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September 21, 2020
File: SR 2909974

VIA EMAIL

Denis Pepin
Pepco Corp
25 Gaspésie Rd
Hearst, ON
P0L 1N0

Email: dpepin@pepco.ca

Dear Mr. Pepin,

Re: Application for a Variance from Clause 3.3.2.1 (a) of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 10534 HWY 11 E, LONGLAC

You have requested permission to use a 120,000-litre double-wall aboveground storage tank without a dike.

Clause 3.3.2.1(a) of the Liquid Fuels Handling Code allows aboveground double-walled storage tanks/tank compartments with a maximum capacity of 80,000 litres to be installed without dikes.

The tank has already been installed on the site and due to the proximity of another large aboveground tank, it is difficult to construct a dike because there is not enough space. The entire bulk plant (i.e. tanks, piping and pumps) would have to be re-positioned to accommodate a dike.

The cost to reconstruct the site to accommodate a dike would put a very heavy monetary burden on Pepco and would disrupt fuel supply for the area. Pepco supplies CN rail, three gas stations and furnace oil to residents in the area. The nearest bulk plant is in Hearst. The 120,000-litre double-wall aboveground storage tank will save Pepco a five- to six-hour drive when servicing these customers.

To provide reasonable safety measures, you have indicated that Pepco will:

- adjust the overfill prevention valve to 67% of the tank capacity so that it won't be filled with more than 80,000 litres of fuel;
- post signs stating that the tank is not to be filled beyond 80,000 litres; and
- change the driver training manual to state that the tank cannot be filled beyond 80,000 litres.

Your variance application dated August 18, 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 Mike Sanford 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. Mike Sanford, TSSA, msanford@tssa.org