

Permit of Equivalent Level of Environmental Safety issued under section 190 of *Canadian Environmental Protection Act, 1999*

Section 190 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) gives the Minister the authority to issue a permit that allows any activity to be conducted in a manner that does not comply with the requirements of Division 8, Part 7 of CEPA 1999 (Control of Movement of Hazardous Waste and Hazardous Recyclable Material and of Prescribed Non-Hazardous Waste for Final Disposal), including requirements of the regulations made under Division 8. This permit is called a Permit of Equivalent Level of Environmental Safety (PELES). In order to issue a PELES, the Minister must be satisfied that the proposed activities provide a level of environmental safety at least equivalent to that provided by compliance with Division 8. A PELES must be consistent with the International environmental agreements that are binding on Canada and is subject to the conditions set out in the permit.

The purpose of this PELES is to permit the transportation of hazardous waste in Canada in a manner that is in variance with subsections 3(1), 3(2), 4(1), 4(2), 4(3), 4(4), 4(5), 4(6) and 4(7) of the *Interprovincial Movement of Hazardous Waste Regulations* (IMHWR).

1. **PERMIT NO.:** EC 18-003

2. **PERMIT HOLDER :**
Name : Call2Recycle Canada, Inc.
Street Address : 5140 Yonge Street, suite 1570
Toronto, Ontario, M2N 6L7
Canada
Telephone: 1-888-224-9764
Facsimile : 416-987-6877

3. **MODE OF TRANSPORT :** road or marine

4. **ISSUANCE DATE :** July 15, 2018

5. **EXPIRY DATE :** July 14, 2021

6. **REGULATIONS :** *Interprovincial Movement of Hazardous Waste Regulations* (IMHWR)

7. DEFINITIONS

(1) The definitions in this subsection apply to this PELES.

a) "IMHWR" means the *Interprovincial Movement of Hazardous Waste Regulations*;

b) The definitions in section 1 of the IMHWR apply to this PELES;

c) The "Consignor", as defined in section 1 of the IMHWR: means the participants of the program "Call2Recycle" registered with the Permit Holder as collection sites for batteries or cell phones, as described in section 9 of this PELES;

d) "Shipping site" means a collection site for batteries or cell phones, as described in section 9 of this Permit, registered with the Permit Holder under the program "Call2Recycle!", and from which the batteries or cell phones are transported;

e) The "Consignee", as defined in section 1 of the IMHWR: means one of the following authorized consolidation facilities, confirmed by an agreement with the Permit Holder, that receive batteries or cell phones, as described in section 9 of this PELES, under the program "Call2Recycle", namely:

i) Retriev Technologies Ltd.
 9384 Highway 22A
 Trail, British Columbia, V1R 4W6

ii) Revolution Environmental Solutions Acquisition GP Inc.
 52 Imperial Street
 Hamilton, Ontario, L8L 4E3

f) "Director" means the

Director
Waste Reduction and Management Division
Environment and Climate Change Canada
Place Vincent-Massey, 9th Floor
351 St-Joseph Blvd.
Gatineau, Quebec
Canada
K1A 0H3
Telephone: (819) 938-4508
Facsimile: (819) 938-4553

(2) or that meet the criteria for Class 9 of the TDGR, such that they contain a substance that:

- a) is included in Class 9 in column 3 of Schedule 1 of the TDGR; or
- b) is not included in Class 9 in column 3 of Schedule 1 of the TDGR and does not meet the criteria for inclusion in any of Classes 1 to 8 and is listed in Appendix 1, Marine Pollutants, to Part 2 of the TDGR.

(3) "Battery" includes:

- a) lithium ion; lithium ion polymer; or lithium metal batteries (UN3090 or UN3480);
- b) small lead acid batteries (UN2800); and
- c) any other type of primary and secondary batteries (alkaline; nickel metal-hydride; nickel-cadmium; nickel-zinc; zinc-air, zinc-carbon; and various button cell primary batteries such as those used in hearing aids, watches and cameras) that can be described with UN1759; UN2813; UN2923; UN3028; UN3084; UN3085; UN3095; UN3096; UN3131; UN3496 or any other applicable TDGR product identification number.

(4) "Battery" expressly excludes automotive, marine and other wet or spillable batteries (including spillable lead acid batteries) that can be described with UN2794, pursuant to the TDGR;

(5) "Cell phone" means any phones that appear to have been lawfully used in Canada at any time after 1983 as part of the mobile radio-telephone service licensed by Industry Canada to utilize 50 MHz of spectrum in the 800 MHz band, and individually weigh less than one kilogram, but does not include household cordless phones, mobile installed or bag phones, two-way radios, walkie-talkies, and pagers.

10. CONDITIONS

(1) This PELES authorizes the Permit Holder, the consignor, the consignee and any authorized carrier transporting hazardous waste to transport within Canada hazardous waste, in a manner that is at variance with sections 3 and 4 of the IMHWR and under the following conditions:

- a) the hazardous wastes are batteries or cell phones, as described in section 9, that are destined for recycling;

8. APPLICATION

- (1) Permit EC 15-11/02, expiring on November 2, 2018, is repealed and replaced by Permit EC-18-003, which will come into force on July 15, 2018.
- (2) This PELES is granted to the Permit Holder for the purpose of collecting from multiple sites, transporting within Canada, and the recycling of batteries or cell phones that meet the definition of hazardous wastes under the IMHWR, and are described in section 9 of this PELES.
- (3) The Permit Holder, the consignor, the consignee and any authorized carrier transporting hazardous waste under this PELES, shall comply with all of the requirements of the IMHWR. However, where requirements other than those of the IMHWR are expressly set out in this PELES (including the conditions found in Schedule 1), those requirements apply.
- (4) The Permit Holder, as the party responsible for this stewardship program, shall comply with all of the terms of this PELES, including all the conditions listed in Schedule 1 of this PELES.
- (5) The consignor, the consignee and any authorized carrier transporting hazardous waste under this PELES shall comply with the conditions listed in Schedule 1 of this PELES that apply to their field of activity.

9. DESCRIPTION OF HAZARDOUS WASTES

- (1) For the purpose of this PELES, a "battery" means, and is strictly limited to, the types of batteries that meet the criteria for Class 8 of the *Transportation of Dangerous Goods Regulations* (TDGR), such that they:
 - a) are known to cause full thickness destruction of human skin, that is, skin lesions that are permanent and destroy all layers of the outer skin through to the internal tissues;
 - b) cause full thickness skin destruction, as determined in accordance with the OECD Guidelines; or
 - c) do not cause full thickness destruction of skin, but exhibit a corrosion rate that exceeds 6.25 mm per year at a test temperature of 55°C, as determined in accordance with the ASTM Corrosion Test.

b) the hazardous wastes are collected from the Permit Holder's batteries and cell phones collection sites, and transported within Canada from a shipping site to one of the consolidation facilities identified in paragraph 7(e) of this PELES;
and

c) the hazardous wastes are transported by an authorized carrier.

(2) In lieu of a manifest required under subsection 3(1) of the IMHWR and the requirements set out in subsections 3(2), 4(1) and 4(2), the consignor shall ensure that the container in which the hazardous waste is packaged is accompanied by a document, such as a shipping label or a bill of lading, that includes the following information:

- a) shipping site address or other means to identify the shipping site address;
- b) receiving site address;
- c) shipping date;
- d) for bulk shipments, total quantity of batteries and cell phones;
- e) for shipment of a box, a recommendation that the total quantity of batteries and cell phones will not exceed 22 kg, unless otherwise labelled;
- f) TDGR class(es) applicable to the set of batteries or cell phones; with
- g) the following statement:

“Shipped in accordance with the Permit of Equivalent Level of Environmental Safety EC 18-003”

or

“Expédié conformément au Permis de sécurité environnementale équivalente EC 18-003”.

(3) In lieu of the requirements set out in subsection 4(4) of the IMHWR, every authorized carrier that transports the hazardous waste shall ensure that the document referred to in subsection 10(2) of this PELES accompanies the hazardous waste.

(4) In lieu of the requirements set out in subsections 4(3), 4(5) and 4(6) of the IMHWR:

- a) The Permit Holder must provide a report on a quarterly basis that includes the information listed in paragraphs 10(2)a) to 10(2)f) of this Permit, and the following information:

- i) a list of authorized carriers used for the shipments for the period covered by the report;
 - ii) total quantity for each type of batteries and cell phones for the same period ;
 - iii) the TDGR Class for each type of batteries or cell phones;
 - iv) the TDGR product identification number associated with each type or batteries or cell phones, and
 - v) provide to the authorities of the province where the waste originated and the province where it is being sent, if they request the said information.
- b) The consignee must gather and provide to the permit holder the data to be included in the report referred to in paragraph 4a) above , as agreed between them.
- (5) In lieu of the requirements set out in subsection 4(7) of the IMHWR, a record containing all information related to the movements within Canada of hazardous wastes under this permit, must be kept for a period of two years by the Permit Holder at their business address in Canada, as set out in section 2 of this PELES; so as to facilitate the inspection of those records by an enforcement officer or an analyst appropriately designated under section 217 of the *Canadian Environmental Protection Act, 1999*.

11. MISCELLANEOUS MATTERS

- (1) Compliances with the terms and conditions of this PELES does not absolve the Permit Holder, the consignor, the consignee or any authorized carrier transporting hazardous waste under the PELES, from the responsibility to comply with the requirements of all applicable federal and provincial legislation, or any applicable municipal by-laws.
- (2) The Permit Holder shall inform, the Director in writing of any change to:
- a) the Permit Holder's name, street address, telephone or facsimile as set out in section 2 of this PELES;
 - b) if different from the permit holder's the name, street address, telephone, facsimile or email of the Contact Person identified in section 13 of this PELES;
- within 30 days of those changes.

(3) This PELES is non-transferable and non-renewable.

(4) The Permit Holder's street address in section 2 of this Permit must correspond to a place of business that is located in Canada.

12. REVOCATION

The Minister of the Environment may revoke this permit if any one of the situations described in subsection 190(3) of the *Canadian Environmental Protection Act, 1999* applies.

This PELES will no longer be valid on the day on which the *Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations* comes into force.

13. CONTACT PERSON WHO IS OR IS AUTHORIZED TO ACT ON BEHALF OF THE PERMIT HOLDER

Contact Person : Mr. Frank Zechner, Barrister & Solicitor
Street Address: 24 Beresford Avenue
Toronto, Ontario
M6S 3A8
Canada
Telephone : 416-319-2004
Facsimile : 416-987-6877
E-mail : frankzechner@sympatico.ca

Signed for and on behalf of the Minister of the Environment



Nathalie Perron
Director
Waste Reduction and Management Division
Industrial Sectors, Chemicals and Waste Directorate
Environment and Climate Change Canada

SCHEDULE 1 (Applicability and Conditions from the Provincial and Territorial Authorities)

Provincial & Territorial Authority	Decisions
British Columbia	<p>The BC Ministry of Environment and Climate Change Strategy (“the Ministry”) does not oppose to the issuance of the PELES by Environment and Climate Change Canada (ECCC) to Call2Recycle Canada Inc. if the following conditions and notes are specified in the PELES and are met by all the parties involved in the movement and management of hazardous wastes:</p> <ol style="list-style-type: none"> 1. The permit holder and any other party used to handle or manage the hazardous waste in BC must comply with the requirements under the Environmental Management Act (EMA) and its regulations, such as Hazardous Waste Regulation (HWR), Spill Reporting Regulation, etc. 2. Except as provided for under Section 45 of the HWR or unless otherwise authorized in writing, carriers of hazardous waste are required to hold a valid license to transport hazardous waste issued by the Ministry when transporting such wastes by road in BC. 3. Except as provided for under Section 46 of the HWR, a manifest issued by the BC government must be used for road transportation of hazardous wastes originated from BC. 4. The applicable hard copies of Copy 1 and 3 of the manifest must be submitted to the Ministry for hazardous wastes originated from BC. 5. Any receiving or intermediate facility, be that for temporary storage of the hazardous waste or its final management/processing facility in BC must have all the applicable authorizations in order to receive, store, treat, recycle or dispose of the hazardous waste. Authorizations must be in writing and issued by “the Ministry”. 6. In addition to the hard copies of BC manifests for wastes shipped from BC, the Ministry wishes to receive the reports required in PELES paragraph 10(4)(a). <ol style="list-style-type: none"> a. For hazardous wastes shipped to and/or from BC, reports must be provided electronically to the following email addresses: hazwaste@Victoria1.gov.bc.ca and EnvAuthorizationsReporting@gov.bc.ca. b. For instructions on how to name files or subject line and complete the submission process, please see the following webpage: https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/data-and-report-submissions/routine-environmental-reporting-submission-mailbox.

	The Ministry's "no-opposition" to the issuance of this PELES does not constitute or grant an exemption from any of the requirements of the EMA and HWR. The permit holder(s) and/or any other regulated parties must apply for and obtain any necessary exemptions or changes in requirements under Section 51 of the HWR.
Alberta	No conditions specified
Saskatchewan	No conditions specified
Manitoba	Manitoba Sustainable Development has no objection to the issuance of the PELES (EC 18-003) subject to the following condition: <ul style="list-style-type: none"> Permit holder, consignors and carriers must comply with Manitoba Provincial requirements under the Dangerous Goods Handling and Transportation Act and Hazardous Waste Regulation (<i>including carrier licence and movement document requirements</i>) when the hazardous waste is originated from Manitoba.
Ontario	The Ontario Ministry of Environment and Climate Change agree to the variances of this proposed PELES (No. EC 18-003) only if the batteries are intact. Intact waste batteries that are destined for a waste battery recovery facility are exempted from generator registration and manifesting requirements under Ontario Regulation 347. This exemption does not apply if the batteries are broken or leaking.
Quebec	Based on the information provided, we hereby authorize the present PELES on the following conditions: <ul style="list-style-type: none"> The authorization is valid from today until the end of the validity of Call2Recycle's license on July 14, 2021 The materials shipped to Call2Recycle must come only from the province of Quebec
New-Brunswick	No conditions specified
Nova Scotia	No conditions specified
Newfoundland and Labrador	No conditions specified
Prince Edward Island	No conditions specified
Yukon	No conditions specified
Nunavut	No conditions specified
Northwest Territories	No conditions specified