Environmental Protection Act  
Loi sur la protection de l’environnement

[ONTARIO REGULATION 535/05](https://www.ontario.ca/laws/regulation/R05535)

ethanol in gasoline

Note: On January 1, 2020, the title to the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 1)

Greener Gasoline — bio-based content requirements for gasoline

**Consolidation Period:** From April 10, 2018 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [227/18](https://www.ontario.ca/laws/regulation/R18227).

Legislative History: [64/07](https://www.ontario.ca/laws/regulation/R07064), [76/07](https://www.ontario.ca/laws/regulation/R07076), [477/16](https://www.ontario.ca/laws/regulation/R16477), [227/18](https://www.ontario.ca/laws/regulation/R18227).

This Regulation is made in English only.

Interpretation

**1.**(1)  In this Regulation,

“additive” means a substance that is added to gasoline that does not materially affect its composition as gasoline, and includes metal deactivators, oxidation inhibitors, corrosion inhibitors, icing inhibitors and induction system detergents, but does not include oxygenates;

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definition: (See: O. Reg. 227/18, s. 2 (1))

“bio-based content” means, subject to subsection (1.0.1),

(a) any material that is derived from biological matter that is available on either a renewable or recurring basis, or

(b) ethyl alcohol that is derived from renewable or recurring sources and any denaturant that has been added to it;

“blend” means to add oxygenates to gasoline or a blendstock;

Note: On January 1, 2020, the definition of “blend” in subsection 1 (1) of the Regulation is amended by striking out “oxygenates” and substituting “bio-based content”. (See: O. Reg. 227/18, s. 2 (2))

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definitions: (See: O. Reg. 227/18, s. 2 (3))

“blended gasoline” means a combination of gasoline and bio-based content;

“blendstock” means a fossil-based substance that is not suitable for use in a spark ignition engine until combined with an oxygenate;

“cellulosic ethanol” means ethanol derived,

(a) solely from either or both of lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, or

(b) from the biogenic carbon component of solid municipal waste, other than solid municipal waste that contains,

(i) source separated organics, except for residues generated by the processing of the waste,

(ii) compost produced by composting,

(iii) anaerobic digestion output, or

(iv) leaf and yard waste collected or accepted by a leaf and yard waste system to which section 13 of Ontario Regulation 101/94 (Recycling and Composting of Municipal Waste) made under the Act applies, except for residues generated by the composting of the waste at a leaf and yard waste composting site as defined in Part V of that regulation;

Note: On January 1, 2020, the definition of “cellulosic ethanol” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 227/18, s. 2 (4))

“compliance year” means a calendar year in which a fuel supplier is required to comply with this Regulation;

“ethanol” means ethyl alcohol derived from renewable or recurring sources such as grain and biomass and includes the denaturant that has been added to such ethyl alcohol;

Note: On January 1, 2020, the definition of “ethanol” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 227/18, s. 2 (4))

“ethanol-blended gasoline” means gasoline that contains ethanol;

Note: On January 1, 2020, the definition of “ethanol-blended gasoline” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 227/18, s. 2 (4))

“facility” means,

(a) a site, vehicle, vessel or other place where a fuel supplier undertakes the manufacture or blending of gasoline, or

(b) a site, vehicle, vessel or other place where gasoline is received pursuant to an inter-refiner agreement;

Note: On January 1, 2020, the definition of “facility” in subsection 1 (1) of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 2 (5))

“facility” means,

(a) a site, vehicle, vessel or other place where a fuel supplier undertakes the manufacture of gasoline or blended gasoline, or

(b) a site, vehicle, vessel or other place where gasoline or blended gasoline is received pursuant to an inter-refiner agreement;

“fuel supplier” means a person who, in Ontario,

(a) manufactures or blends gasoline, and uses it or sells it at wholesale or retail,

(b) imports gasoline, and uses it or sells it at wholesale or retail, or

(c) acquires gasoline through an inter-refiner agreement and uses it or sells it at wholesale or retail;

Note: On January 1, 2020, The definition of “fuel supplier” in subsection 1 (1) of the Regulation is amended by striking out “manufactures or blends gasoline” in clause (a) and substituting “manufactures gasoline or blended gasoline”, by adding “or blended gasoline” after “gasoline” in clause (b), and by adding “or blended gasoline” after “gasoline” in clause (c). (See: O. Reg. 227/18, s. 2 (6))

“gasoline” means a liquid product of petroleum that is represented or sold as gasoline or that is designed for use in a spark ignition engine, but does not include,

(a) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,

(b) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene, except when any such product is mixed or combined with gasoline, or

(c) blendstock, not sold or represented as gasoline, that is intended to be further refined or blended before sale or use as gasoline;

Note: On January 1, 2020, the definition of “gasoline” in subsection 1 (1) of the Regulation is amended by striking out “liquid product of petroleum” in the portion before clause (a) and substituting “fossil-derived liquid”. (See: O. Reg. 227/18, s. 2 (7))

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definitions: (See: O. Reg. 227/18, s. 2 (8))

“GHGenius model” has the same meaning as in Ontario Regulation 97/14 (Greener Diesel — Bio-Based Content Requirements for Diesel Fuel) made under the Act;

“greenhouse gas intensity” means the greenhouse gas emissions, expressed in grams of carbon dioxide equivalent emissions per megajoule of energy, that are attributable to a substance as quantified under,

(a) the GHGenius model, or

(b) another methodology if the Director provides the methodology for the substance under subsection 3.1 (3);

“import” means to import from outside Ontario;

“inter-refiner agreement” means an arrangement between refiners for the transfer of gasoline, and includes purchase and sale and product exchange;

Note: On January 1, 2020, the definition of “inter-refiner agreement” in subsection 1 (1) of the Regulation is amended by adding “or blended gasoline” after “gasoline”. (See: O. Reg. 227/18, s. 2 (9))

“manufacture” means to produce gasoline, but does not include modification of gasoline solely by the addition of additives;

Note: On January 1, 2020, the definition of “manufacture” in subsection 1 (1) of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 2 (10))

“manufacture” means to produce gasoline or blended gasoline, but does not include modification of gasoline or blended gasoline solely by the addition of additives;

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definitions: (See: O. Reg. 227/18, s. 2 (11))

“Northern Ontario” means all those parts of Ontario lying north and west of the Mattawa River, Lake Nipissing and the French River, including the Territorial District of Manitoulin;

“professional engineer” means a person who holds a licence, limited licence, provisional licence or temporary licence under the Professional Engineers Act;

“source separated organics” has the same meaning as in Ontario Regulation 79/15 (Alternative Low-Carbon Fuels) made under the Act. O. Reg. 535/05, s. 1 (1); O. Reg. 477/16, s. 1 (1-3).

Note: On January 1, 2020, section 1 of the Regulation is amended by adding the following subsection: (See: O. Reg. 227/18, s. 2 (12))

(1.0.1)  For the purposes of the definition of “bio-based content” in subsection (1), bio-based content does not include solid municipal waste that contains,

(a) source separated organics, except for residues generated by the processing of the waste;

(b) compost produced by composting;

(c) anaerobic digestion output; or

(d) leaf and yard waste collected or accepted by a leaf and yard waste system to which section 13 of Ontario Regulation 101/94 (Recycling and Composting of Municipal Waste) made under the Act applies, except for residues generated by the composting of the waste at a leaf and yard waste composting site as defined in Part V of that Regulation. O. Reg. 227/18, s. 2 (12).

(1.1)  In this Regulation, the following words and expressions have the same meanings as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act:

1. Anaerobic digestion output.

2. Composting.

3. Municipal waste. O. Reg. 477/16, s. 1 (4).

(2)  This Regulation does not apply with respect to,

(a) gasoline that enters Ontario in the fuel tank of a vehicle and that is used to power that vehicle;

(b) gasoline that is imported into Ontario to be used in scientific research other than marketing research or studies of consumer preferences relating to gasoline, where the fact of the use for scientific research can be established by written evidence;

(c) gasoline that is in transit through Ontario from a place outside Ontario to another place outside Ontario, where the fact of the transit can be established by written evidence; or

(d) gasoline that is manufacturedor sold for export where the fact of the manufacture or sale for export can be established by written evidence. O. Reg. 535/05, s. 1 (2).

Note: On January 1, 2020, subsection 1 (2) of the Regulation is amended by adding “or blended gasoline” after “gasoline” wherever it appears. (See: O. Reg. 227/18, s. 2 (13))

(3)  For the purposes of this Regulation, a volume of gasoline is “placed in the Ontario market” if a fuel supplier,

Note: On January 1, 2020, subsection 1 (3) of the Regulation is amended by adding “or blended gasoline” after “gasoline” in the portion before clause (a). (See: O. Reg. 227/18, s. 2 (13))

(a) manufactured or blended it and used it or sold it at wholesale or retail, in Ontario;

(b) imported it and used it or sold it at wholesale or retail, in Ontario; or

(c) acquired it in Ontario through inter-refiner agreement and used it or sold it at wholesale or retail in Ontario. O. Reg. 535/05, s. 1 (3).

(4)  For the purposes of any calculations under this Regulation, if a volume of gasoline is placed in the Ontario market more than once, it shall only be accounted for by the fuel supplier that first placed it in the Ontario market. O. Reg. 535/05, s. 1 (4).

Note: On January 1, 2020, subsection 1 (4) of the Regulation is amended by adding “or blended gasoline” after “gasoline”. (See: O. Reg. 227/18, s. 2 (13))

(5)  For the purposes of this Regulation, gasoline is not sold if it is transferred from one refiner to another as the result of an inter-refiner agreement. O. Reg. 535/05, s. 1 (5).

Note: On January 1, 2020, subsection 1 (5) of the Regulation is amended by adding “or blended gasoline” after “gasoline”. (See: O. Reg. 227/18, s. 2 (13))

Ethanol-blended gasoline quality

**2.**(1)  No person shall distribute ethanol-blended gasoline for use or sale in Ontario unless the ethanol-blended gasoline meets the standards and specifications set out in Canadian General Standards Board (C.G.S.B.) document CAN/CGSB-3.511-2016 or the Canadian General Standards Board (C.G.S.B.) document CAN/CGSB-3.512-2013, each as amended from time to time, or an equivalent set of standards and specifications that is approved in writing by the Director before the distribution of the ethanol-blended gasoline. O. Reg. 477/16, s. 2 (1).

Note: On January 1, 2020, subsection 2 (1) of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 3 (1))

Blended gasoline quality

(1)  No person shall distribute blended gasoline for use or sale in Ontario unless the blended gasoline meets the standards and specifications set out in the following documents as applicable to the type of fuel:

1. Canadian General Standards Board (CGSB) document CAN/CGSB-3.511, as amended from time to time.

2. Canadian General Standards Board (CGSB) document CAN/CGSB-3.5, as amended from time to time.

3. Canadian General Standards Board (CGSB) document CAN/CGSB-3.512, as amended from time to time.

4. An equivalent set of standards and specifications that is approved in writing by the Director before the blended gasoline is distributed. O. Reg. 227/18, s. 3 (1).

(2)  Ethanol-blended gasoline is deemed to meet ethanol quality standards for the purposes of subsection (1) if it meets the ethanol quality standards set out in the American Society for Testing and Materials (A.S.T.M.) document ASTM D4806-16a, as amended from time to time, rather than the ethanol quality standards set out in the Canadian General Standards Board (C.G.S.B.) document CAN/CGSB-3.516-2011, as amended from time to time. O. Reg. 477/16, s. 2 (1).

Note: On January 1, 2020, subsection 2 (2) of the Regulation is revoked. (See: O. Reg. 227/18, s. 3 (2))

(3)  Where a person seeks approval for an equivalent set of standards and specifications to satisfy the requirement in subsection (1), the person shall provide the Director with whatever information, including methods and protocols for testing, that is required to satisfy the Director of the equivalency. O. Reg. 535/05, s. 2 (3).

(4)  Subsection (1) is in addition to, and not in place of, any other requirements respecting gasoline quality to which the person is subject. O. Reg. 535/05, s. 2 (4).

Note: On January 1, 2020, subsection 2 (4) of the Regulation is amended by adding “or blended gasoline” after “gasoline”. (See: O. Reg. 227/18, s. 3 (3))

(5)  Compliance with subsection (1) shall be determined in accordance with the appropriate test methods and requirements set out in the standards provided for in subsection (1) or (2), as the case may be. O. Reg. 535/05, s. 2 (5).

Note: On January 1, 2020, subsection 2 (5) of the Regulation is amended by striking out “or (2), as the case may be” at the end. (See: O. Reg. 227/18, s. 3 (4))

(6), (7)  Revoked: O. Reg. 477/16, s. 2 (2).

Ethanol content

**3.** (1)  Subject to the other provisions of this Regulation, every fuel supplier shall ensure that gasoline that it places in the Ontario market in a compliance year contains, on average, no less than 5 per cent ethanol by volume. O. Reg. 535/05, s. 3 (1).

(2)  Whether or not a fuel supplier is in compliance with subsection (1) shall be determined after applying any rules or calculations provided for in this Regulation. O. Reg. 535/05, s. 3 (2).

(3)  Revoked: O. Reg. 477/16, s. 3.

(4)  In calculating whether a fuel supplier is in compliance with subsection (1) in a compliance year, gasoline placed in the Ontario market for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment, or vehicles manufactured prior to 1980 may be deducted from the total amount of gasoline placed in the Ontario market in the same compliance year in accordance with the compliance formula set out in section 4, if the fuel supplier so elects and can establish by written evidence that the gasoline was distributed for those purposes. O. Reg. 535/05, s. 3 (4).

Note: On January 1, 2020, section 3 of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 4)

Minimum bio-based content

**3.**Every fuel supplier shall ensure that the gasoline and blended gasoline it places in the Ontario market for each compliance year after 2019 contains an average adjusted volume of bio-based content of at least 10 per cent calculated in accordance with the applicable compliance formula in section 4. O. Reg. 227/18, s. 4.

Rules for applying compliance formulas

**3.1**(1)  In calculating “y” for the purposes of the formulas in section 4, the fuel supplier shall,

(a) comply with any written directions made by the Director under subsection (2); and

(b) ensure that a professional engineer is of the opinion that,

(i) the primary data used is reasonable, and

(ii) the calculation is correct. O. Reg. 227/18, s. 4.

(2)  The Director may issue written directions as to the manner in which the following types of data are to be input into the GHGenius model:

1. Primary data, consisting of quantified values of products, materials or energy flows that enter and leave a production process or activity, directly measured, calculated or obtained and based on specific original source measurements.

2. Secondary data, consisting of quantified values of products, materials or energy flows that enter and leave a production process or activity, indirectly measured, calculated or obtained and not based on specific original source measurements. O. Reg. 227/18, s. 4.

(3)  If a fuel supplier wishes to use bio-based content that is not listed in the GHGenius model, the fuel supplier shall request that the Director provide a methodology for calculating the greenhouse gas intensity of that bio-based content and the fuel supplier shall use the methodology the Director provides. O. Reg. 227/18, s. 4.

(4)  For the purposes of calculating the formulas under section 4, any portions of the volume of bio-based content in blended gasolines placed in the Ontario market in a compliance year that have been transferred from the records of one fuel supplier to the records of another fuel supplier within the same compliance year may be included. O. Reg. 227/18, s. 4.

(5)  For the purposes of the formulas in section 4, the following categories of gasoline or blended gasoline may be deducted from the total amount of gasoline or blended gasoline placed in the Ontario market in a compliance year, if the fuel supplier so elects and can establish, by written evidence, that the gasoline or blended gasoline was distributed for those purposes:

1. Gasoline or blended gasoline placed in the Ontario market in the same compliance year for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment, or vehicles manufactured prior to 1980.

2. Gasoline or blended gasoline that has an antiknock index of 89 or greater placed in the Ontario market in the same compliance year, if the gasoline or blended gasoline is not included in the category described in paragraph 1. O. Reg. 227/18, s. 4.

(6)  For the purposes of the formula in subsection 4 (1), the following category of gasoline or blended gasoline may be deducted from the total amount of gasoline or blended gasoline placed in the Ontario market in a compliance year, if the fuel supplier so elects and can establish, by written evidence, that the gasoline or blended gasoline was distributed for those purposes:

1. Gasoline and blended gasoline that the fuel supplier distributed to, from or within Northern Ontario in the same compliance year. O. Reg. 227/18, s. 4.

Determination of compliance

**4.**(1)  The following formula shall be used to calculate whether a fuel supplier is in compliance with subsection 3 (1):

x = ([C + (C1 × 2.5)] + D – E) / (A + B – F) × 100

where,

“x” is the calculated annual average ethanol content in ethanol-blended and non-ethanol-blended gasolines that the fuel supplier placed in the Ontario market in the compliance year, expressed as a percent,

“A” is the volume of ethanol-blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“B” is the volume of non-ethanol-blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“C” is the volume of non-cellulosic ethanol that is contained in “A”,

“C1” is the volume of cellulosic ethanol contained in “A”,

“D” is the calculated volumes of ethanol from ethanol-blended gasolines transferred from the records of other fuel suppliers within the same compliance year,

“E” is the calculated volumes of ethanol from ethanol-blended gasolines transferred to the records of other fuel suppliers within the same compliance year,

“F” is the volume of ethanol-blended gasolines and non-ethanol-blended gasolines placed in the Ontario market in the compliance year for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment, or vehicles manufactured prior to 1980 if the fuel supplier has so elected under subsection 3 (4).

O. Reg. 535/05, s. 4 (1); O. Reg. 477/16, s. 4 (1, 2).

(2)  For the purposes of calculating the formula in subsection (1), portions of the calculated volume of ethanol from ethanol-blended gasolines placed in the Ontario market in a compliance year may be transferred from the records of one fuel supplier to the records of another within the same compliance year. O. Reg. 535/05, s. 4 (2).

(3)  The following rules apply for the purposes of subsection (1) when calculating the volume of cellulosic ethanol in ethanol derived from solid municipal waste:

1. The biogenic carbon component shall be determined in accordance with Method B or Method C of the American Society for Testing and Materials (A.S.T.M.) document ASTM D6866-16, as amended from time to time, or in accordance with an equivalent set of standards and specifications that is approved in writing by the Director.

2. The biogenic carbon component shall be determined from a composite sample comprised of a volume-weighted combination of samples collected weekly during a quarterly period, where a quarterly period starts on either January 1, April 1, July 1 or October 1.

3. The biogenic carbon component that is determined for a quarterly period applies to the ethanol produced during that quarter. O. Reg. 477/16, s. 4 (3).

Note: On January 1, 2020, section 4 of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 5)

Compliance formulas

**4.**(1)  For the 2020, 2021 and 2022 compliance years, the following formula shall be used to calculate the average adjusted volume of bio-based content:

[{C [(83.9 − y) / 37.8] + D − E} / (A + B − F − G − H)] × 100

in which,

“A” is the volume of blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“B” is the volume of non-blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“C” is the volume of bio-based content contained in “A”,

“D” is the volume of bio-based content transferred from the records of other fuel suppliers within the same compliance year,

“E” is the volume of bio-based content transferred to the records of other fuel suppliers within the same compliance year,

“F” is the volume of blended gasolines and non-blended gasolines placed in the Ontario market in the compliance year for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment or vehicles manufactured prior to 1980, if the fuel supplier has made an election under subsection 3.1 (5),

“G” is the volume of gasolines or blended gasolines that have an antiknock index of 89 or greater placed in the Ontario market in the compliance year and that is not included in the definition of “F”, if the fuel supplier has made an election under subsection 3.1 (5),

“H” is the volume of gasolines and blended gasolines distributed from or sold in Northern Ontario in the compliance year, if the fuel supplier has made an election under subsection 3.1 (6), and

“y” is the greenhouse gas intensity of the bio-based content in blended gasolines that the fuel supplier placed in the Ontario market during the compliance year, calculated on a weighted average basis by volume.

O. Reg. 227/18, s. 5.

(2)  For any compliance year after the 2022 compliance year, the following formula shall be used to calculate the average adjusted volume of bio-based content:

[{C [(83.9 − y) / 37.8] + D − E} / (A + B − F − G)] × 100

in which,

“A” is the volume of blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“B” is the volume of non-blended gasolines that the fuel supplier placed in the Ontario market in the compliance year,

“C” is the volume of bio-based content contained in “A”,

“D” is the volume of bio-based content transferred from the records of other fuel suppliers within the same compliance year,

“E” is the volume of bio-based content transferred to the records of other fuel suppliers within the same compliance year,

“F” is the volume of blended gasolines and non-blended gasolines placed in the Ontario market in the compliance year for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment or vehicles manufactured prior to 1980, if the fuel supplier has made an election under subsection 3.1 (5),

“G” is the volume of gasolines or blended gasolines that have an antiknock index of 89 or greater placed in the Ontario market in the compliance year and that is not included in the definition of “F”, if the fuel supplier has made an election under subsection 3.1 (5), and

“y” is the greenhouse gas intensity of the bio-based content in blended gasolines that the fuel supplier placed in the Ontario market during the compliance year, calculated on a weighted average basis by volume.

O. Reg. 227/18, s. 5.

Report

**5.**(1)  On or before March 31 in each year after 2007, every fuel supplier shall file a report with the Director respecting its compliance with this Regulation in the previous compliance year. O. Reg. 535/05, s. 5 (1).

Note: On January 1, 2020, subsection 5 (1) of the Regulation is amended by striking out “after 2007”. (See: O. Reg. 227/18, s. 6 (1))

(2)  The report shall be in a form acceptable to the Director, and shall contain, at a minimum,

Note: On January 1, 2020, subsection 5 (2) of the Regulation is amended by striking out “be in a form acceptable to the Director, and shall” in the portion before clause (a). (See: O. Reg. 227/18, s. 6 (2))

(a) information identifying the fuel supplier and the officer who submits the report;

(b) the result of the calculation provided for in subsection 4 (1) and the values for all of the information included in reaching that result;

Note: On January 1, 2020, clause 5 (2) (b) of the Regulation is amended by striking out “subsection 4 (1)” and substituting “section 4”. (See: O. Reg. 227/18, s. 6 (3))

(c) Revoked: O. Reg. 477/16, s. 5.

(d) in the case of a fuel supplier who elects to deduct gasoline placed in the Ontario market in the compliance year for the purposes of generating power in aircraft, marine vessels or equipment, off-road vehicles or equipment, or vehicles manufactured prior to 1980, a statement to that effect; and

Note: On January 1, 2020, clause 5 (2) (d) of the Regulation is amended by adding “or blended gasoline” after “gasoline”. (See: O. Reg. 227/18, s. 6 (4))

Note: On January 1, 2020, subsection 5 (2) of the Regulation is amended by striking out “and” at the end of clause (d) and by adding the following clause: (See: O. Reg. 227/18, s. 6 (5))

(d.1) in the case of a fuel supplier who elects to deduct gasoline or blended gasoline placed in the Ontario market in the compliance year having an antiknock index of 89 or greater and not otherwise deducted as described in clause (d), a statement to that effect; and

(e) sufficient information to determine compliance with the requirements of this Regulation, and to verify the calculation of the formula provided for in subsection 4 (1). O. Reg. 535/05, s. 5 (2); O. Reg. 477/16, s. 5.

Note: On January 1, 2020, clause 5 (2) (e) of the Regulation is amended by striking out “subsection 4 (1)” at the end and substituting “section 4”. (See: O. Reg. 227/18, s. 6 (6))

Note: On January 1, 2020, section 5 of the Regulation is amended by adding the following subsection: (See: O. Reg. 227/18, s. 6 (7))

(2.1)  The report filed in 2020 respecting the 2019 compliance year shall include the information required by this Regulation as it read on December 31, 2019 and is not required to include the information required by this Regulation as it read on January 1, 2020. O. Reg. 227/18, s. 6 (7).

(3)  Every fuel supplier shall, with its report under subsection (1), include a report on the ethanol volumes contained in the gasoline it placed in the Ontario market in the period commencing on May 15 and ending on September 14 in the previous compliance year, calculated in accordance with the formula:

y = (Csummer + C1summer) / (C + C1) × 100

where,

“y” is the ethanol content in ethanol-blended gasoline placed in the Ontario market in the period commencing on May 15 and ending on September 14 in the compliance year, expressed as a percentage of the total volume of ethanol in ethanol-blended gasoline placed in the Ontario market for the entire compliance year,

“Csummer” is the volume of non-cellulosic ethanol that is contained in the volume of “A” used for the formula in subsection 4 (1) that is placed in the Ontario market commencing on May 15 and ending on September 14 in the compliance year,

“C1summer” is the volume of cellulosic ethanol that is contained in the volume of “A” used for the formula in subsection 4 (1) that is placed in the Ontario market commencing on May 15 and ending on September 14 in the compliance year.

O. Reg. 535/05, s. 5 (3).

Note: On January 1, 2020, subsection 5 (3) of the Regulation is revoked. (See: O. Reg. 227/18, s. 6 (8))

(4)  The report required under subsection (3) must include the result of the calculation provided for in that subsection, and the values for all of the information included in reaching that result. O. Reg. 535/05, s. 5 (4).

Note: On January 1, 2020, subsection 5 (4) of the Regulation is revoked. (See: O. Reg. 227/18, s. 6 (8))

Records

**6.**(1)  Every fuel supplier shall keep at its principal place of business in Ontario, and with respect to each of its facilities and transactions, or, in the case of imported gasoline, with respect to its total imports, records and books of account in such form and containing such information as will enable the accurate determination of compliance with this Regulation, including, without being limited to,

Note: On January 1, 2020, subsection 6 (1) of the Regulation is amended by adding “or blended gasoline” after “gasoline” in the portion before clause (a). (See: O. Reg. 227/18, s. 7 (1))

(a) data and calculations of the volumes reported for the purposes of the formulas set out in subsections 4 (1) and 5 (3);

Note: On January 1, 2020, clause 6 (1) (a) of the Regulation is amended by striking out “subsections 4 (1) and 5 (3)” and substituting “section 4”. (See: O. Reg. 227/18, s. 7 (2))

(b) dated metered-values, bills of lading, invoices, sales receipts, records of payment and records or transaction for volumes of ethanol-blended gasolines, non-ethanol-blended gasolines, ethanol, or blendstock used, blended, sold, imported, acquired through an inter-refiner agreement or transferred to or from another fuel supplier or facility and identifying information about such fuel suppliers and facilities; and

Note: On January 1, 2020, clause 6 (1) (b) of the Regulation is amended by striking out “ethanol-blended gasolines, non-ethanol-blended gasolines, ethanol, or blendstock” and substituting “blended gasolines, non-blended gasolines, bio-based content or blendstock”. (See: O. Reg. 227/18, s. 7 (3))

(c) dated contracts, records of transfer, invoices and records of payment for calculated volumes of ethanol that are transferred between fuel suppliers. O. Reg. 535/05, s. 6 (1).

Note: On January 1, 2020, clause 6 (1) (c) of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 7 (4))

(c) dated contracts, records of transfer, invoices and records of payment for volumes of bio-based content that are transferred between the records of fuel suppliers.

(2)  Every fuel supplier required to keep business records and books of account under subsection (1) shall maintain every such record or book of account, as well as any other document necessary to verify the information in such record or book of account for a period of seven years following the end of the relevant compliance year, unless written permission for their disposal is received from the Director. O. Reg. 535/05, s. 6 (2).

7.  Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 535/05, s. 7.

Note: On January 1, 2020, section 7 of the Regulation is revoked and the following substituted: (See: O. Reg. 227/18, s. 8)

Giving or submitting records

**7.**(1)  In this Regulation, if a notice, report, statement or other document is required to be given or submitted, other than a document required to be given or submitted by the Director, the notice, report, statement or other document shall be submitted in a form provided by or approved by the Director and in a manner approved by the Director. O. Reg. 227/18, s. 8.

(2)  The Director may require that a document or other record that is given to the Directorunder this Regulation be given in an electronic format specified by the Director. O. Reg. 227/18, s. 8.

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