



Fuels Safety Program	Ref. No.: FS - 055 - 05	Rev. No.:
ADVISORY	Date: November 8, 2005	Date:

Subject: Fuel Oil – Unacceptable Condition that Does Not Pose an Immediate Hazard
Sent to: All TSSA Licensed Fuel Oil Distributors

The Technical Standards and Safety Authority (TSSA) and industry have developed a process to address the high number of “unacceptable conditions” that pose minimal risk and that have been identified from fuel oil distributor inspections. Section 7 of O. Reg. 213/01 states the following:

7. Supply to containers and tank systems

- (1) No distributor shall supply fuel oil to a container or tank system that is connected to an appliance or work unless the distributor is satisfied that the installation and use of the appliance or work comply with this Regulation.

All new and existing installations are currently being inspected resulting in the identification of numerous unacceptable conditions, many long standing, which require correction within 90 days as set out in Section 24 of O.Reg. 213/01. Section 24 states the following:

24. Unacceptable condition — no immediate hazard

- (1) A distributor who is informed or who finds, during delivery operations or during an inspection, that an appliance or tank system is, in the opinion of the distributor, in an unacceptable condition but that an immediate hazard does not exist, shall,
- (b) promptly provide a notice to the operator indicating that the distributor will cease supplying fuel oil to the appliance or tank system if the condition is not corrected within the period of time specified in the notice;
- (2) The period of time set out in the notice under clause (1) (b) shall not exceed 90 days. O. Reg. 213/01, s. 24 (2).
- (5) A distributor who gives a notice under subsection (1) shall cease supplying fuel oil to the appliance or tank system if the unacceptable condition described in the notice is not corrected within the period of time specified in the notice. O. Reg. 213/01, s. 24 (5).
- (6) A distributor to whom a notice is given under subsection (1) shall not supply fuel oil to the appliance or tank system after the period of time referred to in the notice, unless written evidence, containing the date the hazardous condition was corrected, together with the name and certificate number of the person who corrected the condition, is received by the distributor. O. Reg. 213/01, s. 24 (6).

TSSA and industry recognize that due to limited available oil burner technicians and the high number of unacceptable conditions being found, there are challenges in correcting unacceptable conditions within the 90 day allowable time period. TSSA will consider application for variance by individual distributors to extend the 90 day time period to 365 days provided the following conditions are satisfied:

- (1) Distributor makes application for variance
- (2) Distributor addresses all immediate hazards immediately and keeps records of such
- (3) Distributor keeps records of all unacceptable conditions which do not pose an immediate hazard with timelines for their correction based on safety issue identified
- (4) Distributor can demonstrate that the timelines for corrective action are being met
- (5) Distributor makes these records available for the TSSA inspector during a possible variance compliance inspection

This variance is time limited and shall expire a period of 365 days beyond the distributor’s deadline to complete their comprehensive inspection program. The variance is intended to address the backlog created by identifying non-compliances, which do not pose an immediate hazard in existing equipment installations.

The fee for issuing variance for this variance is \$200 per distributor. The variance may be subject to an audit inspection at the distributor’s location and if such an inspection occurs, an additional fee at a rate of \$150 per hour will be applied.