CRM Holdings ULC
150 Garden Avenue
Brantford, Ontario N3S 7W4

Site Location: Crumb Rubber Manufacturers Ontario Plant
150 Garden Ave PT LT 42, CON 4, PT1, Reference Plan 2R3123
Brantford City, ON
N3S 7W4

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

a waste disposal site with a total site area of 4.16 hectares

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

used tires

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:

(a) “Act” means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;

(b) “Certificate” means this entire provisional Certificate of Approval document, issued in accordance with section 39 of the Act, and includes any Schedules to it, the application and the supporting documentation listed in Schedule "A";

(c) “crumb rubber” has the same meaning as defined in Ontario Regulation 347;

(d) “Director” means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the Act as a Director for the purposes of Part V of the Act;

(e) “District Manager” means the District Manager of the Guelph District Office, Ontario Ministry of the Environment;

(f) "District Office" means the Guelph District Office, Ontario Ministry of the Environment;

(g) “Ministry” and “MOE” means the Ontario Ministry of the Environment;

(h) “OWRA” means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;

(i) “Ontario Regulation 347” means Ontario Regulation 347, R.R.O. 1990, General - Waste Management, made under the Act, as amended from time to time;

(j) “Owner” or "Company" means any person that is responsible for the establishment or operation of the Site being
approved by this Certificate, and includes CRM Holdings ULC, its successors and assigns;

(k) “PA” means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;

(l) "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 Act or section 17 of PA;

(m) "processed material" means crumb rubber, mulch, tire fibre and scrap steel generated after whole used tires have gone through the Owner's processing operation, and are destined for an end user;

(n) “residual waste” means waste components that are generated after whole used tires have gone through the Owner's processing operation, and are destined for re-use or final disposal at a ministry approved facility;

(o) "Site" means the property located at 150 Garden Avenue, City of Brantford, approved by this Certificate;

(p) "Used Tires" means tires that are used and have not been refurbished for road use.

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

**TERMS AND CONDITIONS**

1.0 Compliance

1.1 The Owner 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.

1.2 Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Certificate.

2.0 In Accordance

2.1 Except as otherwise provided for in this Certificate, the Site shall be designed, developed, built, operated and maintained in accordance with the application for a Certificate of Approval for a Waste Disposal Site dated August 31, 2010, and the supporting documentation listed in Schedule “A”.

3.0 Interpretation

3.1 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.

3.2 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.

3.3 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.

3.4 The conditions of this Certificate are severable. If any condition of this Certificate, or the application of any condition of this Certificate to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Certificate shall not be affected thereby.

4.0 Other Legal Obligations

4.1 The issuance of, and compliance with, 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 to furnish any further information related to compliance with this Certificate.

4.2 All wastes at the Site shall be managed and disposed in accordance with the Act and Ontario Regulation 347.

4.3 The Owner shall ensure that:

(a) all equipment discharging to air operating at the Site are approved under Section 9 of the Act; and
(b) all effluent is discharged in accordance with OWRA.

5.0 Adverse Effect

5.1 The Owner 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.

5.2 Despite an Owner 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.

6.0 Change of Owner

6.1 The Owner shall notify the Director, in writing, and forward a copy of the notification to the District Manager, within 30 days of the occurrence of any changes in the following information:

(a) the ownership of the Site;
(b) the name or address of the Owner;
(c) the 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. B.17, shall be included in the notification;

6.2 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.

6.3 In the event of any change in Ownership of the works, 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.

7.0 Financial Assurance

7.1 (a) Within twenty (20) days of the issuance date of this Certificate, the Owner shall submit financial assurance in the amount of ninety-seven thousands dollars ($CDN 97,000.00). This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the loading, transportation and disposal of all quantities of waste on-site at any one time, clean-up of the Site and a contingency fee;

(b) Commencing on March 1st, 2014, and every three (3) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 7.1(a). The financial assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director;

(c) Commencing on March 1st, 2012, 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 7.1(a) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 7.1(b). The re-evaluation shall be made available to the Ministry, upon request.

(d) The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion; and

(e) 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 Company shall forthwith replace the financial assurance with cash.

8.0 Inspections

8.1 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the Act, or the PA, of any place to which this Certificate relates, and without limiting the foregoing:

(a) to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this Certificate are kept;
(b) to have access to, inspect, and copy any records required to be kept by the conditions of this Certificate;
(c) to inspect the Site, related equipment and appurtenances;
(d) to inspect the practices, procedures, or operations required by the conditions of this Certificate; and
(e) to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Certificate or the Act, the OWRA or the PA.

9.0 Information and Record Retention

9.1 Any information requested, by the Ministry, concerning the Site and its operation under this Certificate, including but not limited to any records required to be kept by this Certificate shall be provided to the Ministry, upon request, in a timely manner.

9.2 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.

9.3 Any information relating to this Certificate 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.

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

10.0 Approved Waste & Service Area

10.1 This Site is approved to accept used tires from within the Province of Ontario.

10.2 Notwithstanding Condition 10.1, the Site shall not accept used tires from a facility in Ontario which received the used tires from outside the Province of Ontario.

11.0 Hours of Operation

11.1 This Site is approved to receive used tires between the hours of 7:00am and 7:00pm, Monday to Saturday and to operate twenty-four (24) hours each day, seven (7) days a week.
12.0 Approved Waste Quantity, Processes and Storage

12.1 The Owner is approved to shred, grind and process used tires at the Site to generate crumb rubber, tire shred, fibre and scrap steel.

12.2 (a) The total amount of used tires which may be received at this Site each day (Monday to Saturday) shall not exceed 350 tonnes.

(b) Notwithstanding Condition 12.2(a), the total amount of used tires which may be received at this Site each year shall not exceed 72,000 tonnes.

12.3 The total amount of used tires and tire shred which may be on the Site, at any one time, shall not exceed 4,844 tonnes.

12.4 The Owner shall ensure that the same used tires shall not be stored at the site for over 30 days.

12.5 (a) The total amount of residual waste which may be on the Site, at any one time, shall not exceed 31 tonnes;

(b) Residual waste shall be stored in a bin on the Site, and shall be transferred off-site in accordance with the Act and Ontario Regulation 347.

12.6 (a) All processing activities must be conducted indoors at all times at the site.

(b) The outside storage of used tires, and tire shred may be contained in enclosed containers and/or screened from public view and be no higher than 3 meters (10 feet).

12.7 (a) The Owner shall ensure that all waste is visually inspected prior to acceptance at the Site to ensure that the Site is approved to receive the waste;

(b) If any incoming waste load is known to, or is discovered to, contain unacceptable waste, that load shall not be accepted at the Site; and

(c) If any unacceptable waste is discovered on the Site, that waste shall immediately be disposed of in accordance with the Act and Ontario Regulation 347.

12.8 Under no circumstances shall burning or incineration of any material be allowed at this Site.

12.9 The Owner shall provide dust control measures during plant activities.

12.10 (a) The Site shall at all times be maintained and operated in accordance with the provisions of the Fire Code, as they may be amended from time to time;

(b) If for any reason it becomes impossible to fully comply with both the Fire Code and this Certificate, due to incompatible requirements, the Owner shall notify the District Manager, in writing, of the reasons why the requirements can not be met; and

(c) If an Official of the local Fire Department or the Fire Marshall’s Office authorizes a procedure, practice or plan not set out in detail in the Fire Code or issues an order, the Owner shall provide a copy of the procedure, practice, plan or order to the District Office, forthwith.

13.0 Signage and Security

13.1 The Site must be maintained in a secure manner, such that unauthorized vehicles cannot enter the Site.

13.2 A sign shall be installed and maintained each at the main entrance/exit and north & south gates to the Site on which is legibly displayed the following minimum information:

(a) the name of the Site and Owner;
(b) the number of the Certificate; and
(c) a twenty-four (24) hour telephone number to reach the Owner in the event of an emergency or complaint.

14.0 Nuisance Control

14.1 The Owner must ensure that the Site is operated in a manner which minimizes the impacts of odour, dust, litter, noise and traffic on the environment and the public. Any off site adverse impacts arising from the operation of this Site must be addressed by the Owner to the satisfaction of the District Manager.

14.2 If at any time vectors or vermin become a nuisance, the Owner shall hire a qualified, licensed pest control professional to design and implement a pest control plan for the Site. The pest control plan shall then remain in place until the Site has been closed and this Certificate has been revoked.

14.3 (a) The Owner shall take all practical steps to prevent the escape of litter from the Site; and
(b) The Owner shall pick up litter at the Site on a daily basis.

14.4 The Owner shall ensure that there is no queuing or parking of vehicles that are waiting to enter this Site on any roadway that is not a distinct part of this Site. The Owner shall ensure that there is no unnecessary idling of vehicles at any time, while on the Site.

14.5 The Owner shall ensure that the exterior of all vehicles leaving this Site are clear of debris and that vehicles do not drag out onto streets waste, dirt or other contaminants.

15.0 Stormwater Management

15.1 The Owner shall manage all discharges from the Site, including stormwater run-off, in accordance with appropriate Municipal, Provincial and/or Federal legislation, regulation and by-laws.

16.0 Site Inspections and Maintenance

16.1 (a) The Owner or a trained employee shall conduct a visual inspection of the following areas of the Site daily to ensure security and cleanliness and that all equipment and facilities are in good working order:

   i. loading/unloading areas;
   ii. processing areas;
   iii. storage areas;
   iv. security fence, gate(s) and property line.

(b) Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the Site if needed.

16.2 Within 30 days of this Certificate's approval date, the Owner shall develop and implement a preventative maintenance program for all on-site equipment associated with the processing and managing of waste. The preventative maintenance program shall be available on Site for inspection by a Provincial Officer upon request.

16.3 The Owner shall inspect spill clean-up equipment on a quarterly basis.

17.0 Spills and Emergency Response and Reporting

17.1 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation.

17.2 All spills, as defined in the Act, shall be immediately reported to the Ministry's Spill Action Centre at 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 action taken for clean-up, correction and prevention of future occurrences.
17.3 (a) Prior to the commencement of operations at the Site, the Owner shall have in place a completed Contingency and Emergency Response Plan for the operation of the Site that has been reviewed and approved by the Brantford Fire Department. The Plan shall include, but is not necessarily limited to:

i. emergency response procedures to be undertaken in the event of a spill, process upset, fire or medical emergency;

ii. a list of contingency equipment and spill clean up materials, including names and telephone numbers of waste management companies available for emergency response; and,

iii. a notification protocol with names and telephone numbers of persons to be contacted, including Company personnel, the Ministry of Environment District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour.

(b) A copy of the contingency and emergency response plan shall be kept in a central location available to all staff;

(c) The Owner shall ensure that:

i. the equipment and materials outlined in the contingency and emergency response plan are in a good state of repair, fully operational and immediately available to staff; and

ii. all staff are fully trained in the equipment and materials' use and in the procedures to be employed in the event of an emergency.

(d) The Owner shall review the contingency and emergency response plan on an annual basis and at a minimum ensure that the contact names and telephone numbers listed in the plan are up-to-date.

18.0 Training of Employees

18.1 The Owner shall ensure that all employees are trained, through instruction and hands-on practise, and receive periodic refresher training, with respect to the following:

(a) terms, conditions and operating requirements of this Certificate, relevant waste management legislation and regulations, including the Act and Ontario Regulation 347;

(b) operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual employee, and which may include procedures for receiving, refusing, handling/processing and temporarily storing wastes;

(c) operation of processing equipment relevant to the employees job function including safety and maintenance requirements;

(d) shipping and record keeping procedures, if such functions fall within the job requirements of an individual staff person;

(e) an outline of the responsibilities of Site employees including roles and responsibilities during emergencies and spills;

(f) the emergency response plan including exit locations and evacuation routing, and location of relevant equipment available for emergencies and spills;

(g) environmental, and occupational health and safety concerns pertaining to the wastes to be transferred;

(h) emergency first-aid information;

(i) recording procedures as required under Condition 20;

(j) equipment and site inspection procedures, as required under Condition 16;

(k) nuisance impact control procedures, as required under Condition 14; and

(l) procedures for recording and responding to public complaints.

19.0 Complaints

19.1 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 and number each complaint, either electronically or in a log book, and shall include the following information:

   (i) the nature of the complaint,
   (ii) the name, address and the telephone number of the complainant if the complainant will provide this information; and
   (iii) 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 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.

20.0 Record Keeping

20.1 Daily records shall be maintained at the Site which shall include, but not be limited to, the following:

   (a) date of record;
   (b) hauler, source and total daily quantity of used tires received;
   (c) quantities of used tires and residual waste stored on the Site;
   (d) quantities and destination of processed material and residual waste shipped from the Site;
   (e) details of any refusal of waste shipments and the reason(s) for refusal;
   (f) a description of any out-of-service period of any control, treatment or processing equipment, the reasons for the loss of service, and action taken to restore and maintain service.

20.2 The information required by Condition 20.1 shall be maintained by the Owner in a format which can easily be retrieved for inspection by a Provincial Officer upon request.

20.3 The Owner shall maintain a written record at the Site of the training required under Condition 19.1, which shall include at a minimum:

   (a) date of training;
   (b) name and signature of person who has been trained; and
   (c) description of the training provided.

20.4 The Owner shall maintain a record of the inspections required under Condition 16.1 including, but not limited to:

   (a) the name and signature of person that conducted the inspection;
   (b) the date and time of the inspection;
   (c) a description of the area of the facility or equipment that was inspected;
   (d) a description of any deficiencies discovered;
   (e) the recommendations for remedial action; and
   (f) the date, time and description of actions taken.

20.5 The Owner shall maintain a written record of maintenance conducted in accordance with Condition 16.2. The record shall include, as a minimum, the following:

   (a) name, title and signature of the person conducting the maintenance;
   (b) time and date of maintenance conducted; and
   (c) a description of the maintenance work conducted.
21.0 Annual Report

21.1 By March 1st, 2012 and on an annual basis thereafter, the Owner shall prepare, and retain at the Site, an annual report covering the previous calendar year. The annual report shall include but not be limited to the following:

(a) a monthly summary of the quantity (in tonnes) of used tires received for processing at the Site including the monthly average daily and the maximum daily quantities;
(b) a monthly summary of the quantity (in tonnes) of processed and residual waste transferred from the Site;
(c) a description of any operational problems encountered at the Site including any complaints received, written or verbal, concerning the operation of the Site, the nature and circumstances of the complaint, and the action, if any, taken with respect to the complaint;
(d) a statement as to compliance with all Conditions of this Certificate and with the inspection and reporting requirements of the Conditions herein; 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.

22.0 Closure Plan

22.1 (a) Six (6) months prior to the planned closure of this Site, the Owner shall provide to the Director, for written approval, a written Closure Plan for 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;

(b) The Owner shall implement the Closure Plan, after it has been approved, in writing, by the Director.

22.2 Within 10 days after closure of the Site, the Owner shall submit a written report, confirming that the Site has been closed in accordance with the plan, and shall request that the Certificate be revoked.

SCHEDULE "A"

This Schedule "A" forms part of Provisional Certificate of Approval:

(1) Application for a Certificate of Approval for a Waste Disposal Site dated August 31, 2010 and signed by H.Barry Takallou, Ph.D., P.E., President, CRM Holding LLC., including supporting documentation, figures, etc.


(4) Letter dated December 15, 2010 from Amy Burke, Golder Associates to Alan Tan, MOE re: Responses to questions received regarding the proposed CRM Ontario Plant in Brantford.

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

The reason for Conditions 1.1, 1.2, 4.1, 4.2, 4.3, 5.1, 5.2, 9.2 and 12.10 is to clarify the legal rights and responsibilities of the Owner under this Certificate.

The reason for Conditions 2.1 and 21.1 is to ensure that the Site is designed, operated, monitored and maintained 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 3.1, 3.2, 3.3 and 3.4 is to clarify how to interpret this Certificate in relation to the application and supporting documentation submitted by the Owner.
The reason for Condition 6.1 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval.

The reason for Condition 6.2 is to restrict potential transfer or encumbrance of the Site without the approval of the Director. Any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Certificate.

The reason for Condition 6.3 is to ensure that subsequent owners of the Site are informed of the terms and conditions of this Certificate. This also applies to all supporting documentation listed in Schedule "A".

The reason for Condition 7.1 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.

The reason for Condition 8.1 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. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the Act and OWRA.

The reason for Conditions 9.1, 9.3 and 9.4 is to ensure the availability of records and drawings for inspection and information purposes.

The reasons for Conditions 10.1 and 10.2 are to specify the approved areas from which waste may be accepted at the Site and to specify the type of waste that may be accepted for processing at the Site, based on the Owner’s application and supporting documentation.

The reason for Condition 11.1 is to specify the hours of operation for the Site.

The reasons for Condition 12.1 are to specify the types of processing approved at the Site and to recognize what types of end products/waste result from the operation.

The reason for Conditions 12.2, 12.3, 12.4 and 12.5 is to ensure that the quantities of waste received, generated and stored at the Site are in accordance with that approved under this Certificate.

The reason for Condition 12.6 is to ensure processing of wastes occur indoor and proper outdoor storage, as requested by the City of Brantford.

The reason for Condition 12.7 is to ensure that only waste approved under this Certificate are received at the Site.

The reason for Condition 12.8 is that open burning of the waste is unacceptable because of concerns with air emissions, smoke and other nuisance affects, and the potential fire hazard.

The reason for Condition 12.9, 12.10, 14.1, 14.2, 14.3, 14.4, 14.5, 15.1 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 13.1 is to minimize the risk of unauthorized entry to prevent vandalism.

The reason for Condition 13.2 is to ensure that emergency responders and the public have the necessary contact information in the event of an emergency or complaint.

The reason for Conditions 16.1, 16.2 and 16.3 is to ensure that all equipment and facilities are maintained in good working order.

The reason for Conditions 17.1 and 17.2 is to ensure that the Owner immediately responds to a spill and 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 17.3 is to ensure that the Owner follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site.

The reason for Condition 18.1 is to ensure that the Owner's staff are properly trained in the operation of the equipment used at the Site and emergency response procedures. This will minimize the possibility of negative impacts on the
environment or to public health and safety.

The reason for Condition 19.1 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

The reason for Conditions 20.1, 20.2, 20.3, 20.4 and 20.5 is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Certificate, the Act and its regulations.

The reason for Conditions 21.1 is 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.

The reason for Condition 22.1 and 22.2 is to ensure that the Site is closed in accordance with MOE standards and to protect the health and safety of the environment.

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
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

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

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

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 39 of the Environmental Protection Act.
DATED AT TORONTO this 18th day of January, 2011

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

AT/
c: District Manager, MOE Guelph
Pamela Russell, Golder Associates Ltd.