



Ministry
of the
Environment

Ministère
de
l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL
WASTE MANAGEMENT SYSTEM
NUMBER A841566

Ontario

Rechargeable Battery Recycling Corporation of Canada
16 Northumberland
Toronto, Ontario
M6H 1P7

You have applied in accordance with Section 27 of the Environmental Protection Act for approval of:

a waste management system serving:

The purpose of carrying out programs called "Charge Up to Recycle/Recharger et Recycle" and "Call2Recycle!" which are set up to collect and recycle used nickel-cadmium batteries and cell phones, serving the Province of Ontario.

For the purpose of this Provisional Certificate of Approval and the terms and conditions specified below, the following definitions apply:

For the Purpose of this Provisional Certificate of Approval:

- (a) "Batteries" means, and is strictly limited to, one of the following types of used rechargeable batteries: Nickel-Cadmium, Lithium Ion, Nickel Metal Hydride and small sealed lead acid batteries, excluding automotive, marine and other "spillable" lead acid batteries.
- (b) "Cell phones" means any phones that appear to have been lawfully used in Canada at any time after 1985 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 1 kilogram, but does not include household cordless phones, mobile installed or bag phones, two-way radios, walkie-talkies, and pagers;
- (c) "Certificate" means this entire Certificate of Approval including its schedules, if any, issued in accordance with Section 27 of the Environmental Protection Act;
- (d) "Company" means only Rechargeable Battery Recycling Corporation of Canada;
- (e) "Consolidation Point" means a Ministry approved waste site that has entered into a valid agreement with the Company for the purpose of collecting, handling, processing, storage and transferring of batteries and/or cell phones;
- (f) "Courier" means a courier or common carrier that has entered into a valid agreement with the Company for shipments of packaged batteries and/or cell phones to a RBRC Local Transfer Facility, Consolidation Point or RBRC Recycling Facility;
- (g) "Depot" means a site or facility that has entered into a valid agreement with the Company, at which batteries and/or cell phones are initially collected from participants in either the Company's Retail Recycling Plan, Community Recycling Plan or Business & Public Agency Recycling Plan;
- (h) "Director" means a Director of the Environmental Assessment and Approvals Branch, Ontario Ministry of the Environment;
- (i) "Generating Facility" means those facilities and operations that are involved in the production, collection, handling and storage of batteries and/or cell phones;
- (j) "HHW Site" means a Ministry approved waste site or facility, that receives household hazardous wastes that have been

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generated by domestic households, and that has entered into a valid agreement with the Company, at which batteries and/or cell phones are initially collected from participants in either the Company's Retail Recycling Plan, Community Recycling Plan or Business & Public Agency Recycling Plan;

(k) "RBRC" means the Rechargeable Battery Recycling Corporation;

(l) "RBRC Local Transfer Facility" means a facility:

(a) that is owned or controlled by, or that has entered into a valid agreement with the Company; and

(b) at which no waste is received except for the purpose of collecting, handling, processing, storage and transfer of batteries and/or cell phones;

(m) "RBRC Recycling Facility" means an approved receiving facility that has entered into a valid agreement with the Company for Recycling batteries and/or cell phones; and

(n) "Transfer Point" means a location under the care and control of the courier or common carrier where batteries and/or cell phones may be transferred from one vehicle to another as part of the normal operations of the courier's or common carrier's service.

You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

1. Except as otherwise provided by these Conditions, the waste management system shall be operated in accordance with the applications submitted for this Provisional Certificate of Approval dated November 22, 1996 and July 8, 2004, and with the supporting information submitted to the Ministry of the Environment as part of the application listed below:

(a) The letter dated December 30, 1998 from W.K. Kelley of the Company;

(b) The letter dated November 7, 2000 from Frank J. E. Zechner Barrister & Solicitor, the Counsel for the Company;

(c) The letter dated July 9, 2004, from Frank J. E. Zechner Barrister & Solicitor, the Counsel for the Company;

(d) Email dated October 4, 2004 from Frank J. E. Zechner Barrister & Solicitor, the Counsel for the Company.

2. The operation of this waste management system is limited to the collection, sorting, handling, storing and transportation of hazardous waste limited to batteries and/or cell phones pursuant to this Certificate.

3. (a) All waste which is destined for a Consolidation Point in Ontario shall only be collected and transported where the Consolidation Point is currently operating under a Certificate of Approval or Provisional Certificate of Approval, regulatory exemption or other written approval of the Ministry of the Environment which permits the acceptance of that waste at that site.

(b) All waste which is destined for a RBRC Local Transfer Facility in Ontario shall only be collected and transported where the RBRC Local Transfer Facility is currently operating in accordance with the conditions of this Certificate.

(c) All waste which is destined for a RBRC Recycling Facility outside Ontario shall only be collected and transported where the RBRC Recycling Facility is currently operating under a regulatory exemption or is under a valid approval issued by the appropriate provincial or state regulatory agency which permits the acceptance of that waste.

(d) Further to subsections (a), (b) and (c) above, waste may be transferred by the Courier en route to the Consolidation Point, RBRC Local Transfer Facility or RBRC Recycling Facility, at Transfer Points.

4. A Courier that is operating in accordance with the Conditions of this Certificate shall not require further approval under Part V of the Environmental Protection Act and shall be exempt from the requirements of Section 16, sub-section 6, provided that:

(a) each vehicle is operated pursuant to this Certificate;

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- (b) each vehicle prominently displays the Courier's name;
- (c) all waste is contained within packaging that is suitable for the transportation of batteries and/or cell phones;
- (d) each vehicle has a copy of the cover page of this Certificate on board unless this Certificate number is marked on each shipping package and/or document; and
- (e) a complete copy of this Certificate is located at the head office of the company.

5. A Courier's Transfer Points that are operating in accordance with the Conditions of this Certificate shall not require further approval under Part V of the Environmental Protection Act provided that:

- (a) all waste received at the Transfer Points is maintained in a secure area inside the building and stored in a manner that will afford adequate ventilation, prevent exposure to precipitation, prevent leaks or spills and prevent damage or deterioration of the packaging/containers; and
- (b) all waste received at the Transfer Points must be transferred within one (1) business day but shall not exceed four (4) calendar days.

6. A RBRC Local Transfer Facility that is operating in accordance with the Conditions of this Certificate shall not require further approval under Part V of the Environmental Protection Act provided that:

- (a) access to the site where the facility is located is controlled by gates, fencing, attendants or other security measures;
- (b) any batteries and/or cell phones on the site are stored in a manner that will afford adequate ventilation, prevent exposure to precipitation, prevent leaks or spills and prevent damage or deterioration of the packaging/containers;
- (c) the locations mentioned in Condition 6 (b) are readily accessible for inspection, able to contain spills and allow spill clean-up and are placarded to identify the waste type being stored;
- (d) the site is equipped with spill containment equipment, clean-up equipment and firefighting equipment appropriate to the quantities and type of waste stored; and
- (e) a complete copy of this Certificate is located at the Facility and in the case where the Facility is but one of a number run by a company, a copy of the front page of this Certificate is located at each Facility and a complete copy of this Certificate is located at the head office of the company.

7. A Depot that is operating in accordance with the Conditions of this Certificate shall not require further approval under Part V of the Environmental Protection Act provided that:

- (a) batteries and/or cell phones are removed from the Depot only by a Courier, or by a party to whom a Provisional Certificate of Approval has been issued authorizing the removal of the waste;
- (b) all batteries and/or cell phones are removed from the Depot no later than fourteen (14) days after the Depot ceases to be open to accept batteries and/or cell phones; and
- (c) a complete copy of this Certificate is located at the Depot and in the case where the Depot is but one of a number run by a company, a copy of the front page of this Certificate is located at each Depot and a complete copy of this Certificate is located at the head office of the company unless this Certificate number is marked on each Depot container.

8. Sections 18, 19 and 21 to 23 of Regulation 347 do not apply to require reports or manifests in respect of batteries and/or cell phones stored at, or removed by a Courier from, a Depot, Generating Facility, Transfer Point, HHW Site, and RBRC Local Transfer Facility that are operating in accordance with the Conditions of this Certificate.

9. (a) The transportation of batteries and/or cell phones, by the owner or operator of a Depot, Generating Facility or HHW Site, directly to another Depot, Generating Facility or HHW Site will not require further approval under Part V of the Environmental Protection Act and shall be exempt from the requirements of Section 16 of Ontario Regulation 347,

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provided that their activities are covered by this Certificate; and

(b) Sections 18, 19 and 21 to 23 of Regulation 347 do not apply to require reports or manifests in respect of batteries and/or cell phones being transported as described in Condition 10(a).

10. All packaging/containers shall be capable of withstanding the weight of the waste without tearing, cracking or breaking.

11. (a) The Company shall instruct each Depot, Generating Facility or HHW Site to take all reasonable steps to ensure that:

i) The quantity of batteries and/or cell phones collected and stored in packaging/containers is restricted to the quantity which can be contained within packaging/containers as outlined in Condition 10;

ii) Each package or container used to store batteries and/or cell phones shall be labelled prior to being transported;

iii) The label or other identification shall identify the package's contents, and include the name and address of the Depot, Generating Facility or HHW Site;

iv) The information required to be given on a label or other identification shall be set out so that it is clearly visible and legible;

v) Each container used to store batteries and/or cell phones shall be stored, handled and maintained so as to prevent structural damage or deterioration of the container, and

vi) The batteries and/or cell phones shall be stored at a secure indoor location.

(b) The taking of all reasonable steps for the purpose of Condition 11(a) includes ensuring that each person who accepts and/or stores waste at the Depot, Generating Facility or HHW Site is knowledgeable about the applicable matters set out in this Certificate, and visually inspects the waste prior to its acceptance and/or storage.

12. Reasonable efforts will be made by the Company to ensure that a log is kept of incidents where a Depot, Generating Facility, HHW Site or RBRC Local Transfer Facility improperly packages waste or encloses waste not approved for transportation under this Certificate. Where a Depot, Generating Facility, HHW Site or RBRC Local Transfer Facility fails to comply with the waste type and packaging requirements, the Depot, Generating Facility, HHW Site or RBRC Local Transfer Facility shall be notified forthwith. Should the Depot, Generating Facility, HHW Site or RBRC Local Transfer Facility, after being notified, continue to ship improperly packaged waste or waste not approved under this Certificate, the Company shall refuse to accept waste from that Depot, Generating Facility, HHW Site, or RBRC Local Transfer Facility.

13. (a) The Company shall ensure that no batteries and/or cell phones are accepted from participants at a Depot or HHW Site or transported by a Courier unless there is in effect one or more valid written agreements each of which meets the requirements of Condition 13(d) for the Depots and HHW sites and Condition 13(e) for the Courier, and that together provide for the ongoing removal of all batteries and/or cell phones;

(b) The Company shall ensure that no batteries and/or cell phones are accepted at a RBRC Local Transfer Facility, Consolidation Point or RBRC Recycling Facility unless there is in effect one or more valid written agreements each of which meets the requirements of Condition 13(f), and that together provide for the ongoing removal of all batteries and/or cell phones;

(c) An agreement under Conditions 13(a) and (b) shall be between the Company and an operator or owner of a Depot, HHW Site, Courier, RBRC Local Transfer Facility, Consolidation Point or RBRC Recycling Facility. Where the Depot or HHW Site is but one of a number run by a company, a director or officer of the company may enter into an agreement on behalf of all its Depots or HHW Sites. The agreement shall clearly describe the applicable requirement of this Certificate for each party entering into the requirement;

(d) Each Depot and HHW Site shall ensure that a copy of an agreement under Condition 13(a) is kept at the Depot or HHW Site, or at the head office of the corporation operation the Depot(s) or HHW Site(s) during the term of the agreement;

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(e) Each Courier shall ensure that a copy of an agreement under Condition 13(a) is kept at the head office of the corporation operating the Courier during the term of the agreement; and

(f) Each RBRC Local Transfer Facility, Consolidation Point or RBRC Recycling Facility shall ensure that a copy of an agreement under Condition 14(b) is kept at the head office of the corporation operating the RBRC Local Transfer Facility, Consolidation Point or RBRC Recycling Facility during the term of the agreement.

14. (a) The Courier will record the Depot's, HHW Site's or Generating Facility's name and address, a description of the waste, the number of packages, the net weight of the packages and the date of shipment; and

(b) Records made under Condition 14(a) shall be kept at the head office of the corporation operating the Courier and will be kept for inspection for 2 years.

15. (a) The Courier's drivers shall unload the batteries and/or cell phones at Transfer Points, RBRC Local Transfer Facilities, Consolidation Points or the RBRC Recycling Facility in a responsible manner which will ensure the packaging is not damaged and the contents discharged; and

(b) If any waste container leaks, cracks or otherwise causes a discharge while in the Courier's possession, the Courier shall ensure that any such discharge is promptly cleaned up and repackaged.

16. Upon the request of the Director, the Company shall prepare and submit a summary report which shall include the following information:

(a) a summary of information on all the waste handled, including quantities collected;

(b) any environmental and operational problems that may have negatively impacted the quality of the environment encountered during the operation of the waste management system, any mitigative actions taken, and a summary of any complaints received regarding the collection programs; and

(c) a list of Depots, HHW Sites, Generating Facilities, Couriers, Transfer Points, RBRC Local Transfer Facilities, Consolidation Points and RBRC Recycling Facilities used as part of the activities covered by this Certificate.

17. This Provisional Certificate of Approval revokes all previously issued Provisional Certificates of Approval issued under Part V of the Environmental Protection Act for this waste management system. The approval given herein including the terms and conditions set out, replaces all previously issued approvals and related terms and conditions under Part V of the Act for this waste management system.

The reasons for the imposition of these terms and conditions are as follows:

1. The reason for condition 1 is to set out clearly that this waste management system is to be operated in accordance with the application for this Certificate of Approval and the supporting information submitted therewith and not on a basis, or in any way, which the Director has not been asked to consider.

2. The reason for condition 2 is to clarify the scope of activities which are permitted under this Certificate of Approval. The management of additional waste for which the Company is not approved may create a nuisance or may result in a health or safety hazard.

3. The reason for condition 3 is to ensure that the waste management system is only used to take waste to approved or exempt sites/facilities. Taking the batteries and/or cell phones elsewhere may create a nuisance or may result in a health or safety hazard.

4. The reason for condition 4 is to clarify the requisite standards for vehicles operated by a courier under this Provisional Certificate of Approval.

5. The reason for conditions 5, 6, 7, 8 and 9 are to clarify which waste site and waste system provisions of the Environmental Protection Act and Ontario Regulation 347 the Company and participants in the Company's programs are

being exempted from.

6. The reason for condition 10 is to clarify the requisite standards for packaging used by participants in this demonstration.

7. The reason for condition 11 is to ensure that depots are provided with instructions as to how to package, label, handle and store the batteries and/or cell phones.

8. The reason for condition 12 is to ensure that steps are taken to ensure that depots, generating facilities and HHW sites are encouraged to ensure only batteries and/or cell phones in the appropriate packaging are managed under this Certificate of Approval as transporting other types of waste or using inadequate packing may create a nuisance or may result in a health or safety hazard.

9. The reason for condition 13 is to ensure that depots and couriers participating in the program are aware of the Company's Certificate of Approval and the responsibilities it places upon the Company and its participants.

10. The reason for conditions 14 and 15 is to ensure that all waste remains properly packaged to ensure the safe and continuous transportation of the waste from the depot to a Consolidation Point or the RBRC Recycling Facility. Improperly packaged waste or improper storage may create a nuisance or may result in a health or safety hazard.

11. The reason for condition 16 is to facilitate the Director's evaluation of this program.

12. The reason for condition 17 is to ensure that this Certificate of Approval is not transferred or otherwise taken over by persons who are unknown to the Director or who have not been required to submit an application to the Director and have not been subject to a review of such application.

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. A841566 issued on June 11, 1999

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written Notice served upon me, the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the waste management system is located;

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
2300 Yonge St., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

AND

The Director
Section 39, *Environmental Protection Act*
Ministry of Environment and Energy
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

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DATED AT TORONTO this 7th day of October, 2004

Aziz Ahmed, P.Eng.
Director
Section 39, *Environmental Protection Act*

LY/

c: District Manager, MOE Toronto - District
Frank Zechner, Rechargeable Battery Recycling Corporation of Canada