

8. Repeal

Schedule

Short title

1. These regulations may be cited as the *Gasoline Volatility Control Regulations, 2003*.

Definitions

2. In these regulations

(a) "gasoline" means a liquid product of petroleum that has a flash point below 37.8° Celsius and is designed primarily for use in an internal combustion engine; and

(b) "storage facility" means one or more storage tanks, including the appurtenances of them where gasoline is received by pipeline, tanker ship, tanker truck or tanker trailer and is stored in bulk for subsequent transmission by pipeline, tanker ship, tanker truck or tanker trailer.

Requirement for provincially refined gasoline

3. A person, whether being the owner of a refinery or its operator, who refines in this province gasoline intended for use in this province as a fuel for motor vehicles shall not cause or permit the gasoline to leave the refinery if the gasoline has a vapour pressure which does not comply with the values for vapour pressure specified in the Schedule, during the times and for the applicable areas noted in the Schedule.

Requirement for imported gasoline

4. A person who imports gasoline intended for use in this province as a fuel for motor vehicles shall not cause or permit delivery or transfer of the gasoline to a storage facility if the gasoline has a vapour pressure which does not comply with the values for vapour pressure specified in the Schedule, during the times and for the applicable areas noted in the Schedule.

Service of gasoline at different latitudes

5. (1) The minister may permit the owner of a storage facility located north of latitude 49° north to service customers located at or south of latitude 49° north by providing those customers with gasoline meeting the values under Class I of the Schedule, subject to the terms and conditions that are considered necessary.

(2) Notwithstanding subsection (1), the information supplied to the minister, in accordance with an application under that subsection, shall include but not be limited to the names and locations of the customers to be serviced, their anticipated gasoline consumption during the period May 16 to September 15, both days inclusive, and the percentage of gasoline throughput that this activity will represent for the owner's storage facility during that same time period.

(3) Notwithstanding subsection (1), a ministerial permit will not be issued where the anticipated gasoline consumption of customers referred to in that subsection exceeds a value of 50% of gasoline throughput for the owner's storage facility during the specified time period.

Annual report

6. (1) An owner or operator of a refinery, an importer of gasoline into the province and a person to whom a ministerial permit has been issued under section 5 shall submit to the department an annual report for each calendar year in a form acceptable to the department by March 31 in the year immediately following.

(2) The information contained in the annual report shall include

(a) the quantity and the vapour pressure of gasoline refined, shipped to or otherwise intended for use in this province;

(b) in the case of an owner of a storage facility issued a permit under subsection 5(1), the quantity and vapour pressure of the gasoline put through their facility as well as the actual, rather than anticipated, data as required under subsection 5(2); or

(c) other information that the minister may require.

Offence

7. (1) A person who contravenes or fails to comply with any provision of these regulations is guilty of an offence and is liable on summary conviction

(a) for a first offence

(i) in the case of an individual to a fine not less than \$500 and not more than \$10,000,

(ii) in the case of a corporate body, including a partnership of corporations, to a fine not less than \$2,500 and not more than \$50,000;

(b) for a second or subsequent offence

(i) in the case of an individual to a fine not less than \$2,000 and not more than \$10,000,

(ii) in the case of a corporate body, including a partnership of corporations, to a fine not less than \$10,000 and not more than \$50,000.

(2) Where an offence under these regulations is committed on more than one day or is continued for more than one day it shall be considered to be a separate offence for each day or part day on which the offence is committed or continued.

Repeal

8. The *Gasoline Volatility Control Regulations, Consolidated Newfoundland and Labrador Regulation 6/96*, are repealed.

Schedule

MAXIMUM GASOLINE VAPOUR PRESSURE		
	CLASS I	CLASS II
JANUARY	107	107
FEBRUARY	107	107
MARCH	107	107
APRIL	107	107
MAY	97	97/72
JUNE	86	72
JULY	86	72
AUGUST	97	72
SEPTEMBER	107	72/97
OCTOBER	107	107
NOVEMBER	107	107
DECEMBER	107	107

NOTES:

1. Class I applies to all areas of Newfoundland and Labrador north of latitude 49° north including any gasoline storage facilities which have not received a permit under subsection 5(1).
2. Class II applies to all areas of Newfoundland and Labrador that are located, or are serviced from a storage facility which is located, at or south of latitude 49° north.
3. Where 2 values for maximum gasoline vapour pressure are indicated for the same month, the first value shall apply to the first 15 days and the second value shall apply to the remainder of the month.
4. The vapour pressure of gasoline shall be determined in accordance with procedures that are recognized as acceptable under the latest edition of CAN/CGSB-3.5 standard for unleaded automotive gasoline.

