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July 13, 2020
File: SR 2852022

VIA EMAIL

ERIC MCQUESTION
CORP OF THE TOWN OF DEEP RIVER
100 DEEP RIVER RD PO BOX 400
DEEP RIVER ON
K0J 1P0

Dear Eric McQuestion,

Re: Application for a Variance from Clause 5.1.1(c) of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 38 PIER RD, DEEP RIVER

You have indicated that the Deep River Marina wants to be allowed to keep a gasoline dispenser in its current location, 3 metres from the door of the building. Clause 5.1.1(c) of the Liquid Fuels Handling Code (LFHC) requires that dispensing equipment be at least 4.5 metres from any opening in a building to prevent vapour from entering the building.

In support of your request, you have indicated that in its current location, the existing dispenser is on a concrete slab and is not susceptible to flooding or ice movement. The dispenser is also well protected on two sides by concrete retaining walls. Moreover, dispensing does not take place at this location.

The dispenser is connected by aboveground steel pipe to hose reels. From the reels, marina staff pulls the hose to the floating dock to fuel the boats. The floating dock is approximately 7 metres from the building door; vapours are generated here, at the nozzle, much further than the 4.5 metres required by the LFHC.

Please be advised that your variance application dated May 19, 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:

- 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 Clinton Askwith at 613-754-2625 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, Wagg's Petroleum Equipment Ltd. (bdreany@waggspetroleum.on.ca)