



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department of Environment and Climate Change

CERTIFICATE OF APPROVAL

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

Issue Date: **July 4, 2024**

Approval No. AA24-075706

Expiration: **July 4, 2029**

File No. 712.203.1

Proponent: Labatt Brewing Company Limited
207 Queen's Quay West
Suite 299
Toronto, ON
M5J 1A7


Attention: Kota Anirudh, General Manager

Re: **Labatt, St. John's Brewery**

Approval is hereby given for the operation of a brewery in St. John's, 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 requirement 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 brewery, including any future expansion of the brewery. 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.


For **MINISTER**

TERMS AND CONDITIONS FOR APPROVAL No. AA24-075706

July 4, 2024

General

1. This Certificate of Approval is for the operation of a brewery in St. John's, Newfoundland and Labrador.
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:
 - **accredited** means the formal recognition of the competence of a laboratory to carry out specific functions;
 - **air contaminant** means any discharge, release, or other propagation into the air and includes dust, fumes, mist, smoke, particulate matter, vapours, gases, odorous substances, acids, soot, grime or any combination of them;
 - **associated product** means petroleum or a derivative of it, except gasoline, which is in a liquid state at ambient temperature and pressure;
 - **BOD₅** means biochemical oxygen demand (five day test);
 - **composite sample** means a quantity of undiluted effluent collected continually at an equal rate or at a rate proportionate to flow over a designated sampling period;
 - **Department** means the Department of Environment and Climate Change and its successors;
 - **DGSNL** means Digital Government and Service NL and its successors;
 - **EDMS** means Environmental Data Management System;
 - **effluent discharge criteria (EDC)** means the maximum allowable levels for the parameters listed in Table 2;
 - **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;
 - **Labatt** means Labatt Brewing Company Limited;

- **licensed** means has a Certificate of Approval issued by the Minister to conduct an activity;
- **liquid waste** is defined by the *Slump Test* (Canadian Standards Association test method A23.2-5C. The liquid waste slump test involves placing the waste in a 30 cm open inverted cone. The cone is removed and the immediate decrease (slump) in height of the waste material is measured. If the material slumps such that the original height is reduced by 15 cm or more, the waste is considered liquid;
- **malfunction** means any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, wastewater treatment equipment, process equipment, or a process to operate in a normal or usual manner. Failures caused in part by poor maintenance or careless operation are not malfunctions;
- **Minister** means the Minister of the Department;
- **Plan** means the specific plan as identified in the section of this Approval within which it is used. For example, in the *Waste Management Plan* section it refers to the Waste Management Plan;
- **proficiency testing** means the use of inter-laboratory comparisons to determine the performance of individual laboratories for specific tests or measurements;
- **Province** means Province of Newfoundland and Labrador;
- **QA/QC** means Quality Assurance/Quality Control;
- **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; and
 - environmental site assessment and impacted site management work, 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* but excluding gasoline or associated products, used oil or used glycol;
- **Site Professional** means an individual who is registered with the Department to oversee environmental site assessment, remediation and contaminated site management work in Newfoundland and Labrador;
- **stack** means a chimney, flue, conduit or duct arranged to conduct an air contaminant into the air;
- **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;
- **TDS** means total dissolved solids;

- TSS means total suspended solids;
 - **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;*
 - *Used Oil and Used Glycol Control Regulations;*
 - *Heating Oil Storage Tank System Regulations, 2003;*
 - *Storage of PCB Waste Regulations, 2003;*
 - *Sampling of Water and Wastewater - Industrial Effluent Applications Guidance Document;*
 - *Accredited Laboratory Policy;*
 - *Effluent Discharge Schedule Determination Policy for Industries;*
 - *Compliance Determination Guidance Document;*
 - *Precipitation Drainage of Dyke Areas Guidance Document.*
 - *Environmental Guidelines for Controlling Emissions of Volatile Organic Compounds from Above Ground Storage Tanks; and*
 - *Guidance Document for the Management of Impacted Sites.*
- 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 any 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. Labatt shall provide to the Department, within a reasonable time, any information, records, reports or access to data requested or specified by the Department.

7. Labatt shall keep all records or other documents required by this Approval at the brewery for a period of not less than three years, beginning the day they were made. These records shall be made available for review by officials of the Department or DGSNL when requested.
8. Should Labatt 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 Department. Labatt shall comply with the most current terms and conditions until the Department 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.

Point Source Inventory

9. Labatt shall maintain a list of stationary point source emitters (e.g. boilers, process heaters, dryers, incinerators, process vents, flares, etc.) in operation. Information to be included in the list shall be manufacturer, manufactured date, installation date, and specifications of the outlet stack, associated pollution control equipment, fuel burned, and any other information which Labatt considers appropriate.

Waste Management

10. The management of waste generated at the facility 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.

11. Labatt shall ensure that all volatile chemical and solvent wastes, if they cannot be reused, are placed in suitable covered containers for disposal in a manner acceptable to the Department. Disposal of liquid wastes at waste disposal sites in the Province is not permitted.
12. 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 generator's number issued by the Department and shall also complete the required information outlined in the Waste Manifest Form.

Waste Management Plan

13. Labatt shall continue to implement the Waste Management Plan (*March 31, 2021*) for their brewery, including all revisions. Every year the Plan shall be reviewed and revised as necessary, accounting for expansion or alteration of activities. Any proposed significant revisions shall be submitted to the Department for review. Changes which are not considered significant include minor variations in equipment or personnel characteristics which do not affect the implementation of the Plan.

Noise

14. Efforts shall be made to minimize and control noise resulting from Labatt's operations and maintenance activities. All vehicles hauling materials within the facility shall have exhaust and muffling devices in good working order.

Spill and Leak Prevention and Containment

15. Areas in which chemicals are used or stored shall have spill and leak containment systems constructed with impermeable floors, walls, dykes or curbs as applicable and be configured, maintained, inspected and repaired as follows:
- they shall not discharge to the environment;
 - they shall have an effective secondary containment capacity of at least 110 per cent of the chemical storage tank capacity, in the case of a single storage container;
 - if there is more than one storage container, they shall have an effective secondary containment capacity of at least 110 per cent of the capacity of the largest container, or 100 per cent of the capacity of the largest container plus 10 per cent of the aggregate capacity of all additional containers, whichever is greater;
 - they shall be kept clear of material that may compromise the containment capacity;
 - they may include a floor drain system provided that the floor drains, and the place or device to which they drain, are configured in such a manner that the required effective secondary containment capacity is maintained;
 - every year they shall be visually inspected for their liquid containing integrity, and repairs shall be made when required; and
 - once every 10 years, spill and leak containment systems shall be inspected, by a means other than visual inspection, for their liquid containing integrity, and repairs shall be made when required.
16. Provided Labatt continues to maintain the facilities Sulfuric Acid Dosing System used to neutralize the pH levels of waste water, drainage may be directed to the Effluent Pit for the following chemical storage tanks located inside the building:
- 4% Caustic Tank – Fermenting;
 - 4% Caustic Tank - Brewing 1st Floor;
 - 4% Caustic Tank - Brewing 3rd Floor; and
 - Glycol Tank - Power House.
17. 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.
18. 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.
19. Labatt shall maintain an inventory of all petroleum and chemical storage tanks. This inventory shall include the following:

- site plan showing tank location,
- 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 months of the change having occurred.

Contingency Plan

20. Labatt shall continue to implement the Contingency Plan (*December 17, 2021*) for their brewery, including all revisions. This Plan describes the actions to be taken in the event of a spill or leak of a toxic or hazardous material. Copies of the Plan shall be placed in convenient areas throughout the facility so that employees can easily refer to it when needed. Labatt shall ensure that all employees are aware of the Plan and understand the procedures and the reporting protocol to be followed in the event of an emergency. An annual response exercise is recommended for response personnel. Every year the Plan shall be reviewed and revised as necessary, accounting for expansion or alteration of activities. Any proposed significant revisions shall be submitted to the Department for review. Changes which are not considered significant include minor variations in equipment or personnel characteristics which do not affect the implementation of the Plan.
21. Every time Labatt implements the Contingency Plan, information shall be recorded for future reference. This will assist in reviewing and updating the Plan. The record is to consist of all incidents with environmental implications, and include such details as:
 - date;
 - time of day;
 - type of incident (i.e. liquid leak/spill, gas leak, granular chemical leak/spill, equipment malfunction, etc.);
 - actions taken;
 - problems encountered; and
 - other relevant information that would aid in later review of the Plan performance.

Each incident report shall be submitted to the Department as per the **Reporting** section.

Decommissioning & Restoration

22. Labatt shall submit a site **Decommissioning and Restoration Plan** to the Department within 3 months of the permanent cessation of operations. For guidance on the preparation of the Plan, refer to Appendix A. Wherever possible, the Plan shall promote progressive reclamation of disturbed areas.
23. As part of the site decommissioning and restoration process, Labatt shall employ a registered Site Professional to complete a site-wide environmental site assessment, as defined in the **Guidance Document for the Management of Impacted Sites**. Should impacts be identified, Labatt shall proceed through the process outlined in the Guidance Document to achieve regulatory site closure.

Used Oil and Used Glycol

24. 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 from DGSNL.
25. Where greater than 205 litres of used oil or used glycol is stored in one or more containers, the storage shall require approval from the Department or DGSNL.
26. Used oil and used glycol shall be disposed of by a company licensed for the handling and disposal of such products.
27. Information on used oil and used glycol that is generated at the facility each year shall be submitted to the Department, as per the **Reporting** section, by **January 31** of the following year for review. This shall include a description of the:
 - type(s) of oil and/or glycol used;
 - approximate total volume of used oil and/or used glycol generated during the year; and
 - method of disposal for the used oil and/or used glycol.
28. 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.
29. The use or operation of an oil separator requires registration under the **Used Oil and Used Glycol Control Regulations**. Applications for registration shall be submitted to, and registration numbers are assigned by, DGSNL.

Boiler Ash

30. All boiler ash generated by Labatt shall be considered as hazardous waste. Labatt shall ensure all the boiler ash 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.

Effluent Monitoring and Discharge

31. Labatt shall perform an Effluent Monitoring Program as per Table 1. Refer to Table 2 for the effluent discharge criteria. Analytical results shall be submitted to the Department as per the *Reporting* section.

Table 1 - Effluent Monitoring Program

Table 1 - Effluent Monitoring Program			
Location	EDMS Location Code	Parameters	Frequency
Outfall	00332	BOD ₅ , TSS, pH	Weekly †
		flow	Daily
		Water chemistry analysis	4 times per year and at least 30 days apart †
† A 24-hour composite sample shall be collected			

Table 2 - Effluent Discharge Criteria

Parameter	Allowable Limits *
BOD ₅	300
TSS	350
pH	5.5 – 9.0 pH units
Temperature	65° Celsius
Boron	5.0
Cadmium	0.05
Chromium (III)	1.0
Copper	0.3
Iron	15.0
Lead	0.2
Mercury	0.005
Nickel	0.5
Phenols	0.5
Phosphates (a P ₂ O ₅)	10.0
Zinc	0.5
* All units are expressed in mg/L unless otherwise stated.	

Water Chemistry Analysis

32. Four times per calendar year and not less than thirty 30 days apart, Labatt shall perform

Water Chemistry Analysis as per Table 3. Analytical results shall be submitted as per the **Reporting** section.

Table 3 - Water Chemistry Analysis Program		
Location	EDMS Location Code	Parameters
Outfall	00332	<p>General Parameters: nitrate + nitrite, nitrate, nitrite, pH, TSS, colour, sodium, potassium, calcium, sulphide, magnesium, ammonia, alkalinity, sulphate, chloride, turbidity, reactive silica, orthophosphate, phosphorous, DOC, conductance, TDS (calculated), phenols, carbonate (CaCO₃), hardness (CaCO₃), bicarbonate (CaCO₃)</p> <p>Metals Scan: aluminium, antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, molybdenum, mercury, nickel, selenium, silver, strontium, thallium, tin, titanium, uranium, vanadium, zinc</p>

Effluent Compliance

33. Labatt shall continue to investigate and implement, where feasible, measures to progress Labatt towards full compliance with the ***Environmental Control Water and Sewage Regulations, 2003***. Labatt shall submit an annual report to the Department, as per the **Reporting** section, by **January 31** of the subsequent year. This report shall:
- summarize all effluent compliance improvement efforts made by Labatt in the previous year; and
 - include an outline of planned activities for the current year.

Analysis and QA/QC

34. Unless otherwise stated herein, all solids and liquids analysis performed pursuant to this Approval shall be done by either a contracted commercial laboratory or an in-house laboratory. Contracted commercial laboratories shall have a recognized form of accreditation. In-house laboratories have the option of either obtaining accreditation or submitting to an annual inspection by a representative of the Department, for which Labatt shall be billed for each laboratory inspection in accordance with Schedule 1 of the ***Accredited Laboratory Policy (PD:PP2001-01.2)***. Recommendations of the Department stemming from an annual inspection shall be addressed within six months, otherwise further analytical results shall not be accepted by the Department.
35. If Labatt wishes to perform in-house laboratory testing and submit to an annual inspection by the Department then a recognized form of proficiency testing recognition shall be obtained for compliance parameters for which this recognition

exists. The compliance parameters are listed in the ***Effluent Monitoring and Discharge*** section. If using a commercial laboratory, Labatt shall contact that commercial laboratory to determine and to implement the sampling and transportation QA/QC requirements for those activities.

36. The exact location of each sampling point shall remain consistent over the life of the monitoring programs, unless otherwise approved by the Department.
37. Labatt shall bear all expenses incurred in carrying out the environmental monitoring and analysis required under conditions of this Approval.

Monitoring Alteration

38. The Department has the authority to alter monitoring programs or require additional testing at any time when:
 - pollutants might be released to the surrounding environment without being detected;
 - an adverse environmental effect may occur; or
 - it is no longer necessary to maintain the current frequency of sampling and/or the monitoring of parameters.
39. Labatt may, at any time, request that monitoring programs or requirements of this Approval be altered by:
 - requesting the change in writing to the Department; and
 - providing sufficient justification, as determined by the Department.

The requirements of this Approval shall remain in effect until altered, in writing, by the Department.

Reporting

40. Monthly reports containing the environmental compliance monitoring and sampling information required in this Approval shall be received by the Department in digital format within 30 calendar days of the reporting month. All related laboratory reports shall be submitted with the monthly report in Extensible Markup Language (XML) format and Adobe Portable Document Format (PDF). Digital report submissions shall be uploaded through the EDMS web portal.
41. Each monthly report shall include a summary of all environmental monitoring components and shall include an explanation for the omission of any requisite data. The monthly summary reports shall be in Microsoft Word or Adobe PDF and shall be uploaded through the EDMS web portal with the data submissions.
42. Annual reports required in this Approval shall be in Microsoft Word or Adobe PDF and shall be uploaded through the EDMS web portal.
43. All incidents of:
 - *Contingency Plan* implementation; or
 - non-conformance of any condition within this Approval; or
 - an uncontrolled release to the environment of any amount of a regulated

- substance; or
- effluent discharge criteria being, or suspected of being, exceeded; or
- verbal or written complaints of an environmental nature received from the public by Labatt and related to the brewery, including complaints submitted anonymously;

shall be immediately reported, within one 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 30 days of the date of the initial incident.

44. Any:

- spill of gasoline or associated product in excess of 70 litres from a storage tank system, pipeline, or vehicle onto or into soil or water, or
- leak of gasoline or associated product in any amount from a storage tank system, pipeline, tank car or tank vehicle, or
- spill of used oil or used glycol in excess of 70 litres from a storage tank system onto or into soil or water, or
- leak of used oil or used glycol in any amount from a storage tank system;

that is released to the environment shall be reported immediately through the Environmental Emergencies 24-hour report line at 1-800-563-9089.

Expiration

45. This Certificate of Approval expires ***July 4, 2029***.

46. Should Labatt wish to continue to operate the brewery beyond this expiry date, a written request shall be submitted to the Department for the renewal of this approval. If Labatt would like changes to the approval then these may be specified in the renewal request. Such request shall be made prior to ***January 4, 2029***.

APPENDIX A

Industrial Site Decommissioning and Restoration Plan Guidelines

As part of the Department's ongoing commitment to minimize the residual impact of industrial activities on the environment of the Province, the Department requires that Labatt develop a Decommissioning and Restoration Plan for the St. John's brewery at 60 Leslie Street, St. John's and its associated property. The guidelines listed below are intended to provide some general guidance as to the expectations of the Department regarding the development of the Plan, and to identify areas that are of particular concern or interest. The points presented are for consideration and are open to interpretation and discussion.

Decommissioning and Restoration Plans are intended to present the scope of activities that a company shall undertake at the time of final closure and/or decommissioning of the industrial properties. Where it is useful and practical to do so the company is encouraged to begin undertaking some of the activities outlined in the Plan prior to final closure and decommissioning. The objectives of the restoration work to be undertaken can be summarized as follows:

- to ensure that abandoned industrial facilities do not endanger public health or safety;
- to prevent progressive degradation and to enhance the natural recovery of areas affected by industrial activities;
- to ensure that industrial facilities and associated wastes are abandoned in a manner that will minimize the requirement for long term maintenance and monitoring;
- to mitigate, and if possible prevent, the continued loadings of contaminants and wastes to the environment. The primary objective shall be to prevent the release of contaminants into the environment. Where prevention is not practical due to technical or economic limitations then activities intended to mitigate the consequence of such a release of contaminants shall become the objective of restoration work;
- to return affected areas to a state compatible with the original undisturbed condition, giving due consideration to practical factors including economics, aesthetics, future productivity and future use; and
- to plan new facilities so as to facilitate eventual rehabilitation.

The Decommissioning and Restoration Plan should:

- identify areas of known historical or current contamination;
- identify past or existing operational procedures and waste management practices that have, or may have, resulted in site contamination;
- highlight the issues or components to be addressed;
- identify operational procedures and waste management practices that can prevent or reduce site contamination;
- consider future land use, regulatory concerns and public concerns;

- enable estimation of the resources and time frame required to decommission the facility and restore the site to a condition acceptable to the Department;
- enable financial planning to ensure the necessary funds for decommissioning and restoration are set aside during the operational life of the facility, and;
- include arrangements for appropriate project management to ensure successful completion of the decommissioning and restoration program.

cc: Julie Robbins
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