



14th Floor, Centre Tower
3300 Bloor Street West
Toronto, Ontario
Canada M8X 2X4
Tel.: 416.734.3300
Fax: 416.231.1626
Toll Free: 1.877.682.8772

www.tssa.org

January 16, 2020
File: SR 2740784

VIA EMAIL

PAUL AYOTTE
RYDER TRUCK RENTAL CANADA LTD
2233 ARGENTIA RD SUITE 300
MISSISSAUGA ON L5N 2X7
CA

Dear PAUL AYOTTE,

Re: Variance Request from O. Reg. 217/01, Liquid Fuels Handling Code 2017, Section 2.4.2.1 for 10A TILBURY CRT BRAMPTON

This is in response to your variance application, dated December 6, 2019, for the above location. Section 2.4.2.1 of the Liquid Fuels Handling Code 2007 requires where an underground tank is out of service for 2 years or more, the owner of the tank system or the owner of the property on which the tank is located shall remove the tank from the ground. You have requested a variance to this requirement to permit the abandonment in-place of two (2) underground storage tanks (52,000L and 16,000L) at the above location since the removal of the USTs will compromise the structural foundation of the adjacent vehicle maintenance facility building as well as the fuel island canopy.

Premier Environmental Services Inc. (Premier) completed an Environmental Assessment to support the variance application. Nine (9) boreholes were advanced around the tank nest in August and October 2019. A total of sixteen (16) selected soil samples collected from 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). Concentrations of BTEX and PHC F1 to F4 in all submitted soil samples were either non-detectable or well below the applicable site condition standards.

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 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 subject tanks have been removed;
- The applicant shall empty the tanks of all product and material and clean and purge the tanks and ensure that the tanks are completely filled with concrete;
- The applicant must provide TSSA with notification outlining the date and time of abandonment. An inspector from TSSA will visit the site either during or after the abandonment to confirm the fulfilment of the above-noted requirements. Please contact Mary Ferrari of TSSA at 416-768-5306 to arrange for the inspection.
- Non-conformity with the conditions specified shall thereby cause the allowed variance to lapse;
- The applicant accepts full responsibility for all damages resulting from the use of the thing to which

the regulation under the Technical Standards and Safety Act applies or to the health or safety of any person in consequence of allowance of the variance or non-conformity with the conditions specified, to the complete exclusion of Technical Standards and Safety Authority;

- In the event of third-party claims against the Technical Standards and Safety Authority arising from allowance of the variance or non-conformity with the conditions specified, the applicant accepts - on demand - to indemnify the Technical Standards and Safety Authority and to hold it harmless from such claims and attendant costs; and
- 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, could be released on request. Proprietary and/or competitive information would not be subject to release.

Please note that this variance only relates to the Technical Standards and Safety Act and Regulations made there under and does not exempt you from compliance with other applicable jurisdictional requirements. The installation may be subject to an inspection to ensure compliance with the terms of the variance.

If you have any further questions, please contact Mr. John Guan at 416-734-3464 or jguan@tssa.org.

Yours truly,



John Marshall
Director – Fuels Safety Program

c: Mary Lynn Douglas, Ryder Truck Rental, mdouglas@ryder.com
Mary Ferrari, TSSA, mferrari@tssa.org