



Ontario

Ministry  
of the  
Environment

Ministère  
de  
l'Environnement

AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL  
WASTE DISPOSAL SITE  
NUMBER A330304  
Notice No. 1  
Issue Date: January 17, 2008

The Corporation of the Township of Dysart et al  
PO Box 389  
Haliburton, Ontario  
K0M 1S0

Site Location: South Bay Landfill  
Lot 11, 12, Concession 5, Harburn Township  
Dysart et al Township, County of Haliburton

*You are hereby notified that I have amended Provisional Certificate of Approval No. A330304 issued on December 22, 1981 for the use and operation of a 0.43 hectare landfill site and a recycling operation within a total site area of 2.5 hectares, as follows:*

"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";

"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;

"NMA" means *Nutrient Management Act*, 2002, S.O. 2002, c. 4, as amended from time to time;

"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* and includes its successors or assigns;

"Owner" means any person that is responsible for the establishment or operation of the *Site* being approved by this *Certificate*, and includes the Corporation of the Township of Dysart et al., its successors and assigns;

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

"PA" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amended 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* or Section 4 of *NMA* or Section 8 of *SDWA*.

"Refrigerant Appliances" means household appliances which use, or may use refrigerants, and which include, but is not restricted to, refrigerators, freezers and air-conditioning systems;

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

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

"SDWA" means *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, as amended from time to time;

"Site" means the entire waste disposal site, including the buffer lands, and contaminant attenuation zone located at Part 3 Plan 19R 2397, Lots 11 and 12, Concession 5, Harburn Township, Municipality of Dysart et al, County of Haliburton; and

*“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*.

*“White Goods”* means household appliances which did not use refrigerants;

*You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:*

## **TERMS AND CONDITIONS**

### **GENERAL**

#### **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*.

#### **2.0 In Accordance**

2.1 Except as otherwise provided for in this *Certificate*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the applications for Certificate of Approval and the 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 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.

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

4.1 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* 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 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 Ownership

6.1 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 in the following information:

- (a) the ownership of the *Site*;
- (b) the *Operator* of the *Site*;
- (c) the address of the *Owner* or *Operator*; and
- (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.

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 works, other than change to a successor Owner, 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 Certificate of Requirement/Registration on Title

7.1 Pursuant to Section 197 of the *EPA*, no person having an interest in the *Site* shall deal in any way with the *Site* without first giving a copy of this *Certificate* to each person acquiring an interest in the *Site* as a result of the dealing.

7.2 The *Owner* shall within sixty (60) calendar days of the date of this *Certificate*, submit to the *Director* for the *Director's* signature two (2) copies of a completed Certificate of Requirement containing a registerable description of the property that the *Site* is on, in accordance with Form 4 of Regulation 688 under Land Registration Reform Act, R.R.O. 1990 as amended;

- (a) Section (8) of Form 4, above, shall be completed in accordance with the wording in Schedule "B" of this *Certificate*;
- (b) Within ten (10) calendar days of receiving the Certificate of Requirement signed by the *Director*, register the Certificate of Requirement in the appropriate Land Registry Office on title to the *Site* and submit to the *Director* immediately following registration the duplicate registered copy;
- (c) Within ten (10) calendar days of receiving the Certificate of Requirement signed by the *Director*, submit a copy of the Certificate of Requirement to the *District Manager*.

## 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*, the *PA*, the *SDWA* or the *NMA*, 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*, the *PA*, the *SDWA* or the *NMA*.

## 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. Records shall be retained for contaminating life span of the *Site* except for as otherwise authorized in writing by the *Director*.

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:

- (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.

## 10.0 Signs

10.1 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*.

## 11.0 Operation

11.1 The *Site* shall be operated and maintained at all time including management and disposal of all waste in accordance with the *EPA*, *Regulation 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.

## 12.0 Vermin, etc.

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

## 13.0 Burning Waste Prohibited

13.1 Burning of waste at the *Site* is prohibited.

## 14.0 Site Access

14.1 Waste shall only be accepted at the *Site* as per the hours of operation posted at the landfill gate. Any change to the operating hours will require public notification and participation.

14.2 On-site equipment used for daily site preparation and closing activities may be operated two (2) hours before and two (2) hours after the hours of operation approved by this *Certificate*.

14.3 With the prior written approval from the *District Manager*, the time periods may be extended to accommodate seasonal or unusual quantities of waste.

14.4 Emergency response may occur at any time, as required.

## **15.0 Site Security**

15.1 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.

15.2 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.

## **16.0 Employee Training**

16.1 A training plan for all employees that operate any aspect of the *Site* shall be developed and implemented by the *Operator*. Only *Trained Personnel* shall operate any aspect of the *Site* or carry out any activity required under this *Certificate*.

## **17.0 Complaints Procedure**

17.1 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:

- (a) 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;
- (b) 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
- (c) 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.

## **18.0 Emergency Situations**

18.1 Any spills, fires or other emergency situations shall be forthwith reported directly to the *Ministry's* Spills Action Centre (1-800-268-6060) and shall be cleaned up immediately.

18.2 In addition, the *Owner* shall submit, to the *District Manager* a written report within three (3) business days of the emergency situation, outlining the nature of the incident, remedial measures taken, handling of waste generated as a result of the emergency situation and the measures taken to prevent future occurrences at the *Site*.

18.3 All wastes resulting from an emergency situation shall be managed and disposed of in accordance with *O.Reg. 347*.

18.4 All equipment and materials required to handle the emergency situations shall be:

- (a) kept on hand at all times that waste landfilling and/or handling is undertaken at the *Site*; and
- (b) be adequately maintained and kept in good repair.

18.5 The *Owner* shall ensure that the emergency response personnel are familiar with the use of such equipment and its location(s).

## **19.0 Daily Log Book**

19.1 A daily log shall be maintained in written format and shall include the following information:

- (a) the type, date and time of arrival, hauler, and quantity (tonnes) of all industrial and commercial waste and cover material received at the *Site*;
- (b) the area of the *Site* in which waste disposal operations are taking place;
- (c) a record of litter collection activities and the application of any dust suppressants;
- (d) a record of the daily inspections; and
- (e) a description of any out-of-service period of any control, treatment, disposal or monitoring facilities, the reasons for the loss of service, and action taken to restore and maintain service.

19.2 Any information requested, by the *Director* or a *Provincial Officer*, 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.

## **20.0 Daily Inspections and Log Book**

20.1 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.

20.2 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.

20.3 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.

## **LANDFILL DESIGN AND DEVELOPMENT**

### **21.0 Approved Waste Types**

21.1 Only Municipal Solid Non-hazardous waste shall be accepted at the *Site* for landfilling.

21.2 No liquid industrial waste or hazardous wastes as defined under O.Reg. 347 shall be received at the *Site*.

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

21.4 The *Owner* shall ensure that all loads of waste are properly inspected by trained site personnel prior to acceptance at the *Site* and that the waste vehicles are directed to the appropriate areas for disposal or transfer of the waste. The *Owner* shall notify the *District Manager*, in writing, of load rejections at the *Site* within three (3) business days from their occurrence.

### **22.0 Capacity**

22.1 By June 30, 2008, the *Owner* shall establish the volume of waste deposited in the landfill.

22.2 This approval is for the design, operation and use of Phase I of the *Sites* as described in Items 2, 3 and 4 of Schedule "A".

22.3 The *Owner* shall not commence development of the Phase II until the *District Manager* has confirmed in writing that the *Site* is in compliance with Conditions 26 and 29.5.

### **23.0 Service Area**

23.1 Only waste that is generated within the boundaries of the Municipality of Dysart et al. shall be accepted at the *Site*.

### **24.0 Cover**

24.1 Alternative materials to soil may be used as daily and interim cover material, based on an application with supporting information and applicable fee for a trial use or permanent use, submitted by the *Owner* to the *Director*, copied to the *District Manager* and as approved by the *Director* via an amendment to this *Certificate*. The alternative material shall be non-hazardous according to *Reg. 347* and will be expected to perform at least as well as soil in relation to the following functions:

- (a) Control of blowing litter, odours, dust, landfill gas, gulls, vectors, vermin and fires;
- (b) Provision for an aesthetic condition of the landfill during the active life of the *Site*;
- (c) Provision for vehicle access to the active tipping face; and
- (d) Compatibility with the design of the *Site* for groundwater protection, leachate management and landfill gas management.

24.2 Cover material shall be applied as follows:

- (a) Daily Cover - Weather permitting, deposited waste shall be covered a minimum of biweekly in the Summer (April 1 to October 31 st) and monthly during the rest of the year in a manner acceptable to the *District Manager* so that no waste is exposed to the atmosphere. The *District Manager* may increase the frequency of Daily Cover if in the opinion of the *District Manager* exposed waste is creating litter/rodent/vector and odour issues;
- (b) Intermediate Cover - In areas where landfilling has been temporarily discontinued for six (6) months or more, a minimum thickness of 300 millimetre of soil cover or an approved thickness of alternative cover material shall be placed. This material may be removed when these areas are going to be put back in use; and
- (c) Final Cover - In areas where landfilling has been completed to final contours, a minimum 600 millimetre thick layer of soil and 150 millimetres of top soil (final cover) shall be placed. Fill areas shall be progressively completed and rehabilitated as landfill development reaches final contours.

24.3 Non-hazardous Contaminated soil, sand, mulched wood, construction debris of approved thickness may be used as alternative Daily Cover.

## **LANDFILL MONITORING**

### **25.0 Landfill Gas**

25.1 The *Owner* shall ensure that any buildings or structures at the *Site* contain adequate ventilation systems to relieve any possible landfill gas accumulation. Routine monitoring for explosive methane gas levels shall be conducted in all buildings or structures at the *Site*, especially enclosed structures which at times are occupied by people.

### **26.0 Compliance Limits**

26.1 The *Site* shall be operated in such a way as to ensure compliance with the following:

- (a) Reasonable Use Guideline B-7 for the protection of the groundwater at the *Site*; and
- (b) Provincial Water Quality Objectives included in the July 1994 publication entitled *Water Management Policies, Guidelines, Provincial Water Quality Objectives*, as amended from time to time or limits set by the *Regional Director*, for the protection of the surface water at and off the *Site*.

## **27.0 Surface Water and Ground Water**

- 27.1 The *Owner* shall monitor surface water and ground water in accordance with Items 2, 3, and 4 in Schedule "A".
- 27.2 The *Owner* may request to make changes to the monitoring program to the *District Manager* in accordance with the recommendations of the Annual Report as described in Condition 30.
- 27.3 Within fourteen (14) days of receiving the written correspondence from the District Office confirming that the District Office is in agreement with the proposed changes to the environmental monitoring program identified in the Annual Report, the *Owner* shall forward a letter identifying the proposed changes and a copy of the correspondences from the *District Manager* and all other correspondences and responses related to the Annual Report, to the *Director* requesting the *Certificate* be amended to approve the proposed changes to the environmental monitoring plan.
- 27.4 In the event any other changes to the environmental monitoring program are proposed outside of the recommendation of the annual report, the *Owner* shall follow current ministry procedures for seeking approval for amending the Certificate of Approval.
- 27.5 A certified Professional Geoscientist or Engineer possessing appropriate hydrogeologic training and experience shall execute or directly supervise the execution of the groundwater monitoring and reporting program.

## **28.0 Groundwater Wells and Monitors**

- 28.1 The *Owner* shall ensure that all groundwater monitoring wells which form part of the monitoring program are properly capped, locked and protected from damage.
- 28.2 Where landfilling is to proceed around monitoring wells, suitable extensions shall be added to the wells and the wells shall be properly re-secured.
- 28.3 Any groundwater monitoring wells included in the on-going monitoring program that are damaged shall be assessed, repaired, replaced or decommissioned by the *Owner*, as required.
- (a) The *Owner* shall repair or replace any monitoring well which is destroyed or in any way made to be inoperable for sampling such that no more than one regular sampling event is missed.
  - (b) All monitoring wells which are no longer required as part of the groundwater monitoring program, and have been approved by the *District Manager* for abandonment, shall be decommissioned by the *Owner*, as required, in accordance with *O.Reg. 903*, that will prevent contamination through the abandoned well. A report on the decommissioning of the well shall be included in the Annual Report for the period during which the well was decommissioned.

## **29.0 Trigger Mechanisms and Contingency Plans**

- 29.1 Trigger mechanisms plan for surface water and groundwater quality monitoring for the purpose of initiating investigative activities into the cause of increased contaminant concentrations at the Contaminant Attenuation Zone (CAZ) limit shall be in accordance with Items 2, 3 and 4 of the Schedule "A".
- 29.2 By November 30, 2008, the *Owner* shall delineate the extent of groundwater contamination beyond the property boundary, establish the extent of CAZ required to bring the *Site* into compliance with respect to Guideline B-7 and submit to the *District Manager* for approval.
- 29.3 Within fourteen (14) days of receiving the written correspondence from the District Office confirming that the District Office is in agreement with the proposed CAZ, the *Owner* shall forward a letter identifying the proposed CAZ and a



copy of the correspondences from the *District Manager* and all other correspondences and responses related to the proposed CAZ to the *Director* requesting the *Certificate* be amended to approve the proposed contingency plan.

29.4 The *Owner* shall ensure that any proposed changes to the site-specific trigger levels for leachate impacts to the surface water or groundwater, shall be approved in advance by the *Director* via an amendment to this *Certificate*.

29.5 By December 31, 2010, the *Owner* shall bring the *Site* into compliance with respect to Guideline B-7 and Provincial Water Quality Objectives.

## ANNUAL REPORTING

### 30.0 Annual Report

30.1 A written report on the development, operation and monitoring of the *Site*, shall be completed annually (the "Annual Report"). The Annual Report shall be submitted to the *District Manager* by April 30<sup>th</sup> commencing in 2009 and in subsequent years of the year following the period being reported upon.

30.2 The Annual Report shall include the following:

- (a) the results and an interpretive analysis of the results of all leachate, groundwater surface water and landfill gas monitoring, including an assessment of the need to amend the monitoring programs;
- (b) an assessment of the operation and performance of all engineered facilities, the need to amend the design or operation of the *Site*, and the adequacy of and need to implement the contingency plans;
- (c) site plans showing the existing contours of the *Site*; areas of landfilling operation during the reporting period; areas of intended operation during the next reporting period; areas of excavation during the reporting period; the progress of final cover, vegetative cover, and any intermediate cover application; previously existing site facilities; facilities installed during the reporting period; and site preparations and facilities planned for installation during the next reporting period;
- (d) 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;
- (e) a calculation of the remaining capacity of the *Site* and an estimate of the remaining *Site* life;
- (f) a summary of the quantity of any leachate or pre-treated leachate removed from the *Site* or leachate treated and discharged from the *Site* during each operating week;
- (g) a summary of the weekly, maximum daily and total annual quantity (tonnes) of waste received at the *Site*;
- (h) a summary of any complaints received and the responses made;
- (i) a discussion of any operational problems encountered at the *Site* and corrective action taken;
- (j) any changes to the Design and Operations Report and the Closure Plan that have been approved by the *Director* since the last *Annual Report*;
- (k) a report on the status of all monitoring wells and a statement as to compliance with *Ontario Regulation 903*; and
- (l) any other information with respect to the *Site* which the *Regional Director* may require from time to time.

### 31.0 CLOSURE PLAN

31.1 At least 2 years prior to the anticipated date of closure of this *Site*, the *Owner* shall submit to the *Director* for approval, with copies to the *District Manager*, a detailed *Site* closure plan pertaining to the termination of landfilling operations at this *Site*, post-closure inspection, maintenance and monitoring, and end use. The plan shall include the following:

- (a) a plan showing *Site* appearance after closure;
- (b) a description of the proposed end use of the *Site*;
- (c) a descriptions of the procedures for closure of the *Site*, including:
  - (i) advance notification of the public of the landfill closure;
  - (ii) posting of a sign at the *Site* entrance indicating the landfill is closed and identifying any

- alternative waste disposal arrangements;
- (iii) completion, inspection and maintenance of the final cover and landscaping;
- (iv) *Site* security;
- (v) removal of unnecessary landfill-related structures, buildings and facilities;
- (vi) final construction of any control, treatment, disposal and monitoring facilities for leachate, groundwater, surface water and landfill gas; and
- (vii) a schedule indicating the time-period for implementing sub-conditions i to vi above;

(d) descriptions of the procedures for post-closure care of the *Site*, including:

- (i) operation, inspection and maintenance of the control, treatment, disposal and monitoring facilities for leachate, groundwater, surface water and landfill gas;
  - (ii) record keeping and reporting; and
  - (iii) complaint contact and response procedures;
- (e) an assessment of the adequacy of and need to implement the contingency plans for leachate and methane gas; and
- (f) an updated estimate of the contaminating life span of the *Site*, based on the results of the monitoring programs to date.

31.2 The *Site* shall be closed in accordance with the closure plan as approved by the *Director*.

## **32.0 WASTE DIVERSION**

32.1 The *Owner* shall ensure that:

- (a) all bins and waste storage areas are clearly labelled;
- (b) all lids or doors on bins shall be kept closed during non-operating hours and during the high wind events; and
- (c) if necessary to prevent litter, waste storage areas shall be covered during the high winds events.

32.2 The *Owner* shall provide a segregated area for the storage of *Refrigerant Appliances* so that the following are ensured:

- (a) all *Refrigerant Appliances* have been tagged to indicate that the refrigerant has been removed by a licensed technician. The tag number shall be recorded in the log book and shall remain affixed to the appliance until transferred from the *Site*; or
- (b) all *Refrigerant Appliances* accepted at the *Site*, which have not been tagged by a licensed technician to verify that the equipment no longer contains refrigerants, are stored segregated, in a clearly marked area, in an upright position and in a manner which allows for the safe handling and transfer from the *Site* for removal of refrigerants as required by O.Reg. 189; and
- (c) all *Refrigerant Appliances* received on-site shall either have the refrigerant removed prior to being transferred from the *Site* or shall be shipped off-site only to facilities where the refrigerants can be removed by a licensed technician in accordance with O.Reg. 189.

32.3 Propane cylinders shall be stored in a segregated area in a manner which prevents cylinders from being knocked over or cylinder valves from breaking.

32.5 The *Owner* shall transfer waste and recyclable materials from the *Site* as follows:

- (a) recyclable materials shall be transferred off-site once their storage bins are full;
- (b) scrap metal shall be transferred off-site at least twice a year;
- (c) tires shall be transferred off-site as soon as a load for the contractor hired by the *Owner* has accumulated or as soon as the accumulated volume exceeds the storage capacity of its bunker; and
- (d) immediately, in the event that waste is creating an odour or vector problem.

32.6 The *Owner* shall notify the appropriate contractors that waste and recyclable wastes that are to be transferred off the *Site* are ready for removal. Appropriate notice time, as determined by the contract shall be accommodated in the notification procedure.

#### **SCHEDULE "A"**

1. Application for a Certificate of Approval for a Waste Disposal Site received April 26, 2005 and signed by Tammy Mckelvey and all the supporting information associated with the application.
2. Report entitled "South Bay Waste Disposal Site, Site Development and Operations Report" dated April 2005, prepared by Robinson Consultants.
3. Report entitled "Municipality of Dysart et al South Bay Waste Disposal Site, Landfill Impact Study" dated April 2005, prepared by Robinson Consultants.
4. Letter dated November 1, 2007, from Andrew Buzza, Jp2g Consultants to Ranjani Munasinghe, Ministry of the Environment.

#### **Schedule "B"**

#### **CERTIFICATE OF REQUIREMENT**

##### **s. 197(2)**

##### ***Environmental Protection Act***

This is to certify that pursuant to a(n) [INSERT ORDER OR DECISION TYPE] [INSERT ORDER OR DECISION NUMBER OR IDENTIFIER] issued by [INSERT NAME OF ISSUING PERSON, POSITION] dated [INSERT DATE] with respect to [INSERT DESCRIPTION, SUCH AS CONTAMINATION, WASTE DISPOSAL SITE, ETC.] on the [INSERT REGISTERABLE DESCRIPTION OF THE PROPERTY]. The following person(s):

[INSERT PERSON(S) NAMED IN INSTRUMENT]

and any other persons having an interest in the [INSERT REGISTERABLE DESCRIPTION OF THE PROPERTY] are required, before dealing with the property in any way, to give a copy of the [INSERT ORDER OR DECISION TYPE] including any amendments that may be made thereto, to every person who will acquire an interest in the property as a result of the dealing.

Under subsection 197(3) of the Environmental Protection Act, this requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the real property.

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

1. The reason for Conditions 1, 3, 4, 5 and 9 is to clarify the legal rights and responsibilities of the *Owner* and *Operator* under this Certificate of Approval.
2. The reasons for Condition 2 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.
3. The reasons for Condition 6.1 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.
4. 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.
5. Condition 7 is 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.
6. Condition 8 is included to ensure that the appropriate Ministry staff has ready access to the operations of the *Site* which are approved under this Certificate. The Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the *Act*, the *OWRA*, the *PA*, the *NMA* and the *SDWA*.

7. The reason for Condition 10 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*.
8. The reasons for Conditions 11, 12 and 20.1 are 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.
9. The reason for Condition 13 is that open burning of municipal waste is unacceptable because of concerns with air emissions, smoke and other nuisance affects, and the potential fire hazard.
10. The reasons for Condition 14 are to specify the hours of operation for the landfill site and a mechanism for amendment of the hours of operation, as required.
11. The reasons for Condition 15 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.
12. The reason for Condition 16 is to ensure that the *Site* is supervised and 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 17 is to ensure that any complaints regarding landfill operations at this *Site* are responded to in a timely and efficient manner.
14. Conditions 18.1 and 18.2 are included to ensure that emergency situations are reported to the Ministry to ensure public health and safety and environmental protection.
15. Conditions 18.3, 18.4 and 18.5 are included to ensure that emergency situations are handled in a manner to minimize the likelihood of an adverse effect and to ensure public health and safety and environmental protection.
16. The reason for Condition 19 is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Certificate of Approval (such as fill rate, site capacity, record keeping, annual reporting, and financial assurance requirements), the *EPA* and its regulations.
17. The reason for Conditions 20.2 and 20.3 is to ensure that detailed records of *Site* inspections are recorded and maintained for inspection and information purposes.
18. The reason for Conditions 21, 22 and 23 is to specify the approved areas from which waste may be accepted at the *Site* and the types of waste that may be accepted for disposal at the *Site*, based on the *Owner's* application and supporting documentation.
19. Reasons for condition 22.1 is to establish the volume of waste deposited in the landfill so that the *Owner* can plan for the future disposal needs and to acquire the information necessary to establish the contaminant attenuation zone.
20. Conditions 22.2 and 22.3 are included to ensure the *Owner* does not develop the Phase II until the *Site* is in compliance with Conditions 26 and 29.5. It is not in the best interest of the public to allow the *Owner* to increase the area of the landfill before the present contamination is controlled.
21. The reason for Condition 24.1 and 24.3 is to specify the approved alternative cover material and to specify requirements for use of alternative cover material at the *Site*.
22. The reasons for Condition 24.2 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*.
23. Reasons for Condition 25 are to ensure that off site migration of landfill gas is monitored and all buildings at the *Site* are free of any landfill gas accumulation, which due to a methane gas component may be explosive and thus create a danger to any persons at the *Site*.

24. Condition 26 is included to provide the groundwater and surface water limits to prevent water pollution at the *Site*.
23. Condition 27.1 and 27.5 are included to require the Owner to demonstrate that the *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.
24. The reason for the Conditions 27.2, 27.3 and 27.4 is to streamline the approval of changes to the monitoring plans.
24. Condition 28 is included to ensure the integrity of the groundwater monitoring network so that accurate monitoring results are achieved and the natural environment is protected.
25. Condition 29 is added to ensure the *Owner* has a plan with an organized set of procedures for identifying and responding to potential issues relating to groundwater and surface water contamination near or at the *Site's* compliance point and to require the Owner to bring the Site into compliance in a timely manner.
26. The reasons for Condition 30 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.
27. The reasons for Condition 31 are to ensure that final closure of the *Site* is completed in an aesthetically pleasing manner, in accordance with Ministry standards, and to ensure the long-term protection of the health and safety of the public and the environment.
28. Condition 32 is included to ensure that the recyclable materials are stored in their temporary storage location in a manner as to minimize a likelihood of an adverse effect or a hazard the natural environment or any person.

**This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A330304 dated December 22, 1981**

*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:*

CONTENT COPY OF ORIGINAL

The Secretary\*  
Environmental Review Tribunal  
2300 Yonge St., Suite 1700  
P.O. Box 2382  
Toronto, Ontario  
M4P 1E4

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)**

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

DATED AT TORONTO this 17th day of January, 2008

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

RM/  
c: District Manager, MOE Peterborough  
Andrew Buzza, P. Geo, Jp2g Consultants Inc.