


 PROVISIONAL CERTIFICATE OF APPROVAL
 WASTE DISPOSAL SITE
 NUMBER 0452-7CGJNE
 Issue Date: June 3, 2008

The Corporation of the Township of Chisholm
 Rural Route, No. 4
 Powassan, Ontario
 P0H 1Z0

Site Location: Lot 23, Concession 6
 Chisholm Township, District of Nipissing

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

a 0.6 hectare Waste Disposal Site located within a total site area of 1.8 hectares.

to be used for the landfilling of the following types of waste:

Municipal Waste

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

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

- 1.1 "Crown" means Her Majesty the Queen in the Right of Ontario;
- 1.2 "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";
- 1.3 "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;
- 1.4 "District Manager" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- 1.5 "EPA" means *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;
- 1.6 "Ministry" means Ministry of the Environment;
- 1.7 "Owner" means The Corporation of the Township of Chisholm, its successors and assignees;
- 1.8 "OWRA" means the Ontario Water Resources Act, Chapter O.40. R.S.O. 1990, as amended;
- 1.9 "PA" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amended from time to time;
- 1.10 "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;
- 1.11 "Regional Director" means the Regional Director of the local Regional Office of the Ministry in which the Site is

located; and

1.12 "*Site*" means the entire waste disposal site, including the buffer lands, located on Lot 23, Concession 6, The Township of Chisholm, District of Nipissing, approved by 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* 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*.

In Accordance

4. Except as otherwise provided for in this *Certificate*, the *Site* shall be designed, operated and maintained in accordance with this *Certificate* and the supporting documentation listed in Schedule "A".

Interpretation

5. Where there is a conflict between a provision of any document 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 any two documents listed in Schedule "A" the document bearing the most recent date shall take precedence.

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

Other Legal Obligations

8. The issuance of, and compliance with, 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* to furnish any further information related to compliance with this *Certificate*;

Adverse Effect

9. The *Owner* 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.

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 in the following information:

- 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* or operator 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.

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 works, 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* from carrying out 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:

- a. to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this *Certificate* are kept;
- b. to have access to, inspect, and copy any records required to be kept by the conditions of this *Certificate*;
- c. to inspect the *Site*, related equipment and appurtenances;
- d. to inspect the practices, procedures, or operations required by the conditions of this *Certificate*; and
- e. to sample and monitor for the purposes of assessing compliance with the terms and 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, in a timely manner. Records shall be retained for the contaminating life span of the *Site* 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.

Registration on Title

16. The *Owner* shall:

- (i) Within 60 days of the date of the issuance of this *Certificate*, submit to the *Director* for their review, two copies of a completed *Certificate of Requirement* and a registerable description of the *Property*; and
- (ii) Within 10 calendar days of receiving the *Certificate of Requirement* authorized by the *Director*, register the *Certificate of Requirement* in the appropriate *Land Registry Office* on title to the *Property* and submit to the *Director* the duplicate registered copy immediately following registration.

17. Pursuant to Section 197 of the *Environmental Protection Act*, neither the Owner nor any person having an interest in the Property shall deal with the Property in any way without first giving a copy of this Certificate to each person acquiring an interest in the Property as a result of the dealing.

Signs

18. A sign shall be installed and maintained 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. the 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*.

OPERATION

Nuisance Impacts

19. The *Site* shall be operated and maintained in a manner that minimizes the impact from vermin, vectors, dust, litter, odour, noise and traffic.

Service Area and Waste Type

20. Only waste that is generated in the Township of Chisholm shall be accepted at the *Site*.

21. The *Site* shall accept Municipal Waste only.

22. The *Owner* shall develop and implement a program to inspect waste to ensure that the waste is of a type approved for acceptance under this *Certificate*.

23. The *Owner* shall keep a daily record of the location of the tipping area, types and approximate quantities of waste for disposal and transfer, and the origin of waste received at the *Site*.

Capacity

24. Maximum approved capacity for the *Site* is 22,202 cubic meters.

Annual Fill Rate

25. The *Site* shall not dispose of more than two hundred (200) cubic metres of waste per year.

Landfill Footprint

26. By no later than June 30, 2008 the landfill footprint shall be marked with posts and shall be clearly visible throughout the entire year to prevent wastes from being deposited outside the approved fill area.

Burning

27. Burning of clean brush and lumber is permitted at the site under supervision only and subject to weather conditions in accordance with s. 22 of Ontario Regulation 232/98. Burning of any other type of waste is strictly prohibited.

Waste Compaction and Cover

28. Waste shall be compacted before application of cover material.

29. Cover material shall be applied as follows:

Weekly Cover

29.1.1 Cover material consisting of a minimum of 0.15 m thickness of soil shall be applied once a week; and

29.1.2 The *Owner* shall increase the frequency of cover material application if it is determined by the *District Manager* or by the *Owner* that the frequency outlined in 28.1.1 does not provide adequate control.

Interim Cover

29.2 In areas where landfilling has been temporarily discontinued for six (6) months or more, a minimum thickness of 300 mm of soil cover; and

Final Cover

29.3 In areas where landfilling has been completed to final contours, a minimum 600 mm thick layer of final cover soil consisting of a 0.15 metre of top soil shall be placed. Fill areas shall be progressively completed and rehabilitated as landfill development reaches final contours.

Site Security and Access

30. No waste shall be received, landfilled or removed from the *Site* unless a site supervisor or attendant is present and supervises the operations during operating hours. The *Site* shall be closed when a site attendant is not present to supervise landfilling operations.

31. The *Site* shall be operated and maintained in a secure manner. During non-operating hours, the *Site* entrance and exit gates shall be locked and the *Site* shall be secured against access by unauthorized persons.

Complaints Procedure

32. 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:

32.1 The *Owner* shall record and number each complaint, either electronically or in a log book, and shall include the following information: the nature of the complaint, the name, address and the telephone number of the complainant if the complainant will provide this information and the time and date of the complaint;

32.2 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

32.3 The *Owner* shall complete and retain on-site a report written 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.

ENVIRONMENTAL MONITORING PROGRAM

33. By no later than **August 31, 2008**, the *Owner* shall retain qualified professionals and install groundwater and surface

water monitoring wells as per Items (1) and (3) of Schedule "A".

34. By no later than **October 31, 2008**, the *Owner* shall submit to the District Manager, a revised "Monitoring Well Installation and Landfill Leachate Assessment" report that includes but is not limited to the work detailed in Item (3) of Schedule "A" as a means to establish a long-term groundwater monitoring plan, contaminant attenuation zone and to assess the impact of the Site on neighbouring properties.

35. On an annual basis all monitoring wells shall be inspected for any signs of damage. All wells shall be protected from damage and any wells that are damaged shall be repaired, replaced forthwith or properly abandoned in accordance with O. Reg. 903.

36. By no later than **March 31, 2009**, the *Owner* shall submit to the *District Manager* and the *Director*, for approval, a site specific trigger criteria and associated contingency plans relating to groundwater, surface water and landfill gas impacts at the *Site*.

37. In the event a result of a monitoring test exceeds the trigger criteria to be submitted for approval under Condition 36, the *Owner* shall:

- a. notify the *District Manager* immediately and initiate an investigation into the cause of the exceedance;
- b. within three months of the occurrence of the exceedance submit a report to the *District Manager* that includes the results of the investigation and an assessment of whether contingency measures need to be carried out;
- c. if contingency measures are needed, within three months, submit detailed plans, specifications and descriptions for the design, operation and maintenance of the contingency measures, and a schedule as to when these measures will be implemented, to the *Director* for approval and notify *District Manager*; and
- d. implement the required contingency measures upon approval by the *Director*.

RECORD KEEPING & REPORTING

Daily Inspections and Log Book

38. During days in which the Site is in operation, 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.

39. A record of the inspections shall be kept in a daily log book that includes:

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

40. A record shall be kept in the daily log book of all refusal of waste shipments, the reason(s) for refusal, and the origin of the waste, if known.

Annual Report

41. By **March 31, 2009**, and on an annual basis thereafter, the *Owner* shall prepare and submit to the *District Manager* an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:

- a. the results and an interpretive analysis of the results of all leachate, groundwater, surface water monitoring performed; compliance with Reasonable Use Guideline B-7 and Ontario Water Quality Objectives; and an assessment of the need to amend the monitoring programs;
- b. calculations of the volume of waste, daily and intermediate cover, and final cover deposited or placed at the *Site* during

- the reporting period and a calculation of the total volume of Site capacity used during the reporting period;
- c. records on the volume of waste oil and antifreeze received and transferred from the Site, and any other details pertaining this transfer operation;
- d. a summary of any complaints received and the responses made;
- e. a discussion of any operational problems encountered at the Site and corrective action taken;
- f. any other information with respect to the Site which the *District Manager, Regional Director* or *Director* may require from time to time.

SITE CLOSURE

Closure Plan

42. The Company shall submit, for approval by the Director, a written Closure Plan for the Site one year prior to closure of the Site. This plan shall include, as a minimum, a description of the work that will be done to facilitate closure of the Site, a schedule for completion of that work and plans for long-term environmental monitoring.

SCHEDULE "A"

This Schedule "A" forms part of this Certificate.

1. Document entitled "*Design and Operations Manual: Waste Disposal Site, Township of Chisholm*" dated April 5, 2005 and prepared by Trow Associates Inc. including all attached drawings and appendices.
2. Letter dated August 27, 2007 to Tom Crilly Sr., Sr. Geotechnical Engineer, Trow Associates Inc. from David Lee, Waste Evaluator, Environmental Assessment and Approvals Branch, Ontario Ministry of the Environment.
3. Letter dated December 21, 2007 to Murray Rose, Public Works Department, Corporation of the Township of Chisholm from Beth Janssen, Project Scientist and Ken Embree, Managing Director, Knight Piesold Consulting

The reasons for the imposition of these terms and conditions are as follows:

The reason for Condition 1 is to define the specific meaning of terms and simplify the wording of conditions in this Certificate of Approval.

The reason for Conditions 2, 3, 5, 6, 7, 8, 9, 10, 14 and 15 is to clarify the legal rights and responsibilities of the Owner and Operator under this Certificate of Approval.

The reasons for Conditions 4 is to ensure that the Site is designed, operated, monitored and maintained 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.

The reasons for Conditions 11 are 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.

The reasons for Condition 12 are 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.

The reason for Condition 13 is 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.

Conditions 16 and 17 are included, pursuant to subsection 197(1) of the EPA, to provide that any persons having an interest in the Site are aware that the land has been approved and used for the purposes of waste disposal.

The reason for Condition 18 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Certificate of Approval.

CONTENT COPY OF ORIGINAL

The reason for Condition 19 is to ensure that the Site is operated, inspected and maintained in an environmentally acceptable manner and does not result in a hazard or nuisance to the natural environment or any person.

The reason for Conditions 20, 21, 22, 23, 24 and 25 is to specify the approved areas from which waste may be accepted at the Site and the types and amounts of waste that may be accepted for disposal at the Site, based on the Owner's application and supporting documentation.

The reason for Condition 26 is to ensure that waste is deposited within the approved fill area during site operations.

The reason for Condition 27 is to ensure that burning of clean brush and lumber is done in accordance with Ontario Regulation 232/98.

The reason for Condition 28 and 29 is to ensure that daily and intermediate cover is used to control potential nuisance effects, to facilitate vehicle access on the site, and to ensure an acceptable site appearance is maintained. The proper closure of a landfill site requires the application of a final cover which is aesthetically pleasing, controls infiltration, and is suitable for the end use planned for the site.

The reasons for Conditions 30 and 31 are to ensure that the Site is supervised by properly trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person and 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.

The reason for Condition 32 is to ensure that any complaints regarding landfill operations at this Site are responded to in a timely and efficient manner.

The reasons for Conditions 33, 34, 35, 36, and 37 are to demonstrate that the landfill site is performing as designed and the impacts on the natural environment are acceptable. Regular monitoring allows for the analysis of trends over time and ensures that there is an early warning of potential problems so that any necessary remedial/contingency action can be taken.

The reason for Conditions 36 and 37 is to ensure that the Owner follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site. A remedial action / contingency plan is necessary to ensure protection of the natural environment.

The reason for Conditions 38, 39 and 40 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.

The reason for Condition 41 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 and operation.

The reason for Condition 42 is 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.

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;

CONTENT COPY OF ORIGINAL

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 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 disposal site is approved under Section 39 of the Environmental Protection Act.

DATED AT TORONTO this 3rd day of June, 2008

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

DL/
c: District Manager, MOE North Bay
Linda M. Ringler, The Corporation of the Township of Chisholm