



14th Floor, Centre Tower
3300 Bloor Street West
Toronto, Ontario
Canada M8X 2X4
Tel.: 416.734.3300
Fax: 416.231.1626
Toll Free: 1.877.682.8772

www.tssa.org

March 10, 2021

Holly Losignore
Suncor Energy Products Partnership
3275 Rebecca St
Oakville ON
L6L 6N5

Email: hlosignore@suncor.com

FS-LF Variance
Service Request No.: 3010672
FS Gasoline Station - Full Serve
Installed at: 2908 Yonge St, Toronto

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

Dear Holly Losignore,

This is in response to your variance application dated February 2, 2021 for the removal of three underground tank systems. Suncor has requested a further extension to September 30, 2021.

Your variance request is to Clause 2.4.2.1. of the Liquid Fuels Handling Code (LFHC) which requires that where an underground storage tank is out of service for two years or more, the tank and piping must be removed from the ground.

The facility has been shut down for over two years and the deadline to remove the tanks was on June 30, 2020. The site is located close to TTC infrastructure. Suncor needs to obtain a permit from the TTC to remove the tanks and piping, and are actively working to finalize the agreement with the TTC.

A variance was originally granted under SR 2864598 and 2964664 to remove the tanks by March 31, 2021. However, you have indicated that Suncor is just finalizing the agreement with the TTC and as part of the agreement, they are required to provide documentation and complete pre-construction work prior to removing the tanks. Suncor is in the process of obtaining this information but based on timing and winter weather, you have requested permission to scheduled the tank removal for September 2021 to give adequate time to ensure that all documentation is in place.

Please be advised that your variance application has been approved because:

- Product has been removed from the three underground tanks;
- All dispensers and aboveground equipment have been removed from the site;
- Tank fill pipes are secured (locked); and
- Tanks are monitored monthly for water infiltration.

This is in accordance with clause 2.4.1.2 of the LFHC. This variance replaces the variances that were granted under SR 2864598 and 2964664.

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 Mary Ferrari at 416-768-5306 or by email at mferrari@tssa.org;
- The three underground tank systems shall be removed from the ground by September 30, 2021 and Suncor shall submit an environmental assessment as required by clause 8.3.1 of the LFHC;
- 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. Mary Ferrari, TSSA (mferrari@tssa.org)
Sat Viridi, TSSA (svirdi@tssa.org)