



**Conservation and Water Stewardship**

Environmental Stewardship Division  
Environmental Approvals Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-8321 F 204 945-5229  
www.gov.mb.ca/conservation/eal

**CLIENT FILE NO.: 5722.00**

July 25, 2014

Ian Broome, Director of Public Works  
City of Brandon  
900 Richmond Avenue East  
Brandon MB R7A 7M1

Dear Mr. Broome:

Enclosed is a Director's Order **No. 1 HWO** dated July 25, 2014 issued to **the City of Brandon** for the operation of a household hazardous waste collection and transfer facility located at 3000 Victoria Avenue East, City of Brandon, Province of Manitoba under the *The Dangerous Goods Handling and Transportation Act*.

In addition to the enclosed requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with.

For further information on the administration and application of the Director's Order, please feel free to contact Tim Prawdzik, Environment Officer at 204-622-2123.

Yours truly,

*“original signed by”*

\_\_\_\_\_  
**Tracey Braun, M.Sc.**  
**Director**  
*Dangerous Goods Handling & Transportation Act*

Enc.

c: Don Labossiere, Director, Environmental Compliance and Enforcement  
Tim Prawdzik, Environmental Compliance and Enforcement; Randy Webber, Product Care  
Assoc (**via email**)  
Public Registries

**NOTE:** Confirmation of Receipt of this Order No. 1 HWO (*by the Operator 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 at 204-945-5229 by August 5, 2014.

\_\_\_\_\_  
On behalf of the City of Brandon

\_\_\_\_\_  
Date

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

THE DANGEROUS GOODS HANDLING and  
TRANSPORTATION ACT  
LOI SUR LA MANUTENTION ET LE  
TRANSPORT DES MARCHANDISES  
DANGEREUSES



# ORDER

Order No./Licence n° 1 HWO

Issue Date/Date de délivrance July 25, 2014

In accordance with Section 13 of *The Dangerous Goods Handling and Transportation Act*  
(C.C.S.M. c. D12)/

Conformément à la Loi sur Section 13 *la manutention et le transport des marchandises dangereuses*  
(C.P.L.M. c. D12)

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

**THE CITY OF BRANDON;**  
**"the Operator"**

for the operation of a household hazardous waste collection and transfer facility located at 3000 Victoria Avenue East, City of Brandon, Province of Manitoba and subject to the following specifications, limits, terms and conditions:

## **DEFINITIONS**

In this Order,

**"accredited laboratory"** means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation and Water Stewardship 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;

**"Act"** means *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D 12;

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

**"collection site"** means the real property situated at or near the address: 3000 Victoria Avenue East, City of Brandon, Manitoba;

**"collection site activities"** means all activities on the Collection Site necessary for the handling and storage of program products collected under the Manitoba Household Hazardous Waste

Stewardship program;

**"contaminant"** means a contaminant as defined in the *The Dangerous Goods Handling and Transportation Act* (C.C.S.M. c. D12);

**"dangerous good"** means a dangerous good as defined in *The Dangerous Goods Handling and Transportation Act* (C.C.S.M. c. D12);

**"Director"** means the Director appointed under the Act;

**"Environment Officer"** means an Environment Officer appointed under the Act;

**"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);

**"Manitoba Household Hazardous Waste Stewardship Program"** means the program proposed by the Product Care Association and approved by the Director which provides consumers in Manitoba with a collection system for specified household hazardous waste materials using the services of qualified recycling collection facilities;

**"Manitoba Product Care Collection Site Guidelines"** means the document "Manitoba Collection Site Guidelines – HHW Collection Sites", submitted by the Stewardship Program to Manitoba Conservation and Water Stewardship, dated December 2013, and as updated by the Stewardship Program from time to time, containing the practical guidance and best management practices for collection site operators regarding staff handling and storing of program products collected under the Manitoba Household Hazardous Waste Stewardship program used by collection site operators to instruct staff in using required practices of the program. A copy of the "Manitoba Collection Site Guidelines – HHW Collection Sites" is attached and incorporated into this Order as Schedule "A";

**"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 and who do not live in the same household;

**"operator"** means The City of Brandon;

**"permanently closed"** means that the facility has not been operated for a period of 6 months or more; 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 Order contains requirements intended to provide guidance to the Operator 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 Operator shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the facility, at all times.
2. The Operator shall, upon the request of the Director and in addition to any of the specifications, limits, terms or conditions specified in this Order:
  - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of dangerous good or contaminant storage, containment, treatment, handling, disposal or emission systems, for such dangerous good or contaminants 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 dangerous good or contaminants from the said facility;
  - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
  - d) 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 Operator shall, upon the request of the Director, unless otherwise specified in this Order:
  - 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 Operator shall, unless otherwise specified by this Order, retain all records related to this Order during the full life of operation of the facility, and after closure, for such period of time as may be specified by the Director. Records may be transferred from their original form to other accepted forms for information storage. These records shall be made available to an Environment Officer upon request.
5. The Operator shall submit all information required to be provided to the Director or Environment Officer under this Order, in writing, in such form (including number of

- copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labeled with the Order Number and Client File Number associated with this Order.
6. The Operator shall carry out, as deemed necessary by the Director or Environment Officer, any remedial measures or modifications in respect to matters authorized under this Order.
  7. The Director or an Environment Officer, may, without incurring liability for so doing, enter the facility for the purpose of:
    - a) investigating, inspecting and carrying out tests at the facility; and
    - b) examining, making copies of, or taking extracts from any records of the facility pursuant to an investigation, inspection or test under this Order.
  8. The restrictions and conditions of this Order are severable. If any restriction or condition of this Order, or the application thereof, to any circumstances is held invalid, the application of such restriction or condition to other circumstances and the remainder of this Order shall not be affected thereby.

### **SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

#### **Respecting Collection Site Activities**

9. The Operator shall carry out all Collection Site Activities in accordance with the most current version of the Manitoba Product Care Collection Site Guidelines and this Order.
10. The Operator shall transport all household hazardous wastes received at the facility within 180 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 where the 180 day period will commence on the date the container is filled.
11. The Operator shall inspect the facility on a daily basis and properly manage any unauthorized materials found at the facility by securely storing or removing them from the facility.
12. The Operator shall not store household hazardous wastes or dangerous goods outside the storage structure of the facility other than for purposes of handling during receiving or shipping operations.
13. The Operator shall not cause or permit a noise nuisance to be created as a result of the construction, operation, or alteration of the facility, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
14. A copy of this Order shall be kept on site at the facility and be available at all times at the request of an Environment Officer.

#### **Respecting Trained Personnel**

15. The Operator shall provide training for all persons who will be assigned duties at the collection site in:
  - a) *the Transportation of Dangerous Goods Regulations*; and
  - b) the procedures pertaining to the operation of the collection site including spill response.

The records of this training shall be made available to an Environment Officer upon request.

### **Respecting Spills**

16. The Operator 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 dangerous good or contaminant in an amount or concentration, or at a level or rate of release in excess of reportable quantities in accordance with Manitoba Regulation 439/87, under *The Dangerous Goods Handling and Transportation Act* (C.C.S.M. c. D12), immediately report the event by calling 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.
17. The Operator shall, following the reporting of an event pursuant to Clause 16,
  - a) identify the repairs required to the mechanical equipment;
  - b) undertake all repairs to minimize unauthorized discharges of a dangerous good or contaminant;
  - 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.

### **Respecting Insurance and Financial Assurance**

18. The Operator shall at all times during the operation of the facility, maintain a Manitoba Household Hazardous Waste Recycling Program Full Service Collection Site Agreement with the Product Care Association.

### **Respecting Decommissioning**

19. The Operator shall submit within 120 days prior to closure of the facility, for the approval of the Director, a formal detailed Decommissioning Plan for the facility.
20. The Operator shall at the request of the Director and in the event that the facility is to be permanently closed as a household hazardous waste collection facility, or is offered for sale, conduct an investigation, to the satisfaction of the Director, to identify any contamination which may have resulted from the operation of the facility.
21. The Operator shall, where the investigation referred to in Clause 20 of this Order shows that contamination of the environment has occurred, submit a remediation proposal to the Director and upon approval of this proposal by the Director carry out the required remediation.

22. The Operator shall submit to the Director in advance of the closure of the facility a plan to inspect the closed facility on a regular basis for any household hazardous waste placed at the closed facility. The Operator must manage this household hazardous waste in a manner approved by the Director.

**REVIEW AND REVOCATION**

- A. If, in the opinion of the Director, the Operator has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Order, the Director may, temporarily or permanently, revoke this Order.
- B. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Order, the Director may amend the order.

*“original signed by”*

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**Tracey Braun, M.Sc.**  
Director  
*The Dangerous Goods Handling  
and Transportation Act*

**Client File No.: 5722.00**  
**Consignor (Generator) Registration No.: MBG07702**