

Environmental Stewardship Division
Environmental Approvals Branch
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CLIENT FILE NO.: 5539.00

August 16, 2016

Barb Penner, Vice President
Penner Waste Inc.
Box 87
Winkler MB R6W 4A4

Dear Ms. Penner:

Enclosed is **revised Environment Act Licence No. 2990 RR** dated August 16, 2016 issued to **Penner Waste Inc.** for the construction and operation of the Development being a construction and demolition waste recycling facility and composting facility at SW 22-3-4 WPM in the Rural Municipality of Stanley, in accordance with the Proposal dated September 13, 2011, and the notice of alteration request dated May 27, 2016.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Tyler Kneeshaw, Environment Officer at 204-239-3608.

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Sustainable Development within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, D. Smiley/T. Kneeshaw, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2990 RR (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by August 30, 2016.

On behalf of Penner Waste Inc.

Date

LICENCE

Licence No. / Licence n° 2990 RR

Issue Date / Date de délivrance January 31, 2012

Revised : November 5, 2012

Revised : August 16, 2016

In accordance with *The Environment Act* (C.C.S.M. c. E125) /
Conformément à la *Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Sections 10(1) / Conformément au Paragraphe 10(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

PENNER WASTE INC.;
"the Licence"

for the construction and operation of the Development being a construction and demolition waste recycling facility and composting facility at SW 22-3-4 WPM in the Rural Municipality of Stanley, in accordance with the Proposal dated September 13, 2011, the notice of alteration request dated May 27, 2016 and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"**accredited laboratory**" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Sustainable Development to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

"**affected area**" means a geographical area, excluding the property of the Development;

"**approved**" means approved by the Director or assigned Environment Officer in writing;

"**CCME**" means Canadian Council of Ministers of the Environment;

"**compost**" means solid mature product resulting from composting;

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

"**composting**" means a managed process of bio-oxidation of a solid heterogeneous organic substrate including a thermophilic phase;

"**construction and demolition waste**" means material from the construction, remodelling, repair, or demolition of buildings, bridges, pavement, roads, or other structures;

"**Director**" means an employee so designated pursuant to *The Environment Act*;

"**Environment Officer**" means an employee so designated pursuant to *The Environment Act*;

"**green waste**" means leaf, grass, garden waste, prunings, shrubs, small branches and other yard wastes from residential and commercial generators, or other larger branches which are chipped for compost bulking;

"**household organic waste**" includes fruits and vegetables, table scraps, breads, rice, pasta, coffee grounds, filters, tea bags, eggshells, paper fibres, paper egg cartons, fast food drink trays, soiled paper towels, tissues and serviettes;

"**ICI Agricultural by-products**" means potato, onion or other vegetable and plant wastes, meat packaging facility trim, scraps and wrap cut offs, animal manure and undigested food from animal intestines, spoiled, extracted, flushed or floor sweepings from animal feed or seed plants;

"**noise nuisance**" means an unwanted sound, in an affected area, which is annoying, troublesome, or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to members of the public;

if the unwanted sound

- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

"**odour nuisance**" means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;

- b) working in an affected area; or
 - c) present at a location in an affected area which is normally open to members of the public;
- if the odour, smell or aroma
- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or
 - e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

"opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

"particulate matter" means any finely divided liquid or solid matter other than water droplets;

"particulate residue" means that part or portion of an atmospheric emission which is deposited onto a surface;

"point source" means any point of emission from a Development where pollutants are emitted to the atmosphere by means of a stack;

"Standard Methods for the Examination of Water and Wastewater" means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation;

"wastewater" means any liquid containing a pollutant as defined in *The Environment Act*, associated with or resulting from the Development which is discharged into the environment; and

"wood waste" means clean, not treated, dimensional or manufactured wood products or natural trees or parts thereof, that are chipped or shredded or sawdust for use in the composting process.

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.

General Terms

1. The Licencee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the Development, at all times.
2. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.

Future Sampling

3. In addition to any of the limits, terms or conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - 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 Development; 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.

Spill Reporting

4. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
5. The Licencee shall, following the reporting of an event pursuant to Clause 4,
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs in accordance with any written instructions of the Director; and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.

Sampling Methods

6. The Licencee shall, unless otherwise specified in this Licence:

- a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the most current edition of “Standard Methods for the Examination of Water and Wastewater” or in accordance with equivalent preservation and analytical methodologies approved by the Director;
 - b) carry out all sampling of, and preservation and analyses on, soil, compost, and air samples in accordance with methodologies approved by the Director;
 - c) have all analytical determinations undertaken by an accredited laboratory; and
 - d) report the results to the Director, in writing and in an electronic format acceptable to the Director, within 60 days of the samples being taken.
7. The Licencee shall carry out any remedial measures, modifications, or alterations, as deemed necessary by the Director, in respect to matters authorized under this Licence.

Reporting Format

8. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in written and electronic format, in such form (including number of copies) and of such content as may be specified by the Director or Environment Officer, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.

Responsible Party

9. The Licencee shall designate an employee, within 60 days of the date of issuance of this Licence, as the Licencee’s Environmental Coordinator, whose job description will include assisting the Licencee in complying with the limits, terms and conditions in this Licence and assisting Senior Management of the Licencee to manage environmental issues at the Development. The name of the Environmental Coordinator shall be submitted in writing to the Director within 14 days of appointment and any subsequent appointment.

Site Access

10. The Licencee shall install and maintain a fence around the perimeter of the Development prior to operating the Development. The fence shall be a minimum of 1.2 metres high and have a locking gate.

Pest Control

11. The Licencee shall institute a pest control program at the Development in a manner acceptable to the Director.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Odours and Air Emissions

12. The Licencee shall not emit particulate matter from the Development such that:
- a) particulate matter:
 - i) exceeds 0.23 grams per dry standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury, corrected to 12 percent carbon dioxide for processes involving combustion, from any point source of the Development;
 - ii) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
 - iii) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
 - b) opacity from any point source of the Development equals or exceeds:
 - i) 20 percent as the average of any 24 consecutive opacity observations taken at 15 second intervals;
 - ii) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
 - iii) 40 percent for any individual opacity observation.
13. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
14. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

Air Pollution Control

15. The Licencee shall prevent the entrainment of particulate matter into the air at the Development resulting from the operation of vehicles or the transportation, storage or handling of construction and demolition waste or other material.

Groundwater Monitoring

16. The Licencee shall conduct a groundwater monitoring program that consists of sampling every second year a minimum of three monitoring wells: one upstream and two downstream of the Development. This groundwater monitoring program shall commence with an initial sample before June 1, 2017 and shall include sampling and analysis for those parameters listed in Appendix 'A' to this Licence.

Chemical Storage and Spill Containment

17. The Licencee shall provide containment for all vessels containing chemicals and in each area of the development where the chemicals are stored, loaded, transferred,

used or otherwise handled, in compliance with the National Fire Code of Canada (2010), or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater and surface water is prevented.

18. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

Construction and Demolition Waste

19. The Licencee shall not burn construction and demolition waste at the Development, at any time.
20. The Licencee shall not bury construction and demolition waste at the Development, at any time.
21. The Licencee shall either:
- a) recycle and reuse all construction and demolition waste delivered to the Development; or
 - b) dispose of construction and demolition waste that cannot be recycled or reused, at a waste disposal ground operating either under a permit issued pursuant to MR 37/2016 or a Licence issued pursuant to *The Environment Act*.
22. The Licencee shall process and recycle wood, shingles, and cardboard through a horizontal grinding equipment as described in the Proposal dated September 13, 2011 or equivalent grinding equipment.
23. The Licencee shall only operate the grinding machine when the water injection dust control system is in operation.
24. The Licencee shall not accept shingles that contain asbestos at the Development.

Composting

25. The Licencee shall only accept and use green waste, household organic waste, ICI agricultural by-products, straw, livestock manure, livestock or wildlife mortalities, wood waste and drywall cut-offs as compost feedstock at the Development.
26. The Licencee shall generate compost at the Development that achieves the quality requirements and specifications as contained in the most recent edition of the Canadian Council of Ministers of the Environment publication entitled "*Guidelines for Compost Quality – PN1340*".
27. The Licencee shall not sell or make available to any third party compost generated at the Development that does not achieve the quality requirements and specifications as contained in the most recent edition of the Canadian Council of Ministers of the Environment publication entitled "*Guidelines for Compost Quality – PN1340*".

28. The Licencee shall direct all leachate generated from composting at the Development to the on-site leachate and stormwater drainage basin which shall have a minimum one metre thick compacted clay liner with a hydraulic conductivity of 1×10^{-7} cm/s or less.
29. The Licencee shall conduct a compost monitoring program that includes:
 - a) measurements of temperature for each batch of composting material;
 - b) measurement of moisture content for each batch of composting material;
 - c) analyses of metals and nutrients in accordance with CCME guidelines prior to sale of any batch of compost.
30. The Licencee shall maintain a record of the sampling results, obtained pursuant to Clauses 16 and 29 of this Licence, at the Development and shall provide those records to an Environment Officer upon request.
31. The Licencee shall submit the sampling results, obtained pursuant to Clauses 16 and 29 of this Licence, in an annual report containing at minimum but not limited to:
 - a) the raw data collected; and
 - b) a discussion of the sampling and analytical portions of the program including any anomalies of sampling and analysis.
32. The Licencee shall submit to the Director, prior to March 1 of each year beginning in 2013, the annual report required by Clause 31 of this Licence.
33. The Licencee shall, if required in writing by the Environment Officer, immediately upon placing compost into windrows and immediately after turning windrows undergoing active composting, cover compost windrows with cover material consisting of straw, wood chips, or another material acceptable to the Environment Officer.
34. The Licencee shall maintain sufficient cover material on site to facilitate compliance with Clause 33 of this Licence at all times.

Wastewater

35. The Licencee shall not construct, or allow to be constructed, the wastewater treatment lagoons, identified in the Proposal dated September 13, 2011 as Basin 1 and Basin 2, prior to obtaining an Environment Act Licence for their construction and operation.

Emergencies

36. The Licencee shall prepare, within 90 days of the date of issuance of this Licence, and maintain an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety "Emergency Response Planning Guide" or other emergency planning guidelines acceptable to the Director.

REVIEW AND REVOCATION

- A. Licence No. 2990 R 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 set out in this Licence, the Director may require the filing of a new proposal pursuant to *The Environment Act*.

"original signed by"

Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 5539.00

RESCINDED

Appendix 'A' to Environment Act Licence No. 2990 RR
Groundwater Monitoring Program Sample Parameters Pursuant to Clause 16

Chemical Parameters		
Inorganics		
Alkalinity – Total		Magnesium – Dissolved
Ammonia – Total		Manganese – Dissolved
Arsenic – Total		Mercury – Dissolved
Barium – Dissolved		Nitrate - Reported as N
Boron – Dissolved		Nitrite - Reported as N
Cadmium – Dissolved		Total Kjeldahl Nitrogen – Reported as N
Calcium – Dissolved		pH
Calcium Carbonate		Total Phosphorous
Chloride		Potassium – Dissolved
Chromium – Dissolved		Silicon – Dissolved
Conductivity		Sodium – Dissolved
Copper – Dissolved		Total Dissolved Solids (TDS)
Iron – Dissolved		Sulphate
Lead – Dissolved		Uranium – Dissolved
		Zinc – Dissolved
Volatile Organic Compounds (VOC's)		
BTEX		
Other Organics		
Biological Oxygen Demand (BOD)		Chemical Oxygen Demand (COD)
Dissolved Organic Carbon (DOC)		
Field Parameters		
pH		Groundwater Elevation
Conductivity		Dissolved Oxygen
Temperature		

Note: All metals (except Arsenic) are to be sampled for dissolved analysis. Dissolved samples should be filtered in the field and preserved in the field at time of sampling. If dissolved samples are not to be filtered and preserved in the field then Sustainable Development and the Laboratory must be notified prior to sampling.