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January 7, 2021
File: SR 2966766

VIA EMAIL

LUC PEPIN
PEPCO CORP
25 GASPESIE RD PO BOX 39
HEARST ON P0L 1N0
Lpepin@pepco.ca

Dear LUC 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 2021 HWY 631 N; HORNEPAYNE

You have requested permission to use two 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.

Pepco has the two 120,000 L tanks in stock. Being able to use these tanks reduces the cost to build this facility in a remote community. The land space that at the site is limited because the property is shared with the Hornepayne Snowmobile club. It would be difficult to provide the proper space between the tanks and the dike wall.

Please be advised that your variance application dated October 30, 2020, has been approved because of the following equivalent safety:

- the overfill prevention valve will be set to 67% of the tank capacity so that the tanks will be filled with a maximum of 80,000 litres of fuel;
- signs will be posted stating that the tanks are not to be filled beyond 80,000 litres; and
- the driver training manual will state that the tanks cannot be filled beyond 80,000 litres.

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

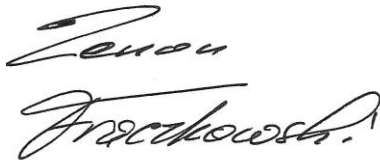
accepts no responsibility for any such damages or impacts;

- 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. The inspection will be done as part of the pre-license inspection under SR 2966766. Please contact Mark Bernard 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,



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

- c. Mark Bernard, TSSA, mbernard@tssa.org
Guy Castagne, TSSA, gcastagne@tssa.org