

## **Zoning patchwork frustrates propane regulation**

**Despite city hall's promises, moving facilities away from residential areas may not take place until new bylaw is previewed next year**

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Pledges to move or close down major propane storage sites like the one that blew up on Sunday, resulting in the deaths of two people, were promptly offered yesterday at city hall.

But they will be difficult to execute, experts said, in part because the city has yet to combine its zoning systems (and their 43 different bylaws) into a single planning regime, more than 10 years after the amalgamation of Toronto, York, East York, North York, Etobicoke, Scarborough and Metro into one city. A single, overarching bylaw will be previewed next year, but until then, any changes won't be easy.

"That's why we're doing this project. ... I was hoping to get this done before things like this happened again," said Joe D'Abramo, the city's director of zoning bylaw and environmental planning, who is heading the five-year task of combining the rules - a metre-high stack of papers weighing 35 kilograms.

"I know they're getting anxious, but if we can get the one single [zoning] bylaw through, it makes it easier to amend for all kinds of issues," he said.

Mayor David Miller pledged yesterday to do whatever he can to examine the proximity of propane storage sites to homes and apartments. But changes to such industrial zoning, to be rebranded as "employment" zoning in the new plan, wouldn't touch the city's existing 73 propane sites, five of which are as big as Sunrise Propane, the site of Sunday's explosion. Only changes to the provincial Technical Standards and Safety Authority Act, which shares a name with the arm's-length agency that enforces it, would alter enforcement of safety issues.

John Marshall, director of the TSSA's fuel safety program, declined to list the five Toronto companies of the same scale as Sunrise, but stood by the safety record of his 40-investigator team.

"To point fingers at anybody at this point, we just don't know," he said. "We have a significant, robust safety system in place today."

There are only a handful of regulations on such propane-storage sites. The city says any industrial building can be no closer than three metres to any home or apartment, while the province says any propane tank must be 25 feet (7.62 metres) from the nearest home, and 300 feet from the nearest school. The TSSA also inspects sites every three years.

Sunrise Propane's Downsview site satisfied all such regulations, Mr. Marshall said. The company also had a valid and government-registered emergency response plan, which lays out courses of action in case of disaster, Transport Canada confirmed yesterday.

About 12,000 people were evacuated after Sunday's explosion, and all but a handful were back yesterday. The casualty count was surprisingly low for such an enormous explosion: A

body was removed from the rubble yesterday, and Toronto firefighter Bob Leek collapsed at the scene Sunday.

The Ontario Fire Marshal, Ministry of Labour, Coroner and TSSA are all investigating.

Public outcry followed, as displaced residents and others called for action. Foremost among critics yesterday was Brian Patterson, president of the Ontario Safety League, which typically addresses road safety. This time, though, it was personal - Mr. Patterson said he served as a reservist with Mr. Leek, and he singled out the TSSA.

"It's absolutely insane, and woefully inadequate if you've set yourself up as the public safety watchdog for that industry sector," Mr. Patterson said. "I think what this has shown us is the approved regulator may well be asleep at the switch."

The short-term solution for the city could be an interim control bylaw, which would block approval of any new sites while staff figures out what to do next, said Ted Davidson, a former manager of the Toronto planning department. All existing propane sites could continue to operate. The city has little power to move them, he said, but could prevent new ones.

But the old cities of York and Toronto tried that two decades ago. In 1987, York tried to regulate the capacity height, spacing, and buffering of propane tanks, city lawyer John Paton said yesterday. That bylaw was challenged by the propane industry and the province (which didn't want the city stepping on its regulatory toes), and struck down. A similar Toronto bylaw was killed soon after.

This time around, councillors including Karen Stintz are in favour of the interim bylaw, but want to wait until the cause of Sunday's fire is released before taking long-term action.

"We need to understand what caused the explosion to understand how we can best move to protect the residents of Toronto," said Ms. Stintz (Ward 16, Eglinton-Lawrence).

That moment's pause doesn't please Mr. Patterson.

"That must be incredible comfort to the 12,000 people who were evacuated. I mean, come on. Let's get people at the table ready to make those changes," he said.