



Ministry
of the
Environment

Ministère
de
l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A7009701

Ontario

Her Majesty the Queen in Right of Ontario as represented by the Minister of Natural Resources
3301 Trout Lake Road
North Bay, Ontario
P1A 4L7

Site Location: Barr Township waste site
Lot 9, Concession 5
Barr Unorganized Township, District of Timiskaming

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

The use and operation of a Waste Disposal Site (Landfill) within a total site area of 40 hectares.

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

A. Definitions:

- (1) (a) "Act" means the **Environmental Protection Act**, R.S.O. 1990, C. E-19 as amended;
- (b) "Certificate" means Provisional Certificate of Approval No. 2751-5ERK84;
- (c) "Owner" and "Applicant" both mean the Ontario Ministry of Natural Resources;
- (d) "Director" means the person(s) designated pursuant to Section 5 of the **Environmental Protection Act** for the purposes of administering Part V of the Act;
- (e) "District Manager" means the District Manager, Timmins District Office, Ontario Ministry of Environment;
- (f) "Municipal Waste" is as defined in Ontario Regulation 347, R.R.O.1990;
- (g) "Ministry" and "MOE" means the Ontario Ministry of Environment;
- (h) "O. Reg. 347" means Ontario Regulation 347(General - Waste Management Regulation), R.R.O. 1990, as amended; and
- (i) "Site" means the operation being approved under this Provisional Certificate of Approval, located at Lot 9, Concession 5, The Township of Barr, District of Timiskasing.

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

TERMS AND CONDITIONS

B. General

- (2) Except as otherwise provided by these conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the Application for a Certificate of Approval for a Waste Disposal Site dated July 8, 2002, and supporting documentation, and plans and specifications listed in

Schedule "A".

(3) The requirements specified in this Provisional Certificate of Approval are the requirements under the **Environmental Protection Act**, R.S.O. 1990. The issuance of this Provisional Certificate of Approval in no way abrogates the Applicant's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation and regulations.

(4) The requirements of this Provisional Certificate of Approval are severable. If any requirement of this Provisional Certificate of Approval, or the application of any requirement of this Provisional Certificate of Approval to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Provisional Certificate of Approval shall not be affected in any way.

(5) The Owner shall ensure compliance with all the terms and conditions of this Provisional Certificate of Approval. Any non-compliance constitutes a violation of the **Environmental Protection Act**, R.S.O. 1990 and is grounds for enforcement.

(6) (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such persons with respect to compliance with this Provisional Certificate of Approval, including but not limited to, any records required to be kept under this Provisional Certificate of Approval; and

(b) In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this Provisional Certificate of Approval (for the purposes of this condition referred to as "Information"),

(i) the receipt of Information by the Ministry;

(ii) the acceptance by the Ministry of the Information's completeness or accuracy; or

(iii) the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this Provisional Certificate of Approval or any statute or regulation in relation to the Information;

shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Provisional Certificate of Approval or any statute or regulation.

(7) The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:

(a) carry out any and all inspections authorized by Section 156, 157 or 158 of the **Environmental Protection Act**, R.S.O. 1990, Section 15, 16 or 17 of the **Ontario Water Resources Act**, R.S.O. 1990, or Section 19 or 20 of the **Pesticides Act**, R.S.O. 1990, as amended from time to time, of any place to which this Provisional Certificate of Approval relates; and,

without restricting the generality of the foregoing, to:

(b) (i) enter upon the premises where the records required by the conditions of this Provisional Certificate of Approval are kept;

(ii) have access to and copy, at reasonable times, any records required by the conditions of this Provisional Certificate of Approval;

(iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Provisional Certificate of Approval; and

(iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Provisional Certificate of Approval.

(8) (a) Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Provisional Certificate of Approval, the conditions in this Provisional Certificate of Approval shall take precedence; and

(b) Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.

(9) The Owner shall ensure that all communications/correspondence made pursuant to this Provisional Certificate of Approval includes reference to the Provisional Certificate of Approval number.

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

(a) change of owner or operator of the Site or both;

(b) change of address or address of the new owner;

(c) change of partners where the Owner 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 Owner 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 Owner 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 10(d), supra.

(11) In the event of any change in ownership of the Site, the Owner shall notify, in writing, the succeeding owner of the existence of this Provisional Certificate of Approval, and a copy of such notice shall be forwarded to the Director.

(12) Any information relating to this Provisional Certificate of Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the **Freedom of Information and Protection of Privacy Act**, R.S.O. 1990, C. F-31.

(13) All records and monitoring data required by the conditions of this Provisional Certificate of Approval must be kept on the Owner's premises for a minimum period of two (2) years from the date of their creation.

D. Site Operations

(14) The Site shall only accept domestic waste.

(15) The Site may accept waste twenty-four (24) hours a day and seven (7) days a week.

(16) The Site shall be maintained in a secure manner, such that unauthorized persons cannot enter.

(17) The Owner shall ensure that the Site is operated in a manner which minimizes the impacts of vermin, vectors, litter, dust, odour and noise on the environment and public.

(18) Within sixty (60) days issuance of this Notice, the Owner shall submit to the Director, for approval, a capacity assessment of the waste currently landfilled on-site. This assessment shall include a site plan which denotes the current footprint of the landfill, the areas in which waste is landfilled, the final capacity planned for the landfilling of waste, including interim and final cover, and the estimated remaining lifespan of the Site.

D. Spill Reporting

(19) The Owner shall promptly take all necessary steps to contain and clean up any spills which result from the operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-

800-268-6060 and shall be recorded in a written log or an electronic file format as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

E. Complaint Response Procedure

(20) If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:

- (a) The Owner shall record each complaint on a formal complaint form entered in a sequentially numbered log book. The information recorded shall include the nature of the complaint, the name, address and the telephone number of the complainant and 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; and
- (c) The Owner shall retain at the District Office of the Ministry of Natural Resources in North Bay, a report written within three (3) weeks 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 re-occurrence of similar incidents.

F. Equipment and Facility Inspection

(21) The Owner must conduct regular inspections of the equipment and facilities to ensure that all equipment and facilities at the Site are maintained in good working order at all times. Any deficiencies detected during these regular inspections must be promptly corrected. A written record must be maintained, which includes the following:

- (a) name and signature of trained personnel conducting the inspection;
- (b) date and time of the inspection;
- (c) list of equipment inspected and all deficiencies observed;
- (d) a detailed description of the maintenance activity;
- (e) date and time of maintenance activity; and
- (f) recommendations for remedial action and actions undertaken.

G. Closure Plan

(22) (a) The Owner must submit, for approval by the Director, a written Closure Plan for the Site four (4) months prior to closure of the Site. This plan must include, as 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; and

(b) Within ten (10) days after closure of the Site, the Owner must notify the Director, in writing, that the Site has been closed in accordance with the approved Closure Plan.

Schedule "A"

This Schedule "A" forms part of Provisional Certificate of Approval No. 2751-5ERK84.

(1) Application for a Certificate of Approval for a Waste Disposal Site dated August 30th, 1971 and signed by J. E. Rumney, Chief Forest Ranger.

(2) Letter dated May 7, 2002 from Greg Gillespie, Temagami Area Supervisor, North Bay District, Ministry of Natural

CONTENT COPY OF ORIGINAL

Resources to Larry McCormack, Provincial Officer, North Bay Area Office, Ministry of Environment. Re: Request for Administrative Amendment to Certificate of Approval.

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

The reason for Condition (1) is to define the common terms used in this Certificate.

The reason for Conditions (2), (14) and (15) is to ensure that the site is operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

The reason for Conditions (3), (4), (7), (8), (9), (10), (11), (12) and (13) is to clarify the legal rights and responsibilities of the Owner.

*The reason for Conditions (5) and (6) is to ensure that the appropriate Ministry staff have ready access to information and the operations of the Site which are approved under this Certificate. Condition (6) is supplementary to the powers of entry afforded a Provincial Officer pursuant to the **Environmental Protection Act**, the **Ontario Water Resources Act** and the **Pesticides Act**, as amended.*

The reason for Conditions (16), (17), (18) and (21) 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.

The reason for Condition (19) is to ensure that staff notify the Ministry forthwith of any spills as required in Part X of the Act so that appropriate spills response can be determined.

The reason for Condition (20) is to ensure that complaints are properly and quickly resolved, and that the complaints and follow-up actions have been documented.

The reason for Condition (22) 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.

This Provisional Certificate of Approval revokes and replaces Certificate(s) of Approval No. A7009701 issued on January 2, 1980

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:

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:

CONTENT COPY OF ORIGINAL

The Secretary*
Environmental Review Tribunal
2300 Yonge St., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

AND

The Director
Section 39, *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**

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

DATED AT TORONTO this 6th day of November, 2003

Ian Parrott, P.Eng.
Director
Section 39, *Environmental Protection Act*

DL/

c: District Manager, MOE North Bay
Greg Gillespie, A/Temagami Area Supervisor, North Bay District, Her Majesty the Queen in Right of Ontario as represented by the Minister of Natural Resources