



345 Carlingview Drive
Toronto, Ontario M9W 6N9
Tel.: 416 734 3300
Fax: 416 231 1626
Toll Free: 1 877 682 8772

www.tssa.org

September 25, 2019
File: SR 2623090

VIA EMAIL

MIKE RAYMOND
A RAYMOND & SONS ENTERPRISES LTD
5566 MAIN ST PO BOX 343
OSGOODE ON K0A 2W0
mike@raymonds.ca

Dear MIKE RAYMOND,

Re: Application for a Variance from Clauses 2.2.1 (c) & (d) and 2.4.2.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 5566 MAIN ST OSGOODE

This is in response to your variance application for the above site. You have indicated that you are rebuilding the site and you would like

- to abandon an underground tank in place (since part of the tank lies underneath the existing building); and
- to install a new underground tank that will be located 46 cm away from the abandoned tank (instead of 60 cm) and 1.22 metres from the property line (instead of 1.5 metres).

To support your request, you conducted a subsurface soil and groundwater investigation. Four (4) boreholes were advanced on site on July 4, 2019. Two (2) selected soil samples from each of the four (4) boreholes were submitted to an accredited laboratory for analysis of benzene, toluene, ethylbenzene, xylenes (BTEX) and petroleum hydrocarbon fractions 1 to 4 (PHC F1-F4). In addition, one (1) groundwater sample was collected from an existing monitoring well on the site and was submitted for laboratory analysis of BTEX and PHC F1 to F4.

Concentrations of BTEX and PHC F1 to F4 in all submitted soil and groundwater samples were less than the applicable site condition standards.

The new underground tank will be installed in the original location of the old tank nest. Once the old tank is abandoned and filled with concrete slurry, it is no longer a tank. Therefore clause 2.2.1(d) will not apply. Also, while the new tank will only be 1.22 metres from the property line, it will be 5 metres from the roadway. The City of Ottawa is aware of the encroachment and has no issue provided you apply for a permit for the installation and any future maintenance that involves encroachment on city property.

Please be advised that your variance application dated July 2, 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:

- The applicant shall ensure that the fill and vent pipes associated with the abandoned tank have been removed;
- The applicant shall empty the tank of all product and material and clean and purge the tank and

Putting Public Safety First

ensure that the tank is filled with concrete;

- The applicant must provide TSSA with notification outlining the date and time of abandonment. An inspector from TSSA may visit the site either during or after the abandonment to confirm the fulfilment of the above-noted requirements.
- 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 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 Mr. David Barclay at 613-808-2727 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. Ted Wichers, Triangle Pump, ted@trianglepump.ca
David Barclay, TSSA, dbarclay@tssa.org