



Ministry
of the
Environment

Ministère
de
l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A7108301

Ontario

The Corporation of the Municipality of Killarney
32 Commissioner Street
Killarney, Ontario
P0M 2A0

Site Location: Key River Landfill Site
west side of Hwy 69, north of Key River
Killarney Municipality, District of Sudbury

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

the use and operation of a 10.9 hectare Waste Disposal Site consisting of a 0.6 hectare landfill and ancillary waste diversion activities.

For the purpose of this 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) "**Buffer**" means those lands between the limit of fill and the boundaries of the property owned by the Owner, that shall in no instance be less than 30 metres;
- (c) "**Certificate**" means this Provisional Certificate of Approval;
- (d) "**clean wood**" means waste that is wood, including tree trunks, tree branches, leaves and brush, or a wood product that is not contaminated with chromated copper arsenate, ammoniacal copper arsenic pentachlorophenol or creosote, is not part of an upholstered article, does not have an affixed or adhered rigid surface and from which hardware or fittings have been removed;
- (e) "**competent**" means knowledgeable and able to carry out any necessary duties, in the following through instruction and practice;
 - i. relevant waste management legislation, regulations and guidelines;
 - ii. major environmental concerns pertaining to the waste to be handled;
 - iii. emergency response procedures for the waste to be handled;
 - iv. use and operation of any equipment to be used;
 - v. emergency response procedures and alerting;
 - vi. Owner specific written procedures for the control of conditions that may cause an adverse effect; and
 - vii. requirements of this *Certificate*;
- (f) "**Director**" means Director, Environmental Assessment and Approvals Branch, Ontario Ministry of the Environment;
- (g) "**District Manager**" means District Manager, Sudbury District Office;
- (h) "**Limit of Fill**" means the area in which waste is approved for final disposal according to this *Certificate*;
- (i) "**Ministry**" means the Ontario Ministry of the Environment;

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- (j) “**OWRA**” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
- (k) "**Ontario Regulation 189**" means Ontario Regulation 189/94, Refrigerants, or as amended, made under the *Act*;
- (l) "**Ontario Regulation 347**" means Ontario Regulation 347 - R.R.O. 1990, General - Waste Management, as amended from time to time, made under the *Act*;
- (m) "**Ontario Regulation 903**" means Ontario Regulation 903 – R.R.O. 1990, Wells, amended to Ontario Regulation 128/03, made under the *OWRA*;
- (n) "**Owner**" means the Municipality of Killarney and any person(s) contracted by the Municipality of Killarney to manage operations on the Site on behalf of the Owner;
- (o) "**PWQO**" means the Provincial Water Quality Objectives included in the July 1994 publication entitled *Water Management Policies, Guidelines, Provincial Water Quality Objectives*, as amended from time to time;
- (p) "**RUP**" means the Reasonable Use Policy (Guideline B-7) of the *Ministry*;
- (q) "**Scavenging**" means the uncontrolled removal of reusable material from waste at a waste disposal site;
- (r) "**Site**" means the property located at southeast corner of Henvey Township, north of Key River, within the boundaries of the French River Provincial Park; and
- (s) "**white goods which contain refrigerants**" means equipment/appliances which contain, or may contain refrigerants, and which include, but is not restricted to, refrigerators, freezers and air-conditioning systems.

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 Provisional Certificate Number A7108301 issued October 20, 1980.

Compliance

2. 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.

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

In Accordance

4. Except as otherwise provided for in this *Certificate*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the supporting documentation listed in Schedule "A".

Interpretation

5. Where there is a conflict between a provision of any document, referred to in this *Certificate*, and the conditions of this *Certificate*, the conditions in this *Certificate* shall take precedence.

6. Where there is a conflict between any two documents listed in Schedule "A", the document bearing the most recent date

shall take precedence.

7. 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.

Other Legal Obligations

8. 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*.

Adverse Effect

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

10. 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.

Change of Owner

11. 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 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.

12. No portion of this *Site* shall be transferred or encumbered prior to or after closing of the *Site* unless the *Director* is notified in advance and sufficient financial assurance is deposited with the *Ministry* to ensure that these conditions will be carried out. In the event of any change in Ownership of the 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* within 30 calendar days of the change in ownership.

Certificate of Prohibition

13. Pursuant to Section 197 of the *Act*, no person having an interest in the *Site* shall deal in any way with the *Site* without first giving a copy of this *Certificate* to each person acquiring an interest in the *Site* as a result of the dealing.

14. Two copies of a completed Certificate of Prohibition, containing a registerable description of the *Site*, shall be submitted to the *Director* for the *Director*'s signature within 60 calendar days of the *Owner* acquiring ownership of this *Site*.

15. The Certificate of Prohibition shall be registered in the appropriate land registry office on title to the *Site* by the *Owner* within 10 calendar days of receiving the Certificate of Prohibition signed by the *Director*, and a duplicate registered copy shall be submitted to the *Director*.

Inspections

16. No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the *OWRA*, the *Act*, or the *Pesticides Act*, R.S.O. 1990, c. P-11, 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 *Pesticides Act*.

Information and Record Retention

17. 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 contaminating life span of the *Site* except for as otherwise authorized in writing by the *Director*.

18. 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.

19. The *Owner* shall keep a copy of this *Certificate* at the *Site* in a location accessible to staff and available to a Provincial Officer upon request.

SITE OPERATIONS

General

20. The *Owner* shall ensure that only residential and commercial waste, and non-hazardous solid industrial waste on a contingency basis, generated within the geographic area of the Municipality of Killarney, are accepted at the *Site*.

21. The *Owner* is prohibited from accepting the following types of waste at this *Site*:

- (a) sewage, sludge, manure and biosolids;
- (b) large animal carcasses;
- (c) waste generated from agricultural activities;
- (d) radioactive waste;
- (e) liquid industrial waste;
- (f) hazardous waste as defined by *Ontario Regulation 347*;
- (g) pathological waste; and
- (h) snow.

22. The *Owner* shall set operational hours on any day of the week during daylight hours which provides an adequate level of service to the public. The hours of operation may be changed at the Owners discretion provided that the hours are correctly posted at the *Site* entrance and that suitable public notice is given of any change.

23. During non-operating hours, the *Owner* may conduct equipment maintenance, administrative functions and on-site activity, other than waste disposal, as required.
24. The *Owner* shall erect a sign at the entrance to this *Site* stating the name of the *Owner* of the *Site*, the hours of operation of the *Site*, waste acceptance procedure and a phone number to contact in the event of an emergency or complaint. The sign shall state that the *Site* does not accept hazardous or liquid wastes and shall direct persons with hazardous and/or liquid wastes to the nearest appropriate facility.
25. The *Owner* shall ensure that a *competent* person(s) is/are on duty at all times when the *Site* is open to ensure proper supervision of all activities.
26. The *Site* shall be maintained under lock and key, and in a secure manner, through the use of fencing and natural barriers, such that unauthorized persons cannot enter the *Site* when the *Site* is closed. The *Owner* shall ensure that the gate and fencing are kept in good repair at all times.

Design and Operation

27. The *Owner* shall operate, develop and close the *Site* as described in Items 2, 3, 5 and 6 of Schedule "A".
28. The operational life of the *Site* shall be limited to the time until final contours shown in Item 3 of Schedule "A" have been reached.
29. Waste disposal at the *Site* shall be limited to 0.6 hectares as shown in Item 3, Schedule "A".
30. The *Owner* shall ensure that the boundaries of the *Limit of Fill* shall be marked, and the markings maintained so as to be visible throughout the year.
31. The *Owner* shall ensure no waste is deposited in standing water, a wetland or watercourse.
32. The *Owner* shall ensure that waste is deposited in a manner that minimizes the exposure of the working face of the landfilling area. The waste shall be mechanically placed into cells and compacted before cover material is applied.
33. (a) The *Owner* shall deposit cover material consisting of a minimum of 0.15 m thickness of soil and/or a mixture of composted leaves and wood chips as follows:
- (i) monthly, at a minimum, during the period between May 1 and September 30; and
 - (ii) every second month, at a minimum, during the period between October 1 and April 30.
- (b) Alternative cover material may be used with prior written approval from the *District Manager*.
34. Within ninety (90) days of the issuance of this *Certificate*, the *Owner* shall:
- (a) grade the northwest edge of the existing fill area to the proposed final contours; and
 - (b) apply a final cover consisting of a 600 mm thick sand cap; and
 - (c) apply 150 mm of topsoil over the sand cap; and
 - (d) seed the topsoil with fast growing vegetation.
35. The *Owner* shall apply final cover progressively, as each part of the *Limit of Fill* reaches its final grades. Final cover shall consist of:
- (a) a 600 mm thick sand cap; and
 - (b) 150 mm of topsoil over the sand cap; and
 - (c) seeding of topsoil with drought-resistant, low-nutrient, annually regenerating grass and legume blends.
36. The *Owner* shall monitor the integrity of cover material applied and where existing cover material has eroded such that waste is exposed, the cover material shall be promptly replaced.

Waste Diversion

37. All waste shall be deposited at the active face of the landfill except for waste which is segregated for diversion.
38. The *Owner* shall ensure that activities not related to landfilling occur only in the *Buffer* area of the *Site*.
39. The *Owner* shall ensure that all waste destined for diversion is segregated into bins or in designated areas as defined by barriers. All bins and designated waste storage areas shall be clearly labelled.
40. The *Owner* shall ensure that:
- (a) all white goods which contain, or had contained, refrigerants, accepted at the *Site*, shall be stored in a segregated area in an upright position;
 - (b) *white goods which contain refrigerants* accepted at the *Site*, which have not been tagged by a licensed technician documenting that the equipment no longer contains refrigerants, shall be shipped off-site only to facilities where the refrigerants can be removed by a licensed technician in accordance with *Ontario Regulation 189*; and
 - (c) a detailed log of all *white goods which contain refrigerants* received is maintained which includes the following information:
 - (i) date of the record;
 - (ii) types, quantities and source of *white goods which contain refrigerants* received;
 - (iii) destination of the white goods; or
 - (iv) the details on removal of refrigerants, if conducted on *Site*, and the quantities and destination of the refrigerants transferred from the *Site*.

41. The *Owner* shall ensure that propane cylinders are stored in a single layer (i.e. no stacking), in a segregated area, in a manner which prevents cylinders from being knocked over or cylinder valves from breaking.

42. The *Owner* shall store no more than 500 tire units. Tires shall be stockpiled in the following manner:

- (a) individual stockpiles shall not exceed a volume of 300 m³;
- (b) stockpiles shall be located a minimum of 15 metres from the property line, any buildings and the active landfilling area;
- (c) stockpiles shall be located a minimum of 30 metres from the burn pit;
- (d) stockpiles shall be separated from each other and from other waste piles by a minimum of 6 metres; and
- (e) an area around stockpiles of no less than 4.5 metres shall be kept free of vegetation.

43. *Scavenging* of waste at the *Site* are prohibited. The establishment and operation of a segregated re-use area does not constitute *scavenging*.

Burning Waste

44. Burning of waste at the *Site* is prohibited, except for the burning of *clean wood* and brush in accordance with the *Ministry* Guideline "Burning at Landfill Sites" and in a supervised and controlled manner.

45. The *Owner* is prohibited from conducting burning operations if the following conditions exist:

- (a) on days on which a Smog Alert Advisory has been issued;
- (b) during periods when a fire ban has been instituted; and
- (c) on days of high wind speeds or when other unsuitable weather conditions exist.

46. The *Owner* shall ensure that:

- (a) the burn area is located at least 30 metres from the active landfill face, other waste piles, other combustible

materials and buildings;

(b) that an area of 4.5 metres around the burn pit is kept free of vegetation;

(c) no burning occurs without the direct supervision of an attendant at all times until the burn has been extinguished;

(d) access to the burn pit by the public and other unauthorized persons is prohibited when burning is carried out;

(e) the attendant has the means with which to extinguish the fire if necessary.

Inspections

47. The *Owner* shall ensure that the following inspection schedule is adhered to:

(a) on each operating day, an inspection of the working face, waste diversion storage areas, signage, fencing and gate;

(b) on a monthly basis, an inspection of the areas under final cover, road condition, access road; and

(c) on a quarterly basis, an inspection of the monitoring wells; and

(d) every five (5) years a field survey of the *Limit of Fill* area.

SURFACE WATER MANAGEMENT

48. The *Owner* shall install and maintain a silt fence between the toe of the *Limit of Fill* and the creek in accordance with Item 6 of Schedule "A".

49. The *Owner* shall construct the final contours of the landfill area to promote drainage of surface water off of the landfill cap.

MONITORING

50. The *Owner* shall ensure that all samples are collected using standard sampling methods. The sampling methods followed shall be referenced in the annual report required by Condition 55.

51. (a) Groundwater monitoring shall be conducted in accordance with Schedule "B".

(b) All monitoring wells which form part of any monitoring program shall be protected from damage. Any groundwater monitoring wells that are damaged shall be repaired or replaced forthwith or properly abandoned in accordance with *Ontario Regulation 903*;

(c) Any monitoring wells which are no longer required for monitoring or which need to be closed due to operational changes on the *Site*, shall be abandoned in accordance with *Ontario Regulation 903*; and

(d) Any future changes in the groundwater monitoring program shall be approved in writing by the *District Manager* prior to implementation of the changes.

52. (a) Surface water monitoring shall be conducted by the *Owner* in accordance with Schedule "B";

(b) all surface water sampling locations shall be geo-referenced in the annual report required by Condition 55;

(c) Any future changes in the surface water monitoring program shall be approved by the *District Manager*.

53. In the event that the results of the monitoring program are such that an off-site exceedance of the *RUP* or *PWQO* can reasonably be predicted to occur, the *Owner* shall include in the annual report required by Condition 55:

(a) the details of any such predicted off-site exceedance, including the assumptions upon which the prediction is based;

(b) a discussion of the modifications, if any, to intended operations which would be necessary to prevent the predicted off-site exceedance;

(c) a discussion of the modifications, if any, which should be made to the monitoring program; and

(d) a discussion of other mitigation measures or contingency actions, if any, which may be necessary to prevent off-site impacts.

LANDFILL END USE AND CLOSURE PLAN

54. Two years prior to reaching final contours, the *Owner* shall submit for the *Director's* approval a detailed end use and closure plan. This plan shall include, but not be limited to, the following subjects:

- (a) proposed end use;
- (b) final closure schedule;
- (c) final contour configuration;
- (d) landscaping;
- (e) site facilities (if any);
- (f) rodent control;
- (g) groundwater and surface water control; and
- (h) post-closure inspection, maintenance, monitoring and reporting.

REPORTING

55. On March 31st of each year, the *Owner* shall submit to the *District Manager* an annual monitoring report covering the preceding calendar year. The annual report shall include the following:

- (a) plans showing:
 - (i) the existing contours of the *Site*;
 - (ii) areas of landfilling operation during the reporting period;
 - (iii) areas of intended operation during the next reporting period;
 - (iv) the progress of final cover and vegetative cover application;
- (b) calculations of the volume of waste, cover, and final cover deposited or placed at the *Site* during the reporting period and a calculation of the total volume of *Site* capacity used during the reporting period;
- (c) a calculation of the remaining capacity of the landfill and an estimate of the remaining landfill life;
- (d) a monthly summary of recyclable/reusable material tonnages received at and removed from the *Site*;
- (e) a summary of *Site* operations and development;
- (f) a summary of operational problems experienced during operation of the *Site* and their resolution;
- (g) recommendations respecting any proposed changes in the operations of the *Site*;
- (h) a summary of inspections;
- (i) a plan of the *Site* outlining monitoring locations;
- (j) a description of surface water receptors including the physical, biological and hydrological features of the stream and wetlands;
- (k) the results and an interpretive analysis of the results of the groundwater and surface water monitoring, including an assessment of the need to amend the monitoring programs;
- (l) an assessment of surface water quality in relation to the *PWQO*;
- (m) an assessment of groundwater quality in relation to the *RUP*;
- (n) a summary of complaints made regarding *Site* operations, maintenance and monitoring; and
- (o) a statement as to compliance with all Conditions of this *Certificate* and with the inspections, monitoring and reporting requirements of the Conditions herein.

SCHEDULE "A"

The following Schedule "A" forms part of Certificate of Approval No. A7108301.

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site signed by C. Beauvais, Clerk-Treasurer, Municipality of Killarney, dated May 3, 2004.
2. Operations and Development Plan for the Key River Landfill Site, prepared by Great Lakes Environmental Services, prepared for Municipality of Killarney, dated February 2004.

3. Drawing No. 03-659-01, Key River Landfill Operations and Development Plan, prepared by Great Lakes Environmental Services, dated April 2003.

4. Drawing No. 03-659-02, Key River Landfill, Cross Sections (Finished Grade), prepared by Great Lakes Environmental Services, dated April 2003.

5. Letter from Ms. Faye de Lamorandiere, Public Works Superintendent, Municipality of Killarney, to EAAB, dated April 6, 2005 re: additional information to supplement the Design and Operations Plan.

6. Letter from Mr. David Holla, Fisheries Biologist/Water Resources Engineer, Great Lakes Environmental Services, to Ms. Faye de Lamorandiere, Municipality of Killarney, dated March 28, 2005 re: an explanation as to why a 3:1 slope is necessary at the Key River landfill and an explanation as to the discrepancy between the Land Use Permit and the size of the Site noted on the application form.

SCHEDULE "B"

The following Schedule "B" forms part of Certificate of Approval No. A7108301.

Groundwater Monitoring Program

| Sampling Location | Parameters | Frequency |
|--------------------------|---|------------------|
| BH01-6, BH01-4, BH01-3, | alkalinity, ammonia, arsenic, barium, boron, cadmium, calcium, chloride, chromium, conductivity, copper, iron, lead, magnesium, manganese, mercury, nitrate, nitrite, TKN, total phosphorous, potassium, sodium, total dissolved solids, zinc, BOD, COD and phenol Field measurements: pH, conductivity, water level | spring and fall |
| BH01-6, BH01-4, BH01-3 | VOC | once per year |
| BH-1, BH-2, BH-3 | water level | spring and fall |

Surfacewater Monitoring Program

| Sampling Location | Parameter | Frequency |
|--|---|---|
| 1. immediately upstream of the southwest toe of the <i>Limit of Fill</i> ; 2. downstream beyond where the stream passes by the northwest toe of the landfill. | Alkalinity, ammonia, arsenic, barium, boron, cadmium, chloride, chromium, copper, iron, lead, mercury, nitrate, nitrite, TKN, total phosphorous, suspended solids, total dissolved solids, sulphate, zinc, silver, BOD, COD, phenol. Field measurements: pH, temperature, conductivity, dissolved oxygen, flow velocity Other: weather conditions | four times per year (spring, early summer, late summer, fall) |

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

The Owner has been changed to reflect the change in Site ownership.

The reason for Condition 1 is to clarify that the previously issued Certificate of Approval No. A7108301 issued on October 20, 1980 is no longer in effect and has been replaced and superseded by the Terms and Conditions stated in this Certificate.

The reason for Conditions 2, 3, 5, 6, 7, 8, 9, 10, 17, 18 and 19 is to clarify the legal rights and responsibilities of the Owner under this Certificate.

The reasons for Conditions 4, 27, 28, 29 and 55 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 Condition 11 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.

The reason for Condition 12 is to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Certificate.

Conditions 13, 14 and 15 are included, pursuant to subsection 197(1) of the Act, to provide that any persons having an interest in the Site are aware that the land has been approved and used for the purposes of waste disposal.

The reason for Condition 16 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 Condition 20 is to specify the approved areas from which waste may be accepted at the Site and the types of waste that may be accepted for disposal at the Site, based on the Owner's application and supporting documentation.

Condition 21 has been added because certain types of wastes have a greater likelihood of causing an environmental impact due to the proximity of surface water to the Limit of Fill area.

The reason for Condition 22 is to specify the hours of operation for the Site and a mechanism for amendment of the hours of operation, as required.

The reason for Condition 23 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 24 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Certificate.

The reason for Condition 25 is to ensure the Site is only operated in the presence of trained personnel and to ensure proper management of waste.

The reason for Condition 26 is to ensure that the Site is secure when unattended to prevent vandalism or theft.

The reason for Conditions 30, 31, 31 and 37 is to ensure that the Site is operated in an environmentally acceptable manner and does not result in a hazard or nuisance to the natural environment or any person.

The reason for Condition 33 is to ensure that cover material is applied regularly to control potential nuisance effects, to facilitate vehicle access on the Site, and to ensure an acceptable Site appearance is maintained.

The reason for Conditions 34, 48 and 49 is to protect the water quality of the creek.

The reason for Condition 35 and 54 is to ensure that final closure of the Site is completed in an aesthetically pleasing manner, in accordance with Ministry standards , and to ensure the long-term protection of the health and safety of the public and the environment.

The reason for Conditions 36 and 47 is to ensure that the Owner follows an inspection program plan with an organized set of procedures for identifying and responding to problems at the Site.

Conditions 38, 39, 40, 41 and 43 are included so that waste storage is done in a manner and duration which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Condition 42 is to limit the number of tires kept on Site to an amount appropriate to the size of the Site and to ensure that tires are stored in a safe and orderly manner.

The reason for Conditions 44, 45 and 46 is to limit the burning of waste to clean wood and to ensure that burning takes place in a manner which minimizes concerns with air emissions, smoke and other nuisance affects, and the potential fire hazard.

The reason for Conditions 50, 51, 52 and 53 is to demonstrate that the impacts on the natural environment are acceptable. Regular monitoring allows for the analysis of trends over time and ensures that there is an early warning of potential problems so that any necessary remedial/contingency action can be taken.

This Provisional Certificate of Approval revokes and replaces Certificate(s) of Approval No. A7108301 issued on October 20, 1980

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the waste disposal site is located;

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

This Notice must be served upon:

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

AND

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

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

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

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DATED AT TORONTO this 12th day of May, 2005

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

VP/
c: District Manager, MOE Sudbury
David Holla, Great Lakes Environmental Services