

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER A120316

Issue Date: October 12, 2021

Raw Materials Company Inc.  
17 Invertose Dr  
Port Colborne, Ontario  
L3K 5V5

Site Location: 17 Invertose Drive  
17 Invertose Dr  
Port Colborne City, Regional Municipality Of Niagara  
L3K 5V5

*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:*

the use and operation of a 1.4 hectare (3.5 acre) Waste Disposal Site only for the transfer, processing and temporary storage of Waste Classes 112, 114, 121, 122, 146, and 148 as described in the New Ontario Waste Classes, dated January 1986, as amended, including lithium strips and dry-cell and wet batteries, limited to the following:

lead acid battery cells, lead material, nickel Cadmium, nickel iron batteries, nickel metal hydride, lithium ion cells, alkaline cells, polypropylene plastic, nickel-cadmium wet cells, electrolytes (sulphuric acid/potassium hydroxide), elemental mercury, mercury bearing wastes, lithium cells.

Note: Use of this *Site* for additional categories of waste materials requires a new application and amendments to this environmental compliance

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

1. *"Approval"* means this entire Environmental Compliance Approval and any Schedules attached to it;
2. *"Director"* means any *Ministry* employee appointed in writing by the Minister pursuant to section 5 of the *Act* as a Director for the purposes of Part V of the *Act* ;
3. *"District Manager"* means the District Manager of the local district office of the *Ministry* in which the *Site* is geographically located;

4. "*EPA or Act*" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
5. "*Lithium Material* " means any waste material containing lithium which is received, stored, processed or managed at the Site, including lithium strips and lithium cells.
6. "*Ministry*" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;
7. "*NMA*" means the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended.
8. "*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;
9. "*Owner*" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes Owner's Legal Name and its successors and assigns;
10. "*OWRA* " means the Ontario Water Resources Act, R.S.O. 1990, c.O.40, as amended.
11. "*PA* " means the Pesticides Act, R.S.O. 1990, c. P-11, as amended.
12. "*Provincial Officer* " means any person designated in writing by the Minister as a provincial officer pursuant to Section 5 of the *OWRA* , Section 5 of the *Act* , Section 17 of the *PA* , Section 4 of the *NMA* , or Section 8 of the *SDWA* .
13. "*Reg. 347*" means Regulation 347, R.R.O. 1990, made under the EPA, as amended;
14. "*SDWA* " means the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, as amended.
15. "*Site* " means the entire waste disposal site located at 17 Invertose Drive, City of Port Colborne, Regional Municipality Of Niagara, Ontario, approved by this *Approval* .
16. "*Trained Personnel* " means knowledgeable in the following through instruction and/or practice:
  - (a) relevant waste management legislation, regulations and guidelines;
  - (b) major environmental concerns pertaining to the waste to be handled;
  - (c) occupational health and safety concerns pertaining to the processes and wastes to be handled;
  - (d) management procedures including the use and operation of equipment for the processes and wastes to be handled;
  - (e) emergency response procedures;

- (f) specific written procedures for the control of nuisance conditions;
- (g) specific written procedures for management of unacceptable waste loads; and
- (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

### **1. Compliance**

- 1.1 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.
- 1.2 Any person authorized to carry out work on or operate any aspect of the *Site* shall comply with the conditions of this *Approval* .

### **2. In Accordance**

- 2.1 Except as otherwise provided for in this *Approval* , the *Site* shall be designed, developed, built, operated, and maintained in accordance with the documents listed in Schedule "1" of this *Approval* .
- 2.2 (1) Construction and installation of the aspects of the Site described in the most recent application in Schedule "1" 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 2.2(1) above.

### **3. Interpretations**

- 3.1 Where there is a conflict between a provision of any document, including the applications, referred to in this *Approval* , and the conditions of this *Approval* , the conditions in this *Approval* shall take precedence.

- 3.2 Where there is a conflict between the applications and a provision in any documents listed in Schedule "1", the applications shall take precedence, unless it is clear that the purpose of the document was to amend the applications and that the *Ministry* approved the amendment.
- 3.3 Where there is a conflict between any two documents listed in Schedule "1", other than the applications, the document bearing the most recent date shall take precedence.
- 3.4 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.

#### **4. Other Legal Obligations**

- 4.1 The issuance of, and compliance with, 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* or *Operator* to furnish any further information related to compliance with this *Approval*.
- 4.2 The *Owner* shall ensure that:
- (a) all equipment discharging to air operating at the *Site* is approved under Section 9 of the *Act*; and
  - (b) all effluent is discharged in accordance with the *OWRA*.

#### **5. Adverse Effect**

- 5.1 The *Owner* and *Operator* shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the *Site*, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
- 5.2 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 to the natural environment or impairment of water quality.

#### **6. Change of Owner**

- 6.1 The *Owner* shall notify the *Director* in writing, and forward a copy of the notification to

the *District Manager* , within thirty (30) days of the occurrence of any changes in the following information:

- (a) the ownership of the *Site* ;
  - (b) appointment of, or a change in, the *Operator* of the *Site* ;
  - (c) the address of the *Owner* or *Operator* ;
  - (d) the partners, where the *Owner* is or at any time becomes a partnership and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B-17, shall be included in the notification; or
  - (e) the name of the corporation where the *Owner* is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C-39 shall be included in the notification.
- 6.2 No portion of this *Site* shall be transferred or encumbered 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 these conditions will be carried out.
- 6.3 In the event of any change in ownership of the *Site* , other than change to a successor municipality, 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 the notification to the *District Manager* and the *Director* .
7. **Financial Assurance**
- 7.1 Within 20 days of the issuance of this *Approval*, the *Owner* shall submit to the *Director*, Financial Assurance as defined in Section 131 of the Act, in the amount of Eleven Thousand, Five Hundred and Seven Dollars and Seventy Seven Cents (\$11,507.77), which will be added to the One Hundred and Eighty Six Thousand, Eight Hundred and Five Dollars and Fifty Seven Cents (\$186,805.57 CAD) currently held by the *Ministry*, for a combined total of One Hundred and Ninety Eight Thousand, Three Hundred and Thirteen Dollars and Thirty Four Cents (\$198,313.34CAD). This financial assurance shall be in a form acceptable to the *Director* and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the *Site* at any one time.
- 7.2 Commencing on March 31, 2021 and at intervals of three (3) years thereafter, the *Owner* shall submit to the *Director*, a re-evaluation of the amount of financial assurance to implement the actions required under Condition 7.1. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the *Site* and shall include the costs of additional monitoring and/or implementation of contingency plans required by the *Director* upon review of the closure plan and annual reports. The financial assurance must be submitted to the *Director* within twenty (20) days

of written acceptance of the re-evaluation by the Director.

- 7.3 Commencing on March 31, 2018, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Condition 7.1 for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 7.2. The re-evaluation shall be made available to the Ministry, upon request.
- 7.4 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 sixty (60) days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

## **8. Inspections**

- 8.1 No person shall hinder or obstruct a *Provincial Officer* from carrying out any and all inspections authorized by the *Act* , the *OWRA* , the *SDWA* , the *NMA* , or the *PA* , of any place to which this *Approval* relates, and without limiting the foregoing:
- (a) to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this *Approval* are kept;
  - (b) to have access to, inspect, and copy any records required to be kept by the conditions of this *Approval* ;
  - (c) to inspect the *Site* , related equipment and appurtenances;
  - (d) to inspect the practices, procedures, or operations required by the conditions of this *Approval* ; and
  - (e) to sample and monitor for the purposes of assessing compliance with the terms and conditions of this *Approval* or the *Act* , the *OWRA* , the *SDWA* , the *NMA* , or the *PA* .
- 8.2 The *Owner* shall provide to a *Provincial Officer* a sample of any waste that he/she requests to be taken.

## **9. Information and Record Retention**

- 9.1 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 to the *Ministry* in a timely manner.
- 9.2 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.

9.3 All records and information required by the conditions of this *Approval* shall be retained on *Site* for a minimum period of five (5) years from the date of their creation.

9.4 Any information relating to this *Approval* and contained in *Ministry* files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31, with the exception of proprietary information.

## **10. Service Area & Hours of Operations**

10.1 The hours of operation for the *Site* shall be in accordance with all applicable municipal by-laws.

## **11. Waste Screening**

11.1 The *Owner* shall inspect all incoming loads to ensure only waste that is approved under this *Approval* is received at this *Site* . The *Owner* shall develop and implement written procedures by which incoming loads will be rejected from this *Site* if the load does not comply with the conditions contained in this *Approval* . Such procedures shall be made available to any *Provincial Officer* , upon request.

11.2 The *Owner* shall establish and implement a materials tracking system for all waste received, processed, stored and transferred from this *Site* .

## **12. Site Operation**

12.1 The *Site* is approved to receive the following types of waste, limited to the wastes identified in Condition 12.2:

- (a) Waste Classes 112, 114, 121, 122, 146, and 148, as described in the New Ontario Waste Classes, dated January 1986, as amended; and
- (b) lithium strips and dry-cell and wet batteries.

12.2 The *Owner* shall ensure that the quantity of waste stored at the *Site* , including unprocessed waste, in-process waste, processed material, and residual waste, does not exceed the maximum storage capacity of 901,533 kilograms at any one time, subject to the following maximum limitations:

(a)	lead acid battery cells	245,000 kg
(b)	processed lead material	136,080 kg
(c)	polypropylene plastic	22,680 kg
(d)	nickel-cadmium/nickel-iron (nicads)/nickel metal hydride	54,432 kg
(e)	electrolytes (sulphuric acid/potassium hydroxide)	117,258 kg
(f)	mercury bearing wastes	19,072 kg
(g)	lithium cells	17,000 kg
(h)	lithium ion batteries	51,235 kg
(i)	elemental mercury	4,000 kg
(j)	solid waste containing lead (waste classes 146 and 148)	10,000 kg
(k)	combined vented and sealed alkaline cells together*	224,796 kg

\*Note: includes sealed cells, air depolarized zinc, carbon air, zinc air, carbon zinc, and magnesium

12.3 The *Owner* shall ensure that:

- (a) the maximum quantity of *Lithium Material* processed annually at the *Site* does not exceed 200,000 kg;
- (b) all receiving, handling, storage, processing and shipping of *Lithium Material* is carried out in accordance with Item 18 of Schedule “1” and in a safe manner to prevent explosions;
- (c) the storage of all *Lithium Material* is isolated as per Item 18 of Schedule “1”;
- (d) any container used for storage of *Lithium Material* is waterproofed and equipped to be maintained as a dry room;
- (e) electrical systems in the lithium storage area and process room lighting is explosion proof; and
- (f) appropriate fire prevention and fire extinguishing equipment is maintained near the lithium storage area.

12.4 In the event that waste cannot be removed from the *Site* and the total approved storage capacity is reached, the *Owner* :



- (a) shall cease accepting additional waste to ensure the total approved storage capacity does not exceed the maximum amounts approved by this *Approval* ;
  - (b) submit to the *District Manager* a schedule for removal of the stored waste, within two (2) days of reaching the storage capacity; and
  - (c) remove stored waste in accordance with Condition 13 of this *Approval* .
- 12.5 The *Owner* shall ensure that all loading, unloading, processing and transfer of waste at the *Site* shall be supervised at all times by *Trained Personnel* .
- 12.6 The *Owner* shall ensure that all loading, unloading, storage and processing of materials is conducted indoors, with the exception of electrolytes (sulphuric acid/potassium hydroxide) which are stored outdoors.

### **13. Waste Disposal**

- 13.1 The *Owner* shall ensure that all wastes received and generated at this *Site* shall be managed and disposed of in accordance with the *Act* and *Regulation 347* .
- 13.2 The *Owner* shall ensure that all waste sent for final disposal in Ontario shall only be disposed of at a site for which an environmental compliance approval has been issued by the *Ministry* .
- 13.3 The *Owner* shall ensure that all waste sent for final disposal outside Ontario shall only be disposed of at a site licensed or certified to accept such waste by the appropriate government agency for that jurisdiction.

### **14. Waste Storage**

- 14.1 The *Owner* shall ensure that all waste storage conforms to the "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities, May 2007", as amended.
- 14.2 The *Owner* shall ensure that liquid waste is stored only in the following containers:
- (a) six (6) fibreglass and polypropylene aboveground storage tanks with a combined capacity of 117,258 Litres; and
  - (b) three (3) stainless steel floor tanks with a combined capacity of 3,200 Litres.
- 14.3 The *Owner* shall maintain a *Site* plan that clearly identifies each storage area or container and the waste type it contains. The *Owner* shall ensure the diagram is kept on *Site* at all times and is a true reflection of the waste stored on *Site* . The diagram shall be made available for inspection upon request by emergency response personnel or any *Provincial Officer* .

## **15. Signage and Security**

- 15.1 The *Owner* shall install a sign at the main entrance / exit to the *Site* on which is legibly displayed the following information:
- (a) the name of the *Site* and *Owner* ;
  - (b) the number of this *Approval* ;
  - (c) the hours of operation of the *Site* ;
  - (d) the telephone number for the *Ministry* 's Spills Action Centre;
  - (e) a twenty-four (24) hour telephone number that can be used to reach the *Owner* in the event of a complaint or an emergency; and
  - (f) the type of waste that is approved for receipt at the *Site* .
- 15.2 The *Owner* shall ensure that all tanks, containers and storage areas are clearly labelled, and that a sign is posted on each tank, container and storage area indicating the type of waste being stored.
- 15.3 The *Site* shall be operated and maintained in a secure manner. During non-operating hours, the *Site* entrance and exit shall be secured against access by unauthorized persons.

## **16. Nuisance Control**

- 16.1 The *Site* shall be operated and maintained such that the vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance.
- 16.2 There shall be no queuing or parking of trucks that are waiting to enter this *Site* on any public or municipal roadway.
- 16.3 The *Owner* shall ensure that the exteriors of all vehicles leaving this *Site* are clear of all waste and debris.
- 16.4 Any off *Site* odour impacts shall be remedied immediately, including temporarily ceasing operations at the *Site* if needed.

## **17.0 Site Inspections and Maintenance**

- 17.1 The *Owner* shall take weekly measurements of the storage tank and record the measurements in a log book. This log book shall be made available to any *Provincial Officer* upon request for the purposes of carrying out the provisions of the *Act* .

- 17.2 The *Owner* shall ensure that the *Site* has a written comprehensive inspection program that includes all aspects of the *Site's* operations. The *Site* is to be inspected daily by *Trained Personnel* to ensure that the *Site* is being operated in accordance with the conditions contained in this *Approval* .
- 17.3 On a monthly basis, *Trained Personnel* shall carry out inspections of the *Site* to verify the integrity of all security features of the *Site* and emergency response equipment.
- 17.4 The *Owner* shall ensure that any deficiencies discovered as a result of an inspection carried out under Condition 17.2 or Condition 17.3 shall be remedied immediately, including temporarily ceasing operations at the *Site* if needed.
- 17.5 Deficiencies that may result in an adverse impact to the natural environment shall be communicated in writing to the *District Manager* within one (1) week of their identification. This report shall include:
- (a) identification of the source of the problem; and
  - (b) details of what actions were taken to rectify the problem to prevent a recurrence.
- 17.6 The *Owner* shall develop and implement a preventative maintenance program in accordance with the equipment manufacturers' recommendations for all on *Site* equipment associated with the processing and managing of waste or processed materials. The preventative maintenance program shall be available on *Site* for inspection by a *Provincial Officer* upon request.

## **18. Spills Reporting**

- 18.1 The *Owner* shall promptly take all necessary steps to contain and clean up any spills or upsets which result from *Site* operations.
- 18.2 All spills, as defined by the *Act* , shall be immediately reported to the *Ministry's* Spill Action Centre at 1-800-268-6060 and shall be recorded in a written log or an electronic file format, as to the nature of the spill and action taken for clean-up, correction and prevention of future occurrences.
- 18.3 The *Owner* shall submit to the *District Manager* a written report within three (3) days of any spill or incident which may result in the discharge of a contaminant from the *Site* . The written report shall include, at a minimum, the information required by Condition 18.2.

## **19. Training**

- 19.1 A training plan for all employees that operate any aspect of the *Site* shall be developed and implemented by the *Owner* and/or *Operator* . Only *Trained Personnel* shall operate any aspect of the *Site* or carry out any activity required under this *Approval* .

19.2 The *Owner* shall ensure that *Site* personnel are trained in accordance with the specific job requirements of each individual, including but not limited to:

- (a) occupational health and safety concerns and proper storage, handling, sorting and shipping procedures, including training specifically related to the handling, storage and processing of *Lithium Material* ; and
- (b) operation of equipment and procedures to be followed in the event of a process upset or an emergency situation including training specifically related to the handling, storage and processing of *Lithium Material* .

19.3 The *Owner* shall ensure that all employees of the *Site* receive refresher training on an annual basis at a minimum.

## **20. Complaints**

20.1 If at any time, the *Owner* receives complaints regarding the operation of the *Site* , the *Owner* shall respond to these complaints according to the following procedure:

- (a) the *Owner* shall record and number each complaint, either electronically or in a written log, and shall include the following information:
  - (i) the nature of the complaint;
  - (ii) if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
  - (iii) a summary of the activities occurring at the *Site* at the time of the complaint;
  - (iv) the name, address and telephone number of the complainant, if this information is available; and
  - (v) the time and date of the complaint;
- (b) the *Owner* , upon reception of the complaint, shall immediately notify the *District Manager* of the complaint;
- (c) the *Owner* shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant and the *District Manager* ; and
- (d) the *Owner* shall complete a report written within two (2) weeks after the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

## **21. Contingency Plan**

21.1 The *Owner* shall have in place a Contingency Plan for the operation of the *Site* which shall include, but not be limited to, the following:

- (a) measures to prevent spills, fires, and operation upsets;
- (b) procedures to follow in the event of an operation upset or medical emergency;
- (c) procedures to follow in the event of a fire, spill (including specific clean-up methods), or other such emergency, including but not limited to spill/fire alerting, containment, treatment, disposal, and clean-up;
- (d) a summary of all fire protection systems, controls and safety devices;
- (e) a list of equipment available for emergency response and names and telephone numbers of waste management companies available for emergency response; and
- (f) a notification protocol with names and telephone numbers of persons to be contacted, including *Owner's* personnel, the *Ministry* Spills Action Centre and *District Office* , the local fire department and public health department, and the local and regional municipalities.

21.2 A copy of the Contingency Plan shall be kept in a central location available to all staff.

21.3 The *Owner* shall review the Contingency Plan on an annual basis as a minimum and make revisions as required. The *Owner* shall submit an updated Contingency Plan to the *District Manager* , the local fire department and the local and regional municipalities, within 30 days of any revisions being made.

## **22. Record Keeping**

22.1 The *Owner* shall maintain a record either electronically or in a log book, that includes the following information:

- (a) the type, date and time of arrival, source, licence plate number of the vehicle transporting the waste, and quantity (by weight) of all waste received at the *Site* ;
- (b) the date, type, quantity (by weight) and destination of all waste and processed material transferred from the *Site* ;
- (c) record of any waste refusals that includes: amounts, reasons for refusal and actions taken;
- (d) a calculation of the total quantity (by weight) of waste stored on *Site* at the end of each operating day, including a breakdown of the total quantities of each type of waste;
- (e) a daily record of the quantity of *Lithium Material* processed that day and a cumulative total for the current calendar year; and
- (f) a record of any spills or process upsets at the *Site*, 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 *Act*.

22.2 The *Owner* shall maintain a daily record of the inspections required under Condition 17 that includes:

- (a) name, title and signature of *Trained Personnel* who conducted the inspection/maintenance;
- (b) time and date of the inspection/maintenance;
- (c) list of all equipment, fencing, storage areas, gates, etc. inspected and any deficiencies or discharges observed;
- (d) list of any dust, noise, odour or pests detected;
- (e) a list of any recommendations for remedial action and the date, time, and description of the actions taken; and
- (f) a brief description of any maintenance procedures conducted.

22.3 The *Owner* shall maintain a written record of the employee training required by Condition 19, which includes at a minimum:

- (a) date of training;
- (b) name and signature of the person who has been trained; and
- (c) description of the training provided.

### **23. Annual Report**

23.1 By August 1, 2013, and on an annual basis thereafter, the *Owner* shall prepare and retain on *Site* a written annual report for the previous calendar year. The report shall include, at a minimum, the following information:

- (a) a monthly summary of the type and quantity of all incoming and outgoing wastes, as well as an annualized reconciliation between all wastes received and processed at the *Site* and all residual wastes and processed materials transferred from the *Site* ;
- (b) a summary of waste loads refused including the generator of the load, the licensed hauler of the load, and the date and reason of refusal of the load;
- (c) any environmental or operational problems that may negatively impact the natural environment encountered during the operation of the *Site* or during the facility

inspections, and any mitigative actions taken;

- (d) a summary of complaints received and the actions taken to mitigate the issue associated with the complaints; and
- (e) any recommendations to minimize environmental impacts from the operation of the *Site* and to improve *Site* operations and monitoring programs in this regard.

## **24. Closure Plan**

- 24.1 The *Owner* shall submit, for approval by the *District Manager*, a written closure plan four (4) months prior to the permanent closure of the *Site*. This plan must include, as a minimum, a description of all work that will be done to facilitate closure of the *Site* and a schedule for completion of that work.
- 24.2 Within ten (10) days after closure of the *Site*, the *Owner* shall notify the *Director* and the *District Manager*, in writing, that the *Site* is closed and that the decommissioning activities have been completed in accordance with the closure plan required by Condition 24.1.

## Schedule "1"

*This Schedule "1" forms part of this environmental compliance approval:*

1. Letter dated June 17, 1996 to Dave Ross, Ministry of Environment and Energy, from K. Wayne Elliot, Raw Materials Corporation, RE: Requesting an amendment to Provisional Certificate of Approval No. A120316.
2. Application for a Certificate of Approval of a Waste Disposal Site (Processing), dated June 18, 1996.
3. Letter dated October 25, 1996 to R. Van Biesbrouck, Ministry of Environment and Energy, from Joe Furgal, Regional Municipality of Niagara, RE: Comments on the request for amendment.
4. Letter dated November 4, 1996, to Lee Van Biesbrouck, Ministry of Environment and Energy, from David J. Farley, Regional Municipality of Niagara, RE: No objection on request for amendment.
5. Letter dated November 20, 1996 to Regional Director, Ministry of Environment and Energy, from K. Wayne Elliott, Raw Materials Corporation, RE: Appointment of Board of Directors.
6. Letter dated March 11, 1997, to Angela Amodeo, Ministry of Environment and Energy, from Paola Ciardulli, Raw Materials Corporation, RE: Comments on amendment.
7. Facsimile dated March 13, 1997, to Angela Amodeo, Ministry of Environment and Energy, from Ms. Spittal, Raw Materials Corporation, RE: Confirmation of Letter of Credit in good standing.
8. Letter dated April 8, 1997, to Mike Dennis, Ministry of Environment and Energy, from Wayne Elliott, Raw Materials Corporation, RE: Final comments and requests for amendment.
9. Letter dated July 7, 1997, to Angela Amodeo, Ministry of Environment and Energy, from Paola Ciardulli, Raw Materials Corporation, RE: Articles of Amendment for change of address.
10. Letter dated September 23, 1997, to Angela Amodeo, Ministry of Environment and Energy, from K. W. Elliott, Raw Materials Corporation, RE: Financial Assurance.
11. Facsimile dated September 24, 1997, to Angela Amodeo, Ministry of Environment and Energy, from Wayne Elliott, Raw Materials Corporation, RE: Financial Assurance.
12. Facsimile dated October 15, 1997, to Angela Amodeo, Ministry of Environment and Energy, from K. Wayne Elliott, Raw Materials Corporation, RE: Storage Permitted.
13. Application and supporting information to Mr. Geoff Carpentier, Ministry of the Environment (MOE), from Paola Ciardulli, Director, Health, Safety & Environment, Raw Materials Corporation, requesting an amendment to Provisional Certificate of Approval No. A 120316 to add an additional waste class, dated August 20, 1998.



14. Letter to the Clerks, City of Port Colborne, and Regional Municipality of Niagara, from Karen Wassink, MOE, requesting comments on the addition of a waste class for this Site, dated September 4, 1998.
15. Letter to Paola Ciardulli, Raw Materials Corp., from K. Wassink, MOE, acknowledging receipt of application and fee of \$50.00, dated September 4, 1998.
16. Posting on the Environmental Bill of Rights (EBR) Registry Instrument No. IA8E1261 from September 4, 1998 through October 4, 1998.
17. Letter to K. Wassink, MOE, from Robert Cotterill, P.Eng., Director of Operational, Planning and Development Services, City of Port Colborne, advising that the City has no concerns, dated September 25, 1998.
18. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated December 12, 2008 and signed by Richard Unyi, Director / V.P., International Marine Salvage Inc., including all supporting documentation submitted along with the application.
19. E-mail dated October 30, 2009 from Renee Guay, Environmental Compliance Manager, Raw Materials Company Inc. to Nihar Bhatt, Ontario Ministry of the Environment, describing the Company's discussions with the City of Port Colborne Fire Department.
20. E-mail dated February 22, 2010 from Renee Guay, Environmental Compliance Manager, Raw Materials Company Inc. to Nihar Bhatt, Ontario Ministry of the Environment, describing the sufficiency of the current financial assurance amount.
21. E-mails dated June 7, 2010, June 14, 2010 and June 21, 2010 from Renee Guay, Environmental Compliance Manager, Raw Materials Company Inc. to Nihar Bhatt, Ontario Ministry of the Environment, describing the public notification process undertaken by the Company.
22. E-mail dated July 8, 2010 from Renee Guay, Environmental Compliance Manager, Raw Materials Company Inc. to Nihar Bhatt, Ontario Ministry of the Environment, providing proof of the name change of the Company.
23. Letter dated March 30, 2011, from Renée Guay, Environmental Compliance Manager, Raw Materials Co. Inc. to Tesfaye Gebrezghi, Ministry of the Environment, regarding Certificate of Approval A120316 Financial Assurance Update.
24. E-mail dated March 4, 2013 from Lori Spittal, International Marine Salvage Inc. to Michael Catalano, Ministry of the Environment, providing additional information regarding the waste battery operations.
25. Letter and attached tables, dated March 31, 2015 from James Ewles, President, Raw Materials Company Inc., for the review of the Financial Assurance.
26. Email from Melissa Przedborski, EMS Officer, Raw Materials Company Inc., dated October 22, 2015 with the updated review of the Financial Assurance and quote to support the data used.

27. Email from James Ewles, President, Raw Materials Company Inc., clarifying changes in the October 22, 2015 FA calculations.
28. Letter and application to the Ministry to amend ECA No. 120316 , dated August 30, 2017, and signed by Frank Zechner, Legal Counsel and Authorized Technical Consultant to Raw Materials Company Inc.
29. Application for technical amendment to ECA No. 120316, dated June 21, 2021, including attachments (financial assurance, Design and Operations report, letters of consent) and signed by Kristen Shaver, Environmental Management Representative, Raw Materials Company Inc

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

1. 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* .
2. The reason for Conditions 1, 3, 4, 5 and 9 is to clarify the legal rights and responsibilities of the *Owner* under this *Approval* .
3. The reason for Condition 2 is to ensure that the *Site* is operated and maintained in accordance with the application and supporting documentation submitted by the *Owner* , and not in a manner which the *Director* has not been asked to consider.
4. The reasons for Condition 6.1 are to ensure that the *Site* is operated under the corporate name that appears on the application form submitted for this *Approval* and to ensure that the *Director* is informed of any changes.
5. The reasons for Condition 6.2 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* .
6. The reason for Condition 7 is to ensure that sufficient funds are available to the *Ministry* to clean up the *Site* in the event that the *Owner* is unable or unwilling to do so.
7. The reason for Condition 8 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 of this *Approval* . This condition is supplementary to the powers of entry afforded a *Provincial Officer* pursuant to the *Act* , the *OWRA* , the *SDWA* , the *NMA* , and the *PA* .
8. The reason for Condition 10 is to specify the hours of operation for the *Site* .
9. The reason for Condition 11 is to ensure that only waste approved under this *Approval* is received at the *Site* .
10. The reasons for Conditions 12.1, 12.2 and 12.4 are to specify the types and amount of waste that may be accepted and stored at the *Site* , and to ensure that only waste permitted under

this *Approval* is received at the *Site* .

11. The reason for Conditions 12.3 is to ensure that all *Site* operations are carried out in a manner consistent with the applications, supporting documentation, the *Act* and *Regulation 347* .
12. The reason for Conditions 12.5 and 12.6 is to ensure that the *Site* is supervised and operated at all times by *Trained Personnel* in a manner that does not result in a hazard or nuisance to the natural environment or any person.
13. The reason for Condition 13 is to ensure that waste is transported to and from the *Site* in accordance with *Regulation 347* and other applicable environmental legislation.
14. The reason for Conditions 14.1 and 14.2 is to prevent contamination or other potentially adverse impacts to the natural environment.
15. The reason for Conditions 14.3, 15.1 and 15.2 is to ensure that emergency responders and the public have the necessary information related to the *Site* in the event of an emergency or complaint.
16. The reason for Condition 15.3 is to ensure the controlled access and integrity of the *Site* by preventing unauthorized access when the *Site* is closed.
17. The reason for Condition 16 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 any person.
18. The reasons for Condition 17 are to ensure that all equipment and facilities are maintained in good working order, that routine *Site* inspections are completed, and that detailed records of *Site* inspections and maintenance are recorded and maintained for inspection and information purposes.
19. The reason for Condition 18 is to ensure that the *Owner* immediately responds to a spill and notifies the *Ministry* forthwith of any spills as required in Part X of the *Act* so that appropriate spills response can be determined.
20. The reason for Condition 19 is to ensure that the *Site* is operated by properly trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person.
21. The reasons for Condition 20 are to ensure that complaints regarding the *Site* are resolved in a timely manner, and to ensure that complaints and follow-up actions have been documented.
22. The reason for Condition 21 is to ensure that the *Owner* follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the *Site* .

23. The reasons for Condition 22 are 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 *Act* and its regulations.
24. The reasons for Condition 23 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.
25. The reasons for Condition 24 are to ensure that the *Site* is closed in accordance with *Ministry* standards and to protect the health and safety of the public and the environment.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A120316 issued on August 30, 2013**

*In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. 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.

*Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.*

*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 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

**\* 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](http://www.ert.gov.on.ca)**

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

DATED AT TORONTO this 12th day of October, 2021



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Mohsen Keyvani, P.Eng.

Director

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

AQ/

c: District Manager, MECP Niagara  
Kristen Shaver, Raw Materials Company Inc.