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March 16, 2021

Shawn Vink
H & I Enterprises (Vankleek) Ltd
21160 Service Rd
Vankleek Hill ON
K0B 1R0

Email: shawn@herbstravelplaza.ca

FS-LF Variance
Service Request No.: 2961022
FS Gasoline Station - Card/Keylock
Installed at: 21160 Service Rd Vankleek Hill

Re: Variance from Clauses 1.3.4 & 2.4.2.1 of the Liquid Fuels Handling Code 2017, O. Reg. 217/01

Dear Shawn Vink,

This is in response to your application dated November 6, 2020 for three variances for the above facility:

1. To bring back into service a double-wall FRP underground tank that has been out of service for four years. The tank was originally installed in 1995 (25 years old). You plan to return the tank to service in Spring 2021 when the facility is modified.
2. With regard to TSSA inspection report # 845493, an extension until April 30, 2021 to complete the following:
 - Tank sump entry boot repair on Tank 2 & 3;
 - Service to manhole skirt on Tank 1;
 - Service to all tank sump lids and gaskets; and
 - Securing tank vents.
3. To monitor the interstitial space of Tank 2 and manually record the brine levels monthly until Spring 2021 when the sensor will be replaced.

You have indicated that you plan to modify the facility. The modification was originally scheduled for Summer 2020 but due to complications caused by COVID-19, the contractor has been delayed.

The scope of the planned work includes reconditioning all tank sumps and concrete work at the tank nest, replacing defective wiring and the tank interstitial sensor (requires excavation), returning the unused ethanol tank to service, modifying piping from the unused tank to tie in and feed a regular line manifold under retail dispenser 5-6. This work was never started due to circumstances caused by the pandemic. This is now scheduled for Spring 2021.

Your variance request was from clauses 1.3.4 and 2.4.2.1 of the Liquid Fuels Handling Code which require that any defective equipment or component be repaired or replaced and that an underground storage tank system that is out of service for 2 years or more be removed from the ground.

Please be advised that your variance application for the above variances, has been approved because:

1. The FRP tank passed a precision leak test on October 19, 2020 and the analysis of a water sample from the tank nest collected by LRL on March 5, 2021 indicated that concentrations of VOCs, PHC F1 to F4 and lead are below the laboratory detection limits.
2. The orders from TSSA inspection report 845493 will be complied with once the site is modified in Spring 2021.
3. The tank sensor will be replaced when the site is modified in Spring 2021.

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:

- The installation/system/appliance dealt with in this variance must be inspected and may be periodically audited by TSSA. Please contact Mark Hutchinson at 613-222-5188 or by email at mhutchinson@tssa.org ;
- Prior to bringing the FRP tank system back into service, the tank system shall pass a precision leak test and the test report shall be submitted to the TSSA inspector;
- The orders listed above under TSSA inspection report 845493 shall be completed by April 30, 2021;
- You shall continue to monitor the interstitial space of Tank 2 monthly and keep a record of the brine level until April 30, 2021 when the sensor is to be replaced;
- You shall submit drawings for review before the facility is modified in Spring 2021;
- 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 may be subject to an inspection to ensure compliance with the terms of the variance.

Should you have any questions or require further assistance, please contact Ann-Marie Barker at 416-734-3354 or by email at abarker@tssa.org. When contacting TSSA regarding this file, please refer to the Service Request number provided above.

Yours truly,

Zenon Fraczkowski

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

- c. Zac Villeneuve, Alf's Pump Service (zak@alfspumpservice.com)
Mark Hutchinson, TSSA (mhutchinson@tssa.org)
Mike Goldberg, TSSA (mgoldberg@tssa.org)