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

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9444-BRGGY6

Issue Date: March 31, 2022

Li-Cycle Americas Corp.  
158 Hagerman Ave  
Kingston, Ontario  
K7K 5B8

**Site Location:** 158 Hagerman Avenue  
Kingston City, County of Frontenac  
K7K 5B8

*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 (transfer and processing) to be used for the collection, sorting, repackaging, storage, and transfer of intact intact waste batteries including lithium ion batteries (UN3480, UN3481), lithium metal batteries (UN3090, UN3091), nickel metal hydride batteries (UN3496), nickel cadmium and alkaline batteries (UN2795), battery pack disassembly products, battery manufacturing scrap and intermediate waste battery process products and consisting of:

- one (1) 950 square metre facility; and - processing equipment including size reduction equipment, conveyors, pumps, electric motors, and all accessory equipment, fork lifts, and weigh scales.

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:*

- a. "**Approval**" means this entire Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";
- b. "**competent**" means an employee who has received training in accordance with Conditions 6.2 and 6.3 and is qualified because of knowledge, training, and experience;
- c. "**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 II.1 of the EPA;

d. "**District Manager**" means the District Manager of the local district office of the Ministry for the geographic area in which the Site is located;

e. "**Environmental Compliance Approval (Air)**" means the current Environmental Compliance Approval (Air) for this Site issued under Part II.1 of the EPA further to Section 9 of the EPA;

f. "**EPA**" means the *Environmental Protection Act*, R.S.O. 1990, C.E-19, as amended;

g. "**Independent Professional Engineer**" means a Professional Engineer licensed to practice in the Province of Ontario, and who is not an employee of the Owner;

h. "**Ministry**" and "**MECP**" means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf;

i. "**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;

j. "**Owner**" means Li-Cycle Americas Corp., including its officers, employees, agents or contractors;

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

l. "**PA**" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amended from time to time;

m. "**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;

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

o. "**residual waste**" means waste that is destined for final disposal;

p. "**Site**" means the processing facility permitted under this Approval, located at 158 Hagerman Avenue, City of Kingston, Ontario; and

q. "**trained**" means an employee who has been trained in accordance with Condition 6.2.

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

## **TERMS AND CONDITIONS**

### **PART 1 - GENERAL**

#### **In Accordance With**

1.1 Except as otherwise provided by these conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the Environmental Approval Application dated November 29, 2021 and all supporting documentation, plans, and specifications listed in Schedule "A".

1.2 a. Construction and installation of aspects described in Schedule "A" must be completed within 5 years of the later of:

- i. the date this Approval is issued; or
  - ii. 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; and
- b. 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 1.2(a).

1.3 Use of the Site for any other type of waste, or other waste management activity, is not permitted under this Approval, and requires obtaining a separate approval amending this Approval.

1.4 Applications to amend this Approval, for reasons other than administrative amendments, shall include submission of a revised Design and Operations Report.

#### **Other Legal Obligations**

1.5 The requirements specified in this Approval are the requirements under the EPA. The issuance of this Approval in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation, regulations and by-laws.

1.6 The Owner shall ensure that:

- a. All equipment discharging to atmosphere are approved under Section 9 of the ECA where applicable; and
- b. All effluent is discharged in accordance with the OWRA.

#### **Interpretation**

1.7 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, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected in any way.

1.8 a. Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Approval, the conditions in this Approval shall take precedence; and

b. Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.

1.9 The Owner shall ensure compliance with all the terms and conditions of this Approval. Any non-compliance constitutes a violation of the EPA, and is grounds for enforcement.

### **Availability of Information**

1.10 a. The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer, furnish any information requested by such persons with respect to compliance with this Approval, including but not limited to, any records required to be kept under this Approval; and

b. In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this Approval (for the purposes of this condition referred to as "Information"),

i. the receipt of Information by the Ministry;

ii. the acceptance by the Ministry of the Information's completeness or accuracy; or

iii. the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this Approval or any statute or regulation in relation to the Information;

shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.

### **Ministry Inspections**

1.11 The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:

a. Carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, Section 15, 16 or 17 of the OWRA, or Section 19 or 20 of the PA, of any place to which this Approval relates; and,

- b. Without restricting the generality of the foregoing, to:
- i. enter upon the premises where the records required by the conditions of this Approval are kept;
  - ii. have access to and copy, at reasonable times, any records required by the conditions of this Approval;
  - iii. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Approval; and
  - iv. sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Approval.

## **Notice of Changes**

1.12 The Owner shall ensure that all communications/correspondence made pursuant to this Approval includes reference to the Approval number.

1.13 The Owner shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:

- a. Change in ownership of the Site;
- b. Appointment of, or change in, an Operator of the Site;
- c. Change of address of the Owner;
- d. Change of 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 Business Names Act, 1991 shall be included in the notification to the Director;
- e. Any change of name of the corporation where the Owner or Operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of Ontario Regulation 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the Corporations Information Act shall be included in the notification to the Director; and
- f. Change in directors or officers of the corporation where the Owner or Operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change".

1.14 In the event of any change in ownership of the Site, the Owner shall notify, in writing, the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the Director.

## **Release of Information**

1.15 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.

## **PART 2 - FINANCIAL ASSURANCE**

2.1 a. Within thirty (30) days of issuance of this Approval, the Owner shall submit to the Director, financial assurance, as defined in the EPA, in the amount of \$70,085.00. This financial assurance shall be submitted in a form acceptable to the Director and shall provide sufficient funds for the transportation, Site clean-up, and disposal of all quantities of waste on the Site at any one time.

b. Commencing on August 31, 2024, and at intervals of four (4) 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 2.1.a. 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/or annual reports. The financial assurance must be submitted to the Director within thirty (30) days of written acceptance of the re-evaluation by the Director.

c. Commencing August 31, 2021, 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 2.1.b for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 2.1.b. The re-evaluation shall be made available to the Ministry, upon request.

d. 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 Owner shall forthwith replace the Financial Assurance with cash.

## **PART 3 - OPERATIONS**

### **Hours of Operation**

3.1 The approved hours of operation for this Site are as follows:

a. Waste shipping and receiving may take place 24 hours per day, seven (7) days per week;

b. Waste processing and the loading of trucks may take place 24 hours per day, seven (7) days per week; and

c. Activities identified in Conditions 3.1.a and 3.1.b are permitted provided that doing so

is in compliance with Municipal noise by-laws.

## **Signage and Security**

3.2 a. A sign shall be posted in a prominent location at the entrance to the Site. The sign shall include the following information at a minimum:

- i. Site name and Approval number;
  - ii. The hours of operation when the Site is open to accept waste;
  - iii. A telephone number at which the Owner can be reached at all times in the event of an emergency or complaint; and
- b. The Site shall be maintained in a secure manner to prevent unauthorized persons from entering.

## **Approved Waste Types and Processes**

3.3 This Site is approved to receive, process, sort, package, store, and transfer solid non-hazardous waste limited to intact waste batteries including lithium ion batteries (UN3480, UN3481), lithium metal batteries (UN3090, UN3091), nickel metal hydride batteries (UN3496), nickel cadmium and alkaline batteries (UN2795), battery pack disassembly products, battery manufacturing scrap and intermediate waste battery process products generated within Canada, the United States of America or any other country that is a signatory of the Basel Convention, from the residential, industrial, commercial, and institutional sectors.

- a. All aspects related to the activities associated with this Approval are required to take place inside the building. At no time shall the unloading, loading, processing, sorting, or packaging of waste batteries, or intermediate lithium-ion battery process products occur outside of the building; and
- b. The Owner shall ensure that any residual waste is shipped for disposal or further processing, as appropriate, to a waste disposal site for which an Environmental Compliance Approval has been issued by the Ministry or an equivalent governmental agency of appropriate jurisdiction.

## **Operational Flexibility**

3.3.1 Pursuant to section 20.6(1) of the EPA, and subject to the terms of Conditions 3.2, 3.3 and 3.11, the Owner may make modifications to the Site and the current Design and Operations Report in accordance with Table 5 in Item 4 of Schedule "A".

3.3.2 For greater certainty, the following modifications to the Site are permitted:

- (a) the addition of a process to discharge large or damaged batteries using a tank filled with low-concentration sodium chloride solution;
- (b) the addition of a process and related equipment for the enhanced separation of

mixed metal foils using mechanical means;

(c) the addition of a process and related equipment, including a bailer, centrifuge or belt press, for the enhanced removal of water from battery dismantling products using mechanical means; and

(d) any ancillary changes related to a change made further to the Limited Operational Flexibility conditions set out in the Environmental Compliance Approval (Air) for this Site.

3.3.3 For greater certainty, the following modifications to the Site are not permitted:

(a) altering the size of the building or extending the Site onto adjacent lands;

(b) changing the function of the approved operations of the Site from a waste disposal site used for the sorting, processing and transfer of intact waste batteries and related waste battery components and process residuals;

(c) changing the type or amount of waste received or stored on Site;

(d) changes to the Site not identified in Item 4 in Schedule "A";

(e) changes to the Site that have requirements under the Environmental Assessment Act , R.S.O. 1990, c.E.19.

#### **Notification of Modifications**

3.3.4 The Owner shall provide a written notification to the District Manager and Director at least fifteen (15) days prior to making modifications to the Site in accordance with Condition 3.3.1. At a minimum, the notification shall include the following:

(a) a description of the change to the operations of the Site and an assessment of the anticipated environmental effects;

(b) an updated version of the current Design and Operations Report including a document control record that tracks all changes that were made to the document; and

(c) a statement signed by the Owner and an Independent Professional Engineer declaring that the Modifications made to the Site:

i. are done so in accordance with Condition 3.3.1,

ii. do not impact the total approved storage capacity,

iii. are consistent with industry's best management practices, and

iv. are not likely to result in an adverse effect.

3.3.5 Notwithstanding Condition 3.3.4, if the modifications made to the Site require an amendment to the Site's Emergency Response Plan with regard to fire safety, the Owner shall obtain the authorization of the local fire services authority prior to instituting the modifications. A copy of the revised Emergency Response Plan shall be included in the current Design and Operations Report.

#### **Inspection of Incoming Waste**

3.4 The Owner shall ensure that all incoming waste is visually inspected at the time of unloading.

3.5 a. In the event that incoming waste is non-conforming, the Owner shall refuse receipt of the waste and re-direct the hauler to an approved facility; or

b. If refusal of incoming non-conforming waste is not feasible, or if hazardous or contaminated waste is not discovered until after receipt at the Site, the Owner shall



segregate the waste in a location and manner that prevents contact with precipitation, stormwater runoff, generation of dust or other hazards and nuisances, and the waste shall be removed to an approved facility within ten (10) days.

### **Approved Waste Quantities**

3.6 The Owner shall ensure that the waste received at the Site does not exceed:

- a. 12,145 tonnes in any calendar year; and
- b. 110 tonnes in any one operating day.

3.7 The Owner shall ensure that the maximum amount of waste present on Site does not exceed 243 tonnes and is limited to the following quantities in Conditions 3.7.a. and 3.7.b:

- a. a total of 60 tonnes of intact waste batteries and battery manufacturing scrap;
- b. a total of 183 tonnes of intermediate lithium-ion battery process products limited to the following quantities:
  - i. 90 tonnes of black mass powder
  - ii. 60 tonnes of coarse shredded material (copper and aluminum);
  - iii. 15 tonnes of mixed shredded plastic;
  - iv. 10 tonnes of process solution; and
  - v. 8 tonnes of vermiculite; and
- c. all processed waste shall be weighed and labelled to clearly show the type and quantity of waste being stored.

3.8 In the event that processed waste cannot be shipped from the Site and the maximum quantities approved in Condition 3.7 have been reached, the Owner shall cease accepting additional waste and provide the District Manager with a written contingency plan within three (3) business days, which describes how the existing waste will be disposed of. The contingency plan shall be implemented upon obtaining written approval of the District Manager.

### **Waste Storage**

3.9 The Owner shall ensure that waste is stored in a manner which minimizes potential adverse effects such as dust, contaminated runoff, and odours.

- a. Notwithstanding Condition 3.9, the Owner shall ensure waste storage is done in accordance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.
- b. The Owner shall maintain housekeeping standards throughout the Site to ensure that it is reasonably clean and free of debris, extraneous waste, leaks and fire hazards.

3.10 The Owner shall ensure that an equal volume of spill containment is provided for the maximum volume of each Intermediate Bulk Container (IBC) tote or drums that are used to temporarily store processing equipment liquids for maintenance activities.

3.11 The Owner shall ensure that:

- a. At a minimum, waste is processed within one (1) year of receipt; and
- b. At a minimum, processed waste is transferred from the Site within one (1) year of processing.

### **Nuisance Control**

3.12 The Owner shall operate and maintain the Site in a manner which ensures the health and safety of all persons and the protection of the environment through active prevention of environmental adverse effects, including but not limited to odours, dust, litter, vermin and noise.

3.13 The Owner shall ensure that:

- a. There is no queuing or parking of vehicles that are waiting to enter this Site on public roadways; and
- b. Vehicles do not drag debris from the Site onto the public roadway.

## **PART 4 - SITE INSPECTION AND MAINTENANCE**

### **Site Inspections**

4.1 The Owner shall have in place an inspection program that ensures that the Site is secure, that no off-site impacts such as vermin, vectors, odours, dust, litter, noise or traffic result from the operation of the facility, and that emergency equipment is available and in good working order. The inspection program shall consist of the following at a minimum:

- a. A list of all equipment and areas of the Site that require inspection;
- b. A schedule that details the frequency of the inspections; and
- c. Checklists and procedures for carrying out the inspections.

4.2 The Owner shall ensure that all equipment and facilities are inspected by trained personnel in accordance with the inspection program required under Condition 4.1. At a minimum, a visual inspection shall be conducted on each operating day of the following areas:

- a. Loading/unloading areas;
- b. Processing areas;
- c. Storage areas; and
- d. Points of ingress and egress;

Any deficiencies detected during these regular inspections shall be promptly corrected.

### **Preventative Maintenance**

4.3 The Owner shall have in place a maintenance program that ensures that all equipment and facilities at the Site are maintained in good working order at all times. The maintenance program shall consist of the following at a minimum:

- a. A list of all equipment that requires maintenance;
- b. A schedule that details the type and frequency of maintenance required, in accordance with manufacturer's recommendations; and
- c. Checklists and procedures for conducting maintenance activities.

4.4 The Owner shall ensure that all equipment is maintained in accordance with the preventative maintenance program required by Condition 4.3.

## **PART 5 - SPILLS AND EMERGENCY RESPONSE AND REPORTING**

### **Spill Reporting**

5.1 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spills Action Centre at 416-325-3000 or 1-800-268-6060.

### **Spills and Emergency Response**

5.2 The Owner shall promptly take all necessary steps to contain and clean up any spills which result from the operation of the Site.

5.3 a. The Owner shall follow the Emergency Response Plan in Appendix C, Item 2 of Schedule "A". The plan shall include, at a minimum:

- i. a list of emergency equipment available on Site;
- ii. a site plan showing all storage areas and the type of waste (or product) stored in each area;
- iii. a notification protocol with the names and telephone numbers of persons to be contacted in the event of an emergency including Municipal personnel, the Ministry's Spills Action Centre and District Office, local fire department and contractors

specialized in spill/emergency response;

iv. procedures to follow in the event of a fire, spill, medical or other emergency.

b. A copy of the emergency response plan shall be kept in a central location available to Site employees at all times. A copy shall also be kept at the main entrance accessible to Emergency and Fire Services.

c. The Owner shall ensure that the equipment outlined in the emergency response plan is in a state of good repair, fully operational and immediately available at all times.

## **Contingency Plan**

5.4 The Owner shall have in place a contingency plan which specifies, at a minimum, the procedures to be followed in the event of a labour disruption, transportation disruption, inability of receiving sites to accept processed wastes, power outage or other business disruption to the operation.

## **PART 6 - TRAINING**

6.1 The Owner shall ensure that:

a. No waste is received or processed at the Site except when the Site is under the direct supervision of a competent person; and

b. Only trained personnel shall operate any aspect of the Site, or carry out any activity required under this Approval.

6.2 The Owner shall ensure that employees are trained, and receive annual refresher training, on the operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual, including but not limited to:

a. An outline of the responsibilities of employees;

b. Waste receiving and recording procedures (including recording procedures of wastes which are refused at the Site);

c. Waste storage, handling, processing and shipping procedures;

d. Any environmental concerns pertaining to the wastes accepted at the Site;

e. Occupational health and safety concerns pertaining to the waste received;

f. Procedures for the safe operation of equipment;

g. Procedures to be followed in the event of a process upset;

h. The use of equipment and the procedures to be followed in the event of an emergency;

i. Recording procedures as required under Conditions 8.5, 8.6, 8.7 and 8.8;

j. Inspection procedures as required under Condition 4.2;

k. Preventative maintenance procedures as required under Condition 4.4; and

l. Procedures for recording and responding to public complaints.

6.3 The Owner shall ensure that employees who manage operations at the Site are trained, and receive annual refresher training in:

- a. Relevant waste management legislation, including but not limited to Regulation 347;
- b. Terms, conditions and operating requirements of this Approval.

## **PART 7 - COMPLAINTS**

7.1 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 each complaint on a formal complaint form either electronically or entered in a sequentially numbered log book. The information recorded shall include:

- i. the nature of the complaint;
- ii. the name, address and telephone number of the complainant (if provided);
- iii. weather conditions and wind direction;
- iv. the operations that were occurring during the time period that generated the complaint; and
- v. the time and date of the complaint.

b. The Owner, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint and proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and

c. The Owner shall notify the District Office, in writing, within five (5) business days of 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 reoccurrence of similar incidents.

## **PART 8 - DOCUMENTATION**

### **Record Retention**

8.1 All records required by the conditions of this Approval shall be kept at the Site for a minimum period of two (2) years from the date of their creation.

### **Design and Operations Report**

8.2 a. The Owner shall maintain an up-to-date Design and Operations Report for the

facility. The report shall be reviewed annually and amended, as required, to reflect actual operating conditions.

b. Changes made to the Design and Operations Report, that do not require an amendment to this Approval, shall be recorded in a log.

c. An updated copy of the Design and Operations Report including the log required by Condition 8.2.b. shall be submitted with future Environmental Compliance Approval applications.

d. The Design and Operations Report shall be available for inspection by a Provincial Officer upon request.

### **Operating Procedures**

8.3 The Owner shall have in place operating procedures for each waste related activity undertaken at the Site. Procedures shall be developed, and kept current for the following at a minimum:

a. Equipment or facility inspection, monitoring and testing protocols;

b. Waste receiving/screening and pick-up/shipping procedures;

c. Waste unloading, handling, processing and storage procedures; and

d. Complaint handling and investigation procedures.

8.4 The operating procedures shall be:

a. Kept in locations available to staff performing the required activities; and

b. Reviewed and updated on a regular basis.

### **Record Keeping**

8.5 The Owner shall maintain, at the Site, a log which records, on each operating day, daily the following information at a minimum:

a. Date of record;

b. Quantities of waste received;

c. Amounts of waste processed;

d. Quantity and destination of processed waste transferred from the Site; and

e. End of day reconciliation of the amount of waste and processed waste present on Site.

8.6 The Owner shall maintain a record of inspections completed in accordance with Condition 4.2. The record shall include, at a minimum:

- a. Name and signature of trained personnel conducting the inspection;
- b. Date and time of the inspection;
- c. List of equipment inspected and all deficiencies observed;
- d. Recommendations for remedial action to correct deficiencies; and
- e. Date deficiencies were addressed.

8.7 The Owner shall maintain a record of preventative maintenance work completed in accordance with Condition 4.4. The record shall include, at a minimum:

- a. Name and signature of person conducting the maintenance work;
- b. Date and time that maintenance work was completed;
- c. Equipment or part of equipment on which maintenance work was performed;
- d. The type of maintenance work performed; and
- e. Date of next scheduled maintenance work.

8.8 The Owner shall maintain a record of all spills or upset that occur at the Site. The record shall include, at a minimum:

- a. Date and time of spill or upset;
- b. The nature of the spill or upset;
- c. The clean-up action taken;
- d. Details of notification of authorities (if necessary); and
- e. Action taken to prevent future occurrences.

### **Annual Report**

8.9 By March 31<sup>st</sup> of each year the Owner shall prepare and submit to the District Manager an annual report for the previous calendar year. This report shall be retained on-site for a minimum of two (2) years. Each report shall include, at a minimum, the following information:

- (a) a monthly mass balance of the waste received, processed and transferred from this Site, including waste type, quantity and disposal destination;
- (b) an annual summary mass balance of the waste received, processed and transferred from this Site, including waste type, quantity and disposal destination;
- (c) an annual summary of any deficiencies, items of non-compliance or process aberrations that occurred at this Site and any remedial/mitigative action taken to correct them;
- (d) a descriptive summary of any spills, incidents or other emergency situations which have occurred at this Site, any remedial measures taken, and the measures taken to prevent future occurrences;
- (e) a summary describing any rejected waste including quantity, waste type, reasons

for rejection and origin of the rejected waste;

(f) any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site or identified during the facility inspections and any mitigative actions taken;

(g) any changes to the Emergency Response Plan, the Design and Operations Report or the Closure Plan that have been approved by the Director since the last Annual Report; and

(h) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

## **PART 9 - CLOSURE PLAN**

9.1 The Owner must submit, for approval by the District Manager, a written closure plan for the Site at least four (4) months prior to closure of the Site. This plan must include, at a minimum, a description of the work that will be done to facilitate closure and decommissioning of the Site and a schedule for completion of that work.

9.2 Within ten (10) days after closure of the Site, the Owner must notify the Director and District Manager, in writing, that the Site is closed and that the Site closure plan has been implemented.

### **Schedule "A"**

The following Schedule "A" forms part of the Approval.

1. Environmental Compliance Approval application and all supporting information, signed by Tim Johnston, Chairman and Co-Founder, Li-Cycle Corp., dated April 14, 2020.

2. Report for Li-Cycle Corp. titled "Operations Manual - Waste Lithium Battery Recycling Facilities" in support of an Environmental Compliance Approval Application identified in Item 1 of Schedule "A". Reference No: 7670-003. Prepared by Cambium Inc. April 24, 2020.

3. Environmental Compliance Approval application dated February 8, 2021 including all supporting documentation, requesting a change in service area.

4. Environmental Compliance Approval application dated November 29, 2021 including all supporting documentation, requesting the following: (1) adding municipal waste and expanding the types of batteries received; (2) increasing the waste stored on-site; (3) increasing the waste shipping/receiving hours; (4) increasing the hold time for non-conforming incoming waste; (5) increasing the area of operations and adding Operational Flexibility with a proposed processing limit of 7000 tonnes of batteries per year.

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



Conditions 1.1, 1.2, 1.3, and 1.4 are to ensure that the Site is designed, operated, monitored 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.

Conditions 1.5, 1.6, 1.10 and 1.15 are to clarify the legal rights and responsibilities of the Owner under this Approval.

Conditions 1.7, 1.8 and 1.9 are to clarify how to interpret this Approval in relation to the application and supporting documentation submitted by the Owner.

Condition 1.11 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.

Condition 1.12 is to ensure that correspondence related to this Approval is easily identified.

Condition 1.13 is 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.

Condition 1.14 is to ensure that subsequent owners of the Site are informed of the terms and conditions of this Approval. This also applies to all supporting documentation listed in Schedule "A".

Condition 2.1 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.

Condition 3.1 is to specify the hours of operation for the Site, in accordance with the Owner's application and supporting documentation.

Condition 3.2 a is to ensure that emergency personnel and the public have the necessary contact information in the event of an emergency or complaint.

Condition 3.2 b is to ensure that the Site is secure when unattended to prevent vandalism or theft.

Conditions 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 and 3.11 are to ensure that the types and quantities of waste received at the Site and the manner in which those wastes are stored are in accordance with the Owner's application and supporting documentation.

Conditions 3.3.1 through 3.3.5 are to allow operational flexibility at the Site.

Conditions 3.12 and 3.13 are included is to ensure that waste storage is done in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

Conditions 4.1, 4.2, 4.3 and 4.4 are to ensure that the Site is inspected and maintained in an acceptable manner so that the operation of the Site does not result in a hazard or nuisance to the natural environment or any person.

Condition 5.1 is to ensure that the Owner forthwith notifies the Ministry of any spills, as required in Part X of the EPA, so that appropriate spills response can be determined.

Condition 5.2 is to ensure that the Owner immediately responds to a spill.

Condition 5.3 is to ensure that the Owner is prepared and properly equipped to take action in the event of a spill, fire or other operation upset.

Condition 5.4 is to ensure that the Owner follows a plan with an organized set of procedures when responding to unexpected but possible problems at the Site.

Condition 6.1 is to ensure that the Site is not operated except under direct supervision of a competent employee.

Conditions 6.2 and 6.3 are to ensure that the Owner's staff are properly trained in the operation of the equipment used at the Site and in emergency response procedures.

Condition 7.1 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

Condition 8.1 is to ensure the availability of records and drawings for inspection and information purposes.

Conditions 8.2 and 8.3 are 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.

Condition 8.4 is to ensure that employees have ready access to documents necessary for the operation of equipment.

Conditions 8.5, 8.6, 8.7, 8.8 and 8.9 are to ensure that accurate records are maintained to ensure compliance with the conditions in this Approval, the EPA and its Regulations.

Conditions 9.1 and 9.2 are to ensure that the Site is closed in accordance with MECP standards and to protect the health and safety of the environment.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 9444-BRGGY6 issued on September 17, 2021**

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land 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 ("the Notice") 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:

Registrar\*  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5  
OLT.Registrar@ontario.ca

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

**\* Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or [www.olt.gov.on.ca](http://www.olt.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 31st day of March,  
2022



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  
Rosanna DiLabio, Pinchin Limited