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February 15, 2023

MICHELLE DESTRO-ONEILL
TAMLANN INVESTMENTS LTD
1625 STONE CHURCH RD E,
HAMILTON ON L8W 3Y5
CANADA
michelle@rainbowpetro.com

Work Order Type: FS Variance - LF
Work Order No.: 8102705
Facility Type: FS Gasoline Station – Self Serve
Located at: 1368 UPPER GAGE AVE, HAMILTON, ON, L8W 1N2

Re: Variance from Clause 1.3.1 of the LFHC 2017 Code, O. Reg. 217/01

Dear MICHELLE DESTRO-ONEILL,

This is in response to your variance application involving unapproved tank and dispenser sump entry boots made by Icon Products.

Your variance request was to replace several tank and dispenser sump entry boots with retrofit boots made by Icon Products.

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

- The retrofit boots are evaluated by a 3rd party lab to UL 2447, *Containment Sumps, Fittings and Accessories for Fuels* and they have shown good cold weather performance.

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 fuelsinspection@tssa.org or 1-833-937-8772 (1-833-WFP-TSSA) to book an 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. 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 +1 416-734-3465 or by email at mkulik@tssa.org. When contacting TSSA regarding this file, please refer to the Work Order number provided above.

Yours truly,



Gary Highfield, P. Eng.
Engineering Manager, Fuels
Delegated Authority under section 36(3) (c) of TSS Act

c. Sebastian Cerruti, Claybar Contracting, scerruti@claybar.ca

**A legible copy of this letter shall be kept readily available near the appliance/equipment.
This Variance is not valid unless all Variance Conditions in this letter have been met.**