



Fuels Safety Program	Ref. No.: FS 183-10	Rev. No.:
ADVISORY	Date: Dec.22, 2010	Date:

Subject: Guidelines for the Implementation of Amendments to O. Reg. 464/10 – Amendments to O. Reg. 211/01 (Propane Storage and Handling)

Sent to: Posted on TSSA web-site and distributed to:

- Licence holders for propane filling plants and container refill centres,
- TSSA propane risk reduction group
- TSSA propane advisory council
- Propane Gas Association Canada
- Ontario Propane Association
- Independent Propane Retailers Association

The government of Ontario has amended Ontario Regulation 211/01 (Propane Storage and Handling). The amendments include:

- providing a template Risk and Safety Management Plan (RSMP) called a Level 1 RSMP for small facilities;
- extending the deadline for all facilities in 2011 for submitting RSMP up to 120 days from the licence renewal date; and
- changes to the requirements for the Record of Training (ROT).

The following details definitions, requirements, forms and processes for the RSMP amendments identified as Level 1 RSMP and Level 2 RSMP.

Level 1 RSMP

Effective January 1, 2011, small propane transfer facilities are required to submit a Level 1 RSMP. A small facility is defined as:

- a facility with a total capacity of 5,000 USWG and less, or a facility with fixed propane storage of exactly 5,000 USWG and no more than 500 USWG in additional portable propane storage.

Total capacity will be based on the capacity declared on the licence application, including all fixed, portable, mobile and all other transient storage at the site, and subject to verification by a Technical Standards and Safety Authority (TSSA) inspector.

A Level 1 RSMP must be completed by all small propane facilities using the Level 1 RSMP template form.

Level 1 RSMP consists of three sections organized as follows:

Section A – General Information

Information on the location, type of operation, activity and contact details. Activity information will be protected by the TSSA and fire services under provincial and municipal privacy legislation.

Section B – Emergency and Preparedness Response Plan

This section describes the fire protection controls and systems in place, maintenance of these systems, notification and communication details, emergency contacts, and training schedules. Parts of Section B are to be completed with input from the local fire service. As fire services require 60 days to review the RSMP, facility operators are strongly encouraged to contact their local fire services at the earliest opportunity to establish a key contact/s and arrange a review meeting.

Fire services must be provided with the opportunity to review and comment on the emergency preparedness and procedures plan (Section B). The fire service will provide feedback regarding any significant issues within 30 days of receiving the completed Level 1 RSMP. Comments, if any, expressed by the local fire service shall be responded to by the applicant, before the RSMP is submitted to the TSSA for approvals.

Section C – Submissions

This section requires the applicant to produce and provide, as additional documentation to the RSMP form, an up-to-date facility site plan and an aerial map of the surrounding area.

The facility site plan must contain the following information:

- the location of fixed, portable, and mobile vessels;
- the maximum volume, types and storage location of hazardous materials;
- location of permanent structures on site;
- access and egress points and location of barriers;
- location of fire and emergency equipment (e.g., sprinkler systems, extinguishers, suppression systems) on site and location of fire hydrant or water supply where available;
- location of emergency shut off/shut down switches and/or valves.

The aerial map of the surrounding area must be scaled and show the following:

- the capacity and placement of the single largest propane storage vessel, including its setback from the front, rear and side property lines;
- GPS coordinates of the single largest vessel;
- visual indication of the single largest fixed vessel and a circle made using Table 1 as the radius from the single largest vessel;
- clear indication of the municipality or municipalities present within the circle;
- visual indication of property line information, and the location/name of roads within or abutting the site;
- key note to the drawing indicating the facility's municipal address, municipal lot number(s) and concession lines as applicable, and the date upon which the map was prepared;
- location of specified sensitive institutions (if any), attaching a list with the institution type, name and municipal address. Sensitive institutions are: schools and child care facilities, nursing homes, hospitals and prisons;
- address and contact information for each municipality (municipal clerk or secretary/ treasurers of planning board).

The aerial map submitted with the Level 1 RSMP will be forwarded by TSSA to the local municipal contact identified on the map by the person preparing the RSMP.

It is at the facility operator's discretion on how best to prepare the map. It can be prepared by the operator using readily available software or through a third-party service provider.

Once the TSSA confirms that the RSMP contains the information required, TSSA will issue a letter to the licence applicant to that effect. It is the applicant's responsibility to forward a copy of this letter along with a copy of the completed RSMP to their local fire services.

Level 2 RSMP

Effective January 1, 2011, medium and large transfer facilities are required to submit a Level 2 RSMP. A medium and large facility is defined as:

- a facility with fixed propane storage of over 5,000 USWG, or with fixed propane storage of exactly 5,000 USWG and with more than 500 USWG in additional portable propane storage.

Total capacity will be based on the capacity declared on the licence application, including all fixed, portable, mobile and all other transient storage at the site, and subject to verification by a TSSA inspector.

After consultation with the industry, TSSA issued a guideline to assist with the implementation of O. Reg. 440/08 as a TSSA advisory [FS 155-09](#) and then added a further advisory to clarify risk acceptance criteria for retail centres, restaurant, entertainment centres and sporting complexes in July 2010 ([FS-180-10](#)). These advisories are still in effect.

To assist with the RSMP requirements, TSSA issued Guidelines for the Implementation of the Risk and Safety Management Plan dated August 17, 2009. These guidelines have been revised to reflect the changes introduced by the Ontario Regulation 464/10 and are reissued as Level 2 Risk and Safety Management Plan dated Dec. 22, 2010.

A Level 2 RSMP must be prepared by a professional engineer in accordance with the reissued Guidelines for the implementation of the Level 2 Risk and Safety Management Plan dated Dec. 22, 2010 along with FS-155-09 and FS-180-10 advisories. Upon request, TSSA will provide emergency evacuation procedures set out in Level 2 RSMP to the public.

Fire services approval is required for the fire safety, fire protection and emergency preparedness components of a Level 2 RSMP. As fire services require 60 days to review the RSMP, operators are strongly encouraged to contact their local fire service as early as possible to establish key contact/s and a date for a follow-up meeting. Facility operators are required to complete Section 1 of the Office of the Fire Marshal's Phase 1 Guidance Document - Data Collection which is available at:

- http://www.oafc.on.ca/content_details.asp?itemcode=O AFC-WHATSNEW&itemid=2807
- <http://www.ontmpoa.com/>

Conditional Licences

The regulatory changes authorize the TSSA director to issue a conditional licence. These provisions, with the exception of the sale of a facility as outlined below, apply only to the applications filed between January 1, 2011 and December 31, 2011, and they are as follows:

1. An operator may apply to reduce the total capacity so that the facility is required to file a Level 1 RSMP provided a modification application is submitted. If all other licensing requirements are met (e.g., fees, application, ROT etc) TSSA will issue a licence conditional on filing the appropriate level RSMP within 120 days of the renewal date.
2. An operator may apply for a facility licence which requires a Level 2 RSMP without implementing all risk mitigation and controls, provided the application is accompanied by a plan to put these controls in place before the next renewal date. If all other licensing requirements are met, TSSA will issue a licence conditional on the operator completing the risk mitigation and control measure before the first anniversary of the renewal date or before the expiry date for fulfilment of conditions attached to the licence, whichever occurs first.

Sale of Facility: When a facility is sold, the new operator may apply for licence without submitting an appropriate level RSMP, provided that the application is for a renewal of a licence or for a licensed facility which changed ownership. If all other licensing requirements are met, TSSA will issue a licence conditional on filing the appropriate level RSMP within 120 days of the renewal date. This provision is effective from January 1, 2011 onwards.

For all conditional licences issued, if the conditional requirements are not met, TSSA will proceed with shut down actions.

Review and Approval by Local Fire Services

Fire services must be provided with the opportunity to review and comment on the emergency preparedness and planning procedures (Section B) of a Level 1 RSMP, and approve the fire safety, fire protection and emergency preparedness components of a Level 2 RSMP.

Regulatory amendments allow TSSA to issue a conditional licence for a maximum of 120 days, without extensions. Propane facility operators or licence applicants are strongly encouraged to identify the appropriate fire services personnel and start the consultation process as soon as possible. Fire services have indicated that it will require 60 days to complete their review/comment or approval process.

If a facility operator is unable to engage their local fire services, operators should immediately contact the Municipal Clerk or the Secretary-Treasurer of the planning board and advise the TSSA's Fuels Safety Division at (416) 734-3587, 1 (855) 734-3587 Email: propanelicensing@tssa.org.

NOTE: Where there is no local fire service responsible for the area in which a facility is located, the facility is not required to seek fire services approval/review and comment.

Review & Approval by the TSSA

All RSMPs must be filed with the TSSA, within 120 days of a facility's licence renewal date in 2011.

Upon receipt, TSSA will review the Level 1 RSMP for completeness. If any information is missing, TSSA will work with the submitter to obtain any missing information. Any changes or additions to the RSMP will have to be acknowledged by the submitter by initialling changes on the already submitted forms or by resubmitting the affected pages with a new signature and date(s).

Once the Level 1 RSMP is complete, TSSA will acknowledge its receipt in writing to the submitter.

Any changes to the information contained in the RSMP shall be reported in writing to the TSSA director within 15 days of a change and the updated RSMP shall be submitted to TSSA.

Upon request, TSSA will provide emergency response procedures set out in Level 1 RSMP to the public.

NOTE: Facility operators must have a valid licence in order to operate. Facility operators must take the necessary steps to complete the RSMP within the required timelines. Regulations prescribe significant fines or closure where a facility is operating without a valid licence.

Record of Training

Previous amendments from 2008 required a company director, a partner or a proprietor of a retail outlet, a filling plant, a cardlock/ keylock, a private outlet and/or a container refill centre to hold the highest level ROT required to operate a facility.

The new regulatory amendment as of December 2010 allows a licence applicant to designate a senior management person as the holder of the required ROT if there is no director, partner or proprietor of the applicant present in Ontario or if such person does not exist in Ontario.

References

The documents listed below are available on TSSA's website at www.tssa.org. They may also be accessed directly by copying the link below into a web browser or via an internet search engine.

1. *Technical Standards and Safety Act, 2000*:
<http://www.tssa.org/CorpLibrary/ArticleFile.asp?Instance=136&ID=BF801C9B56F5466989EBB0CB0AD4DE23>
2. Ontario Regulation 211/01 (Propane Storage and Handling) as amended by O. Reg. 440/08:
<http://www.tssa.org/CorpLibrary/ArticleFileMain.asp?Instance=136&ID=03FFE1C360484B8EA44414B81A2A21B2>
3. Ontario Regulation 440/08 amending O. Reg. 211/01:
<http://www.tssa.org/CorpLibrary/ArticleFileMain.asp?Instance=136&ID=B9209C22300C4BE48E0506265A2E1735>
4. Ontario Regulation 464/10 amending O. Reg. 211/01:
<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=2AFB2ED90EAC11E0B7F95D889551D742>
5. TSSA Advisory 155/09 Guidelines for the Implementation of O. Reg. 440/08 – Amendment to O. Reg. 211/01:
<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=CBB8C9401BB6420F9A751ED5395B4295>
6. TSSA Advisory 180-10 on the MIACC criteria pertaining to retail centres, restaurants, entertainment centres, and sporting complexes:
<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=CDAFB5FC9B2B11DFB7F95D889551D742>
7. Office of the Fire Marshal's Phase 1 Guidance Document - Data Collection:
<http://www.oafc.on.ca/mdb/db2file.asp?fileid=2974>
8. Level 2 Guidelines:
<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=662FF6300D3811E0B7F95D889551D742>
9. Level 1 RSMP:
<http://www.tssa.org/corplibrary/ArticleFile.asp?Instance=136&ID=6FCC2DA50D3C11E0B7F95D889551D742>