

Licence No.: 129 HW
Licence Issued: June 27, 2001

In accordance with the Manitoba Dangerous Goods Handling and Transportation Act (C.C.S.M. c. D12)

THIS LICENCE IS ISSUED TO:

DEVIET ENTERPRISES LTD.; "the Licencee"

for the construction and operation of a Waste Lead Acid Battery transfer facility (the facility) located at 216-79 Eagle Drive, in the City of Winnipeg, Manitoba, in accordance with the Application dated December 31, 2000 and the additional information received February 2, 2001, filed under The Dangerous Goods Handling and Transportation Act, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"accredited laboratory" means facilities accredited by the Standard Council of Canada (SCC), or facilities accredited by another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or facilities which can demonstrate to Manitoba Conservation, upon request, that quality assurance/quality control (QA/QC) procedures are in place equivalent to accreditation based on the Canadian Standard Can/CSA-Z753, extension of the international standard ISO 9000, Guide 25;

"Director" means an employee of the department who has been designated or appointed by the Minister;

"permanently closed" means that the facility has not been operated for a period of 6 months or more;

"waste battery" means a lead-acid electromotive battery that:

- a. through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstance can no longer be used for its original purpose; or
- b. for any other reason, the owner or person in possession of the battery intends to dispose of it;

"licenced carrier" means a person who has a valid licence to transport hazardous waste pursuant to Manitoba Regulation 175/87 under the Manitoba Dangerous Goods Handling and Transportation Act (C.C.S.M. c. D12);

"pollutant" means any solid, liquid, gas, smoke, waste, odour, heat, sound, vibration, radiation, or a combination of any of them that is foreign to or in excess of the natural constituents of the environment, and:

- a. affects the natural, physical, chemical, or biological quality of the environment; or
- b. is or is likely to be injurious to the health or safety of persons, or injurious or damaging to property or to plant or animal life; or
- c. interferes with or is likely to interfere with the comfort, well being, livelihood or enjoyment of life by a person; and

"registered generator" means a person who is registered as a hazardous waste generator pursuant to Manitoba Regulation 175/87 under the Manitoba Dangerous Goods Handling and Transportation Act (C.C.S.M. c. D12).

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the facility, at all times.
2. The Licencee shall, upon the request of the Director and in addition to any of the specifications, limits, terms or conditions specified in this Licence:
 - a. sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, for such duration and at such frequencies as may be specified;
 - b. determine the environmental impact associated with the release of any pollutants from the said facility; or
 - c. provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
3. The Licencee shall, unless otherwise specified in this Licence:
 - a. carry out all sampling of, and preservation and analyses on, water, soil or air samples in accordance with methodologies approved in writing by the Director;
 - b. ensure that all analytical determinations are undertaken by an accredited laboratory; and
 - c. report the results to the Director within 60 days of the samples being taken.
4. The Licencee shall provide to the Director, upon request, all information required under this Licence, in writing and in such form and content (including number of copies), as may be specified by the Director.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

5. The Licencee shall ensure that no hazardous waste other than waste batteries is received at the facility.
6. The Licencee shall ensure that personnel handling dangerous goods are trained in the handling of dangerous goods, as required by The Dangerous Goods Handling and Transportation Act and Regulations thereunder.
7. The Licencee shall initiate and maintain for a minimum of two years a record for all waste batteries received at the facility. The record shall contain, for each day that waste batteries are received the:
 - a. date of receipt;
 - b. name and address of the licenced carrier;
 - c. quantity of batteries received;
 - d. source of the batteries; and
 - e. the Manitoba Generator Registration Number for each source of waste batteries.
8. The Licencee shall ensure that a summary of the record referred to in Clause 7 of this Licence shall be made available for inspection by an Environment Officer upon request.
9. The Licencee shall ensure that all waste batteries received at the facility are transported within 14 days to a recycling or disposal facility operating under the authority of a Licence issued pursuant to The Dangerous Goods Handling and Transportation Act in Manitoba, or under an approval of similar type in another jurisdiction.
10. The Licencee shall ensure that any ports or drains in the storage areas of the facility that lead directly or indirectly to the City of Winnipeg sewer system are sealed in such a way to prevent entry of liquid into the sewer system.
11. The Licencee shall ensure that the floor in the area used for storage of the waste batteries is resistant to acid.

12. The Licencee shall ensure that waste batteries are stored on a pallet and that a minimum of two layers of corrugated cardboard or other material which will prevent casing ruptures are placed between successive layers of waste batteries.
13. The Licencee shall ensure that effective neutralizing materials or materials approved by the Director in writing for the containment or clean up of spills are conspicuously placed in the area used for storage of waste batteries.
14. The Licencee shall ensure the inventory of waste batteries at the facility does not exceed 1500 waste batteries at any one time.
15. The Licencee shall submit to the Director for approval, prior to receipt of waste batteries, an updated contingency plan, in accordance with the Manitoba Industrial Accidents Council (MIAC) *Industrial Emergency Response Planning Guide*, outlining procedures to be used in the event of a leak, spill, fire, or other hazardous condition at the facility.
16. The Licencee shall, within 30 days of the date of this Licence, post with the Manitoba Department of Conservation in the amount of \$10,000 Cdn:
 - a. a permit bond issued by a surety company licenced to do business in the Province of Manitoba;
 - b. an irrevocable letter of credit; or
 - c. another acceptable security satisfactory to the Director.

This permit bond, irrevocable letter of credit, or other security and renewals thereof shall remain in place for the duration of the operation of the facility. The Director may order forfeiture of the permit bond, irrevocable letter of credit, or other security, either in whole or in part, by giving written notice to that effect to the Licencee, upon the Director being satisfied that the Licencee is in breach of any specification, limit, term or condition of this Licence, or for reimbursement of any costs or expenses incurred by the Province of Manitoba in rectifying environmental damage caused or contributed to by the operation of the facility.

17. The Licencee shall obtain approval in writing from the Director for any proposed alterations to the facility before proceeding with an alteration.
18. The Licencee shall, in the event that the facility is to be permanently closed as a waste lead acid battery transfer facility, or is offered for sale, conduct an investigation, to the satisfaction of the Director, to identify any contamination that may have resulted from the operation of the facility.
19. The Licencee shall, where the investigation referred to in Clause 18 of this Licence shows that contamination of the environment has occurred, submit a remediation proposal to the Director and, upon approval of this proposal by the Director, the required remediation shall be carried out by the Licencee.
20. The Licencee shall ensure that in the event of an Environmental Accident as defined in The Manitoba Dangerous Goods Handling and Transportation Act and Regulations thereunder, all necessary actions are taken to contain the spill, manage the impacted environment, and to restore the environment to the satisfaction of an Environment Officer or the Director.

REVIEW AND REVOCATION

- A. This Licence replaces Dangerous Goods Handling and Transportation Act Order No. 26 HW which is hereby rescinded.
- B. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently,

revoke this Licence.

- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to The Dangerous Goods Handling and Transportation Act.

"original signed by"

Larry Strachan, P. Eng.

Director

Dangerous Goods Handling and Transportation Act

Client File No.: 4606.00

Consignor Registration No. MB 1006486

Consignee Registration No. MB 3006731