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June 12, 2020
File: SR 2834574

VIA EMAIL

JAMIE COWAL
REACH HARBOUR MARINA INC
2360 ARMSTRONG LANE E RR 1
LAKEFIELD ON
K0L 2H0

Email: james@reachharbour.com

Dear Jamie Cowal,

Re: Application for a Variance from Clause 5.5.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 2360 ARMSTRONG LANE E RR 1 LAKEFIELD ON

You have requested permission to continue to use two single-wall steel underground storage tanks, located approximately one metre from Lower Buckhorn Lake, for two more years to allow you to finance the removal of the tanks.

This facility has been licensed as a marina since 1991 and has been inspected numerous times by the Ministry and TSSA. A TSSA inspector issued a Cease and Desist order on October 21, 2019 to stop using the tanks and to remove them from the ground and the marina license was suspended. The two tanks have been shut down since the end of the 2019 season in accordance with clause 2.4.1.1 of the Liquid Fuels Handling Code, for temporary disuse.

Please be advised that your variance application dated April 21, 2020 has been approved. The marina license will be re-instated.

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 obtain a quote to remove the tanks and forward it to Fuels Safety by December 31, 2020¹;
- The applicant shall remove the tanks by December 31, 2021;
- In the interim, the applicant shall continue to monitor the tanks for leaks in accordance with Table 3 and clause 2.3.1.2 of the Liquid Fuels Handling Code (i.e. daily monitoring during use as well as precision leak test every two years and Cathodic Protection test every two years). The next precision leak test is due in October 2020;

¹ If Covid-19 makes this condition unworkable, the applicant shall notify TSSA (Ann-Marie Barker) by October 31, 2020 to amend this condition.

- The applicant shall provide an update to Ann-Marie Barker, Fuels Safety Engineer at abarker@tssa.org every three months on the above three items. Updates shall be provided on September 15, 2020, December 15, 2020, March 15, 2021, June 15, 2021, September 15, 2021 and December 15, 2021 or until the underground tanks are removed.
- 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; 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 Mark Westen at 613.401.0427 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. Sandra Cooke, TSSA Ombudsman, scooke@tssa.org
Mark Westen, TSSA, mwesten@tssa.org