (e).]

EXEMPTION FROM GASOLINE VAPOUR CONTROL REGULATION*(section 3 (2))*

.....(name of owner) is exempt from the requirements of section 2 (1) of the Gasoline Vapour Control Regulation in relation to the service station located at(civic address of service station)

This exemption is conditional on the following:

- (a) the service station does not dispense more than 750 000 litres of gasoline in any calendar year;
- (b) the accuracy of all information provided in support of this exemption;
- (c)
- (d)
- (e)

GASOLINE VAPOUR CONTROL REGULATION

Form 3

This exemption is valid for a term of years (5 years maximum) from the effective date and is revocable on 6 months written notice.

Signed by(name of director)

..... (signature)

Effective on the day of, 20.... .

FORM 3**MANDATORY TESTING REPORT**

(section 9 (3) (d))

Owner of facility or cargo tanker:

.....

Type of facility or cargo tanker:

.....

Address of facility or cargo tanker place of business:

.....

Type of test:

Date completed:

Results of testing:

.....

Name of person completing the test:

Name of person certifying

the accuracy of this report:

Signature of person certifying

the accuracy of this report