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October 17, 2019
File: SR 2676318

VIA EMAIL

ADAM LACHAPELLE
CONISTON INDUSTRIAL PARK LIMITED
84 SMELTER RD
CONISTON ON P0M 1M0
adam@conistonindustrialpark.com

Dear ADAM LACHAPELLE,

Re: Application for a Variance from Clause 5.4.3 & 6.1.1.13 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 84 Smelter Road, Coniston

You have requested permission to fuel trucks inside a fabric building and to install a holding tank instead of an oil/water separator at cardlock to be built at the above location. The fabric shelter is to protect the fueling area from snow during the winter; the shelter is located a few hundred metres from the property line in all directions. An oil/water separator is difficult to install since the discharge point would have to be more than a kilometer away from the fueling area and the terrain is solid rock and slag (former smelter), making excavation difficult.

To support your request, you have indicated:

- The fabric shelter is 100 feet by 40 feet and is open at both ends (no doors). Therefore, the area will have constant natural ventilation.
- Any leaks or spills will be captured by the catch basin which is connected to a holding tank. The holding tank has a Hi-level alarm set at 60% of tank capacity and a Hi-Hi level alarm set at 80% capacity. The tank will be emptied periodically with a vac truck and the contents disposed of at a Ministry of Environment, MECP approved disposal facility.
- A spill kit is located inside the shelter and the spill containment procedure will be posted at the fuelling area.
- Only trained personnel will fuel the vehicles. Records of this training are maintained by Lopes Mechanical/Coniston Industrial Park.
- Two 40-B:C fire extinguishers will be located in the fuelling area.

Please be advised that your variance application dated August 28, 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:

- Coniston Industrial Park Limited shall keep the waste handling records to show that the holding tank is being serviced and emptied on a regular basis;
- Non-conformity with the conditions specified shall thereby cause the allowed variance to become null and void;

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- 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 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. Brian Dreany, Waggs Petroleum, bdreany@waggspetroleum.on.ca
Terry Ablett, Waggs Petroleum, tablett@waggspetroleum.on.ca