



APPROVAL TO OPERATE

I-11053

Pursuant to paragraph 8(1) of the *Water Quality Regulation - Clean Environment Act*, this Approval to Operate is hereby issued to:

D & N METALS CO. LTD.
for the operation of the
Grand Falls Petroleum Storage Tank Decommissioning Facility

Description of Source: Petroleum Storage Tank Decommissioning Facility

Source Classification: Fees for Industrial Approvals Class 4
Regulation - Clean Water Act

Parcel Identifier: 65214280

Mailing Address: 304 Kelly Road
Grand Falls, NB E3Z 1K3

Conditions of Approval: See attached Schedule "A" of this Approval

Supersedes Approval: I-9214

Valid From: October 27, 2020

Valid To: October 26, 2025

Recommended by:

Issued by:

for the Minister of Environment and Climate Change

October 14, 2020

Date

SCHEDULE "A"

A. DESCRIPTION AND LOCATION OF SOURCE

D & N Metals Co. Ltd. operates a petroleum storage tank decommissioning site as a part of their scrap metal collection business. Out of service petroleum storage tanks arrive on-site and are placed on a concrete pad having approximate dimensions of 300 ft. by 400 ft. A catch basin is located down gradient from the pad.

The potential environmental impacts associated with the operation of a Waste Petroleum Product Management Facility include, but are not limited to: i) the improper management of petroleum products and/or chemicals, ii) the discharge of process water to the environment from the operation; iii) the improper management of solid wastes generated and stored on-site, including sludge; and, iv) the release of nuisance emissions (odorous compounds and/or noise).

The operation of the Petroleum Storage Tank Decommissioning Facility by D & N Metals Co. Ltd., located in Grand Falls, New Brunswick and identified by Parcel Identifier (PID) 65195653, is hereby approved subject to the following:

B. DEFINITIONS

"Approval Holder" means D & N METALS CO. LTD.

"Department" means the New Brunswick Department of Environment and Local Government.

"Inspector" means an Inspector designated under the *Clean Air Act*, the *Clean Environment Act*, or the *Clean Water Act*.

"Facility" means the property, buildings, and equipment as identified in the Description of Source above, and all contiguous property in the title of the Approval Holder at that location.

"after hours" means the hours when the Department's offices are closed. These include statutory holidays, weekends, and the hours before 8:15 a.m. and after 4:30 p.m. from Monday to Friday.

"normal business hours" means the hours when the Department's offices are open. These include the period between 8:15 a.m. and 4:30 p.m. from Monday to Friday excluding statutory holidays.

"environmental emergency" means a situation where there has been or will be a release, discharge, or deposit of a contaminant or contaminants to the atmosphere, soil, surface water, and/or groundwater environments of such a magnitude or duration that it could cause significant harm to the environment or put the health of the public at risk.

"cleaned petroleum storage tank" means a petroleum storage tank that has had the residual petroleum products and/or sludge removed from the tank.

"Petroleum Product" means a mixture of hydrocarbons, or their by-products, of any kind and in any form, including airplane fuel, asphalt, bunker "C" oil, crude oil, diesel fuel, engine oil, fuel oil, gasoline, kerosene, lubricants, mineral spirits, naphtha, petroleum-based solvents regardless of specific gravity, transformer oil and waste petroleum products and excluding propane and paint.

"used oil" means oil that has become unsuitable for its original purpose because of the presence of impurities or the loss of its original properties.

"decommissioning" means the activities involved in the dismantling of a cleaned petroleum storage tank.

"sludge" means the solid material that is removed from a petroleum storage tank during Tank Decommissioning, routine Oily Water Treatment System cleaning, and/or oil water interceptor and any associated ancillary equipment to the tanks or separators.

"hazardous waste" means any waste material intended for disposal or recycling, that is identified as a hazardous waste by the federal *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*, and/or is included in Class 1 and/or Class 7 of the federal *Transportation of Dangerous Goods Regulations*. This definition excludes any waste(s) for which the Director has issued a written exemption.

"Hazardous Waste Receiver" means an approved or acceptable business that receives hazardous waste from a Hazardous Waste Collection and Transportation Network for transfer, treatment, storage, or disposal.

C. TERMS AND CONDITIONS

GENERAL

1. The issuance of this Approval does not relieve the Approval Holder from compliance with other by-laws, federal or provincial acts or regulations, or any guidelines issued pursuant to regulations.
2. The Approval Holder shall operate the Facility in compliance with the *Water Quality Regulation 82-126* filed under the *Clean Environment Act* of the Province of New Brunswick. Violation of this Approval or any condition stated herein constitutes a violation of the *Clean Environment Act* of the Province of New Brunswick.
3. This Facility has been classified as a **Class 4** Facility, pursuant to the *Fees for Industrial Approvals Regulation 93-201* filed under the *Clean Water Act*. The Approval Holder shall pay the appropriate fee **on or before April 1 of each year**.

4. The Approval Holder shall notify the Department in writing of any plans to modify the operation of the Facility that would result in a significant change in the characteristics or increased rate of discharge of any emission to the environment **at least ninety (90) days prior** to the modification.
5. In the event of facility closure, the Approval Holder shall notify the Department in writing **at least ninety (90) days prior** to the anticipated closure date.
6. An Inspector, at any reasonable time, has the authority to inspect the Facility and carry out such duties as defined in the *Clean Air Act*, the *Clean Environment Act* and/or the *Clean Water Act*.
7. The terms and conditions of this Approval are severable. If any term and/or condition of this Approval is held invalid, is revoked or is modified, the remainder of the Approval shall not be affected.
8. The Approval Holder shall maintain throughout the period of this Approval, Environmental Liability Insurance with coverage of at least one million dollars (\$1,000,000.00) for the operation of the Facility.
9. The Approval Holder shall ensure that a copy of this Approval, including all attached Schedules, is posted in a prominent location in the office or working area of the Facility.

EMERGENCY REPORTING

10. Immediately following the discovery of an environmental emergency, a designate representing the Approval Holder shall notify the Department in the following manner:

During normal business hours, telephone the Department's applicable Regional Office **until personal contact is made** (i.e. no voice mail messages will be accepted) and provide all information known about the environmental emergency. The telephone number for the Regional Office is provided below:

Grand Falls Regional Office: (506) 473-7744

After hours, telephone the **Environment and Climate Change Canada's National Environmental Emergencies Center (NEEC) until personal contact is made** and provide all information known about the environmental emergency. The telephone number for the NEEC is **1-800-565-1633**.

11. Within 24-hours of the time of initial notification, a copy of a Preliminary Emergency Report shall be filed by a designate representing the Approval Holder to the Regional Office within the Department and the Department's Central Office using the email provided below. The Preliminary Emergency Report shall clearly communicate as much information that is available at the time about the environmental emergency.

Within five (5) days of the time of initial notification, a copy of a Detailed Emergency Report shall be filed by a designate representing the responsible party to the Regional Office and the Department's Central Office using the emails provided below. The Detailed Emergency Report shall include, as minimum, the following: i) a description of the problem that occurred; ii) a description of the impact that occurred; iii) a description of what was done to minimize the impact; and iv) a description of what was done to prevent recurrence of the problem.

Grand Falls Regional Office at elg.egl-region6@gnb.ca,
and the
Central Office in Fredericton at elg.egl-info@gnb.ca

LIMITS

12. The Approval Holder shall ensure that odour, dust, noise, or site run-off being released or discharged from the Facility does not cause adverse impacts to any off-site receptor. In the event impacts are suspected by the Department to be adversely impacting any off-site receptor, the Approval Holder may be required to investigate the degree of impact and/or develop, submit, and implement a Prevention and Control Plan in accordance with a timetable established by the Department. The plan shall be submitted in writing to the Department for review and approval prior to implementation.
13. The Approval Holder shall ensure no more than 20 cleaned petroleum storage tanks are stored at the Facility at any one time.

MATERIALS MANAGEMENT

14. The Approval Holder is not approved to clean, dismantle, and/or decommission petroleum storage tanks that contain or contained an unknown product, unless specified by the Department in writing.
15. The Approval Holder shall ensure that all unclean petroleum storage tanks are located on the concrete pad at all times.
16. The Approval Holder is not approved to decommission uncleaned petroleum storage tanks.

17. The Approval Holder shall employ good housekeeping practices to ensure that spillage of raw materials, products, and wastes are cleaned up as soon as possible and handled in such a manner that fugitive emissions do not impact off-site receptor locations. In the event fugitive emission impacts do occur, the Approval Holder may be required to mitigate the fugitive emissions at such a time and in such a manner as the Department may in writing specify.
18. The Approval Holder shall ensure that all hazardous wastes, including waste oils, sludges and liquids, are collected by a hazardous waste disposal company approved by the Department.
19. The Approval Holder shall ensure that no sludge from off-site sources is received at the Facility. The Approval Holder shall ensure that no used oil is received at the Facility. The Approval Holder shall ensure that no Off-spec Waste Petroleum Product Solid Material is received and cleaned at the Facility.
20. No discharge, release or deposit of a contaminant to the environment as a result of the operation of the Petroleum Storage Tank Decommissioning Facility is permitted.
21. In the event a petroleum storage tank requires rinsing prior to decommissioning, the Approval Holder shall ensure that all rinse water is collected in the catch basin below the pad. All rinse water generated, shall be collected for treatment by a facility that is Approved by or otherwise acceptable to the Department.
22. The Approval Holder shall ensure that all chemicals located at the Facility are stored in a dedicated Chemical Storage System. The system shall be set up to ensure that all chemicals are:
 - a) secured in sealed and chemically resistant containers;
 - b) away from high traffic areas and protected from vehicle impacts;
 - c) away from electrical panels;
 - d) in a containment area that has secondary containment adequate to contain 110 % of the nominal volume of the largest container in the containment area;
 - e) in a containment area that is designed to prevent contact between incompatible chemicals; and
 - f) in a containment area designed to prevent the release or discharge of chemicals to the environment as the result of a spill

TESTING AND MONITORING

23. The Approval Holder shall maintain a written inventory report for each petroleum storage tank received by the Facility for storage. As a minimum, the inventory shall include:
- i) the name of the owner and the location where the petroleum storage tank was removed;
 - ii) the date when the petroleum storage tank was received by the site;
 - iii) the specific details for the tank which includes the capacity, type of tank, product type contained in the tank, and the material of construction; and
 - iv) a description of the fate of each tank.
24. The Approval Holder shall keep on file copies of any receipts and/or invoices showing proper disposal of waste petroleum products and/or sludge removed from the out of service petroleum storage tanks. Copies of these receipts and/or invoices shall be kept on file for a period of not less than two (2) years and are to be made available to an Inspector upon request.
25. The Approval Holder shall clear the concrete pad **once per calendar year** and inspect the pad for cracks. In the event cracks are found during the annual inspection, the Approval Holder shall notify the Department's Central Office **immediately** and shall take appropriate steps to ensure that the concrete pad is repaired to regain its impervious properties. No unclean petroleum storage tanks or off-spec petroleum contaminated material shall be stored on the concrete pad until the required repairs are complete.
26. The Approval Holder shall conduct any testing and monitoring at such times and in such manner as the Department may in writing require.

REPORTING

27. In the event the Approval Holder receives a complaint from the public regarding unfavourable environmental impacts associated with the Facility, the Approval Holder is to report this complaint by email to the Department's applicable Regional Office within one business day of receiving the complaint.
28. In the event the Approval Holder violates any Term and Condition of this Approval or the *Water Quality Regulation*, the Approval Holder is to immediately report this violation by email to the Department's applicable Regional Office and the Central Office in Fredericton. In the event the violation may cause the health or safety of the general public to be at risk and/or significant harm to the environment could or has resulted, the Approval Holder shall follow the Emergency Reporting procedures contained in this Approval.

29. In the event of a small spill or leak of liquid materials, the Approval Holder shall act first to contain, and then to clean up the spilled or leaked material and mitigate any resulting impacts as soon as the spill or leak is detected. If the spill or leak results in an "environmental emergency" as defined in this Approval, the Approval Holder shall report the event in accordance with the Emergency Reporting section of this Approval. If the spill or leak is not an "environmental emergency", the Approval Holder shall report this event to the Department's applicable Regional Office by email, within one business day, identifying the material spilled, the approximate amount of liquid spilled, the location of the spill and the method(s) used to clean up the liquid.
30. **By February 15 of each year**, the Approval Holder shall submit an Environmental Report to the Department for the previous calendar year. As a minimum the Environmental Report shall include the following:
- i) Number of tanks decommissioned;
 - ii) Copies of receipts and/or invoices proving proper disposal of waste petroleum products, oily water and/or sludge removed from the out of service petroleum storage tanks;
 - iii) Results of the concrete pad inspection; and
 - iv) Proof of Environmental Liability Insurance coverage, as required by this Approval.

Prepared by:



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Reviewed by:



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