



Ministry  
of the  
Environment

Ministère  
de  
l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL  
WASTE DISPOSAL SITE  
NUMBER A341906

Buckham Transport Ltd.  
Box 601  
Peterborough, Ontario  
K9J 6Z8

Site Location: Lot 1, Concession 2  
Township of Otonabee-South Monaghan Ward  
County Of Peterborough

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

a 2.5 hectare Waste Disposal Site

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

Non-hazardous solid waste, liquid industrial waste and hazardous waste limited to Waste Classes 111 to 114 inclusive, 121, 122, 123, 131 to 135 inclusive, 141 to 148 inclusive, 149, 150, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 243, 251 to 254 inclusive, 261 to 270 inclusive, 281, 282, 311, 312, 321 and 331 as described in the Ministry of the Environment's "New Ontario Waste Classes" document dated 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:*

#### **DEFINITIONS**

1. (a) "Act" means the Environmental Protection Act, R.S.O. 1990, as amended;
- (b) "Adequately trained" means knowledgeable regarding the terms, conditions and requirements of this Certificate, relevant environmental legislation and regulations, and site operations;
- (c) "Certificate" means this entire Provisional Certificate of Approval No. A341906 including its schedules, if any, issued in accordance with Section 27, Part V of the Environmental Protection Act;
- (d) "Director" means the Director, Section 39, E.P. A., of the Environmental Assessment and Approvals Branch of the Ministry of the Environment;
- (e) "Owner" means Buckham Transport Limited, including their successors and assignees;
- (f) "Ministry" means the Ontario Ministry of the Environment;
- (g) "District Manager" means the District Manager of the Peterborough District Office, Eastern Region of the Ministry;
- (h) "Lab Packs" means the waste management industry's recognized method of temporarily storing and transporting inventoried miscellaneous organic and inorganic wastes in a drum or tote;
- (i) "Liquid Waste" means waste that has a slump of more than 150 millimetres using the Test Method for Determination of Liquid Waste referenced in Ontario Regulation 347 (Slump Test).

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(j) "Listed Waste" means a Hazardous Industrial Waste (Schedule 1, O. Reg. 347), Acute Hazardous Waste Chemical (Schedule 2(A), O. Reg. 347), Hazardous Waste Chemical (Schedule 2(B), O. Reg. 347) and Severely Toxic Waste (Schedule 3, O. Reg. 347).

(k) "O.Reg. 347" means Ontario Regulation 347 (General Waste Management), R.R.O. 1990, as amended;

(l) "PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;

(m) "PCB equipment" means equipment designed or manufactured to operate with PCB liquid or to which PCB liquid was added or drums and other containers used for the storage of PCB liquid;

(n) "PCB liquid" means liquid containing PCBs at a concentration of more than fifty milligrams per kilogram;

(o) "PCB material" means material containing PCBs at a concentration of more than fifty milligrams per litre whether the material is liquid or not;

(p) "PCB waste" means:

- (i) PCB equipment,
- (ii) PCB liquid, or
- (iii) PCB material,

but does not include,

(iv) PCB material or PCB equipment after it has been decontaminated pursuant to the guidelines or codes of practice published by the Ministry, or

(v) PCB equipment that is,

- (a) an electrical capacitor that has never contained over one kilogram of PCBs
- (b) electrical, heat transfer or hydraulic equipment or a vapour diffusion pump that is being put to the use for which it was originally designed or is being stored for such use by a person who used the equipment for the purpose for which it was originally designed; or,
- (c) machinery or equipment referred to in subclauses (vi)(a), or

(vi) PCB liquid that is,

(a) at the site of fixed machinery or equipment, the operation of which is intended to destroy the chemical structure of PCBs by using the PCBs as a source of fuel or chlorine for the purpose other than the destruction of PCBs or other wastes and with respect to which a certificate of approval has been issued under Section 9 of the **Environmental Protection Act** specifying the manner in which PCB liquid be processed in the machinery or equipment, or

(b) in PCB equipment referred to in subclause (v) (b); and

(q) "Site" and "Facility" means the operation being approved under this Certificate located at Lot 1, Concession 2, Township of Otonabee-South Monaghan Ward, County of Peterborough.

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

**TERMS AND CONDITIONS**

**GENERAL**

**CONTENT COPY OF ORIGINAL**

2. The Provisional Certificate of Approval No. A 341906, dated March 16, 1998, as amended, is hereby revoked and replaced in its entirety by this Certificate.
3. 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 documents listed in the attached Schedule "A" and the terms and Conditions of this Provisional Certificate of Approval.
4. Where there is a conflict in a provision of any document referred to in Condition 3. and the Conditions of this Provisional Certificate of Approval, the conditions in this Provisional Certificate of Approval will take precedence.
5. 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 Operator to furnish any further information related to compliance with this Certificate;
6. 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.
7. 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.
8. 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. Records shall be retained for five years except for as otherwise authorized in writing by the Director.
9. 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.
10. 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

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

11. 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.

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

- (i) change of Owner or operator of the Site or both;
- (ii) change of address or address of the new Owner;
- (iii) 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;
- (iv) 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
- (v) 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 9(d), supra; and

(b) 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.

13. 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.

### **SITE OPERATIONS**

14. Except when an emergency situation exists, waste may only be received at the Site between 0700 hours and 1800 hours from Monday to Saturday. Off-loading vehicles already received, loading materials onto outbound vehicles, sampling, conducting indoor transfer operations, performing inventory, parking of in-transit vehicles and vehicles not related to the operation of the Site may be performed 24 hours a day.

15. With the exception of PCB's, the Site may receive waste that has been generated within Canada, the United States, all Caribbean countries and all countries that are signatories to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal. Only PCB's originating from within Canada shall be received at this Site.

16. The Owner shall maintain secure fencing around the perimeter of the Site with lockable gates to restrict access only to authorized personnel. All gates shall be closed and locked, except between 0700 hours and 1800 hours from Monday to Saturday.

17. In-transit vehicles may only lay over in an appropriate on-Site storage area for a period no longer than forty-eight (48) hours (excluding weekends and statutory holidays). Unless an emergency situation exists, the waste on stored vehicles cannot be transferred, processed, tampered with, altered or changed in any way during this layover period.

18. The Site may only accept non-hazardous solid waste, liquid industrial waste and hazardous waste limited to Waste Classes 111 to 114 inclusive, 121, 122, 123, 131 to 135 inclusive, 141 to 148 inclusive, 149, 150, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 243, 251 to 254 inclusive, 261 to 270 inclusive, 281, 282, 311, 312, 321 and 331 as described in the Ministry of the Environment's "New Ontario Waste Classes" document dated January 1986 or as amended.

**CONTENT COPY OF ORIGINAL**

19. (a) The Owner must ensure that all of the wastes generated at the Site are disposed in accordance with O.Reg. 347;

(b) Hazardous Industrial Waste (Schedule 1, O.Reg. 347), Acute Hazardous Waste Chemical (Schedule 2(A), O.Reg. 347), Hazardous Waste Chemical (Schedule 2(B), O.Reg. 347) and Severely Toxic Waste (Schedule 3, O.Reg. 347) may not be mixed, bulked, blended, put into a common container, or processed with any other waste material at the Site unless the procedures specified in this Condition are followed;

- (i) Only chemically compatible wastes may be mixed bulked or blended;
- (ii) A mixture of a Severely Toxic Waste and any other waste(s) is a Severely Toxic Waste;
- (iii) A mixture of an Acute Hazardous Waste Chemical and any other waste(s) except a Severely Toxic Waste is an Acute Hazardous Waste Chemical;
- (iv) A mixture of a Hazardous Waste Chemical and any other waste(s) except as Severely Toxic Waste or an Acute Hazardous Waste Chemical is a Hazardous Waste Chemical; and
- (v) A mixture of a Hazardous Industrial Waste and any other waste(s) except a Severely Toxic Waste, an Acute Hazardous Waste Chemical or a Hazardous Waste Chemical is a Hazardous Industrial Waste;

(c) The Owner shall maintain for a period of five years, a record available for inspection, tracking the path of waste movement through the Site for Acute Hazardous Waste Chemical, Hazardous Waste Chemical, Hazardous Industrial Waste and Severely Toxic Waste, including as a minimum;

- (i) Date of receipt of the waste, including manifest number;
- (ii) Waste class and waste characteristic;
- (iii) Volume or mass of waste received;
- (iv) Storage location of the waste(s);
- (v) Date and location of disposal of the Hazardous Waste, including the manifest number; and

(d) The listed Subject Wastes and the responding waste characterization referred to in Condition 19.(b) of this Certificate, may not be changed by the Owner once received at the Site with the exception of wastes received in "Lab Pack" form and the contents of the smaller containers are bulked into larger containers of similar waste characteristics for the sole purposes of transporting waste for final disposal. All other bulking, transferring and processing activities are not permitted to de-list waste with the H, A, B, or S hazardous waste characterization suffix.

20. All in-coming and outgoing wastes shall be inspected and tested by Adequately Trained personnel as per Condition 55. of this Certificate and as detailed in your application and supporting documentation listed in Schedule "A" of this Certificate, prior to being received, processed, transferred and shipped to ensure wastes are being managed and disposed of in accordance with the Act and O. Reg. 347.

21. The Company shall ensure that trained personnel as per Condition 55. of this Certificate are available at all times during the hours of operation of this Site. No loading, unloading, bulking, mixing, or blending of waste material shall occur unless trained personnel supervises the loading, unloading, bulking, mixing, or blending operation.

22. Notwithstanding the requirements of Condition 20. of this Certificate, the Company shall take all reasonable actions in the way of laboratory, compatibility and bench testing of waste and materials to ensure that the bulking, blending, mixing, transfer and processing of wastes at the Site will not result in uncontrollable reactions that could result in a fire or release of contaminants to the natural environment.

23. The volumes of waste on the Site shall not exceed the following amounts, at any time:

(a) Transfer/Processing Station:

- (i) 600 cubic metres of Liquid Industrial and Hazardous Wastes;
- (ii) 2,400 cubic metres of Solid Hazardous Wastes;
- (iii) 2,400 cubic metres of Solid Non-Hazardous Wastes; and
- (iv) 32 cubic metres of PCB Waste.

**CONTENT COPY OF ORIGINAL**

(b) In-Transit Station:

- (i) 560 cubic metres of Liquid Industrial and Hazardous Wastes;
- (ii) 2,400 cubic metres of Solid Hazardous Wastes;
- (iii) 2,400 cubic metres of Solid Non-Hazardous Wastes.

(c) A maximum quantity of 32 cubic metres of PCB Waste may be stored within the in-transit station in accordance with Item 22. of Schedule "A" which forms part of this Certificate.

24. (a) The Owner shall ensure that all wastes generated at the Site are disposed of at a facility approved to accept such wastes; and

(b) The Owner shall ensure that only haulers approved by the Ministry are used to transport waste from the Site.

25. The Owner shall ensure that the Site is not operated unless all air approvals under Section 9 of the Act, where applicable, have been obtained.

26. At no time is burning or incineration of any materials allowed on the Site.

27. The Owner shall ensure that any mobile processing equipment to be used at the Processing Facility has been approved by the Ministry with a Mobile Certificate of Approval (Air), if required, and a Mobile Certificate of Approval (Processing).

28. The transfer/processing of all wastes or recycleables at the Site shall take place within the confines of the transfer building with the exception of :

(a) the transfer of solids and lab packs within drums which may occur from truck to truck within the fenced compounds of the Site in accordance with Item 22. in Schedule "A";

(b) general refuse and municipal waste being transferred to roll-off bins located to the south of the transfer building; and

(c) metal for recycling being transferred to roll-off bins located to the south and/or east of the transfer building.

29. (a) Wastes may be stored outdoors, but is limited to the following areas identified in Item 22. of Schedule "A":

- (i) within leakproof containment trailers located north west of the transfer building;
- (ii) within two (2) containment trailers in the PCB Storage Area located north east of the transfer building; and
- (iii) Hazardous and non Hazardous waste in tarped, or otherwise covered, roll-off bins located immediately south of the transfer building. All wastes within the roll-off bins shall be contained within a double lined, chemically resistant leakproof bag.

(b) Liquid industrial waste and/or hazardous liquid waste shall not be stored in tankers at any location outside the transfer building until such time that appropriate secondary containment provisions are submitted to and subsequently approved by the Director.

30. All containers of waste stored at the Site shall be inspected on every operating day to ensure the integrity of the containers is acceptable, waste is not leaking and the drums are properly labeled with a description of the waste contained in the container. A signed and written record of the inspection including the date of inspection, the location of the containers which were inspected, the condition of the containers, the acceptability of container labeling and the contents of the containers is to be maintained at the Site and kept available for inspection by Ministry representatives.

31. Transfer, processing and storage of waste to or from vehicles or tanks at the Site shall be supervised or performed at all times by a Adequately Trained person.

32 (a) The Owner shall post signs in all areas of storage inside the transfer building identifying the waste that is being stored; and

(b) All vehicles used for the storage of waste shall be identified with signage indicating the waste class and the quantity of

wastes contained within.

33. The Owner shall ensure that there will be no floor drains within the transfer building.

34. There shall be no queuing or parking of trucks that are waiting to enter this Site.

35. The Owner shall ensure that any water arising from the washing or rinsing of drums, containers and truck tanks is managed and disposed of as waste, and is not discharged into the natural environment.

### **PCBs**

36. The Owner must maintain in place contract(s) with a final disposal site(s) to receive all PCB waste collected. The Owner shall immediately ensure that copies of the current contract(s) have been forwarded to the District Manager, Peterborough District Office.

37. Prior to receiving PCB waste from waste generators, the Owner must have in place a contract with the waste generator specifying that should the final disposal site(s), for whatever reason, fail to accept their PCB waste, the waste generator will accept the return of their PCB waste to their facility. To facilitate this, the Owner shall ensure that all incoming PCB wastes are labelled and recorded to identify the original generator of the PCB waste.

38. No PCB waste or part thereof shall remain at this Site for greater than 60 days without advance written permission from the District Manager, Peterborough District Office.

39. (a) No processing or treatment of PCB waste is permitted. All incoming PCB wastes shall remain in the original containers unless the container is found to be leaking or is likely to cause a spill; and

(b) Should the container be found to be leaking or otherwise likely to cause a spill, the contents must forthwith be transferred to a new suitable container or the damaged container and its contents must be secured and/or repackaged to prevent further leaks or discharges.

40. Only properly drained and sealed PCB equipment can be accepted at the Site.

41. The operation and maintenance of the PCB storage trailers shall be in strict accordance with the standards specified in the **Transportation of Dangerous Goods Act** and in the "Guidelines for the Management of Wastes containing Polychlorinated Biphenyls (PCBs)", published by the Canadian Council of Ministers of the Environment, September 1989, or as amended.

42. The actual transfer of PCB waste must be completed within the confines of the transfer building as required by Condition 28. and as described in Items 11. and 22. in Schedule "A".

43. (a) The Owner must ensure that the dedicated PCB storage trailers as identified in Item 22. of Schedule "A" contain the spill containment contingencies as described therein. The containment area within the trailers must provide sufficient spill storage capacity to contain twice the liquid volume of the largest piece of equipment or container in storage or 25% of the total volume of PCB liquid in storage, whichever is larger; and

(b) A maximum of two of the containment vehicles shall be used at any one time for the storage of PCBs at the Site.

44. The Owner shall maintain, and have available for inspection, a complete inventory of all PCB waste stored on Site. The inventory shall be maintained as described in Item 11. in Schedule "A".

45. Daily inspections of the PCB storage trailers shall be carried out by authorized persons to ensure that the Site is secure and that PCB wastes are properly contained. Inspection records shall be maintained as described in Item 11. in Schedule "A".

46. Notwithstanding Condition 59. the annual report prepared and submitted to the District Manager shall include a separate section stating the PCB waste inventory at the end of each month, site inspection activities, site problems identified and the corrective action taken.

**SPILL CONTAINMENT**

47. All waste materials must be stored in an appropriate storage area with secondary containment as approved by the Director, which has been designed and constructed in such a manner that it is capable of retaining any spill or leak of waste that may occur.

48. The amount of liquid waste that shall be stored within the transfer building shall not exceed the containment capacity of the transfer building as outlined in Item 22. of Schedule "A".

**DAILY INSPECTIONS**

49. For each day that the Site is in operation the Owner must conduct a daily inspection 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 at the Site, 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.

50. The Owner, in addition to inspections and documentation requirements carried out in Condition 49. of this Certificate, must conduct on each operating day, a visual inspection of the following areas to ensure the Site is secure and that no off-site impacts such as vermin, vectors, odour, noise, dust and litter, result from the operation of the Facility:

- (a) waste loading/unloading areas and associated containment areas;
- (b) waste storage areas and associated containment areas; and
- (c) security fence, barriers and property line.

**SPILL CONTINGENCY AND EMERGENCY RESPONSE**

51. All spills or process upsets at the Site shall be recorded in a written log or an electronic file format, referred to in Condition 56. of this Certificate. That record shall contain the description of the spill or process upset, the action taken for the clean-up or correction of the spill or process upset, 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 fulfillment of the reporting requirements in the Environmental Protection Act.

52. (a) The Owner shall maintain a Spill Contingency and Emergency Response Plan, that includes a Fire Plan, for the operation of the Transfer/Processing Site. The Plan shall include, but not necessarily limited to:

- (i) emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods for each individual waste;
- (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 the 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 current version of the Spill Contingency and Emergency Response Plan shall be kept on the Site at all times, in a central location available to all staff, and a copy shall be submitted to the District Manager, the local Municipality and the Fire Department;

(c) The Owner shall ensure that the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan are immediately available on the Site at all times, in a good state of repair, and fully operational; and

(d) The Owner shall ensure that all operating personnel are fully Trained in the use of the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan, and in the procedures to be employed in the event of an emergency.

53. The Owner must take immediate measures to clean-up all spills and leaks of any waste material and any resulting soil clean-up material shall be stored at this Site within the storage building, in sealed barrels or in the appropriate solid waste container until such time as it is removed to a facility approved to receive such waste.

### **STORMWATER MANAGEMENT**

54. The Owner shall manage all direct discharges from this Site including stormwater run-off in accordance with appropriate Municipal, Provincial and or Federal Legislation, Regulations and By-laws.

### **TRAINING**

55. The Owner shall ensure through proper written records that all personnel directly involved with activities relating to the Site have been trained with respect to:

(a) the terms, Conditions and operating requirements of this Certificate;

(b) the operation and management of all transfer, processing, storage and contingency measures equipment and procedures;

(c) any environmental and occupational health and safety concerns pertaining to the Site and wastes to be transferred/processed; and

(d) relevant waste management legislation and Regulations under the Act and Ontario Water Resources Act.

### **RECORD KEEPING**

56. The Owner shall maintain, at the Site for a minimum of five years, a log book or electronic file format which records daily the following information. For the purposes of record retention a day is defined as the twenty-four hour period beginning at 7:00 hours. All amounts must be in metric:

(a) the name of the original generator of the waste or recyclable material received at the Site;

(b) the name of the transporter of the waste or recyclable material to and from the Site;

(c) the Ministry waste classification number and specific waste description or type of recyclable material received or shipped;

(d) the date of receipt or shipment of waste or recyclable material;

(e) the total daily volume of each class of waste and type of recyclable material received and shipped;

(f) the destination of the waste or recyclable material upon shipment from the Site;

(g) the total volume of each class of waste and type of recyclable material remaining on the Site at the end of each day;

(h) a record of all spills or leaks shall be maintained which must include the type and amount of material spilled, a

description of how the material was cleaned up and stored and the location and time of final disposal; and

(i) the results of inspections and reports required under Conditions 45., 49. and 50. of this Certificate, including the name and signature of the person conducting the inspection and completing the report.

### **FINANCIAL ASSURANCE**

57. The Owner shall maintain with the Ministry, Financial Assurance as defined in Section 131 of the Act, in the amount of \$650,000.00. This Financial Assurance shall provide sufficient funds for the analysis, transportation, site clean-up, monitoring, supervision and disposal of all quantities of waste on the Site at any one time;

(a) Commencing on December 31, 2003 and on an annual basis thereafter, the Owner shall provide, to the Director, a written re-evaluation of the amount of the Financial Assurance to facilitate the actions required under Conditions 57. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director;

(b) No waste shall be deposited, handled, stored, transferred, treated or processed at the Site, unless the Ministry is in possession of the appropriate amount of Financial Assurance as outlined in Conditions 57.(a); and

(c) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. 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 terminated, the Owner shall forthwith replace the Financial Assurance with cash.

### **GROUNDWATER MONITORING**

58. A sample from each monitoring well as identified in the Hydrogeologic Assessment Report, Project No. 92-G-823 prepared by Geologic Inc. and dated August 1992, shall be collected and analyzed semi-annually in the spring and fall for the following parameters:

Conductivity Chlorides E.P.A. 624 Volatile Organics  
pH phenols hardness

The parameters and the frequency for which they are monitored may be revised at the discretion of the District Manager.

### **ANNUAL REPORT**

59. By March 31, 2004, and on an annual basis thereafter, the Owner shall prepare and submit to the District Manager, an annual report for the previous calendar year. Each report shall include, as a minimum, the following information:

(a) A monthly summary of the quantity of all wastes received on Site;

(b) A monthly summary of the quantity of all wastes processed on Site and transferred off Site;

(c) The total measured quantity of each classification of waste and recyclable material remaining in each storage area at the end of each month;

(d) A PCB summary section including PCB waste inventory at the end of each month, site inspection activities, site problems identified and the corrective action taken;

(e) A listing of all records entered into the log book required by Condition 56.;

(f) A report on the results and analysis of the groundwater monitoring program required by Condition 58.;

(g) Any operational problems or process upsets that may negatively impact the quality of the environment encountered during the operation of the Site and any mitigative actions taken, and including a summary of any complaints received regarding the operation of the Site;

(h) A statement as to compliance with all Conditions of this Provisional Certificate of Approval and with the inspection and reporting requirements of the Conditions contained herein; and

(i) Any recommendations to minimize environmental impacts and improve Site operations and monitoring programs.

### **DESIGN AND OPERATIONS MANUAL**

60. The Owner shall maintain a current copy of the Design and Operations Manual at the Site to be made available to any Provincial Officer upon request.

### **CLOSURE PLAN**

61. (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; and

(c) After the Closure Plan has been completed, 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"**

*Schedule "A" forms part of Provisional Certificate of Approval No.341906.*

(1) Application for a Waste Disposal Site (Processing and Transfer) and supporting information, dated June 23, 1992.

(2) Hydrogeology report entitled Preliminary Report: Proposed Buckham Waste Transfer Facility, dated September 1991 and prepared by Site Investigation Services Limited.

(3) Letter from South Monaghan Township dated December 16, 1991.

(4) Copy of notification letter, dated October 15, 1991 sent to adjacent landowners along with a list of recipients.

(5) Engineering Reports and Plans etc. for the Containment Building and the berms prepared by Mortlock Construction Inc. and dated September 9, 1992.

(6) Traffic Impact Assessment Report prepared by The Greer Galloway Group Inc. and dated July 8, 1992.

(7) Hydrogeologic Assessment Report prepared by Geo-Logic Inc. and dated August 1992.

(8) Letter from Allan Oberholzer, Ministry of the Environment to W. Douglas Armstrong, County of Peterborough, dated September 30, 1992.

(9) Letter from W.D. Armstrong, Administrator, Clerk-Treasurer, County of Peterborough to Geoff Carpentier, Ministry of the Environment, dated October 22, 1992.

(10) Letter from Archie Hoevenaars, Operations Manager, Buckham Transport Ltd. to Geoff Carpentier, Ministry of the Environment, dated October 22, 1992.

(11) Application for a Waste Disposal Site (Processing and Transfer) and supporting information, dated April 11, 1996.

(12) Revised application for a Waste Disposal Site and supporting information, dated April 22, 1996.

(13) Buckham Transport Emergency Fire Plan, prepared by Buckham Transport Ltd., dated May 13, 1996.

## CONTENT COPY OF ORIGINAL

- (14) Letter from David Neilson, Technical Director, Buckham Transport Ltd., to Michael W. Longpré, Ministry of the Environment, dated May 22, 1996.
- (15) Letter from David Neilson, Technical Director, Buckham Transport Ltd., to Micheal W. Longpré, Ministry of the Environment, dated July 23, 1996.
- (16) Copy of correspondence from Douglas Cook, Fire Chief, Township of Hamilton Fire Department to David Neilson, Technical Director, Buckham Transport Ltd., dated August 7, 1996.
- (17) Copy of correspondence from Douglas Cook, Fire Chief, Township of Hamilton Fire Department to David Neilson, Technical Director, Buckham Transport Ltd., dated October 21, 1996.
- (18) Copy of correspondence from Mrs. June M. Buettner, Clerk-Treasurer, Township of South Monaghan to William A. Buckham, President, Buckham Transport Ltd., dated October 22, 1996.
- (19) Document entitled "Buckham Transport Ltd. A341906 Amendment to Provisional Certificate of Approval", prepared by Geo-Logic Inc., dated September 18, 2000.
- (20) Revised drawings entitled "A-2 - Floor Plan and Sections", "A-3 Cross Section and Details", "A-4 - Elevations" and "M/S-1 - Structural and Mechanical", all last revised February 12, 2001.
- (21) Revised drawing entitled "A-1 - Site Plan", revised on February 12, 2001 and further revised March 19, 2001 showing temporary storage locations during construction activities.
- (22) Document Entitled "Site Design and Operation Report Buckham Transport Ltd", prepared by Geo-Logic Inc., dated July 2003.
- (23) Letter from David Neilson, Technical Site Manager, Buckham Transport Ltd. to Timothy Edwards, Ministry of the Environment, dated July 22, 2003.
- (24) Letter from Timothy Edwards, Ministry of the Environment, to David Neilson, Buckham Transport Ltd., dated July 29, 2003.
- (25) Letter from Catharine Buckham, Buckham Transport Ltd., to Timothy Edwards, Ministry of the Environment, dated September 9, 2003.

*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, 14, 15, 27, 28, 29, 44, 56, 59 and 60 is to ensure that the Site is operated in accordance with the application and supporting information submitted by the Applicant, and not in a manner which the Director has not been asked to consider.*
- (3) The reason for Conditions 4, 5, 6, 7, 8, 9, 12, 13, 36, 41 and 42 is to clarify the legal rights and responsibilities of the Company.*
- (4) The reason for Conditions 10 and 11 is to ensure that the appropriate Ministry staff have ready access to the operations of the Site which are approved under this Provisional Certificate of Approval. This Condition 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.*
- (5) The reason for Conditions 15, 16, 17, 22, 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 43, 45, 46, 47, 48, 49, 51, 51, 52, 23, 54 and 58 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.*
- (6) The reason for Conditions 18, 19 and 23 is to ensure that the types and amounts of waste received at the Site are in*

accordance with that approved under this Provisional Certificate of Approval.

(7) The reason for Conditions 21 and 55 is to ensure that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures. This will minimize the possibility of spills occurring and will enable staff to deal promptly and effectively with any spills that do occur.

(8) The reason for Conditions 20 and 24 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.

(9) The reason for Condition 57 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.

(10) The reason for Condition 61 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. A341906 issued on March 16, 1998.**

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 Appeal Board 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 Board. 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 waste disposal site is located;

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

*This Notice must be served upon:*

Environmental Appeal Board  
2300 Yonge St., 12th Floor  
P.O. Box 2382  
Toronto, Ontario  
M4P 1E4

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

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 Appeal Board's requirements for an appeal can be obtained directly from the Board at: Tel: (416) 314-4600, Fax: (416) 314-4506 or [www.ert.gov.on.ca](http://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](http://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.*

CONTENT COPY OF ORIGINAL

DATED AT TORONTO this 22nd day of December, 2003

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

TE/  
c: District Manager, MOE Peterborough  
Catherine Buckham, Buckham Transport Ltd.