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July 23, 2020
File: SR 2868696

JOHN ARMSTRONG
W.O. STINSON & SON LIMITED
424 MACNAB ST
DUNDAS ON L9H 2L3
jarmstrong@wostinson.com

Dear JOHN ARMSTRONG,

Re: Application for a Variance from Clause 4.3.1.6 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 665 Paul Martin Drive, Pembroke

You have requested permission to manifold the Stage I vapour recovery header on the regular and premium gasoline underground storage tanks at the new bulk plant that is to be built at the above address.

Clause 4.3.1.6 of the Liquid Fuels Handling Code 2017 (LFHC) requires that vapour recovery piping not be manifolded to prevent cross-contamination of the products in storage tanks. The clause was originally intended for gas stations where operators tend to switch products depending on demand.

W.O. Stinson will install a four-inch vapour recovery header from the truck loading location and connected horizontally to the three-inch regular and three-inch premium gasoline tank vents. There is no danger of cross-contamination since the tanks both contain gasoline (Class I product) and the manifold header is above ground, so it is obvious which tanks are manifolded together.

Please be advised that your variance application dated March 27, 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:

- W.O. Stinson shall ensure that the two underground tanks always contain the same Class of product (i.e. gasoline) when the vapour recovery header is operational;
- 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 inspected as part of the pre-license inspection to ensure compliance with the terms of the variance. Please contact David Barclay at 613-808-2727 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. David Barclay, TSSA, dbarclay@tssa.org
Anthony DiCocco, Claybar, adicocco@claybar.ca
David Ledingham, dgleding@eol.ca