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Ministry of the Environment
Ministère de l'Environnement

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3197-7UDHRT

Notice No. 2

Issue Date: January 7, 2014

2126085 Ontario Inc.
o/a Recycle City
899 Nebo Road
Hamilton, Ontario
L0R 1L9

Site Location: 899 Nebo Road
Hamilton

You are hereby notified that I have amended Approval No. 3197-7UDHRT issued on for a 5.12 hectare Waste Disposal Site (Processing and Transfer) , as follows:

The definition of "Act" is hereby revoked and replaced with:

(a) "**EPA**" and "**Act**" mean the *Environmental Protection Act*, R.S.O. 1990, C.E-19, as amended;

The definition of "Certificate" is hereby revoked and replaced with:

(b) "**Approval**" and "**Certificate**" mean this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

The definition of "Site" is hereby revoked and replaced with:

(n) "**Site**" means the 1300 m² building, outdoor storage areas and ancillary structures (e.g. scale house), located on the 5.12 hectare property with municipal address 899 Nebo Road, Hamilton, as shown on the Site Plan referenced as Item 5 in Schedule "A";

The following definitions are hereby added:

(o) "**clean wood waste**" means waste that is wood or a wood product, including tree trunks and tree branches greater than 7 cm diameter, that is not contaminated with chromated copper arsenate, ammoniacal copper arsenic pentachlorophenol or creosote, is not part of an upholstered article, is not painted or stained, has minimal adhesive content, does not have an affixed or adhered rigid surface and from which hardware or fittings have been removed;

(p) "**inert fill**" means rock, gravel, brick, concrete, sand and similar materials that are traditionally used as fill and, for all intents and purposes, is unresponsive to degradation or decay and is unlikely to cause environmental impacts when in contact with stormwater or soil;

(q) "**putrescible waste**" means waste of vegetable or animal origin, or of a similar nature and characteristic, that is liable to become putrid, rotten or decayed;

(r) "**Qualified Person**" has the same meaning as in Ontario Regulation 153/04 made under the

EPA;

(s) “ **waste electrical and electronic equipment** ” and “ **WEEE** ” means a device that is a waste, that required an electric current to operate and includes household appliances, information technology equipment, telecommunications equipment, audio-visual equipment, toys, leisure equipment, sport equipment, electrical or electronic tool and instruments as listed in Schedules 1 through 7 of Ontario Regulation 393/04 Waste Electrical and Electronic Equipment made under the Waste Diversion Act 2002, and other similar electronics.

Condition 2.1 is hereby revoked and replaced with:

2.1 Except as otherwise provided for in this *Approval*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the application for this *Approval*, dated December 21, 2012, and the supporting documentation listed in Schedule “A”.

Condition 10.2 is hereby revoked and replaced with:

10.2 This *Site* is prohibited from receiving the following types of waste:

- (a) liquid waste;
- (b) radioactive, hazardous or subject waste;
- (c) fill or soil which does not meet *Ontario Regulation 347* Schedule 4 Leachate Quality Criteria or is subject to Land Disposal Requirements.

Condition 10.4 is hereby revoked and replaced with:

10.4 (a) With the exception of fill and/or soil and *WEEE*, the *Owner* may separate waste for the purpose of diverting waste from final disposal either manually or mechanically using mobile equipment (e.g. excavator with grapple hook); and

(b) The *Owner* is prohibited from manually or mechanically disassembling *WEEE*.

Condition 10.7 is hereby revoked and replaced with:

10.7 (a) The *Owner* shall not accept any fill and/or soil from commercial or industrial properties, or from properties known or suspected to be contaminated, including but not limited to known remediation projects or spill clean up sites, unless the *Owner* has received:

- (i) a written statement from a *Qualified Person* certifying that the waste is solid, non-hazardous waste;
- (ii) analytical results from an accredited laboratory (Canadian Association for Laboratory Accreditation or equivalent) for *Ontario Regulation 347* Schedule 4 parameters for waste originating from properties with known or suspected activities that may have resulted in contamination;
- (iii) analytical results from an accredited laboratory for *Ontario Regulation 347* Schedule 9 slump test if the waste contains a high moisture content;
- (iv) for soil to be reused as fill material, analytical results from an accredited laboratory specific to the receiving site, as required by the local municipality, the local Conservation Authority, any applicable federal/provincial legislation, or (in the absence of such requirements) as recommended by the *Qualified Person*.

(b) The *Owner* shall not accept any fill and/or soil at the *Site* until such time as the documentation required by Condition 10.7 (a) is reviewed and deemed acceptable by a competent person, or by an independent *Qualified Person* retained by the *Owner*.

Condition 10.8 is hereby added:

10.8 The following additional requirements shall be observed for soil received at the *Site*:

- (a) The *Owner* shall assign a unique tracking number to each load of soil received. The tracking number shall allow for soil, including soils that have been bulked, mixed or blended together, to be traced from property of origin to final destination; and
- (b) The *Owner* shall ensure that all soil received at the *Site* is visually inspected by a competent person as it is being unloaded. Any soil that is noticeably stained or odourous or exhibits characteristics suggesting that it is not a solid, non-hazardous waste shall be refused and shall be immediately re-loaded and returned to the property of origin. The refusal shall be documented in the daily log book required by Condition 22.2; and
- (c) The *Owner* shall ensure that no soil is transferred from the Site except to be deposited at a property or a site in accordance with one of the following criteria:
 - (i) to an approved waste disposal facility permitted to accept soil under Part V of the *EPA*;
 - (ii) to an approved waste disposal site for use as daily cover or intermediate cover in accordance with the requirements of the Environmental Compliance Approval for the receiving site;
 - (iii) to a receiving property that has been assessed by a *Qualified Person* who confirms that the receiving site has a fill management plan and that the soil quantity and quality is acceptable for the intended receiving property such that it will not cause an adverse effect to human health or the environment;
 - (iv) to a receiving property that has site specific standards developed in a risk assessment as outlined in Ontario Regulation 153/04 made under the *EPA*, and which the soil meets; and
- (d) The *Owner* shall ensure that for any soil that is to be transferred to a receiving property to be used as clean fill in accordance with Condition 10.8 (c) (iii), a copy of the analytical results are forwarded to the receiving property. If the generator has not provided these results, the *Owner* shall collect the required samples and submit them to an accredited laboratory and a copy of the analytical results shall be forwarded to the receiving property.

Condition 14.1 is hereby revoked and replaced with:

14.1 The *Owner* shall ensure that the maximum amount of waste on *Site*, including waste destined for a recycling facility or for reuse, does not exceed 600 tonnes at any time.

Conditions 14.4 and 14.5 are hereby revoked and replaced with:

14.4 Outdoor storage of waste destined for a recycling facility or end user is permitted as follows:

- (a) fill or soil, shingles, asphalt, clean wood waste and inert fill may be stored outdoors in dedicated bunkers which have been identified for such storage with signage, in the area shown on the Site plan referenced as Item 5 in Schedule "A";
- (b) waste destined for a recycling facility or end user may be stored outdoors in enclosed trailers and/or covered (tarp) roll off containers.

14.5 The *Owner* shall ensure that:

- (a) the waste that is stored indoors in piles have a maximum pile height of 6 metres and:
 - (i) a clearance of no less than 457 mm is maintained between the top of the storage piles and sprinkler head deflectors; and
 - (ii) a clearance of no less than 300 mm is maintained between the top of storage piles and structural membranes; and
- (b) waste is stored in a manner which allows for "first in / first out" movement of waste; and
- (c) an aisle of not less than 2.4 m width is maintained for the full length of the building; and
- (d) access aisles of not less than 1 m width is maintained to all exits; and
- (e) the waste is piled in manner to ensure the piles stability.

Condition 14.7 is hereby added:

14.7 The *Owner* shall ensure that all putrescible waste received at the *Site*, whether received in a source separated or commingled state, is handled as follows:

- (a) all *putrescible waste* shall be off-loaded inside the building in the designated area adjacent to the out-bound trailer location;
- (b) the designated area for *putrescible waste* receiving shall have an epoxy coated concrete floor maintained in good condition at all times;
- (c) *putrescible waste* received shall be immediately loaded onto an outbound trailer destined for an approved landfill facility; and
- (d) *putrescible waste* shall not remain on *Site* for more than 24 hours.

Condition 22.1 is hereby revoked and replaced with:

22.1 The *Owner* shall maintain a daily log, either in electronic or written form, in which the following information will be recorded as a minimum:

- (a) identifying information of waste vehicles, including vehicles delivering waste destined for a recycling facility, entering/leaving the *Site* including, but not limited to the name, Ministry Environmental Compliance Approval Waste Management System number and/or license plate number;
- (b) type and weight of waste, including waste destined for a recycling facility, delivered to, or transferred from, the *Site*; and
- (c) a running real time balance of the total waste, including waste destined for a recycling facility, present on *Site*.

Conditions 22.6 and 22.7 are hereby added:

22.6 Before shipping any soil from the *Site* to a receiving property (that is, a property other than a waste disposal site approved under Part V of the *EPA*), the *Owner* shall require the following:

- (a) a record of the receiving property owner's name and/or company name, contact information, receiving site address, and the quantity of soil or soil-like waste being sent to the receiving property;
- (b) written confirmation from the *Qualified Person* that they:

- (i) have assessed the receiving property;
- (ii) have identified the applicable soil quality standards for the receiving property as required by the local municipality, the local Conservation Authority, any applicable provincial/federal legislation, or (in the absence of such requirements) as recommended by the *Qualified Person*;
- (iii) have reviewed the test results for the soil and agree that the testing is sufficient to establish compatibility of the waste with the receiving property and that the waste meets the criteria for the receiving waste set out in Condition 10.8(c)(iii) above; and
- (iv) agree that the soil quantity and quality meet the requirements of the fill management plan for the receiving property.

(c) written confirmation from the receiving property owner that the soil quality and quantity to be provided is appropriate to the receiving property based on the recommendation of the *Qualified Person*, and that the receiving property agrees to accept it.

22.7 The *Owner* shall ensure that all written records for each load of soil, including but not limited to *Qualified Person* statements, analytical results and receiving site written confirmation, shall be maintained on *Site* for a minimum of five (5) years, and shall be made available to a *Provincial Officer* upon request.

The following are hereby added to Schedule "A":

3. Environmental Compliance Approval application, signed by Mr. Cash Banas, dated December 21, 2012.

4. Amended Design and Operations Report to ECA #3197-7UDHRT, prepared for 2126085 Ontario Inc. (Recycle City), prepared by A. Breberina, P. Geo, dated November 21, 2013.

5. Figure 2 - Site Plan, Operations and Traffic Flows, 899 Nebo Road, Hamilton, Ontario dated November 21, 2013.

The reason(s) for this amendment to the Approval is (are) as follows:

The definitions of "Act" and "Certificate" were amended to include terminology currently in use by the Ministry.

The definition of "Site" was amended to acknowledge (i) the reduction in size of the property located at municipal address 899 Nebo Road, Hamilton due to a portion of the property being annexed by the municipality and (ii) the altered configuration of the Site and altered traffic flow.

The definitions for "clean wood waste", "inert fill", "putrescible waste", "Qualified Person", "waste electrical and electronic equipment" and "WEEE" were added to provide clarity to this Approval.

Condition 2.1 was amended to acknowledge the most recent Environmental Compliance Approval application reviewed by the Ministry.

Condition 10.2 was amended to allow the receipt of incidental putrescible waste that may be contained in municipal waste received at this Site. This amendment does not permit the receipt of source separated organic waste as the Owner has not presented the Ministry with details of how adverse impacts would be mitigated.

Condition 10.4 was amended to prohibit the dismantling of WEEE as the Owner has not presented the Ministry with details of how this activity would be managed nor how adverse impacts would be mitigated.

Condition 10.7 was amended and Condition 10.8 was added to include new Ministry requirements for the handling of excess soil.

Condition 14.1 was amended to make clear that waste that has been separated and is destined for a recycling facility or an end uses is included in the maximum allowable tonnage approved for this Site.

Condition 14.4 was amended to permit select waste streams to be stored outdoors in concrete bunkers.

Condition 14.5 was amended to permit waste to be piled to a maximum height of 6 metres provided that Ontario Fire Code restrictions are met.

Condition 14.7 was added to ensure that putrescible waste is handled in a manner which does not create a hazard or nuisance to the public.

Condition 22.1 was amended to make clear that the daily log is to also include records on waste that has been received as source separated, or has been separated on Site.

Condition 22.6 and 22.7 were added to include new Ministry record keeping requirements for excess

soil.

Schedule "A" was amended to include the application form and documentation submitted in support of the amendment request and on which approval for this amendment has been based on.

This Approval does not permit the use of the North Building for waste management activities approved under this Approval. The North Building is approved for use as a hazardous waste transfer station and the amendment application provided no details on how the two activities would be separated and managed so as not to present a fire risk.

This Notice shall constitute part of the approval issued under Approval No. 3197-7UDHRT dated

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The portions of the environmental compliance approval or each term or condition in the environmental compliance 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.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

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, Suite 1500 Toronto, Ontario M5G 1E5	AND	The Environmental Commissioner 1075 Bay Street, Suite 605 Toronto, Ontario M5S 2B1	AND	The Director appointed for the purposes of Part II.1 of the Environmental Protection Act Ministry of the Environment 2 St. Clair Avenue West, Floor 12A Toronto, Ontario M4V 1L5
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*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-3717 or**

www.ert.gov.on.ca

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, 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.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 7th day of January, 2014

Dale Gable, P.Eng.
Director
appointed for the purposes of Part II.1 of
the *Environmental Protection Act*

VP/
c: District Manager, MOE Hamilton - District