

Environmental Stewardship Division  
Environmental Approvals Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
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www.gov.mb.ca/conservation/eal

**CLIENT FILE NO.: 5811.00**

June 2, 2016

Robin Y. Wiebe, Chief Administrative Officer  
Rural Municipality of Mountain  
Box 155  
Birch River MB R0L 0E0

Dear Robin Y. Wiebe:

Enclosed is **Licence No. 294 HW** dated June 2, 2016 issued to the **Rural Municipality of Mountain** for the construction and operation of a used oil products and material collection, waste antifreeze collection and waste lead acid battery collection depot facility (the facility) known as Birch River Waste Disposal Facility located at SE 31-39-25 W in the Rural Municipality of Mountain, Manitoba, in accordance with the Application filed under *The Dangerous Goods Handling and Transportation Act* dated August 6, 2015 and the additional information dated October 19, 2015 and December 23, 2015.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Nicole Lavallee, Environment Officer at 204-622-2125.

Pursuant to Section 25 of *The Dangerous Goods Handling and Transportation Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Sustainable Development within 30 days of the date of the Licence.

Yours truly,

*“original signed by”*

**Tracey Braun, M.Sc.**  
**Director**  
**Environment Act**

c: Don Labossiere, T. Prawdzik, N. Lavallee - Environmental Compliance and Enforcement  
Public Registries

**NOTE: Confirmation of Receipt of this Licence No. 294 HW (by the Licencee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and provide a copy (letter only) to the Department by June 16, 2016**

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On behalf of the Rural Municipality of Mountain

Date

THE DANGEROUS GOODS HANDLING and  
TRANSPORTATION ACT  
LOI SUR LA MANUTENTION ET LE  
TRANSPORT DES MARCHANDISES  
DANGEREUSES



# LICENCE

Licence No./Licence n° 294 HW

Issue Date/Date de délivrance: June 2, 2016

In accordance with *The Dangerous Goods Handling and Transportation Act*  
(C.C.S.M. c. D12) /  
Conformément à la *Loi sur la manutention et le transport des marchandises dangereuses*  
(C.P.L.M. c. D12)

THIS LICENCE IS ISSUED TO:/CETTE LICENCE EST DONNÉE À:

**RURAL MUNICIPALITY OF MOUNTAIN;**  
**"the Licencee"**

for the construction and operation of a used oil products and material collection, waste antifreeze collection and waste lead acid battery collection depot facility (the facility) known as Birch River Waste Disposal Facility located at SE 31-39-25 W in the Rural Municipality of Mountain, Manitoba, in accordance with the Application filed under *The Dangerous Goods Handling and Transportation Act* dated August 6, 2015 and the additional information dated October 19, 2015 and December 23, 2015 and subject to the following specifications, limits, terms and conditions:

### **DEFINITIONS**

In this Licence,

**"accredited laboratory"** means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

**"Act"** means *The Dangerous Goods Handling and Transportation Act*, C.C.S.M.c.D 12;

**"approved"** means approved by the Director or assigned Environment Officer in writing;

**\*\*A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***

**"contaminant"** means a contaminant as defined in *The Dangerous Goods Handling and Transportation Act*, as amended from time to time;

**"daily"** means any 24-hour period;

**"days"** means calendar days unless otherwise indicated;

**"Director"** means an employee so designated pursuant to *The Dangerous Goods Handling and Transportation Act*;

**"drum"** means a container having a capacity of 205 litres;

**"Environment Officer"** means an employee so designated pursuant to *The Dangerous Goods Handling and Transportation Act*;

**"hazardous waste"** means a product, substance or organism that

- a) is prescribed, designated or classified as hazardous waste in the regulations, or
- b) by its nature conforms to the classification criteria for one or more classes of hazardous wastes set out in the regulations;

**"licenced carrier"** means a person who has a valid licence to transport hazardous waste pursuant to *Manitoba Regulation 195/2016* under *The Dangerous Goods Handling and Transportation Act* (C.C.S.M.c. D12), as amended from time to time;

**"odour nuisance"** means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to members of the public; if the odour, smell or aroma
- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses (a), (b) or (c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

**"oil"** means any petroleum or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other fluid capable of use for lubricating purposes in machinery or equipment;

**"permanently closed"** means that the facility is not operated for a period of 12 months or more;

**"registered generator"** means a person who is registered as a hazardous waste generator pursuant to *Manitoba Regulation 195/2016* under *The Dangerous Goods Handling and Transportation Act*, as amended from time to time;

**"Standard Methods for the Examination of Water and Wastewater"** means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

**"Transportation of Dangerous Goods Regulations"** means the *Transportation of Dangerous Goods Regulations*, SOR/2001-286, made under the *Transportation of Dangerous Goods Act, 1992* (Canada), as amended from time to time;

**"used oil"** means petroleum-derived or synthetic lubrication oil that has become unsuitable for its original purpose due to the presence of physical or chemical impurities or the loss of original properties if the oil falls within any of the following categories:

- a) lubrication oils for internal combustion engines such as motor oil, vehicle crankcase oil and engine lubricating oil;
- b) transmission fluids, gearbox and differential oils; and
- c) hydraulic fluids.

**"used oil filter"** means an oil filter containing used oil that through use, storage, handling, defect, damage or other similar circumstances can no longer be used for its original purpose;

**"used oil products and material"** means used oil, used oil filters or used oil containers; and

**"waste battery"** means a lead-acid electromotive battery that

- a) through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstance can no longer be used for its original purpose; or
- b) for any other reason, the owner or person in possession of the battery intends to dispose of it.

## **GENERAL TERMS AND CONDITIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the facility, at all times.
2. In addition to any of the terms or conditions specified in this Licence, the Licencee shall, upon the request of the Director:
  - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of contaminant storage, containment, treatment,

- handling, disposal or emission systems, for such contaminants or ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, for such duration and at such frequencies as may be specified;
- b) determine the environmental impact associated with the release of any contaminant(s) from the said facility;
  - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
  - d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
3. The Licencee shall, unless otherwise specified in this Licence:
    - a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the most current edition of Standard Methods for the Examination of Water and Wastewater or in accordance with equivalent preservation and analytical methodologies approved by the Director;
    - b) carry out all sampling of, and preservation and analyses on, water, soil, and air samples in accordance with methodologies approved by the Director;
    - c) have all analytical determinations undertaken by an accredited laboratory; and
    - d) report the results to the Director, in writing and in an electronic format acceptable to the Director, within 60 days of the samples being taken.
  4. The Licencee shall, unless otherwise specified by this Licence, retain all records relating to this licence during the full life of operation of the facility, and after closure, for such period of time as may be specified by the Director. Records may be transferred from their original form to other accepted forms for information storage. These records shall be made available to an Environment Officer upon request.
  5. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
  6. The Licencee shall carry out, as deemed necessary by the Director, any remedial measures or modifications in respect to matters authorized under this Licence.
  7. The restrictions and conditions of this Licence are severable. If any restriction or condition of this Licence, or the application thereof, to any circumstances is held invalid, the application of such restriction or condition to other circumstances and the remainder of this Licence shall not be affected thereby.

## **SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

### **Respecting Facility Operations**

8. The Licencee shall operate the facility in accordance with the Application dated August 6, 2015 and the additional information dated October 19, 2015 and December 23, 2015.
9. The Licencee shall comply with all the applicable requirements of:
  - a) Manitoba Regulation 188/2001, or any future amendment thereof, respecting the Storage and Handling of Petroleum Products and Allied Products; and
  - b) Manitoba Office of the Fire Commissioner.
10. The Licencee shall not receive at the facility any waste other than used oil products and materials, waste antifreeze and empty antifreeze containers and waste lead acid batteries.
11. The Licencee shall not store hazardous wastes outside the storage structure of the facility other than for purposes of handling during receiving or shipping operations.
12. The Licencee shall store hazardous waste in a container that must be:
  - a) constructed of a material that is compatible with the hazardous waste being stored;
  - b) corrosion and weather resistant;
  - c) designed and constructed to withstand damage during handling and transportation;
  - d) sealable to prevent the release of its contents and prevent any other substance from entering the container; and
  - e) labelled prominently with a weather resistant label with the name of the hazardous waste in the container.
13. The Licencee shall store hazardous waste:
  - a) in single pallet rows not more than 2 drum heights or 240 centimetres in height; and
  - b) with a minimum aisle width between rows of 1 metre.
14.
  - a) The Licencee shall maintain the facility in a condition capable of retaining any spillage which may occur. Floor drains or catch basins are not permitted in the storage area unless they are connected to an on-site holding tank or sump; and
  - b) The Licencee shall manage all liquids collected in holding tanks or sumps in a manner approved by the Director.
15. The Licencee shall inspect the facility on a daily basis and properly manage any unauthorized materials found at the facility by securely storing or removing them from the facility.
16. The Licencee shall lock the facility in a manner that prevents unauthorized delivery of hazardous waste when the trained personnel are not present at the facility.

17. The Licencee shall post:
  - a) legible, weatherproof signs at the entrance to the facility identifying the area as a used oil products and materials, waste antifreeze and waste lead acid batteries collection facility; and
  - b) the signs indicate the hours of operation, a contact number and a warning not to leave hazardous waste at the facility when the trained personnel are not available to accept delivery.
18. The Licencee shall allow transport of all hazardous waste received at the facility to a facility operating under the authority of a Licence issued pursuant to *The Dangerous Goods Handling and Transportation Act* in Manitoba, or under an approval of similar type in another jurisdiction.
19. The Licencee shall use only licenced carriers to transport hazardous wastes from the facility.
20. The hazardous waste transported from the facility shall be accompanied by a hazardous waste manifest or a dangerous goods shipping document, as appropriate.

**Respecting the Used Oil Products and Material Depot - Used Oil**

21. The Licencee shall not store more than 2000 liters of used oil at the facility at any one time.
22. The Licencee shall only store used oil in the storage tank that is identified in the Application dated August 6, 2015.
23. The storage tank referred to in Clause 22 shall be situated on an impervious surface acceptable to the Director.
24. The Licencee shall inspect the used oil storage tank weekly in order that any leakage from the tanks into the secondary containment system is detected. Records of these inspections shall be made available to an Environment Officer upon request.
25. The Licencee shall equip the used oil transfer area with a containment system that is capable of containing 110 % of the volume of used oil being transferred.
26. The Licencee shall, when the trained personnel are not present at the depot, close the depot in a manner that prevents unauthorized delivery of used oil products and materials into the depot.
27. The Licencee shall not receive at the depot used oil from commercial/industrial generators who are not registered generators.
28. The Licencee shall allow only the trained personnel employed by the Licencee to transfer used oil into the collection tank.

29. The Licencee shall visually inspect (for contamination) each individual container of used oil that is collected at the facility before the contents are transferred to the collection tank.
30. The used oil that is deemed to be contaminated shall be segregated and disposed of at a facility operating under the authority of a Licence issued pursuant to *The Dangerous Goods Handling and Transportation Act* in Manitoba, or under an approval of similar type in another jurisdiction.
31. The Licencee shall whenever used oils are being transferred to or from the cargo tank of a vehicle, or to or from the storage tanks, or any other transfer systems, supervise the transfer at all times and in such a manner that the flow of liquid can be immediately shut off.
32. The Licencee shall prepare a monthly report summarizing the following information respecting used oil received at the depot:
  - a) the date and time of receipt;
  - b) the quantity received; and
  - c) for commercial / industrial generators, the Provincial Generator Registration Number.Records of this information shall be made available to an Environment Officer upon request.

**Respecting The Used Oil Products and Material Depot - Used Oil Filters**

33. The Licencee shall store the used oil filters that are received at the depot in containers that have a maximum capacity of 205 liters and are designed such that they will contain any used oil which may drain from the filters.
34. The Licencee shall store the drums for oil filters referred to in Clause 33 in a manner which:
  - a) is safe and secure; and
  - b) prevents infiltration from precipitation.
35. The Licencee shall prepare a monthly report summarizing the following information respecting used oil filters received at the depot:
  - a) the date and time of receipt;
  - b) the quantity received; and
  - c) for commercial / industrial generators, the Provincial Generator Registration Number.Records of this information shall be made available to an Environment Officer upon request.



**Respecting the Waste Lead Acid Battery Depot**

36. The Licencee shall prepare a monthly report summarizing the following information respecting the waste lead acid batteries received at the depot:
- a) the date and time of receipt;
  - b) the quantity received; and
  - c) for commercial / industrial generators, the Provincial Generator Registration Number.

Records of this information shall be made available to an Environment Officer upon request.

37. The Licencee shall arrange for all waste lead acid batteries received at the facility to be transported within 90 days by a licenced carrier to a recycling or disposal facility operating under the authority of a Licence issued pursuant to *The Dangerous Goods Handling and Transportation Act* in Manitoba, or under an approval of similar type in another jurisdiction.
38. The Licencee shall not store waste batteries outside the storage structure of the facility other than for purposes of handling during receiving or shipping operations.
39. The Licencee shall store the waste batteries in an area where the floor is resistant to acid.
40. The Licencee shall store the waste batteries on pallets or in totes in the following manner:
- a) if pallets are used, the waste batteries shall be placed on the pallets with a layer of corrugated cardboard or other material which will prevent casing ruptures, placed between successive layers of waste batteries. The full pallet of batteries shall have three layers of batteries and be shrink wrapped with plastic before shipment from the facility; and
  - b) if totes are used, the waste batteries shall be placed in acid resistant, leak-proof tub skids.
41. The Licencee shall conspicuously place in the area used for storage of waste lead acid batteries effective neutralizing materials, or materials approved by the Director in writing, for the containment or clean up of spills from batteries.
42. The Licencee shall in the event of a spill, dispose of the water used to clean up the spill in accordance with applicable regulations.

**Respecting Air Emissions**

43. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the facility, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

### **Respecting Spills**

44. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a contaminant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
45. The Licencee shall, following the reporting of an event pursuant to Clause 44,
  - a) identify the repairs required to the mechanical equipment;
  - b) undertake all repairs to minimize unauthorized discharges of a contaminant;
  - c) complete the repairs in accordance with any written instructions of the Director; and
  - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
46. If any hazardous waste container leaks, cracks or otherwise causes a spill during loading or unloading, the Licencee shall take action to promptly clean up the spill or leakage and repackage the waste. Any material resulting from such a cleanup shall be handled as hazardous waste and shall be packaged and disposed of in accordance with applicable regulations.
47. The Licencee shall equip the facility with spill cleanup equipment and supplies.

### **Respecting Facility Inspection**

48. The Licencee shall conduct regular inspections of the facility to ensure that all pieces of equipment and the storage and treatment operations are operated in a manner that will not negatively impact the environment. Any deficiencies detected during these regular inspections, that might negatively impact the environment shall be promptly corrected. The inspection must include, as applicable, an observation of:
  - a) the condition of every hazardous waste container and all piping and ancillary equipment;
  - b) the condition of the secondary containment system and of any other mechanism that prevents the release of hazardous waste; and
  - c) any indications of a release of hazardous waste or of any deterioration of containers, piping, ancillary equipment or a secondary containment system that increases the likelihood of a release.
49. The record referred to in Clause 48 shall include the date of the inspection, the name of the person who conducted the inspection and the observations made by that person during the inspection.

### **Respecting Emergency Response**

50. The Licencee shall submit to the Director, within 90 days of the date of this Licence, an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety “Emergency Response Planning Guide” or other emergency planning document acceptable to the Director.
51. The emergency response contingency plan shall be designed to minimize hazards from fires, explosions, or any unplanned release of hazardous waste or contaminants.
52. A copy of the contingency plan shall be kept on site and emergency response information must be posted in a conspicuous location.

### **Respecting Trained Personnel**

53. The Licencee shall provide and maintain training for all persons who will be assigned duties with respect to the facility in:
  - a) *the Transportation of Dangerous Goods Regulation*;
  - b) the procedures pertaining to the operation of the facility including spill response; and
  - c) appropriate personal health and safety procedures.

### **Insurance and Financial Assurance**

54. The Licencee shall maintain throughout the term of this License:
  - a) \$50,000.00 Property Insurance;
  - b) \$5,000,000.00 General Comprehensive Liability Insurance; and
  - c) \$250,000.00 Environmental Impairment Liability Insurance.
55. The Director may, where it is deemed to be in the public interest, require the Licencee to provide financial assurance in the form of a letter of credit, a bond, further insurance, or other form acceptable to the Director in an amount to be determined by the Director. The Director may order forfeiture of this security, either in whole or in part, by giving notice to that effect to the Licencee upon the Director being satisfied that the facility is in breach of any of the terms of this License, or for reimbursement of any costs or expenses incurred by the Province of Manitoba in rectifying environmental damage caused, or contributed to, by the operation of the facility.

### **Respecting Annual Hazardous Waste Receiver Report**

56. The Licencee shall, on or before the 31<sup>st</sup> day of March of each year, submit to the Director an annual report respecting the hazardous waste received by the facility pursuant to this Licence during the previous calendar year and the manner in which the waste was treated or disposed. The report shall be made on a form approved by the Director or submitted in a format acceptable to the Director.

**Respecting Alterations and Decommissioning**

57. The Licencee shall obtain approval in writing from the Director for any proposed alteration to the facility before proceeding with the alteration.
58. The Licencee shall, in the event that the facility is to be permanently closed or is offered for sale, conduct an investigation prior to permanent closure or transfer of the facility, to the satisfaction of the Director, to identify any contamination which may have resulted from the operation of the facility.
59. The Licencee shall, where the investigation referred to in Clause 58 of this Licence shows that contamination of the environment has occurred, submit a remediation proposal to the Director, within 90 days of completing the investigation and upon approval of this proposal by the Director, carry out the required remediation in accordance with The requirements of *The Contaminated Sites Remediation Act*.

**REVIEW AND REVOCATION**

- A. If, in the opinion of the Director, the Licencee has exceeded, or is exceeding, or has failed, or is failing to meet the specifications, limits, terms, or conditions set out in this License, the Director may, temporarily or permanently, revoke this License.
- B. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this License, the Director may require the filing of a new application pursuant to *The Dangerous Goods Handling and Transportation Act*.

*“original signed by”*

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**Tracey Braun, M.Sc.**  
Director  
*The Dangerous Goods Handling  
And Transportation Act*

**Client File No.: 5811.00**  
**Consignor (Generator) Registration No.: MBG13774**  
**Consignee (Receiver) Registration No.: MBR30133**