

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9230-CLUMKS  
Issue Date: January 21, 2023

B & M Hauling Ltd.  
Post Office Box, No. 608  
Manitouwadge, Ontario  
P0T 2C0

Site Location: B & M Hauling Ltd.  
1 Camp 70 Rd  
Manitouwadge Township, District of Thunder Bay  
P0T 2C0

*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:*

- two (2) atomizing type oil heater, firing waste-derived fuel at a maximum rate of 6.4 litres per hour, discharging the products of combustion into the air through a dedicated stack having exit diameter of 0.20 metre, extending 1.5 metres above the roof and 7.5 metres above grade;
- two (2) waste-derived fuel supply tanks, each having a maximum waste-derived fuel storage capacity of 2000 litres; and
- three (3) waste-derived fuel bulk storage tanks, each having a maximum waste-derived fuel storage capacity of 2000 litres.

all in accordance with the Environmental Compliance Approval Application submitted by B & M Hauling Ltd., dated May 22, 2020 and signed by Craig Shut, General Manager; the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by PRIME Environmental Services Inc., dated May 26, 2020 and signed by Greg Thomas, and includes any changes to the report made up to the date of issuance of this Approval.

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

1. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
2. "ASTM" means American Society for Testing and Materials;
3. "Batch" means a quantity of WDF contained in a WDF Bulk Tank at the time the WDF Bulk Tank is sampled and a Seal is applied to the WDF Bulk Tank;
4. "Company" means B & M Hauling Ltd. that is responsible for the construction or operation of the Facility and includes any successors and assigns in accordance with section 19 of the EPA;
5. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
6. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
7. "Equipment" means the two (2) atomizing type oil heaters and five (5) WDF storage tanks described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
8. "Facility" means the entire operation located on the property where the Equipment is located;
9. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
10. "Ministry" means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf;
11. "Owner" means any person that is responsible for the establishment or operation of the Facility being approved by this Approval, and includes the Company, its successors and assigns;
12. "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 Facility;
13. "O. Regulation 347" means Ontario Regulation 347 R.R.O. 1990;
14. "Publication NPC-300" means the Ministry Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended.
15. "WDF" means waste-derived fuel as defined in O. Regulation 347;
16. "WDF Bulk Storage Tank" means any of the WDF storage tanks and associated valves, when operated as a bulk reservoir for WDF generated on-site only;

17. "WDF Supply Tank" means any of the WDF storage tanks and associated valves, containing WDF only, that has been sampled and equipped with a Seal, when it is operated as the sole supply of WDF to the Equipment; and
18. "WDF Supply/Bulk Tank" means any of the WDF Supply Tanks or WDF Bulk Storage Tanks.

*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. OPERATION AND MAINTENANCE

1. The Company shall not burn the contents of any WDF Supply/Bulk Tank that has not been sampled, analysed and demonstrated to meet the WDF criteria as defined in O. Regulation 347, in accordance with Conditions 2.2 to 2.5 of this Approval.
2. 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 Equipment is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
3. Any person authorized to carry out work on or operate any aspect of the Equipment shall comply with the conditions of this Approval.
4. The Company shall ensure that the Equipment is properly operated and maintained at all times. The Company shall:
  - a. prepare, before commencement of operation of the Equipment, and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Equipment, including:
    - i. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
    - ii. emergency procedures, including spill clean-up procedures;
    - iii. procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
    - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources.

- b. implement the recommendations of the Manual;
- c. provide training on the proper maintenance and use of the Equipment for all staff involved in the operation of the Equipment; and
- d. provide a copy of the Manual to all staff involved in the operation of the Equipment.

## **2. WDF Storage, Sampling and Analysis**

1. The Company shall direct WDF generated continuously or periodically as a result of regular on-site operations to the WDF Supply/Bulk Tanks only. The WDF Supply/Bulk Tank receiving WDF at any time shall be labelled as "WDF Bulk Storage Tank".
2. The Company shall analyse a representative sample of the Batch of WDF stored in the WDF Bulk Storage Tank that represents the composition of the contents of the WDF Bulk Storage Tank. The sample shall be taken in accordance with the Ministry publications, "Industrial Waste Sampling Procedures Manual", 1989, as amended, and the "Guide to the Collection and submission of Samples for Laboratory Analysis", 1989, as amended. The sample shall be one (1) vertical profile sample or one (1) composite sample of a mix of equal volume of grab samples taken from a minimum of three different vertical locations (bottom, middle and top).
3. The Company shall apply a Seal to the WDF Bulk Storage Tank immediately after a sample of the Batch of WDF has been taken for analysis. The unique identifier of each Seal applied to the WDF Bulk Storage Tank must correspond to the analysis of the Batch of WDF from which the representative sample was taken.
4. The Company shall submit the representative sample for analysis to an accredited laboratory. All analysis procedures shall be based on ASTM methods that have a minimum detection limit of 50 percent or less of the specified value (excluding flash point). The analysis shall be conducted to determine whether the representative sample meets the requirements of WDF as required by O. Regulation 347.
5. The Company shall demonstrate that the representative sample meets the requirements of WDF as required by O. Regulation 347, prior to directing WDF to the Equipment. The WDF Bulk Storage Tank equipped with a Seal, containing the Batch of WDF which has been demonstrated to meet the criteria of WDF as required by O. Regulation 347 shall be operated and labelled as "WDF Supply Tank".
6. The Company shall direct additional volume of WDF to the WDF Bulk Storage Tanks only. Breaking of a Seal applied to the WDF Supply Tank, constitutes a new Batch of WDF. The Company shall repeat Conditions 2.1 through 2.5 upon breaking a Seal.
7. The Company shall operate the Equipment with the designated WDF Supply Tank as the sole source of WDF to the Equipment.

8. The Company shall locate the WDF Bulk Storage Tanks and the WDF Supply Tanks in the designated storage areas as described in the Company's application and the supporting documentation.
9. The Company shall ensure that all WDF be stored in accordance with Ministry publication "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities", 2007, as amended. WDF shall be segregated from other incompatible wastes and materials.

### **3. Waste Disposal**

1. WDF The Company shall dispose of all waste material collected for use as WDF which does not meet WDF criteria in O. Regulation 347 by a Ministry approved waste hauler.

### **4. Monitoring and Record Keeping**

1. The Company shall record in writing the volumes of any waste materials collected for use as WDF, disposed of by a Ministry approved waste hauler, as well as the corresponding laboratory analysis and Seal applied to the WDF Bulk Storage Tank for the Batch of waste materials which did not meet WDF criteria as required by O. Regulation 347.
2. The Company shall monitor and record in writing the following information related to the samples of WDF taken from any of the WDF Bulk Storage Tanks pursuant to the sampling and analysis requirements set out in Conditions 2.2 to 2.5 of this Approval:
  - a. volume of the WDF Bulk Storage Tank;
  - b. date the representative sample is taken and the date submitted for laboratory analysis;
  - c. date and unique identifier of the Seal applied to the WDF Bulk Storage Tank, and the laboratory analysis for the corresponding Batch of WDF;
  - d. comparison of the analytical results of the representative sample to the requirements of WDF as required by O. Regulation 347; and
  - e. the quantity of WDF burned between each date of sampling and/or maintenance, repair or inspection of the Equipment.
3. The Company shall monitor and record in writing the quantity of WDF burned in the Equipment by:
  - a. connecting an elapsed-time meter on the Equipment circuit that will indicate the total time that the Equipment is in operation and by multiplying the elapsed time by the design average fuel consumption rate for the Equipment; or

- b. connecting a volumetric flow meter on the Equipment circuit that will indicate the volume of WDF burned in the Equipment; or
  - c. using an alternate procedure that the Company proposes and the District Manager authorizes in writing.
4. The Company shall record in writing the following information related to the operation of the Equipment:
- a. details on the maintenance, repair and inspection of the Equipment;
  - b. details on any environmental complaints; including:
    - i. a description, time and date of each incident;
    - ii. wind direction at the time of the incident; and
    - iii. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future.

## **5. RECORD RETENTION**

1. The Company shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this Approval, and make these records available for review by staff of the Ministry upon request. The Company shall retain:
- a. all records on the maintenance, repair and inspection of the Equipment; and
  - b. all records of any environmental complaints, including:
    - i. a description, time and date of each incident to which the complaint relates;
    - ii. wind direction at the time of the incident to which the complaint relates; and
    - iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

## **6. NOTIFICATION OF COMPLAINTS**

1. The Company shall notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
- a. a description of the nature of the complaint;

- b. the time and date of the incident to which the complaint relates; and
- c. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future.

## 7. NOISE

1. The Company shall, at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300.

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

1. Conditions No. 1 and 2 are included to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the EPA, the Regulations and this Approval.
2. Condition No. 3 is included to require the *Company* to dispose of waste materials in a manner which does not result in a nuisance or a hazard to human health and safety, or the environment.
3. Conditions No. 4 and 5 are included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the EPA, the Regulations and this Approval can be verified.
4. Condition No. 6 is included to require the Company to notify staff of the Ministry so as to assist the Ministry with the review of the site's compliance.
5. Condition No. 7 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

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.

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 21st day of January, 2023



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Nancy E Orpana, P.Eng.

Director

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

SM/

c: District Manager, MECP Thunder Bay - District  
Greg Thomas, PRIME Environmental Services Inc.