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May 13, 2026

NADINE MORTON
IMPERIAL OIL
52 BLACK RD,
SAULT STE MARIE ON P6B 0A4
CANADA
nadine.morton@esso.ca

Work Order Type: FS Variance - LF
Work Order No.: 14985371
Facility Type: Bulk Plant
Located at: 52 BLACK RD, SAULT STE MARIE, ON, P6B 0A4

Re: Variance from Clause 5.6.1.3 of the LFHC 2017 Code, O. Reg. 2017/01

Dear NADINE MORTON,

This is in response to your variance application involving the tank overfill protection.

Your variance request was to allow bypassing the tank automatic shut off valve in case of an emergency. This emergency procedure will only be enacted if there is an unexpected equipment failure when marine vessels are expected to arrive and need to be unloaded.

Please be advised that your variance application has been approved for five years because of the following information provided by Amer Dib, P.Eng:

- Vessel receipts are staffed with two operators at the terminal and one operator at the dock. One terminal operator is an Imperial employee acting as the “Imperial person-in-charge” responsible for the checks below:
 - Planning prior to vessel arrival:
 - Automatic tank gauges are verified to be accurate against a physical dip of the tanks prior to every receipt
 - Space available is calculated to confirm adequate room in advance of scheduled delivery
 - Pre-discharge meeting includes Imperial Operations and Vessel Crew discussing:
 - Planned discharge sequence, including volume to be discharged into each tank which is endorsed by the Vessel Chief Mate and Vessel Captain/Master
 - Emergency shutdown signals are confirmed with vessel crew prior to discharge (stop, stop, stop)
 - Establish and test radio for constant communication between Imperial Operators and Vessel Crew during product receipts

- Establish plan for back-up communications by intrinsically safe cell phone
- During product receipt:
 - Tanks have a safe-fill level that Imperial operations use as the maximum level of the tank for any planned product receipt including calculation of “space available”
 - Beyond the safe-fill level, the tanks have a high-level alarm (audible alarm and visible strobe activates both at the site and at the dock), and a high-high level alarm (audible alarm and visible strobe activates at the site and at the dock, plus activation of the automatic motor operated valve being discussed)
- High-level and high-high level alarms are function tested quarterly
 - Product receipts are monitored in-person by site operators who are stationed at the dock and at the terminal
 - Hourly field checks are performed by IOL person-in-charge, including tank gauges (vs expected final level), receipt rate (vs max receipt rate and current vessel discharge rate), and volume remaining to be discharged (for the receiving tank)
- The Imperial Sault Sainte Marie Terminal receives about 2 vessels per month, with some fluctuation depending on seasonal demand for some products. It is an important source of motor and furnace fuels for the population in Northern Ontario. We are requesting permanent approval for this emergency variance procedure to be used only in case of a failure of the MOV. In case of use of this procedure, Imperial will notify TSSA prior to use of the procedure and when the automatic tank overfill protection is restored. Please note, Imperial intends to operate and receive/unload vessels with the required automatic tank overfill protection in place, the procedure in this variance request is intended to be used only by exception and not as a “standard operating procedure”.

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 records of all unloadings and all failures shall be kept on file;
- The variance is approved until May 13, 2031;
- 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 atmkulik@tssa.org. When contacting TSSA regarding this file, please refer to the Work Order number provided above.

Yours truly,



Andre Nurgel, P. Eng.
Engineering Manager, Fuels
Delegated Authority under section 36(3) (c) of TSS Act

c. Amer Dib, Imperial Oil, Amer.dib@esso.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.**