



**PROVISIONAL CERTIFICATE OF APPROVAL  
WASTE DISPOSAL SITE  
NUMBER 7958-8E4PRQ  
Issue Date: April 5, 2011**

John Gavel Custom Manufacturing Ltd.  
Rural Route, No. 1  
Stratton, Ontario  
P0W 1N0

Site Location: 6303 Highway 11/17  
6303 Highway 11/17 Barwick  
Emo Township, District of Rainy River  
P0W 1A0

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

a waste disposal site (waste-derived fuel)

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

waste-derived fuel

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:*

**DEFINITIONS**

- (1) "**EPA**" means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;
- (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";
- (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;
- (4) "**District Manager**" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- (5) "**Fire Safety Plan**" means a Fire Safety Plan for the Site that is deemed to have been found acceptable by the local fire service authority;
- (6) "**Ministry**" means the Ontario Ministry of the Environment;
- (7) "**OWRA**" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;
- (8) "**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;

(9) "**Owner**" means any person that is responsible for the establishment or operation of the Site being approved by this Certificate, and includes John Gavel Custom Manufacturing Ltd, its successors and assigns;

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

(11) "**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;

(12) "**Reg. 347**" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

(13) "**residual waste**" means waste that is destined for final disposal or further processing at another approved waste disposal facility;

(14) "**Site**" means the entire property located at 6303 Highway 11/17 Barwick, Emo Township, District of Rainy River; and

(15) "**Trained personnel**" means competent personnel that have been trained through instruction and/or practice in accordance with Condition 24.1 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

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#### TERMS AND CONDITIONS

### 1.0 Compliance

1.1 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.

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

1.3 The Site shall be operated and maintained at all times including management and disposal of all waste in accordance with the EPA, Reg. 347 and the conditions of this Certificate. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

### 2.0 Design, Develop, Build, Operate, Modify and Maintain in Accordance

2.1 Except as otherwise provided for in this Certificate, the Site shall be designed, developed, built, operated, modified and maintained in accordance with the application for this Certificate, dated September 9, 2010, the Design and Operations Report as updated from time to time, and the other supporting documentation listed in Schedule "A".

### 3.0 Interpretation

3.1 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.

3.2 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.

3.3 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.

3.4 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.

#### **4.0 Other Legal Obligations**

4.1 The issuance of, and compliance with, 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 including, but not limited to:

- (a) obtaining site plan approval from the local municipal authority;
- (b) obtaining all necessary building permits from the local municipal authority Building Services Division;
- (c) obtaining approval from the Chief Fire Prevention Officer, local municipal authority: 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.

#### **5.0 Adverse Effect**

5.1 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.

5.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Certificate the Owner, Operator or any other 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.

#### **6.0 Change of Owner**

6.1 The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (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.

6.2 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.

## **7.0 Financial Assurance**

7.1 (1) Within twenty (20) days of issuance of the Certificate, the Owner shall submit to the Director, financial assurance as defined in Section 131 of the EPA, in the amount of \$1505.35. 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 and disposal of all quantities of waste permitted to be on Site at any one time;

(4) Commencing on April 1, 2014, and every three (3) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 7.1(1). Additional financial assurance, if required, must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director;

(5) Commencing on April 1, 2012, 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 7.1(1) for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 7.1 (4). The re-evaluation shall be made available to the Ministry, upon request.

(6) The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion; and

(7) 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 Owner shall forthwith replace the financial assurance with cash.

## **8.0 Inspections**

8.1 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:

(1) 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;

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

(3) to inspect the Site, related equipment and appurtenances;

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

(5) 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.

## **9.0 Information and Record Retention**

9.1 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.

9.2 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:

(1) 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

(2) acceptance by the Ministry of the information's completeness or accuracy.

9.3 All records required by the conditions of this Certificate must be retained on Site for a minimum period of two (2) years from the date of their creation.

9.4 Any information relating to this Certificate and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

#### **10.0 Air Certificate**

10.1 The Owner shall ensure that the Site is operated in accordance with the Certificate of Approval (Air) No. 1932-7QXRUV (or as amended) at all times.

#### **11.0 Service Area and Hours of Operations.**

11.1 Only waste that is generated within geographical boundaries of the Province of Ontario shall be accepted at the Site.

11.2 The Site may operate twenty-four hours per day, seven days per week, unless otherwise limited by municipal by-laws.

#### **12.0 Signage and Security**

12.1 The Owner shall install a sign at the main entrance/exit to the Site on which is legibly displayed the following information:

(1) the name of the Site and Owner;

(2) the number of this Certificate; and

(3) a twenty-four (24) hour telephone number that can be used to reach the Owner in the event of a complaint or an emergency.

12.2 The Owner shall operate and maintain the Site in a manner such that the Site is secured against access by unauthorized persons.

#### **13.0 Approved Waste Types**

13.1 The Owner may only accept the following categories of waste:

(1) waste-derived fuel.

13.2 (1) The Owner shall ensure all incoming loads are inspected by a trained attendant to ensure only waste approved under this Certificate are received at this Site;

(2) If any incoming waste load is known to, or is discovered to, contain unapproved waste, that load shall not be accepted at the Site; and

(3) If any unapproved waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.

#### **14.0 Approved Waste Quantities**

14.1 The amount of waste received at the Site shall not exceed 18,700 litres on any day.

14.2 In the event that waste cannot be processed at the Site in the normal manner, or residual waste cannot be transferred from the Site, the Owner shall cease accepting any additional waste.

## **15.0 Waste Storage**

15.1 The maximum amount of waste present at the Site at any one time shall not 13,500 litres.

15.2 All waste shall be stored in one or more of the following vessels:

- (1) bulk tank having a maximum capacity of 4,500 litres;
- (2) bulk tank having a maximum capacity of 13,500 litres; and
- (3) day tank having a maximum capacity of 700 litres.

15.3 All waste shall be stored in accordance with the Ministry guideline entitled "Guideline for Environmental Protection Measures at Chemical and Waste Storage Facilities", dated May 2007, at all times.

15.4 All activities related to the unloading, processing, storage and management of waste on-site shall be conducted indoors at all times.

15.5 Any storage of waste derived fuel shall have secondary containment in accordance with Condition 15.3

## **16.0 Processing**

16.1 Processing carried out at the Site is limited to the use of waste-derived fuel as a fuel or fuel supplement.

## **17.0 Procedures Manual and Preventative Maintenance**

17.1 A procedures manual specific to the Site shall be prepared within thirty (30) days of issuance of this Certificate and shall be maintained current at all times and kept at the Site in central location that is accessible to Site personnel. The procedures manual shall contain detailed standard operating procedures relating to all aspects of the handling and processing of waste at the Site including contingency procedures to be followed in the event of equipment malfunction, a labour disruption, transportation disruption, inability of receiving sites to accept waste or other business disruption to the operation.

17.2 Within ninety (90) days of issuance of the Certificate, the Owner shall develop and implement a preventative maintenance program for all on-site equipment associated with the handling and processing of waste. The preventative maintenance program shall be available on Site for inspection by a Provincial Officer upon request.

## **18.0 Design and Operations Report**

18.1 The Design and Operations Report shall be retained at the Site; kept up to date; and be available for inspection by Ministry staff. The Design and Operations Report shall contain at a minimum the information specified for a waste processing site as described in the most recent version of the Ministry publication "Guide for Applying for Approval of Waste Disposal Site".

## **19.0 Nuisance Control**

19.1 The Owner shall operate and maintain the Site such that site operations do not create a nuisance

## **20.0 Stormwater Management**

20.1 The Owner shall manage all discharges from this Site, including sanitary and stormwater runoff, in accordance with appropriate municipal, provincial and/or federal legislation, regulation and by-laws.

## **21.0 Site Inspections**

21.1 Trained Personnel shall carry out a visual inspection of the Site each day the Site is in operation to ensure that:

- (1) the Site is secure;
- (2) that the operation of the Site is not causing any nuisances;
- (3) that the operation of the Site is not causing any adverse effects on the environment; and
- (4) that the Site is being operated in compliance with this Certificate.

21.2 Any deficiencies discovered as a result of an inspection carried out under Condition 21.1 shall be remedied immediately, including temporarily ceasing operations at the Site if needed.

21.3 A record of the inspections shall be kept in the daily log book that includes the following information:

- (1) the name and signature of person that conducted the inspection;
- (2) the date and time of the inspection;
- (3) a list of any deficiencies discovered;
- (4) any recommendations for action; and
- (5) the date, time and description of actions taken.

## **22.0 Complaints**

22.1 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:

(1) The Owner shall record and number each complaint, either electronically or in a log book, and shall include the following information:

- (a) the nature of the complaint;
- (b) the name, address and the telephone number of the complainant if the complainant will provide this information; and
- (c) the time and date of the complaint;

(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

(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.

## **23.0 Spill Prevention, Control & Countermeasures Plan**

23.1 The Owner shall implement and maintain a Spill Prevention, Control & Countermeasures Plan for the Site. The Spill Prevention, Control & Countermeasures Plan shall include, but not necessarily be limited to:

- (1) emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods for each different type of waste the Site is approved to accept;
- (2) a list of equipment and spill clean up materials available in case of an emergency;
- (3) contingency procedures to be followed in the event of equipment malfunction, a labour disruption, transportation

disruption, inability of receiving sites to accept waste or other business disruption to the operation; and

(4) notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the Site, the Ministry's District Office and Spills Action Centre, the local municipal fire department, the local municipal authority, the local Medical Officer of Health, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.

23.2 The Owner shall review the Spill Prevention, Control & Countermeasures Plan on an annual basis as a minimum, and shall ensure that the names and telephone numbers of the persons to be contacted as required under Condition 23.1(4) are up-to-date, and that these numbers are prominently displayed and immediately available to all staff and emergency response personnel.

23.3 The equipment, materials and personnel requirements outlined in the Spill Prevention, Control & Countermeasures Plan are required to be kept on Site and 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.

23.4 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation. All spills and upsets shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and action taken for clean-up, correction and prevention of future occurrences.

23.5 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060 and to the local municipal authority.

#### **24.0 Training**

24.1 By no later than September 1, 2011 a training plan specific to the Site shall be developed and implemented to ensure that all employees that operate the Site or carry out any activity required under this Certificate are trained in its operation.

24.2 The training plan shall require and ensure through proper written records that all persons directly involved with activities relating to the Site have been trained with respect to:

- (1) relevant waste management legislation, regulations and guidelines;
- (2) major environmental concerns pertaining to the waste to be handled;
- (3) occupational health and safety concerns pertaining to the processes and wastes to be handled;
- (4) management procedures including the use and operation of equipment for the processes and wastes to be handled;
- (5) the Spill Prevention, Control & Countermeasures Plan and in the procedures to be employed in the event of an emergency;
- (6) specific written procedures for refusal of unacceptable waste loads;
- (7) contingency procedures;
- (8) specific written procedures for the control of nuisance conditions; and
- (9) the requirements of this Certificate.

24.3 The Owner shall maintain a written record of training at the Site which includes:

- (1) date of training;
- (2) the name and signature of the person who has been trained; and
- (3) description of the training provided.



24.4 The Owner shall ensure that Trained personnel is/are on duty at all times when the Site is open to carry out any activity required under this Certificate.

## **25.0 Record Keeping**

25.1 The Owner shall maintain a daily record either electronically or in a log book which shall include the following information:

- (1) the type, date and time of arrival, source, and quantity (by weight) of all waste received at the Site;
- (2) the date, type, quantity (by weight) and destination of all residual waste transferred from the Site;
- (3) a record of any waste refusals which shall include: amounts, reasons for refusal and actions taken;
- (4) a record of the daily inspections required by Condition 21.0; and
- (5) 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 fulfilment of the reporting requirements in the EPA.

## **26.0 Annual Report**

26.1 On March 31, 2012, the Owner shall prepare and retain on Site a written report which covers the period from the commissioning of the Site to December 31, 2011. Thereafter, by March 31 on an annual basis, the Owner shall prepare and retain on Site a written annual report for the previous calendar year. The report shall include, at a minimum, the following information:

- (1) a detailed monthly summary of the information required by Condition 25.1 (1) and 25.1 (2) including an annualized reconciliation between all wastes received and processed at the Site and all residual wastes and processed wastes transferred from the Site;
- (2) a summary of waste loads refused including the generator of the load, the licensed hauler of the load if the generator can not be determined, the date of refusal and reason for refusal of the load;
- (3) any environmental and operational problems, that are likely to negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- (4) a summary of complaints received and the actions taken to mitigate the issue associated with the complaint;
- (5) a summary of any changes to the Design and Operations Report that have been approved by the Director since the last annual report;
- (6) a summary of any changes to the Design and Operations Report Design and the Spill Prevention Control and Countermeasures Plan that were made in accordance with Condition 23.0 of this Certificate; and
- (7) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

## **27.0 Closure Plan**

27.1 (1) Four (4) months prior to the permanent closure of the Site the Owner shall submit to the District Manager written notification of the decision to cease activities and a schedule for the implementation of the activities in accordance with the decommissioning activities outlined in Item 3 of Schedule "A".

- (1) The Owner shall submit to the District Manager written notification of the decision to cease activities at the Site and a schedule for the implementation of the activities in accordance with the decommissioning activities outlined in Item 3 of

## CONTENT COPY OF ORIGINAL

Schedule "A". The notification and schedule shall be submitted either four (4) months prior to the planned the permanent closure of the Site or forthwith in the situation of an unplanned permanent closure of the Site or indefinite cessation of Site activities.

(2) Within ten (10) days after closure of the Site, the Owner shall notify the Director and the District Manager, in writing, that the Site is closed and that the decommissioning activities have been completed.

### SCHEDULE "A"

*This Schedule "A" forms part of the Provisional Certificate of Approval:*

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site, submitted by John Gavel Custom Manufacturing Ltd. and signed by John Gavel, President dated June 2, 2010.
2. Design & Operations Report submitted on September 9, 2010 from John Gavel.

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

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 Conditions 1.0, 3.0, 4.0, 5.0 and 9.0 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Conditions 2.0, 10.0, 16.0, 17.0 and 18.0 is to ensure that the Site 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 6.1 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.
5. The reasons for Condition 6.2 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.
6. The reason for Condition 7.0 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.
7. The reason for Condition 8.0 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.
8. The reason for Condition 11.1 is to specify the approved service area from which waste may be accepted at the Site.
9. The reason for Condition 11.2 is to specify the hours of operation for the Site.
10. The reason for Condition 12.1 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.
11. The reasons for Condition 12.2 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.

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12. The reasons for Conditions 13.0, 14.0, and 15.0 are to specify the types of waste that may be accepted at the Site, the amounts of waste that may be stored at the Site and the maximum rate at which the Site may receive and ship waste based on the Company's application and supporting documentation.
13. The reason for Conditions 19.0 and 20.0 is 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.
14. The reason for Condition 21.0 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.
15. The reason for Condition 22.0 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
16. The reasons for Condition 23.0 is 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.
17. The reason for Condition 24.0 is 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.
18. The reasons for Condition 25.0 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.
19. The reasons for Condition 26.0 are 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.
20. The reasons for Condition 27.0 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, 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 works are located;

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

*This Notice must be served upon:*

CONTENT COPY OF ORIGINAL

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

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 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](http://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](http://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 5th day of April, 2011

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

YI/  
c: District Manager, MOE Kenora  
John Gavel, John Gavel Custom Manufacturing Ltd.