



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

CERTIFICATE OF APPROVAL

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

Issue Date: *June 7, 2018*

Approval No. WMS 18-06-001

Expiration: *December 7, 2018*

File No. 834.126.32

Proponent: Newco Metal and Auto Recycling Ltd. (Newco)
50 Robin Hood Bay Road
St. John's, NL A1A 5V3

Attention: Robert Anstey, President/Owner

Re: **Approval to construct a metal shredder on Incinerator Road, St. John's, NL**

Approval is hereby given for: the construction/installation of Newco's metal shredder operation at 390 Incinerator Road, St. John's, NL. The facility to be constructed will encompass the operation of a waste management system consisting of:

- a) A permanent metal recycling facility located at Incinerator Road, St. John's, for collection, shredding, crushing, sorting, storage, loading, transportation and export from the province of scrap metals and derelict vehicles; and
- b) A mobile operation for the collection, crushing, sorting, storage, loading, transportation and export from the province of scrap metals and derelict vehicles on a province-wide basis.

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

This 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 Approval null and void, may require the proponent to cease all activities associated with this 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 in the Approval or to address significant environmental or health concerns.


MINISTER

TERMS AND CONDITIONS FOR APPROVAL No. WMS 18-06-001

General

1. This Approval is for: construction/installation of Newco's shredder operation at 390 Incinerator Road, St. John's, NL, as per plans and specifications supplied by Newco for this Approval.
2. Commitments made by Newco during the 2018 Environmental Assessment process (Reg. 1953) will be upheld by this approval.
3. The facility shall be constructed in accordance with the plans and specifications submitted during the Environmental Assessment and Approval processes.
4. Future expansion or change of activities will require a separate approval and/or amendment.
5. 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.
6. In this Approval:
 - **accredited** means the formal recognition of the competence of a laboratory to carry out specific functions;
 - **air contaminant** means any discharge, release, or other propagation into the air and includes, but is not limited to, dust, fumes, mist, smoke, particulate matter, vapours, gases, odours, odorous substances, acids, soot, grime or any combination of them;
 - **composite sample** means a quantity of undiluted effluent collected continually at an equal rate or at a rate proportionate to flow over a designated sampling period;
 - **CSQG** means the Canadian Soil Quality Guidelines;
 - **Department** means the Department of Municipal Affairs and Environment and its successors;
 - **Director** means the Director of the Pollution Prevention Division of the Department;
 - **grab sample** means a quantity of undiluted sample collected at any given time;
 - **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 Regulations under the Canadian Environmental Protection Act, 1999*;
(b) is included in any of Classes 2 to 6, and 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;

- **licensed** means has an Approval issued by the Minister to conduct an activity;
- **malfunction** means any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, wastewater treatment equipment, process equipment, other equipment or a process to operate in a normal or usual manner. Failures caused in part by poor maintenance or careless operation are not malfunctions;
- **Minister** means the Minister of the Department;
- **PCBs** means polychlorinated biphenyls;
- **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;
- **QA/QC** means Quality Assurance/Quality Control;
- **qualified professional** means an individual with the appropriate education, training, and experience to perform the designated task. Depending on the task, this education, training, and experience is typically recognized through registration in a professional association by the individual or by the company to which the individual is responsible;
- **register(ed)**, in the context of storage tanks, means that information regarding the storage tank system has been submitted to a Service NL 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.
- **regulated substance** means a substance subject to discharge limit(s) under the *Environmental Control Water and Sewage Regulations, 2003*;
- **site plan** means the drawings supplied in the documentation for this approval;
- **SOP** means Standard Operating Procedure;
- **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 vents, fill and withdrawal piping associated with it installed in a fixed location and includes a temporary arrangement;

- TDS means total dissolved solids;
- TPM means total particulate matter with diameters less than 100µm;
- TSS means total suspended solids;

7. 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;*
- *Accredited Laboratory Policy (PD:PP2001-01.2);*

This Approval provides terms and conditions to satisfy various requirements of the above listed acts, regulations, Departmental policies 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.

8. 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.
9. Newco shall provide to the Department, within a reasonable time, any information, records, reports or access to data requested or specified by the Department.
10. Newco shall keep all records or other documents required by this Approval at the metal shredder facility on Incinerator Road, St. John's, for a period of not less than three (3) years. These records shall be made available for review by officials of the Department or Service NL when requested.
11. Should Newco wish to deviate in any way from the terms and conditions of this Approval, a written request detailing the proposed deviation shall be made to the Minister. Newco 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.

Construction

12. Any work that must be performed in a body of water below the high water mark shall be carried out during a period of low water levels, unless otherwise permitted in writing by the Department.
13. All construction operations shall be carried out in a manner that minimizes damage

to land, vegetation, and watercourses, and which prevents pollution of bodies of water in excess of applicable regulatory limits.

14. The use of heavy equipment shall be confined to dry stable areas and shall not be carried out in streams or bodies of water, unless otherwise permitted in writing by the Department.
15. All vehicles and equipment shall be in good repair, and shall be free of leaks of oil or other harmful substances that could impair water quality.
16. During the construction of concrete components, formwork shall be properly constructed to prevent any fresh concrete from entering a body of water. Dumping of concrete or washing of tools and equipment in any body of water is prohibited.
17. Waste hardened concrete shall not be disposed as unsuitable material at the project site. Waste hardened concrete shall be put to beneficial use on site as fill material, or it shall be sent to an approved waste disposal site.
18. All areas affected by this project shall be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if necessary in the opinion of this Department.
19. Prior written permission is required from the Department for all work that takes place in a body of water, including but not limited to bridges, culverts, fording, stream modifications, infilling and dredging.

Waste Management

20. All waste generated at the facility is subject to compliance with the *Environmental Protection Act*. All non-industrial waste shall be placed in closed containers and, on at least a weekly basis, removed from the site. If required, industrial waste shall be disposed of by a licensed operator. These wastes shall be disposed of at an authorized waste disposal site with the permission of the owner/operator of the site.
21. Newco shall ensure that all volatile chemical and solvent wastes, if they cannot 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 permitted.
22. 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 generator number issued by the Director and shall also complete the required information outlined on the Waste Manifest Form.

Noise

23. Efforts shall be made to minimize and control noise resulting from Newco's operations and maintenance activities. All owned/rented vehicles hauling materials on the site shall have exhaust and muffling devices in good working order.

Dust Suppression

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

Spill Prevention and Containment

25. Areas in which chemicals are used or stored shall have impermeable floors and dykes or curbs and shall not have a floor drain system, nor shall it discharge to the environment. Areas inside the dykes or curbs 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, the dyked area shall be able to retain no less than **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.** These dyked areas shall be kept clear of material that may compromise the capacity of the dyke system. Once a year, the dykes shall be visually inspected for their liquid containing integrity, and repairs shall be made when required. Once every ten years, the dykes shall be inspected, by a means other than visual inspection, for their liquid containing integrity, and repairs shall be made when required.
26. All on-site storage of petroleum shall comply with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*, or its successors. Storage tank systems shall be registered with Service NL. All aboveground storage tanks shall be clearly and visibly labelled with their Gasoline Associated Products (GAP) registration numbers.
27. 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.

Contingency Plan

28. A Contingency Plan for the operation of Newco facility shall be submitted to the Director for review by **June 20, 2018**. The Plan shall clearly describe the actions to be taken in the event of a spill of a toxic or hazardous material. It shall include, as a minimum: notification and alerting procedures; duties and responsibilities of the "on-scene commander" and other involved staff; spill control and clean-up procedures; restoration of the spill site; information on disposal of contaminants; and resource inventory. Copies of the Plan shall be placed in convenient areas throughout the facility so that employees can easily refer to it when needed. Newco 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.

29. Every time Newco 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 is to 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 a later review of the Plan's effectiveness. Each incident report shall be submitted to the Director as per the Reporting section.

Analysis and QA/QC

30. Unless otherwise stated herein, all solid and liquid analyses performed pursuant to this Approval shall be done by a contracted commercial laboratory. Contracted commercial laboratories shall have a recognized form of accreditation. The *Accredited Laboratory Policy (PD:PP2001-01.02)* must be adhere to.
31. When using a commercial laboratory, Newco shall contact that commercial laboratory to determine and to implement the sampling and transportation QA/QC requirements for those activities.
32. The exact location of each sampling point shall remain consistent over the life of the monitoring programs, unless otherwise approved by the Director. Using a GPS or similar device, the northing and easting of each sampling location shall be recorded and submitted to the Department with each set of monitoring data.
33. Newco shall bear all expenses incurred in carrying out the environmental monitoring and analysis required under conditions of this Approval.

Monitoring

34. The Department may require a monitoring program when it is the judgement of the Director that:
- pollutants might be released to the surrounding environment without being detected; or
 - an adverse environmental effect may occur.

Monitoring Wells

35. Newco is required to install monitoring wells on their site on Incinerator Road, St. John's.
36. A minimum of three (3) monitoring wells are required. A consultant shall be hired to determine the appropriate placement of the wells.
37. After monitoring wells are installed, Newco shall record their locations by GPS and by plotting on a map. This location information shall be submitted to the

Department.

38. Newco shall insure that the monitoring wells are sufficiently protected from damage due to their operational activities.
39. Sampling and analysis of groundwater is required for monitoring purposes. Newco shall conduct two sampling events per year, one in late fall and one in early spring. Samples are required to be analyzed for the following: BTEX/TPH and Rapid Chemical Analysis package plus metals (RCAP-MS). The samples shall be taken by an independent consultant and analyzed by an accredited laboratory. The Department shall receive copies of the data within one (1) month of the receipt of the data by Newco.
40. Newco may, at any time, request that the 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.
41. The monitoring requirements of this Approval shall remain in effect until altered, in writing, by the Director.

Reporting

42. All incidents of:
 - *Contingency Plan* implementation; or
 - non-conformance with 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 Newco related to the site on Incinerator Road, St. John's, whether or not they are received anonymously;

shall be immediately reported, within one working day, to this Department by phoning (709) 729-2556.

A written 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 submitted to the Department. The Action Plan shall include a description of actions already taken and future actions to be implemented, and shall be submitted within thirty (30) days of the date of the initial incident. The address for written report submission is:

Director, Pollution Prevention Division
Department of Municipal Affairs and Environment
P.O. Box 8700
St, John's, NL A1B 4J6

43. Any spillage or leakage of gasoline or associated product shall be reported immediately through the Canadian Coast Guard at 1-(709)-772-2083.
44. Up-to-date descriptions of construction activities shall be included in Newco's Annual Report, as required by their COA, Approval No. WMS 18-06-001.

Insurance and Financial Assurance

45. Valid environmental impairment liability insurance in the amount of \$1,000,000 shall be maintained; otherwise this approval is null and void. Proof of the environmental impairment liability insurance policy shall be provided to the Department prior to issuance of this Certificate of Approval.
46. A valid surety bond of \$20,000 shall be on file with the Department; otherwise this approval is null and void. Proof of a valid surety bond shall be provided to the Department prior to the issuance of this Certificate of Approval.
47. Annual updates of the financial assurance documents and insurance documents shall be filed with the Department.
48. Newco shall provide the Department with three (3) months notice if they intend to cancel and/or change the insurer or bonding agent.

Expiration

49. Should the proponent wish to continue to construct Newco's shredder operation on Incinerator Road, St. John's, 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 *November 1, 2018*.

cc:

Mr. Robert Locke
Manager of Operations and Environmental Protection
Service NL
P.O. Box 8700
St. John's, NL
A1B 4J6

