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February 1, 2023

MIKE DESILETS  
RING OF FIRE METALS PTY LTD.  
212 KING ST W, UNIT 501  
TORONTO ON M5H 1K5  
CANADA  
[mdesilets@rofmets.com](mailto:mdesilets@rofmets.com)

**Work Order Type:** FS Variance - LF  
**Work Order No.:** 8199944  
**Facility Type:** Private Fuel Outlet , THUNDER BAY, ON,  
**Located at:** ESKER CAMP (APP. 523KM NE OF THUNDER BAY)

**Re: Variance from Clause 1.3.1, 3.1.1, 4.1.5, 4.4.1, 4.6.3 & 4.6.7 of the LFHC 2017 Code, O. Reg. 217/01**

Dear MIKE DESILETS,

This is in response to your variance application for a fuel facility located at the Esker Camp mining site.

Your variance request was to:

1. To use (an) unapproved:
  - a. Collapsible fabric tanks: "Arctic King Series" – a total of three tanks, each with 76,000-litre capacity (one will contain jet fuel, which is not under TSSA's jurisdiction) [contrary to Liquid Fuels Handling Code (LFHC) 1.3.1 & 3.1.1]
  - b. Secondary containment liner: "Insta-Berm" (contrary to LFHC 1.3.1)
  - c. Flexible hose: "New Line NL-3280 Low-Temp Artic Multi-Purpose" (contrary to LFHC 1.3.1)
  - d. Containment sumps under dispenser - "Mini-Berms" trays or similar portable spill containment devices (contrary to LFHC 1.3.1 & 4.6.7)
  - e. Dispenser pump (contrary to LFHC 1.3.1)
2. Not to use an anti-siphon/automatic valve (contrary to LFHC 4.1.5)
3. To use a flexible hose with a melting temperature less than 538 °C for an aboveground piping system (contrary to LFHC 4.4.1)
4. Not to use a shear valve (contrary to LFHC 4.6.3)

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

1.
  - a. The tanks will be designed, constructed, and operated in accordance with the Canadian Standards Association (CAN/CSA) B837-14 "Collapsible Fabric Storage Tanks (Bladders)" standard.
  - b. "Insta-Berm" secondary containment liners are compliant with the ULC-S668 standard.
  - c. A professional engineer (P. Eng.) has stamped a letter stating that the proposed flexible hose is suitable for the intended application.
  - d. The size and capacity of each "Mini-Berm" tray (or similar portable spill containment device) will be dependent on the location where it is deployed.

- e. Dispenser pump electrical equipment is CSA approved for hazardous locations (Class, Div I, Group D), and the wiring is in accordance with Section 18 of the Canadian Electrical Code (CEC) for hazardous locations.
2. Monitoring procedures in the form of daily inspections will be performed to identify any leaks (e.g., breaks in the lines). Procedures will also be in place to ensure valves are locked when not in use.
3. A Fire Safety Plan will be implemented to address fire prevention, evacuation, and emergency response. Emergency procedures outlined in O. Reg. 217/01 will be followed. Employees will be trained in emergency procedures, and all procedures will be documented and readily available in the fuel tank area and other identified locations within the camp.
4. The dispensing hose will be fitted with a breakaway connector (used to prevent stretching or breaking), and the nozzles will be without trigger latches [nozzles without trigger latches require constant attendance (pressing release) so a spill is prevented].

In addition, to minimize or eliminate risks to employees and the natural environment, the following mitigations will be implemented on site:

- Fire resistant secondary containment
- Setback distances
- Fencing
- Reduced vehicular traffic
- Training
- Signage
- Fire suppression

**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:

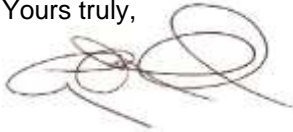
- The installation/system/appliance dealt with in this variance must be inspected and may be periodically audited by TSSA. Please contact [fuelsinspection@tssa.org](mailto:fuelsinspection@tssa.org) or 1-833-937-8772 (1-833-WFP-TSSA) to book an inspection;
- The variance is approved until February 1, 2033;
- 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](mailto: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. Jennifer Wilson, Tetra Tech, [jennifer.wilson@tetrattech.com](mailto:jennifer.wilson@tetrattech.com)

**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.**