

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER A-500-1135066246

Version: 1.0

Issue Date: May 10, 2023

*Pursuant to section 20.3 of the Environmental Protection Act, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:*

NEXCYCLE INDUSTRIES LTD

50 MCLEAN ROAD, RR 3  
GUELPH ONTARIO  
N1H6H9

*For the following site:*

50 McLean Road West  
Township of Puslinch, County of Wellington

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

a waste disposal site to be used for the transfer and processing of the following types of waste:

solid non-hazardous waste generated by industrial, commercial and institutional sources, limited to glass waste

## **DEFINITIONS**

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

1. "Adverse Effect" has the same meaning as defined in the EPA;
2. "Approval" means this entire Environmental Compliance Approval and any Schedules attached to it;
3. "Design and Operations Report" means the report amended as Item (2) of Schedule 1 of this ECA or the more recent version of the report which has been amended pursuant to the conditions of this Approval.
4. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;
5. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Site is geographically located;
6. "Emergency Response, Spill Prevention and Contingency Plan" means the report, prepared by the Owner, as described by condition no. 23 of this Approval.
7. "Engineer's Report" means the document added to this Approval as Item 3 of Schedule "A"
8. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
9. "Minister" means the Minister of the Ministry or such other member of the Executive Council as may be assigned the administration of the EPA and OWRA under the Executive Council Act, R.S.O. 1990, c. E.25;
10. "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;

11. "Modifications" means a change to the waste disposal site, identified in the Engineer's Report, and made pursuant to Condition 10 of this Approval;
12. "NMA" means the Nutrient Management Act, 2002, S.O. 2002, c. 4;
13. "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;
14. "O. Reg. 101/94" means Ontario Regulation 101: (Recycling and Composting of Municipal Waste), made under the EPA;
15. "Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes Nexcycle Industries Ltd. and its successors and assigns;
16. "OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40;
17. "PA" means the Pesticides Act, R.S.O. (1990), c. P.11;
18. "Professional Engineer" means a Professional Engineer as defined within the Professional Engineers Act, R.S.O. 1990, c. P.28;
19. "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 EPA, Section 17 of the PA, Section 4 of the NMA, or Section 8 of the SDWA;
20. "Reg. 347" means R.R.O. 1990, Reg. 347: (General - Waste Management), made under the EPA;
21. "Schedules" means the following schedules attached to this Approval and forming part of this Approval namely:
  - Schedule 1 - Supporting Documentation
22. "SDWA" means the Safe Drinking Water Act, 2002, S.O. 2002, c. 32;
23. "Site" means the waste disposal site approved under this Approval, located at 50 McLean Road, Guelph, Ontario.
24. "Supporting Documentation" means the documents listed in Schedule 1 of this Approval;
25. "Trained Person" means personnel knowledgeable in the following through instruction and/or practice:
  - relevant waste management legislation, regulations and guidelines;
  - major environmental concerns pertaining to the waste to be handled;
  - occupational health and safety concerns pertaining to the wastes to be handled;
  - emergency response procedures;
  - specific written procedures for the control of nuisance/upset conditions;
  - specific written procedures for refusal of unacceptable waste loads; and
  - the requirements of this Approval.

## TERMS AND CONDITIONS

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

### 1. Compliance

1. The Owner shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions

herein and shall take all reasonable measures to ensure any such person complies with the same.

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

## **2. In Accordance**

1. Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application dated June 30, 2021, the Design and Operations Report and the Supporting Documentation listed in the attached Schedule 1.
2. Construction and installation of the concrete pad described in Items 1 through 7 of Schedule 1 must be completed within ten (10) 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.
3. 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 above.

## **3. Other Legal Obligations**

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 and Operator to furnish any further information related to compliance with this Approval.

## **4. Interpretation**

1. Where there is a conflict between a provision of any document listed in Schedule 1 in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
2. Where there is a conflict between the application and a provision in any document listed in Schedule 1, the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.
3. Where there is a conflict between any two documents listed in Schedule 1, the document bearing the most recent date shall take precedence.
4. The conditions of this Approval are severable. If any condition of this Approval, or the application of any condition of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

## **5. Adverse Effect**

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.
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**

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

- a. the ownership of the Site;
  - b. the Operator of the Site;
  - c. the address of the Owner or Operator; and
  - d. the partners, where the Owner or Operator is or at any time becomes a partnership and a copy of the most recent declaration filed under the Business Names Act, R. S. O. 1990, c. B.17, shall be included in the notification.
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.
  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**

1. Within twenty (20) days of issuance of the Approval, the Owner shall submit to the Director financial assurance as defined in Section 131 of the EPA in the amount of two hundred forty-seven thousand eight hundred and twenty-six dollars (CAD 247,826.00). This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for site clean-up, monitoring, and the analysis, transportation and disposal of all quantities of waste permitted to be on-site at any one time.
2. Commencing March 31, 2028, and every five (5) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 7.1. Additional financial assurance, if required, must be submitted to the Director within 20 days of written acceptance of the re-evaluation by the Director.
3. The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion.
4. 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.

## **8. Information and Record Retention**

1. Except as authorized in writing by the Director, all records required by this Approval shall be retained at the Site for a minimum of five (5) years from their date of creation.
2. The Owner shall retain all documentation listed in Schedule 1 for as long as this Approval is valid.
3. The Owner shall retain employee training records as long as the employee is working at the Site.
4. The Owner shall make all of the above documents available for inspection upon request of Ministry staff.
5. 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.
6. The Owner shall ensure that a copy of this Approval, in its entirety and including all its Notices of Amendment, and documentation listed in Schedule 1, are retained at the Site at all times.

7. Any information related 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, RSO 1990, CF-31.

## **9. Inspections by the Ministry**

1. No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, the PA, the SDWA or the NMA, 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 EPA, the OWRA, the PA, the SDWA or the NMA.

## **10. Limited Operational Flexibility and Site Modifications**

1. The Owner may make Modifications to the Site and the Design and Operations Report in accordance with the Engineer's Report contained within Item 3 of Schedule 1.
2. For greater certainty, the following Modifications to the Site are permitted as part of the limited operating flexibility:
  - a. the ability to make Modifications to the Site's infrastructure;
  - b. the ability to make Modifications to the Site's processing operations and equipment;
3. For greater certainty, the following Modifications to the Site are not permitted as part of the limited operating flexibility:
  - a. extending the Site onto adjacent lands;
  - b. changing or expanding the function of the approved operations of the Site from a waste disposal site used for the receiving, sorting and transfer of glass waste;
  - c. relocation of waste processing activities from indoors to outdoors (this does not apply to existing approved outdoor processing activities)
  - d. accepting additional types of waste including hazardous waste, liquid industrial waste, municipal or industrial sewage, or additional categories of Municipal waste;
  - e. changes to the Site not identified in the Engineer's Report; or
  - f. changes to the Site that have requirements under the Environmental Assessment Act.
4. The Owner shall provide a written Notice of Modification to the District Manager and Director at least thirty (30) days prior to making Modifications to the Site in accordance with Condition 10.1 above. At a minimum the notification shall include the following:
  - a. a description of the change to the operations of the Site including an assessment of the anticipated environmental effects of the Modifications;
  - b. updated versions of, or amendments to, all relevant technical documents required by this ECA that are affected by the Modification including but not necessarily limited to an updated Site Plan drawing, Design and Operations Report, Emergency Response and Contingency Plan and any Best Management Practices Plans, including a document control record that tracks all changes that were made to the documents; and

- c. a statement signed by the Owner and a Professional Engineer declaring that the Modifications made to the Site are done so in accordance with the Engineer's Report, are consistent with industry's best management practices and are not likely to result in an adverse effect.
5. Notwithstanding Condition 10.4 above, if the Modifications made to the Site require an amendment to the Site's Fire Safety Plan the Owner shall obtain the authorization of the local fire services authority prior to instituting the Modifications. A copy of the approved plan must be forwarded to the District Manager.
6. The Owner shall proceed with implementation of Limited Operational Flexibility:
  - a. once the District Manager has provided written acknowledgement of the Notice of Modifications, or
  - b. after thirty (30) days of the ministry receiving the Notice of Modifications during which no reply or acknowledgement has been received by the Owner from the ministry.
7. These provisions for limited operational flexibility shall expire within ten (10) years of the issuance of this Approval.

#### **11. Service Area**

1. Only waste that is generated within geographical boundaries of the Province of Ontario, the Province of Quebec and the United States of America shall be accepted at the Site.

#### **12. Hours of Operation**

1. The Owner may receive and ship waste, operate the Site and/or process glass waste twenty-four hours a day, seven days a week.

#### **13. Signs and Security**

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 Owner;
  - b. the number of this ECA;
  - c. 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
  - d. the type of waste that is approved for receipt at the Site.
2. The Owner and Operator shall operate and maintain the Site in a secure manner, with access to the Site regulated and perimeter of the Site secured by a combination of fencing or natural features. During non-operating hours, the Site entrance and exit gates shall be locked and the Site shall be secured against access by unauthorized persons.

#### **14. Approved Waste Types and Waste Screening**

1. The Owner may only accept the following categories of solid Municipal Waste at the Site, provided that the categories and sources of waste are identified in the current Design and Operations Report:
  - a. solid, non-hazardous waste generated within the residential, industrial, institutional and commercial sectors limited to glass waste only.
2. The Owner shall ensure all incoming loads are inspected by a trained attendant to ensure only waste approved under this ECA are received at this Site.
3. If any incoming waste load is known to, or is discovered to, contain unapproved waste, that load shall not be accepted at the Site.
4. If any unapproved waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.

## 15. Approved Waste Receiving and Storage Quantities

1. The amount of waste that may be received at the Site shall not exceed the amounts identified in the current Design and Operations Report:
  - a. 365,000 tonnes of waste per year; and
  - b. 1,520 tonnes of waste in any one day.
2. The amount of residual waste that may be transferred from the Site for final disposal shall not exceed the amounts an annualized average of 1,000 tonnes of waste per day and/or 365,000 tonnes per year.
3. The maximum amount of waste, including unprocessed glass waste, in-process glass waste, processed glass waste and residual waste that may be stored at the Site at any one time shall not exceed 28,967 tonnes.
4. The maximum amount of waste which may be stored in the outdoor, uncovered waste bunkers shall not exceed 23,252 tonnes at any one time.
5. Notwithstanding condition 15.3 and 15.4 above, an additional 20,000 tonnes of storage (for a total of 48,967 tonnes at any one time) may be established with the construction of a concrete pad as detailed in the Supporting Documentation.
  - a. Prior to the use of the additional storage and the construction of the concrete pad, the Owner shall submit to the District Manager, a report detailing the following:
    - i. Updated Site Plan that shows the exact location and dimensions of the pad to be constructed;
    - ii. Construction and implementation timeline;
    - iii. If necessary, an Updated Design and Operations Report which details any additional operating and mitigation procedures which may be implemented as a result of the use of the additional storage including any updated maintenance and/or waste handling procedures which may mitigate any potential impacts as a result of the expanded outdoor, uncovered storage; and
    - iv. A statement on the need to obtain or submit an application to amend the Site's environmental compliance approvals for Air and Noise emissions and Industrial Sewage Works for the expanded storage, including the need to update the Site's Emissions Dispersion and Modelling Report, or the approved Best Management Practices Plans for Odour and Fugitive Dust.
  - b. Any alterations or deviations from the design of the concrete pad proposed in the Supporting Documentation is not permitted through this Approval and must be approved via an application submitted to the Director to amend this Approval.
6. In the event that residual waste cannot be transferred from the Site, the Owner shall immediately notify the District Manager and cease accepting any additional waste until the disruption is resolved.

## 16. Waste Storage

1. Waste shall be stored in accordance with the current Design and Operations Report and at a minimum the Owner shall ensure that all wastes and materials on Site are stored in a manner that prevents any off-site environmental impacts.
2. Residual waste shall not be stored at the Site for longer than fourteen (14) days before being shipped for final disposal.
3. The Owner shall keep a running total of all waste currently stored and being processed on Site. The total shall be readily available to the ministry or Provincial Officer upon request or inspection.
4. Should the amount of waste material stored on site, including processed glass, reach 75% of the site's total waste capacity at any time, the Owner shall notify the District Manager within two (2) business days and initiate a topographical survey to be conducted within ninety (90) days of the date of the initial required notification. The topographical survey shall be conducted to:
  - a. Verify outdoor storage volumes (and tonnages based on density conversion), and

- b. Resolve mass balance inventories used to measure compliance with the storage capacity restrictions in this Approval.
5. A subsequent notification shall be submitted to the District Manager one (1) week prior to the survey being conducted detailing the date and time the survey will be conducted and the name of the company conducting the survey.
6. A report shall be prepared by the Owner and submitted to the District Manager within thirty (30) days completion of the study required in condition 16.4 which discusses the results of the survey based on the objectives above and any necessary mitigative action that may be required to ensure the Site remains in compliance with this Approval.
7. The requirements of conditions 16.4, 16.5 and 16.6 above shall repeat every six months from the date of the initial required notification detailed in condition 16.4 should the waste material stored on Site continue to exceed 75% of the Site's total approved capacity.
8. Should the material stored on Site be reduced to below 75% of the Site's total approved capacity, the survey and report required above shall still be completed and submitted to the District Manager, but the requirements shall not be triggered again until:
  - a. six months after the initial notification date, and
  - b. on Site storage totals again exceed 75% of the Site's total approved capacity.

#### **17. Waste Processing**

1. Processing carried out at the Site is limited to the operation of the Bottle Plant, Windshield Plant and Powder Plant, all as described in the current Design and Operations Report.
2. The Owner shall ensure all processing equipment has obtained the necessary environmental compliance approval for air and noise emissions, where necessary.
3. The Owner shall ensure that all processing of waste is conducted in a manner which does not cause an adverse effect, including, but not limited to effects from noise and dust.

#### **18. Design and Operations Report**

1. The Owner shall maintain the Design and Operations Report on-site and shall be made available for inspection by a Provincial Officer upon request. The Design and Operations Report shall describe current Site operations as reflected in the conditions of this Approval, and shall contain as a minimum the information specified for a waste processing site as described in the most recent version of the Ministry publication "Guide for Applying for Approval of Waste Disposal Site".
2. The Owner may amend the current Design and Operations Report in accordance with Conditions 10 and 15.5 of this ECA.
3. Changes to the Design and Operations Report, with the exception of changes made under Condition 10 and 15.5 shall be submitted to the Director for approval before implementation.
4. If the Owner has made Modifications to the Site in accordance with Condition 10, the Owner shall ensure that the Site is built, operated and maintained in accordance with the current Design and Operations Report.
5. The Owner shall maintain a document control record at the Site that tracks all changes that are made to the Design and Operations Report.

#### **19. Nuisance Mitigation**

1. The Owner shall ensure that any dirt, dust, smoke, noise, odour and/or other airborne contaminant, resulting from activities at this Site, is controlled and does not cause an adverse effect.



2. The Owner shall implement the approved Best Management Practices Plans for Fugitive Dust and Odour, as required by the Site's environmental compliance approval for Air and Noise emissions.
3. The Owner shall ensure any outdoor storage of glass waste is done so in a manner that minimizes potential impacts from odour and/or dust including:
  - a. regular use of a dust control and odour control sprayer,
  - b. storage of unprocessed municipal glass waste (and other odorous glass waste) in covered bunkers,
  - c. minimizing the height of waste stored in any outdoor storage areas,
  - d. processing of all municipal glass waste to remove any odorous materials in the glass within seventy-two (72) hours of receipt, and
  - e. any other measures the Dust Control Management Plan and Odour Control Plan for the Site prescribes.
4. The Owner shall ensure that vehicles leaving this Site do not drag out onto roads, dirt and/or other material that may become a contaminant or cause an adverse effect.
5. The Owner shall pick up litter daily to ensure that this Site and surrounding areas are not impacted.
6. The Owner shall take all reasonable action to ensure that incoming or outgoing vehicles to or from this Site do not cause line-ups or similar traffic problems on the roads that provide access to this Site.

## **20. Site Inspections**

1. A visual inspection of the Site shall be conducted by a Trained person on each day the Site is in operation to ensure that:
  - a. the Site is secure;
  - b. that the operation of the Site is not causing any nuisances including those from dust, odours, vectors, vermin, birds, litter, noise and traffic;
  - c. that the operation of the Site is not causing any adverse effects on the environment; and
  - d. that the Site is being operated in compliance with this ECA.
2. Any deficiencies discovered as a result of an inspection shall be remedied immediately.
3. A record of the inspections shall be kept in the daily log book that includes the following information:
  - a. the name and signature of the Trained person that conducted the inspection;
  - b. the date and time of the inspection;
  - c. a list of any deficiencies discovered;
  - d. any recommendations for action; and
  - e. the date, time and description of actions taken to remedy deficiency.

## **21. Complaint Response Procedure**

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 log book, and shall include the following information:
    - i. the nature of the complaint;

- ii. the name, address and the telephone number of the complainant if the complainant will provide this information;
  - iii. the time and date of the complaint;
  - iv. weather conditions at the time of the complaint; and
  - v. Site operations being carried out at the time of the complaint.
- b. The Owner shall inform the District Office of the complaint within two (2) business days .
  - c. The Owner shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant.
  - d. The Owner shall provide the District Office with a report written within one (1) week of the complaint date, listing the actions taken regarding the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

## 22. Spills

1. All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060 and to the local municipal authority.
2. The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation. All spills and upsets shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and action taken for clean-up, correction and prevention of future occurrences.

## 23. Emergency Response and Contingency Plan

1. A written Emergency Response and Contingency Plan specific to the Site shall be prepared within thirty (30) days of issuance of this ECA and shall be maintained current at all times and kept at the Site in a location that is accessible to Site personnel at all times.
2. The Plan shall include, at a minimum, the following:
  - a. emergency response procedures to be undertaken in the event of a spill, process upset, fire or other emergency;
  - b. contingency plans for how processed or unprocessed glass waste will be managed in the event of a process upset that results in an inability to receive waste or ship waste off-site;
  - c. a list of equipment and spill clean up materials available in case of a spill or emergency;
  - d. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the Site, the Ministry's District Office and Spills Action Centre, the local municipal fire department, the local municipal authority, the local Medical Officer of Health, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.
3. The Owner shall review the Emergency Response and Contingency Plan and shall update the plan if necessary whenever Modifications are made to the Site in accordance with Condition 10.0 and/or 15.4(a) of this ECA.
4. The Owner shall review the Emergency Response and Contingency Plan on an annual basis as a minimum, and shall ensure that the names and telephone numbers of the persons to be contacted as required under Condition 23.2(c) are up-to-date, and that these numbers are prominently displayed and immediately available to all staff and emergency response personnel.
5. The equipment, materials and personnel requirements outlined in the Emergency Response and Contingency Plan are required to be kept on Site and shall be immediately available on the Site at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.

## 24. Training

1. The Owner shall develop and implement a training plan specific to the Site to ensure that all employees that operate the Site or carry out any activity required under this Approval are trained in its operation.
2. The training plan shall require and ensure through written records that all persons directly involved with activities relating to the Site have been trained with respect to:
  - 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 refusal of unacceptable waste loads; and
  - h. the requirements of this Approval.
3. The Owner shall maintain on-site a written record of training which includes:
  - a. the date of training;
  - b. the name and signature of the person who has been trained; and
  - c. a description of the training provided.
4. The Owner shall ensure that Trained Personnel are on duty at all times when the Site is open to carry out any activity permitted under this Approval.

## 25. Record Keeping

1. The Owner shall maintain a daily record on-site, either electronically or in a log book, which shall include the following information:
  - a. the type, quantity and source of all the various streams of glass waste received at the Site and the date and time of arrival;
  - b. the type, quantity and destination of all waste transferred from the Site, including the date and time of transfer;
  - c. a record of any waste refusals, including the type, quantity and source of any waste refused, reasons for refusal and a description of any further actions taken;
  - d. amount of residual waste shipped for off-site disposal;
  - e. a record of the daily inspections required by this Approval;
  - f. training records as required by this Approval;
  - g. a record of any complaints received; and
  - h. a record of any spills or process upsets at the Site, including the nature of the spill or process upset and the action taken for the clean-up or correction of the incident, the time and date of the spill or process upset, and for spills, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA.

## 26. Annual Report

1. By March 31, 2024, on an annual basis thereafter, the Owner shall prepare and submit to the District Manager, a written annual report covering the previous calendar year. The report shall be maintained on-site, and shall include, at a minimum, the following information:
  - a. a summary of the information required under Condition 25.1(a) and 25.1(b), including an annualized reconciliation between all wastes received at the Site and all wastes transferred from the Site;
  - b. a summary of the information required under Condition 25.1(c) through 25.1(h) above;
  - c. results of the topographical surveys required under condition 16.4 of this Approval including a summary of the technology used to conduct the survey,
  - d. confirmation of the annual review of the Emergency Response and Contingency Plan as required by condition 23.4, 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.

## 27. Closure

1. No less than three (3) months prior to the permanent closure of the Site, the Owner shall submit to the District Manager written notification of the decision to cease waste management activities at the Site and a schedule for the cessation of activities. In the event of an unplanned permanent closure of the Site or indefinite cessation of Site activities, the Owner shall submit the above noted information to the District Manager forthwith.
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.

## REASONS

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

1. The reason for Conditions 1, 3, 4, 5, 8 and 22 is to clarify the legal rights and responsibilities of the Owner under this Approval.
2. The reasons for Conditions 2, 10, 16, 17 and 18 is 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.
3. The reasons for Condition 6 are:
  1. 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,
  2. 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, and
  3. to ensure that the successor is aware of its legal responsibilities.
4. The reason 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.
5. The reason for Condition 9 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 ECA. This Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.
6. The reason for Condition 11 is to specify the approved service area from which waste may be accepted at the Site.

7. The reason for Condition 12 is to specify the hours of operation for the Site.
8. The reasons for Condition 13 are to:
  1. ensure that users of the Site are fully aware of important information and restrictions related to Site operations, access and emergency response under this Approval, and
  2. ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.
9. The reasons for Condition 14 are to:
  1. specify the types of waste that may be received at the Site, and
  2. ensure that all wastes received at the Site are properly identified and classified to ensure they are managed in accordance with Reg. 347 and in a manner that protects the health and safety of people and the environment.
10. The reason for Condition 15 is to specify the maximum amount of waste that may be received and stored at the Site.
11. The reasons for Condition 16 are to specify the manner in which waste may be stored at the Site, and to ensure that waste storage is carried out in accordance with all applicable spill protection standards.
12. The reason for Condition 19 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 people and the environment.
13. The reasons for Condition 20 are to ensure that inspections of all Site grounds and infrastructure are carried out on a regular basis, and that detailed records of Site inspections are recorded and maintained for compliance and information purposes.
14. The reason for Condition 21 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
15. The reasons for Condition 23 is to ensure that an Emergency Response and Contingency Plan is developed and maintained at the Site, and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.
16. The reason for Condition 24 is to ensure that the Site is operated by properly Trained staff so that the operation of the Site does not result in a hazard or nuisance to people or the environment.
17. The reason for Condition 25 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.
18. The reason for Condition 26 is to ensure that regular review of site development, operations and 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.
19. The reason for Condition 27 is to ensure that the Site is closed in accordance with Ministry standards in a manner that protects the health and safety of the public and the environment.

# APPEAL PROVISIONS

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In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights, 1993* who 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:

- I. 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;
- II. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

- I. The name of the appellant;
- II. The address of the appellant;
- III. The environmental compliance approval number;
- IV. The date of the environmental compliance approval;
- V. The name of the Director, and;
- VI. 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 <a href="mailto:OLT.Registrar@ontario.ca">OLT.Registrar@ontario.ca</a>	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 <i>Environmental Protection Act</i> Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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**\* Further information on the 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 [ero.ontario.ca](http://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 10th day of May, 2023



Mohsen Keyvani

Director

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

c: Sid Perron, NEXCYCLE INDUSTRIES LTD  
Crystal Harte, GHD

The following schedules are a part of this environmental compliance approval:

# SCHEDULE 1

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## Supporting Documentation

1. Environmental Compliance Approval application dated June 21, 2021, signed by Sid Perron, Operations Manager, Nexcycle Industries Ltd., including all attached supporting information, documentation, drawings, figures and appendices.
2. Design and Operations Report, prepared by GHD, version dated September 14, 2022, including all attached drawings, figures and appendices.
3. Engineer's Report, prepared by Crystal Harte and Fred Taylor, GHD, on behalf of Nexcycle Industries Ltd., to support the request for limited operational flexibility.
4. Dust Control Management Plan, dated August, 11, 2022, prepared by Nexcycle Industries Ltd.
5. Odour Control Plan, dated August 11, 2022, prepared by Nexcycle Industries Ltd.
6. Site Plan Drawing, entitled "Site Plan and Building Layout", prepared by GHD, dated June 2021, included as part of the Design and Operations Report.
7. Letter dated January 18, 2023, to David Lee, Senior Review Engineer, Ministry of the Environment, Conservation and Parks, from Crystal Harte, GHD, re: storage pile height