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Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement, de la Protection de la nature et des Parcs

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0590-BKPS7S

Issue Date: April 9, 2020

HFI Pyrotechnics Inc.
3322 Hands Rd RR#4
Edwardsburgh/Cardinal, Ontario
K0E 1T0

Site Location: 3322 Hands Road
3322 Hands Rd RR#4
Edwardsburgh/Cardinal Township, United Counties of Leeds and Grenville
K0E 1Y0

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

a waste disposal site

to be used for the processing of the following types of waste:

explosive waste generated on-site

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

For the purpose of this environmental compliance approval, the following definitions apply:

"Approval" means this entire provisional Environmental Compliance Approval document, issued in accordance with Part II.1 of the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A, as amended from time to time;

"Design and Operations Report" means the document describing all on-site operations, procedures and environmental protection measures, further described in the conditions of this Approval;

"Director" means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA;

"District Manager" means the District Manager of the local district office of the

Ministry in which the Site is geographically located;

"EPA" means Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

"Minister" means the Minister of the Environment, Conservation and Parks, or such other member of the Executive Council, as may be assigned the administration of the EPA under the Executive Council Act, R.S.O. 1990 c. E.25;

"Ministry" means the ministry of the Minister;

"Operator" means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site, and includes its successors or assigns;

"Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes HFI Pyrotechnics Inc. , its successors and assigns;

"OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;

"PA" means the Pesticides Act, R.S.O. 1990, c. P.11, as amended;

"Provincial Officer" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the OWRA or section 5 of the EPA or section 17 of PA;

"Regional Director" means the Regional Director of the local regional office of the Ministry in which the Site is located;

"Reg. 347" means R.R.O. 1990, Regulation 347: General - Waste Management, made under the EPA, as amended from time to time;

"Site" means the facility located at 3322 Hands Road, RR#4, Edwardsburgh/Cardinal Township, United Counties of Leeds, authorized by this Approval;

"Trained Personnel" means persons knowledgeable in the following through instruction and/or practice:

- a. relevant waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the material being handled;
- c. occupational health and safety concerns pertaining to the processes and materials being handled;
- d. management procedures including the use and operation of equipment for the processes and materials being handled;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for management of unacceptable loads;
- h. the requirements of this Approval.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

GENERAL

Compliance

1. The Owner and Operator shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

Build, etc. in Accordance

3. (1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval, dated March 9, 2011, and the supporting documentation listed in Schedule "A".
 - (2) 1. Construction and installation of the aspects of the Site described in the application for this Approval must be completed within 5 years of the later of:
 - (a) the date this Approval is issued; or
 - (b) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.
 2. This Approval ceases to apply in respect of the aspects of the Site noted above that have not been constructed or installed before the later of the dates identified in Condition 3(2)1 above.

Interpretation

4. Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
5. Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.
6. Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.
7. The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

Other Legal Obligations

8. The issuance of, and compliance with the conditions of, this Approval does not:
 - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
 - b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner and Operator to furnish any further information related to compliance with this Approval.

Adverse Effects

9. The Owner and Operator shall take steps to minimize and ameliorate any adverse

effect (as defined in the EPA) or impairment of water quality resulting from operations at the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

10. Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval the person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect (as defined in the EPA) or impairment of water quality.

Change of Owner

11. The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within 30 days of the occurrence of any of the following changes:

- a. the ownership of the Site
- b. the Owner or Operator of the Site;
- c. the name or address of the Owner or Operator;
- d. the partners, where the Owner or Operator is or at any time becomes a partnership and a copy of the most recent declaration filed under the Partnerships Act, R.S.O. 1990, c. P.5 shall be included in the notification; or
- e. the directors, where the Owner of the Operator is or at any time becomes a corporation, and a copy of the most current information filed as required by the Corporations Information Act, R.S.O. 1990, c. C.39 shall be included in the notification.

12. The Owner shall not terminate the lease for the Site prior to or after closing of the Site unless the Director is notified in advance and sufficient financial assurance is deposited with the Ministry to ensure that the requirements of this Approval will be carried out. In the event of any change in ownership of the Site, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of such notification to the District Manager and the Director.

Inspections

13. No person shall hinder or obstruct a Provincial Officer in the performance of their duties, including any and all inspections authorized by the OWRA, the EPA or the PA of any place to which this Approval relates, and without limiting the foregoing to:

- a. enter upon the premises where the Site is located, or the location where the records required by the conditions of this Approval are kept;
- b. have access to, inspect, and copy any records required by the conditions of this Approval;
- c. inspect the practices, procedures, or operations required by the terms and conditions of this Approval; and
- d. sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the OWRA or the PA.

Financial Assurance

14. No later than 20 days from the date of issuance of this Approval, the Owner shall submit financial assurance as defined in Section 131 of the EPA to the Director in the amount of \$7,000. This financial assurance shall be in a form and amount acceptable

to the Director and shall provide sufficient funds to pay for compliance with and performance of any action specified in this Approval, including Site clean-up, monitoring and the disposal of all quantities of waste on-site, closure and post-closure care of the Site and contingency plans for the Site.

15. Commencing on March 31, 2023, and every 3 years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance required to facilitate the actions described under condition 14 above. By March 31 of each year where a re-evaluation is not required to be submitted, the Owner shall prepare a re-evaluation to be kept on-site. Additional financial assurance, if required, must be submitted to the Director within 20 days of written acceptance of the re-evaluation by the Director.

16. The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any financial assurance is scheduled to expire or notice is received, indicating financial assurance will not be renewed, and satisfactory methods have not been made to replace the financial assurance at least 60 days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

Information and Record Retention

17. Any information requested by the Ministry concerning the Site and its operation under this Approval, including, but not limited to, any records required to be kept by this Approval, shall be provided in a timely manner to the Ministry, upon request. Records shall be retained for 7 years unless otherwise authorized in writing by the Director.

18. The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

- a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
- b. acceptance by the Ministry of the information's completeness or accuracy.

OPERATIONS

Hours of Operation

19. Waste may be processed 24 hours per day, 7 days per week.

Service Area

20. No waste that has been generated off-site shall be received at the Site.

Waste Types

21. (1) Only explosive waste (Waste Class No. 321) generated on-site may be processed at this Site.

(2) Notwithstanding Condition 21(1) above, this Approval does not limit the processing of waste generated on-site other than explosive waste (Waste Class No. 321). For further clarity, this Approval does not apply to the combustion of solid non-hazardous

wood and paper fibre generated on-site that would otherwise be exempt under Sections 28 or 28.1 of Regulation 347 or the handling of waste generated on-site that would otherwise be exempt under Section 17.1 of Regulation 347.

Storage Limits

22. The amount of waste stored at the Site shall not exceed the following at any time:

- a. 500 kilograms of production generated explosive waste; and
- b. 6 tonnes of spent markers/candles.

Processing

23. (1) The processing of explosive waste at the Site is limited to the handling, temporary storage and controlled burning of waste at the Site described in Schedule "A".

(2) No waste may be landfilled on-site.

(3) Where there is a conflict between a condition of this Approval and a requirement for the Site set out in federal legislation or any federal permission for the Site having regard to the handling, temporary storage or controlled burning of explosive waste at the Site, the federal requirement shall take precedence.

(4) In the event of a conflict noted in Condition 23(3) above, the Owner shall provide the District Manager with a written description of the conflict and a written description of the actions the Owner intends to take to address the conflict before proceeding with any changes to operations.

Signage and Security

24. The Site shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the Site.

Design and Operations Report

25. (1) No later than 90 days from the date of issuance of this Approval, the Owner shall prepare and retain on-site a consolidated Design and Operations Report that includes the following:

1. details of all on-site operations, including drawings showing designated waste handling, storage and controlled burning locations at the Site, drawings and written descriptions of all waste management infrastructure in use at the Site, and written descriptions of all waste management activities taking place on-site;
2. details of all environmental protection measures required by the conditions of this Approval, including drawings and written descriptions of infrastructure and written descriptions of procedures; and
3. details of all procedures required by the conditions of this Approval, including written descriptions of staff training procedures, site security procedures, site inspection procedures, complaint response procedures, emergency response procedures and record keeping procedures.

(2) The Design and Operations Report shall be kept up-to-date, with any substantive changes to the Design and Operations Report being submitted to the Director for approval prior to implementation .

Staff Training

26. The Owner shall maintain a training plan to be used to train all employees that

operate the Site.

27. The Owner shall ensure that Trained Personnel are available at all times during the hours of operation of this Site, and that Trained Personnel supervise all management of waste at the Site .

Site Inspection

28. An inspection of the entire Site and all equipment on the Site shall be conducted each day the Site is in operation to ensure that: the Site is secure; that the operation of the Site is not causing any nuisances; that the operation of the Site is not causing any adverse effects on the environment; and that the Site is being operated in compliance with this Approval. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the Site if needed.

29. A record of the inspections, including the following information, shall be kept electronically or in a daily log book:

- a. the name and signature of person that conducted the inspection;
- b. the date and time of the inspection;
- c. a list of any deficiencies discovered;
- d. any recommendations for remedial action; and
- e. the date, time and description of actions taken.

Nuisances

30. The Site shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance. The Owner shall implement the nuisance control measures noted in the application for this Approval as required to address any nuisances.

Complaint Response

31. If at any time the Owner receives a complaint regarding an adverse effect (as defined in the EPA) due to operation of the Site, the Owner shall respond to the complaint according to the following procedure:

(1) The Owner shall record and number each complaint, either electronically or in a separate log book, along with the following information:

1. the nature of the complaint;
2. the name, address and telephone number of the complainant (if provided);
3. the date and time the complaint was received;
4. a description of the weather conditions at the time of the complaint;
5. a description of the waste handling activities taking place at the time of the complaint; and
6. a description of the known or suspected activity causing the complaint.

(2) The Owner shall:

1. initiate appropriate steps to determine all possible causes of the complaint;
2. proceed to take the necessary actions to eliminate the cause of the complaint;
3. notify the District Manager of the complaint within 24 hours of receiving the complaint;
4. forward a report to the District Manager, including a copy to the complainant if they have identified themselves, within 24 hours of receiving the complaint that describes

the response to the complaint; and

5. forward daily updates to the District Manager until the complaint is resolved.

(3) The Owner shall complete and retain on-site a report written within one (1) week of the complaint date, including:

1. the information required in conditions 31(1) and 31(2) above;
2. a list of the actions taken to resolve the complaint; and
3. recommendations for any remedial measures, managerial changes or operational changes that would reasonably avoid the recurrence of similar incidents in the future.

Emergency Response Plan

32. The Owner shall prepare and provide copies of an emergency response plan to the Fire Department within 30 days of the issuance of this Approval, and shall inform the District Manager in writing within 10 days of receiving acceptance of the plan by the Fire Department.

33. The emergency response plan shall be kept up to date, and a copy shall be retained and accessible to all staff at all times.

34. The equipment, materials and personnel requirements outlined in the emergency response plan shall be immediately available on the Site at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.

35. Each staff member that operates the Site shall be fully trained in the use of the equipment required under the emergency response plan and in the procedures to be employed in the event of an emergency.

36. The Owner shall immediately take all measures necessary to contain and clean up any spill (as defined in the EPA) which may result from the operation of this Site and immediately implement the emergency response plan if required.

Closure Plan

37. A Closure Plan shall be submitted to the Director for approval, with a copy to the District Manager, no later than six (6) months before the planned closure date of the Site. The Closure Plan shall include, at a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.

38. No more than 10 days after closure of the Site, the Owner shall notify the Director, in writing, that the Site is closed and that the approved Closure Plan has been implemented.

Daily Log Book

39. A daily log shall be maintained at the Site, either electronically or in written format, and shall include the following information as a minimum:

1. the date;
2. quantity and source of all waste processed at the Site;
3. a record of daily inspections required by this Approval;
4. a record of any process upsets or spills with the potential to enter the natural environment, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, and for spills, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA .

5. a record of all complaints received regarding operations at the Site.

Reporting

40. By March 31, 2021, and on an annual basis thereafter, the Owner shall prepare a written report for the previous calendar year that shall be kept on-site and made available to any Provincial Officer upon request. The report shall include, at a minimum, the following information:

- (1) a detailed monthly summary of the type and quantity of all waste processed on-site;
- (2) any environmental and operational problems, that could negatively impact the natural environment (as defined in the EPA), encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- (3) any changes to the emergency response plan or the Design and Operations Report since the last Annual Report;
- (4) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

Schedule "A"

This Schedule forms a part of this Approval:

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated March 9, 2011 signed by D. John Witherspoon, HFI Pyrotechnics Inc., including all supporting documentation.
2. Facsimile dated March 31, 2011 from D. John Witherspoon, HFI Pyrotechnics Inc., to Dawnett Allen, Ministry of the Environment, with additional information on site operations.
3. Email dated March 1, 2020 from John Houston, P.Eng., Director of Technical Services and Engineering, HFI Pyrotechnics Inc., describing waste handling procedures and waste storage amounts.

The reasons for the imposition of these terms and conditions are as follows:

The reason for the definitions is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.

The reason for Conditions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 17 and 18 is to clarify the legal rights and responsibilities of the Owner and Operator.

The reason for Conditions 3 is to ensure that the Site is operated in accordance with the application and supporting documentation submitted by the Company, and not in a manner which the Director has not been asked to consider.

The reasons for Condition 11 are to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.

The reasons for Condition 12 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

The reason for Condition 13 is to ensure that appropriate Ministry staff have ready

access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

The reason for Conditions 14, 15 and 16 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.

The reason for Conditions 19, 20, 21(1), 22, 23, 28, 29 and 30 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Condition 21(2) is to clarify that the scope of this Approval is limited to those activities associated with the safe handling and management of explosive waste generated on-site, and does not apply to activities that would otherwise be exempt if this Approval were not required for the management of explosive waste generated on-site.

The reasons for Condition 24 is to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed.

The reason for Condition 25 is to ensure that a consolidated Design and Operations report for the Site is prepared that reflects current operations.

The reason for Conditions 26 and 27 is to ensure that the Site is operated by properly Trained personnel in a manner which does not result in a hazard or nuisance to the natural environment or any person.

The reason for Condition 31 is to ensure that any complaints regarding Site operations are responded to in a timely manner.

The reasons for Conditions 32, 33, 34, 35 and 36 are to ensure that an Emergency Response Plan is developed and maintained at the Site and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.

The reason for Conditions 37 and 38 is to ensure that the Site will be closed in an environmentally protective manner when Site operations cease.

The reason for Condition 39 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns.

Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.

The reasons for Condition 40 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, the Minister of the Environment,

Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary* Environmental Review Tribunal 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5	AND	The Minister of the Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto, Ontario M7A 2J3	AND	The Director appointed for the purposes of Part II.1 of the Environmental Protection Act Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 9th day of April,
2020

Mohsen Keyvani, P.Eng.

Director
appointed for the purposes of Part
II.1 of the *Environmental Protection
Act*

AN/
c: District Manager, MECP Kingston - District
D. John Witherspoon, HFI Pyrotechnics