

Environmental Stewardship Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5763.00

March 17, 2017

Dmytri Kandiurin
Town of Churchill
Box 459
Churchill MB R0B 0E0

Dear Mr. Kandiurin:

Enclosed is **revised licence No. 282 HW R** issued to the **Town of Churchill** for the continued operation of a space heating used oil burner and used oil products and material collection depot (the Facility) located at 451 Kelsey Blvd., Churchill, Manitoba, in accordance with the Application filed under *The Dangerous Goods Handling and Transportation Act*.

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 Jeff Fountain, Environment Officer at 204-677-6703.

Pursuant to Section 25 of *The Dangerous Goods Handling and Transportation 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,



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

c: Don Labossiere, T. Prawdzik, J. Fountain - Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 282 HW R (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and provide a copy (letter only) to the Department by March 31, 2017

On behalf of the Town of Churchill

Date

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



LICENCE

Licence No./Licence n° 282 HW R

Issue Date/Date de délivrance: August 28, 2015

Revised : March 17, 2017

In accordance with *The Dangerous Goods Handling and Transportation Act*
(C.C.S.M. c. D12) /
Conformément à *la Loi sur 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 TOWN OF CHURCHILL;
"the Licencee"

for the continued operation of a space heating used oil burner and used oil products and material collection depot (the Facility) located at 451 Kelsey Blvd., Churchill, Manitoba, in accordance with the Application filed under *The Dangerous Goods Handling and Transportation Act* on April 8, 2015 and the proposal submitted on April 9, 2015, and the alteration request of July 28, 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;

"**Act**" means *The Dangerous Goods Handling and Transportation Act*, C.C.S.M.c.D12;

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

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

"contaminant" means a contaminant as defined in *The Dangerous Goods Handling and Transportation Act*, as amended from time to time;

"days" means calendar days unless otherwise indicated;

"Director" means an employee so designated pursuant to *The Dangerous Goods Handling and Transportation Act*;

"drum" means a container having a capacity of 205 litres;

"Environment Officer" means an employee so designated pursuant to *The Dangerous Goods Handling and Transportation Act*;

"hazardous waste" means a product, substance or organism that:

- a) is prescribed, designated or classified as hazardous waste in the regulations, or
- b) by its nature conforms to the classification criteria for one or more classes of hazardous wastes set out in the regulations;

"licenced carrier" means a person who has a valid licence to transport hazardous waste pursuant to *Manitoba Regulation 195/2015* under *The Dangerous Goods Handling and Transportation Act (C.C.S.M.c. D12)*, as amended from time to time;

"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;

"oil" means any petroleum or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other fluid capable of use for lubricating purposes in machinery or equipment;

"permanently closed" means that the facility is not operated for a period of 12 months or more;

"registered generator" means a person who is registered as a hazardous waste generator pursuant to *Manitoba Regulation 195/2015* under *The Dangerous Goods Handling and Transportation Act*, as amended from time to time;

"space heating used oil burner" means any device, implement, mechanism or appliance that meets the definition of "Oil Burning Equipment" as defined in CAN/CSA Standard B 139 Installation Code for Oil Burning Equipment, as updated from time to time;

"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;

"Transportation of Dangerous Goods Regulations" means the *Transportation of Dangerous Goods Regulations*, SOR/2001-286, made under the *Transportation of Dangerous Goods Act, 1992* (Canada), as amended from time to time;

"used oil" means petroleum-derived or synthetic lubrication oil that has become unsuitable for its original purpose due to the presence of physical or chemical impurities or the loss of original properties if the oil falls within any of the following categories:

- a) lubrication oils for internal combustion engines such as motor oil, vehicle crankcase oil and engine lubricating oil;
- b) transmission fluids, gearbox and differential oils; and
- c) hydraulic fluids;

"used oil filter" means an oil filter containing used oil that through use, storage, handling, defect, damage or other similar circumstances can no longer be used for its original purpose; and

"used oil products and material" means used oil, used oil filters or used oil containers.

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 restrictions and conditions of this Licence are severable. If any restriction or condition of this Licence, 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 Licence shall not be affected thereby.
3. 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 Licence.

Future Sampling

4. In addition to any of the 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 contaminant storage, containment, treatment, handling, disposal or emission systems, for such 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 contaminant(s) 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.

Sampling Methods

5. 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, water, soil, 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 sixty (60) days of the samples being taken.

Records

6. The Licencee shall, unless otherwise specified by this Licence, retain all records relating to this Licence 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.

Reporting Format

7. 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 required by the Director or Environment Officer, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
8. The Licencee shall carry out, as deemed necessary by the Director, any remedial measures or modifications in respect to matters authorized under this Licence.

Fire Reporting

9. The Licencee shall in the event of a fire which continues in excess of thirty (30) minutes or requires fire suppression assistance from personnel outside of the Facility (i.e., fire department) report the fire by calling (204) 944-4888 (toll free 1-855-944-4888), identifying the type of materials involved and the location of the fire.

Trained Personnel

10. The Licencee shall provide training for all employees who will be assigned duties at the Facility in:
 - a) transportation of dangerous goods;
 - b) regulatory requirements; and

- c) procedures pertaining to the operation of the Facility including spill response.
11. The Licencee shall document and make the records of the training pursuant to Clause 10 available for inspection by an Environment Officer upon request.
 12. The Licencee shall provide trained personnel on site at all times when the Facility is open to receive used oil products and materials.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Facility Operations

13. The Licencee shall comply with all the applicable requirements of:
 - a) Manitoba Regulation 188/2001, or any future amendment thereof, respecting the Storage and Handling of Petroleum Products and Allied Products; and
 - b) Manitoba Office of the Fire Commissioner.
14. The Licencee shall operate the Facility in accordance with the Application dated April 8, 2015, the proposal submitted on April 9, 2015 and the amendment dated July 28, 2016.
15. The Licencee shall not receive at the Facility any hazardous waste other than used oil and used oil products and materials.
16. The Licencee shall lock the Facility in a manner that prevents unauthorized delivery of hazardous waste when the trained personnel are not present at the Facility.

Signage

17. The Licencee shall post legible, weatherproof signs at the entrance to the Facility identifying the area as a used oil products and materials waste collection facility; and the signs shall indicate the hours of operation, a contact number and a warning not to leave hazardous waste at the facility when the trained personnel are not available to accept delivery.

Material Transport

18. The Licencee shall allow transport of all hazardous waste received at the Facility to a 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.
19. The Licencee shall use only licenced carriers to transport hazardous wastes from the Facility.

20. The hazardous waste transported from the Facility shall be accompanied by a hazardous waste manifest or a dangerous goods shipping document, as appropriate.

The Used Oil Products and Material Depot – Incoming Used Oil

21. The Licencee shall only store used oil in an aboveground used oil storage tank that is in compliance with CCME Environmental Code of Practice, or any future amendment thereof.
22. The Licencee shall situate the used oil storage tank referred to in Clause 21 within the containment area or depot or on an impervious surface, which comprises, at minimum, 152 millimetres of compacted clay.
23. The Licencee shall not store more than 2000 litres of used oil at the Facility at any one time.
24. The Licencee shall maintain, adjacent to the storage tank, a loading area for collection of spilled liquids when emptying containers into the tank which:
- a) is properly sized and graded; and
 - b) is made of an impermeable material acceptable to an Environment Officer.
25. The Licencee shall inspect the used oil storage tank weekly in order that any leakage from the tanks into the secondary containment system is detected. Records of these inspections shall be made available to an Environment Officer upon request.
26. The Licencee shall equip the used oil transfer area with a containment system that is capable of containing 110% of the volume of used oil being transferred.
27. The Licencee shall visually inspect each individual container of used oil that is collected at the depot for contamination before the contents are transferred to the storage tank. Any used oil that is deemed to be contaminated shall be segregated and disposed of at a 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.
28. The Licencee shall only have the operator or other trained personnel employed by the Licencee transfer used oil into the storage tank.
29. The Licencee shall maintain, for each individual delivery of used oil in excess of 205 litres, a tank collection log containing at minimum the following:
- a) the date and time of receipt of the oil;
 - b) the quantity of oil received; and
 - c) for commercial/industrial generators, the Manitoba Generator Registration Number.

The Used Oil Products and Material Depot - Used Oil Filters

30. The Licencee shall store used oil filters received at the Facility in drums that have a maximum capacity of 205 litres and are designed so that they will contain any used oil which may drain from the filters.
31. The Licencee shall store the drums of used oil filters referred to in Clause 30, of this Licence, in a manner which provides protection from precipitation.

The Used Oil Products and Material Depot - Used Oil Containers

32. The Licencee shall store used oil containers received at the Facility in heavy polyethylene plastic bags that are designed so that they will contain any used oil which may drain from the containers.
33. The Licencee shall store the bags for used oil containers referred to in Clause 32, of this Licence, in a manner which provides protection from precipitation.

Space Heating Used Oil Burner

34. The Licencee shall install the space heating used oil burner in accordance with *The Gas and Oil Burier Act* Chapter G30 and accompanying regulations as amended from time to time.
35. The Licencee shall position the heater chimney of the burner to prevent the intrusion of combustion fumes into any adjoining air intake, window or door.
36. The Licencee shall, on a minimum monthly basis, perform and record the following maintenance operations where applicable:
 - a) the heat exchanger and flue piping for the space heating used oil burner shall be vacuum cleaned;
 - b) all sludge collected in the stainless steel hot filter element shall be removed; and
 - c) ash and other deposits shall be removed from the drip legs.
37. The records of the maintenance identified in Clause 36 shall be made available for inspection by an Environment Officer upon request.
38. The Licencee shall clean the flue stack annually, at minimum, and the records of this maintenance operation shall be made available for inspection by an Environment Officer upon request.
39. The Licencee shall dispose of all ash produced by combustion in the space heating used oil burner, which can be classified as a hazardous waste, by a hazardous waste disposal company or in a manner approved by the Director.

40. The Licencee shall supply to the Director, no later than June 30 of each year, a written report summarizing the amount of used oil combusted in the space heating used oil burner for the previous heating season.

Air Emissions

41. The Licencee shall not cause or permit an odour 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 an odour nuisance.
42. The Licencee 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

Spills

43. 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.
44. The Licencee shall, following the reporting of an event pursuant to Clause 43,
- a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a 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 seven (7) days of the repairs being done.
45. If any hazardous waste container leaks, cracks or otherwise causes a spill during loading or unloading, the Licencee shall take action to promptly clean up the spill or leakage and repackage the waste. Any material resulting from such a cleanup shall be handled as hazardous waste and shall be packaged and disposed of in accordance with applicable regulations.
46. The Licencee shall equip the Facility with spill cleanup equipment and supplies.

Facility Inspection

47. The Licencee shall conduct and document regular inspections of the Facility to ensure that all pieces of equipment and the storage and treatment operations are operated in a manner that will not negatively impact the environment. Any deficiencies detected during

these regular inspections, that might negatively impact the environment shall be promptly corrected. The inspection must include, as applicable, an observation of the following:

- a) the condition of every hazardous waste container and all piping and ancillary equipment;
- b) the condition of the secondary containment system and of any other mechanism that prevents the release of hazardous waste; and
- c) any indications of a release of hazardous waste or of any deterioration of containers, piping, ancillary equipment or a secondary containment system that increases the likelihood of a release.

48. The record referred to in Clause 47 shall include the date of the inspection, the name of the person who conducted the inspection and the observations made by that person during the inspection.

Annual Hazardous Waste Receiver Report

49. The Licencee shall, on or before the 31st day of March of each year, submit to the Director an annual report respecting the hazardous waste received by the facility pursuant to this Licence during the previous calendar year and the manner in which the waste was treated or disposed. The report shall be made on a form approved by the Director or submitted in a format acceptable to the Director.

Emergency Response

50. The Licencee shall prepare, within ninety (90) days of the date 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 document acceptable to the Director.

51. The Licencee shall keep a copy of the emergency response contingency plan referenced in Clause 50 on site and post emergency response information in a conspicuous location.

Insurance and Financial Assurance

52. The Licencee shall maintain throughout the term of this Licence:

- a) \$50,000.00 Property Insurance;
- b) \$5,000,000.00 General Comprehensive Liability Insurance; and
- c) \$250,000.00 Environmental Impairment Liability Insurance.

53. The Director may, where it is deemed to be in the public interest, require the Licencee to provide financial assurance in the form of a letter of credit, a bond, further insurance, or other form acceptable to the Director in an amount to be determined by the Director. The Director may order forfeiture of this security, either in whole or in part, by giving notice to that effect to the Licencee upon the Director being satisfied that the facility is in breach of any of the terms of this Licence, or for reimbursement of any costs or expenses

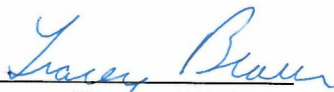
incurred by the Province of Manitoba in rectifying environmental damage caused, or contributed to, by the operation of the Facility.

Alterations and Decommissioning

54. The Licencee shall obtain approval in writing from the Director for any proposed alteration to the Facility before proceeding with the alteration.
55. The Licencee shall, in the event that the Facility is to be permanently closed or is offered for sale, conduct an investigation prior to permanent closure or transfer of the facility, to the satisfaction of the Director, to identify any contamination which may have resulted from the operation of the Facility.
56. The Licencee shall, where the investigation referred to in Clause 55 of this Licence shows that contamination of the environment has occurred, submit a remediation proposal to the Director, within 90 days of completing the investigation and upon approval of this proposal by the Director, carry out the required remediation in accordance with the requirements of *The Contaminated Sites Remediation Act*.

REVIEW AND REVOCATION

- A. This Licence replaces *The Dangerous Goods Handling and Transportation Act* Licence No. 282 HW which is now hereby rescinded.
- B. If, in the opinion of the Director, the Licencee has exceeded, or is exceeding, or has failed, 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 application pursuant to *The Dangerous Goods Handling and Transportation Act*.


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

Client File No.: 5763.00

Consignor (Generator) Registration No.: MBG13624

Consignee (Receiver) Registration No.: MBR30117