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December 11, 2020
File: SR 2954792

VIA EMAIL

Amgad Francis
St Marys Station Inc.
37 Glengowan St
Whitby ON
L1R 0K9

Email: amgad@rogers.com

Dear Mr. Francis,

Re: Application for a Variance from Clause 2.2.1(f) of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 4 Lindsay St, Fenelon Falls

You have requested permission to install two 55,000-litre double-wall underground storage tanks (UST), 17.7 metres from the Fenelon River instead of the 30 metres that is required by clause 2.2.1(f) of the Liquid Fuels Handling Code, at an existing gasoline facility.

This site was originally built in 1981 with three single-wall underground tanks installed approximately 18 metres from the river. Due to the size of the property and an easement granted to the county (legal file number R119923) that restricts development on the north side of the property, the new double-wall USTs can only be installed in the same location as the old tanks.

You are proposing to replace the three (two 22,700-litre and one 36,300-litre) single-wall USTs and single-wall piping with two 55,000-litre double-wall USTs (complete with new overflow protection valves and spill containers) and double-wall piping.

The additional capacity of the new tanks will reduce the number and frequency of fuel deliveries by greater than 50 per cent. This is significant since there is potential for a spill with every fuel delivery. In addition, the fuel trucks will be able to completely empty their compartments into the USTs before the USTs are at capacity, thus preventing reliance on the overflow protection valves.

The new double-wall piping will be equipped with Electronic Line Leak Detection (ELLD), which will be programmed to run a 0.76-litres/hour (L/h) leak test every month and 0.38-L/h leak test annually; ELLD will shut down the submersible turbine pump and give warning when a leak is detected.

The site will have a spill kit located by the tank fills with catch basin covers and booms to prevent potential fuel migration into the environment, in the event a spill should occur.

Approvals for re-development of the site have been issued by the Kawartha Conservation Authority.

Based on the above information, your variance application dated October 29, 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 inspected, as part of the pre-license inspection of the site, to ensure compliance with the terms of the variance. Please contact Norm Levesque (705-715-5707 or nlevesque@tssa.org) 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,



Sam Sadeghi
Director, Fuels Safety Program

c. Norm Levesque, TSSA
Mark Schubert, TSSA