



**PROVISIONAL CERTIFICATE OF APPROVAL
WASTE MANAGEMENT SYSTEM
NUMBER 5844-7JTL8V
Issue Date: December 10, 2008**

1737161 Ontario Limited
22 Bertram Industrial Pky
Springwater, Ontario
L0L 1X0

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

a waste management system serving:

the Province of Ontario;

for the use and operation of one (1) mobile unit (processing) which includes one or more pieces of the equipment listed in Schedule "B", for the processing of clean wood, waste wood, brush/trees, leaf/yard waste, asphalt shingles, and food waste.

Note: Use of the Mobile Unit for any other type of waste is not approved under this Certificate of Approval, and requires obtaining a separate approval amending this Certificate of Approval.

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

1. "Certificate" means this entire *provisional certificate of approval* document, issued in accordance with section 39 of the *EPA*, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A";

"Director" means any *Ministry* employee appointed in writing by the *Minister* pursuant to section 5 of the *EPA* as a Director for the purposes of Part V of the *EPA*;

"District Manager" means the *District Manager* of the local district office of the *Ministry* in which the *mobile unit* is operated;

"EPA" means *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;

"Ministry" means the Ontario Ministry of the Environment;

"mobile unit" means the mobile waste disposal site (processing) listed in Schedule "B" that is approved to operate pursuant to this *Certificate*;

"Operator" means any person, other than the *Owner's* employees, authorized by the *Owner* as having the charge, management or control of any aspect of the *mobile unit*, and includes its successors or assigns;

"Owner" means any person that is responsible for the establishment or operation of the *mobile unit* being approved by this *Certificate*, and includes 1737161 Ontario Limited., its successors and assigns;

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O-40, as amended from time to time;

"PA" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amend from time to time;

"*Provincial Officer*" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the *OWRA* or section 5 of the *EPA* or section 17 of *PA*.

"*Reg. 347*" means Regulation 347, R.R.O. 1990, made under the *EPA*, as amended from time to time;

"*Trained personnel*" means knowledgeable in the following through instruction and/or practice:

- a. relevant waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the waste to be handled;
- c. occupational health and safety concerns pertaining to the processes and wastes to be handled;
- d. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for management of unacceptable waste loads;
- h. the requirements of this *Certificate*.

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

TERMS AND CONDITIONS

GENERAL

Compliance

2. The *Owner* and *Operator* shall ensure compliance with all the conditions of this *Certificate* and shall ensure that any person authorized to carry out work with or operate any aspect of the *mobile unit* 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 with or operate any aspect of the *mobile unit* shall comply with the conditions of this *Certificate*.

Build, etc. in Accordance

4. Except as otherwise provided by this *Certificate*, the *mobile unit* shall be designed, developed, built, operated and maintained in accordance with the application for this *Certificate*, dated March 17, 2008, and the supporting documentation listed in Schedule "A".

Interpretation

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

6. Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the *Ministry* approved the amendment.

7. Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.

8. The requirements of this *Certificate* are severable. If any requirement of this *Certificate*, or the application of any requirement of this *Certificate* to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this certificate shall not be affected thereby.

Other Legal Obligations

9. 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*.

Adverse Effects

10. The *Owner* and *Operator* shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the use of the *mobile unit*, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

11. Despite an *Owner*, *Operator* 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

12. 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:

- a. the ownership of the *mobile unit*;
- b. the *Operator* of the *mobile unit*;
- c. the address of the *Owner* or *Operator*;
- d. 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; or
- e. the name of the corporation where the *Owner* is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C-39 shall be included in the notification.

Financial Assurance

13. The *Owner* shall submit to the *Director*, within thirty (30) days of the date of issuance of this *Certificate*, Financial Assurance as defined in Section 131 of the *EPA*, in the amount of \$5,000 per *mobile unit*. This Financial Assurance shall be in a form and amount acceptable to the *Director* and shall provide sufficient funds to pay for any expenses incurred by her Majesty the Queen in Right of Ontario, including cash deposits made under this condition or payment under Part XII of the Act, related to any waste management activity of the Company or its successors and assigns.

14. A written report reviewing the Financial Assurance required by the conditions in this *Certificate* shall be submitted to the *Director* and the *District Manager* by March 31, 2009, and shall be updated and re-submitted every three (3) years on the anniversary date, and shall include updates of the discount, interest and inflation rates associated with the requirements for Financial Assurance in this *Certificate* including justifications and sources of the proposed rates.

15. 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 60 days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

Inspections

16. No person shall hinder or obstruct a *Provincial Officer* in the performance of their duties, including any and all inspections authorized by the *OWRA*, the *EPA* or the *PA* of any place to which this *Certificate* relates, and without limiting the foregoing to:

- a. enter upon the premises where the *mobile unit* is located, or the location where the records required by the conditions of this *Certificate* are kept;
- b. have access to, inspect, and copy any records required by the conditions of this *Certificate*;
- c. inspect the practices, procedures, or operations required by the terms and conditions of this *Certificate*; and
- d. sample and monitor for the purposes of assessing compliance with the conditions of this *Certificate* or the *EPA*, the *OWRA* or the *PA*.

Information and Record Retention

17. Any information requested, by the *Ministry*, concerning the *mobile unit* 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. Records shall be retained for 5 years 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.

OPERATIONS

Operations

19. (a) This *mobile unit* is approved for the processing of solid non-hazardous waste limited as per the Conditions of this *Certificate*. The *mobile unit* shall be operated and maintained, and the management and disposal of all waste shall be carried out, in accordance with the *EPA*, *Reg. 347* and the conditions of this *Certificate*.
- (b) The *mobile unit* shall be operated and maintained such that vermin, vectors, dust, litter, odour, and noise do not create a nuisance. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

Certificate

20. A copy of this *Certificate* shall be kept with the *mobile unit* at all times.

Waste Limits

21. The following waste type(s) may be processed by this Mobile Unit:
 - (i) clean wood, waste wood, brush/trees, leaf/yard waste, asphalt shingles, and food waste.
22. All waste shall be inspected by *Trained personnel*, prior to being processed by the *mobile unit*, to ensure that the *mobile unit* is approved to process that type of waste.
23. The *Owner* shall ensure that after the processing of waste is completed, the *mobile unit* is cleaned of any residual waste. The waste resulting from the cleaning activities shall be handled in accordance with *Reg. 347*. No waste shall be transported in the *mobile unit*.
24. The *Owner* shall not operate the *mobile unit* at a site for a period exceeding sixty (60) days in a calendar year.

Scope

25. The *mobile unit* shall only be operated at:

- (a) a site where waste is generated;
- (b) a waste disposal site that has a Certificate of Approval under Section 27 of the *EPA* to receive, store and process the waste approved in this *Certificate*, from other generators/sites; or
- (c) a waste disposal site that is exempt from Section 27 of the *EPA*.

26. (a) The *mobile unit* may only be operated at a waste disposal site that has a Certificate of Approval under Section 27 of the *EPA* where the Certificate of Approval for the waste disposal site approves the type of waste processing offered by the operation of the *mobile unit*.

(b) When the *mobile unit* is operated at a waste disposal site that has an approval under Section 27 of the *EPA* for the operation of such a unit, Conditions 24, 28, 29 and 36 do not apply. The Company shall comply with all conditions of the approval for the waste disposal site as they relate to the operation of the unit. Should there be discrepancies between the conditions of this *Certificate* and those of the Certificate of Approval for the waste disposal site where the *mobile unit* is operating, the conditions of the latter shall take precedence.

(c) When the *mobile unit* is operated at a waste disposal site exempt from Section 27 of the *EPA*, the conditions of this *Certificate* do not apply.

(d) Prior to processing of any waste at the generator's site, the *Owner* shall determine the proposed end use of the processed waste. If the proposed end use of the processed waste is exempt in accordance with Section 3 of *Reg. 347*, the conditions of this *Certificate* do not apply.

Identification

27. The Mobile Unit shall be clearly marked, on both sides, with the following information being displayed:

- (a) the *Owner's* name; and
- (b) this *Certificate* number.

Notification

28. (1) The *Owner* shall notify the *District Manager*, in writing, of its intent to operate the *mobile unit* at any site in the *District Manager's* area of jurisdiction. The notification shall be submitted no less than three (3) business days prior to operation.

(2) The notification shall include, but not be limited to, the following information:

- (i) name, address, telephone number, and location of the site at which the *Owner* intends to operate;
- (ii) Certificate of Approval Number issued under Section 27 of the *EPA* if the site is a waste disposal site approved to receive, store and process waste approved in this *Certificate*, from other generators/sites;
- (iii) description of *mobile unit*, operating plan and emergency plan for the operation;
- (iv) site plan for the location where the *Owner* intends to operate, including property boundaries, buildings, placement of the *mobile unit* on the site, usage of properties adjacent to site, location of overnight storage of equipment, storage location of waste to be processed and processed waste to be left on site, and site fencing and access control;
- (v) general description of the waste to be processed;
- (vi) proposed volume of waste to be processed;
- (vii) proposed final destination of the processed waste;
- (viii) anticipated date of commencement of the operation;

(ix) hours of operation for the *mobile unit*;

(x) anticipated completion date of the operation;

(xi) reference to this *Certificate* number;

(xii) proof of the *Director's* acceptance of the financial assurance for the *mobile unit*; and

(xiii) a copy of the municipal notification.

(3) The *Owner* shall provide to the *District Manager* any additional information that the *District Manager* may require. This information must be submitted within a time period acceptable to the *District Manager*.

(4) Should the *District Manager* require additional information, the *Owner* shall not allow the *mobile unit* to be located or operated at the site until the *District Manager* has provided, in writing, his concurrence of all required additional information.

(5) The *District Manager* may delete any of the items required in the notification list included in the Subsection 28(2).

29. (a) A copy of the notification referred to in Condition 28 shall also be submitted to the clerk of the municipality in which the Company intends to operate or to such other municipal officer that the clerk designates in writing. The notification shall be submitted a minimum of three (3) business days prior to the date of commencement of the operation. Should the services be provided to a municipality, notification of the municipal clerk is not required.

(b) The Company shall also notify, in writing, the local fire department, that the *mobile unit* is to operate in the area of its jurisdiction.

Operations Manual

30. Prior to the operation of the *mobile unit*, the *Owner* shall compile an Operations Manual, for use by *mobile unit* operators. The Manual shall contain as a minimum the following information:

(a) waste screening procedures to ensure that only approved waste is processed by the *mobile unit*;

(b) handling and processing procedures for the waste, for the processed material and for the by-product wastes;

(c) operating parameters for the *mobile unit*;

(d) maintenance and inspection protocols for the *mobile unit*;

(f) record keeping requirements outlined in this *Certificate*;

(e) outline of the responsibilities of the *mobile unit* operators;

(f) personnel training protocols;

(g) contingency measures for the emergency situations and the emergency situation response plan, and

(h) complaint handling procedures outlined in this *Certificate*.

31. (a) The Operations Manual shall be maintained in a up-to-date manner and shall made available for inspection by *Ministry* staff as requested.

(b) Changes to the Operation Manual shall be only made with a written concurrence of the *District Manager* or following an approval by the *Director*, if such approval is deemed necessary by the *District Manager*.

Training

32. All operators of the *mobile unit* shall be trained with respect to the following areas:

- (a) terms, conditions and operating requirements of this *Certificate*;
- (b) operation, maintenance and inspection of the *mobile unit* in accordance with the Operations Manual;
- (c) any environmental concerns pertaining to the wastes to be processed;
- (d) occupational health and safety concerns pertaining to the wastes to be processed;
- (e) relevant waste management legislation, regulations and the *EPA*; and
- (f) operation of equipment and procedures to be followed in the event of a spill or other emergency in accordance with the Operations Manual.

33. The *mobile unit* shall only be operated when the appropriately *Trained personnel* are in attendance.

Emergency Response Plan

34. (1) The *Owner* shall promptly take all necessary steps to handle an emergency situation to minimize its impact on the natural environment. All wastes resulting from handling of the emergency situation shall be contained and cleaned up.

(2) All wastes resulting from an emergency situation shall be managed and disposed of in accordance with *Reg. 347* and the *EPA*.

(3) The *Owner* shall record in a log book the nature of the spill or upset and the measures taken to contain the spill and prevent its recurrence.

35. All equipment and materials required to handle the emergency situations shall be kept on hand at all times that the *mobile unit* is in operation, and be adequately maintained and kept in good repair.

Record Keeping

36. (1) The *Owner* shall prepare a report at the completion of the operation of the *mobile unit* at a site.

(2) The report shall include but not be limited to the following:

- (a) confirmation of the notification referred to in Condition 28;
- (b) total volume of waste that was processed by the *mobile unit*, to remain at the generator's site;
- (c) type and total volume of by-product wastes generated by the operation of the *mobile unit*, to remain at the generator's site;
- (d) dates and hours of operation at the generator's site including the actual date when processing commenced and the date when processing was completed;
- (e) records of any spills or upsets that occurred during the operation of the *mobile unit*; and
- (f) records of any environmental complaints, including the following information:
 - (i) time and date of the complaint;
 - (ii) description of the complaint;
 - (iii) operating conditions at the time of the complaint;
 - (iv) weather conditions at the time of the complaint;
 - (v) cause of the complaint;
 - (vi) remedial measure taken to alleviate the cause of the complaint; and

(vii) measures taken to prevent re-occurrence in the future.

37. All records required by the conditions of this *Certificate* shall be kept by the *Owner* for a minimum period of two (2) years from the date of their creation.

SCHEDULE "A"

This Schedule "A" forms part of this Provisional Certificate of Approval for a Waste Disposal Site

Information relied upon in the issuance of this Certificate:

1. The Application for Approval of a Waste Management System dated March 17, 2008, signed by Carl Priest, Director, 1737161 Ontario Limited., including all supporting documentation and instructions for operating the mobile unit.

SCHEDULE "B"

This Schedule "B" forms part of this Provisional Certificate of Approval for a Waste Disposal Site

Mobile Unit Approved for Operation of this Certificate of Approval

Description	Manufacturer	Model
grinder	Morbark	5200
loader	JCB	416

One (1) mobile unit consists of:

- 1 grinder
- 1 loader

Storage location:

22 Bertram Industrial Parkway
Midhurst, Ontario

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, 5, 6, 7, 8, 9, 10, 11, 17 and 18 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Condition 4 is to ensure that the mobile unit is operated in accordance with the application and supporting documentation submitted by the Company, and not in a manner which the Director has not been asked to consider.
4. The reasons for Condition 12 are to ensure that the mobile unit 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.
5. The reason for Conditions 13, 14 and 15 is to ensure sufficient funds are available to provide for the clean-up of the discharge of any contaminants to the natural environment in the event the Owner is unwilling or unable to do so.

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6. The reason for Condition 16 is to ensure that appropriate Ministry staff have ready access to the mobile unit and for inspection of facilities, equipment, practices and operations required by the conditions in this Certificate of Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.
7. The reasons for Conditions 19 are to specify that the mobile unit is approved to undertake mobile processing, and the ensure that the operation of the mobile unit does not result in a nuisance or a hazard to the health and safety of the public or the environment.
8. The reasons for Condition 20 are to ensure the mobile unit is operated in accordance with the Conditions of this Certificate, and that the Certificate can be made available to any Provincial Officer upon request.
9. The reason for Conditions 21 and 22 is to specify the types of waste that may be processed by the mobile unit, and to ensure that only acceptable waste is processed by the mobile unit.
10. The reasons for Conditions 23 and 24 are to ensure that no waste is transported in the mobile unit, and that the location of the mobile unit does not become a permanent waste disposal site, as such operation was not considered by the Director as part of the application.
11. The reason for Conditions 25 and 26 is to specify where the mobile unit may operate, and to clarify which Conditions do not apply when operated at certain sites.
12. The reason for Condition 27 is to provide visual identification of the company name and approval status.
13. The reason for Conditions 28 and 29 is to ensure the District and local municipal agencies are notified of the Owner's intent to operate a mobile unit in their jurisdiction.
14. The reason for Conditions 30 and 31 is to ensure the an up-to-date operations manual is available to all staff to facilitate training and proper operation of the mobile unit, and to any Provincial Officer to facilitate inspections.
15. The reason for Conditions 32 and 33 is to ensure that the mobile unit is operated by properly trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person.
16. The reasons for Conditions 34 and 35 is to ensure that an Emergency Response Plan is developed and maintained for the mobile unit, and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.
17. The reasons for Conditions 36 and 37 are to provide for the proper assessment of effectiveness and efficiency of the mobile unit design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Certificate of Approval, the EPA and its regulations

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;

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6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

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

This Notice must be served upon:

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

AND

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

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

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

DATED AT TORONTO this 10th day of December, 2008

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

AM/
c: District Manager, MOE Barrie
Carl Priest, 1737161 Ontario Limited