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January 03, 2025

BRENT BERRY
BELMONT LAKE MARINA REPAIRS AND SERVICE
56 FIRE ROUTE 33,
HAVELOCK ON K0L 1Z0
CANADA
brentberry646@hotmail.com

Work Order Type: FS Variance - LF
Work Order No.: 14296329
Facility Type: Marina
Located at: 56 FIRE ROUTE 33, HAVELOCK, ON, K0L 1Z0

Re: Variance from Clause 3.2.1.1 of the LFHC 2017 Code, O. Reg. 217/01

Dear BRENT BERRY,

This is in response to your variance application involving an installation of the 4500 L. aboveground tank at the Belmont Lake Marina.

Your variance request was to allow the tank to be located 0.3 metre (12 inches) from the property line.

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

1. A letter of acceptance from the neighbors of adjacent property agreeing on the proposed 0.3 metre (12 inches) distance from their property line.
2. A permit for the replacement of an underground tank with an aboveground tank issued by Crowe Valley Conservation Authority (CVCA) including the following:

PROPOSAL DETAILS:

- The existing underground fuel tank is 4,500 litres in size (footprint of 12 feet by 4 feet by 4 feet in size).
- The proposed above ground fuel tank will also be 4,500 litres in size (footprint of 12 feet by 4 feet by 4 feet in size).
- The proposed above ground tank will be attached to 14 feet long 5 feet wide (70ft²) 8-inch thick concrete pad.
- The distance (vertical) from annual high-water mark of .450 (on the existing water gauge) to the top of the concrete pad is 4 feet 2 inches and to the bottom of the tank itself 4 feet 6 inches.
 - The tank saddle supports are approximately 4 inches tall.
- The distance (vertical) from annual high-water mark of .450 to the top of proposed above ground fuel tank is 9 feet.
- The existing underground fuel tank is a vertical distance of 1 foot above .450 at the bottom of the tank and 4 feet above .450 at the top of the tank.
- The distance (horizontal) from the southeast side of fuel tank pad to ordinary high-water mark is 24 feet at its closest point and 42 feet from the ordinary high water mark to the north side of the pad.
- No in-water works required.

BASIS FOR CVCA APPROVAL

- The proposed activity is not likely to affect the control of flooding.
 - The proposed development will be approximately 4 feet 6 inches from the bottom of the tank and 9 feet from the top of the tank to the ordinary high water mark of Belmont Lake.
 - The regulatory flood elevation of Belmont Lake is 188.80masl CGDV 1928.
- The proposed activity is not likely to affect the control of erosion.
- The proposed activity is not likely to affect the control of unstable soil or bedrock.
- The proposed activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

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 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. 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

**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.**