



**AMENDED PROVISIONAL CERTIFICATE OF APPROVAL
WASTE MANAGEMENT SYSTEM**

NUMBER H-3618-00

Issue Date: October 17, 2008

Ivanhoe Cheese Inc.
11301 Highway 62 North, R.R. 5
Madoc, Ontario
K0K 2K0

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

a processed organic waste (biosolids) management system serving:

the Province of Ontario

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

- (i) “**Act**” means the *Environmental Protection Act*, R.S.O. 1990, C.E-19, as amended;
- (ii) “**Biosolids**” means biosolids generated at the plants listed in Schedule “B” of this Certificate;
- (iii) “**Certificate**” means this Provisional Certificate of Approval;
- (iv) “**Company**” means Ivanhoe Cheese Inc., or its agents and assignees;
- (v) “**Director**” means a Director, Environmental Assessment and Approvals Branch, Ontario Ministry of the Environment;
- (vi) “**District Manager**” means the District Manager, Kingston District Office, Ministry of the Environment, and the District Manager of the MOE district office in the geographic area in which Biosolids are located; and
- (vii) “**Ministry**” and “**MOE**” means the Ministry of the Environment.

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

TERMS AND CONDITIONS

General

1. This Provisional Certificate of Approval supersedes and replaces all previously issued Certificates of Approval or any other Provisional Certificate of Approval issued under Part V of the Act with respect to this specific operation.
2. This organic waste management system shall be operated in accordance with the application for the Certificate of Approval, the supporting information, and the plans and specifications listed on Schedule "A".
3. The requirements specified in this Certificate are requirements under the Act. Issuance of this Certificate in no way abrogates the Company'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 Certificate are severable. If any requirements of this Certificate, or the application of any requirement of this Certificate to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Certificate shall not be affected in any way.
5. The Company must ensure compliance with all terms and conditions of this Certificate. Any non-compliance constitutes a violation of the Act and is grounds for enforcement.
6. (a) The Company 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 Certificate, including but not limited to, any records required to be kept under this Certificate; and
- (b) In the event the Company provides the Ministry with information, records, documentation or notification in accordance with this Certificate (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 Company, or to require the Company to take any action, under this Certificate 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 Company relating to the Information, amounting to non-compliance with this Certificate or any statute or regulation.
7. When a conflict exists between the conditions of this Provisional Certificate of Approval and the items listed on Schedule "A", the provisions of this Certificate shall prevail. When a conflict exists between items on Schedule "A", the most recent item shall prevail.
8. The Company shall ensure that all communications/correspondence made in relation to this waste management system or to this Provisional Certificate of Approval includes reference to this Provisional Certificate of Approval number.
9. 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 partners where the Company 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;
 - (b) any change of name of the corporation where the Company 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
 - (c) change in directors or officers of the corporation where the Company 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(b), supra.
10. 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.

Operating Conditions

11. This waste management system is approved under this Provisional Certificate of Approval to collect and transport Biosolids (which shall not be spread or stored on any approved soil conditioning site under the authority of this Certificate of Approval).
12. Waste shall only be delivered to a waste disposal site or facility which has a Certificate of Approval or a Provisional Certificate of Approval, and only where the waste being delivered complies with the Certificate of Approval or Provisional Certificate of Approval of the receiving waste disposal site or facility, and at no time shall waste be stored or transferred to your truck storage yard located at 11301 Highway 62 North, R.R. 5, Madoc, Ontario.

13. All waste shall only be transported in a covered vehicle.

14. Any addition, deletion or other change to the fleet of vehicles, trailers and equipment (i.e., year, make, model, serial number, licence number and ownership of each vehicle, trailer or piece of equipment) in particular those which are leased or rented, shall be reported to the Director within fourteen (14) days of any such change.

15. Every vehicle utilized to collect and transport waste pursuant to this Provisional Certificate of Approval shall be insured under a vehicle liability policy for a minimum of one million dollars (\$1,000,000.00) until such time as this provisional Certificate of Approval is revoked.

16. The Company shall ensure that its vehicle liability policy, or combination of vehicle and environmental liability insurance policies, cover accidents, including spills, associated with each vehicle and the use and operation of equipment on each vehicle while the vehicle is stationary or in motion.

17. The following documents shall be maintained with each vehicle operated pursuant to this Provisional Certificate of Approval at all times that the vehicle is being operated or contains any wastes:

(a) A copy of this Provisional Certificate of Approval;

(b) A certificate verifying the driver's successful completion of a training and safety program, if required by Regulation 347; and

(c) A certificate of vehicle liability insurance specifying that it provides coverage of a minimum of one million dollars (\$1,000,000.00) until such time as this Provisional Certificate of Approval is revoked.

18. All wastes shall be transported in accordance with Ontario Regulation 347, R.R.O. 1990.

19. For such plant listed on Schedule "B", no Biosolids may be handled or transported for that plant unless a valid contract is in place between the generator of the Biosolids for that plant and the Company.

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

(i) change of Company name, owner or operating authority;

(ii) change of Company address or address of new owner or operating authority;

(b) In the event of any change in ownership of the waste management system the company shall notify the succeeding (new owner) company of the existence of this Certificate, and a copy of such notice shall be forwarded to the Director.

(c) The Company shall ensure that all communications made pursuant to this condition will refer to this Certificate number.

21. The Company shall promptly take all necessary steps to contain and clean up any spills which result from operations. 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 as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

SCHEDULE "A"

This Schedule "A" forms part of this Provisional Certificate of Approval No. H-3618-00:

1. Application dated August 11, 1992, and the supporting information submitted therewith for a Provisional Certificate of Approval for a Organic Waste Management System for the management of processed organic waste (biosolids) from Bruce Kingston of Ivanhoe Cheese Inc.

2. Facsimile dated September 30, 2008, containing information regarding company address and truck storage location, from Chris Spencer of Ivanhoe Cheese Inc.

3. Electronic mail and it's attachment "Ivanhoe Cheese - filed form 1.pdf", dated October 17, 2008, from Jay Kirktown of Gay Lea Foods Co-operative Ltd.

SCHEDULE "B"

This Schedule "B" forms part of this Provisional Certificate of Approval No. H-3618-00:

Section 1: Municipal processed organic waste (biosolids) source facilities

None.

Section 2: Industrial processed organic waste (biosolids) source facilities

Plant	Municipality	OWRA Works No. or Certificate of Approval No.
Ivanhoe Cheese Inc.	Madoc, Ontario	Not Applicable

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

1. The reason for conditions 1, 3, 4, 5, 7, 8, 9, 10, and 18 is to clarify the legal responsibilities and obligations imposed by this Provisional Certificate of Approval.
2. The reason for condition 2 is to ensure that this waste management system is operated in accordance with the application submitted by the Company, and not in a manner which the Director has not been asked to consider.
3. The reason for condition 6 is to ensure that appropriate Ministry staff have ready access to the system in order to confirm that the system is being operated according to this Provisional Certificate of Approval.
4. The reason for condition 11 is to ensure that this waste management system is only used to collect, handle and transport waste which it is able to in a suitable manner as the transportation of waste which this waste management system is not able to collect, handle and transport may create a nuisance or result in a hazard to the health and safety of any person or the natural environment.
5. The reason for condition 12 is to ensure that this waste management system is used to transport waste only to waste disposal sites or facilities that have been approved by the Ministry of Environment and Energy to receive the waste which this waste management system is delivering under this Provisional Certificate of Approval, and that by accepting the waste being delivered by the waste management system, the waste disposal site and facilities will not be out of compliance with its Certificate of Approval or Provisional Certificate of Approval.
6. The reason for condition 13 is to ensure that waste particulates are not emitted to the environment as any such emission may result in a hazard to the health and safety of any person or the natural environment.
7. The reason for condition 14 is to ensure that all vehicles, trailers and equipment including those leased or rented for operation under this Provisional Certificate of Approval have been approved as part of a suitable waste transportation system to collect and transport waste as an unsuitable waste transportation system could result in a hazard to the health and safety of any person or the natural environment.
8. The reason for condition 15 is to ensure that every vehicle operated under this Provisional Certificate of Approval is adequately insured under a vehicle liability policy. The transportation of hauled sewage in a vehicle that has not been adequately insured under a vehicle liability policy would not be in the public interest.
9. The reason for condition 16 is to ensure that adequate insurance is available to effect suitable remedial action if an event occurs which may create a nuisance or result in a hazard to the health or safety of any person or the natural environment.
10. The reason for condition 17 is to ensure that all waste carriers have met and are operating in compliance with the

standards for waste management systems outlined in regulation 347.

11. The reason for condition 19 is to ensure that this Certificate has been issued for a particular generator under a particular contract, and, to ensure that the Ministry is informed when a contract is obtained, by the hauler, for a different generator.
12. The reason for condition 20 is to ensure that the waste management system is operated under the corporate, limited or the applicant's own name which appears on the application and supporting information submitted for this Provisional Certificate of Approval and not under any name which the Director has not been asked to consider.
13. The reason for condition 21 is to ensure that the Company notifies the Ministry forthwith of any spills as required in Part X of the *Environmental Protection Act* so that the appropriate spills response can be determined.

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. H-3618-00 issued on October 19, 1992.

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 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 management system is located;

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

This Notice must be served upon:

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

AND

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

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

The above noted waste management system is approved under Section 39 of the Environmental Protection Act, and is subject to the Regulations made thereunder.

DATED AT TORONTO this 17th day of October, 2008

Zafar Bhatti, P.Eng.
Director
Section 39, *Environmental Protection Act*

UI/
c: District Manager, MOE Kingston District Office, and

CONTENT COPY OF ORIGINAL

Area Supervisor, MOE Belleville Area Office