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November 1, 2023

MIKE DIETRICH  
PARKLAND CORPORATION  
240 4 AVE SW, UNIT 1800  
CALGARY AB T2P 4H4  
CANADA  
[miked@pioneer.ca](mailto:miked@pioneer.ca)

**Work Order Type:** FS Variance - LF

**Work Order No.:** 14053051

**Located at:** 3191 RUTHERFORD RD, CONCORD, ON, L4K 0A3

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

Dear MIKE DIETRICH,

This is in response to your variance application dated June 23, 2023.

Please be advised that your variance application to abandon one (1) out of use underground fuel storage tank in place located at 3191 Rutherford Road, Concord, Ontario has been approved.

Section 2.4.2.1 of the Liquid Fuel Handling Code 2017 requires where an underground tank is out of service for 2 years or more, the owner of the tank system or the owner of the property on which the tank is located shall remove the tank and piping from the ground. You have requested a variance to this requirement in order to permit the abandonment of one (1) out of use underground fuel storage tank, due to constraints to removal. The subject underground storage tank to be abandoned in place is one of the five underground storage tanks in the same tank nest. Removal of the subject tank would damage the integrity of other tanks.

The environmental information provided by BlueFrog Environmental Consulting Inc. (BlueFrog) pertaining to soil and groundwater conditions, confirms that soil and groundwater samples submitted for laboratory analysis met the more conservative Ontario Ministry of the Environment, Conservation and Parks (MECP) Ontario Regulation 153/04 (as amended) Table 7 Generic Site Condition Standards (SCS) for Shallow Soils with the exception of groundwater samples collected from monitoring well MW103, which marginally exceeded the more conservative MECP Table 7 SCS for benzene, but met the MECP Table 3 SCS. Your application is approved based on the merit of the proposal.

**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 applicant shall ensure that the fill and vent pipes associated with the subject tank have been removed;
- The applicant shall empty the tank of all product and material and clean and purge the tank and ensure that the tank is completely filled with concrete;
- The applicant must provide TSSA with notification outlining the date and time of abandonment. An inspector from TSSA may visit the site either during or after the abandonment to confirm the fulfilment of the above-noted requirements. 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;
- 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 John Guan at +1 416-734-3464 or by email at [jguan@tssa.org](mailto:jguan@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. Anthony DiCocco – Claybar Contracting Inc. (via e-mail)