



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department Environment and Climate Change

CERTIFICATE OF APPROVAL

Pursuant to the Environmental Protection Act, SNL 2002 c E-14.2 Section 83

Issue Date: *September 30, 2022*

Approval No. AA22-095692

Expiration: *June 30, 2027*

File No. 716.006.7

Proponent: **Newfoundland and Labrador Hydro**
Hydro Place, 500 Columbus Drive
P.O. Box 12400, St. John's, NL
A1B 4K7

Attention: **Rod Healey, Manager Environment Operations**

Re: **L'Anse Au Loup Diesel Generating Station**

Approval is hereby given for the operation of five (5) permanent and one (1) mobile prime power diesel generating units, including the storage of used oil and used glycol in containers, located at L'Anse Au Loup, NL.

This Certificate of Approval does not release the proponent from the obligation to obtain appropriate approvals from other concerned provincial, federal and municipal agencies. Nothing in this Certificate of Approval negates any regulatory requirement placed on the proponent. Where there is a conflict between conditions in this Certificate of Approval and a regulation, the condition in the regulation shall take precedence. Approval from the Department of Environment and Climate Change shall be obtained prior to any significant change in the design, construction, installation, or operation of the diesel generating units at the L'Anse Au Loup, including any future expansion of the L'Anse Au Loup diesel generating station. This Certificate of Approval shall not be sold, assigned, transferred, leased, mortgaged, sublet or otherwise alienated by the proponent without obtaining prior Approval from the Minister.

This Certificate of Approval is subject to the terms and conditions as contained therein, as may be revised from time to time by the Department. Failure to comply with any of the terms and conditions may render this Certificate of Approval null and void, may require the proponent to cease all activities associated with this Certificate of Approval, may place the proponent and its agent(s) in violation of the *Environmental Protection Act*, and will make the proponent responsible for taking such remedial measures as may be prescribed by the Department. The Department reserves the right to add, delete or modify conditions to correct errors in the Certificate of Approval or to address significant environmental or health concerns.

D. P. P.
For MINISTER

TERMS AND CONDITIONS FOR APPROVAL No. AA22-095692

September 30, 2022

General

1. This Certificate of Approval is for the operation of five (5) permanent and one (1) mobile prime power diesel generating units, as outlined in Table 1, including the storage of used oil and used glycol in containers, located at L'Anse Au Loup, NL. Extensive future expansion or change of activities will require a separate Certificate of Approval.

Table 1 : L'Anse Au Loup Diesel Generating Units

Number of Units	Unit Number	Power Rating (kW)	Manufacturer	Date of Manufacture	Model
1	2005	800	Caterpillar	1988	CAT - 3512
1	2012	1100	Caterpillar	1975	CAT - 3516
1	2041	1000	Caterpillar	1971	CAT-3512
1	2082 (Mobile)	1825	Caterpillar	2009	CAT - XQ2000
1	2091	1825	Caterpillar	2014	CAT - 3516
1	2095	1500	Caterpillar	2017	CAT - 3512

2. Any inquiries concerning this Approval shall be directed to the St. John's office of the Pollution Prevention Division (telephone: (709) 729-2556; or facsimile: (709) 729-6969).
3. In this Certificate of Approval:
 - **associated product** means petroleum or a derivative of it, except gasoline, which is in a liquid state at ambient temperature and pressure;
 - **Department** means the Department of Environment and Climate Change and its successors;
 - **DGSNL** means Digital Government and Service NL and its successors;
 - **DPF** means diesel particulate filter;
 - **HYDRO** means Newfoundland & Labrador Hydro;
 - **hazardous waste** means a product, substance or organism that is intended for disposal or recycling, including storage prior to disposal or recycling, and that:
 - (a) is listed in Schedule III of the *Export and Import of Hazardous Waste Regulations under the Canadian Environmental Protection Act, 1999*;
 - (b) is included in any of Classes 2 to 6, and 8 and 9 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992*; or

(c) exhibits a hazard classification of a gas, a flammable liquid, an oxidizer, or a substance that is dangerously reactive, toxic, infectious, corrosive or environmentally hazardous;

- **leak or leakage** means any discharge of gasoline, associated product, used oil or used glycol from a storage tank system, pipeline, tank vessel, tank car or tank vehicle, other than through the usual function for which the storage tank system, pipeline, tank vessel, tank car or tank vehicle was designed;
- **licensed** means has a Certificate of Approval issued by the Minister to conduct an activity;
- **Minister** means the Minister of the Department;
- **register(ed)**, in the context of storage tanks, means that information regarding the storage tank system has been submitted to a DGSNL office and a registration number has been assigned to the storage tank system. In the context of dispersion modelling, registered means submitted to and approved by the Department in accordance with departmental policy and guidelines. In the context of environmental site assessment and impacted site management work, registered means approved by the Department in accordance with departmental policy and guidelines;
- **regulated substance** means a substance subject to discharge limit(s) under the *Environmental Control Water and Sewage Regulations, 2003*;
- **spill or spillage** means a loss of gasoline, associated product, used oil or used glycol in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle, or an uncontrolled release of any volume of a regulated substance onto or into soil or a body of water;
- **storage tank system** means a tank and all vent, fill and withdrawal piping associated with it installed in a fixed location and includes a temporary arrangement;
- **used glycol** means glycol that, through use, storage or handling, can no longer be used for its original purpose; and
- **used oil** means oil that, through use, storage or handling, can no longer be used for its original purpose.

4. All necessary measures shall be taken to ensure compliance with all applicable acts, regulations, policies, guidance documents and guidelines, including the following, or their successors:

- *Environmental Protection Act;*
- *Water Resources Act;*
- *Air Pollution Control Regulations, 2022;*
- *Environmental Control Water and Sewage Regulations, 2003;*
- *Halocarbon Regulations;*
- *Storage and Handling of Gasoline and Associated Products Regulations, 2003; and*
- *Used Oil and Used Glycol Control Regulations.*

This Approval provides terms and conditions to satisfy various requirements of the

above listed acts, regulations, policies, guidance documents and guidelines. If it appears that all of the pertinent requirements of these acts, regulations, policies and guidelines are not being met, then a further review of the works shall be conducted, and suitable pollution control measures may be required by the Minister.

5. All reasonable efforts shall be taken to minimize the impact of the operation on the environment. Such efforts include:

- minimizing the area disturbed by the operation,
- minimizing air, water or soil pollution,
- finding alternative uses, acceptable to the Department, for waste or rejected materials,
- removing equipment or structures when they no longer have further use, and
- considering the requirement for the eventual rehabilitation of disturbed areas when planning the development of any area on the facility property.

6. HYDRO shall provide to the Department, within a reasonable time, any information, records, reports or access to data requested or specified by the Department.

7. HYDRO shall keep all records or other documents required by this Approval at the L'Anse Au Loup diesel generating station for a period of not less than three (3) years, beginning the day they were made. These records shall be made available for review by officials of the DGSNL when requested.

8. Should HYDRO wish to deviate in any way from the terms and conditions of this Certificate of Approval, a written request detailing the proposed deviation shall be made to the Minister. HYDRO shall comply with the most current terms and conditions until the Minister has authorized otherwise. In the case of meeting a deadline requirement, the request shall be made at least 60 days ahead of the applicable date as specified in this Approval or elsewhere by the Department.

Diesel Particulate Filter

9. HYDRO shall install a DPF (Model DCF2X2X5-14-18 MINE-X SOOTFILTER) on Unit-2091 (Caterpillar, 1825 kW, Model 3516B) as specified in the application dated March 2, 2015.

10. The DPF shall be maintained and operated as per manufacturer guidelines/standards.

11. The ash and / or used filters recovered during the process of cleaning the DPF shall be tested (complete metal scan, including mercury) to verify that it does not contain any hazardous constituents, or shall be treated as hazardous waste to be disposed of in a manner acceptable to the Department.

Waste Management

12. The management of waste generated at the site is subject to compliance with the ***Environmental Protection Act***. All non-industrial waste shall be stored in a manner acceptable to the Department and, on at least a weekly basis, be disposed of:

- at an authorized waste disposal site, with the permission of the owner/operator of the site; or
- by some other means acceptable to the Department.

If required, industrial waste shall be disposed of by a licensed operator.

13. HYDRO shall ensure that all hazardous waste is disposed of by a licensed operator at a location acceptable to this Department. Disposal of hazardous waste in a municipal or regional waste disposal site in this Province is prohibited. Transporters of hazardous waste shall have an Approval issued by the Minister. Those generating hazardous waste shall have a waste generators number issued by the Department and shall also complete the required information outlined in the Waste Manifest Form.

Noise

14. Efforts shall be made to minimize and control noise resulting from the operations and maintenance of the six (6) diesel generating units located at L'Anse Au Loup in Labrador.

Spill and Leak Prevention and Containment

15. All on site storage of petroleum shall comply with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*, or its successor. Storage tank systems shall be registered with DGSNL.
16. HYDRO shall submit an inventory of all petroleum and chemical storage tanks located at L'Anse Au Loup diesel generating station in Labrador to the Department for review by *August 31, 2023*. This inventory shall include the following information:

- site plan showing tank location,
- storage tank system photos, including manufacturer's labels,
- registration number (where applicable),
- identification number,
- material stored,
- capacity,
- annual throughput,
- tank material,
- tank type,
- tank diameter,
- tank height,
- tank colour,
- roof type,
- year of manufacture,
- date of installation,
- date of last inspection,
- failure history,
- maintenance history,
- effective secondary containment capacity, and
- date of next planned inspection.

An update of the complete storage tank inventory including any changes to it shall be submitted to the Department within three (3) months of the change having occurred.

17. Where applicable, all tanks and fuel delivery systems shall be inspected to appropriate American Petroleum Institute or Underwriters' Laboratories of Canada

standards, or any other standards acceptable to this Department. The required frequency of inspections may be changed at the discretion of the Department.

Used Oil and Used Glycol

18. Used oil and used glycol shall not be mixed and shall be stored in separate:
 - closed containers;
 - registered tanks; or
 - tanks that have an active approval for DGSNL.
19. Used oil and used glycol shall be disposed of by a company licensed for the handling and disposal of such products.
20. Information on used oil and used glycol that is generated at the facility shall be submitted to the Department for review by *January 31* of each year. This shall include a description of:
 - the type(s) of oil and/or glycol used;
 - the approximate total volume of used oil and/or used glycol generated during the previous year; and
 - the method of disposal for the used oil and/or used glycol.
21. In the event that used oil and/or used glycol generated off-site is stored in the on-site storage tank(s), the information listed above shall also be required for the off-site systems.

Ambient Air

22. Pending the results of any ambient air monitoring, stack emission testing, and/or dispersion modeling, the Department may require that HYDRO take measures deemed necessary to ensure the requirement of the *Air Pollution Control Regulations, 2022*, are being met.

Annual Air Emission Reporting

23. HYDRO shall submit an annual Air Emission Report to the Department by *June 1* of the subsequent year. The report shall include:
 - the estimated annual emissions of the following flue gas constituents: SO₂, NO_x, CO₂, CO and particulates; and
 - the actual calculations including factors, formulae and/or assumptions used.

Monitoring Alteration

24. Although a monitoring program is not part of this Approval, the Department may require a monitoring program when it is the judgement of the Department that:
 - pollutants might be released to the surrounding environment without being detected; or
 - an adverse environmental effect may occur.

Reporting

25. All incidents of:

- Emergency response activities for oil or hazardous materials spills associated with the operation of diesel generating units located at L'Anse Au Loup; or
- non-conformance of any condition within this Approval; or
- verbal/written complaints of an environmental nature from the public received by HYDRO related to the L'Anse Au Loup diesel generating station, including complaints submitted anonymously;

shall be immediately reported, within one (1) working day, to the Department.

A written comprehensive incident report, including a detailed description of the incident, a summary of contributing factors, and an Action Plan to prevent future incidents of a similar nature, shall be prepared. The report shall include a description of actions already taken and future actions to be implemented, and shall be submitted to the Department within thirty (30) days of the date of the initial incident.

26. Any spillage or leakage of:

- gasoline or associated product from a vehicle, pipeline or storage tank system; or
- used oil or used glycol from a storage tank system;

shall be reported immediately through the Environmental Emergencies 24-hour report line at 1-800-563-9089.

Expiration

27. This Certificate of Approval expires *June 30, 2027*.

28. Should HYDRO wish to continue to operate L'Anse Au Loup diesel generating station beyond this expiry date, a written request shall be submitted to the Department for the renewal of this Approval, such request shall be made prior to *January 1, 2027*.

cc: Mr. Gary Kennell
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