

### 3. What is the legislation regarding farm fuel storage?

In Alberta, there are three pieces of legislation that farmers should consider with regards to storing and handling fuel on the farm:

- *Alberta Fire Code (AFC)*
  - The major legislation governing the storage of flammable and combustible products
  - Fuel storage used solely for agricultural purposes is exempt from the code
  - Fuel storage used for other commercial activities, such as operating a school bus or grader, are not exempt
- *Transportation of Dangerous Goods (TDG) Regulation*
  - Enforced on all Alberta highways and roads
  - Dangerous goods are regulated from the time of loading to delivery
  - Farmers are not exempt from the overall regulation, but there are some exemptions for them in transporting gasoline and diesel
- *Environmental Protection and Enhancement Act (EPEA)*
  - Supports and promotes the protection, enhancement and wise use of the environment
  - Allows for large penalties for polluters, including cleanup costs and possible imprisonment<sup>1</sup>

Although the storage of fuel on farms intended for individual farm use is exempt from the AFC, farmers are not exempt from the EPEA. Prosecution under the EPEA may be avoided if “due diligence” can be shown<sup>2</sup>. While this minimizes the chance of mishap, it doesn’t diminish the responsibilities of storing and handling fuel. The AFC provides a guideline that farmers can use to help prove due diligence. For this reason, many of the recommendations in this publication are taken from the AFC.

<sup>1</sup> EPEA, Sec. 228

<sup>2</sup> EPEA, Sec. 229