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October 23, 2024

GRAEME JOHNSON  
NEWMONT CANADA CORPORATION  
4315 GOLDMINE RD,  
SOUTH PORCUPINE ON P0N 1H0  
CANADA  
[graeme.johnson@newmont.com](mailto:graeme.johnson@newmont.com)

**Work Order Type:** FS Variance - LF  
**Work Order No.:** 14364682  
**Facility Type:** FS Bulk Plant (Medium)  
**Located at:** 440 HALLNOR RD, PORCUPINE, ON, P0N 1C0

**Re: Variance from Clause 1.3.1 & 4.1.13 of the LFHC 2017 Code, O. Reg. 212/01**

Dear GRAEME JOHNSON,

This is in response to your variance application involving the unapproved flexible metallic connector 4" dia. x 24" long made by Flex-Pression (Part#: FPFLL-64-24-C5-CRN).

Your variance request was to allow the unapproved connector to be installed.

Please be advised that your variance application has been approved because Subhod Iyengar, P.Eng. in his letter sealed dated June 10, 2024 informs that:

- The ULC/ORD-C536 standard has now been superseded by the ANSI/CAN/UL 536 in which section 1.9 states that it does not cover "Flexible connector piping for liquid fuels, which is covered by the Standard for Flexible Connector Piping for Fuels, UL 2039.
- The proposed 4-inch flexible metallic connector required to connect the piping from the mine diesel tanks into the pumphouse at this location does not include certification to the ANSI/CAN/UL/ULC 2039 standard.
- It is the opinion of the undersigned that the proposed 4-inch Flex-Pression Fixed by Floating, #150 Flange assembly, 24 inch (610 mm) long metallic piping connector meets the safety objectives listed in the "Standard for Flexible Connector Piping for Fuels" ANSI/CAN/UL/ULC 2039.
- Similar Flex-Pression flanged 12 to 24 inch (305 mm to 610 mm) long metallic piping connectors have been in service for fuel transfer at various facilities for more than 10 years with no reported concerns.
- To mitigate premature failure of the connector, the owner shall put into place a regular monitoring and maintenance program which includes the inspection of all flexible pipe connectors at this site. Inspections are intended to determine the condition of the equipment and its fitness to continue to operate safely, by visual examination with the naked eye from arms length of the installed connector by trained and competent personnel.
  - Minor discoloration or minor dimensional changes are to be noted during inspection and ongoing routine monitoring is to continue.
  - Excessive permanent deformation, cracking, splitting, braid failure, kinking, excessive corrosion, loss of corrosion protection or evidence of product leaking are to be noted during inspection and immediate corrective actions are to be taken.

- The flexible pipe connector shall be replaced at the first indication of leak, cracking, splitting, braid failure, excessive corrosion, or visible damage to the end fittings (flanges).
- The 4 inch flexible metal connector sourced for use in this application has been manufactured with a CRN 0D2620.65ADD3 to meet the requirements of the Technical Standards and Safety Act, Boilers and Pressure Vessels Regulation, and CSA Standard B51, ASME B31.3, ASME VIII – Div. 1. See attached CRN certification.

**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 fill out the FS Customer Inspection Request Form found on our [website](http://fuelsinspection@tssa.org) and submit to [fuelsinspection@tssa.org](mailto:fuelsinspection@tssa.org) to schedule your 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 TSSA reserves the right to audit the installation 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. Francine Fournier, Wagg's Petroleum, [ffournier@waggspetroleum.on.ca](mailto: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.**