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December 14, 2020
File: SR 2681502

VIA EMAIL

Steve Hilderley
McDougall Energy Inc.
421 Bay St, Suite 301
Sault Ste Marie ON
P6A 1X3

Email: stevehilderley@mcdougallcorp.com

Dear Mr. Hilderley,

Re: Application for a Variance from Clause 1.3.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 207 Wellington St W., Sault Ste Marie

You have requested permission to keep using a cracked transition sump that has been repaired by a contractor using an epoxy. You have indicated that the crack is located near the top lip of the sump. If a leak were to occur, it should be detected by the leak sensors and during annual physical inspections; therefore, the repaired transition sump should not impact the environment.

In addition, replacement of the sump represents a major expense and disruption for the owner and thus, undue financial hardship.

Please be advised that your variance application dated September 9, 2019 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 Mark Bernard at 705-992-5262 to arrange for the inspection.

Should you have any questions or require further assistance, please contact Zenon Fraczkowski at 416-734-3355 or by e-mail at zfraczkowski@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. Matthew Naslovar, McDougall Energy (MattNaslovar@mcdougallenergy.com)
Mark Bernard, TSSA
Guy Castagne, TSSA