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November 30, 2020  
File: SR 2399092

VIA EMAIL

John D Killins and Mrs. Killins  
5689 Gore Road  
Dorchester, Ontario  
N0L 1G4

Dear Mr. and Mrs. Killins,

**Re: Application for a Variance from Clause 2.4.2.1 of the Liquid Fuels Handling Code 2017, Technical Standards & Safety Act R.S.O. 2000 for 250 Colborne Street, Port Stanley**

Please be advised that your variance application dated September 14, 2018 to abandon one (1) out of use underground fuel storage tank in place located at 250 Colborne Street in Port Stanley, Ontario has been approved. Section 2.4.2.1 of the Liquid Handling Fuel Code 2017 requires the removal of all underground fuel storage tank systems upon permanent disuse. You have requested a variance to this requirement in order to permit the abandonment of one (1) out of use underground fuel storage tank, due to constraints of removal. The constraints are associated with the location of the tank being in close proximity to the south adjoining property and potentially undermining the structural integrity of the building feature located on the south adjacent property during the tank decommissioning and removal process. Your application is approved based on the merit of the proposal.

You have also provided a letter dated April 14, 2020 prepared by EXP Services Inc. (EXP) indicating that the residual impacts at the site are likely associated with the impacts unrelated with the content of the underground fuel storage tank. The EXP letter also indicated that the surrounding areas are known to have historical impacts. Since the site has impacts in soils in excess of the applicable Ontario redevelopment site condition standards, you are hereby advised to notify the Ontario Ministry of the Environment, Conservation and Parks (MECP) should you become aware of the potential or confirmed, off-site migration of contaminants from your property. For any questions or concerns regarding the off-site contamination, contact the MECP London District Office for further information. For further regulatory obligations regarding the onsite contamination, please refer to the Ontario Environmental Protection Act (EPA), including the requirement to notify MECP of any contaminant in the natural environment that is causing or is likely to cause an "adverse effect" as defined in the EPA.

**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 ensure that the fill and vent pipes associated with the subject tank have been removed;
- The applicant shall empty the tank of all product and material and clean and purge the tank and ensure that the tank is completely filled with concrete;

- The applicant must provide TSSA with notification outlining the date and time of abandonment. An inspector from TSSA may visit the site either during or after the abandonment to confirm the fulfilment of the above-noted requirements. Please contact Charlie Landriault at +1 519-871-5827 to arrange for the inspection;
- 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; and
- 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.

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 may be subject to an inspection to ensure compliance with the terms of the variance.

Should you have any questions or require further assistance, please contact Farzana Islam at 416.734.3598 or by e-mail at [fiislam@tssa.org](mailto:fiislam@tssa.org). When contacting TSSA regarding this file, please refer to the Service Request number provided above.

Yours truly,



Sam Sadeghi  
Director, Fuels Safety Program

c. Charlie Landriault, TSSA  
Jeff Mills, MECF London District Office