



Ministry
of the
Environment

Ministère
de
l'Environnement

AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A140716

Issue Date: September 13, 2007

Sittler Excavating Limited
P.O. Box 36, 2660 Arthur Street North
Elmira, Ontario
N3B 2Z5

Site Location: Sittler Excavating Ltd.
2660 Arthur Street North
Lots 93 & 94, Concession R.R. #1, Regional Road 21
Township of Woolwich, Regional Municipality of Waterloo

You are hereby notified that I have amended Provisional Certificate of Approval No. A140716 issued on April 8, 1994 for the use and operation of a 5.5 hectare Waste Disposal Site (Processing), serving the Province of Ontario, which includes the use of this Site only for the transfer, processing and temporary storage of non-hazardous solid waste generated from industrial, commercial and construction and demolition sources, as follows:

The address of the Company has changed:

FROM: Sittler Excavating Limited
316 Arthur Street South
Elmira, Ontario N3B 2P4

TO: Sittler Excavating Limited
P.O. Box 36
2660 Arthur Street North
Elmira, Ontario N3B 2Z5

The following Definitions are hereby revoked and replaced with:

- (c) "**Director**" means Director, Environmental Assessment and Approvals Branch, Ontario Ministry of the Environment;
- (d) "**District Office**" means the Guelph District Office, Ontario Ministry of Environment;
- (e) "**District Manager**" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- (g) "**Ministry**" means the Ontario Ministry of Environment;
- (h) "**processing**" means the shredding, grinding, separation (manual or mechanical), dismantling, resource recovery and screening of waste and/or recyclable material and includes the dyeing of shredded wood;
- (k) "**Site**" means the 2.0 hectare portion of a 14 hectare property located at 2660 Arthur Street North, legally described as Lots 93 & 94, Concession R.R. #1, Regional Road 21, approved under this Certificate for the receipt, temporary storage and processing of waste and recyclable materials and the 3.5 hectare portion of property delineated as the Weber property in Item 19 of Schedule "A" approved under this Certificate for the temporary storage and processing of clean wood and waste wood only, excluding mulch colouring and mulch storage;
- (m) "**waste and/or recyclable material**" means 100 per cent non-hazardous solid waste, limited to clean wood, waste wood and shingles only, which may include incidental contaminants not exceeding 10% by weight of the total waste quantity;

The following definitions are hereby added:

(n) "**clean wood**" means waste that is wood, including dimensional lumber, stumps, tree limbs and brush, 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;

(o) "**waste wood**" means waste that is wood or a wood product that has been painted, treated (e.g. pressure treated, rail ties), glued or laminated;

(p) "**mulch colouring**" means the dyeing of wood chips intended for use as landscaping material;

(q) "**incidental contaminants**" means concrete, brick, blocks, construction rubble, soil, metal, asphalt, corrugated cardboard and plastic, but does not include food waste.

The following Terms and Conditions are hereby revoked and replaced with:

7. (1) The Company shall ensure the operating times for this Site are as follows:

Monday to Friday, 7:00 a.m. to 7:00 p.m.

(2) The Company shall ensure that no operations, including grinding, shredding, loading, unloading and mulch colouring, are carried out at this Site from 7:00 pm to 7:00 a.m. weekdays and on Sundays or statutory holidays.

(3) In addition to Condition 7(2), the Company shall ensure that no grinding or shredding takes place on Saturdays.

(4) The Company shall ensure that all grinding and shredding is carried out using equipment approved under Section 9 of the Act.

(5) Where grinders used at this Site are also approved under a mobile waste disposal site, and the terms and conditions of the mobile waste disposal site Certificate of Approval conflict with this Certificate, the terms and conditions of this Certificate shall prevail for the duration that the grinders are in operation at this Site.

9. (1) The Company shall ensure the maximum amount of waste and/or recyclable material received at this Site on any one day does not exceed 1200 tonnes.

(2) The Company shall ensure that all waste and/or recyclable material received at this Site is sorted within 30 days of receipt.

12. The Company may receive only waste and/or recyclable material at this Site and shall ensure that all clean wood and waste wood is stored in accordance with the Ontario Fire Code.

13. (1) The Company shall ensure that the quantity of waste and/or recyclable material stored at this Site shall not exceed the maximum Site storage capacity of 20,000 tonnes at any one time; and

(2) The Company shall ensure that the maximum quantity of incidental contaminants stored on Site does not exceed 2000 tonnes at any one time.

14. (1) The Company shall not store residual waste at this Site in excess of two (2) weeks from the date of receipt.

(2) The Company shall not store processed clean wood or wood waste at this Site in excess of eight (8) months from the date of processing.

(3) The Company shall not store incidental waste at this Site in excess of 120 days from the date of processing.

(4) The Company shall not store shingles, either processed or unprocessed for greater than twelve (12) months.

15. (1) The Company shall ensure that all storage containers/bins used to store waste and/or recyclable material are maintained in good condition. Damaged containers shall be immediately removed from service.

17. (a) The Company shall ensure that clean wood and waste wood, are stored in accordance with the Fire Marshal's Act and the Ontario Fire Code. The Company shall ensure the following, unless otherwise specified, in writing, by the Township of Woolwich Fire Department, Floradale Station:

- (1) Wood chip storage piles shall not be more than six (6) meters in height, fifteen (15) meters in width and forty-five (45) meters in length;
- (2) Lumber storage piles shall not be more than eighteen (18) meters in height, ninety (90) meters in width and one-hundred and fifty (150) meters in length; and
- (3) Lumber and wood chip storage piles shall be at least fifteen (15) meters from all buildings and there shall be a clear space of at least nine (9) meters between piles.

(b) The Company shall ensure that a 5 metre setback is maintained from the drip line of the existing adjacent wood lot.

20. (1) The Company shall ensure that a trained attendant is on-site at all times during the hours of operation at this Site. All processing, loading, unloading, mulch colouring and transfer of waste and/or recyclable material, to or from vehicles or containers at this Site, shall be conducted or supervised at all times by trained personnel.

(2) The Company shall ensure that access to the Site is restricted by a fence, or natural features, and that all entrances are secured by lockable gates to restrict access only to authorized personnel. All entrances are to be adequately lit.

29. The Company shall submit to the District Manager an annual report by April 1st of each year. The report shall cover the previous calendar year and include, as a minimum, the following:

- (a) a summary of the information required by Conditions No. 25, 27 and 28;
- (b) a monthly mass balance which includes a summary of the quantities of waste and recyclable material received at and transferred from this Site;
- (c) analysis and interpretation of surface water and soil monitoring data required under Condition 33 and interpretation of surface water quality with respect to the Provincial Water Quality Objectives and soil quality with respect to the Guideline for Use at Contaminated Sites in Ontario; and
- (d) recommendations respecting any proposed changes to the monitoring program or operation of the Site.

32. (1) Within ten (10) days of the issuance of this Notice, the Company shall provide additional funds to raise the amount of financial assurance provided to the Director to ninety-seven thousand, eight hundred and twenty-five dollars (\$97,825 CDN). This assurance shall be in the form of a fund, bond or irrevocable letter of credit satisfactory to the Director. This assurance shall be available to the Director for remedial measures at this Site as well as ensuring proper closure should this Site be abandoned. The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion. If the financial assurance is scheduled to expire and notice is received indicating financial assurance will not be renewed and satisfactory methods have not been made to replace the assurance at least sixty (60) days before the financial assurance terminates, the Company shall forthwith replace the financial assurance with cash.

The following Terms and Conditions are hereby added:

33. Within sixty (60) days of the issuance of this Certificate the Company shall implement a soil and surface water monitoring program. The monitoring program shall include, but is not limited to:

- (a) the collection, every six (6) months, of surface water samples upstream and downstream of the processing activities and mulch colouring operations;
- (b) analysis of surface water samples for, at a minimum, metals scan, biological oxygen demand, chemical oxygen demand and phenol;
- (c) the collection, every six (6) months, of soil samples in areas undisturbed by processing activities as well as from the mulch colouring area;
- (d) analysis of soil samples for, at a minimum, metals identified in the mulch colourant.

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34. The monitoring program may be amended from time-to-time with the written approval of the District Manager.
35. (a) Within sixty (60) days of issuance of this Certificate, the Company shall clearly mark the boundaries of the following:
- (i) 2.0 hectares of 2660 Arther Street North in accordance with the Township of Woolwich Committee of Adjustment Decision, Minor Variance No. A14/07;
 - (ii) 3.5 hectares of the Weber property approved for a wood recycling facility;
 - (iii) 5 metre setback from the drip line of the existing adjacent wood lot as required by the OMB decision dated November 25, 2005.
- (b) The Company shall ensure that the markers are clearly visible in all seasons and are replaced or repaired forthwith if damaged.
36. The Company shall ensure that painted wood and pressure treated woods are not used in the formulation of animal bedding or landscaping mulch.
37. Within thirty (30) days of the issuance of this Notice, the Company shall:
- (a) prepare a Product Statement Sheet notifying the users of the animal bedding or landscape mulch product of:
 - (i) the composition of the product if the contents are not 100% clean wood;
 - (ii) the potential for the presence of chemical contaminants in the product; and
 - (iii) the potential liability to the user for any contamination caused by the application of the product on soil.
 - (b) The Company shall provide a copy of the Product Statement Sheet to each purchaser of product that does not contain 100% clean wood.

The following are hereby added to Schedule "A":

13. Application for a Provisional Certificate of Approval for a Waste Disposal Site, signed by Mr. Steve Sittler, dated December 29, 2003.
14. Application to the Ministry of Environment for CofA Amendment, Pursuant to POO #4285-5RYPL, prepared by Sittler Excavating Limited, dated December 17, 2003.
15. Letter from S. Sittler, General Manager, Sittler Excavating Limited, to EAAB, dated January 7, 2004, re: correction of errors in the supporting document dated December 17, 2003 (Item 14).
16. Letter from S. Sittler, General Manager, Sittler Excavating Limited, to EAAB, dated February 22, 2004 providing information regarding surface water management, environmental monitoring program, screening procedures, description of storage practices, MSDS for mulch colourant, financial assurance re-calculation.
17. Letter from S. Sittler, General Manager, Sittler Excavating Limited, to EAAB, dated March 22, 2004, re: proposed soil and surface water monitoring program.
18. Letter from R. Sittler, Operations Manager, Sittler Excavating Limited, to EAAB, dated March 14, 2006 with the following attachments:
- letter from Mr. Pierre, Chauvin, MHBC Planning Ltd supporting SEL's claim that the proposed changes in operation continue to meet the requirement that the wood recycling operation is ancillary to the extraction operation;
 - notification of a change in Company directors
 - Topographic survey and site plan, Sittler Excavating, Part of Lots 93 & 94, German Company Tract, Township of Woolwich,
 - Topographic survey and site plan showing the sizes and calculation of tonnages for each pile, Sittler Excavating, Part of Lots 93 & 94, German Company Tract, Township of Woolwich.
19. Topographic Survey and Site Plan showing Sittler and Weber properties approved for waste management activities

under this Certificate, received June 15, 2006.

All other Terms and Conditions on Provisional Certificate of Approval No. A140716, which was issued to Sittler Excavating Limited on April 8, 1994 not affected by this amendment, continue to remain in effect.

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

The preamble has been changed to clarify that only a portion of the 14 hectare Sittler property is approved for waste management activities and to include an additional 3.5 hectares of the adjacent Weber property to the lands approved for waste management activities.

The Site address has been changed to reflect the change in the municipal numbering system and to include 3.5 hectares of the adjacent Weber property.

The definitions of "Director", "District Office", "District Manager" and "Ministry" have been changed to reflect organizational changes within the Ministry.

The definition of "processing" has been changed to include the mulch dyeing operation.

The definition of "waste and /or recyclable material" has been changed to include both clean wood and wood waste.

Definitions for "clean wood", "wood waste", "mulch colouring" and "incidental contaminants" have been added to provide clarity in the interpretation of the conditions of this Certificate.

Condition 7 has been amended to include mulch colouring as an approved activity on this Site.

The reason for adding Condition 7(3) is to restrict the Site activity with the greatest potential for impact on neighbouring properties to those times when it is less likely to cause an impact. It is the Director's understanding that shredding and grinding is not a daily occurrence at the Site and therefore restricting this activity to weekdays only will not severely impair the Company's ability to conduct its business. At the same time, these restriction make a substantial improvement in the neighbouring property owners ability to enjoy their personal property during times when a reasonable person would have expectations to be able to enjoy their property.

Condition 7(5) applies only to the Certificates of Approval for mobile waste disposal sites, in particular the time period restrictions contained in mobile waste disposal site certificates. Certificates of Approval (Air) granted to grinding equipment must be adhered to at all times while in operation at this Site.

Condition 13 has been amended to increase the approved maximum amount stored on Site to 20,000 tonnes of which no more than 2000 tonnes (10% by weight) can be incidental waste.

Condition 14(2) has been amended to permit the storage of processed clean wood and waste wood for up to 8 months in recognition of the seasonal nature of the markets for this material.

Condition 14(3) has been added to limit the storage of incidental contaminants to a maximum of 120 days in recognition that these markets are less seasonal.

Condition 15(1) has been amended in recognition that waste bins used for non-hazardous, solid, non-putrescible waste are typically not watertight.

Condition 17(a) has been amended to correct an error made in transcribing the Fire Marshall's directive. Condition 17(b) has been added to compliment the setbacks required by an OMB decision dated November 25, 2005.

Condition 20(2) has been amended to restrict access of unauthorized persons either by fencing or natural barriers.

Condition 29 was amended to include the reporting of monitoring results in the annual report.

Condition 33 and 34 have been added to track for impacts on the natural environment from Site operations.

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Condition 35 has been added to ensure that the area approved for waste management activities is clearly marked at all times such that Ministry staff can easily ascertain the limits of the area approved for waste management activities.

Condition 36 has been added to ensure that users of products formulated with plywood, particle wood, fibre board and like material are made aware that these materials may result, in some circumstances, in crop damage as noted in the Ontario Ministry of Agriculture, Food and Rural Affairs Fact sheet: Livestock Bedding Alternatives, dated April 1998.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A140716 dated April 8, 1994

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, S.O. 1993, Chapter 28, the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the 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 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 Environmental Commissioner
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

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

This instrument is subject to Section 38 of the Environmental Bill of Rights, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ene.gov.on.ca, you can determine when the leave to appeal period ends.

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

DATED AT TORONTO this 13th day of September, 2007

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

VP/
c: District Manager, MOE Guelph