

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT

LEGAL AND LEGISLATIVE SERVICES

**LICENCE**

**T-045**

In accordance with the Integrated Solid Waste and Resource Management Plan and the Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, as amended by Bylaw No. 183, a Bylaw to Amend Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181 (collectively, the "Bylaw")

**NextUse Recycling Ltd.**

**1200 Waterfront Centre  
200 Burrard Street  
PO Box 48600  
Vancouver, British Columbia  
V7X 1T2**

(the "Licensee") is authorized to operate a

**MATERIAL RECOVERY FACILITY**

at

**1050 United Boulevard, Coquitlam BC**

(the "Facility")

This Licence has been issued under the terms and conditions prescribed in the Bylaw and consists of 16 pages.

This Licence is valid until July 13, 2032

## 1. GENERAL

### 1.1 Expiry

The term of this Licence shall be fifteen (15) years from the date of issuance. To amend the term of this Licence, the Licensee must submit an application to amend the Licence, along with the applicable Licence amendment fee.

### 1.2 Severability

If any portion of this Licence is deemed *ultra vires*, illegal, invalid or unenforceable in any way in whole or in part by any court of competent jurisdiction, such decision shall not invalidate or void the remainder of this Licence, the parts so held to be *ultra vires*, illegal, invalid or unenforceable shall be deemed to have been stricken therefrom with the same force and effect as if such parts had never been included in this Licence or revised and reduced in scope so as to be valid and enforceable.

## 2. DEFINITIONS AND INTERPRETATION

In this Licence terms defined in the Bylaw shall have the same meaning for the purpose of this Licence unless otherwise defined in this Licence and,

**“Commercial/Institutional Waste”** means Municipal Solid Waste originating from commercial and institutional sources but does not include DLC Waste,

**“DLC Waste”** means Municipal Solid Waste originating from demolition, land-clearing and construction activities,

**“Dry Recyclables”** means Recyclable Material that has been removed from the waste received at the facility such as paper, plastic, metal, glass but does not include Mixed Waste Organics or Putrescible Waste.

**“Environmental Management Act”** means the Environmental Management Act, S.B.C. 2003, c. 53 as such Act exists or may be amended from time to time,

**“Gypsum Waste”** means waste gypsum board from any source, including manufacturing, demolition, and construction,

**“GVS&DD”** means Greater Vancouver Sewerage and Drainage District,



**"Mixed Waste Organics"** means organic matter that has been removed from the waste received at the Facility,

**"Municipal Solid Waste"** shall have the same meaning set out in section 23 of the Environmental Management Act,

**"OMRR"** means the Environmental Management Act Organic Matter Recycling Regulation, B.C Reg. 18/2002, as such Regulation exists or may be amended from time to time,

**"Paper Fibre"** means material consisting of old newspapers ("**ONP**"), old corrugated cardboard ("**OCC**"), mixed paper and other paper fibres such as office paper, bound paper, paper bags or boxboard,

**"Putrescible Waste"** means material that has the potential to decompose with the formation of malodorous byproducts, combustible gases, or toxic leachate,

**"Quantity"** (singular or plural) includes any gases, liquids, or solids intermingled with Municipal Solid Waste and Recyclable Material,

**"Recyclable Material"** shall have the same meaning as defined in the Bylaw,

**"Regional Facility"** means any of the following:

- (1) Waste to Energy Facility located at 5150 Riverbend Drive, Burnaby,
- (2) Vancouver Landfill located at 5400 72nd Street, Delta,
- (3) North Shore Transfer Station located at 30 Riverside Drive, North Vancouver,
- (4) Vancouver South Transfer Station located at 377 West Kent Avenue North, Vancouver,
- (5) Coquitlam Resource Recovery Plant located at 1200 United Boulevard, Coquitlam,
- (6) Surrey Transfer Station located at 9770 192nd Street, Surrey,
- (7) Langley Residential Transfer Station located at 1070 272 Street, Langley,
- (8) Maple Ridge Residential Transfer Station located at 10092 236 Street, Maple Ridge, and
- (9) Matsqui Transfer Station located at 33621 Valley Road, Abbotsford.

A facility referred to above ceases to be a Regional Facility at the end of the term of an agreement between the GVS&DD and the owner of the facility under which the facility received Municipal Solid Waste on behalf of the GVS&DD,

**"Residential Waste"** means Municipal Solid Waste originating from single family residential buildings or multi-family residential buildings but does not include DLC Waste or Source Separated Recyclable Materials,

**“Residual Waste”** means solid waste produced as a result of reduction, reuse, recycling, recovery, or other activities conducted at the Facility, for which disposal is required, but does not include Mixed Waste Organics

**“Source Separated Recyclable Material”** means Recyclable Material, such as Paper Fibre, plastic, metal, glass or a combination of such material, or organic matter that has been sorted or separated from Municipal Solid Waste at the point of generation for the purpose of recycling,

**“White Goods”** means stoves, refrigerators, freezers, washers, dryers, hot water heaters, air conditioners, dehumidifiers, or dishwashers, and

**“Year”** shall be the calendar year commencing on January 1 and ending December 31.

### **3. MATERIAL BANS**

Disposal of the following materials are banned or restricted. They are either recyclable or hazardous.

- Yard Waste
- Recyclable Paper
- Corrugated Cardboard
- Food Waste
- Gypsum Waste
- Paints Solvents and Flammable Liquids
- Electronic Waste
- Lead Acid Batteries
- Medications/Pharmaceuticals
- Blue Box Recyclable Material
- Beverage Containers (all except milk)
- Tires
- Oil Filters and Empty Oil Containers
- Pesticides, Solvents and other Household Hazardous Waste
- Mattresses
- Clean Wood

All reasonable efforts shall be made to recover Recyclable Materials from all materials received at the Facility, for the purpose of recycling.

### **4. FACILITY**

#### **4.1 Location of Authorized Facility**

The operation of the Facility to which this Licence applies shall be restricted to the land legally described Lot A, Plan LMP 1969, District Lot 16/48, New Westminster Land District. PID: 017-513-294.



## 4.2 Access

The Licensee shall provide locking gates on all entrances to prevent unauthorized access and ensure that they are locked at all times the Facility is unattended. Access routes to and through the Facility shall be constructed from suitable material satisfactory to the Solid Waste Manager and capable of providing all weather access for all emergency vehicles. The Licensee may be required by the Solid Waste Manager to provide fencing, trees, shrubbery, or natural features so as to limit access to the Facility.

## 4.3 Signage

The Licensee shall ensure that at all times the Facility has a sign posted at the entrance clearly identifying the name and address of the Facility, owner and operator, contact phone number, emergency phone number, hours of operation, information on Acceptable and Unacceptable Materials. This sign shall be of a size and have print that is easily readable from the Facility entrance. Additional signs which clearly indicate the direction to the active tipping area, recycling and waste separation areas, etc. may be required by the Solid Waste Manager.

## 4.4 Communications

The Licensee shall ensure that at all times the Facility has telephone or other communication equipment to immediately summon fire, police or emergency service personnel in the event of an emergency.

# 5. OPERATING REQUIREMENTS

## 5.1 Acceptable Material

For the purpose of recovering Recyclable Material, the Facility may accept the following types of Municipal Solid Waste:

- (1) Single Family Residential Waste,
- (2) Commercial/Institutional Waste,
- (3) other materials specifically authorized in writing by the Solid Waste Manager and such authorization shall be deemed to form part of this Licence.

## 5.2 Unacceptable Material

The Facility shall not accept:

- (1) any other material not authorized in section 5.1 of this Licence,
- (2) Hazardous Waste as defined by the Environmental Management Act Hazardous Waste Regulation, B.C. Reg. 63/88,

- (3) Source Separated Recyclable Material,
- (4) liquid or semi-solid waste,
- (5) DLC Waste,
- (6) Gypsum Waste,
- (7) White Goods,
- (8) paint,
- (9) tires, and
- (10) batteries.

### 5.3 Annual Resource Recovery Rate

The Facility shall meet the following resource recovery rate: Mixed Waste Organics recovered must be greater than 25% of all waste received at the Facility, Dry Recyclables recovered must be greater than 10% of all waste received at the Facility for each calendar year.

The total Quantity of all waste received at the Facility does not include the Quantity of material refused by the Licensee or the Quantity of material reloaded and removed by the hauler. All resource recovery rates are expressed in percentages calculated by weight.

### 5.4 Recovery of Mixed Waste Organics

All reasonable effort shall be made to remove Mixed Waste Organics from the Municipal Solid Waste received at the facility.

Mixed Waste Organics recovered from the waste received at the facility and delivered to an appropriate authorized waste organics processing facility for use in the production of Class A and Class B compost, as defined in OMRR, must be equal to or greater than 25%, by weight, of all waste received at the facility.

### 5.5 Quantities

The Quantity limits outlined in this Licence shall apply regardless of the state, condition, or form of the Municipal Solid Waste and Recyclable Material.

The Quantity Residential Waste and Commercial/Institutional Waste that may be accepted at the Facility shall not exceed **1,100 tonnes per day**.

The annual average daily weight of Residential Waste and Commercial/Institutional Waste that may be accepted at the Facility shall not exceed **730 tonnes per day**.



The maximum Quantity of specific types of Municipal Solid Waste and Recyclable Material that may be at the Facility at any given time shall not exceed:

(1) Residential Waste, and Commercial/Institutional Waste	<b>723 metric tonnes, or</b>	<b>2,702 cubic metres</b>
(2) Paper Fibre	<b>467 metric tonnes, or</b>	<b>1,122 cubic metres</b>
(3) glass	<b>0.35 metric tonnes, or</b>	<b>0.5 cubic metres</b>
(4) ferrous metal	<b>60 metric tonnes, or</b>	<b>417 cubic metres</b>
(5) non-ferrous metal	<b>30 metric tonnes, or</b>	<b>237 cubic metres</b>
(6) plastic	<b>199 metric tonnes, or</b>	<b>638 cubic metres</b>
(7) small appliances/electronics	<b>10 metric tonnes, or</b>	<b>35 cubic metres</b>
(8) bulky items	<b>40 metric tonnes, or</b>	<b>150 cubic metres</b>
(9) Mixed Waste Organics	<b>52 metric tonnes, or</b>	<b>280 cubic metres</b>
(10) Residual Waste	<b>56 metric tonnes, or</b>	<b>290 cubic metres</b>

The Solid Waste Manager may require the Licensee to retain a British Columbia Land Surveyor (or other qualified professional satisfactory to the Solid Waste Manager) to carry out a survey of the Quantity of Municipal Solid Waste and Recyclable Material at the Facility, and submit the results of the survey to the Solid Waste Manager. If the survey results indicate that the Quantity of Municipal Solid Waste and Recyclable Material at the Facility exceeds **5,871.5 cubic meters**, the Licensee shall refrain from accepting any further material until such time as the Quantity is less than **5,871.5 cubic meters**.

## **5.6 Weigh Scale**

The Licensee shall operate and maintain a weigh scale that records in 10 kg increments and is approved by Consumer and Corporate Affairs - Weights and Measures Section. All loads of Municipal Solid Waste received at the Facility and all loads of Municipal Solid Waste, Mixed Waste Organics, Recyclable Material, and Residual Waste removed from the Facility, shall be weighed and recorded.

## **5.7 Supervision and Load Inspection**

An attendant employed by the Licensee shall be present at all times that the Facility is open for business or accepting waste and shall inspect every load entering the Facility before and after unloading to ensure it complies with the requirements of this Licence before mixing with any other loads. A record shall be maintained of rejected loads including date, time, type of material, hauler's name, and vehicle licence number.

## 5.8 Material Handling and Storage

- (1) All incoming Municipal Solid Waste shall be recorded indicating the geographic area, by municipality of origin, weight, and type prior to being received at the Facility. Once recorded, all Municipal Solid Waste shall be inspected, received, unloaded, processed and stored inside an enclosed building, with the exception of metals and small appliances, which may be stored in roll off containers in designated locations-outside an enclosed building.  
All Municipal Solid Waste received shall be sorted and processed by various methods that will ensure the recovery of Recyclable Materials is maximized. The methods shall include, but not be limited to, manual sorting, loaders, dimensional sorting, conveyors, magnetic separation, eddy current separation, air drum separation, and optical sorting within an enclosed building.
- (2) The Licensee shall ensure that waste received is processed and ready for transport within (2) days of receipt.
- (3) Dry Recyclables recovered from the waste received shall be either baled as necessary and placed in designated areas, or placed in suitable containers for transport to appropriately authorized recycling facilities, stewardship programs or re-use centres.
- (4) Mixed Waste Organics recovered from the waste received, shall be loaded into suitable containers inside an enclosed building for delivery to appropriately authorized waste organics processing facilities within two (2) days of receipt.
- (5) The Licensee shall ensure that Dry Recyclables and Mixed Waste Organics, recovered from the waste received, are segregated and stored in such a way to protect the quality of the recovered materials.
- (6) The Licensee shall process waste received within two days of receipt. Residual Waste produced shall be deliver or cause to be delivered to a Regional Facility. Residual Waste cannot be stored at the facility. The loading of Residual Waste shall occur inside an enclosed building.
- (7) If Acceptable Materials received become mixed with solid waste from any other source, then the combined Residual Waste from such material shall be delivered to a Regional Facility for disposal in accordance with subsection (6).
- (8) Quantities of all Recyclable Material, Dry Recyclables, Mixed Waste Organics, Residual Waste, and all other solid waste shall be weighed and recorded prior to leaving the Facility.





- (9) Unacceptable Material entering the facility or observed upon receipt at the Facility shall be refused and removed by the hauler. Unacceptable materials discovered at a later time, shall be segregated from other waste materials and removed within seven (7) days of its discovery, unless a separate legislative regime applies with respect to removal, such as that applicable to Hazardous Waste.
- (10) Recyclable Material, other than Mixed Waste Organics, recovered from the waste received must not:
  - (a) contain more than trace amounts of Putrescible Material, and
  - (b) be disposed.
- (11) The Licensee shall deliver Mixed Waste Organics only to an appropriately authorized waste organics processing facility that has a weigh scale and weighs all loads of Mixed Waste Organics delivered from the Facility.

**5.9 Hours of Operation**

Subject to municipal bylaws, zoning requirements, or the notification provided for below, the Facility shall only operate or allow access to vehicles transporting to the Facility as follows:

**Monday to Sunday 24 hours a day**

The Licensee shall notify the Solid Waste Manager (facsimile number: 604-436-6707) in writing during regular business hours at least 24 hours in advance of operating outside of these specified times. Notices received outside of regular business hours will be deemed to have arrived at the beginning of the next business day. This notice shall include the specific date and times that the activity will occur outside of these hours. The Licensee shall also notify the City of Coquitlam of any changes to these specified times.

**5.10 Drainage**

The Licensee shall take measures to prevent precipitation contacting Municipal Solid Waste and Recyclable Material at the Facility and prevent uncontrolled run off.

**This Licence does not authorize the discharge of liquid waste from the Facility to the sanitary sewer, storm sewer or the environment.**

**5.11 Monitoring and Assessments**

The Licensee may be required by the Solid Waste Manager to undertake or provide the following monitoring or assessment requirements, including, but not limited to:

- (1) an environmental impact assessment,
- (2) a survey of waste Quantities,
- (3) groundwater, surface water, run-off or leachate monitoring, and
- (4) any other investigations, tests or other actions in accordance with methods and procedures approved by the Solid Waste Manager.

Any assessments, investigations, tests, surveys and other actions may be required by the Solid Waste Manager to be undertaken by an independent third party acceptable to the Solid Waste Manager.

### **5.12 Area Maintenance, Vector and Nuisance Controls**

The Licensee shall:

- (1) maintain public and private roadways within 100 metres of the Facility free from litter, mud or debris which may be directly attributed to the Facility, its customers, or its suppliers,
- (2) control litter by way of litter control fences or barriers, litter pickup, or any other measures deemed necessary by the Solid Waste Manager,
- (3) maintain the Facility in sanitary condition, minimize the number of vectors on site. A competent pest control firm shall be engaged to monitor, provide traps, and regularly bait traps to acceptably manage insects, rodents and birds at the Facility. As a minimum the Licensee shall:
  - (a) provide bait and monitor rat traps every two weeks,
  - (b) remove and dispose of rat carcasses on a daily basis,
  - (c) eliminate standing water which shall not be allowed within the building,
  - (d) minimize nesting sites by the closing of holes in walls and landscaping, and the inserting of heavy gauge galvanized wire in the holes in lock block walls, and
  - (e) by way of best operating practices, pest controls or any other measures deemed necessary by the Solid Waste Manager, and
- (4) prevent nuisance occurrences by way of best operating practices, control works or any other measures deemed necessary by the Solid Waste Manager.

**This Licence does not authorize the discharge of air contaminants, including dust and odorous substances, from the Facility.**

### **5.13 Burning Prohibited**

Burning of any material at the Facility is prohibited.



#### 5.14 Fire Protection

The Licensee shall provide and maintain an adequate water supply or equivalent on site for extinguishing any fires, should they occur.

In the event of a fire the Licensee shall:

- (1) immediately notify the local fire department and the Solid Waste Manager (telephone number 7:30 – 11:30PM: 604-436-6777, 11:30 PM – 7:30 AM 604-643-8488, facsimile number: 604-436-6707, email [regulationenforcement@metrovancover.org](mailto:regulationenforcement@metrovancover.org)), and
- (2) take all measures necessary to extinguish the fire.

#### 5.15 Emergency Conditions

In the event of an emergency or condition beyond the control of the Licensee which prevents the effective operation of the Facility or works the Licensee shall:

- (1) immediately notify the Solid Waste Manager (telephone number 7:30 – 11:30PM: 604-436-6777, 11:30 PM – 7:30 AM 604-643-8488, facsimile number: 604-436-6707, email [regulationenforcement@metrovancover.org](mailto:regulationenforcement@metrovancover.org)), and
- (2) take all necessary action to resolve the emergency or condition to return the Facility to effective operation.

Notwithstanding 1 and 2 above, the Solid Waste Manager may specify contingency actions to be implemented while the works and/or standard operating procedures are being restored.

#### 5.16 Closure Plan

The Licensee shall notify the Solid Waste Manager of plans and dates regarding the closure of the Facility. This notification is to occur at least 30 days prior to the closure of the Facility. The Licensee shall provide all haulers 30 days notice to find alternative Municipal Solid Waste facilities, prior to closure of the Facility. In the event of permanent closure, all equipment shall be dismantled and removed from the Facility, materials ready for market shall be shipped, and any residual Municipal Solid Waste shall be disposed of at an authorized facility.

## **6. INSPECTIONS AND MAINTENANCE**

### **6.1 Inspections and Maintenance**

The Licensee shall conduct daily inspections of the Facility. These inspections shall include building, machinery, equipment, site drainage, security features, nuisance control works, vector abatement systems and litter controls. The Licensee shall ensure all are maintained in good working condition. The results of the inspections are to be recorded. Any defective conditions shall be corrected or repaired promptly. In addition, routine maintenance on machinery and equipment shall be conducted as specified by the manufacturers and recorded. Inspection reports and routine maintenance records shall be retained for a minimum of three (3) Years and made available for examination if required by the Solid Waste Manager or an Officer.

## **7. REPORTING**

### **7.1 Monthly Reporting of Quantities**

On or before seven (7) days after the last day of each month, the Licensee shall provide to the GVS&DD a monthly report containing the geographic area, by municipality of origin of materials received and the type and Quantity in metric tonnes of:

- (1) Municipal Solid Waste received at the Facility by Acceptable Material type,
- (2) all other waste received at the Facility by type,
- (3) Mixed Waste Organics removed from the Facility and delivered to an appropriately authorized waste organics processing facility to be used to produce Class A compost as defined by OMRR,
- (4) Mixed Waste Organics removed from the Facility and delivered to an appropriately authorized waste organics processing facility to be used to produce Class B compost as defined by OMRR,
- (5) Recyclable Material, by each type of Recyclable Material, removed from the Facility and delivered to a recycling broker or other person for the purpose of recycling,
- (6) Residual Waste removed from the Facility and delivered to a Regional Facility for disposal.

Receipts evidencing the Quantity in metric tonnes of the materials in (3) – (6) above that have been removed from the Facility to be recycled or disposed shall be submitted to the Solid Waste Manager as part of the report.

In addition, the Licensee shall calculate and provide, as part of the monthly report, the resource recovery rate referenced in section 5.3, for the previous month.

The report shall be submitted by any of the following methods:

E-mail to: **regulationenforcement@metrovancover.org**

Fax to: **604-436-6707**

Mail to: **Metro Vancouver  
Environmental Regulation and Enforcement Division  
Legal and Legislative Services Department  
4330 Kingsway  
Burnaby, BC V5H 4G8**

## **7.2 Annual Report**

On or before January 31 of each year, the licensee shall provide to GVS&DD the following information for the previous Year expressed in metric tonnes:

- (1) the annual average daily weight of the total combined Quantity of Residential Waste and Commercial/Institutional Waste received at the Facility,
- (2) the total annual Quantities reported monthly in section 7.1 (1)-(6), and
- (3) the resource recovery rate referred to in section 5.3, of all material received at the Facility over the previous Year.

## **7.3 Record Keeping**

The Licensee shall retain the following at 1050 United Boulevard, Coquitlam and shall produce the same for examination if required by the Solid Waste Manager or an Officer a copy of this Licence.

In addition, the Licensee shall retain for the previous three (3) Years of operation the following at 1050 United Boulevard, Coquitlam and shall produce the same for examination if required by the Solid Waste Manager or an Officer:

- (1) records of rejected loads including date, time, type of material, hauler's name, and vehicle licence number,
- (2) copies in electronic or hard-copy form of all invoices, bills, statements, weigh-scale records and other evidence relating to the Quantity and type of:
  - (a) waste received at the Facility,
  - (b) all other wastes received at the Facility,
  - (c) Mixed Waste Organics removed from the Facility and delivered to an appropriate authorized waste organics processing facility to be used to produce Class A compost as defined by OMRR,
  - (d) Mixed Waste Organics removed from the Facility and delivered to an appropriate authorized waste organics processing facility to be used to produce Class B compost, as defined by OMRRR,

- (e) Recyclable Material removed from the Facility and delivered to a recycling broker or other person for the purpose of recycling,
  - (f) Residual Waste removed from the Facility and delivered to a Regional Facility, and
  - (g) all other Municipal Solid Waste, Recyclable Material, or solid waste removed from the Facility,
- (3) records of inspections of the Facility, building, machinery, equipment, site drainage, security features, nuisance control works vector abatement systems and litter controls, and
  - (4) any other records required by the Solid Waste Manager.

## **8. TERMS**

### **8.1 Notification of Change of Ownership or Control of the Licence**

The Licensee shall notify the Solid Waste Manager of a change in the ownership, or control of the Facility, or any change in control of the Licensee. This notification shall be provided at least one month prior to the change. A transfer or assignment of a Licence is without effect without the prior written approval of the Solid Waste Manager.

### **8.2 Notice**

Any notice required to be delivered to the Licensee under this Licence shall be delivered or deemed to have been delivered if such notice is:

- (1) mailed by registered mail to the registered or records office of the Licensee or to the address the Licensee is authorized to operate,
- (2) delivered to the registered or records office of the Licensee,
- (3) delivered to an adult individual at the Facility who appears to be an employee of the Licensee or appears to be in control of the Facility,
- (4) delivered to a director, officer, liquidator, trustee in bankruptcy or receiver manager of the Licensee, or
- (5) posted on the door or gate of the Facility, where no one is present at the Facility or the Facility appears to be abandoned.

### **8.3 Suspension and Cancellation**

This Licence may be suspended or cancelled in accordance with the Bylaw.



## 9. SECURITY AND PERFORMANCE

As a condition of this Licence, the Licensee shall provide and maintain security as described in this section 9. The security shall remain in place until the Licensee has completed the site closure to the satisfaction of the Solid Waste Manager.

### 9.1 Purpose of Security

The purpose of the security is as follows:

- (1) to indemnify the GVS&DD for any expenses arising out of default by the Licensee under this Licence,
- (2) to remove, process, treat, or utilize Municipal Solid Waste or Recyclable Material at the Facility,
- (3) to control or stop the escape of leachate or contaminated run-off from the Facility,
- (4) to remediate the site following a fire at the Facility,
- (5) to cover expenses, including legal expenses, incurred by the GVS&DD in
  - (a) carrying out the activities described in this section 9, and
  - (b) enforcing or complying with any laws or enactments of the GVS&DD as they relate to the administration of this Licence,
- (6) to pay outstanding fees required under the Bylaw,
- (7) to complete site closure, and
- (8) to conduct remedial work that may be necessary to rectify a continuing default by the Licensee under this Licence.

To the extent that remedial work is required, the Licensee agrees to permit and grant access to the GVS&DD, its employees, agents and contractors, on and to the site of the Facility to carry out such remedial work as may be necessary.

### 9.2 Nature of Security

The security shall be in the amount of **\$85,628** or adjusted pursuant to section 9.3, and shall be provided and maintained as follows:

- (1) The first ten thousand dollars (\$10,000) shall be provided in the form of cash or an irrevocable Letter of Credit provided by a Canadian Chartered Bank. The Letter of Credit shall be irrevocable and may be drawn upon only by written demand of the Solid Waste Manager. The Letter of Credit shall be issued in favour of the Greater Vancouver Sewerage and Drainage District and shall be in a form satisfactory to the Solid Waste Manager, and

- (2) The balance of the security shall be provided and maintained in any of the following forms:
- (a) cash,
  - (b) an increase in the value of any Letter of Credit provided under subsection (2) to the full amount of the security,
  - (c) a trust fund,
  - (d) a surety bond, and
  - (e) any other form satisfactory to the Solid Waste Manager.

The instrument referred to in (b), (c), and (d) shall be provided in a form satisfactory to the Solid Waste Manager.

### **9.3 Review of Security**

The amount of security required under this Licence may be reviewed and adjusted periodically at the sole discretion of the Solid Waste Manager at any time during the term of this Licence.

### **9.4 Conditions for Drawing on Security**

If the Licensee defaults under or fails to comply with any provision of this Licence and does not cure the default or failure within the time specified by the Solid Waste Manager, in a written notice delivered to the Licensee informing the Licensee of such default or failure, the security may be drawn upon and used at the discretion of the Solid Waste Manager, acting reasonably, for the purposes set out in section 9.1.

Nothing in this Licence shall obligate the GVS&DD to draw on any security provided under this Licence or undertake any action to cure any default or failure of the Licence. The exercise by the GVS&DD of any power to cure any default or failure by the Licensee under this Licence shall not create any obligation or liability on the GVS&DD to complete the curing of any default or failure or to complete the site closure.

If all or any portion of the security is drawn upon, the Solid Waste Manager may require the Licensee to replenish or adjust the security as outlined in sections 9.2 and 9.3.

### **9.5 Conditions for Returning Security**

In the event of a permanent closure, the security, or any balance remaining after it may have been drawn upon in accordance with the terms of this Licence, will be returned to the Licensee upon the Licensee completing the site closure to the satisfaction of the Solid Waste Manager.