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September 3, 2021

MARTY BUSSIERE
NUNA LOGISTICS PARTNERSHIP
6194 50 ST NW, UNIT 14
EDMONTON AB T6B 2N7
general@nunalogistics.com

FS-LF Variance
Service Request No.: 3066932
Private Fuel Outlet
Installed at: HWY 144, CHESTER MINE RD, GOGAMA

Re: Variance from Clause 1.3.1 of the Liquid Fuels Handling Code, O. Reg. 217/01

Dear MARTY BUSSIERE,

This is in response to your variance application to use an unapproved FloMAX FNBL-P fueling nozzle for refuelling of Caterpillar haul trucks and construction equipment.

Please be advised that your variance application has been approved because we have received the following information:

- The fleet of mining equipment is manufactured by Caterpillar and is equipped with 1.5-inch dry-break style connections ('dry-break style' describes a hose connection device type that provides an automatic mechanism to seal off both the hose and the fixed pipe end when the hose is disconnected) suitable for use with FloMAX nozzles. The fill system is designed by Caterpillar so that the nozzle will stop automatically when the tank reaches its intended fill level. This is a standard fill system used by major construction/mining equipment manufacturers around the world. Fill connections for these tanks are located below the top of the tank at a safe and convenient height for the operator. There are no alternative fill locations or fill methods for these fuel tanks.

- The FloMAX nozzle has a flow rate of up to 150 GPM, which is compatible with the 1.5-inch dry-break style connections on mining equipment, compared to a flow rate of approximately 60 GPM for conventional one-inch nozzles. Productivity is increased by reducing time spent refuelling equipment.

- The report, signed by Andrew Gendre, P.Eng., comparing the FloMAX nozzle to the CAN/ULC-S620, the standard for hose nozzle valves for flammable and combustible liquids concludes that the FloMAX FNBL diesel fuel nozzle meets and exceeds the requirements and safety objectives listed in the CAN/ULC-S620:2016 standard.

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 Mike Sanford at 705-269-1269 or by email at msanford@tssa.org to arrange for an inspection;
- A breakaway valve shall be installed on all fuel hoses on which the FloMax nozzle is installed;
- 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 Marek Kulik at 416-734-3465 or by email at mkulik@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. Terry Ablett, Wagg's Petroleum Equipment Ltd., tablett@waggspetroleum.on.ca
Mike Sanford, TSSA, msanford@tssa.org
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