



Environmental Management Act
CLEANER GASOLINE REGULATION
B.C. Reg. 498/95

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Consolidated Regulations of British Columbia

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Environmental Management Act

CLEANER GASOLINE REGULATION

B.C. Reg. 498/95

Contents

1 Definitions

PART 1 – COMPLIANCE REQUIREMENTS FOR GASOLINE

2 Compliance with gasoline standards required

3 Gasoline standard

3.1 Determination of grade of gasoline

4 Vapour pressure

5 – 8 [Repealed]

PART 2 – ADMINISTRATIVE REQUIREMENTS

9 Analytical methods

10 Records

11 Offence and penalty

12 [Repealed]

SCHEDULE 1 – GASOLINE STANDARDS

SCHEDULE 2 – [Repealed]

Definitions

1 In this regulation:

“additive compliance record” means

(a) a written record, prepared in accordance with Note 12 of the Canadian General Standards Board Standard CAN/CGSB-3.5-2004 Unleaded Automotive Gasoline, of deposit control additive, added to the gasoline to meet the requirements of section 6.19 of that Standard, or

(b) a written confirmation provided to a primary distributor or wholesale purchaser under section 2 (5) or (6);

“antiknock index” means the number determined by averaging the motor octane number and the research octane number for a type of gasoline;

“biomass” means material that is produced solely from grains, plants, trees or biological refuse, but does not include any material produced from petroleum;

“blend” means the mixing together of gasoline components including, but not limited to, oxygenates, but does not include the addition of additives to gasoline that do not materially affect the composition of the gasoline or the mixing together of gasolines;

“blender” means a person engaged in blending;

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

“**compliance record**” means a written record, including an additive compliance record, demonstrating that gasoline complies with the applicable gasoline standard;

“**deposit control additive**” means deposit control additive as the term is used in the Canadian General Standards Board Standard CAN/CGSB-3.5-2004 Unleaded Automotive Gasoline;

“**gasoline**” means a petroleum distillate, or a mixture of petroleum distillates, oxygenates or additives, that is liquid at atmospheric pressure with a vapour pressure of at least 38 kiloPascals and which is suitable for use in a spark ignition engine, but does not include gasoline for use in

- (a) aircraft,
- (b) competition vehicles, if the gasoline has an antiknock index of 100 or greater, or
- (c) scientific research;

“**gasoline shipment**” means the gasoline contained within a single shipment of gasoline by cargo tanker, rail car or marine vessel;

“**gasoline standard**” means a gasoline standard set out in Schedule 1 and, if the gasoline standard has been amended and the amendment has been published by the Canadian General Standards Board, that gasoline standard must be read as amended on and after the first day of the 4th month after the publication;

“**grade**” means a grade of gasoline based on a minimum antiknock index;

“**import**” means to bring gasoline into British Columbia by cargo tanker, rail car or marine vessel;

“**importer**” means a person who possesses for sale gasoline which is imported into British Columbia;

“**Lower Fraser Valley**” means that 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′;

“**motor octane number**” means a numerical indication of the resistance to knock of the fuel in a spark-ignition engine when compared with reference fuels tested by the method set out in a standard of the American Society for Testing Materials titled ASTM D2700 Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel;

“**parameter**” means a measure of gasoline quality with respect to its vapour pressure or oxygen concentration;

“**possess for sale**” means to possess gasoline for sale or eventual sale in British Columbia;

“**primary distributor**” means,

- (a) for gasoline distributed from a terminal in British Columbia, the owner or operator of the terminal in British Columbia unless

CLEANER GASOLINE REGULATIONPart 1 – Compliance Requirements for Gasoline

- (i) the gasoline is received from another terminal in British Columbia, or
- (ii) blending occurs in a cargo tanker at the terminal or after gasoline has been shipped from the terminal,
- (b) for gasoline which is blended in a cargo tanker or after gasoline has been shipped from a terminal, the person who has possession of the gasoline when blended, or
- (c) for gasoline imported into British Columbia and not referred to in paragraph (a) or (b), the importer;

“quality assurance program” means a combination of testing and statistical techniques to determine whether gasoline possessed for sale complies with the requirements of Part 1;

“research octane number” means a numerical indication of the resistance to knock of the fuel in a spark-ignition engine when compared with reference fuels tested by the method set out in the standard of the American Society for Testing Materials titled ASTM D2699 Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel;

“retail sale” means a sale or offer to sell or deliver gasoline to a final user;

“sale” includes to sell at retail, to offer for sale at retail and to deliver to a final user;

“terminal” means a gasoline distribution facility where gasoline is normally received by pipeline or marine transfer, or is normally received directly from a refinery, and is stored in bulk for distribution by cargo tanker, rail car, pipeline or marine transfer;

“wholesale purchaser” means a person who purchases or takes possession of gasoline except in a retail transaction;

“written confirmation” means a written record, signed and dated by a representative of a wholesale purchaser

- (a) stating that deposit control additive will be added to the gasoline before its retail sale, and
- (b) including a statement of who will add the deposit control additive and the volume of gasoline to which the record applies.

[am. B.C. Regs. 347/99, s. 1; 321/2004, s. 6 (a); 3/2007, s. 1; 346/2010, Sch. s. 1.]

PART 1 – COMPLIANCE REQUIREMENTS FOR GASOLINE**Compliance with gasoline standards required**

- 2** (1) Repealed. [B.C. Reg. 346/2010, Sch. s. 2.]
- (2) A primary distributor must maintain a compliance record of the gasoline parameters, measured in accordance with this Part, for all gasoline possessed by the primary distributor for sale in British Columbia during the calendar year.

- (3) A wholesale purchaser must not possess gasoline for sale in British Columbia which does not comply with the requirement for the addition of deposit control additive specified in the applicable gasoline standard.
- (4) A wholesale purchaser must maintain an additive compliance record by calendar year for all gasoline possessed by the wholesale purchaser.
- (5) Subsections (1) and (2) do not apply to a primary distributor in respect of the requirement, specified in the applicable gasoline standard, for the addition of deposit control additive to gasoline provided the primary distributor
 - (a) sells or transfers possession of the gasoline to a wholesale purchaser, and
 - (b) possesses a written confirmation.
- (6) Subsections (3) and (4) do not apply to a wholesale purchaser in respect of the requirement, specified in the applicable gasoline standard, for the addition of deposit control additive to gasoline provided the wholesale purchaser sells or transfers possession to another person and
 - (a) possesses an additive compliance record completed by the primary distributor of the gasoline demonstrating that the primary distributor has complied on an earlier occasion with subsections (1) and (2) respecting the gasoline,
 - (b) possesses an additive compliance record completed by a previous wholesale purchaser of the gasoline demonstrating that the previous wholesale purchaser has complied on an earlier occasion with subsections (3) and (4) respecting the gasoline, or
 - (c) obtains the written confirmation of a subsequent wholesale purchaser.

[am. B.C. Regs. 347/99, s. 2; 346/2010, Sch. s. 2.]

Gasoline standard

- 3** (1) Except as provided in sections 2 (5) and 4, a primary distributor must not possess gasoline for sale in British Columbia unless the gasoline complies with one of the gasoline standards set out in Schedule 1.
- (2) A reference in this regulation to a gasoline standard is a reference to that gasoline standard as it may be amended from time to time.

[am. B.C. Regs. 347/99, s. 3; 3/2007, s. 2.]

Determination of grade of gasoline

- 3.1** For the purposes of this regulation, a grade of gasoline referred to in column 1 of the following table is gasoline that has a minimum antiknock index referred to in

CLEANER GASOLINE REGULATION

Part 2 – Administrative Requirements

column 2 opposite that grade and a maximum antiknock index that is less than the minimum antiknock index of the next higher grade of gasoline.

Item	Column 1	Column 2
	Grade of gasoline	Minimum antiknock index
1	Grade 1	87.0
2	Grade 2	89.0
3	Grade 3	91.0
4	Grade 4	93.0

[en. B.C. Reg. 346/2010, Sch. s. 3.]

Vapour pressure

- 4** (1) Section 3 does not apply to gasoline that
- (a) contains an amount of oxygen that is greater than 3.4% of the gasoline by weight,
 - (b) contains oxygen that is supplied by one of the following:
 - (i) alcohols produced wholly from biomass;
 - (ii) ethers where the alcohol component of the ether is produced wholly from biomass;
 - (iii) a combination of the alcohols and ethers referred to in subparagraphs (i) and (ii), and
 - (c) meets the requirements of CAN/CGSB–3.511–2005 Oxygenated Unleaded Automotive Gasoline Containing Ethanol.
- (2) A primary distributor must not possess for sale gasoline described in subsection (1) in the Lower Fraser Valley during the period starting on July 16 and ending on August 14 of each year unless the vapour pressure of the gasoline is less than or equal to the sum of the maximum vapour pressure referred to in section 7.13 of the CAN/CGSB 3.511-2005 Oxygenated Unleaded Automotive Gasoline Containing Ethanol plus 7 kiloPascals.

[en. B.C. Reg. 346/2010, Sch. s. 4; am. B.C. Reg. 346/2010, s. (b).]

5 to 8 Repealed. [B.C. Reg. 3/2007, s. 4.]

PART 2 – ADMINISTRATIVE REQUIREMENTS**Analytical methods**

- 9** (1) To determine parameter values for the purposes of this regulation,
- (a) the analytical methods referred to in the Canadian General Standards Board Standard CAN/CGSB–3.5–2004 Unleaded Automotive Gasoline must be used,
 - (b) if the gasoline contains an amount of ethanol that is 10% or less by volume of the amount of gasoline, the analytical methods referred to in the

Canadian General Standards Board Standard CAN/CGSB-3.511-2005 Oxygenated Unleaded Automotive Gasoline Containing Ethanol must be used in addition to the analytical methods set out in paragraph (a), and

- (c) if the gasoline contains an amount of ethanol that is 50 to 85% by volume of the amount of gasoline, the analytical methods referred to in the Canadian General Standards Board Standard CAN/CGSB-3.512-2011 Automotive Ethanol Fuel (E50-E85) must be used, in addition to the analytical methods set out paragraph (a).
- (2) Despite subsection (1) a primary distributor may use an analytical method other than one referred to in subsection (1) to determine parameter values for the purposes of this regulation provided
- (a) the equivalency of the alternative analytical method to an analytical method referred to in subsection (1) is established by applying the American Society for Testing and Measurements method ASTM D4855-91, Standard Practice for Comparing Test Methods, or the American Society for Testing and Measurements method ASTM D3764-92, Standard Practice for Validation of Process Steam Analyzers, and
 - (b) 60 days before using the alternative analytical method, the primary distributor sends to a director by registered mail notice that the alternative analytical method will be used and reasons why the alternative method is equivalent to an analytical method referred to in subsection (1).
- (3) Despite subsection (2), if the director notifies the primary distributor that an alternative analytical method referred to in subsection (2) may not be used, the primary distributor must
- (a) not use the alternative analytical method, or
 - (b) if use of the alternative analytical method was commenced before notice from the director was received by the primary distributor, cease to use the alternative analytical method.

[en. B.C. Reg. 347/99, s. 4; am. B.C. Regs. 321/2004, s. 6 (g); 3/2007, s. 5; 131/2011, s. (a).]

Records

- 10** (1) For the purpose of section 2 (2), a primary distributor must do all of the following:
- (a) conduct a quality assurance program to ascertain that gasoline possessed for sale in British Columbia conforms to the requirements of Part 1;
 - (b) Repealed. [B.C. Reg. 3/2007, s. 6 (a).]
 - (c) maintain records of the tests conducted in accordance with paragraph (a) including, without limitation, the following information:
 - (i) the value of any parameter tested for under paragraph (a);
 - (ii) the quantity of gasoline represented by the sample tested;
 - (iii) the date the test was performed;

CLEANER GASOLINE REGULATIONPart 2 – Administrative Requirements

- (d) maintain records of any data and information collected in the course of or for the purpose of complying with reporting requirements under the
 - (i) Benzene in Gasoline Regulations (SOR/97-493), and
 - (ii) Sulphur in Gasoline Regulations (SOR/99-236),as amended from time to time.
- (2) A person who is required by this section to maintain a record must do all of the following:
 - (a) keep the record at the person's place of business for at least 2 years after the date of preparing or first obtaining the record;
 - (b) if requested to do so by an officer, produce the record for inspection within 30 working days;
 - (c) if requested to do so by a director, copy or report in writing to the director, within 30 working days, the contents of any such record that the director specifies in making the request.
- (3) A director may require any test referred to in subsection (1) (a) to be performed by a laboratory specified by the director.
- (4) A director may, after a record referred to in subsection (1) has been prepared, require that the record be certified as to its accuracy by a professional engineer registered in British Columbia or by another person acceptable to the director.
- (5) In a record required by this section, all quantities of gasoline must be recorded in cubic metres or litres.
- (6) A director may require importers or blenders of gasoline to provide 24 hours advance notification of gasoline import shipments to a person designated by the director.
- (7) An importer must keep records of the source and disposition of each gasoline shipment.
- (8) A blender must keep records of the volumes of components blended.
- (9) Repealed. [B.C. Reg. 3/2007, s. 6 (a).]
[am. B.C. Regs. 321/2004, s. 6 (h) to (j); 3/2007, s. 6.]

Offence and penalty

- 11** (1) A person who contravenes Part 1 commits an offence and is liable on conviction to a fine not exceeding \$200 000.
- (2) A person who contravenes section 10 commits an offence and is liable on conviction to a fine not exceeding \$100 000.
- 12** Repealed. [B.C. Reg. 321/2004, s. 6 (b).]

SCHEDULE 1

[am. B.C. Regs. 3/2007, s. 7; 131/2011, s. (b).]

(section 3)

GASOLINE STANDARDS

- 1** For the purpose of section 3, the following gasoline standards apply:
- (a) the Canadian General Standards Board Standard CAN/CGSB-3.5-2004 Standard for Unleaded Automotive Gasoline;
 - (b) the Canadian General Standards Board Standard CAN/CGSB-3.511-2005 Standard for Oxygenated Unleaded Automotive Gasoline Containing Ethanol;
 - (c) to (e) Repealed. [B.C. Reg. 3/2007, s. 7.]
 - (f) the Canadian General Standards Board Standard CAN/CGSB-3.512-2011 Automotive Ethanol Fuel (E50-E85).

SCHEDULE 2

Repealed. [B.C. Reg. 3/2007, s. 4.]