



Technical Standards and Safety Authority
Minutes of the Liquid Fuels Advisory Council
Meeting on April 29th, 2024

Minutes of the Liquid Fuels Industry Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in hybrid format at 9:00 a.m. on the 29th day of April, 2024.

Present: Brent Francis (Chair); Steve Kuzmanovic; Laurie Marcil; Michelle Rae; Jennifer Stewart; Jim Wood

Guests: Alexandra Campbell; Danielle Fernandes; Kelly Hart; Gary Highfield; Kristian Kennedy; Anil Lal; Ajay Raval; Scott Saint; Phil Simeon; Olga Sousa-Dias; Kathy Pearsall

1. Welcome & Constitution of Meeting

The Chair, B. Francis, called the meeting to order at 9:00 a.m.

a) Safety Moment

For the safety moment, K. Kennedy highlighted five outdoor safety tips for spring:

1. Practise ladder safety by having a buddy, placing ladders on level spaces, and securing the ladders;
2. Check outdoor cords that may have frayed or been damaged during winter;
3. Ensure equipment is properly fueled to eliminate inhalation risk;
4. If digging, contact Ontario One Call to locate buried cables, pipes and wires;
5. Stretch and warm up before beginning to work.

2. Adoption of April 29, 2024 Agenda

The agenda was adopted as presented.

3. Adoption of November 6, 2023 Minutes

The minutes were adopted as presented.

4. Chair's Update



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The Chair noted some current challenges within the energy sector. Heat pump grants have been cancelled, electricity shortages have made bitcoin mining illegal in B.C., and Quebec's summers are putting on a strain on hydro. Meanwhile, the infrastructure for fuels is allowed to close down or decay, and the government is investing in biofuels. Contractors are closing, there are too few technicians, and insurance rates are high. In light of these challenges, the Fuel sector must remain diligent to ensure safe and sufficient adequate energy supplies going forward.

5. Council Administration

Jim Wood has renewed his membership.

Rick Hineman is planning to step down, leaving a vacancy on the Contractor side.

Council members are invited to bring names forward for a fuels or petroleum contractor.

6. Advisory Council Meeting Location

A. Campbell asked council if they prefer to meet in person, virtually, or in a hybrid format in the future.

L. Marcil said as, a Northern Ontario resident, a virtual meeting is preferred. Attendance will stay rich if the hybrid or virtual options remain open.

The Chair said he prefers in-person meetings for lengthy or in-depth meetings. For lighter meetings, he prefers a hybrid format.

J. Wood said he prefers in-person meetings. If members cannot they can call in. He noted that when people meet in person good conversations can erupt, even from a bland agenda.

J. Stewart said it would help to look at analytics. Attendance might fall if the remote option is not offered.

A. Campbell said she will poll all councils in a few weeks' time.

7. Licensing Modernization Initiative: Private Fuel Outlets, LF Distributors



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There is currently no oversight of Liquid Fuel Distributors. The proposal is to license Private Fuel Outlets (PFOs) within a 25,000- to 50,000-litre site storage limit and the licence distributors.

P. Simeon said TSSA is looking for council feedback on the licensing of PFOs. Stakeholder engagement will take up to two years, followed by a one-year implementation plan. Feedback from end users will also be gathered.

TSSA also plans to license Compressed Gas Distributors, including hydrogen and compressed natural gas.

The plan for both Compressed Gas Distributors and Liquid Fuel Distributors is to bring about annual, fuel licenses that will include audits and inspections, as required.

There is currently some oversight for Digester, Landfill and Biogas (DLB) plants. TSSA would like to include DLBs in the normal safety review process.

Comments and Questions

The Chair asked if there are data on PFOs issues and risk levels. A. Lal said significant data do not exist so TSSA is identifying risks through consultation.

K. Hart said in order to collect the data, PFOs must first be licensed. The Chair questioned whether problems with PFOs actually exist. S. Scott said TSSA is aware of over 2,000 litres of diesel fuel having spilled in the past 15 years or so. Since PFOs are not obliged to report spills to the TSSA, the actual amount of spillage is unknown.

The Chair asked for a definition of a PFO. A. Lal said it is a location where vehicles are filled, such as a bus refuelling depot, rental car outlet, or a mining operation.

The Chair noted that the average 5,000- or 10,000-litre tank comes prepackaged. These installations may last as little as one week before being moved. K. Hart said the TSSA is not looking to license PFOs under 25,000 litres.

S. Saint clarified that PFOs currently report spills to Spills Ontario, however, there is no requirement for them to do so.



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J. Wood asked if licensing will change the reporting of spills. Currently a distributor providing fuel to a PFO must inform the user of the reporting requirement. A. Lal said this would continue. The only change is that the report would come back to the TSSA.

J. Wood asked if the TSSA can share data on PFO spills occurring in the past five years.

P. Simeon said the TSSA did an analysis in 2017 that showed unlicensed sites tend to have a higher level of reported or occurrence of spills.

J. Wood asked if there has been a discussion about fees. A. Lal said there has. They will be discussed at the next council meeting.

J. Stewart said it would help to see the 2017 analysis. She asked if fees will be applied per site or per organization. P. Simeon said this is not yet known.

J. Stewart asked if her board can meet with S. Saint in person rather than virtually.

S. Saint said an in-person meeting can be arranged.

J. Wood asked how TSSA will create PFO profiles. P. Simeon said safety and compliance records will inform the risk assessment.

The Chair noted that most PFOs have double-bottomed or double-walled tanks that meet codes and requirements. He asked that distributors not be overburdened for what appears to be a non-issue.

J. Wood asked if throughput volume would change a licensing requirement. There may be more safety requirements for a 50,000-litre site with more than 500,000 litres of throughput, for example. A. Lal said this has been discussed.

J. Wood asked how proximity to source water would affect licensing. P. Simeon said TSSA could ask licensed distributors, through audits, to identify PFOs that are near water.



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J. Stewart asked if TSSA has set a revenue-generating target. P. Simeon said it has not.

J. Stewart asked if there is any early thinking on the fees for the license for TSSA to bring this forward as soon as possible.

J. Stewart asked if special consideration will be given to good actors. A. Campbell said there will be.

J. Wood asked if the goal is for TSSA is to ensure that fuel suppliers are not delivering to unlicensed PFOs. P. Simeon said information will be gained from the audit. If there is a sensitive source water situation, the end user will work with the local conservation authority/source protection authority.

8. Issue Prioritization Recap & Discussion

8a) P. Simeon said the Ontario Petroleum Contractors Association requested that TSSA accredit their proposed B139 Technician course. Government has been made aware of this, but it is not within the scope of the Licensing Modernization Initiative. Asked if this is a priority for council, A. Campbell said it is being shared for transparency, but is not a council priority.

P. Simeon said with respect to modernized biofuels, U.S. standards will be written for Canada by the end of 2024. This item is now closed. J. Wood said it appears that there is no enforcement issue for the TSSA. G. Highfield said compliance dates will be a consideration. The TSSA does not want to shut people down.

B. Francis said the TSSA is providing some invoices to licensees that do not clearly point out what the invoice is related to, causing the licensee to contact TSSA for the details. Invoices should have descriptive text. A. Campbell said it is now easy to get this information via the recently launched portal.

A. Campbell said a request to put local branch information on the TSSA website is on hold because the information is unavailable. J. Wood suggested that the item be closed. A. Campbell agreed.



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8b) The Chair requested that the TSSA identify how site operators can be assisted. He suggested providing a short training video with a certificate of completion. It should be kept simple as staff turnover tends to be high.

A. Lal said inspectors use checklists, which are a source of orders. The TSSA does not want to be overly prescriptive by issuing certificates. Private operators will have to go to a third party to get certification and training and have it on hand for the inspection.

M. Rae said site operator training is available, but a knowledge gap remains. This has been addressed with TSSA and the ministry in the past. There was a recommendation that inspectors identify knowledge gaps by doing additional surveys. The goal is to seek a level playing field for trained providers.

The Chair suggested addressing simple training issues within short time spans.

J. Stewart said clarifying where the issue exists will change how training is addressed. Her group could be a conduit to disseminate information.

P. Simeon said one of the components of the Liquid Fuels Compliance Standard will be tied to this discussion.

8c) J. Wood requested a better understanding of the interpretation and enforcement of the B138 standard in order to clarify how OBT Part 1 inspections will be done. The deadline is approaching. P. Simeon said work for the Fuel Oil code adoption document has been kickstarted. It will be part of the discussion. J. Wood said industry does not have an understanding of what is required by TSSA with respect to equipment being manufactured prior to December 26. P. Simeon said he will follow up.

8d) J. Wood asked if putting certified fuel technicians' names on the TSSA website is still of interest and doable. A. Campbell said it is of interest to TSSA, but at least a year away, following a review of the exam process. The Chair said the information would be helpful to the industry, especially during a time of staff shortages. It would help to know how many active OBT 1s, 2s, and 3s there are, for example, and whether they are full- or part-time. A. Campbell said she will find out what information is being collected in the audits that can be shared with industry.



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J. Wood said on the HVAC side, college enrolments are at full capacity. The Chair said Algonquin College has reduced OBTs in its curriculum because students have to pay an extra \$272 to write the OBT 2 test. He suggested that TSSA consider waiving the fee by allowing students to write the OBT 2 and gas license test together.

9. Liquid Fuels Compliance Standard

P. Simeon said TSSA is highlighting safety priorities for industry and aligning them with the periodic inspection audits. Seventeen compliance standards will be developed in the coming years. A final draft will be presented to council within the next three months.

10. Liquid Fuels Handling Code Update

D. Fernandes said the draft plan for updating the Liquid Fuels Handling Code (LFHC) will be data- and evidence-based. It will be synchronized and harmonized to ensure minimal impacts on compliance standards.

The LFHC was last published in 2017. In 2019 a CAD was developed which created amendments to the code, and this code will now be aligned with the CAD within one document. The working group will do an end-to-end analysis of proposed rules and impacts on compliance standards. Public consultation will follow.

Comments and Questions

J. Wood asked if it is an Ontario-only code. D. Fernandes said it is. The CAD will adopt the code.

J. Wood asked if the Working Group is comprised of TSSA or industry staff. D. Fernandes said there may be an opportunity to have industry involved in the review of the rules.

The Chair suggested that TSSA seek industry suggestions on changes to the code prior to the draft plan being presented. D. Fernandes said this will be considered.



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J. Wood asked if the code will be updated following the PFO and and licensing requirement changes. P. Simeon said it will depend on the outcome of the licensing projects.

11. Adjournment

The meeting was adjourned at 10:56 a.m.