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June 12, 2019
File: SR 2499974

VIA EMAIL

CATHY BEVILACQUA
CITY OF THUNDER BAY TRANSIT DIV.
PO BOX 800
THUNDER BAY ON P7C 5K4
CBevilacqua@thunderbay.ca

Dear CATHY BEVILACQUA,

Re: Application for a Variance from Clause 1.3.1 & 6.1.1.13 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 570 FORT WILLIAM RD THUNDER BAY

You have requested permission for the City of Thunder Bay Transit to refuel buses indoors at their bus maintenance and storage facility and to use the Emco Wheaton Posi/Lock nozzle which does not have ULC approval.

In support of your request, you have provided the following information:

- The garage ventilation system complies with section 4.1.7 of the Ontario Fire Code. Specifically, the exhaust system for the fuelling area has a ventilation rate of 16,000 CFM for the 1,976 ft² area (i.e. 7.36 CFM/ sq ft which exceeds the fire code requirement of 1 CFM/ sq ft).
- It has exhaust air grills located 200mm above the floor on each side of fuelling area (OFC requires 300mm) and fresh air supply box is located at the ceiling with air being directed out of 4 sides of the plenum towards the floor.
- The ventilation system is dedicated to the fuelling area.
- The ventilation system (both exhaust air & make-up air) is interlocked with the fuelling system.
- The exhaust exits through the sidewall and is more than 3m from building openings and does not discharge toward any unprotected opening within 7.5 m of the discharge point.
- Two spill kits are available in the fuelling area and any leaks or spills will be captured by the floor drainage system which is connected to an O/W separator.
- Only trained personnel will fuel the buses.
- Two 40-B:C fire extinguishers are in the fuelling area and there are under dispenser fire suppression units installed in the two dispensers. The building does not have a sprinkler system.
- The Emco Wheaton Posi/Lock nozzle is used at all bus fuelling garages in North America. It has CARB approval and a CSA attestation.

Please be advised that your variance application dated January 25, 2019, has been approved.

Please be advised that this variance will not take effect until 15 days from the date of posting the decision on the environmental registry. This decision of the Director is subject to a right of appeal, under the Environmental Bill of Rights, if such an appeal is filed within 15 days from date of posting. In the event an appeal is filed, this decision of the director may be subsequently stayed, disallowed or significantly altered. Notice of an appeal will be placed on the Environmental Bill of Rights registry.

This variance is allowed under the authority of subsection 36.(3)(c) of the *Technical Standards and Safety Act, 2000*, (the "Act") and subject to such conditions as may be specified herein, being that:

- Non-conformity with the conditions specified shall thereby cause the allowed variance to become null and void;
- The applicant accepts full responsibility for any and all damages resulting from the use of the thing to which the variance applies. The applicant further accepts full responsibility for any impacts to the health and safety of any person in consequence of the allowance of the variance or of non-conformity with the conditions specified. The Technical Standards and Safety Authority accepts no responsibility for any such damages or impacts;
- In the event of any claims against the Technical Standards and Safety Authority arising from allowance of the variance or non-conformity with the conditions specified, the applicant agrees to indemnify the Technical Standards and Safety Authority and agrees to hold it harmless from such claims and attendant costs;
- The variance process is subject to public access under the TSSA Access and Privacy Code (available upon request). The fact that a variance has been granted, and information about any public conditions, such as a requirement to post a sign, may be released on request. Subject to law and the TSSA Access and Privacy Code, proprietary information will not be subject to release;
- The applicant shall pay the fee associated with the review of the variance; and
- A copy of the variance letter shall always be kept readily available and permanently legible near the appliance/equipment.

This variance only relates to the Act and regulations made thereunder and does not exempt you from compliance with other applicable regulatory requirements. The installation will be subject to an inspection to ensure compliance with the terms of the variance.

Should you have any questions or require further assistance, please contact Ann-Marie Barker at 416.734.3354, or by e-mail at abarker@tssa.org. When contacting TSSA regarding this file, please refer to the Service Request number provided above.

Yours truly,



John R. Marshall
Director, Fuels Safety Program

c. Gary Burke, TSSA, gburke@tssa.org