



345 Carlingview Drive  
Toronto, Ontario M9W 6N9  
Tel.: 416.734.3300  
Fax: 416.231.1626  
Toll Free: 1.877.682.8772  
[www.tssa.org](http://www.tssa.org)

January 07, 2021  
File: SR 2967990

VIA EMAIL

KULDEEP GILL  
2708850 ONTARIO INC  
33 COLDWATER RD PO BOX 133  
COLDWATER ON L0K 1E0  
[33coldwater@gmail.com](mailto:33coldwater@gmail.com)

Dear KULDEEP GILL,

**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 33 COLDWATER RD COLDWATER**

You have requested permission to leave two (2) underground (gasoline) storage tanks in place since removal of the two tanks will compromise the structural foundation of the fuel island canopy which is the roof structure that covered the pumps as well as the front of the adjacent convenience store. Clause 2.4.2.1 of the Liquid Fuels Handling Code 2017 requires that where an underground storage tank is out of service for 2 years or more, the tank and piping shall be removed from the ground.

Please be advised that your variance application dated November 26, 2020, has been approved because of the following equivalent safety:

A & A Environmental Consultants Inc. (A&A) completed an Environmental Assessment to support the variance application to keep the tanks in the ground.

On October 23, 2020, one (1) excavation and three (3) test pits were completed in the vicinity of the tanks. In addition, monitoring wells were installed within two (2) selected test pits. Selected soil samples from excavation and test pits and groundwater samples from two (2) monitoring wells were submitted to an accredited laboratory for analysis of metals, petroleum hydrocarbons (PHCs) fractions F1-F4, volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene, and xylene mixture (BTEX), and other related parameters. Additional groundwater samples were collected on November 3, 2020 and November 11, 2020 and were submitted for laboratory analysis of BTEX. A&A reported that soil samples met the site condition standards for the parameters analysed. Groundwater samples collected during the final round of sampling event met the site condition standards for the parameters analysed.

The tanks will be filled with unshrinkable lean mix concrete to prevent their future re-use. In this case it is also necessary to provide adequate bearing capacity for the structures above them.

**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:

- You shall ensure that the fill and vent pipes associated with the tanks have been removed;

- You shall empty the tanks of all product and material and clean and purge the tanks and ensure that the tanks are filled with concrete;
- You must provide TSSA with notification outlining the date and time of abandonment. An inspector from TSSA will visit the site either during or after the abandonment to confirm the fulfilment of the above-noted requirements. Please contact Norm Levesque of TSSA at 705-715-5707 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](mailto: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. Ken Jamieson, Kenstruct Ltd., [ken@kenstruct.ca](mailto:ken@kenstruct.ca)  
 Norm Levesque, TSSA, [nlevesque@tssa.org](mailto:nlevesque@tssa.org)  
 Mark Schubert, TSSA, [mschubert@tssa.org](mailto:mschubert@tssa.org)