



Ministry  
of the  
Environment

Ministère  
de  
l'Environnement

CERTIFICATE OF APPROVAL  
MUNICIPAL AND PRIVATE SEWAGE WORKS  
NUMBER 0519-6QJMXW  
Issue Date: July 18, 2006

Cirque X Inc.  
1520 Stone Church Road East  
Hamilton, Ontario  
L8W 3P9

Site Location: Niagara Parks Land  
7369 Niagara Parkway  
Niagara Falls City, Regional Municipality of Niagara

*You have applied in accordance with Section 53 of the Ontario Water Resources Act for approval of:*

a temporary installation of *Works* for collection of sanitary sewage from a new cirque show called Cirque Niagara, presented by Cirque X Inc., to be located on land owned by the Niagara Parks Commission consisting of the following:

Holding Tanks: Two interconnect precast concrete vented underground holding tanks 50,000 L and 27,000 L in volume providing a combined capacity of 77,000 L, equipped with an audiovisual alarm system and a 2 ft × 2ft extension for pump out and access;

Miscellaneous: All other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage works;

all in accordance with the following submitted supporting documents:

1. Application for Approval of Municipal and Private Sewage Works submitted by Mr. Errol Dube of Vanbots Construction Corporation dated May 2, 2006 including a report entitled, Servicing Feasibility Study, Vanbots Construction Corporation, Carmen's Entertainment Group, Cirque Niagara at the Niagara Parks Commission City of Niagara Fall.
2. A letter from Mr. Errol Dube, Project Manager, Vanbotts Construction Corporation dated July 5, 2006 and received July 11, 2006 in response to Review Engineer's enquiry regarding additional information.

*For the purpose of this Certificate of Approval and the terms and conditions specified below, the following definitions apply:*

"*Certificate*" means this entire certificate of approval document, issued in accordance with Section 53 of the *Act*, and includes any schedules;

"*Director*" means any *Ministry* employee appointed by the Minister pursuant to Section 5 of the *Act*;

"*District Manager*" means the District Manager of the Niagara District Office of the Ministry;

"*Ministry*" means the Ontario Ministry of the Environment;

"*Owner*" means Cirque X Inc. and includes its successors and assignees;

"*Works*" means the sewage works described in the *Owner's* application, this *Certificate* and in the supporting documentation referred to herein, to the extent approved by this *Certificate*.

You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:

## **TERMS AND CONDITIONS**

### **1. GENERAL PROVISIONS**

- (1) The *Owner* shall ensure that any person authorized to carry out work on or operate any aspect of the *Works* is notified of this *Certificate* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- (2) Except as otherwise provided by these Conditions, the *Owner* shall design, build, install, operate and maintain the *Works* in accordance with the description given in this *Certificate*, the application for approval of the works and the submitted supporting documents and plans and specifications as listed in this *Certificate*.
- (3) Where there is a conflict between a provision of any submitted document referred to in this *Certificate* and the Conditions of this *Certificate*, the Conditions in this *Certificate* shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.
- (4) Where there is a conflict between the listed submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
- (5) The requirements of this *Certificate* are severable. If any requirement of this *Certificate*, or the application of any requirement of this *Certificate* to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this certificate shall not be affected thereby.

### **2. EXPIRY OF APPROVAL**

This *Certificate* shall expire and become null and void on **December 31, 2008**. It is the *Owner's* responsibility to decommission the works upon the expiry of the approval. The tanks and associated appurtenances and any/all contamination associated with the use of the *Works* is to be removed from the site within six months of the expiry of the approval.

### **3. CHANGE OF OWNER**

- (1) The *Owner* shall notify the *District Manager* and the *Director*, in writing, of any of the following changes within 30 days of the change occurring:
  - (a) change of *Owner*;
  - (b) change of address of the *Owner*;
  - (c) change of partners where the *Owner* is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c.B17 shall be included in the notification to the *District Manager*;
  - (d) change of name of the corporation where the *Owner* is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C39 shall be included in the notification to the *District Manager*;
- (2) In the event of any change in ownership of the *Works*, other than a change to a successor municipality, the *Owner* shall notify in writing the succeeding owner of the existence of this *Certificate*, and a copy of such notice shall be forwarded to

the *District Manager* and the *Director*.

#### **4. CONSTRUCTION**

(1) The *Owner* shall keep records and prepare a statement certified by a licensed installer or a Professional Engineer that the construction of the works was supervised by a licensed installer or a Professional Engineer, as defined in the Professional Engineers Act. Upon request, the *Owner* shall make the written statement available for inspection by *Ministry* staff and staff of the local municipality.

#### **5. OPERATION AND PERFORMANCE**

(1) The *Owner* shall maintain and service the *Works* in such a manner that leaks and spills are prevented. Pressure testing of the tanks is to be carried out on a minimum monthly schedule.

(2) The *Owner* shall have a valid agreement with a hauler who is in possession of a Waste Management Systems Certificate of Approval at all times during operation of the *Works*.

(4) The *Owner* shall ensure that a Spill Contingency Plan is in place for the sewage holding tank at this site. The plan must contain, as a minimum the following: spill clean-up material (i.e.- absorbents, shovels, gloves, etc...), as well as a notification procedure to follow in the event of a spill;

(5) The *Owner* shall prepare an Operations Manual for the routine operation of the sewage works, maintain the operations manual up to date through revisions undertaken from time to time and retain a copy at the location of the sewage works. Upon request, the *Owner* shall make the manual available for inspection and copying by Ministry personnel;

The *Owner* shall ensure that the manual includes the following information:

- (a) operating procedures for routine operation of the sewage works;
- (b) inspection program including frequency of inspection for the sewage works and the methods or tests employed to detect when maintenance is necessary;
- (c) repair and maintenance programs, including the frequency of repair and maintenance for the sewage works;
- (d) contingency plans and procedures for dealing with any abnormal situations and for notifying the *District Manager*, and
- (e) complaint procedures for receiving and responding to public complaints.

#### **6. ANNUAL REPORT**

(1) The *Owner* shall prepare, and submit to the *District Manager*, a performance report, on an annual basis, within sixty (60) days following the end of the operating period, indicating:

- (a) septage volumes pumped from the holding tanks, date, hauler's name and disposal site;
- (b) total annual septage volume produced at the site;
- (c) total annual septage volume accepted at the septage disposal site;
- (d) a description of any operating problems encountered and corrective actions taken;
- (e) a summary of all maintenance carried out on any part of the *Works*;
- (f) a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- (g) a summary of any/all spill or abnormal discharge events; and
- (h) any other information the *District Manager* requires from time to time.

(2) The *Owner* shall, upon request, make all plans, records, data, procedures and supporting documentation available to *Ministry* staff.

*The reasons for the imposition of these terms and conditions are as follows:*

## CONTENT COPY OF ORIGINAL

1. Condition 1 is imposed to ensure that the *Works* are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the *Certificate* and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The condition also advises the Owners their responsibility to notify any person they authorized to carry out work pursuant to this *Certificate* the existence of this *Certificate*.
2. Condition 2 is included to ensure that the *Owner*, subsequent owners, successors, assignees, and any third parties relying upon this certificate are aware that the sewage holding tanks are only approved on a temporary basis.
3. Condition 3 is included to ensure that the *Ministry* records are kept accurate and current with respect to the approved works and to ensure that subsequent owners of the *Works* are made aware of the *Certificate* and continue to operate the *Works* in compliance with it.
4. Condition 4 is included to ensure that the works are constructed, and may be operated and maintained such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented.
5. Condition 5 is included to require that the *Works* be properly operated, maintained, funded, staffed and equipped such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented. As well, the inclusion of a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the owner and made available to the *Ministry*. Such a manual is an integral part of the operation of the *Works*. Its compilation and use should assist the *Owner* in staff training, in proper plant operation and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a benchmark for *Ministry* staff when reviewing the *Owner's* operation of the work.
6. Condition 6 is included to provide a performance record for future references, to ensure that the *Ministry* is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this *Certificate*, so that the *Ministry* can work with the *Owner* in resolving any problems in a timely manner.

*In accordance with Section 100 of the Ontario Water Resources Act, R.S.O. 1990, Chapter 0.40, 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 101 of the Ontario Water Resources Act, R.S.O. 1990, Chapter 0.40, 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:*

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 works are located;

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

*This Notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
2300 Yonge St., Suite 1700  
P.O. Box 2382  
Toronto, Ontario  
M4P 1E4

AND

The Director  
Section 53, *Ontario Water Resources Act*  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

CONTENT COPY OF ORIGINAL

\* 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](http://www.ert.gov.on.ca)

*The above noted sewage works are approved under Section 53 of the Ontario Water Resources Act.*

DATED AT TORONTO this 18th day of July, 2006

Mohamed Dhalla, P.Eng.  
Director  
Section 53, *Ontario Water Resources Act*

FP/  
c: District Manager, MOE Niagara  
Errol Dube, Vanbots Construction Corporation