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April 10, 2020  
File: SR 2783576

VIA EMAIL

VALERIE GAUDET  
2621964 ONTARIO INC.  
39 BRUCE ST S  
SOUTH PORCUPINE ON P0N 1H0  
[autotech5022@hotmail.com](mailto:autotech5022@hotmail.com)

Dear VALERIE GAUDET:

**Re: Application for a Variance from Clause 2.4.2.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 4388 Harold Avenue, South Porcupine**

You have requested permission to leave four out-of-service underground gasoline storage tanks in place. You have indicated that removal of the tanks will compromise the stability of the adjacent building.

Rubicon Environmental (2008) Inc. completed an environmental assessment which supports the variance application to keep the tanks in the ground. (*Commercial Property, 4388 Harold Avenue, South Porcupine, Ontario, P0N 1H0, Underground Storage Tank Decommission, Environmental Site Assessment*”, prepared by Rubicon Environmental (2008) Inc (Rubicon), dated March 2, 2020)

As part of the assessment, three boreholes were drilled in the areas as close to the tanks as possible. Selected soil samples and groundwater samples from each borehole were submitted to an accredited laboratory for analysis of the petroleum hydrocarbon parameters BTEX (benzene, toluene, ethylbenzene and xylene) and petroleum hydrocarbon fractions 1 to 4 (PHC F1 to F4). The soil and groundwater samples met the applicable site condition standards.

Your variance application dated February 19, 2020, has been approved.

**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 filled with concrete;
- 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 will be subject to an inspection to ensure compliance with the terms of the variance. Please contact Mike Sanford at 705-269-1269 to arrange for the inspection.

Should you have any questions or require further assistance, please contact John Guan at 416-734-3464, or by e-mail at [jguan@tssa.org](mailto:jguan@tssa.org). When contacting TSSA regarding this file, please refer to the Service Request number provided above.

Yours truly,



John R. Marshall  
Director, Fuels Safety Program

c. Mike Sanford, TSSA, [msanford@tssa.org](mailto:msanford@tssa.org)