



AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A030114
Notice No. 2
Issue Date: July 11, 2008

Lanxess Inc.
1265 Vidal Street South,
P.O. Box 3001,
Sarnia, Ontario
N7T 7M2

Site Location: 1265 Vidal Street South,
Sarnia, County of Lambton, Ontario

You are hereby notified that I have amended Provisional Certificate of Approval No. A030114 issued on July 6, 1989 and amended by a notice dated October 26, 2007 for a Waste Disposal Site (Transfer/ Processing), as follows:

The following definitions are hereby added as follows:

- a) "**Certificate**" means this entire Provisional Certificate of Approval document, issued in accordance with section 39 of the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A";
- b) "**Director**" means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA;
- c) "**District Manager**" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- d) "**Provincial Officer/District Officer**" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the OWRA or section 5 of the EPA or section 17 of PA;
- e) "**Regional Director**" means the Regional Director of the local Regional Office of the Ministry in which the Site is located;
- f) "**Operator**" means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the site;
- g) "**Owner**" means any person that is responsible for the establishment or operation of the site being approved by this Certificate, and includes Lanxess Inc., its successors and assigns;
- h) "**Site**" means the entire waste disposal site described and approved by this *Certificate*;
- i) "**EPA**" means Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended;
- j) "**NMA**" means Nutrient Management Act, 2002, S.O. 2002, c.4, as amended;
- k) "**OWRA**" means the Ontario Water Resources Act, R.S.O. 1990, c. O-40, as amended from time to time;
- l) "**PA**" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;

m) "Reg. 347" means Regulation 347, R.R.O. 1990, made under the EPA, as amended from time to time;

n) "SDWA" means Safe Drinking Water Act, 2002, S.O. 2002, c.32, as amended;

The following Conditions are hereby added as follows:

13. The company shall ensure the maximum quantity of waste stored at this Site, at any given time, does not exceed 45,678 Litres. The waste shall be stored in an above ground storage tank (TK-400) only.

14. Financial Assurance

14.1 Within 20 days of the issuance of this Notice, the Owner shall submit to the Director, Financial Assurance, as defined in Section 131 of the EPA, for the amount of \$14,038.00. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, site clean-up, monitoring, supervision and disposal of all quantities of waste on site at any one time.

14.2 Commencing June 30, 2011 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 14.1. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

14.3 Commencing June 30, 2009, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 14.1 for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 14.2. The re-evaluation shall be made available to the Ministry, upon request.

14.4 The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial Assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

The reasons for this amendment to the Certificate of Approval are as follows:

1. The reason for the definitions is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Provisional Certificate of Approval.
2. The reason for Conditions 13 is to limit the waste storage capacity that is allowed to be stored at this Site under this Provisional Certificate of Approval.
3. The reason for Conditions 14 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that it appears the Owner is unable or unwilling to do so.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A030114 dated July 6, 1989, as amended.

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

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

The Notice should also include:

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

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

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

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

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted waste disposal site is approved under Section 39 of the Environmental Protection Act.

DATED AT TORONTO this 11th day of July, 2008

Tesfaye Gebrezghi, P.Eng.
Director
Section 39, *Environmental Protection Act*

FC/
c: District Manager, MOE Sarnia
Heather Michelin, Lanxess Inc.