



Conservation and Water Stewardship

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

CLIENT FILE NO.: 5740.00

November 7, 2014

Marina Neumann
Exner E-Waste Processing Inc.
P.O. Box 1447
Morden MB R0H 0H0

Dear Ms. Neumann:

Enclosed is **Environment Act Licence No. 3122** dated November 7, 2014 issued to **Exner E-Waste Processing Inc.** for the construction and operation of the Development being an electronic waste processing facility located at 11 Woodstalk Way, Elie, Manitoba in accordance with the Proposal filed under *The Environment Act* dated September 2014.

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 Donna Smiley, Environment Officer at 204-945-7072.

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 Conservation and Water Stewardship within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Donna Smiley, Environmental Compliance and Enforcement - **via email**
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3122 (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 November 21, 2014.

On behalf of Exner E-Waste Processing Inc.

Date

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

LICENCE

Licence No. / Licence n°

3122

Issue Date / Date de délivrance

November 7, 2014

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 Section 10(1) / Conformément au Paragraphe 10(1)

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

EXNER E-WASTE PROCESSING INC.;
"the Licencee"

for the construction and operation of the Development being an electronic waste processing facility located at 11 Woodstalk Way, Elie, Manitoba in accordance with the proposal filed under *The Environment Act* dated September 2014, and subject to the following specifications, limits, terms, and conditions:

DEFINITIONS

In this Licence,

"**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;

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

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

"**dangerous goods**" means any product, substance or organism designated in the regulations, or conforming with the criteria set out in the regulations, or in any regulation adopted in accordance with *The Dangerous Goods Handling and Transportation Act*, and includes hazardous wastes;

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

"end-of-life electronics" means unwanted or discarded electronic equipment obligated under the Industry Stewardship Program, that is designated for recycling;

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

"lab pack" means placing several sealed small volume containers of compatible hazardous wastes into a larger container (e.g. a 205 liters drum) along with a packing material (sorbent materials such as vermiculite) in order to transport the wastes to a disposal facility;

"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 the 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 the 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
- f) 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;

"sanitary wastes" means human body, toilet, liquid, waterborne culinary, sink or laundry waste;

"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;

"Industry Stewardship Program" means the organization that operates the provincial end-of-life electrical and electronic equipment recycling program and utilizes the EPRA Recycler Qualification Program to audit and assess recyclers prior to use;

"stack" means a duct, flue, pipe, chimney, vent, opening or other structure through which contaminants are emitted to the atmosphere;

"waste(s)" means any matter, substance, or emission which is or has been created or emitted by the transportation, storage, treatment or handling of any product whatsoever and which is or should be intended for discard or disposal; and

"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.

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 develop, maintain and provide to all employees a written policy detailing the organizations' commitment to regulatory compliance.
2. 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 the Licence and assisting Senior Management of the Licencee to manage environmental issues at the Development. This name of the Environmental Coordinator shall be submitted in writing to the Director within 14 days of appointment and any subsequent appointment.

Reporting Format

3. 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, and each submission shall be clearly labelled with the Licence Number and File Number associated with this Licence.
4. 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.

Future Sampling

5. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze 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 characteristic 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 pollutant from the Development;
 - 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,

corrective actions and such other information as may from time to time be requested.

6. The Licencee shall, at such times, for such duration, for such pollutants and at such locations as may be requested by the Director:
 - a) arrange to have a qualified person(s) undertake source tests and/or special studies to determine the ambient air quality beyond the property line of the Development, in a manner satisfactory to the Director, and including an interpretation of the results relative to the limits of Clause 30 of this Licence; and
 - b) submit a report on the test results and all related data, including the interpretation, to the Director within 90 days after completion of the test or study.

Sampling Methods

7. 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 "Standard Methods for the Examination of Water and Wastewater" or in accordance with an equivalent preservation and analytical methodology approved by the Director;
 - b) carry out all sampling of, and preservation and analyses on, 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 or in a format acceptable to the Director, within 60 days of the samples being taken, or within another time frame as specified by the Director.

Environmental Controls

8. The Licencee shall implement and maintain environmental controls to prevent releases to the environment as follows:
 - a) identifying controls for materials that may be processed mechanically;
 - b) documenting procedures for the manual removal of materials prior to mechanical processing, such as lamps and batteries containing mercury; and
 - c) documenting procedures for the safe handling of hazardous materials and wastes.

Equipment Breakdown

9. The Licencee shall maintain a high standard of equipment maintenance and good housekeeping and operational practices with respect to the Development, at all times.

Environmental Emergency Reporting

10. The Licencee shall in the event of a fire which continues in excess of thirty (30) minutes, or requires implementation of the Emergency Response Plan in Clause 27, or requires fire suppression assistance from personnel outside of the Development (e.g. 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.

Operation and Monitoring Records

11. The Licencee shall, unless otherwise specified by this Licence, retain all records required by this Licence during the full life of operation of the Development, 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.
12. The Licencee shall retain all waste records for a minimum of 3 years that relate to chain of custody of all end-of-life electronics and materials processed.

Approvals and Permits

13. The Licencee shall apply to the Director for approval of any intended alteration of process at the Development or changes to the type of materials received or handled, which are likely to cause a significant environmental effect, prior to implementing the alteration.
14. The Licencee shall provide notice to the Director and to the Industry Stewardship Program of any changes in name or ownership of the organization.

SPECIFICATIONS, LIMITS, TERMS, AND CONDITIONS

Materials Acceptance, Handling and Storage

15. The Licencee shall maintain a process to track and report the quantity of materials received, processed and shipped.
16. The Licencee shall not stockpile or otherwise store materials in excess of 200 tonnes without an approved downstream market for the material.
17. The Licencee shall only carry out material processing indoors and shall store all electronic wastes indoors or in locked and enclosed containers or trailers if stored outside.
18. The Licencee shall not store hazardous waste at the Development for a period exceeding 90 days from the date of receipt or generation of the hazardous waste,

except for lab packs, and partially filled drums where the 90 day period will commence on the date the lab pack, or drum is filled.

19. The Licencee shall provide to the Director a quarterly report concerning types and volumes of hazardous wastes stored at the Development.

Solid Waste

20. The Licencee shall manage all solid wastes generated at the Development such that all garbage, solid waste, bulky metallic waste and industrial waste that is not able to be recycled, reprocessed, utilized or sold shall be disposed of in a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba Regulation 150/91, the *Waste Disposal Grounds Regulation* or any future amendment thereof, or a Licence issued pursuant to *The Environment Act*. Any other solid waste to be disposed of off-site, must be disposed of in a manner approved in writing by the Director.
21. The Licencee shall inform the Director and obtain written approval, prior to sending any plastic wastes for disposal by landfill or incineration.

Operation and Maintenance Plan

22. The Licencee shall submit for approval of the Director, an Operation and Maintenance Plan that includes, but is not limited to:
- a) assessment of risk of identified environmental hazards;
 - b) reporting protocols for spills, fires or other incidents;
 - c) safe material handling and storage practices;
 - d) staff training, including handling of hazardous materials and dangerous goods;
 - e) spill prevention and response;
 - f) monitoring and tracking of facility emissions, effluent or wastes, including frequency;
 - g) facility-wide air sampling protocols and analysis for airborne contaminants such as metal content and dusts; and
 - h) surface sampling protocols for contaminants.
23. The Licencee shall implement the Operation and Maintenance Plan in accordance with the approval pursuant to Clause 22.

Spills and Emergencies

24. The Licencee shall provide a readily available supply of spill clean up materials.
25. The Licencee shall provide employees, the local fire department and the Director a list of emergency contacts with telephone numbers.

26. The Licencee shall maintain adequate fire suppression equipment for the type and size of the Development.

Emergency Response Plan

27. The Licencee shall maintain an Emergency Response Plan, in accordance with the Canadian Centre for Occupational Health and Safety emergency planning guidelines or other document acceptable to the Director, outlining procedures to be used in the event of leak, spill, fire, flood or other hazardous condition at the Development, or if processing functions are disrupted.
28. The Licencee shall submit, within 60 days of the date of issuance of this Licence a copy of the Emergency Response Plan to the Director, and shall forward updates, as they are prepared, to the Director.

Security

29. The Licencee shall maintain effective procedures and security measures to prevent unauthorized access to the Development.

Air Emissions

30. 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.
31. 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.
32. The Licencee shall maintain a mechanical air handling system with appropriate controls for fire suppression to collect airborne particulate from automated

shredding, grinding and other mechanical processing equipment that generate gases, dust or particulates.

33. The Licencee shall direct all air streams that contain a pollutant(s) of concern to the Director to a pollution control device which has been designed for and demonstrated to be capable of reducing, altering, eliminating or otherwise treating the pollutant(s).
34. The Licencee shall maintain a process for the safe removal and replacement of filters from processing equipment ventilation systems to prevent the release of particulates.
35. The Licencee shall only process lamps containing mercury using a mechanical process that dismantles and separates the lamp materials. Manual separation of mercury lamps is not permitted.
36. The Licencee shall only process batteries using a mechanical process that dismantles and separates the battery materials. Manual separation of batteries is not permitted.

Noise

37. 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.

Wastewater

38. The Licencee shall direct all sanitary wastes to the holding tanks located on site, and discharge contents in compliance with the *Onsite Wastewater Management Systems Regulation*, or any amendments thereof.

Monitoring and Reporting

39. The Licencee shall inform the assigned Environment Officer whenever an odour complaint is received and provide to the Environment Officer a report on the incident, including information on what action was taken to resolve the concerns.
40. The Licencee shall inform the assigned Environment Officer whenever a noise complaint is received and provide to the Environment Officer a report on the incident, including information on what action was taken to resolve the concerns.
41. The Licencee shall maintain a log book of the most recent 24 month period to record any downtime of an air pollution control device due to either the breakdown or maintenance of that air pollution control device. The log book shall be kept at the Development and shall be available upon request for inspection by an Environment Officer. The log book shall record, at minimum, the following information:

- a) identification of the air pollution control device and the process(es) it serves;
- b) time/date of log entry;
- c) nature of event;
- d) time and duration of event;
- e) action taken;
- f) the accumulated downtime of this air pollution control device for the events for each calendar year; and
- g) signature of the Environmental Coordinator.

42. The Licencee shall keep for inspection by an Environment Officer, records of all monitoring at the Development, at the Development site office.

Contingency Plan

43. The Licencee shall develop a Contingency Plan to be implemented in the event that a monitoring program identifies any pollutant in air, surface water or groundwater as a result of the operation of the Development, in excess of background levels. The plan should also include actions to be taken for situations where the Licencee is unable to process materials and/or ship wastes to an approved downstream recycler. The plan shall be submitted to the Director for approval within six months of the date of issuance of this Licence.
44. The Licencee shall immediately report to the assigned Environment Officer all incidents requiring Contingency Plan action regarding air, surface water or groundwater pollution.
45. The Licencee shall provide a report to the assigned Environment Officer, within 7 days, indicating the nature of the incident, the substances involved, the area affected, action taken and follow up action proposed to be taken with respect to the incident that was reported pursuant to Clause 44 of this Licence.

Annual Report

46. The Licencee shall, unless otherwise approved by the Director, on or before the 15th day of April of each year starting in 2016, submit to the Director an annual report with respect to all activities at the Development conducted pursuant to this Licence during the previous calendar year. The format of the report shall be approved by the Director and contain, as a minimum, the following information:
- a) the amounts (weight or volume) and types of wastes received at the Development and a summary of the processes used to treat the wastes;
 - b) a summary of all citizen complaints concerning dust, noise or odour from the Development together with a report on each incident that includes information on what actions were taken to resolve the concerns;
 - c) summary reports and details of all incidents that required implementation of the Contingency Plan.

Financial Assurance/Insurance

47. The Licencee shall within 60 days of the date of this Licence, provide to the Director confirmation of the following financial insurance coverage:

Environmental Impairment Liability insurance providing coverage subject to a minimum limit of \$2.0 million per occurrence or claim, including coverage for gradual, and sudden and accidental pollution. Coverage to include on-site and off-site clean up costs, and be placed with insurers satisfactory to the Province of Manitoba. The Province of Manitoba shall be added as an Additional Insured on the policy. The policy shall contain a clause stating that the Insurer will give Manitoba 30 days prior written notice in case of significant reduction in coverage or policy cancellation.

48. The Licencee shall, within 60 days of the date of this Licence, post a permit bond issued by a surety company licenced to carry on business in Manitoba, irrevocable letter of credit, or other security with the Manitoba Department of Conservation and Water Stewardship, to the satisfaction of the Director, in the amount of \$200,000. This security and renewals thereof shall remain in place for the duration of the Development. The Director may order forfeiture of the 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 term of this Licence, or for reimbursement of any costs or expenses incurred by the Province in rectifying environmental damage caused or contributed to by the Development.

49. The Licencee shall provide satisfactory written evidence of the financial assurance/insurance coverages described in Clauses 47 and 48 of this Licence, on an annual basis.

50. The Licencee shall maintain evidence of the transporter's insurance coverage.

Closure and Post Closure

51. The Licencee shall submit, within sixty days of the date of issuance of this Licence, for the approval of the Director, a Closure and Post Closure Plan for the Development. The plan shall address the closure of the existing electronic waste processing facility and shall include, but not be limited to, information with respect to the following:
- a) the financial requirements upon closure of the Development to remove, transport and process all materials at the Development and also provide the financial mechanism to make required funds available;
 - b) removal of all ancillary equipment associated with the Development; and
 - c) restoration of the site to the satisfaction of the Director.

52. The Licencee shall submit to the Director, for approval, one year in advance of the projected date for commencing the decommissioning of the Development or when it becomes evident that the closure of the Development is imminent, a detailed Closure Plan outlining the measures proposed to address environmental and health issues which might arise in the course of, and subsequent to, the decommissioning of the Development and implement the approved Closure Plan in accordance with a time frame satisfactory to the Director.
53. The Licencee shall implement and maintain the approved Closure and Post Closure Plan for the Development as approved by the Director.

REVOCATION

- A. 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.
- B. 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 Section 10 of The Environment Act.
- C. If the Development is not constructed and set into operation within 3 years of the issuance of this Licence, the Director may revoke this Licence.

Tracey Braun, M.Sc.
Director
Environment Act