



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department of Environment and Climate Change

CERTIFICATE OF APPROVAL

Pursuant to the Environmental Protection Act, SNL 2002 c E-14.2 Section 83

Issue Date: *December 02, 2021*

Approval No. AA21-125665

Expiration: *December 02, 2026*

File No. 754.051

Proponent: **Asphalt Product Industries Inc.**
P. O. Box 3008
Paradise, NL
A1L 3W2


Attention: **Carl Healey, Chief Executive Officer**

Re: **Liquid Asphalt Storage Terminal**

Approval is hereby given for: the operation of a Liquid Asphalt Storage Terminal for the handling and storage of asphalt cement.

This Certificate of Approval does not release the proponent from the obligation to obtain appropriate approvals from other concerned provincial, federal and municipal agencies. Nothing in this Certificate of Approval negates any regulatory requirement placed on the proponent. Where there is a conflict between conditions in this Certificate of Approval and a regulation, the condition in the regulation shall take precedence. Approval from the Department of Environment and Climate Change shall be obtained prior to any significant change in the design, construction, installation, or operation of the Liquid Asphalt Storage Terminal, including any future expansion of the Liquid Asphalt Storage Terminal. This Certificate of Approval shall not be sold, assigned, transferred, leased, mortgaged, sublet or otherwise alienated by the proponent without obtaining prior approval from the Minister.

This Certificate of Approval is subject to the terms and conditions as contained therein, as may be revised from time to time by the Department. Failure to comply with any of the terms and conditions may render this Certificate of Approval null and void, may require the proponent to cease all activities associated with this Certificate of Approval, may place the proponent and its agent(s) in violation of the *Environmental Protection Act*, and will make the proponent responsible for taking such remedial measures as may be prescribed by the Department. The Department reserves the right to add, delete or modify conditions to correct errors in the Certificate of Approval or to address significant environmental or health concerns.


For **MINISTER**

TERMS AND CONDITIONS FOR APPROVAL No. AA21-125665

December 02, 2021

General

1. This Certificate of Approval is for the operation of three (3) 7,000 tons of liquid asphalt cement storage tanks with air emission control technology (Nixtox, Model N-750 PDB), two (2) day tanks, an oily water separator, a settling pond, office building, two heaters (HYCGO-200, Model C2-G10-15C & HYTGO-340, Model C3-G10-25C), a weighing scale, and associated piping at Liquid Asphalt Storage Terminal, at Come By Chance, NL, as per plans and specifications (Environmental Assessment Registration Document #1551, December 2010) and subsequent revised plans submitted by Asphalt Product Industries Inc. to the Department of Environment and Climate Change. Extensive future expansion or change of activities will require a separate Certificate of Approval.
2. Any inquiries concerning this approval shall be directed to the St. John's office of the Pollution Prevention Division (telephone: (709) 729-2556; or facsimile: (709) 729-6969).
3. In this Certificate of Approval:
 - **accredited** means the formal recognition of the competence of a laboratory to carry out specific functions;
 - **APII** means Asphalt Product Industries Inc;
 - **asphalt cement** means liquid binder used in the manufacturing of hot-mix asphalt;
 - **Department** means the Department of Environment and Climate Change and its successors;
 - **DGSNL** means Digital Government and Service NL;
 - **Director** means the Director of the Pollution Prevention Division of the Department;
 - **discharge criteria** means the maximum allowable levels for the parameters listed in Table 3;
 - **EDMS** means Environmental Data Management System;
 - **grab sample** means a quantity of undiluted sample collected at any given time. In this approval it refers to waste oil and effluent;
 - **hazardous waste** means a product, substance or organism that is intended for disposal or recycling, including storage prior to disposal or recycling, and that:
 - (a) is listed in Schedule III of the *Export and Import of Hazardous Waste*

- (b) *Regulations under the Canadian Environmental Protection Act, 1999*; is included in any of Classes 2 to 6, 8 and 9 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992*; or
- (c) exhibits a hazard classification of a gas, a flammable liquid, an oxidizer, or a substance that is dangerously reactive, toxic, infectious, corrosive or environmentally hazardous;

- **licenced** means has a Certificate of Approval issued by the Minister to conduct an activity;
- **Minister** means the Minister of the Department;
- **Plan** means the specific plan as identified in the section of this Approval within which it is used. For example, in the *Waste Management Plan* section it refers to the Waste Management Plan;
- **register(ed)** in the context of storage tanks, means that information regarding the storage tank system has been submitted to a DGSNL office and a registration number has been assigned to the storage tank system. In the context of dispersion modelling, registered means submitted to and approved by the Department in accordance with departmental policy and guidelines;
- **spill or spillage** means a loss of gasoline or associated product in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle, or an uncontrolled release of any volume of a regulated substance onto or into soil or a body of water;
- **storage tank system** means a tank and all vent, fill and withdrawal piping associated with it installed in a fixed location and includes a temporary arrangement;
- **TDS** means total dissolved solids;
- **TPH** means total petroleum hydrocarbons, as measured by the Atlantic PIRI method, and
- **TSS** means total suspended solids.

4. All necessary measures shall be taken to ensure compliance with all applicable acts, regulations, policies and guidelines, including the following, or their successors:

- *Environmental Protection Act*;
- *Water Resources Act*;
- *Air Pollution Control Regulations, 2004*;
- *Environmental Control Water and Sewage Regulations, 2003*;
- *Halocarbon Regulations*;
- *Storage and Handling of Gasoline and Associated Products Regulations, 2003*;
- *Sampling of Water and Wastewater - Industrial Effluent Applications Guidance Document*;
- *Precipitation Drainage of Dyke Areas Guidance Document*, and
- *Environmental Guidelines for Controlling Emissions of Volatile Organic Compounds from Above Ground Storage Tanks*.

This Approval provides terms and conditions to satisfy various requirements of the above listed acts, regulations, Departmental policies, guidance documents and guidelines. If it appears that any of the pertinent requirements of these acts, regulations, policies and guidelines are not being met, then a further review of the works shall be conducted, and suitable pollution control measures may be required by the Minister.

5. All reasonable efforts shall be taken to minimize the impact of the operation on the environment. Such efforts include:
 - minimizing the area disturbed by the operation,
 - minimizing air or water pollution,
 - finding alternative uses, acceptable to the Director, for waste or rejected materials,
 - removing equipment or structures when they no longer have further use, and
 - considering the requirement for the eventual rehabilitation of disturbed areas when planning the development of any area on the facility property.
6. APII shall provide to the Department, within a reasonable time, any information, records, reports or access to data requested or specified by the Department.
7. APII shall keep all records or other documents required by this Approval at the Liquid Asphalt Storage Terminal location for a period of not less than three (3) years, beginning the day they were made. These records shall be made available for review by officials of the Department or the DGSNL when requested.
8. Should APII wish to deviate in any way from the terms and conditions of this Certificate of Approval, a written request detailing the proposed deviation shall be made to the Minister. APII shall comply with the most current terms and conditions until the Minister has authorized otherwise. In the case of meeting a deadline requirement, the request shall be made at least 60 days ahead of the applicable date as specified in this Approval or elsewhere by the Department.

Point Source Inventory

9. APII shall maintain a list of stationary point source emitters (i.e. BOILERS, PROCESS HEATERS etc.) in operation. Information to be included in the list shall be manufacturer, manufactured date, installation date, specifications of outlet stack, associated pollution control equipment, fuel burned, and any other information which APII considers appropriate.

Waste Management

10. The management of waste generated at the facility is subject to compliance with the *Environmental Protection Act*. All non-industrial waste shall be stored in a manner acceptable to the Department and, on at least a weekly basis, be disposed of:
 - at an authorized waste disposal site, with the permission of the owner/operator of the site; or
 - by some other means acceptable to the Department.

If required, industrial waste shall be disposed of by a licensed operator.

11. APII shall ensure that all volatile chemical and solvent wastes, if they can not be reused, are placed in suitable covered containers for disposal in a manner acceptable to the Department. Disposal of liquid wastes at waste disposal sites in the province is not considered an acceptable alternative.
12. Disposal of hazardous waste in a municipal or regional waste disposal site in this Province is prohibited. Transporters of hazardous waste shall have an approval issued by the Minister. Those generating hazardous waste shall have a waste generators number issued by the Director and shall also complete the required information outlined in the Waste Manifest Form.

Waste Management Plan

13. APII shall continue to implement the Waste Management Plan as submitted on **February 28, 2012**, for their Liquid Asphalt Storage Terminal. Every year the Plan shall be reviewed and revised as necessary, accounting for expanding or alteration of activities. All proposed revisions shall be submitted to the Director for review. The Department will acknowledge receipt of the Plan and/or revisions, and shall provide any review comments within a reasonable time frame.

Open Burning

14. Materials listed in Table 1 shall not be burnt in open fires.

Table 1 - Material Not Approved for Open Burning	
tires	manure
plastics	rubber
treated lumber	tar paper
asphalt and asphalt products	railway ties
drywall	paint and paint products
demolition waste	fuel and lubricant containers
hazardous waste	used oil
biomedical waste	animal cadavers
domestic waste	hazardous substances
trash, garbage, or other waste from commercial, industrial or municipal operations	materials disposed of as part of the removal or decontamination of equipment, buildings or other structures

15. The Department shall be notified prior to the burning of any materials not listed in Table 1.

Noise

16. Efforts shall be made to minimize and control noise resulting from the Liquid Asphalt Storage Terminal operations and maintenance activities. All vehicles operating within the facility shall have exhaust and muffling devices in good

working order.

Dust Suppression

17. APII shall control dust resulting from operational activities at the site. Use of dust suppressants other than water or calcium chloride shall require approval of the Director. APII are encouraged to use best management practices when applying calcium chloride or any other approved dust suppressant.

Spill Prevention and Containment

18. Areas in which chemicals are used or stored shall have spill containment systems constructed with impermeable floors, walls, dykes or curbs as applicable and be configured, maintained, inspected and repaired as follows:
- they shall not discharge to the environment;
 - they shall have an effective secondary containment capacity of at least 110% of the chemical storage tank capacity, in the case of a single storage container;
 - if there is more than one storage container, they shall have an effective secondary containment capacity of at least 110% of the capacity of the largest container, or 100 % of the capacity of the largest container plus 10% of the aggregate capacity of all additional containers, whichever is greater;
 - they shall be kept clear of material that may compromise the containment capacity;
 - they may include a floor drain system provided that the floor drains, and the place or device to which they drain, are configured in such a manner that the required effective secondary containment capacity is maintained;
 - every year they shall be visually inspected for their liquid containing integrity, and repairs shall be made when required; and
 - once every ten years, spill containment systems shall be inspected, by a means other than visual inspection, for their liquid containing integrity, and repairs shall be made when required.
19. All on site storage of petroleum shall comply with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*, or its successor. Storage tank systems shall be registered with DGSNL.
20. Where applicable, all tanks and fuel delivery systems shall be inspected to appropriate American Petroleum Institute or Underwriters' Laboratories of Canada standards, or any other standards acceptable to this Department. The required frequency of inspections may be changed at the discretion of the Director.
21. A revised inventory of all storage tanks shall be submitted to the Director for review by **January 30, 2022**. This inventory shall include the following information:
- site plan showing tank location,
 - registration number (where applicable),
 - identification number,
 - material stored,
 - capacity,
 - annual throughput,
 - tank material,

- tank type,
- tank diameter,
- tank height,
- tank colour,
- roof type,
- year of manufacture,
- date of installation,
- date of last inspection,
- failure history,
- maintenance history,
- effective secondary containment capacity, and
- date of next planned inspection.

An update of the complete storage tank inventory including any changes to it shall be submitted to the Director within three (3) months of the change having occurred.

Contingency Plan

22. APII shall continue to implement the Contingency Plan as submitted on ***February 29, 2012***, for their Liquid Asphalt Storage Terminal. This Plan describes the actions to be taken in the event of a spill of a toxic or hazardous material. Copies of the Plan shall be placed in convenient areas throughout the facility so that employees can easily refer to it when needed. APII shall ensure that all employees are aware of the Plan and understand the procedures and the reporting protocol to be followed in the event of an emergency. An annual response exercise is recommended for response personnel. Every year, as a minimum, the Plan shall be reviewed and revised as necessary. Any proposed significant revisions shall be submitted to the Director for review. Changes which are not considered significant include minor variations in equipment or personnel characteristics which do not effect implementation of the Plan.
23. Every time APII implements the Contingency Plan, information shall be recorded for future reference. This will assist in reviewing and updating the Plan. The record is to consist of all incidents with environmental implications, and include such details as:
- date;
 - time of day;
 - type of incident (i.e. liquid spill, gas leak, granular chemical spill, equipment malfunction, etc.);
 - actions taken;
 - problems encountered; and
 - other relevant information that would aid in later review of the Plan performance.

Each incident report shall be submitted to the Department as per the ***Reporting*** section.

Decommissioning and Restoration

24. A Plan to restore areas disturbed by the operation shall be submitted to the Director for review at least six (6) months prior to closure of the facility. For guidance on the preparation of the Plan, refer to Appendix A. Wherever possible, the Plan shall

promote progressive reclamation of disturbed areas. APII shall proceed through a phased environmental site assessment process to closure.

Effluent Monitoring and Discharge

- 25. Surface runoff from the site and any accumulation within the berm area around the storage tanks shall be directed through an oil/water separator to the settling pond.
- 26. APII shall only discharge effluent from the settling pond after meeting the discharge criteria in Table 3.
- 27. APII shall perform an Effluent Monitoring Program as per Table 2. All results shall be submitted to the Director as per the **Reporting** section.

Table 2 - Effluent Monitoring Program						
Location	EDMS Location Code	Parameters				Frequency ¶
Settling Pond	00515	pH	TSS	TDS	TPH	Prior to Discharge
¶ grab sampling						

- 28. Refer to Table 3 for the discharge criteria

Table 3 - Effluent Discharge Criteria	
Parameter	Allowable Limits
pH	5.5 – 9.0 pH units
TSS	30 mg/L
TDS	1000 mg/L
TPH	15 mg/L

- 29. The oil/water separators shall be checked routinely to ensure they are working properly. A log of these checks shall be maintained and made available to the Department upon request.

Groundwater Monitoring

- 30. APII shall conduct groundwater monitoring four (4) times per calendar year and not less than thirty (30) days apart, as per Table 4. All results shall be submitted to the Director as per the **Reporting** section.

Table 4 - Groundwater Monitoring Program		
Location	EDMS Code	Parameters
MW1	00516	General Parameters: nitrate + nitrite, nitrate, nitrite, pH, colour, sodium, potassium, calcium, sulphide, magnesium, ammonia, alkalinity, sulphate, chloride, turbidity, reactive silica, orthophosphate, phosphorous, DOC, conductance, TDS (calculated), phenolics, carbonate (CaCO ₃), hardness (CaCO ₃), bicarbonate (CaCO ₃), TPH Metals Scan: aluminum, antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, molybdenum, mercury, nickel, selenium, silver, strontium, thallium, tin, titanium, uranium, vanadium, zinc
MW2	00517	
MW3	00518	

31. All groundwater monitoring wells shall be:
- (a) labelled,
 - (b) protected from damage, and
 - (c) locked except when being sampled.
32. If a representative groundwater sample cannot be collected because the groundwater monitor well is damaged or is no longer capable of producing a representative groundwater sample:
- (a) the groundwater monitor well shall be cleaned, repaired or replaced, and
 - (b) a representative groundwater sample shall be collected and analyzed prior to the next scheduled sampling event, unless otherwise authorized in writing by the Department.

Pollution Control Equipment

33. Venting of all storage tanks shall be connected through a series of piping conveying the vent gas to the control system (NIXTOX PDB as identified by APII in their submission to the Department dated February 8, 2011 & January 21, 2014) to remove VOCs and odours.
34. Maintenance and operation plans for the odour emission controls system shall be submitted to the Director for review prior to commencement of operation. The plan shall include at a minimum the maintenance and replacement procedures for the activated carbon filter.

Analysis and QA/QC

35. Unless otherwise stated herein, all solids and liquids analysis performed pursuant to this Approval shall be done by either a contracted commercial laboratory or an in-house laboratory. Contracted commercial laboratories shall have a recognized form of accreditation. In-house laboratories have the option of either obtaining accreditation or submitting to an annual inspection by a representative of the

Department, for which APII shall be billed for each laboratory inspection in accordance with Schedule 1 of the *Accredited Laboratory Policy (PD:PP2001-01.02)*. Recommendations of the Director stemming from the annual inspections shall be addressed within 6 months; otherwise further analytical results shall not be accepted by the Director.

36. If APII wish to perform in-house laboratory testing and submit to an annual inspection by the Department then a recognized form of proficiency testing recognition shall be obtained for compliance parameters for which this recognition exists. The compliance parameters are listed in the *Effluent Monitoring and Discharge* section. If using a commercial laboratory, APII shall contact that commercial laboratory to determine and to implement the sampling and transportation QA/QC requirements for those activities.
37. The exact location of each sampling point as submitted on *February 29, 2012*, shall remain consistent over the life of the monitoring program, unless otherwise approved by the Director.
38. APII shall bear all expenses incurred in carrying out the environmental monitoring and analysis required under conditions of this Approval.

Monitoring Alteration

39. The Director has the authority to alter monitoring programs or require additional testing at any time when:
 - pollutants might be released to the surrounding environment without being detected;
 - an adverse environmental effect may occur; or
 - it is no longer necessary to maintain the current frequency of sampling and/or the monitoring of parameters.
40. APII may, at any time, request that monitoring program or requirements of this Approval be altered by:
 - requesting the change in writing to the Director; and
 - providing sufficient justification, as determined by the Director.

The requirements of this Approval shall remain in effect until altered, in writing, by the Director.

Reporting

41. Monthly reports containing the environmental compliance monitoring and sampling information required in this Approval shall be received by the Director in digital format within 30 calendar days of the reporting month. All related laboratory reports shall be submitted with the monthly report in XML format and Adobe Portable Document Format (PDF). Digital report submissions shall be uploaded through the EDMS web portal. The Pollution Prevention Division shall provide details of the portal web address and submission requirements.
42. Each monthly report shall include a summary of all environmental monitoring

components and shall include an explanation for the omission of any requisite data. The monthly summary reports shall be in Microsoft Word or Adobe PDF and shall be uploaded through the EDMS web portal with the data submissions.

43. All incidents of:

- *Contingency Plan* implementation; or
- non-conformance of any condition within this approval; or
- spillage or leakage of a regulated substance; or
- whenever discharge criteria is, or is suspected to be, exceeded; or
- verbal/written complaints of an environmental nature from the public received by APII related to the Asphalt Storage Terminal, whether or not they are received anonymously;

shall be immediately reported, within one working day, to this Department.

A written comprehensive incident report, including a detailed description of the incident, a summary of contributing factors, and an Action Plan to prevent future incidents of a similar nature, shall be prepared. The report shall include a description of actions already taken and future actions to be implemented, and shall be submitted to the Department within thirty days of the date of the initial incident.

44. Any spillage or leakage of gasoline or associated product shall be reported immediately through the Environmental Emergencies 24-hour report line at 1-800-563-9089.

Expiration

45. This Certificate of Approval expires ***December 02, 2026***.

46. Should APII wish to continue to operate the Liquid Asphalt Storage Terminal beyond this expiry date, a written request shall be submitted to the Director for the renewal of this approval. Such request shall be made prior to ***July 02, 2026***.

APPENDIX A

Industrial Site Decommissioning and Restoration Plan Guidelines

As part of the Department's ongoing commitment to minimize the residual impact of industrial activities on the environment of the province, the Department requires that APII develop a Decommissioning and Restoration Plan for the Liquid Asphalt Storage Terminal at Come by Chance. The guidelines listed below are intended to provide some general guidance as to the expectations of the Department with regard to the development of the Plan, and to identify areas that are of particular concern or interest. The points presented are for consideration, and are open to interpretation and discussion.

Decommissioning and Restoration Plans are intended to present the scope of activities that a company shall undertake at the time of final closure and/or decommissioning of the industrial properties. Where it is useful and practical to do so the company is encouraged to begin undertaking some of the activities outlined in the Plan prior to final closure and decommissioning. The objectives of the restoration work to be undertaken can be summarized as follows:

- (a) to ensure that abandoned industrial facilities do not endanger public health or safety;
- (b) to prevent progressive degradation and to enhance the natural recovery of areas affected by industrial activities;
- (c) to ensure that industrial facilities and associated wastes are abandoned in a manner that will minimize the requirement for long term maintenance and monitoring;
- (d) to mitigate, and if possible prevent, the continued loadings of contaminants and wastes to the environment. The primary objective shall be to prevent the release of contaminants into the environment. Where prevention is not practical due to technical or economic limitations then activities intended to mitigate the consequence of such a release of contaminants shall become the objective of restoration work;
- (e) to return affected areas to a state compatible with the original undisturbed condition, giving due consideration to practical factors including economics, aesthetics, future productivity and future use, and
- (f) to plan new facilities so as to facilitate eventual rehabilitation.

The Decommissioning and Restoration Plan should:

- (1) identify areas of known historical or current contamination;
- (2) identify past or existing operational procedures and waste management practices that have, or may have, resulted in site contamination;
- (3) highlight the issues or components to be addressed;
- (4) identify operational procedures and waste management practices that can prevent or reduce site contamination;
- (5) consider future land use, regulatory concerns and public concerns;

- (6) enable estimation of the resources and time frame required to decommission the facility and restore the site to a condition acceptable to the Department;
- (7) enable financial planning to ensure the necessary funds for decommissioning and restoration are set aside during the operational life of the facility, and
- (8) include arrangements for appropriate project management to ensure successful completion of the decommissioning and restoration program.

Cc: Mr. Gary Kennell
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