



Ministry
of the
Environment

Ministère
de
l'Environnement

PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER 7937-6KSP87
Issue Date: January 18, 2006

B&R Processing Ltd.
15 Roxboro Road
Cambridge, Ontario
N1R 7Y7

Site Location: 15 Roxboro Road
Cambridge City, Regional Municipality of Waterloo
N1R 7Y7

You have applied in accordance with Section 27 of the Environmental Protection Act for approval of:

a Waste Disposal Site for the crushing of used oil filters from automobiles. The Site is approved to store up to 100 tonnes of crushed oil filters and is approved for one (1) indoor storage tank containing used oil resulting from the crushing of automobile oil filters.

to be used for the transfer and processing of the following types of waste:

spent oil filters of Waste Class 252 as described in the New Ontario Waste Classes, January 1986 or as amended.

Note: Use of the site for any other type of waste is not approved under this Certificate, and requires obtaining a separate approval amending this Certificate.

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

1. DEFINITIONS

- (a) "**Certificate**" means this entire *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) "**Domestic Waste**" means household residential waste;
- (e) "**EPA**" means *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;
- (f) "**Indoors**" means the transfer facility will be enclosed from the natural environment and will include a roof, solid walls, and doors.
- (g) "**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 and includes its successors or assigns;
- (h) "**Owner**" means any person that is responsible for the establishment or operation of the site being approved by this *Certificate*, and includes B&R Processing Ltd., its successors and assigns;
- (i) "**OWRA**" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O-40, as amended

from time to time;

(j) "**PA**" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amend from time to time;

(k) "**Provincial 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*.

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

(m) "**Site**" means the entire waste disposal site, located at 15 Roxboro Road, Cambridge City, Regional Municipality of Waterloo, approved by this *Certificate*.

(n) "**Trained personnel**" means knowledgeable in the following through instruction and/or practice:

- a. relevant waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the waste to be handled;
 - c. occupational health and safety concerns pertaining to the processes and wastes to be handled;
 - d. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for refusal of unacceptable waste loads;
- h. the requirements of this *Certificate*.

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

TERMS AND CONDITIONS

GENERAL

Compliance

2. The *Owner* and/or *Operator* shall ensure compliance with all the conditions of this *Certificate* and shall ensure that any person authorized to carry out work on or operate any aspect of the *Site* is notified of this *Certificate* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
3. Any person authorized to carry out work on or operate any aspect of the *Site* shall comply with the conditions of this *Certificate*.
4. Except as otherwise provided by this *Certificate*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the application for this *Certificate*, dated September 7, 2005, and the supporting documentation listed in Schedule "A".

Interpretation

5. Where there is a conflict between a provision of any document, including the application, referred to in this *Certificate*, and the conditions of this *Certificate*, the conditions in this *Certificate* shall take precedence.
6. Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.

7. Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.

8. 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.

Other Legal Obligations

9. The issuance of, and compliance with the conditions of, this *Certificate* does not:

- a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
- b. limit in any way the authority of the *Ministry* to require certain steps be taken or to require the *Owner* and/or *Operator* to furnish any further information related to compliance with this *Certificate*.

Adverse Effects

10. The Owner and/or Operator shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the *Site*, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

11. Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Certificate the person remains responsible for any contravention of any other condition of this *Certificate* or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

Change of Owner

12. The Company shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:

- (a) change of Company or operator of the Site or both;
- (b) change of address or address of the new Company;
- (c) change of partners where the Company or operator is or at any time becomes a partnership, and a copy of the most recent declaration filed under the **Business Names Act**, 1991 shall be included in the notification to the Director;
- (d) any change of name of the corporation where the Company or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the **Corporations Information Act** shall be included in the notification to the Director; and
- (e) change in directors or officers of the corporation where the Company or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 9(d), supra.

13. No portion of this *Site* shall be transferred or encumbered prior to or after closing of the *Site* unless the *Director* is notified in advance and sufficient financial assurance is deposited with the *Ministry* to ensure that these conditions will be carried out. In the event of any change in *Ownership* of the *Site*, other than change to a successor municipality, the *Owner* shall notify the successor of and provide the successor with a copy of this *Certificate*, and the Owner shall provide a copy of the notification to the *District Manager* and the *Director*.

Financial Assurance

14. Within 30 days of the date of this Certificate of Approval, Financial Assurance shall be provided, in an amount and form as required by the Director, to pay for compliance with and performance of any action specified in this *Certificate*, including the site clean-up, monitoring and disposal of all quantities of waste on-site, closure and post-closure care of the *Site* and contingency plans for the *Site*.

15. A written report reviewing the financial assurance required by the conditions in this *Certificate* shall be submitted to the *Director* and the *District Manager* by March 31, 2007, and shall be updated and submitted annually on the anniversary date and shall include updates of the discount, interest and inflation rates associated with the requirements for financial assurance in this *Certificate* including justifications and sources of the proposed rates.

16. 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 60 days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

Inspections

17. No person shall hinder or obstruct a *Provincial Officer* in the performance of their duties, including any and all inspections authorized by the *OWRA*, the *EPA* or the *PA* of any place to which this *Certificate* relates, and without limiting the foregoing to:

a. enter upon the premises where the *Site* is located, or the location where the records required by the conditions of this *Certificate* are kept;

b. have access to, inspect, and copy any records required by the conditions of this *Certificate*;

c. inspect the practices, procedures, or operations required by the terms conditions of this *Certificate*; and

d. sample and monitor for the purposes of assessing compliance with the conditions of this *Certificate* or the *EPA*, the *OWRA* or the *PA*.

Information and Record Retention

18. Any information requested by the *Ministry*, including but not limited to any records required to be kept by this *Certificate* shall be provided to the *Ministry*, upon request. Records shall be retained for 5 years except for as otherwise authorized in writing by the *Director*.

19. The receipt of any information by the *Ministry* or the failure of the *Ministry* to prosecute any person or to require any person to take any action, under this *Certificate* or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

a. an approval, waiver, or justification by the *Ministry* of any act or omission of any person that contravenes any term or condition of this *Certificate* or any statute, regulation or other legal requirement; or

b. acceptance by the *Ministry* of the information's completeness or accuracy.

OPERATION and MAINTENANCE

Operation

20. The *Site* shall be operated and maintained at all times including management and disposal of all waste in accordance with the *EPA*, *Regulation 347* and the conditions of this *Certificate*. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

Vermin, etc.

21. The *Site* shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance.

Waste Type

22. Only the following types of waste shall be accepted at the *Site*:

a) Used oil filters of containing Waste Class 252 as described in the New Ontario Waste Classes, January 1986 or as amended.

b) No Domestic waste may be accepted at the site

Waste Limits

23. No more than 100 tonnes of waste per day shall be accepted at the *Site*.

24. No more than 100 tonnes of waste shall be stored or be present on-site at any time. If for any reason waste cannot be transferred from the site, the *Site* must cease accepting waste.

25. The used oil tank must have secondary containment measures in place prior to storing used oil. Upon final construction of the facility, the Company shall submit as-built drawings to the Director for approval which include all secondary containment measures.

Service Area

26. Only waste that is generated in Ontario shall be accepted at the *Site*.

Hours of Operation

27. Waste may be processed at the Site Monday-Friday, 7am to 9pm, and Saturday from 8am-4pm.

Site Security

28. The *Site* shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the *Site*.

Waste Inspection

29. All waste shall be inspected by *Trained personnel* prior to being accepted at the *Site* to ensure that the waste is of a type approved for acceptance under this *Certificate*.

30. In the event that a load of waste is refused, a record shall be made in the daily log book of the reason the waste was refused and the origin of the waste, if known.

Site Inspection

31. An inspection of the entire *Site* and all equipment on the *Site* shall be conducted each day the *Site* is in operation to ensure that: the *Site* is secure; that the operation of the *Site* is not causing any nuisances; that the operation of the *Site* is not causing any adverse effects on the environment and that the *Site* is being operated in compliance with this *Certificate*. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the *Site* if needed.

32. A record of the inspections shall be kept in the daily log book that includes the following information:

a. the name and signature of person that conducted the inspection;

- b. the date and time of the inspection;
- c. a list of any deficiencies discovered;
- d. any recommendations for remedial action; and
- e. the date, time and description of actions taken.

Training Plan

33. A training plan shall be developed and maintained for all employees that operate the *Site*. Only *Trained personnel* may operate the *Site* or carry out any activity required under this *Certificate*.

34. The *Owner* shall ensure that *Trained personnel* as per Condition 33 are available at all times during the hours of operation of this *Site*. *Trained personnel* shall supervise all transfer of waste material at the *Site*.

Complaint Response

35. (a) If at any time, the *Owner* receives complaints regarding the operation of the *Site*,

the *Owner* shall record and number each complaint, either electronically or in a separate log book, and shall include the following information:

- i. the nature of the complaint,
 - ii. if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
 - iii. the name, address and the telephone number of the complainant (if provided); and
- iv. the time and date of the complaint.

(b) The *Owner*, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant (if known) and District Manager.

(c) The *Owner* shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

Emergency Response Plan

36. Within 3 months of the date of this *Certificate*, an Emergency Response Plan shall be developed and implemented for the *Site*. The Plan shall include, but is not necessarily limited to:

- a. emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods for each different type of waste the site is approved to accept;
- b. a list of equipment and spill clean up materials available in case of an emergency; and
- c. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the site, the Ministry's District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.

37. The Emergency Response Plan shall be kept up to date, and a copy shall be retained in a central location on the Site and shall be accessible to all staff at all times. Changes to the Emergency Response Plan shall be submitted to the *District Manager*.

38. A copy of the Emergency Response Plan shall be submitted to the to the *Director* for approval with a copy to the *District Manager*, the local Municipality and the Fire Department.

39. The equipment, materials and personnel requirements outlined in the Emergency Response Plan shall be immediately available on the *Site* at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.

40. All staff that operate the site shall be fully trained in the use of the contingency and emergency response plan, and in the procedures to be employed in the event of an emergency.

41. The *Owner* shall immediately take all measures necessary to contain and clean up any spill or leak which may result from the operation of this Site and immediately implement the emergency response plan if required.

Closure Plan

42. A *Closure Plan* shall be submitted to the *Director* for approval at least four (4) months prior to the closure of the Site. The *Closure Plan* must include, at a minimum, a description of the work that will be done to facilitate closure of the *Site* and a schedule for completion of that work

43. The *Site* shall be closed in accordance with the approved *Closure Plan*.

44. Within 10 days after closure of the *Site*, the Owner shall notify the Director, in writing, that the Site is closed and that the approved Closure Plan has been implemented.

Design and Operations Report

45. The Design and Operations Report shall be retained at the Site; kept up to date through periodic revisions; and be available for inspection by *Ministry* staff. Changes to the Design and Operations Report shall be submitted to the *Director* for approval.

Signs

46. A sign shall be posted and maintained at the main entrance/exit to the site displaying in a manner that is clear and legible and contains the following information:

1. the name of the Site and Owner;
2. the number of this Certificate;
3. the name of the operator (if different than Owner);
4. the normal hours of operation;
5. the allowable and prohibited waste types;
6. a telephone number to which complaints may be directed;
7. a twenty-four (24) hour emergency telephone number (if different from above);
8. a warning against dumping outside the Site;

47. All activities related to the unloading, loading, transfer and storage of waste shall be conducted indoors at all times.

48. During the unloading/loading of waste materials, all vehicles shall be positioned such that the waste and waste material are unloaded/loaded within the confines of the building;

Daily Log Book

49. A daily log shall be maintained in written format and shall include the following information:

- a. date;
- b. types, quantities and source of waste received;
- c. quantity of unprocessed, processed and residual waste on the *Site*;
- d. quantities and destination of each type of waste shipped from the *Site*;
- e. a record of daily inspections required by this *Certificate*;
- f. a record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, and for spills, the time that the *Ministry* and other persons were notified of the spill in fulfilment of the reporting requirements in the *EPA*;
- g. a record of any waste refusals which shall include; amounts, reasons for refusal and actions taken; and
- h. the signature of the *Trained Personnel* conducting the inspection and completing the report.

Annual Report:

50. By March 31, 2007, and on an annual basis thereafter, the Company shall prepare and retain on-site an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:

- a. a detailed monthly summary of the type and quantity of all wastes received and transferred from the Site, including the destination of the waste;
- b. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- c. a statement as to compliance with all Conditions of this Provisional Certificate of Approval and with the inspection and reporting requirements of the Conditions herein;
- d. a summary of any complaints that were received as a result of the operation of this Site, and a summary of mitigative action taken to resolve the complaint; and
- e. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

Schedule "A"

This Schedule "A" forms part of this Certificate:

1. Application for Approval of a Waste Disposal Site from B & R Processing Ltd, dated September 7, 2005, and all supporting documentation.
2. Email dated January 4, 2006 from Ryan Jantzi, Consultant, B & R Processing Ltd. to A. Mobberley, MOE. re: additional design and operations information.
3. Email dated January 11, 2006 from Ryan Jantzi, Consultant, B & R Processing Ltd. to A. Mobberley, MOE. re: additional design and operations information.

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

1. *The reason for Condition 1 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 2, 3, 5, 6, 7, 8, 9, 10, 11, 18 and 19 is to clarify the legal rights and responsibilities of the Owner and Operator.*
3. *The reason for Conditions 4 and 45 is to ensure that the Site is operated in accordance with the application and supporting documentation submitted by the Company, and not in a manner which the Director has not been asked to*

consider.

4. *The reasons for Condition 12 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.*
5. *The reasons for Condition 13 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Certificate of Approval.*
6. *The reason for Condition 14, 15 and 16 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.*
7. *The reason for Condition 17 is to ensure that appropriate Ministry staff have ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Certificate of Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.*
8. *The reason for Conditions 20, 21, 25, 31, 41, 47, and 48 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.*
9. *The reasons for Conditions 22, 23, 24, and 26 are to specify the approved service area from which waste may be accepted at the Site, the types of waste that may be accepted at the Site, the amounts of waste that may be stored at the Site and the maximum rate at which the Site may receive waste based on the Company's application and supporting documentation.*
10. *The reason for Conditions 27 is to specify the hours of operation for the Site.*
11. *The reasons for Condition 28 is to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.*
12. *The reason for Conditions 29 and 30 is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed in accordance with O. Reg. 347, R.R.O. 1990 and in a manner that protects the health and safety of people and the public.*
13. *The reason for Condition 32 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.*
14. *The reason for Condition 33 and 34 is to ensure that the Site is operated by properly Trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person.*
15. *The reason for Condition 35 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.*
16. *The reasons for Conditions 36, 37, 38, 39 and 40 is to ensure that an Emergency Response Plan is developed and maintained at the Site and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.*
17. *The reasons for Condition 42, 43 and 44 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.*
18. *The reason for Condition 46 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Certificate of Approval.*
19. *The reasons for Condition 49 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Certificate of Approval, the EPA and its regulations.*

CONTENT COPY OF ORIGINAL

20. The reasons for Condition 50 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

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, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, S.O. 1993, Chapter 28, the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. 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:

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., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

AND

The Environmental Commissioner
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director
Section 9, *Environmental Protection Act*
Ministry of Environment and Energy
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

This instrument is subject to Section 38 of the Environmental Bill of Rights, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ene.gov.on.ca, you can determine when the leave to appeal period ends.

The above noted waste disposal site is approved under Section 9 of the *Environmental Protection Act*.

DATED AT TORONTO this 18th day of January, 2006

Greg Washuta, P.Eng.
Director
Section 39, *Environmental Protection Act*

AM/
c: District Manager, MOE Guelph
Ryan Jantzi, B&R Processing Ltd.