



AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE

NUMBER A522402

Notice No. 1

Issue Date: June 22, 2009

The Corporation of the Township of Nipissing
45 Beatty St
Nipissing, Ontario
P0H 1W0

Site Location: Bear Creek Landfill Site
Lot 5, Concession 15
Nipissing Township, District of Parry Sound

You are hereby notified that I have amended Provisional Certificate of Approval No. A522402 issued on March 20, 1980 for the use and operation of a 1.1 hectare waste disposal site within a total site area of 40 hectares having a maximum capacity of 40,000 cubic meters, being known as the Bear Creek Landfill Site, as follows:

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

"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 Schedules;

"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 *Site* is geographically located;

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

"Ministry" means the Ministry of the Environment;

"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 site;

"Owner" means any person that is responsible for the establishment or operation of the site being approved by this *Certificate*, and includes the Township of Nipissing, and 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*.

"PWQO" means the Provincial Water Quality Objectives.

"Regional Director" means the Regional Director of the local Regional Office of the *Ministry* in which the *Site* is located;

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

"Reg. 419" means Ontario Regulation 419, R.R.O.2005, made under the *EPA*, as amended from time to time;

"Site" means the entire Bear Creek Landfill Site, approved by this *Certificate*.

"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 refusal of unacceptable waste loads; and
- 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:

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 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*.

Interpretation

4. 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.

5. 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.

6. 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.

7. 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

8. 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

9. The *Owner* and *Operator* shall take steps to minimize and ameliorate immediately any adverse effect on the natural environment or impairment of water quality resulting from the *Site*, 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*, *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

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:

- a. the ownership of the *Site*
- b. the *Operator* of the *Site*;
- 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;
- 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-39 shall be included in the notification; or

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 *Site*, 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*.

Inspections

13. 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 *Site* 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 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

14. 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. Records shall be retained for 5 years except for as otherwise authorized in writing by the *Director*.

15. 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.

OPERATION and MAINTENANCE

Operation

16. The *Site* shall be operated and maintained at all times in accordance with the *EPA*, *Reg. 347* and the conditions of this

Certificate.

Design and Operations Report

17. Within six (6) months of issuance of this Notice, the Owner shall submit the revised Design and Operations Report to the *Director* for approval.

Waste Type

18. Only the following types of waste shall be accepted at the *Site*:

Solid non-hazardous municipal and commercial waste.

Waste Limits

19. The total capacity of the *Site* is **40,000** cubic metres.

Landfill Footprint

20. The landfill footprint for the site shall not exceed **1.1** hectare.

Service Area

21. Only waste that is generated within the **the Township of Nipissing** shall be accepted at the *Site*.

Hours of Operation

22. (1) Waste shall only be accepted at the *Site* during the following time periods:

4:00 p.m. to 8:00 p.m., Wednesday

10:00 a.m. to 6:00 p.m., Friday

10:00 a.m. to 6:00 p.m., Sunday

(2) Hours of Operation may be amended from time-to-time with the prior written consent of the District Manager.

Site Access

23. The Owner shall provide and maintain access roads and on-site roads so that vehicles hauling waste to and on the *Site* may travel readily on any operating day.

Site Security

24. During times when the site is not attended, the Owner shall lock the site entrance and exit gates to secure against access by unauthorized persons.

Signage

25. The Owner shall install and maintain a sign which complies with local by-laws at the main entrance/exit to the *Site* on which is legibly displayed the following information:

- a. the name of the *Site* and *Owner*;
- b. the number of the *Certificate*;
- c. the name of the *Operator*;
- d. the normal hours of operation;
- e. the allowable and prohibited waste types;
- f. a telephone number to which complaints may be directed;
- g. a twenty-four (24) hour emergency telephone number (if different from above); and
- h. a warning against dumping outside the *Site*.

Vermin, etc.

26. The *Site* shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance.

Scavenging

27. The *Owner* shall ensure no scavenging at the *Site* occurs.

Burning Waste Prohibited

28. No waste other than segregated brush, lumber and *Clean Wood* shall be burned at the *Site*.

Monitoring Program

29. The groundwater and surface water samples shall be collected and analysed at the pre-determined frequency in accordance with the Schedule "B".

Waste Inspection

30. All waste shall be inspected by *Trained personnel* prior to being accepted at the *Site* to ensure that the waste is of a type approved for acceptance under this *Certificate*.

31. In the event that a load of waste is refused, a record shall be made in the daily log book (or electronic log) of the reason the waste was refused and the origin of the waste, if known.

Site Inspection

32. An inspection of the entire *Site* and all equipment on the *Site* shall be conducted each day the *Site* is in operation to ensure that: the *Site* is secure; that the operation of the *Site* is not causing any nuisances; that the operation of the *Site* is not causing any adverse effects on the environment and that the *Site* is being operated in compliance with this *Certificate*. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the *Site* if needed.

33. A record of the inspections shall be kept in the daily log book (or electronic log) that includes the following information:

- a. the name and signature of person that conducted the inspection;
- b. the date and time of the inspection;
- c. a list of any deficiencies discovered;
- d. any recommendations for remedial action; and
- e. the date, time and description of actions taken.

Training Plan

34. A training plan shall be developed and maintained for all employees that operate the *Site*. Only *trained personnel* may operate the *Site* or carry out any activity required under this *Certificate*.

35. The *Owner* shall ensure that *Trained personnel* are available at all times during the hours of operation of this *Site*. *Trained personnel* shall supervise all transfer or processing of waste material at the *Site*.

Complaint Response

36. If at any time, the *Owner* receives complaints regarding the operation of the *Site*, the *Owner* shall respond to these complaints according to the following procedure:

- a. record and number each complaint, either electronically or in a separate log book, and shall include the following information;

- b. the nature of the complaint;
- c. if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
- d. the name, address and the telephone number of the complainant (if provided) and
- e. the time and date of the complaint;
- f. the *Owner*, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
- g. the *Owner* shall complete and retain on-site a report with a copy given to the *District Manager* within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

Emergency Response/Contingency Plan

37. The Emergency Response Plan shall be kept up to date, and a copy shall be retained in a central location on the *Site* and shall be accessible to all staff at all times. Copies shall be submitted to the local Municipality and the Fire Department. Changes to the Emergency Response Plan shall be submitted to the *District Manager*. It is the discretion of the *District Manager* if such changes require *Director's* approval.

38. The equipment, materials and personnel requirements outlined in the Emergency Response Plan shall be immediately available on the *Site* at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.

39. All staff that operate the *Site* shall be fully trained in the use of the contingency and emergency response plans, and in the procedures to be employed in the event of an emergency.

40. The *Owner* shall immediately take all measures necessary to contain and clean up any spill or leak which may result from the operation of this *Site* and immediately implement the emergency response plan if required.

Closure Plan

41. (1) Six (6) months prior to the planned closure of this *Site*, the *Owner* shall provide to the *Director*, for 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;

(2) The *Owner* shall implement the Closure Plan, after it has been approved, in writing, by the *Director*.

42. Within 10 days after closure of the *Site*, 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.

Daily Log Book (or electronic log)

43. A daily log shall be maintained and shall include the following information:

- a. date;
- b. types (class and primary characteristic), quantities and source of waste received;
- c. quantity of unprocessed, processed and residual waste on the *Site*;
- d. quantities and destination of each type of waste shipped from the *Site*;
- e. a record of daily inspections required by this *Certificate*;
- f. a record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, 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 *EPA*;
- g. a record of any waste refusals which shall include; amounts, reasons for refusal and actions taken; and
- h. and the signature of the *Trained Personnel* conducting the inspection and completing the report.

Annual Report

44. By **March 31, 2010** and on an annual basis thereafter, a written report shall be prepared for the previous calendar year ("*Annual Report*"). The Annual Report shall be retained on *Site* with a copy submitted to the *Area Supervisor* on March 31 of each year. The report shall include, at a minimum, the following information:

- a. a detailed monthly summary of the type and quantity of all incoming and outgoing wastes and the destination of all outgoing wastes;
- b. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the *Site* and during the facility inspections and any mitigative actions taken;
- c. any changes to the Emergency Response (Contingency) Plans,
- d. any changes to the Design and Operations Report that have been approved by the *Director* since the last Annual Report; and
- e. any recommendations to minimize environmental impacts from the operation of the *Site* and to improve *Site* operations and monitoring programs in this regard.

Schedule "A"

This Schedule "A" forms part of Certificate of Approval No: A522402

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site submitted by the Township of Nipissing requesting update the Design & Operation report for a waste disposal site (Bear Creek Landfill). The application was signed by David Yemm, Superintendent, Township of Nipissing, dated July 3, 2007.
2. Report entitled "Bear Creek Landfill - Design and Operations Report" prepared by Chris Visser, Manager, Solid Waste, Totten Sims Hubicki Associates, dated June 2007.
3. Report entitled "2007 Water Quality Monitoring Bear Creek Landfill Township of Nipissing" prepared by Leon G. Bryck, P.Eng., Hydroterra Limited., dated April 2008.
4. Memorandum dated April 10, 2008 from K.D. Hawley, Hydrogeologist of Northern Region Technical Support Section to Mr. Jim Mills, Senior Environmental Officer of North Bay District Office.
5. Memorandum dated October 10, 2008 from Eva Maciaszek, Surface Water Specialist, Northern Region Technical Support Section to Mr. Jim Mills, Senior Environmental Officer of North Bay District Office.
6. Letter dated May 25, 2009, from Kelly Murphy, P.Eng., AECOM Canada Ltd., to Alan Tan, P.Eng., Senior Waste Engineer, MOE.

Schedule "B"

This Schedule "B" forms part of Certificate of Approval No: A522402

Groundwater Monitoring

Sampling Location	Parameters	Frequency
BH1, BH2 (09), BH3 (09), BH4, BH5, and BH 6	Alkalinity, Ammonia, Arsenic, Barium, Boron, Cadmium, Calcium, Chloride, Chromium, Conductivity, Copper, Iron, Lead, Magnesium, Manganese, Mercury, Nitrite (NO ₂ -N), Nitrate (NO ₃ -N), pH, T.K.N., Total Phosphorus, Phenol, Potassium, Sodium, Suspended Solids, Total Dissolved Solids, Sulphate, Zinc, BOD-5, COD, VOCs, Dissolved Organic Carbon.	Twice a year (Spring and Fall)

Surface Water Monitoring

CONTENT COPY OF ORIGINAL

Sampling Location	Parameters	Frequency
SW1, SW2, SW3, SW4, SW5, and SW6	Alkalinity, Aluminum, Ammonia, Arsenic, Barium, Beryllium, Boron, Cadmium, Calcium, Chromium, Chloride, Cobalt, Conductivity, Copper, Iron, Lead, Magnesium, Magnaese, Molybdenum, Nickel, Nitrite (NO ₂ -N), Nitrate (NO ₃ -N), pH, T.K.N., Total Phosphorus, Phenol, Potassium, Silver, Sodium, Suspended Solids, Total Dissolved Solids, Sulphate, Vanadium, Zinc, BOD-5, COD, Hardness, and Field measurements of Temperature, pH, Flow Rate, Conductivity and Dissolved Oxygen.	Four times a year

The reasons for this amendment to the Certificate of Approval are as follows:

- 1. The reasons for Conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14 and 15 are to clarify the legal rights and responsibilities of the Owner and Operator.*
- 2. The reason for Condition 2 are to ensure that the Site is operated 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.*
- 3. The reason for Conditions 11 and 25 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.*
- 4. 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 of Approval.*
- 5. The reasons for Conditions 16, 17 and 18 are 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 of Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.*
- 6. The reasons for Conditions 19, 20 and 21 are to specify the types of waste that may be accepted at the Site, and the amounts of waste that may be stored on Site based on the Owner's application and supporting documentation.*
- 7. 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.*
- 8. The reasons for Conditions 23 and 24 is to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.*
- 9. The reasons for Conditions 26, 27, 28 and 29 are 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.*
- 10. The reasons for Conditions 30 and 31 are 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.*
- 11. The reason for Conditions 32 and 33 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.*
- 12. The reason for Conditions 34 and 35 are to ensure that the Site 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.

13. The reason for Condition 36 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.

14. The reasons for Conditions 37, 38, 39 and 40 are to ensure that an Emergency Response Plan is developed and maintained at the Site and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.

15. The reasons for Conditions 41 and 42 are 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.

16. The reason for Condition 43 is to provide for the proper assessment of effectiveness and efficiency of site 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.

17. The reason for Condition 44 is to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A522402 dated March 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
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 disposal site is approved under Section 39 of the Environmental Protection Act.

CONTENT COPY OF ORIGINAL

DATED AT TORONTO this 22nd day of June, 2009

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

AT/
c: District Manager, MOE North Bay
Chris Visser, Totten Sims Hubicki Associates (1997) Limited