



Ontario

Ministry
of the
Environment

Ministère
de
l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A121001
Issue Date: October 31, 2007

Niagara Waste Systems Limited
Post Office Box, No. 100
Thorold, Ontario
L2V 3Y8

Site Location: West Quarry Landfill
3879 Thorold Townline Rd
Thorold City, Regional Municipality of Niagara

*You have applied in accordance with Section 27 of the Environmental Protection Act for approval of:
the use and operation of a Waste Disposal Site (Landfill) and the use and operation of a 5.3 hectare
Waste Disposal Site (Composting) within a total Site area of 13 hectares serving the Province of
Ontario and the state of New York in the United States of America.*

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

- (a) "Act" and "EPA" means the *Environmental Protection Act*, R.S.O. 1990, C. E-19 as amended;
- (b) "Aggregate waste" means waste asphalt, concrete and other aggregates.
- (c) "Agricultural wastes" means wastes generated from agricultural activities including crop residues, spoiled silage, animal manure, animal bedding and spent mushroom compost and similar residential waste including household pet excrement, cat litter and pet bedding;
- (d) "Aquatic wastes" means wastes generated from aquatic sources including aquatic plants and animals and driftwood;
- (e) "Certificate" means Provisional Certificate of Approval No. A121001;
- (f) "Company" means Niagara Waste Systems Limited;
- (g) "Compost" means the material produced by an aerobic composting process, which can be used as a soil additive and/or for other similar uses;
- (h) "Composting" means treatment of waste as defined by Ontario Regulation 347, R.R. O. 1990, of

the *Environmental Protection Act* , as amended;

- (i) "**Director**" means a Director of the Environmental Assessment and Approvals Branch of the Ontario Ministry of the Environment;
- (j) "**District Manager**" means the District Manager, Niagara District Office, Ontario Ministry of the Environment;
- (k) "**Finished Compost**" means compost that meets the criteria specified in the Guidelines;
- (l) "**Food wastes**" means waste from residential, institutional, commercial and industrial operations which was intended for human or animal consumption;
- (m) "**Gore Composting Pad** " means the portion of the existing compost facility that will utilize the GORE Technology in the composting process.
- (n) "**Guidelines**" means "Interim Guidelines for the Production and Use of Aerobic Compost in Ontario", prepared by the Ontario Ministry of the Environment, dated November 1991, as amended;
- (o) "**Leaf and yard waste**" means grass clippings, branches, shrubs, houseplants and potting soil;
- (p) "**Liquid industrial wastes**" means off-specification alcoholic (less than 24% alcohol) and non-alcoholic beverages and food;
- (q) "**Ministry**" and "**MOE**" means the Ontario Ministry of the Environment;
- (r) "**Operator**" means Integrated Municipal Services Inc.
- (s) "**Pre-consumer organic wastes**" means off-spec produce, trimmings and peelings from fruit and vegetables, waste from food processing plants, brewing and wine making;
- (t) "**Provincial Officer**" means a person who is designated by the Ministry of Environment as a Provincial Officer for the purposes of the *Environmental Protection Act* , the *Ontario Water Resources Act* , the *Pesticides Act* , and their respective regulations;
- (u) "**Residual Waste**" means waste resulting from the operation of the Site and directed for final disposal;
- (v) "**Site**" means the operation being approved under this Provisional Certificate of Approval, located at Parts of Blocks 43, 44, 45 and 231A as shown in the Regional Municipality of Niagara, Corporation Plan 11 Town of Thorold, Regional Municipality of Niagara, Ontario; and
- (w) "**Solid non-hazardous waste**" means compostable waste that meets Schedule B of this Certificate;

- (x) **“Windrow composting”** means the mixing and placing of feedstock in windrows whereby the organic matter throughout the windrow is subjected to a minimum temperature of 55°C at a depth of 1 metre for at least 15 days cumulative during the composting period. The windrowed material must be turned at least 5 times during the composting period to subject all the material to the minimum 55°C temperature for bacterial growth and pathogen inactivation.
- (y) **“Wood wastes”** means waste that is wood or a wood product as defined by Ontario Regulation 347, R.R. O. 1990, of the *Environmental Protection Act*, as amended;

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

TERMS AND CONDITIONS

1. The Site officially stopped receiving waste for the purposes of landfilling in mid 1982.
2. 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 Application for a Certificate of Approval for a Waste Disposal Site and supporting documentation, and plans and specifications listed in Schedule "A".
3. The requirements specified in this Certificate are the requirements under the EPA, R.S.O. 1990. The issuance of this Certificate in no way abrogates the Company's and/or Operator's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation and regulations.
4. The requirements of this Certificate are severable. If any requirement of this Certificate, or the application of any requirement of this Certificate to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Certificate shall not be affected in any way.
5. The Company and/or Operator shall ensure compliance with all the terms and conditions of this Certificate. Any non-compliance constitutes a violation of the EPA, R.S.O. 1990 and is grounds for enforcement.
6.
 - (a) The Company and/or Operator shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such persons with respect to compliance with this Certificate, including but not limited to, any records required to be kept under this Certificate; and
 - (b) In the event the Company and/or Operator provides the Ministry with information, records, documentation or notification in accordance with this Certificate (for the purposes of this condition referred to as "Information"),

- (i) the receipt of Information by the Ministry;
- (ii) the acceptance by the Ministry of the Information's completeness or accuracy; or
- (iii) the failure of the Ministry to prosecute the Company and/or Operator, or to require the Company and/or Operator to take any action, under this Certificate or any statute or regulation in relation to the Information;

shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Company and/or Operator relating to the Information, amounting to non-compliance with this Provisional Certificate of Approval or any statute or regulation.

7. The Company and/or Operator shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:
- (a) carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, R.S.O. 1990, Section 15, 16 or 17 of the *Ontario Water Resources Act* , R.S.O. 1990, or Section 19 or 20 of the *Pesticides Act* , R.S.O. 1990, as amended from time to time, of any place to which this Provisional Certificate of Approval relates; and,

without restricting the generality of the foregoing, to:

- (b)
 - (i) enter upon the premises where the records required by the conditions of this Certificate are kept;
 - (ii) have access to and copy, at reasonable times, any records required by the conditions of this Certificate;
 - (iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Certificate; and
 - (iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Certificate.

8. (a) Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Certificate, the conditions in this Certificate shall take precedence; and
- (b) Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.

9. The Company and/or Operator shall ensure that all communications/correspondence made pursuant to this Certificate includes reference to the Provisional Certificate of Approval number A121001.
10. The Company and/or Operator shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:
 - (a) change of Company and/or Operator of the Site or both;
 - (b) change of address or address of the new Company and/or Operator;
 - (c) change of partners where the Company is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Business Names Act*, 1991 shall be included in the notification to the Director;
 - (d) any change of name of the corporation where the Company is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the *Corporations Information Act* shall be included in the notification to the Director; and
 - (e) change in directors or officers of the corporation where the Company is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 10(d), supra.
11. In the event of any change in ownership of the Site, the Company shall notify, in writing, the succeeding owner of the existence of this Certificate, and a copy of such notice shall be forwarded to the Director.
12. Any information relating to this Provisional Certificate of Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. F-31.
13. All records and monitoring data required by the conditions of this Certificate must be kept on the Company's premises for a minimum period of five (5) years from the date of their creation.

Composting Operation

14. The Company and/or Operator shall ensure that waste is only accepted at the Site between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.
15. The Company shall build, install, operate and maintain a windmill system in accordance with the application for a Provisional Certificate of Approval for a Waste Disposal Site and supporting documentation and plans and specifications listed in Schedule "A".

16. Prior to the commencement of the installation of the windmill system, the Company shall obtain the necessary development permit under Section 25 of the Niagara Escarpment Planning and Development Act, R.S.O. 1990.
17. Approval is hereby granted for the construction and operation of Gore Composting Pad in accordance with Items 33 through 35 in Schedule "A".
18. (a) The total amount of all types of waste, which may be received at this Site, shall not exceed 90,000 tonnes per year. No biosolids (paper mill residue, sewage biosolids) shall be accepted at the Site.
- (b) i. The maximum amount of waste received at the site shall not exceed 2675 tonnes per day.
- ii. Subject to 18(a), 18(b)(i), 18(c) and 19 the maximum daily rate at which each category of waste received at the Site shall not exceed the following:

Category of Waste	Maximum per day (Tonnes)
Agricultural Waste	250
Aggregate Waste	200
Aquatic Waste	25
Food Waste	200
Leaf and Yard Waste	1000
Pre-Consumer Organic Waste	250
Solid Non-Hazardous Waste	250
Liquid Industrial Waste	200
Wood Waste	250
Source Separated Organic Waste	750

- (c) The maximum daily rate of Residual Waste transferred from the Site and destined for final disposal, shall not exceed 299 tonnes per day based on a weekly (Monday through Saturday) average.
19. The Company and/or Operator must ensure that the maximum amount of leaf and yard waste, wood waste, residual waste and finished compost stored at the Site shall not exceed 50,000 tonnes and that the amount of concrete, asphalt and other aggregate stored at the Site shall not exceed 2,500 tonnes.
20. (a) All incoming waste received for the purpose of composting, with the exception of the wood wastes, leaves, branches and shrubs, shall be incorporated into the compost windrows (piles) on the day of its receipt at the Site;

- (b) All packaged waste received shall be placed directly into a containment area that has been specially prepared to receive the waste;
 - (c) Packaged waste shall be opened in the containment area in a manner which releases the contents of the package prior to incorporating the contents into the windrows; and
 - (d) All liquid industrial waste received shall:
 - i be sprayed directly onto the compost piles; or
 - ii be placed within a bermed containment area created to receive the liquid industrial waste until incorporated into the compost piles.
21. To prevent dilution of contaminated waste, the Company and/or Operator shall not accept any individual waste source, additive, bulking agent or inoculant that exceeds the metal concentrations limits, as calculated on a dry weight basis, as set out in Schedule "B" of this Certificate.
22. The Company and/or Operator shall inspect all incoming loads to ensure that only waste that is approved under this Certificate is received at this Site.
23. (a) The Company and/or Operator shall ensure that all waste is transported from the Site in accordance with Ontario Regulation 347, R.R.O. 1990.
- (b) The Company and/or Operator shall notify, in writing, all customers of this facility of the MOE requirement to have a waste management system certificate of approval to transport waste.
24. (a) All wastewater must be discharged in accordance with the *Ontario Water Resources Act*, R.S.O. 1990 and any applicable Municipal Sewer Use By-Law(s); and
- (b) The Company shall ensure that the Site is not operated unless all air approvals under Section 9 of the Act, where applicable, have been obtained.
25. No burning or incineration of any materials is permitted at the Site under this Certificate.
26. Where there is a conflict between the requirements in the Guidelines and Schedule "B", then Schedule "B" will prevail.

Staff Training

27. The Company and/or Operator shall ensure that all operators at the Site have been trained with respect to:
- (a) the terms, Conditions and operating requirements of this Certificate;

- (b) the operation and management of all transfer, process, storage and contingency measures equipment;
- (c) any environmental concerns pertaining to the Site and wastes to be processed; and
- (d) relevant waste management legislation and Regulations under the Act and the *Ontario Water Resources Act* .

Nuisance Control

28. (a) The Company and/or Operator shall operate and maintain the Site in an environmentally safe manner which ensures the health and safety of all persons and the protection of the environment;
- (b) If, at any time problems such as dust, odours, vectors, litter, or other nuisances are generated at the Site, resulting in complaint(s) received by this Ministry and validated by a Provincial Officer, then the Company and/or Operator shall, upon request of the Ministry, take appropriate remedial action immediately. Appropriate remedial action may include the cessation of all operations until the problem has been rectified and measures have been undertaken to prevent future occurrences; and
- (c) The Company and/or Operator shall ensure that all vehicles and equipment leaving this Site do not drag, off-site and out onto Municipal streets, waste, dirt and/or other material that may become a contaminant or a nuisance.

Monitoring

29. For every 5,000 tonnes of the Compost produced, the Company and/or Operator shall take representative composite samples of the Compost and analyze them to ensure that they meet the criteria set out in Schedule "B" of this Certificate.
30. If the Compost produced at the Site does not meet the criteria set out in Schedule "B", in accordance with Condition 29, it shall only be disposed as waste at an approved waste disposal site.

Spills:

31. The Company and/or Operator shall promptly take all necessary steps to contain and clean up any spills which result from the operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition 32 of this Certificate, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

Record Keeping

32. The Company and/or Operator shall maintain, at the Site, for a minimum of five (5) years, a log book or electronic file which records daily the following information:
- (a) date of record;
 - (b) types, quantities and source of waste received;
 - (c) quantity of the Residual Waste on the Site;
 - (d) volume, weight and recipient of the Finished Compost (excluding small quantity for retail sale) and the Residual Waste leaving the Site;
 - (e) a record of daily inspections including the following information as a minimum; time and date of inspection, name and title of inspector, potential impacts noted, remedial actions taken, measures to prevent the problem from recurring; and
 - (f) all complaints that are received, the type, the date and time of the incident, weather conditions (including wind speed and direction) and the operations being conducted at the time of the incident and the action taken to remediate the problem. The Company and/or Operator shall use this information to adapt their future operations to minimize the potential for a repeated incident.

Site Inspection/Maintenance

33. The Company and/or Operator must conduct regular inspections of the equipment and facilities to ensure that all equipment and facilities at the Site are maintained in good working order at all times. Any deficiencies, that might negatively impact the environment, detected during these regular inspections must be promptly corrected. A written record must be maintained at the Site, which includes the following:
- (a) name and signature of trained personnel conducting the inspection;
 - (b) date and time of the inspection;
 - (c) list of equipment inspected and all deficiencies, that might negatively impact the environment, observed;
 - (d) a detailed description of the maintenance activity;
 - (e) date and time of maintenance activity; and

- (f) recommendations for remedial action and actions undertaken.

Complaint Response Procedure

34. If at any time, the Company and/or Operator receives complaints regarding the operation of the Site, the Company and/or Operator shall respond to these complaints according to the following procedure:
- (a) The Company and/or Operator shall record each complaint on a formal complaint form entered in a sequentially numbered log book. The information recorded shall include the nature of the complaint, the name, address and the telephone number of the complainant and the time and date of the complaint;
 - (b) The Company and/or Operator, 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 Company and/or Operator shall retain on-site a written report prepared 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 re-occurrence of similar incidents.

Financial Assurance

35. (a) The Company shall submit to the Director, Financial Assurance as defined in Section 131 of the Act, in the amount of **Five Hundred Seventy-Three Thousand and One Dollars and Thirty Cents (\$573,001.30)**. 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 the Site at any one time;
- (b) No processing operations shall be carried out, or any waste accepted at the Site, unless the Ministry has received the appropriate amount of Financial Assurance as outlined in Condition 35(a);
- (c) Commencing on **March 31, 2008** and on an annual basis thereafter, the Company shall provide to the Director a re-evaluation of the amount of the Financial Assurance to facilitate the actions required under Condition 35(a). The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director; and
- (d) 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 Company shall forthwith replace the Financial Assurance with cash.

Annual Report

36. By **March 31, 2008**, and on an annual basis thereafter, the Company and/or Operator shall prepare and submit to the District Manager an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:
- a. a detailed monthly summary of the type and quantity of all wastes received and transferred from the Site, including the destination of the waste and the Finished Compost, in accordance with Condition 32;
 - b. organic matter content, carbon nitrogen (C/N) ratio, metal analysis and organic chemical analysis of the Finished Compost;
 - c. 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;
 - d. a statement as to compliance with all Conditions of this Provisional Certificate of Approval and with the inspection and reporting requirements of the Conditions herein; and
 - e. 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

37. (a) The Company must submit, for approval by the Director, a written Closure Plan for the Site four (4) months prior to closure of 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; and
- (b) Within ten (10) days after closure of the Site, the Company must notify the Director, in writing, that the Site has been closed in accordance with the approved Closure Plan.

SCHEDULE "A"

This Schedule "A" forms part of Provisional Certificate of Approval No. A121001:

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site, dated April 4, 2001, submitted by Integrated Municipal Services (IMS), a division of Walker Brothers Quarries Limited, for amendment to Provisional Certificate of Approval No. A121001.
2. Letter and its attachment from Alison Braithwaite, IMS to Andy Dominski, MOE, dated August 31, 2000, Re: Application for a Certificate of Approval for a Waste Disposal Site (Composting) - 2800 Townline Road.
3. Document entitled "Supporting Document to Application for a Waste Disposal Site, Composting Facility, Integrated Municipal Services, August 2000".
4. Letter from Thirumaal Mahalingam, IMS to Ken Simmons, MOE, dated October 31, 2000, Re: West Quarry Landfill, Composting Facility.
5. Letter from Melanie M. Millington, Jagger Hims Limited to Dympna Scullion, Integrated Municipal Services (IMS), dated January 11, 2001, Re: Hydrogeological Impact Assessment - Proposed Compost Pad, Closed West Quarry Landfill site, File 981003.04.
6. Letter and its attachment from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated January 15, 2001, Re: West Landfill Composting Facility.
7. Letter from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated April 4, 2001, Re: Application for Amendment to Certificate of Approval No. A121001.
8. Letter from Mohsen Keyvani, MOE to Dympna Scullion, IMS, dated April 4, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
9. Letter from Tim McVicar, Niagara Waste Systems to Mohsen Keyvani, MOE, dated April 24, 2001, Re: Amendment to Certificate of Approval No. A121001, Operation of a Composting Facility on West Landfill.
10. Letter and its attachment from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated April 26, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
11. Letter from Paul Taylor, Compost Management to Mohsen Keyvani, MOE, dated May 1, 2001.
12. Letter and its attachment from Dympna Scullion, IMS to Martin Kilian, Niagara Escarpment Commission, dated May 14, 2001, Re: Composting Facility on West Quarry Landfill, File No. N/W/99-00/239.

13. Letter from Mohsen Keyvani, MOE to Dympna Scullion, IMS, dated May 22, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
14. Letter and its attachment from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated June 5, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
15. Facsimile and its attachment from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated September 5, 2001, Re: Niagara Escarpment Commission (NEC) development permit for composting project.
16. Letter from Mohsen Keyvani, MOE to Dympna Scullion, IMS, dated September 21, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
17. Letter and its attachment from Janet Templeton, IMS to Barb Ryter, MOE, dated October 15, 2001, Re: NEC Application N/W/01-02/14, Residential Waste drop-off Centre.
18. Letter from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated October 22, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
19. Letter from Mohsen Keyvani, MOE to Dympna Scullion, IMS, dated November 8, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
20. Letter and its attachment from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated November 26, 2001, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
21. Letter from Dympna Scullion, IMS to Mohsen Keyvani, MOE, dated January 31, 2002, Re: Application for Approval of Waste Disposal Site, Thorold City, Regional Municipality of Niagara, MOE Reference No. 0358-4NVLQU.
22. Facsimile from Alison Braithwaite, IMS to Mohsen Keyvani, MOE, dated February 14, 2002, Re: IMS Composting Facility, Reference 0358-4NVLQU.
23. Facsimile and its attachment from Mohsen Keyvani, MOE to Alison Braithwaite, IMS, dated February 25, 2002, Re: Condition 20 of the draft CofA.
24. Facsimile from Alison Braithwaite, IMS to Mohsen Keyvani, MOE, dated February 25, 2002, Re: draft Condition 20 of the CofA.

25. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated September 20, 2002, signed by Alison Braithwaite, Director Environmental Compliance, Integrated Municipal Services.
26. Documentation submitted in support of the application for a Provisional Certificate of Approval for a Waste Disposal Site outlining operation changes proposed for the composting facility; public consultation information and Articles of Incorporation.
27. Letter from A. Braithwaite, Integrated Municipal Services, to EAAB, dated October 16, 2002 requesting an addition to the application.
28. Letter from A. Braithwaite, Integrated Municipal Services, to EAAB, dated December 2, 2002 providing clarification on the application.
29. Facsimile letter dated August 5, 2003 prepared by Dympna Scullion, Business Manager, Integrated Municipal Services, sent to David Lee, MOE, Re: Re-Evaluation of Financial Assurance including all supporting information and calculations.
30. Application for a Provisional Certificate of Approval for a Waste Disposal Site signed by Alison Braithwaite, Director, Environmental Performance, Integrated Municipal Services, dated November 21, 2003.
31. Letter from Alison Braithwaite, Director, Environmental Performance, Integrated Municipal Services, to EAAB, dated November 21, 2003 providing documentation in support of the application including a copy of submission made to the Niagara Escarpment Commission.
32. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated January 26, 2005 and signed by Alison Braithwaite, Director of Environmental Performance, Niagara Waste Systems Ltd., including the attached cover letter.
33. Application for a Provisional Certificate of Approval submitted by Niagara Waste Systems requesting an amendment to the compost facility Certificate. The amendment is to approve and incorporate the use of GORE technology in the operation. The application was dated July 24, 2007 and signed by Alison Braithwaite, Niagara Waste Systems. The supporting documentation included the following:
 - i. Cover letter dated July 24, 2007 addressed to Mr. Brad Ross, Ministry of the Environment from Ms. Alison Braithwaite, Niagara Waste Systems;
 - ii. Report entitled "Waste Disposal Site CofA A121001 Application for Amendment - Integrated Municipal Services Thorold Compost Facility - Gore Technology - June 2007"
34. Letter dated October 9, 2007 addressed to Ms. Alison Braithwaite, Niagara Waste Systems from Mr. Dale Gable, Ministry of the Environment requesting additional information pertaining to the operation of the composting pad using the GORE Technology.

35. Letter dated October 15, 2007 addressed to Mr. Dale Gable, Ministry of the Environment from Ms. Alison Braithwaite providing additional information on the design and operations of Gore Composting Pad.

SCHEDULE "B"

This Schedule "B" forms part of Provisional Certificate of Approval No. A121001:

Metals	Concentration [mg/kg dry weight]
Arsenic	13
Cadmium	3
Chromium	210
Cobalt	34
Copper	100
Lead	150
Mercury	0.8
Molybdenum	5
Nickel	62
Selenium	2
Zinc	500

Organic Chemicals	Concentration [mg/kg dry weight]
PCBs	0.5

Non-Biodegradable Particulate Matter	Concentration [% dry weight]
Plastic	1.0
Other	2.0

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

- 1. The reason for Condition No. (1) is to acknowledge official closure of the landfilling operation as of mid 1982.*
- 2. The reason for Condition Nos. (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), (15), (16), (23) and (24) is to clarify the legal rights and responsibilities of the Company and/or Operator.*
- 3. The reason for Condition No. (7) is to ensure that the appropriate Ministry staff have ready access to the operations of the Site which are approved under this Provisional Certificate of Approval. Condition 6 is supplementary to the powers of entry afforded a Provincial Officer pursuant to the Act, the Ontario Water Resources Act, and the Pesticides Act, as amended.*
- 4. The reason for Condition Nos. (14) and (19) is to ensure that wastes are handled in an environmentally acceptable manner and to ensure that the Site is operated in accordance with the application and supporting documentation submitted for this Certificate, and not in any manner which the Director has not been asked to consider.*
- 5. The reason for Condition No. (17) is to approve and incorporate the construction and operation of a Composting Pad that will utilize the GORE Technology on a portion of the existing pad as per the submitted information. This is to ensure the long-term health and safety of the public and the environment.*
- 6. The reason for Condition No. (18) is to ensure that feedstock, wastes, residual waste and any material undergoing composting, curing, storage and finished compost are stored appropriately and to limit the Site to a maximum storage volume.*
- 7. The reason for Condition Nos. (20), (21), and (22) is to ensure that incoming wastes are handled in a manner which would eliminate them from causing a nuisance or result in a hazard to the health and safety of any person or the environment.*
- 8. The reason for Condition Nos. (25) and (28) 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 reason for Condition Nos. (26), (29), (30) and (33) is to ensure that the handling, storage and processing of waste and compostable material is conducted in an environmentally acceptable manner and that this Site is operated in accordance with the application and supporting documentation for this Certificate and not on any basis or in any way which the Director has not been asked to consider.*
- 10. The reason for Condition No. (24) is to ensure that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures. This will minimize the*

possibility of spills occurring and will enable staff to deal promptly and effectively with any spills that do occur.

11. *The reason for Condition No. (31) is to ensure that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures. This will minimize the possibility of spills occurring and will enable staff to deal promptly and effectively with any spills that do occur.*
12. *The reason for Condition Nos. (32) and (36) is to ensure that the Site is operated in accordance with the application and supporting information submitted by the Company, and not in a manner which the Director has not been asked to consider.*
13. *The reason for Condition No. (34) is to ensure that complaints are properly and quickly resolved, and that the complaints and follow-up actions have been documented.*
14. *The reason for Condition No. (35) 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.*
15. *The reason for Condition No. (37) 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.*

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. A121001 issued on July 15, 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, 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 waste disposal site is located;

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

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
2300 Yonge St., Suite 1700
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 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

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 39 of the Environmental Protection Act.

DATED AT TORONTO this 31st day of October, 2007



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

DG/

c: District Manager, MOE Niagara
Alison Braithwaite, Niagara Waste Systems Limited

Ministry of the Environment
Environmental Assessment and
Approvals Branch
Floor 12A
2 St Clair Ave W
Toronto ON M4V 1L5
Fax: (416)314-8452
Telephone: (416) 314-7029

Ministère de l'Environnement
Direction des évaluations et des
autorisations environnementales
Étage 12A
2 av St Clair O
Toronto ON M4V 1L5
Télécopieur : (416)314-8452
Téléphone : (416) 314-7029



August 27, 2008

Dessa Fox, Environmental Coordinator
Niagara Waste Systems Limited
P.O. Box 100
Thorold, Ontario
L2V 3Y8

Dear Madam:

**Re: Application for Approval of Waste Disposal Sites
Financial Assurance Re-evaluation
Thorold, Ontario, Regional Municipality of Niagara
MOE Reference Number 6547-7HWJUB**

In regards to your re-evaluation of Financial Assurance dated March 14, 2008, the Ministry of Environment ("MOE") has reviewed the submission and has determined that the amount of CAD\$573,001.30 currently held by the MOE is acceptable.

I have revised your current Certificate of Approval and have attached it to this letter. This revised version reflects the new standard Condition regarding Financial Assurance reporting.

Please be advised that pursuant to Condition 35(b) of Certificate of Approval No. A121001, you are required to submit your next Financial Assurance re-evaluation by September 30, 2011.

If you have any questions regarding the above, please contact me at the above phone number.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jennifer Turner".

Jennifer Turner
Waste Evaluator

c: District Manager, MOE Niagara District Office
Alison Braithwaite, Niagara Waste Systems Limited
Bradley Ross, MOE

AMENDMENT TO PROVISIONAL CERTIFICATE OF
APPROVAL
WASTE DISPOSAL SITE
NUMBER A121001
Notice No. 1
Issue Date: August 28, 2008

Niagara Waste Systems Limited
P.O. Box 100
Thorold, Ontario
L2V 3Y8

Site Location: Integrated Municipal Services Inc.
3879 Thorold Townline Road
Thorold, Regional Municipality of Niagara

You are hereby notified that I have amended Provisional Certificate of Approval No. A121001 issued on October 31, 2007 as amended on February 27, 2002, January 20, 2003, October 8, 2003, December 24, 2003, September 14, 2005 and October 31, 2007 for a Waste Disposal Site (Composting) , as follows:

I. Condition 35 is hereby revoked and replaced with:

35. Financial Assurance

- 35.1 Within twenty (20) days of issuance of this notice, the Owner shall submit to the Director, Financial Assurance as defined in Section 131 of the *Act* , for the amount of \$573,0001.30. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.
- 35.2 Commencing on September 30, 2011 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 35.1. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director.

- 35.3 Commencing on September 30, 2009, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 35.2 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 35.1. The re-evaluation shall be made available to the Ministry, upon request.
- 35.4 The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial Assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

The reason for this amendment to the Certificate of Approval is as follows:

1. *The reason for Condition 35 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.*

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A121001 dated October 31, 2007, as amended.

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the waste disposal site is located;

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

This Notice must be served upon:

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

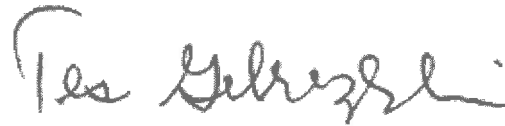
AND

The Director
Section 39, *Environmental Protection Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario

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

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

DATED AT TORONTO this 28th day of August, 2008



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

JT/

c: District Manager, MOE Niagara
Alison Braithwaite, Niagara Waste Systems Limited
Bradley Ross, MOE