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September 12, 2019
File: SR 2662278

VIA EMAIL

TOM ONEILL
CANADA CLEAN FUELS INC
4425 CHESSWOOD DR
TORONTO ON M3J 2C2
toneill@canadacleanfuels.com

Dear TOM ONEILL,

Re: Application for a Variance from Clause 3.3.2.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 6 Industrial Road, Elk Lake

You have requested permission to use a 125,000L double-wall above ground tank without a dike at the above location. The reason for the request is

- Canada Clean Fuels had this tank readily available and has already transferred it to the site in Elk Lake;
- It is not easy to install a dike due to the positioning of the two additional tanks that are on site; and
- To remove the tank would place a very heavy financial burden on Canada Clean Fuels

In support of your request, you have indicated that you will

- adjust the overflow prevention valve to 64% of the tank capacity (i.e. 80,000L);
- post signs stating that the tank is not to be filled beyond 80,000L; and
- the driver training manual will also state that the tank cannot be filled beyond 80,000L.

Based on the above information, your variance application dated August 12, 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

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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 in the vicinity of 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. Please contact Adam Wells at 705-499-4867 to arrange for the inspection.

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. Frank Amo, F.P Amo Hydrocarbon Services, famo@kingston.net
Adam Wells, TSSA, awells@tssa.org