



345 Carlingview Drive
Toronto, Ontario M9W 6N9
Tel.: 416.734.3300
Fax: 416.231.1626
Toll Free: 1.877.682.8772

www.tssa.org

June 19, 2020
File: SR 2845166

VIA EMAIL

Derek Rosebush
Roseson Distributors Inc
4026 Old Hwy 2
Belleville, ON
K8N 4Z4

Email: derek@rosebushfuels.com

Dear Derek Rosebush,

Re: Application for a Variance from Clause 3.2.1.4 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 4255 County Road 6, Yarker

You have requested permission to build a gas station at this address. However, the gas station's aboveground fuel storage tanks will be located within 12 metres of a ditch that drains into a canal at the back of the property.

You have indicated that because the site is small, if the aboveground tanks were installed as required by the code (30 meters from a waterway) the tanks would be in the middle of the property and this would impact the movement of vehicles to the facility.

To mitigate the problem, you are proposing to install a 35,000-litre and a 9,500-litre double-wall aboveground storage tank inside a concrete dike. The dike would meet the construction requirements in section 3.3.1.3 of the LFHC. This solution will provide triple-wall containment of the fuel. Three walls provide substantial protection from the potential for fuel to leak into the environment.

Please be advised that your variance application dated April 13, 2020 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:

- When you apply for a license for the new gas station, please provide a detailed site plan showing the location of the two aboveground tanks and details of the dike showing that it will meet the requirements in section 3.3.1 of the Liquid Fuels Handling Code;
- 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, as part of the pre-license inspection for the new gas station.

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. Mark Westen, TSSA, mwesten@tssa.org