



AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A580403
Notice No. 4
Issue Date: April 4, 2008

Dufour Waste Disposal Inc.
132 Gough Rd
Kapuskasing, Ontario
P5N 2X7

Site Location: 132 Gough Road, RR 1
Kapuskasing Town, District of Cochrane, Ontario

You are hereby notified that I have amended Provisional Certificate of Approval No. A580403 issued on June 22, 1987, as amended by Notices dated May 12, 1999, February 21, 2000 and October 26, 2007 for the use and operation of a Waste Disposal Site (Transfer), as follows:

The following definitions are hereby added as follows:

- a) **"Company"** means Dufour Waste Disposal Inc.
- b) **"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;
- c) **"Provincial Officer/District 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;
- d) **"Owner"** means any person that is responsible for the establishment or operation of the site being approved by this Certificate, and includes Dufour Waste Disposal Inc., its successors and assigns;
- e) **"District Manager"** means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- f) **"EPA"** means Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended;
- g) **"Reg. 347"** means Regulation 347, R.R.O. 1990, made under the EPA, as amended from time to time;
- h) **"OWRA"** means the Ontario Water Resources Act, R.S.O. 1990, c. O-40, as amended from time to time;
- i) **"PA"** means the Pesticides Act, R.S.O. 1990, c. P-11, as amend from time to time;
- j) **"Site"** means the entire waste disposal site described and approved by the Certificate;

The following Condition is hereby revoked and replaced as follows:

13. Financial Assurance

13.1 Within 10 days of issuance of this notice the Owner shall submit to the Director, Financial Assurance, as defined in Section 131 of the EPA, for the additional amount of \$13,313.00 for a total Financial Assurance amount of \$13,585.00. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis,

transportation, site clean-up, monitoring, supervision and disposal of all quantities of waste on site at any one time.

13.2 Commencing on March 31, 2011 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 13.1. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

13.3 Commencing on March 31, 2009, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 13.1 for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 13.2. The re-evaluation shall be made available to the Ministry, upon request.

13.4 The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. 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 sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

The following Conditions are hereby added as follows:

14.0 Compliance

14.1 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.

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

15.0 Build, etc. in Accordance

15.0 Except as otherwise provided by these conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the conditions of this Certificate and all other supporting documents listed in Schedule "A" of this Certificate.

16.0 Interpretation

16.1 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.

16.2 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.

16.3 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.

16.4 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.

17.0 Other Legal Obligations

17.1 The issuance of, and compliance with the conditions of, this Certificate does not:

(1) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal

requirement; or

(2) 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.

18.0 Adverse Effects

18.1 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 Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

18.2 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.

19.0 Change of Owner

19.1 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:

(1) the ownership of the Site;

(2) the Operator of the Site;

(3) the address of the Owner or Operator;

(4) 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; and

(5) 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.

19.2 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.

20.0 Inspections

20.1 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, the PA, the SDWA or the NMA of any place to which this Certificate relates, and without limiting the foregoing to:

(1) enter upon the premises where the Site are located, or the location where the records required by the conditions of this Certificate are kept;

(2) have access to, inspect, and copy any records required by the conditions of this Certificate;

(3) inspect the practices, procedures, or operations required by the terms conditions of this Certificate; and

(4) sample and monitor for the purposes of assessing compliance with the conditions of this Certificate or the EPA, the PA, the SDWA or the NMA.

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

CONTENT COPY OF ORIGINAL

1. The reason for the definitions 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 Condition 13 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that it appears the Owner is unable or unwilling to do so.
3. The reason for Conditions 14, 15, 16, 17, 18, 19 and 20 is to update the general conditions of this Provisional Certificate of Approval.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A580403 dated June 22, 1987, as amended.

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.

DATED AT TORONTO this 4th day of April, 2008

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

FC/
c: District Manager, MOE Timmins
MOE Initiated, Dufour Waste Disposal Inc.