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April 18, 2024

GRAEME JOHNSON
NEWMONT CANADA CORPORATION
4315 GOLDMINE RD,
SOUTH PORCUPINE ON P0N 1H0
CANADA
graeme.johnson@newmont.com

Work Order Type: FS Variance - LF
Work Order No.: 14193607
Facility Type: Bulk Plant
Located at: 440 HALLNOR RD, PORCUPINE, ON, P0N 1C0

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

Dear GRAEME JOHNSON,

This is in response to your variance application involving the following unapproved fuel dispensing nozzle

- FloMAX FNBL

Your variance request was to allow to use the nozzle.

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

- In the letter dated November 23, 2023, sealed by A.S. Gendre, P.Eng., Gendre confirms that the FloMAX FNBL diesel fuel nozzle meets and exceeds the requirements and safety objectives listed in the CAN/ULC-S620:2016 – “Standard for hose nozzle valves for flammable and combustible liquids” – and supports the variance.

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 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.

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. Francine Fournier, Wagg's Petroleum Equipment Ltd, ffournier@waggspetroleum.on.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.**