

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

BEING CHAPTER E-12 R.S.A. 2000

ENFORCEMENT ORDER NO. EO-EPEA-37940

1158728 Alberta Ltd.
operating as “*GFM Environmental Services*”
16909 - 110th Ave NW
Edmonton, AB

GFM Precious Metals Ltd.
operating as “*GFM Environmental*”
16909 - 110th Ave NW
Edmonton, AB
(The Parties will be collectively referred to as “GFM”)

WHEREAS corporate registry searches show that 1158728 Alberta Ltd. is an Alberta company operating as *GFM Environmental Services* (“GFM-ES”) and collects biomedical and hazardous wastes for disposal;

WHEREAS corporate registry searches show that GFM Precious Metals Ltd. is an Alberta company operating as *GFM Environmental*, (“GFM-PM”) and collects biomedical and hazardous wastes for disposal, and processes hazardous recyclables;

WHEREAS GFM-ES and GFM-PM are related companies and share a common corporate director, James Humen, who is also a shareholder in both companies;

WHEREAS the corporate registry searches also show that both GFM-ES and GFM-PM carry on activities at the same location situated at a storefront location with warehouse storage at 16909 - 110th Ave, Edmonton, Alberta (GFM-ES and GFM-PM will hereafter be collectively referred to as “GFM”);

WHEREAS on March 1, 2022, Alberta Environment and Parks (“AEP”) received a public complaint regarding the operations of GFM at 16909 - 110th Ave, Edmonton, Alberta, (the “Shop”) regarding alleged improper storage and disposal of biomedical and hazardous wastes;

WHEREAS the March 1st public complaint also detailed the improper storage of biomedical and hazardous wastes at a third party storage company located at 12235 – 149th Street in Edmonton (“Make Space Storage”);

The Regulatory Scheme

1. *Environmental Protection and Enhancement Act (“EPEA”)*

WHEREAS section 61 of *EPEA* states that no person shall commence or continue any activity that is designated by the regulations as requiring an approval or registration unless that person holds the required approval or registration;

WHEREAS section 88 of *EPEA* states that no person shall commence or continue any activity that is designated by the regulations as an activity in respect of which notice must be given to the Director unless that person gives notice to the Director that the person is carrying on or intends to carry on the activity;

WHEREAS section 188 states that no person shall generate, collect, consign or transport, or accept for transportation, storage or disposal for hazardous waste generated by a third party, unless they have a personal identification number issued by the Director;

WHEREAS section 191 of *EPEA* states no person shall consign or transport or accept for transportation, storage, treatment or disposal any hazardous waste unless the waste is accompanied with a manifest that is completed in accordance with the regulations; accurately identifies the quantity, composition and points of origin and destination of the hazardous waste; and contains the personal identification number of each person consigning, transporting or accepting the waste;

2. *Waste Control Regulation (A.R. 192/1996) (the “Regulation”)*

WHEREAS section 1 of the *Regulation* made under the *Environmental Protection and Enhancement Act (“EPEA”)* contains the following relevant definitions:

- “biomedical waste” – means a waste that is generated by human healthcare facilities or other related medical or clinical facilities that “contains or may contain pathogenic agents that may cause disease in humans exposed to the waste: Section 1(c),
- “hazardous waste” – is a waste having qualities specified in Schedule 1 of the *Regulation*, but does not include those wastes in Schedule 2: Section 1(v), and
- “hazardous recyclables” – is a recyclables having any of the qualities in Schedule 1 of the *Regulation*: Section 1(t);

WHEREAS under Schedule 2 of the *Regulation*, “biomedical waste” is deemed not to be a “hazardous waste” for the purposes of the *Regulation*, but is a Class 6.2 Dangerous Good under the federal *Transportation of Dangerous Goods Regulation (SOR/2001-286)*;

WHEREAS section 11 of the *Regulation* specifies operational requirements for the storage of “hazardous waste”, which include: adequate secondary containment, leakage prevention system, labelling of hazardous wastes, separation of incompatible hazardous wastes, routine inspections; and also sets out physical requirements for the storage location for hazardous wastes including: secure entry for authorized persons only, presence of emergency response equipment, signage indicating it is a hazardous waste storage facility, it must be staffed by trained operators, and has a surface runoff control system;

WHEREAS section 18 of the *Regulation* specifies the operational and physical storage requirements for hazardous recyclables which are identical to those found in section 11 for hazardous wastes;

WHEREAS section 20 of the *Regulation* specifies that a person responsible for a hazardous recyclable facility shall keep the following information for at least 2 years from the last day of the year in which the information was produced:

- Copies of all recycle dockets for hazardous recyclable received at the facility;
- Records releases of substances at the facility;
- Calibration and maintenance records of monitoring equipment;
- the results of all physical inventories of hazardous recyclables at the facility;
- any other information prescribed in a notice in writing by the Director;

and make the information available to the Director on the Director's request in writing.

3. *Activities Designation Regulation* (A.R. 276/2003) (the "ADR")

WHEREAS the construction, operation or reclamation of a storage site for waste is listed under Schedule 3 of the *ADR* as an activity which requires notice to the Director;

WHEREAS under Schedule 1 of the *ADR*, the construction, operation or reclamation of a facility that is engaged in the storage of hazardous waste or hazardous recyclables for a continuous period of more than 365 days are activities that require an approval;

WHEREAS under Section 4 of the *ADR*, a "storage site" means a waste management facility where waste, other than hazardous waste, is stored, sorted, compacted, shredded, ground or processed, or collected and held for removal to another waste management facility;

The Investigation

WHEREAS on March 10th, 2022, AEP conducted an inspection of the Shop and determined through visual inspection that biomedical waste, hazardous waste, hazardous recyclables were being stored at the location in a manner contrary to the *Waste Control Regulation (the Regulation)*;

WHEREAS during the March 10th inspection, AEP determined that GFM has a sea container in the back alley behind the Shop, and observed that the sea container contained biomedical waste and other unknown wastes;

WHEREAS the March 10th visual inspection by AEP confirmed that biomedical waste, hazardous wastes and hazardous recyclables at the Shop were not stored in accordance with sections 11 and 18 of the *Regulation*, in that:

- the hazardous wastes and hazardous recyclables were not adequately labelled,
- there was no secondary containment present,
- the hazardous wastes and hazardous recyclables were mixed with other incompatible wastes, and
- the Shop does not contain suitable emergency response equipment;

WHEREAS GFM staff also advised AEP that they lacked training to the proper handling of biomedical and hazardous wastes;

WHEREAS on March 10th, 2022, AEP also conducted an inspection at Make Space Storage and determined that GFM was renting 16 steel sea containers (the “sea cans”) that were filled with wastes that appeared to be biomedical waste, and a unknown quantity of other hazardous recyclables;

WHEREAS on March 11th, 2022, AEP conducted a follow-up inspection at Make Space Storage to document all the sea cans and their unit numbers, and noted the following:

- waste in the sea cans is labelled with GFM’s logo and company name “GFM Environmental Services”,
- waste in one GFM sea can with a label indicating it was hazardous recyclable generated outside Alberta originating from Ontario,
- storage of the hazardous wastes and hazardous recyclables in the sea containers did not meet the storage requirements in sections 11 and 18 of the *Regulation*, in that there was no secondary containment, no signage, no suitable emergency response equipment for hazardous materials; and no qualified staff on site with knowledge of hazardous wastes or recyclables;

WHEREAS AEP also conducted a second inspection of the Shop on March 11th and performed an additional review of the wastes present in the Shop and confirmed through visual observation, hazardous wastes and hazardous recyclables were being stored at the Shop.

WHEREAS invoices from GFM marked as “GFM Environmental Healthcare Waste Management” show that between January and September 2021, it was contracted by and received biomedical waste, hazardous waste, and hazardous recyclables from numerous waste generators originating both inside and outside of Alberta;

WHEREAS on March 11, 2022, James Humen verbally advised AEP that the GFM intends to send a portion of the waste stored at the Shop and at Make Space Storage to Swan Hills Waste Treatment Centre, for disposal in the near future, and plans on processing a portion of recyclables;

WHEREAS AEP records indicate that GFM-PM was issued a personal identification number (PIN) by AEP in 2003 for the collection, transportation or storage of hazardous wastes, but that it expired in 2006, and does not appear to have been renewed;

WHEREAS AEP records do not indicate that GFM-ES was ever issued a PIN for the collection, transportation or storage of hazardous wastes;

WHEREAS during the AEP inspections of the Shop and sea cans, it was observed that both locations may contain private health records for individuals, though it is uncertain how they came into the possession of GFM;

The Contraventions

WHEREAS AEP has reviewed the invoices from “GFM Environmental Healthcare Waste Management” which indicate that both hazardous waste and hazardous recyclables have been

stored at the Shop and in the sea cans at Make Space Storage for a continuous period of more than 365 days, and therefore are activities which require an approval under Schedule 1 of the *ADR* and section 61 of *EPEA*;

WHEREAS AEP has no record of GFM (either GFM-PM or GFM-ES) having submitted an application for, or having issued, an approval to either entity to store hazardous wastes or hazardous recyclables for a period exceeding 365 days;

WHEREAS under Schedule 4 of the *ADR*, a “storage site” for waste requires notification to the Director, and in this instance, any of the non-hazardous wastes (which includes the biomedical wastes) that GFM is storing, sorting, compacting, shredding, and collecting, and generally being held for, removal to another waste management facility fall within Schedule 4 and require notification under section 88 of *EPEA*;

WHEREAS AEP has no record of having received notice from GFM that it is operating a storage site for non-hazardous waste;

WHEREAS the evidence has shown, as set out above, that GFM did not meet the storage and operational requirements for hazardous wastes under section 11 of the *Regulation*, nor of section 18 of the *Regulation* as those requirements apply to the storage of hazardous recyclables;

WHEREAS GFM has not provided manifests to AEP for the receipt, storage or transport of hazardous wastes as required by section 191 of *EPEA*, and does not have in its possession any recycle dockets for the hazardous recyclables it has received as is required by section 20 of the *Regulation*;

WHEREAS Maxwell Harrison, Compliance Manager, Northern Region, has been appointed a Director under the Act for the purposes of issuing Enforcement Orders under the *Act* (the “Director”);

WHEREAS the Director is of the opinion that GFM has contravened sections 61, 88, and 191 of *EPEA*, and sections 11, 18, and 20 of the *Regulation*;

THEREFORE, I, Maxwell Harrison, pursuant to section 210 of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER:

1. GFM shall immediately cease all collection, acceptance, transport or disposal of all hazardous wastes at the Shop and Make Space Storage.
2. GFM shall immediately cease moving any non-hazardous waste (including biomedical waste), hazardous wastes, and hazardous recyclables from the Shop to the sea cans it leases at Make Space Storage, or to any other location.
3. GFM shall retain a qualified and independent third-party hazardous waste disposal company (the “Company”) that meets each of the following requirements:
 - a. with professional and technical experience in the disposal and transportation of biomedical waste, hazardous waste, and hazardous recyclables; and
 - b. holds a valid PIN under the *Regulation* to generate, collect, consign or transport, or accept for transportation, storage or disposal for hazardous waste generated by a third party;

4. GFM shall, on or before **March 31, 2022**, submit to the Director, for the Director's approval:
 - a. The name and contact information of the Company, and
 - b. A summary of how the Company meets all the requirements of Clause 2 of this Order.
5. GFM shall, on or before **April 11, 2022**, submit to the Director for the Director's written approval, a written Compliance Plan (the "Plan").
6. In the Plan, GFM shall include at least each of the following:
 - a. A detailed plan to sort, catalog, characterize, and separate the waste streams into hazardous waste, hazardous recyclables, biomedical wastes, other non-hazardous wastes, and to segregate any suspected private health records for individuals for review by the appropriate authorities.
 - b. The name and certification of a commercial laboratory for undertaking any required analysis for the waste characterization,
 - c. A description of the activities that will be undertaken by the Company and by GFM;
 - d. A plan for disposal for each specific wastes stream, including the name and location of the approved waste management facility(s) where the waste will be disposed of;
 - e. A schedule of implementation that shall have a completion date of no later than **May 1, 2022**.
7. GFM shall implement the work described in the Plan once approved by the Director, and in accordance with the Director's written authorization.

DATED at Spruce Grove in the Province of Alberta, this 25th day of March 2022.

Maxwell Harrison
 Compliance Manager
 Capital district – North Region

Section 91 of the *Environmental Protection and Enhancement Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal.

**For further information, please contact the Board Secretary at:
 #306 Peace Hills Trust Tower, 10011 - 109 Street
 Edmonton, Alberta
 T5J 3S8
 Telephone (780) 427-6207
 Fax (780) 427-4693**

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.

Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.