

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

LICENCE

Manitoba
Conservation



Conservation
Manitoba

Licence No./Licence n° 211 HW

Issue Date/Date de délivrance April 4, 2007

In accordance with the Manitoba 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:/CET LICENCE EST DONNÉ À:

MILLER ENVIRONMENTAL CORPORATION; "the Licencee"

for the construction and operation of a hazardous waste collection facility ("the facility") located at 1803 Hekla Avenue, Winnipeg, Manitoba, in accordance with the Application filed under The Dangerous Goods Handling and Transportation Act dated September 29, 2006 and the additional information dated February 2, 2007, 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 facility;

"**approved**" means approved in writing;

"**contaminant**" means any solid, liquid, gas, waste, radiation or any combination thereof that is foreign to or in excess of the natural constituents of the environment and:

- a. that affects the natural, physical, chemical or biological quality of the environment; or
- b. that is or is likely to be injurious or damaging to the health or safety of a person;

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

"**daily**" means each day that the facility is being operated by staff;

"**depot**" means the three compartment, steel structure used to store hazardous wastes;

"**Director**" means an employee of the department who has been designated or appointed by the Minister;

"**Environment Officer**" means a department employee designated or appointed under Section 6 of The Dangerous Goods Handling and Transportation Act;

"**licenced carrier**" means a person who has a valid licence to transport hazardous waste pursuant to Manitoba Regulation 175/87, as amended from time to time, under The Dangerous Goods Handling and Transportation Act (C.C.S.M. c. 12);

"**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;

"**odour nuisance**" means a continuous or repeated odour, smell or aroma in an affected area which is offensive, objectionable, 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 the members of the public;

if the odour, smell or aroma

- d) is the subject of at least 5 written complaints in a form satisfactory to the Director and from 5 different persons falling within clauses (a), (b) or (c), who are unrelated and who do not live in the same household, received by the Director within a 90 day period; or
- e) is the subject of at least one written complaint in a form satisfactory to the Director and 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 from 5 different persons who are unrelated and who do not live in the same household within a 90 day period;

"**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;

"operator" means a person who is responsible for the day-to-day maintenance and operation of the facility;

"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 175/87, as amended from time to time, under The Dangerous Goods Handling and Transportation Act (C.C.S.M. c. D12);

"used oil" means oil that through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstances can no longer be used for its original purpose; and

"used oil products and material" means used oil, used oil filters or used oil containers.

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. The Licencee shall, unless otherwise specified by this Licence, retain all records 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.
3. The Licencee shall provide to the Director, upon request, all information required under this Licence, in writing and in such form and content (including number of copies), as may be specified by the Director.
4. The Licencee shall, upon the request of the Director and in addition to any of the specifications, limits, terms or conditions specified in this Licence:
 - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component, or aspect of contaminant storage, containment, handling, disposal or emission systems, for such contaminants or ambient quality, 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 contaminants from the facility; 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, flow rate measurements and such other information as may from time to time be requested.
5. The Licencee shall, unless otherwise specified in this Licence:
- a) carry out all sampling of, and preservation and analyses on liquid samples, including but not limited to surface water and ground water, in accordance with the methods prescribed in the most current 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 Pollution Control Federation or in accordance with an equivalent sampling and analytical methodology approved by the Director;
 - b) carry out all sampling of, and preservation and analyses on dangerous goods, hazardous wastes, and air samples in accordance with methodologies approved by the Director;
 - c) ensure that all analytical determinations are undertaken by an accredited laboratory, or by a laboratory approved by the Director; and
 - d) report the results to the Director within 60 days of the samples being taken.
6. The Licencee shall, for the purpose of compliance monitoring, notify the Director orally concerning any actual or anticipated breach or failure to meet any specification, limit, term or condition of this Licence, as soon as possible after discovery, and in any event within 2 working days of discovery.
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 Construction

8. The Licencee shall construct and operate the facility to conform to the September 29, 2006, Dangerous Goods Handling and Transportation Act Application as amended on February 2, 2007.

9. The Licencee shall berm the depot area and clearly post at the entrance gate to the operational area of the facility the name of the Licencee, the hours of operation of the depot and a 24 hour emergency phone number.

Respecting Facility Operation

10. The Licencee shall inspect the facility on a daily basis and any unauthorized materials found at the facility during the daily inspections are to be placed in secure storage or removed from the facility immediately.
11. The Licencee shall submit, in writing, a complete inventory of hazardous waste materials in storage at the depot to the Director on a monthly basis, or upon the request of the Director.
12. The Licencee shall segregate hazardous wastes with incompatible characteristics to the greatest degree possible within the storage area.
13. The Licencee shall not store hazardous wastes outside other than for purposes of handling during receiving or shipping operations.
14. Notwithstanding Clause 13, the Licencee may store waste lead acid batteries and gas cylinders outside, provided that the batteries are on wooden pallets and are protected from precipitation.
15. The Licencee shall not store any container used to accumulate small quantities of hazardous waste at the Depot for more than fourteen days after the container has been filled, unless otherwise approved by the Director.
16. The Licencee shall only park trucks carrying hazardous waste in the contained area at the warehouse dock area.
17. The Licencee shall park overnight at the facility no more than four trucks that are carrying hazardous waste at a time. Approval from the Director is required for additional trucks to park overnight.
18. The Licencee shall carry out truck to truck transfer of hazardous wastes only within the contained area, unless otherwise approved by the Director.
19. The Licencee shall transport by licenced carriers all hazardous wastes being shipped from the facility directly to receivers approved in the jurisdiction where the receiver is located.
20. The Licencee shall transport hazardous waste to or from the facility only when the hazardous waste is accompanied by a hazardous waste manifest, or a dangerous goods shipping document, as appropriate.

Respecting Air Emissions

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

Respecting Used Oil

23. The Licencee shall only store used oil in a double walled ULC/ORD C142.23-1991 collection tank.
24. The Licencee shall not receive used oil products and materials at the facility from commercial or industrial generators that are not registered generators.
25. The Licencee shall only accept used oil that has been inspected visually by the operator for contamination before the oil is transferred to the collection tank.
26. The Licencee shall not place any used oil that is deemed to be contaminated in the collection tank, but shall place this hazardous waste in the depot.
27. The Licencee shall maintain for each tank in the process of being filled, a tank collection log, containing, at minimum:
 - a) the date and time of receipt of oil;
 - b) the name and address of the company who delivered the oil;
 - c) the quantity of oil received; and
 - d) for commercial or industrial generators, the Manitoba Generator Registration Number.
28. The Licencee shall make available for inspection by an Environment Officer, upon request, a summary of the record referred to in Clause 27, of this Licence.

Respecting Used Oil Filters

29. The Licencee shall store used oil filters received at the facility in drums that have a maximum capacity of 205 liters and are designed so that they will contain any used oil which may drain from the filters.
30. The Licencee shall store the drums for used oil filters referred to in Clause 29, of this Licence, in a manner which provides protection from precipitation.
31. The Licencee shall keep a log regarding the daily quantity (in kilograms) of used oil filters processed at the facility.

32. The Licencee shall make available a summary of the record referred to in Clause 31 of this Licence, for inspection by an Environment Officer upon request.

Respecting Used Oil Containers

33. The Licencee shall store used oil containers received at the facility in heavy polyethylene plastic bags that are designed so that they will contain any used oil which may drain from the containers.
34. The Licencee shall store the bags for used oil containers referred to in Clause 33, of this Licence, in a manner which provides protection from precipitation.
35. The Licencee shall keep a log regarding the daily quantity (in kilograms) of used oil containers processed at the facility.
36. The Licencee shall make available a summary of the record referred to in Clause 35 of this Licence for inspection by an Environment Officer upon request.

Respecting Wastewater Emissions

37. The Licencee shall direct all wastewater generated as a result of any activity at the facility, to a sump or sumps properly designed to contain such liquids.
38. The Licencee shall manage all liquids collected in sumps in a manner approved by the Director.

Respecting Training

39. The Licencee shall provide training for all persons who will be assigned duties at the facility in:
- a) Transportation of Dangerous Goods Regulations; and
 - b) procedures pertaining to the operation of the facility including spill response.

The records of this training shall be made available for inspection by an Environment Officer upon request.

Respecting Spills

40. The Licencee shall, within 30 days of the date of issuance of this Licence, provide the Director with a current contingency plan outlining procedures to be used in the event of a leak, spill, fire or other hazardous condition at the facility.

41. The Licencee shall provide the Director and the Winnipeg Fire and Police Departments with a 24 hour contact number for Licencee personnel who have access to current on-site waste inventories at the facility.
42. The Licencee shall contain and clean up immediately all spills or leaks of hazardous waste at the facility.
43. The Licencee shall, when a reportable quantity of a hazardous waste is spilled, immediately report the spill at the facility to the 24 hour emergency response line at Manitoba Conservation at (204) 944-4888. A written report concerning the spill and the actions taken shall be forwarded to the Director within 7 days of the occurrence of the spill.
44. The Licencee shall properly equip the facility with spill cleanup equipment and supplies.
45. The Licencee shall in the event of an Environmental Accident as defined in The Dangerous Goods Handling and Transportation Act and Regulations thereunder, take all necessary actions to contain the spill, manage the impacted environment and to restore the environment to the satisfaction of the Director.

Respecting Alterations and Decommissioning

46. The Licencee shall obtain approval in writing, from the Director for any proposed alteration or expansion to the facility which is likely to cause a significant environment effect, before proceeding with the alteration.
47. The Licencee shall, at the request of the Director, in the event that the facility is permanently closed, conduct an investigation in accordance with "Manitoba Conservation's Guideline for Environmental Site Investigations in Manitoba", (March 1998) to the satisfaction of the Director, to identify any contamination which may have resulted from the operation of the facility.
48. The Licencee shall, where the investigation referred to in Clause 49 of this Licence shows that contamination of the environment has occurred, submit a remediation proposal, within 60 days, to the Director and, upon approval of this proposal by the Director, the required remediation shall be carried out by the Licencee.

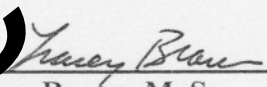
Respecting Financial Insurance/Assurance

49. The Licencee shall, within 30 days of the date of issuance of this Licence, provide the Director with a copy of current insurance policies, described in Clauses 51, 52, 53 and 54 of this Licence, relating to the facility.

50. The Licencee shall provide to the Director satisfactory written evidence of the insurance coverages described in Clauses 51, 52, 53 and 54 of this Licence, on an annual basis.
51. The Licencee shall purchase and maintain Comprehensive General Liability Insurance with a minimum limit of \$2.0 million per occurrence providing coverage for the facility and all operations of the Licencee at the facility. The terms and conditions of coverage shall be satisfactory to the Director, and without limitations shall include coverage for bodily injury (including death), personal injury and accidental property damage, blanket contractual broad form property damage, and non-owned automobile coverages.
52. The Licencee shall purchase and maintain Automobile Liability Insurance for all owned and non-owned licenced vehicles used in connection with the operation of the facility and which provides coverage against liability arising from third party bodily injury or property damage for a minimum of \$2.0 million per occurrence with terms and conditions satisfactory to the Director. If the automobile liability policy excludes coverage for sudden and accidental pollution, this coverage shall be provided under the Environmental Impairment Liability Policy or the Comprehensive General Liability Policy.
53. The Licencee shall, within 60 days of the date of this Licence, post a Performance Bond, an irrevocable letter of credit or other security with Manitoba Department of Conservation to the satisfaction of the Director in the amount of \$100,000. This security and renewals thereof shall remain in place at all times during the operation and decommissioning of the facility. The Director may order forfeiture of the security either in whole or in part by giving written notice to that effect to the Licencee in the documents, upon the Director being satisfied that the facility is in breach of any of the terms of this Licence.
54. The Licencee shall purchase and maintain Environmental Impairment Liability Insurance providing coverage for the Licencee's on and off-site operations associated with the facility. The minimum limits shall be \$3.0 million for gradual pollution and \$5.0 million for sudden and accidental pollution, with a minimum annual aggregate of \$5.0 million. Terms and conditions of coverage shall be satisfactory to the Director. Environmental impairment resulting from the loading and unloading of licenced vehicles shall be covered under the Environmental Impairment Liability Policy or under the Comprehensive General Liability Policy on a sudden and accidental basis; or via a specific endorsement on the automobile liability policy.

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 Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new Application pursuant to The Dangerous Goods Handling and Transportation Act.


Tracey Braun, M. Sc.
Director
Dangerous Goods Handling
and Transportation Act

Client File No.: 5230.00

Consignor Registration No. ~~MP~~ GI 0026
Consignee Registration No. ~~MP~~ RS 0043

rescinded