



345 Carlingview Drive
Toronto, Ontario M9W 6N9
Tel.: 416.734.3300
Fax: 416.231.1626
Toll Free: 1.877.682.8772

www.tssa.org

January 22, 2021
SR 2981928

VIA EMAIL

Brian Gray
City Of Mississauga
135 Lakefront Promenade Marina
Mississauga ON
L5E 3G9

Email: brian.gray@mississauga.ca

Dear Brian Gray,

Re: Application for a Variance from Clause 2.4.2.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 135 Lakefront Promenade Marina, Mississauga

The City has requested a variance to abandon two lines of single-wall FRP 3-inch (75 mm) piping in place at the municipal marina. There are approximately 43 metres of pipe running north to south on the east side of the property and approximately 23 metres of pipe running from east to west.

Clause 2.4.2.1. of the Liquid Fuels Handling Code requires that where an underground storage tank is out of service for 2 years or more, the owner of the tank system or the owner of the property on which the tank is located shall remove the tank and piping from the ground.

The existing piping is covered by an unsupported stone block wall at the seawall end of the run and is buried about 1.35 m (4.5 feet) below the main property grade. On the outboard side of the stone block wall are numerous power wires to the docks.

Similarly, at the existing underground FRP fuel tank, the pipe is over 1.5 m deep and runs underneath trees and foliage that have been added over the years as well as being close to two electrical boxes. To excavate over 1.5 m deep and remove the existing fuel piping, the width of the trench would require moving the unsupported stone block wall, rip-rap (i.e. human-placed rock or other material used to protect shoreline structures against scour and water, wave, or ice erosion) and electrical cables at the seawall end and then re-installing them. In addition, established trees and foliage near the underground tank would have to be removed.

Please be advised that your variance application dated December 11, 2021 has been approved because of the following equivalent safety:

The piping has been vacuumed cleaned to remove any residual fuel. The City of Mississauga has pressure tested the piping at 50 psig for two hours with nitrogen. The test was passed. The pipes will be capped at both ends.

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 that 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 installation will be subject to an inspection to ensure compliance with the terms of the variance. Please contact Debbie Danek at 905-517-6455 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;
- 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.

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,



Zenon J. Fraczkowski, P. Eng.
Manager, Fuels Engineering
Delegated Authority under section 36(3) (c) of TSS Act

- c. Raymond Lau, City of Mississauga (rymond.lau@mississauga.ca)
David Ledingham, P. Eng., Petroleum Technical Services (dglending@eol.ca)
Debbie Danek, TSSA
Sat Viridi, TSSA