



Ministry
of the
Environment

Ministère
de
l'Environnement

PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER 6625-6EMMZ3
Issue Date: September 29, 2005

1206765 Ontario Limited
257 Lakeview Drive
Lakeshore, Ontario
N0R 1A0

Site Location: Chatham Terminal
Part of Lot 17, Concession A
Chatham-Kent Municipality,

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

a 2.2 hectare waste disposal site

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

Non-hazardous solid industrial waste, liquid industrial waste and hazardous waste limited to Waste Classes 111 to 114 inclusive, 121, 122, 123, 131 to 135 inclusive, 141 to 150 inclusive, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 251 to 254 inclusive, 261 to 270 inclusive, 281, 282 and 331 as described in the Ministry of the Environment's "New Ontario Waste Classes" document dated January 1986 or as amended.

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. a. "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";
- b. "Director" means any *Ministry* employee appointed in writing by the *Minister* pursuant to section 5 of the *EPA* as a Director for the purposes of Part V of the *EPA*;
- c. "District Manager" means the *District Manager* of the local district office of the *Ministry* in which the Site is geographically located;
- d. "EPA" means *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;
- e. "Lab Packs" means the waste management industry's recognized method of temporarily storing and transporting miscellaneous organic and inorganic wastes in a drum or tote;
- f. "Liquid Waste" means waste that has a slump of more than 150 millimetres using the Test Method for Determination of Liquid Waste referenced in Ontario Regulation 347 (Slump Test);
- g. "Listed Subject Waste" means a Hazardous Industrial Waste (Schedule 1, O. Reg. 347), Acute Hazardous Waste Chemical (Schedule 2(A), O. Reg. 347), Hazardous Waste Chemical (Schedule 2(B), O. Reg. 347) and Severely Toxic Waste (Schedule 3, O. Reg. 347);
- h. "Ministry" means the *Ontario Ministry of the Environment*;
- i. "Operator" means any person, other than the Owner's employees, authorized by the *Owner* as having the charge,

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management or control of any aspect of the site and includes 1206765 Ontario Limited its successors or assigns;

j. "Owner" means any person that is responsible for the establishment or operation of the site being approved by this *Certificate*, and includes 1206765 Ontario Limited, its successors and assigns;

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

l. "PA" means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amend from time to time;

m. "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*.

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

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

p. "Site" means the entire 2.2 hectare waste disposal site described as Part of Lot 17, Concession A, Geographic Township of Raleigh, Municipality of Chatham-Kent, Part of Part 2 on Registered Plan 24R-7195 as approved by this *Certificate*;

q. "Sewer Use By-Law" means By-Law Number 4-2000 of the Corporation of the Municipality of Chatham-Kent, as amended from time to time;

r. "Trained personnel" means knowledgeable in the following through instruction and/or practice:

- i. relevant waste management legislation, regulations and guidelines;
- ii. major environmental concerns pertaining to the waste to be handled;
- iii. occupational health and safety concerns pertaining to the processes and wastes to be handled;
- iv. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- v. emergency response procedures;
- vi. specific written procedures for the control of nuisance conditions;
- vii. specific written procedures for refusal of unacceptable waste loads; and
- viii. the requirements of this *Certificate*; and

s. "Treated Wastewater" means wastewater that has been processed in accordance with the application and supporting documentation to remove the hazardous characteristic of Liquid Industrial Waste, Ignitable Waste, Corrosive Waste or Leachate Toxic Waste.

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* 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.

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

Build, etc. in Accordance

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

Interpretation

5. 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.
6. 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.
7. 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.
8. 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.

Other Legal Obligations

9. The issuance of, and compliance with the conditions of, 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*.

Adverse Effects

10. 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.
11. 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

12. 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:
 - 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* 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
 - e. 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.
13. 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*.

Financial Assurance

14. The *Owner* shall submit to the *Director*, Financial Assurance, as defined in Section 131 of the *EPA*, for the amount of \$158,447.00 thirty (30) days prior to any waste being received at the *Site*. This Financial Assurance shall be in a form and amount acceptable to the *Director* and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on-site at any one time.

15. Commencing on March 31, 2006 and on an annual basis thereafter, the *Owner* shall submit to the *Director*, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 14. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the *Site* and shall include the costs of additional monitoring and/or implementation of contingency plans required by the *Director* upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the *Director* within 10 days of written acceptance of the re-evaluation by the *Director*.

16. The amount of Financial Assurance is subject to review at any time by the *Director* and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating financial assurance will not be renewed, and satisfactory methods have not been made to replace the Financial assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

Inspections

17. No person shall hinder or obstruct a *Provincial Officer* in the performance of their duties, including any and all inspections authorized by the *OWRA*, the *EPA* or the *PA* of any place to which this *Certificate* relates, and without limiting the foregoing to:

- a. enter upon the premises where the *Site* are located, or the location where the records required by the conditions of this *Certificate* are kept;
- b. have access to, inspect, and copy any records required by the conditions of this *Certificate*;
- c. inspect the practices, procedures, or operations required by the terms conditions of this *Certificate*; and
- d. sample and monitor for the purposes of assessing compliance with the conditions of this *Certificate* or the *EPA*, the *OWRA* or the *PA*.

Information and Record Retention

18. 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. Records shall be retained for five (5) years except for as otherwise authorized in writing by the *Director*.

19. 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.

OPERATION and MAINTENANCE

20. The *Site* shall be operated and maintained at all times 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.

Construction

21. a. The *Owner* shall construct the *Site* as described in Items 1 and 5 of Schedule "A" of this *Certificate*.

b. A set of as-built drawings, including a Site Plan, showing the *Site* as constructed shall be kept up to date through periodic revisions and shall be submitted to the *Director* and the *District Manager*. An amendment to this *Certificate* shall be sought for changes requiring approval.

22. The *Owner* shall provide to the *District Manager* a notice from the local Fire Department confirming that the *Site* has been constructed in compliance with the Ontario Fire Code prior to any waste being received at the *Site*.

Service Area

23. Only waste that is generated within Canada and the United States of America shall be accepted at the *Site*.

Hours of Operation

24. Waste may be accepted at the *Site* 24 hours a day, 365 days of the year.

Site Security and Signage

25. The *Site* shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the *Site*.

26. A sign shall be posted and maintained at the main entrance/exit to the site displaying in a manner that is clear and legible at a distance of twenty-five metres from the public roadway bordering the *Site*. The sign shall contain the following information:

a. the name of the *Site* and *Owner*;

b. the number of this *Certificate*;

c. the normal hours of operation;

d. the allowable and prohibited waste types;

e. a telephone number to which complaints may be directed;

f. a twenty-four (24) hour emergency telephone number (if different from above); and

g. a warning against dumping outside the *Site*.

Vermin, etc.

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

Waste Type

28. The *Site* may only accept solid non-hazardous industrial waste, liquid industrial waste and hazardous waste limited to Waste Classes 111 to 114 inclusive, 121, 122, 123, 131 to 135 inclusive, 141 to 150 inclusive, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 251 to 254 inclusive, 261 to 270 inclusive, 281, 282, and 331 as described in the *Ministry* document "New Ontario Waste Classes" dated January 1986 or as amended.

Waste Limits

29. No more than 299 tonnes of waste per day shall be accepted at the *Site*.
30. The total maximum amount of waste stored at the *Site* shall not exceed 1,100 tonnes or 1,100,000 litres. For the purposes of assessing compliance with this *Certificate*, a general conversion factor for solids to liquids shall be one (1) tonne = 1,000 kilograms = 1,000 litres and will not incorporate the specific gravity of the waste.
31. The total maximum amount of all wastes stored at the *Site* referenced to in Condition 30 are limited in the following manner:
- a. Three (3) Above Ground Storage Tanks (AST's) in Tank Farm No. 1 as listed in Schedule "B" of this Certificate equipped with operating and regularly calibrated high level alarms containing various processed and unprocessed liquid industrial waste and hazardous wastes not to exceed 98,500 litres;
 - b. Ten (10) Above Ground Storage Tanks (AST's) in Tank Farm No. 2 as listed in Schedule "B" of this Certificate equipped with operating and regularly calibrated high level alarms containing various processed and unprocessed liquid industrial waste and hazardous wastes not to exceed 701,500 litres;
 - c. Drums, totes and suitable containers of waste containing various processed and unprocessed non-hazardous solid waste, liquid industrial waste and hazardous industrial waste not to exceed 100,000 litres as per the most recently approved version of the Site Plan and Details Drawing and Design and Operations Report as contained within Schedule "A" of this *Certificate*;
 - d. A maximum quantity of fifty thousand (50,000) litres of liquid industrial waste within Pit No. 1;
 - e. A maximum quantity of fifty (50) tonnes of either of the following wastes:
 - i. solid non-hazardous industrial waste and/or semi-solid non-hazardous industrial waste within waste processing Pit No.2, or
 - ii. hazardous solid industrial waste and/or semi-solid hazardous waste within waste processing Pit No.3;
 - f. A maximum quantity of seventy (70) tonnes of a combination of either solid non-hazardous industrial waste or solid hazardous waste derived from the solidification activities at the *Site* contained in tarped, or otherwise covered, roll-off bins located within the 'Warehouse Building' and the 'Sludge and Solids Processing Building' as per the most recently approved version of the Site Plan and Details Drawing contained within Schedule "A" of this *Certificate*; and
 - g. A maximum quantity of thirty (30) tonnes of sawdust, fly ash, cement dust, spent lime or other reagent suitable for use as a solidification or binding agents located in the vicinity of the 'Sludge and Solids Processing Building' as per the most recently approved version of the Site Plan and Details Drawing contained within Schedule "A" of this *Certificate*.
32. The total amount of waste leaving the *Site* for final disposal, comprised of waste from the transfer operation and residual waste arising from the processing operations, shall not exceed 299 tonnes or equivalent per day.

Labeling

33. a. All waste storage containers at the *Site* shall have a label or sign identifying the waste class(es), waste characteristic, and, when applicable, the WHMIS and TDGA classification of the contents contained within. The label or sign shall be clearly visible for inspection and record keeping.
- b. The *Owner* shall keep a container inventory for all materials stored at the *Site* to be made available to any Provincial Officer upon request.

Listed Subject Wastes

34. a. The *Owner* must ensure that all of the wastes generated at the *Site* are disposed in accordance with *Reg. 347*;

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b. Hazardous Industrial Waste (Schedule 1, *Reg. 347*), Acute Hazardous Waste Chemical (Schedule 2(A), *Reg. 347*), Hazardous Waste Chemical (Schedule 2(B), *Reg. 347*) and Severely Toxic Waste (Schedule 3, *Reg. 347*) may not be mixed, bulked, blended, put into a common container, or processed with any other waste material at the *Site* unless the procedures specified in this Condition are followed;

- i. Only chemically compatible wastes may be mixed bulked or blended;
- ii. A mixture of a Severely Toxic Waste and any other waste(s) is a Severely Toxic Waste;
- iii. A mixture of an Acute Hazardous Waste Chemical and any other waste(s) except a Severely Toxic Waste is an Acute Hazardous Waste Chemical;
- iv. A mixture of a Hazardous Waste Chemical and any other waste(s) except as Severely Toxic Waste or an Acute Hazardous Waste Chemical is a Hazardous Waste Chemical; and
- v. A mixture of a Hazardous Industrial Waste and any other waste(s) except a Severely Toxic Waste, an Acute Hazardous Waste Chemical or a Hazardous Waste Chemical is a Hazardous Industrial Waste;

c. The *Owner* shall maintain for a period of five years, a record available for inspection, tracking the path of waste movement through the *Site* for Acute Hazardous Waste Chemical, Hazardous Waste Chemical, Hazardous Industrial Waste and Severely Toxic Waste, including as a minimum;

- i. Date of receipt of the waste, including manifest number;
- ii. Waste class and waste characteristic;
- iii. Volume or mass of waste received;
- iv. Date and location of disposal of the Hazardous Waste, including the manifest number; and

d. The *Listed Subject Wastes* and the responding waste characterization referred to in Condition 34.b. of this *Certificate*, may not be changed by the *Owner* once received at the *Site* with the exception of wastes received in *Lab Packs* and the contents of the smaller containers are bulked into larger containers of similar waste characteristics for the sole purposes of transporting waste for final disposal. All other bulking, transferring and processing activities are not permitted to de-list waste with the H, A, B, or S hazardous waste characterization suffix.

Segregation

35. The *Owner* shall ensure that all waste shall be stored in accordance with *Ministry* publication "Guidelines of EPA Measures at Chemical Storage Facilities", dated October 1978 or as amended. Wastes shall be segregated from other incompatible wastes and materials.

Incoming / Outgoing Waste

36. All in-coming and outgoing wastes shall be inspected and tested by qualified personnel as described in the documentation contained within Schedule "A" of this *Certificate*, prior to being received, processed, transferred and shipped to ensure wastes are being managed and disposed of in accordance with the *EPA* and *Reg. 347*.

37. Notwithstanding the requirements of Condition 36 of this *Certificate*, all reasonable measures in the way of laboratory, compatibility and bench testing of waste and materials shall be taken to ensure that the bulking, blending, mixing, transfer and processing of wastes at the *Site* will not result in uncontrollable reactions that could result in a fire or release of contaminants to the natural environment.

Processing

38. Processing carried out at the *Site* is limited to the following operations as described in Item 5 of Schedule "A" which forms part of this *Certificate*: physical and chemical wastewater treatment; bulking and blending of compatible waste streams; solidification and fixation/stabilization of solid and semi-solid wastes, and mechanical destruction.

39. a. The *Owner* shall submit a Process and Operations Manual to the *Director* for approval a minimum of sixty (60) days

prior to the acceptance of any waste at the *Site*. The Process and Operations Manual shall contain detailed procedures relating to all aspects of the handling of waste at the *Site* as described in Item 4 of Schedule "A".

b. The Process and Operations Manual shall be retained at the *Site*, kept up to date shall be available for inspection by *Ministry* staff. Changes to the Process and Operations Manual shall be submitted to the *Director* for approval.

Wastewater Treatment

40. Wastewater shall be processed at the *Site* in accordance with the application and supporting documentation as listed in Schedule "A":

a. Wastewater shall be processed at a rate not exceeding 199,000 litres per day.

b. Should *Listed Subject Waste* be included in a wastewater treatment batch, the processed batch of wastewater shall not be deemed to be *Treated Wastewater*. The processed wastewater shall be deemed to have been derived from a *Listed Subject Waste* and shall be handled in accordance with Condition 34. of this *Certificate*; and

c. *Treated Wastewater* shall be managed in accordance with the *Sewer Use By-Law* and the Sewer Use Agreement between the *Owner* and the Corporation of the Municipality of Chatham-Kent as found in Item 5 of Schedule "A" which forms part of this *Certificate*.

41. a. In the event that random sampling conducted by the Municipality of Chatham-Kent indicates that a wastewater discharge from the *Site* exceeded the Sewer Use By-Law the *Owner* shall immediately notify the *District Manager* in writing, initiate appropriate steps to determine the cause of the exceedance and shall take all necessary actions to eliminate the cause including a review of the existing procedures; and

b. Within seven (7) days of receiving notification from the municipality the *Owner* shall provide to the *District Manager* a report summarizing the results of the actions taken under Condition 41.a. and any recommendations for managerial or operational changes to reasonably avoid the recurrence of similar incidents. Any changes to the Design and Operations Report or the Process and Operations Manual shall be submitted to the *Director* for approval.

42. Should *Listed Subject Waste* be included in a wastewater treatment batch, the sludge derived from the processing of the batch, and all sludge mixed with the sludge derived from the batch, shall be deemed to have been derived from the *Listed Subject Waste*. The sludge shall be handled in accordance with Condition 34.

43. The *Owner* shall maintain for a period of five (5) years a record available for inspection, tracking the processing of wastewater. Records shall be made for each batch of wastewater processed and at a minimum shall include the following;

a. The date and batch number;

b. The volume, waste class and characteristic of each waste type included in the batch;

c. The total quantity of wastewater to be processed in the batch;

d. The signature of *Trained personnel* that confirms the batch contains or does not contain *Listed Subject Waste*;

e. The analysis and test results for the parameters and contaminants as required by the *Sewer Use By-Law* for each batch of *Treated Wastewater* that is discharged to the sanitary sewer system including the signature of a *Trained personnel* that confirms that the *Treated Wastewater* is suitable for discharge to the municipal sewage treatment facility;

f. The volume, waste class and characteristic, and the name and location of the final disposal site for each batch that upon processing could not meet the requirements of the *Sewer Use By-Law*; and

g. The volume, waste class and characteristic, and the name and location of the final disposal site for each batch that contained a *Listed Subject Waste*.

44. The *Owner* shall maintain for a period of five (5) years a record available for inspection, tracking the disposal of

sludge. Records shall be made for each outgoing shipment of sludge resulting from the processing of wastewater and at a minimum shall include the following;

- a. The batch number(s) of all wastewater treatment batches from which the sludge was derived;
- b. The quantity of sludge produced;
- c. The waste class and characteristic assigned to the sludge; and
- d. The name and location of the final disposal site.

Chlorinated Solvents

45. Chlorinated solvent being transported from the *Site* to St. Lawrence Cement is exempt from Part V of the *EPA* and *Reg. 347* provided:

a. the solvent meets the following chemical and compositional criteria:

- i. has a minimum of 2% chlorine content;
- ii. is a complex mixture of chlorinated hydrocarbons in a chlorinated aromatic

hydrocarbon base;

iii. does not contain more than 10 ppm of any residual organochlorine pesticides;

and

iv. does not contain more than 5 ppm of polychlorinated biphenyls (PCBs);

b. a chemical analysis for each load is submitted to St. Lawrence Cement prior to its use at the facility. The analysis shall include, but not be limited to, the following:

- i. percent chlorine content;
- ii. concentration of organochlorine pesticides, reported in ppm; and
- iii. concentration of PCBs, reported in ppm; and

c. the solvent is transported by a hauler holding a valid waste management system Certificate of Approval directly to the St. Lawrence Cement facility located at 2391 Lakeshore Road West, Mississauga, Ontario for use in the production of reduced alkali clinker in the facility's kiln.

Waste Inspection

46. All waste shall be inspected by *Trained personnel* prior to being accepted at the *Site* to ensure that the waste is of a type approved for acceptance under this *Certificate*.

47. In the event that load of waste is refused, a record shall be made in the daily log book identifying the reason the waste was refused and the origin of the waste, if known.

Site Inspection

48. 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.

49. a. The *Owner* shall on an annual basis conduct a detailed inspection of each storage tank at the *Site*. At a minimum the storage tanks shall be emptied of all waste, flushed clean and visually inspected both internally and externally for evidence of deterioration. In the event that significant deterioration is observed the *Owner* shall retain the services of a qualified contractor to carry out the necessary repairs to the storage tank prior it being put back into service.

b. Once every ten (10) years the *Owner* shall retain the services of a qualified third party to conduct an appropriate non-destructive testing technique on each storage tank at the *Site* to verify the continued structural integrity of the storage tank. In the event that a tank is determined to be defective and presents an increased risk of failure the tank shall be forthwith removed from use until such time that it can be repaired satisfactorily or replaced.

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

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

Other approvals

51. The *Owner* shall ensure that *Site* processes and equipment are not operated and no waste is received at the *Site* unless all approvals under Section 9 of the EPA, where applicable, have been obtained.

52. At no time is burning or incineration of any materials allowed on the *Site*.

53. The *Owner* shall ensure that *Site* processes and equipment are not operated and no waste is received at the *Site* unless industrial sewage works approvals under Section 53, of the *OWRA*, where applicable, have been obtained. The *Owner* shall manage all direct discharges from this *Site* including stormwater run-off in accordance with appropriate Municipal, Provincial and or Federal Legislation, Regulations and By-laws.

Training Plan

54. A training plan shall be developed and maintained for all employees that operate the *Site*. Only *Trained personnel* may operate the *Site* or carry out any activity required under this *Certificate*.

55. The *Owner* shall ensure that *Trained personnel* as per Condition 54. are available at all times during the hours of operation of this *Site*. *Trained personnel* shall supervise all transfer or processing of waste material at the *Site*.

Complaint Response

56. 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. Record and number each complaint, either electronically or in a separate log book, and shall include the following information:

- i. the nature of the complaint,
- ii. if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
- iii. the name, address and the telephone number of the complainant (if provided); and
- iv. 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.

Emergency Response Plan

57. The *Owner* shall submit to the Director for approval an Emergency Response Plan for the *Site* within ninety (90) days of the issuance of this *Certificate*. The Emergency Response Plan submitted must be acceptable to the local Municipal and the local Fire Department and shall be implemented prior to any waste being received at the *Site*. At a minimum the Emergency Response Plan shall include the following:

- a. 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;
- b. a list of equipment and spill clean up materials available in case of an emergency; and
- c. 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 Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.

58. The Emergency Response Plan shall be kept up to date, and a copy shall be retained in a central location on the *Site* and shall be accessible to all staff at all times. Changes to the Emergency Response Plan shall be submitted to the *Director* for approval with a copy to the *District Manager*, the local Municipality and the Fire Department.

59. The equipment, materials and personnel requirements outlined in the Emergency Response Plan 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.

60. All staff that operate the *Site* shall be fully trained in the use of the Emergency Response Plan and in the procedures to be employed in the event of an emergency.

61. The *Owner* shall immediately take all measures necessary to contain and clean up any spill or leak which may result from the operation of this *Site* and immediately implement the Emergency Response Plan if required.

Design and Operations Report

62. 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".

63. Changes to the Design and Operations Report shall be submitted to the *Director* for approval.

Daily Log Book

64. The *Owner* shall maintain, at the *Site* for a minimum of five years, a log book(s) or electronic file format which records daily the following information:

- a. date;
- b. types (class and primary characteristic), quantities and source of waste received;
- c. quantity of unprocessed, processed and residual waste on the *Site*;
- d. types (class and primary characteristic), quantities and destination of each type of waste shipped from the *Site*;
- e. the wastewater treatment records required by Conditions 43. and 44. of this *Certificate*;

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- f. a record of daily inspections required by this *Certificate*;
- g. 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*;
- h. a record of any waste refusals which shall include; amounts, reasons for refusal and actions taken; and
- i. the signature of the *Trained Personnel* conducting the inspection and completing the report.

Annual Report

65. By March 31, 2006, and by March 31 on an annual basis thereafter, the *Owner* shall prepare a written report for the previous calendar year ("*Annual Report*") The *Annual Report* shall be submitted to the *District Manager* on March 31 of each year. The report shall include, at a minimum, the following information:

- a. a detailed monthly summary of the type, quantity and origin of all wastes received, processed and transferred from the *Site*, including the destination, type and quantity of waste destined for final disposal and also including any reconciliations on mass balance made;
- b. a detailed monthly summary of the records required by Condition 64. of this *Certificate*;
- c. a record of the storage tank inspections records required by Condition 49. of this *Certificate*;
- d. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the *Site* and during the facility inspections and any mitigative actions taken;
- e. any changes to the Emergency Response Plan, the Design and Operations Report, the Process and Operations Manual and the Closure Plan that have been approved by the *Director* since the last *Annual Report*; and
- f. any recommendations to minimize environmental impacts from the operation of the *Site* and to improve *Site* operations and monitoring programs in this regard.

Closure Plan

66. Six (6) months prior to the planned closure of this *Site*, the *Owner* shall provide to the *Director*, for written approval, a written Closure Plan for the *Site*. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the *Site* and a schedule for completion of that work.

66. The *Owner* shall implement the Closure Plan, after it has been approved, in writing, by the *Director*.

67. Within 10 days after closure of the *Site*, the *Owner* shall notify the *Director*, in writing, that the *Site* is closed and that the approved Closure Plan has been implemented.

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 1206765 Ontario Limited and signed by Bruce Coristine, dated April 26, 2005 including Attachment 1- Legal Description and Survey and Attachment 2 - Verification of Legal Name.
2. Information Request Letter dated June 6, 2005 from Tim Edwards, Ministry of the Environment, to Bruce Coristine, 1206765 Ontario Limited, requesting additional details and clarification with respect to Attachment 3 - Supporting Information included within the April 26, 2005 application package.
- 3 Information Request Letter dated August 12, 2005 from Tim Edwards, Ministry of the Environment, to Bruce Coristine,

CONTENT COPY OF ORIGINAL

1206765 Ontario Limited, requesting additional details and clarification with respect to revised Attachment 3 - Supporting Information received by the Ministry on July 18, 2005.

4. Email dated September 19, 2005 from Bruce Coristine, 1206765 Ontario Limited, to Tim Edwards, Ministry of the Environment, clarifying the scope of the Operations Manual and providing roll-off box construction details.

5. Revised Attachment 3 - Supporting Information (to Application for Certificate of Approval for a Waste Disposal Site (Processing/Transfer)), including Design and Operations Report, Drainage Study, Financial Assurance etc. including all drawings, tables and Appendices A through T, dated August 30, 2005 as received via courier September 26, 2005.

SCHEDULE "B"

This Schedule "B" forms part of Provisional Certificate of Approval No. .

B. - Tank Schedule

Tank Number	Location	Use	Contents	Volume (Litres)
1	Tank Farm #2	Spill Tank	Spill Tank	70,150
2	Tank Farm #2	Processing / Storage	Oily Waters, Oils	70,150
3	Tank Farm #2	Processing / Storage	Oily Waters, Oils	70,150
4	Tank Farm #2	Treatment	Aqueous waste streams, oily waters etc.	70,150
5	Tank Farm #2	Treatment	Aqueous waste streams, oily waters etc.	70,150
6	Tank Farm #2	Processing / Storage	Lean/Rich organics	70,150
7	Tank Farm #2	Processing / Storages	Lean/Rich organics	70,150
8	Tank Farm #2	Processing / Storage	Lean/Rich organics	70,150
9	Tank Farm #2	Processing / Storage	Aqueous salts	70,150
10	Tank Farm #2	Processing / Storage	Oils, fuels, miscellaneous organics	70,150
11	Tank Farm #1	Processing / Storage	waste acids / bases	15,000
12	Tank Farm #1	Processing / Storage	waste acids / bases	15,000
13	Tank Farm #1	clarifier	water for discharge	68,500

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

1. The reason for Condition 1 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 2, 3, 5, 6, 7, 8, 9, 10, 11, and 19 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Conditions 4, 21, 38, 39, 62 and 63 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 12 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 13 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.

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6. The reason for Conditions 14, 15 and 16 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 17 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 Conditions 20, 22, 27, 35, 40, 41, 46, 47, 51, 52 and 53 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.
9. The reasons for Conditions 23, 28, 29, 30, 31 and 32 are to specify the approved service area from which waste may be accepted at the Site, 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 waste based on the Company's application and supporting documentation.
10. The reasons for Condition 24 is to specify the hours of operation for the Site.
11. The reasons for Condition 25 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.
12. The reason for Condition 26 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.
13. The reason for Conditions 33, 34, 36, 37 and 42 is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed in accordance with O. Reg. 347, R.R.O. 1990 and in a manner that protects the health and safety of people and the public.
14. The reasons for Conditions 43, 44 and 64 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.
15. The reason for Condition 45 is to ensure compliance with Provincial Officer's Order No. P451211 issued to St. Lawrence Cement to include the shipment of product solvents from Philip Services Inc., to be wholly utilized at St. Lawrence Cement in Mississauga.
16. The reason for Conditions 48, 49 and 50 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.
17. The reason for Conditions 54 and 55 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 reason for Condition 56 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
19. The reasons for Conditions 57, 58, 59, 60 and 61 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.
20. The reasons for Condition 65 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.
21. The reasons for Conditions 66, 67 and 68 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.

CONTENT COPY OF ORIGINAL

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:

The Secretary*
Environmental Review Tribunal
2300 Yonge St., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

AND

The Environmental Commissioner
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director
Section 9, *Environmental Protection Act*
Ministry of Environment and Energy
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

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

The above noted waste disposal site is approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 29th day of September, 2005

Ian Parrott, P.Eng.
Director
Section 39, *Environmental Protection Act*

TE/
c: District Manager, MOE Windsor
Bruce Cristine, 1206765 Ontario Limited