



November 14, 2019

BULLETIN # 06-2019

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Revised Occupancy Definition and Clarification on Overnight Accommodation at Certified Facilities

The purpose of this Technical Bulletin is to provide the revised definition for occupancy, and to provide clarification on the use of campers or other forms of overnight accommodation at a certified facility under the Ammonia Code of Practice.

Occupancy Definition:

Protocols A1.1 and A1.2 include siting requirements for new and grandfathered sites with minimum distances from occupancies siting an ammonia storage and handling operation. The intent of this is to minimize the risk of ammonia exposure to the public. It is expected that site personnel are trained in emergency procedures that minimize their own risk of exposure.

An occupancy was defined in Section A1 of the Implementation Guide as:

***Occupancy** – Any residential, commercial, institutional or industrial building or structure normally occupied by people. For example, for the purpose of this Code a farmhouse is an occupancy, as is a small business occupied by people during the working day. A barn is not considered an occupancy.*

Following several interpretation questions that challenged the definition, a revised definition for occupancy was agreed upon by the Ammonia Code committee. The revised definition of occupancy under the Code is as follows:

***Occupancy** – Any residential, commercial, institutional or industrial building or structure intended for or having the potential to be occupied by people. For the sake of interpretation of the Ammonia Code, if the building is not directly supporting the sale and or transfer of ammonia, or is outside of the direct control of the owner operator of the site, it will be subject to the offset distance provisions.*

In addition, the following guidance has been developed for the Implementation Guide:

- *The primary concern of the occupancy and offset provisions are to ensure that the potential risk of ammonia exposure to the general public is minimized. i.e. the primary focus is to evaluate the distance to any identified occupied public buildings.*
- *If public buildings are identified within the offset distances an evaluation of the purpose of the building should be made. If the intended use of the building is for people, then the building shall be evaluated as per the offset requirements. If the intended purpose is for equipment storage or for housing animals, it is typically not included in the offset analysis. Concern must be taken to ensure there are no rest or break areas included in buildings of this type.*



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- *Buildings that are in place to directly support the sale / transfer of ammonia (offices) are not included within the offset provisions.*
- *Buildings that are located within the direct control (i.e. inside the fence) of the owner/operator but are not in place to directly support the sale /transfer of ammonia are included in the scope of the offset provision.*
 - *Note: If the owner operator has both physical and administrative controls in place to manage human occupancy the building will not be subject to the offset provisions.*
 - *Examples of physical controls are the following:*
 - *Removal of services*
 - *Installation of physical locks/barriers*
 - *Examples of administrative controls are the following:*
 - *Periodic checks of the building to ensure physical controls are in place*
 - *Warning signs posted on building to indicate not for use while facility is in operation*
 - *Written indication by the owner/operator that the building will not be used for human occupancy*
- *To ensure the overall intent of the Ammonia Code it must be clearly stated that a violation of the controls noted above constitutes a server violation of the code and the sites certification may be revoked.*
- *Examples:*
 - *The following buildings would be considered occupancies:*
 - *A farmhouse*
 - *A small business occupied by people during the working day*
 - *Travel trailer / RV*
 - *The following buildings would not be considered occupancies*
 - *A barn outside of the property line*
 - *Office complex that is used as a direct part of the retail operation*
 - *A building/dwelling intended to hold equipment that may periodically be inspected and/or maintained*

Protocol A1.1 and overnight accommodation:

A scenario was recently encountered by an Ammonia Code auditor where temporary accommodation (camper RV) was parked at the facility for overnight accommodation for drivers during the application season.

The intent of the Ammonia Code of Practice is to provide uniform safety and security practices for the handling and storage of anhydrous ammonia at agri-retail facilities. This includes ensuring certified facilities are located minimum distances from human occupancies. Protocol A1.1 provides guidance on minimum distances.

Camping or other forms of accommodation for overnight night stays at a certified facility are not permitted under the Ammonia Code of Practice and are subject to the 500 metre distance requirement listed in Protocol A1.1 (b).



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Should you have any questions regarding compliance with the Code, contact the Ammonia Code Senior Auditor Dennis Black via email at deblack1@mts.net or via phone at (204) 512-2109, or the Ammonia Code Project Manager, Anthony Laycock via email at manager@awsa.ca. You may alternatively contact Fertilizer Canada using the coordinates below.

Regards,

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