Environmental Protection Act  
Loi sur la protection de l’environnement

[ONTARIO REGULATION 97/14](https://www.ontario.ca/laws/regulation/r14097)

GREENER DIESEL — RENEWABLE FUEL CONTENT REQUIREMENTS FOR PETROLEUM DIESEL FUEL

Note: On January 1, 2020, the title to the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 1)

Greener Diesel — bio-based content requirements for diesel fuel

**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: [226/18](https://www.ontario.ca/laws/regulation/R18226).

Legislative History: [226/18](https://www.ontario.ca/laws/regulation/R18226).

This Regulation is made in English only.

Part I  
interpretation and application

Interpretation

**1.**(1)  In this Regulation,

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definition: (See: O. Reg. 226/18, s. 2 (1))

“bio-based content” means, subject to subsection (1.2), any material that is derived from biological matter that is available on either a renewable or recurring basis;

“bio-based diesel” means any liquid fuel that,

(a) is suitable for use in a diesel engine, and

(b) is derived from biological matter that is available on either a renewable or recurring basis;

Note: On January 1, 2020, the definition of “bio-based diesel” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 226/18, s. 2 (2))

“blended diesel” means a combination of petroleum diesel and bio-based diesel;

Note: On January 1, 2020, the definition of “blended diesel” in subsection 1 (1) of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 2 (3))

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

“compliance period” means,

(a) the period of time beginning Apri1 1, 2014 and ending December 31, 2015,

(b) the period of time beginning January 1, 2016 and ending December 31, 2016, or

(c) after the period of time mentioned in clause (b), a calendar year;

Note: On January 1, 2020, the definition of “compliance period” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 226/18, s. 2 (4))

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definitions: (See: O. Reg. 226/18, s. 2 (5))

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

“diesel” means a fossil-derived liquid that,

(a) is sold or represented as diesel fuel or as a fuel suitable for use in a diesel engine,

(b) is subject to evaporation at atmospheric pressure, and

(c) boils within the range of 130°C to 400°C;

“facility” means,

(a) a site, vehicle, vessel or other place where a fuel supplier undertakes the manufacture of petroleum diesel or the blending of petroleum diesel with bio-based diesel, or

(b) a site, vehicle, vessel or other place where petroleum diesel 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. 226/18, s. 2 (6))

“facility” means,

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

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

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

(a) manufactures petroleum diesel or blends petroleum diesel with bio-based diesel and uses it or sells it at wholesale or retail,

(b) imports petroleum diesel or blended diesel and uses it or sells it at wholesale or retail, or

(c) acquires petroleum diesel or blended diesel 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 “petroleum diesel or blends petroleum diesel with bio-based diesel” in clause (a) and substituting “diesel or blended diesel” and by striking out “petroleum” wherever it appears in clauses (b) and (c). (See: O. Reg. 226/18, s. 2 (7))

“GHGenius model” means version 4.03a or, if a subsequent version is adopted by the Director, the subsequent version of the spreadsheet model of that name, made available at one or more websites specified by the Director;

“greenhouse gas intensity” means the greenhouse gas emissions attributable to a fuel quantified using the GHGenius model and expressed in grams of carbon dioxide equivalent emissions per megajoule of energy;

Note: On January 1, 2020, the definition of “greenhouse gas intensity” in subsection 1 (1) of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 2 (8))

“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 5 (5);

“import” means to import into Ontario from outside Ontario;

“inter-refiner agreement” means an arrangement between refiners for the transfer of petroleum diesel or blended diesel, and includes arrangements to purchase, sell or exchange petroleum diesel or blended diesel;

Note: On January 1, 2020, the definition of “inter-refiner agreement” in subsection 1 (1) of the Regulation is amended by striking out “petroleum” wherever it appears. (See: O. Reg. 226/18, s. 2 (9))

“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;

Note: On January 1, 2020, the definition of “Northern Ontario” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 226/18, s. 2 (10))

“petroleum diesel” means a liquid petroleum fuel that,

(a) is sold or represented as diesel fuel or as a fuel suitable for use in a diesel engine,

(b) is subject to evaporation at atmospheric pressure, and

(c) boils within the range of 130°C to 400°C;

Note: On January 1, 2020, the definition of “petroleum diesel” in subsection 1 (1) of the Regulation is revoked. (See: O. Reg. 226/18, s. 2 (10))

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

Note: On January 1, 2020, subsection 1 (1) of the Regulation is amended by adding the following definition: (See: O. Reg. 226/18, s. 2 (11))

“source separated organics” has the same meaning as in Ontario Regulation 79/15 (Alternative Low-Carbon Fuels) made under the Act.

Note: On January 1, 2020, section 1 of the Regulation is amended by adding the following subsections: (See: O. Reg. 226/18, 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. 226/18, s. 2 (12).

(1.2)  For the purposes of the definition of “bio-based content” in subsection (1), bio-based content does not include biological matter derived from the biogenic carbon component of 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. 226/18, s. 2 (12).

(2)  For the purposes of this Regulation, a volume of petroleum diesel or blended diesel is “placed in the Ontario market” if a fuel supplier,

(a) manufactured 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 an inter-refiner agreement and used it or sold it, at wholesale or retail, in Ontario.

Note: On January 1, 2020, subsection 1 (2) of the Regulation is amended by striking out “petroleum”. (See: O. Reg. 226/18, s. 2 (13))

(3)  For the purposes of this Regulation, petroleum diesel or blended diesel is not distributed if it is transferred from one refiner to another as the result of an inter-refiner agreement.

Note: On January 1, 2020, subsection 1 (3) of the Regulation is amended by striking out “petroleum”. (See: O. Reg. 226/18, s. 2 (13))

(4)  For the purposes of any calculations under this Regulation, if a volume of petroleum diesel or blended diesel is placed in the Ontario market more than once, only the fuel supplier that first placed it in the Ontario market shall account for it.

Note: On January 1, 2020, subsection 1 (4) of the Regulation is amended by striking out “petroleum”. (See: O. Reg. 226/18, s. 2 (13))

Application

**2.**(1)  Parts II, III and IV do not apply with respect to petroleum diesel or blended diesel that,

Note: On January 1, 2020, subsection 2 (1) of the Regulation is amended by striking out “petroleum” in the portion before clause (a). (See: O. Reg. 226/18, s. 3 (1))

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

(b) is in transit through Ontario from a place outside Ontario to another place outside Ontario, if the fact of the transit can be established by written evidence.

(2)  Other than clause 7 (2) (d) and section 8, Parts II, III and IV do not apply with respect to bio-based diesel, blended diesel or petroleum diesel that the fuel supplier reasonably expects, at the time of sale, will be used for the purposes of generating power in an aircraft or in a furnace or boiler to produce heat.

Note: On January 1, 2020, subsection 2 (2) of the Regulation is amended by striking out “bio-based diesel, blended diesel or petroleum diesel” and substituting “diesel or blended diesel”. (See: O. Reg. 226/18, s. 3 (2))

(3)  Other than section 8, Parts II, III and IV do not apply with respect to blended diesel or petroleum diesel that,

(a) is manufacturedfor distribution outside Ontario or destined for distribution outside Ontario, if the fact of the manufacturing for distribution outside Ontario can be established by written evidence; or

(b) is imported to be used in Ontario in scientific research other than marketing research or studies of consumer preferences relating to petroleum diesel or blended diesel, if the fact of the use for scientific research can be established by written evidence.

Note: On January 1, 2020, subsection 2 (3) of the Regulation is amended by striking out “blended diesel or petroleum diesel” in the portion before clause (a) and substituting “diesel or blended diesel” and by striking out “petroleum” in clause (b). (See: O. Reg. 226/18, s. 3 (3))

Part II  
Blended Diesel Quality Standards

Quality standards for blended diesel

**3.**(1)  No fuel supplier shall distribute blended diesel for use or sale in Ontario unless the blended diesel meets the standards set out in one of following documents:

1. Canadian General Standards Board (CGSB) document CAN/CGSB – 3.520-2011 – Automotive Diesel Fuel Containing Low Levels of Biodiesel (B1-B5), as amended from time to time.

Note: On January 1, 2020, paragraph 1 of subsection 3 (1) of the Regulation is amended by striking out “-2011”. (See: O. Reg. 226/18, s. 4 (1))

2. Canadian General Standards Board (CGSB) document CAN/CGSB – 3.522-2011 – Diesel Fuel Containing Biodiesel (B6-B20), as amended from time to time.

Note: On January 1, 2020, paragraph 2 of subsection 3 (1) of the Regulation is amended by striking out “-2011”. (See: O. Reg. 226/18, s. 4 (1))

3. Canadian General Standards Board (CGSB) document CAN/CGSB – 3.524-2011 – Biodiesel (B100) for Blending in Middle Distillate Fuels, as amended from time to time.

Note: On January 1, 2020, paragraph 3 of subsection 3 (1) of the Regulation is amended by striking out “-2011”. (See: O. Reg. 226/18, s. 4 (1))

4. Canadian General Standards Board (CGSB) document CAN/CGSB – 3.517-2013 – Diesel Fuel, as amended from time to time.

Note: On January 1, 2020, paragraph 4 of subsection 3 (1) of the Regulation is amended by striking out “-2013”. (See: O. Reg. 226/18, s. 4 (2))

5. American Society for Testing and Materials (ASTM) document ASTM – D6751-12 – Standard Specification for Biodiesel Fuel Blend Stock B100 for Middle Distillate Fuels, as amended from time to time.

Note: On January 1, 2020, paragraph 5 of subsection 3 (1) of the Regulation is amended by striking out “-12”. (See: O. Reg. 226/18, s. 4 (3))

6. American Society for Testing and Materials (ASTM) document ASTM – D7467-13 – Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), as amended from time to time.

Note: On January 1, 2020, paragraph 6 of subsection 3 (1) of the Regulation is amended by striking out “-13”. (See: O. Reg. 226/18, s. 4 (4))

7. American Society for Testing and Materials (ASTM) document ASTM – D975-14 – Standard Specification for Diesel Fuel Oils, as amended from time to time.

Note: On January 1, 2020, paragraph 7 of subsection 3 (1) of the Regulation is amended by striking out “-14”. (See: O. Reg. 226/18, s. 4 (5))

8. A set of standards and specifications that is considered by the Director to be equivalent to one of those set out in paragraphs 1 to 7 and that is approved in writing by the Director before the distribution of the blended diesel.

(2)  If a fuel supplier seeks approval of a set of standards and specifications for the purposes of paragraph 8 of subsection (1), the fuel supplier shall provide the Director with whatever information, including methods and protocols for testing, that is required to satisfy the Director that the standards and specifications are equivalent to one of those set out in paragraphs 1 to 7 of subsection (1).

(3)  Compliance with a standard mentioned in subsection (1) shall be determined in accordance with the test methods and requirements set out in the standard that is applied.

Part III  
Minimum Bio-based Diesel Content

Note: On January 1, 2020, the heading to Part III of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 5)

Part III  
minimum bio-based content

Minimum bio-based diesel content

**4.**(1)  Every fuel supplier shall ensure that the petroleum diesel and blended diesel that it places in the Ontario market for the compliance period beginning Apri1 1, 2014 and ending December 31, 2015 contains an Average Adjusted Volume of bio-based diesel of at least two per cent calculated in accordance with the compliance formula in subsection 6 (1).

(2)  Every fuel supplier shall ensure that the petroleum diesel and blended diesel that it places in the Ontario market for the compliance period beginning January 1, 2016 and ending December 31, 2016 contains an Average Adjusted Volume of bio-based diesel of at least three per cent calculated in accordance with the compliance formula in subsection 6 (2).

(3)  Every fuel supplier shall ensure that the petroleum diesel and blended diesel that it places in the Ontario market for each compliance period after the compliance period ending December 31, 2016 contains an Average Adjusted Volume of bio-based diesel of at least four per cent calculated in accordance with the compliance formula in subsection 6 (3).

Note: On January 1, 2020, section 4 of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 6)

Minimum bio-based content

**4.**Every fuel supplier shall ensure that the diesel and blended diesel that it places in the Ontario market in a calendar year contains an average adjusted volume of bio-based content of at least 4 per cent calculated in accordance with the compliance formula in section 6. O. Reg. 226/18, s. 6.

Rules for applying compliance formulas

**5.**(1)  For the purposes of the formulas in subsections 6 (1) and (2), petroleum diesel that the fuel supplier distributed to, from or within Northern Ontario may be deducted from the total amount of petroleum diesel it placed in the Ontario market for the compliance periods beginning Apri1 1, 2014 and January 1, 2016, if the fuel supplier,

(a) elects to deduct the amount in accordance with clause 7 (2) (c); and

(b) can establish by written evidence that the petroleum diesel was distributed to, from or within Northern Ontario during the relevant compliance period.

Note: On January 1, 2020, subsection 5 (1) of the Regulation is revoked. (See: O. Reg. 226/18, s. 7 (1))

(2)  For the purposes of the formulas in section 6, a fuel supplier may transfer a portion of the volume of bio-based diesel that it placed in the Ontario market during a compliance period from its records and books of account to the records and books of account of another fuel supplier for the same compliance period.

Note: On January 1, 2020, subsection 5 (2) of the Regulation is revoked. (See: O. Reg. 226/18, s. 7 (1))

(3)  In calculating “y” for the purposes of the formulas in section 6, the fuel supplier shall,

Note: On January 1, 2020, subsection 5 (3) of the Regulation is amended by striking out “formulas” in the portion before clause (a) and substituting “formula”. (See: O. Reg. 226/18, s. 7 (2))

(a) comply with any written directions by the Director made under subsection (4);

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

(i) the primary data used to calculate “y” are reasonable, and

(ii) the calculation of “y” is correct.

(4)  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.

Note: On January 1, 2020, section 5 of the Regulation is amended by adding the following subsections: (See: O. Reg. 226/18, s. 7 (3))

(5)  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. 226/18, s. 7 (3).

(6)  For the purposes of calculating the formula in section 6, any portions of the volume of bio-based content in blended diesel 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. 226/18, s. 7 (3).

(7)  The following rules apply when calculating the volume of bio-based content derived from solid municipal waste:

1. The bio-based carbon component shall be determined in accordance with Method B or Method C of the American Society for Testing and Materials (ASTM) document ASTM D6866, 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 bio-based carbon component shall be determined from a composite sample comprising 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 bio-based carbon component that is determined for a quarterly period applies to the content produced during that quarter. O. Reg. 226/18, s. 7 (3).

Compliance formulas

**6.**(1)  The following formula shall be used to calculate whether a fuel supplier is in compliance with subsection 4 (1) for the compliance period beginning April 1, 2014 and ending December 31, 2015:

Average Adjusted Volume (expressed as a per cent) = [{A [(91.9-y)/27.6] + B – C} / (D + E – F)] × 100

where,

“A” is the volume of bio-based diesel that the fuel supplier placed in the Ontario market during the compliance period,

“B” is the volume of bio-based diesel transferred from the records and books of account of other fuel suppliers under subsection 5 (2),

“C” is the volume of bio-based diesel transferred to the records and books of account of other fuel suppliers under subsection 5 (2),

“D” is the volume of petroleum diesel that the fuel supplier placed in the Ontario market during the compliance period,

“E” is the volume of blended diesel that the fuel supplier placed in the Ontario market during the compliance period,

“F” is the volume of petroleum diesel and blended diesel that the fuel supplier distributed to, from or within Northern Ontario during the compliance period if the fuel supplier has elected under subsection 5 (1),

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

(2)  The following formula shall be used to calculate whether a fuel supplier is in compliance with subsection 4 (2) for the compliance period beginning January 1, 2016 and ending December 31, 2016:

Average Adjusted Volume (expressed as a per cent) = [{A [(91.9-y) /45.9] + B – C} / (D + E – F)] × 100

where,

“A” is the volume of bio-based diesel that the fuel supplier placed in the Ontario market during the compliance period,

“B” is the volume of bio-based diesel transferred from the records and books of account of other fuel suppliers under subsection 5 (2),

“C” is the volume of bio-based diesel transferred to the records and books of account of other fuel suppliers under subsection 5 (2),

“D” is the volume of petroleum diesel that the fuel supplier placed in the Ontario market during the compliance period,

“E” is the volume of blended diesel that the fuel supplier placed in the Ontario market during the compliance period,

“F” is the volume of petroleum diesel and blended diesel that the fuel supplier distributed to, from or within Northern Ontario during the compliance period if the fuel supplier has elected under subsection 5 (1),

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

(3)  The following formula shall be used to calculate whether a fuel supplier is in compliance with subsection 4 (3) for each compliance period after the compliance period ending December 31, 2016:

Average Adjusted Volume (expressed as a per cent) = [{A [(91.9-y)/64.3] + B – C} / (D + E)] × 100

where,

“A” is the volume of bio-based diesel that the fuel supplier placed in the Ontario market during the compliance period,

“B” is the volume of bio-based diesel transferred from the records and books of account of other fuel suppliers under subsection 5 (2),

“C” is the volume of bio-based diesel transferred to the records and books of account of other fuel suppliers under subsection 5 (2),

“D” is the volume of petroleum diesel that the fuel supplier placed in the Ontario market during the compliance period,

“E” is the volume of blended diesel that the fuel supplier placed in the Ontario market during the compliance period,

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

Note: On January 1, 2020, section 6 of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 8)

Compliance formula

**6.**The following formula shall be used to calculate the average adjusted volume of bio-based content:

[{A [(91.9 − y) / 64.3] + B − C} / (D + E)] × 100

in which,

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

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

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

“D” is the volume of diesel that the fuel supplier placed in the Ontario market during the compliance year,

“E” is the volume of blended diesel that the fuel supplier placed in the Ontario market during the compliance year,

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

O. Reg. 226/18, s. 8.

Part IV  
Reports and Records

Compliance reports

**7.**(1)  On or before March 31 of the calendar year following a compliance period, every fuel supplier shall file a report with the Director respecting its compliance with this Regulation in the previous compliance period.

Note: On January 1, 2020, subsection 7 (1) of the Regulation is amended by striking out “compliance period” at the end and substituting “compliance year”. (See: O. Reg. 226/18, s. 9 (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 7 (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. 226/18, s. 9 (2))

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

(b) the result of the calculation done under subsection 6 (1), (2) or (3), the values used in reaching that result and the rationale for the use of the values used in the calculation;

Note: On January 1, 2020, clause 7 (2) (b) of the Regulation is amended by striking out “subsection 6 (1), (2) or (3)” and substituting “section 6”. (See: O. Reg. 226/18, s. 9 (3))

(c) in the case of a fuel supplier who elects to deduct petroleum diesel under subsection 5 (1), a statement to that effect;

Note: On January 1, 2020, clause 7 (2) (c) of the Regulation is revoked. (See: O. Reg. 226/18, s. 9 (4))

(d) in the case of a fuel supplier who placed bio-based diesel, blended diesel or petroleum diesel in the Ontario market during a compliance period that the fuel supplier reasonably expected to be used for the purpose of generating power in an aircraft or in a furnace or boiler to produce heat, a statement to that effect and the volume of bio-based diesel, blended diesel or petroleum diesel that was sold for those purposes; and

Note: On January 1, 2020, clause 7 (2) (d) of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 9 (5))

(d) in the case of a fuel supplier who placed diesel or blended diesel in the Ontario market during a compliance year that the fuel supplier reasonably expected to be used for the purpose of generating power in an aircraft or in a furnace or boiler to produce heat, a statement to that effect and the volume of diesel or blended diesel that was sold for those purposes; and

(e) sufficient information to determine compliance with the requirements of this Regulation and to verify the calculation done under subsection 6 (1), (2) or (3).

Note: On January 1, 2020, clause 7 (2) (e) of the Regulation is amended by striking out “subsection 6 (1), (2) or (3)” at the end and substituting “section 6”. (See: O. Reg. 226/18, s. 9 (6))

(3)  The report filed under subsection (1) shall also contain the volume and greenhouse gas intensity, calculated on a weighted average basis by volume of the bio-based diesel contained in the blended diesel that the fuel supplier placed in the Ontario market during each quarter of the previous compliance period.

Note: On January 1, 2020, subsection 7 (3) of the Regulation is amended by striking out “bio-based diesel contained in” and substituting “bio-based content of” and by striking out “period” at the end and substituting “year”. (See: O. Reg. 226/18, s. 9 (7))

Note: On January 1, 2020, section 7 of the Regulation is amended by adding the following subsection: (See: O. Reg. 226/18, s. 9 (8))

(4)  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. 226/18, s. 9 (8).

Records

**8.**(1)  Every fuel supplier shall keep at its principal place of business in Ontario records and books of account with respect to each of its facilities in Ontario and each of its transactions in Ontario involving the acquisition, blending, distribution, manufacture or use of petroleum diesel, bio-based diesel or blended diesel.

Note: On January 1, 2020, subsection 8 (1) of the Regulation is amended by striking out “petroleum diesel, bio-based diesel or blended diesel” and substituting “diesel, blended diesel or bio-based content”. (See: O. Reg. 226/18, s. 10 (1))

(2)  The records and books of account referred to in subsection (1) shall be in such form and contain such information as will enable the accurate determination of compliance with this Regulation, including,

(a) the data collected and calculations done for the purposes of section 6, including the volumes and associated greenhouse gas intensity values;

(b) dated records of meter readings, bills of lading, invoices, sales receipts, records of payment and records of transaction for volumes of bio-based diesel, blended diesel or petroleum diesel that are,

Note: On January 1, 2020, clause 8 (2) (b) of the Regulation is amended by striking out “bio-based diesel, blended diesel or petroleum diesel” in the portion before subclause (i) and substituting “diesel, blended diesel or bio-based content”. (See: O. Reg. 226/18, s. 10 (2))

(i) used, distributed or blended,

(ii) transferred to or from another fuel supplier or facility,

(iii) imported, or

(iv) exported from Ontario;

(c) identifying information about the fuel suppliers and facilities mentioned in subclause (b) (ii);

(d) dated contracts, records of transfer, invoices and records of payment for volumes of bio-based diesel that are transferred between fuel suppliers in Ontario; and

Note: On January 1, 2020, clause 8 (2) (d) of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 10 (3))

(d) 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; and

(e) written evidence that the opinion required under clause 5 (3) (b) was obtained from a professional engineer.

(3)  Every fuel supplier required to keep business records and books of account under subsection (1) shall maintain every such record and 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 period, unless written permission for their disposal is received from the Director.

Note: On January 1, 2020, subsection 8 (3) of the Regulation is amended by striking out “compliance period” and substituting “compliance year”. (See: O. Reg. 226/18, s. 10 (4))

Part V (OMITTED)

9.  Omitted (provides for coming into force of provisions of this Regulation).

Note: On January 1, 2020, section 9 of the Regulation is revoked and the following substituted: (See: O. Reg. 226/18, s. 11)

Giving or submitting records

**9.**(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. 226/18, s. 11.

(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. 226/18, s. 11.

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