

Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-8321 F 204 945-5229
www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5539.00

November 5, 2012

Jake or Barb Penner
Penner Waste Inc.
Box 87
Winkler MB R6W 4A4

Dear Mr./Ms. Penner:

Enclosed is revised **Environment Act Licence No. 2990 R** dated November 5, 2012 issued in accordance with *The Environment Act* to **Penner Waste Inc.** for the continued operation of the Development being a construction and demolition waste recycling facility and composting facility at SW 22-3-4 WPM in the Rural Municipality of Stanley, in accordance with the Proposal dated September 13, 2011 and the Notice of Alteration filed September 27, 2012.

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 Eshetu Beshada, Environmental Engineer @ 204 945 7023.

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

Tracey Braun, M.Sc.
Director
Environment Act

Enc.

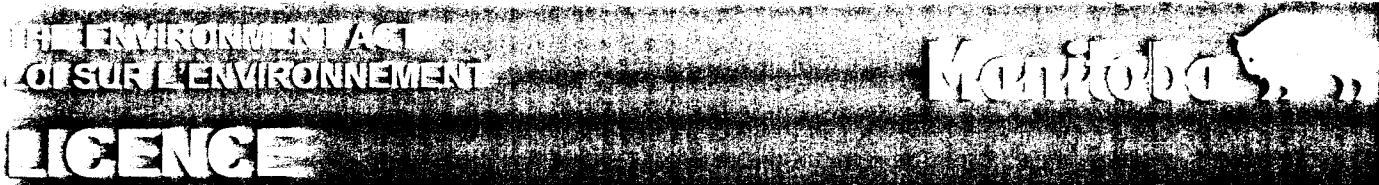
c: Don Labossiere, Director, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2990 R (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by November 19, 2012.

On behalf of Penner Waste Inc.

Date

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



Licence No. / Licence n° 2990 R

Issue Date / Date de délivrance January 31, 2012

Revised : November 5, 2012

In accordance with *The Environment Act* (C.C.S.M. c. E125) /
Conformément à la *Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Sections 10(1) / Conformément au Paragraphe 10(1)

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

PENNER WASTE INC.;
"the Licencee"

for the construction and operation of the Development being a construction and demolition waste recycling facility and composting facility at SW 22-3-4 WPM in the Rural Municipality of Stanley, in accordance with the Proposal dated September 13, 2011, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"**accredited laboratory**" means an analytical facility accredited by the Standard 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;

"**affected area**" means a geographical area excluding the property of the Development;

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

"**compost**" means solid mature product resulting from composting;

"**composting**" means a managed process of bio-oxidation of a solid heterogeneous organic substrate including a thermophilic phase;

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"construction and demolition waste" means material from the construction, remodelling, repair, or demolition of buildings, bridges, pavement, roads, or other structures;

"Director" means an employee so designated pursuant to *The Environment Act*;

"Environment Officer" means an employee so designated pursuant to *The Environment Act*;

"noise nuisance" means an unwanted sound, in an affected area, which is annoying, troublesome, 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 the members of the public;

if the unwanted sound

- 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 unwanted sound 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;

"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;

"**opacity**" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

"**particulate matter**" means any finely divided liquid or solid matter other than water droplets;

"**particulate residue**" means that part or portion of an atmospheric emission which is deposited onto a surface;

"**point source**" means any point of emission from a Development where pollutants are emitted to the atmosphere by means of a stack;

"**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; and

"**wastewater**" means any liquid containing a pollutant as defined in *The Environment Act*, associated with or resulting from the Development which is discharged into the environment.

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 Development, at all times.
2. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
3. In addition to any of the limits, 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 pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants 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 pollutants from the Development; or
 - c) 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.

4. The Licencee shall, in the event of a release, spill, leak, or discharge of a pollutant or contaminant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, immediately report the release, spill, leak, or discharge by calling 204-944-4888. The report shall indicate the nature of the release, leak, or discharge, the time and estimated duration of the event and the reason for the release, spill, leak, or discharge.
5. 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, soil, compost, 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.
6. The Licencee shall carry out any remedial measures, modifications, or alterations, as deemed necessary by the Director, in respect to matters authorized under this Licence.
7. The Licencee shall submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be specified by the Director, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.
8. The Licencee shall designate an employee, within 60 days of the date of issuance of this Licence, as the Licencee's Environmental Coordinator, whose job description will include assisting the Licencee in complying with the limits, terms and conditions in this Licence and assisting Senior Management of the Licencee to manage environmental issues at the Development. The name of the Environmental Coordinator shall be submitted in writing to the Director within 14 days of appointment.

9. The Licencee shall install and maintain a fence around the perimeter of the Development prior to operating the Development. The fence shall be a minimum of 1.2 metres high and have a locking gate.
10. The Licencee shall institute a pest control program at the Development in a manner acceptable to the Director.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Air Emissions – Limits

11. The Licencee shall not emit particulate matter from the Development such that:
 - a) particulate matter:
 - i) exceeds 0.23 grams per dry standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury, corrected to 12 percent carbon dioxide for processes involving combustion, from any point source of the Development;
 - ii) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
 - iii) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
 - b) opacity from any point source of the Development equals or exceeds:
 - i) 20 percent as the average of any 24 consecutive opacity observations taken at 15 second intervals;
 - ii) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
 - iii) 40 percent for any individual opacity observation.
12. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
13. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

Respecting Air Pollution Control

14. The Licencee shall prevent the entrainment of particulate matter into the air at the Development resulting from the operation of vehicles or the transportation, storage or handling of construction and demolition waste or other material.

Respecting Monitoring

15. The Licencee shall conduct a groundwater monitoring program that consists of semi-annual sampling of the five monitoring wells identified in the Proposal dated

September 13, 2011. This groundwater monitoring program shall commence with an initial sample prior to operation of the composting facility and shall include sampling and analysis for those parameters listed in Appendix A to this Licence.

Respecting Chemical Storage and Spill Containment

16. The Licencee shall provide containment for all vessels containing chemicals and in each area of the development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010), or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater and surface water is prevented.
17. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

Respecting Construction and Demolition Waste

18. The Licencee shall not burn construction and demolition waste at the Development, at any time.
19. The Licencee shall not bury construction and demolition waste at the Development, at any time.
20. The Licencee shall either:
 - a) recycle and reuse all construction and demolition waste delivered to the Development; or
 - b) dispose of construction and demolition waste that cannot be recycled or reused, at a waste disposal ground operating either under a permit issued pursuant to MR 150/91 or a Licence issued pursuant to *The Environment Act*.
21. The Licencee shall process and recycle wood, shingles, and cardboard through the Rotochopper grinding machine as described in the Proposal dated September 13, 2011.
22. The Licencee shall only operate the Rotochopper grinding machine when the water injection dust control system is in operation.
23. The Licencee shall not accept shingles that contain asbestos at the Development.

Respecting Composting

24. The Licencee shall establish the appropriate Carbon to Nitrogen ratio (C:N) for each batch of compost prior to beginning the composting process for that batch.

25. The Licencee shall only accept and use food waste, straw, mulch, yard trimmings, leaves, livestock manure, livestock mortalities, and drywall cut-offs as compost feedstock at the Development.
26. The Licencee shall generate compost at the Development that achieves the quality requirements and specifications as contained in the most recent edition of the Canadian Council of Ministers of the Environment publication entitled "*Guidelines for Compost Quality – PN1340*".
27. The Licencee shall not sell or make available to any third party compost generated at the Development that does not achieve the quality requirements and specifications as contained in the most recent edition of the Canadian Council of Ministers of the Environment publication entitled "*Guidelines for Compost Quality – PN1340*".
28. The Licencee shall direct all leachate generated from composting at the Development to the on-site leachate and stormwater drainage basin which shall have a minimum one metre thick compacted clay liner with a hydraulic conductivity of 1×10^{-7} cm/s or less.
29. The Licencee shall conduct a compost monitoring program that includes:
 - a) daily measurements of temperature
 - b) weekly measurement of moisture content
 - c) measurements of ammonia, nitrate, sulphur, phosphorus, potassium, zinc, magnesium, iron, copper, boron, sodium, and calcium of the final compost.
30. The Licencee shall maintain a record of the sampling results, obtained pursuant to Clauses 15 and 29 of this Licence, at the Development and shall provide those records to an Environment Officer upon request.
31. The Licencee shall submit the sampling results, obtained pursuant to Clauses 15 and 29 of this Licence, in an annual report containing at minimum but not limited to:
 - a) the raw data collected; and
 - b) a discussion of the sampling and analytical portions of the program including any anomalies of sampling and analysis.
32. The Licencee shall submit, to the Director prior to March 1 of each year beginning in 2013, the annual report required by Clause 31 of this Licence.
33. The Licencee shall maintain sufficient carbon source on site to achieve the desired C:N ratio as determined pursuant to Clause 24 of this Licence.
34. The Licencee shall, immediately upon placing compost into windrows and immediately after turning windrows undergoing active composting, cover compost windrows with cover material consisting of straw, wood chips, or another material acceptable to the Director.

35. The Licencee shall maintain sufficient cover material on site to facilitate compliance with Clause 34 of this Licence at all times.

Respecting Wastewater


36. The Licencee shall not construct, or allow to be constructed, the wastewater treatment lagoons, identified in the Proposal dated September 13, 2011 as Basin 1 and Basin 2, prior to obtaining an Environment Act Licence for their construction and operation.

Respecting Emergencies

37. The Licencee shall, within 60 days of the issue date of this licence, submit to the Director an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety emergency planning guidelines.

REVIEW AND REVOCATION

- A. If in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If the Licencee has not commenced construction of the Development within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions set out in this Licence, the Director may require the filing of a new proposal pursuant to *The Environment Act*.


Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 5539.00

Appendix 'A' to Environment Act Licence No. 2990 R
Groundwater Monitoring Program Sample Parameters

Chemical Parameters	
INORGANICS	
Alkalinity - Total	Magnesium
Ammonia	Manganese
Arsenic - Total	Mercury
Barium	Nitrate - Reported as N
Boron	Nitrite - Reported as N
Cadmium - Dissolved	Total Kjeldahl Nitrogen - Reported as N
Calcium	pH
Chloride	Total Phosphorus
Chromium – Dissolved	Potassium
Conductivity	Sodium
Copper – Dissolved	Total Dissolved Solids
Iron – Dissolved	Sulphate
Lead – Dissolved	Zinc – Dissolved
Volatile Organic Compounds (VOCs)	
BTEX	
Other Organics	
Chemical Oxygen Demand	Dissolved Oxygen Demand
Field Parameters	
pH	Groundwater Elevation
Conductivity	

Note: Dissolved samples should be filtered in the field and preserved in the field at time of sampling.

If dissolved samples are not to be filtered and preserved in the field then Manitoba Conservation must be notified prior to sampling.