

AMENDMENT TO PROVISIONAL CERTIFICATE OF  
APPROVAL  
WASTE DISPOSAL SITE  
NUMBER 0084-78RKAM  
Notice No. 1  
Issue Date: January 29, 2009

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

Site Location: 2800 Thorold Townline Road  
2800 Thorold Townline Rd  
Niagara Falls City, Regional Municipality of Niagara  
L2E 6S4

*You are hereby notified that I have amended Provisional Certificate of Approval No. 0084-78RKAM issued on January 30, 2008 for the use and operation of a 53.9 hectare waste disposal site within a total site area of 85.68 hectares, being known as the South Landfill Site, as follows:*

The following conditions are hereby amended:

17. The owner shall retain records required by this Certificate of Approval for a minimum of two (2) years except as otherwise authorized in writing by the *Director* .

20. By no later than **April 30, 2011**, and every three years thereafter, the Owner shall submit a Financial Assurance Recalculation Report to the *Director* for approval, with copies to the *District Manager* . The re-evaluation report shall include:

- i. updates of the discount, interest and inflation rates associated with the requirements for financial assurance in this *Certificate* including justifications and sources of the proposed rates; and
- ii. a report prepared by a qualified professional engineer which updates the cost estimates on which the amounts associated with the requirements for financial assurance in this *Certificate* are based.

The report shall take into consideration the:

- (1) actual amounts of waste landfilled;
- (2) projected rate of fill;

- (3) progressive capping of completed fill areas;
  - (4) leachate generation rates;
  - (5) landfill gas generation rates;
  - (6) contaminating life span of the Site with respect to groundwater, surface water and landfill gas;
  - (7) any measures that have been carried out or need to be carried out to prevent and ameliorate any adverse effect that relates to the site; and
  - (8) annual inspection, maintenance, and monitoring costs, including costs for leachate treatment and disposal and landfill gas use or discharge.
- (iii) Updates on required Contingency Costs for the *Site*.

44. (ii) The maximum rate at which the Site can receive waste is **850,000 tonnes** of waste per year. This amount includes an allowance of up to 100,000 tonnes per year dedicated exclusively to the Region of Niagara. It also includes approved wastes that are used as cover.

59. On-site equipment used for daily site preparation and closing activities shall only be used during the following time periods:

- i. 6:00 am to 9:00 pm - Monday to Friday (except statutory holidays);
- ii. 6:00 am to 3:00 pm - Saturday; and
- iii. 24 hours a day and on Sundays during emergency events such as large snow events, large melt events, extreme rain events, and fire emergencies.

67. The Owner shall take all reasonable steps to operate and maintain the *Site* such that the vermin, vectors, dust, litter, odour, noise and traffic do not create an adverse effect.

**Schedule "E" is hereby amended as follows:**

This Schedule forms part of this Provisional Certificate of Approval. It describes the financial assurance instalment payments referred to in Condition No.(19).

Instalment	Instalment Amount
1 (one month prior to first waste receipt, 2009)	\$830,697
2 (April 30, 2010)	\$2,247,657
3 (April 30, 2011)	\$3,037,354
4 (April 30, 2012)	\$5,211,104

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

1. The reason for the amendment to Condition No.17 is to allow the Owner to keep record for more than two years.
2. The reason for the amendment to Condition No.20 is to make the deadline for submission of the Financial Assurance re-evaluation report consistent with the submission of annual report.

3. The reason for the amendment to Condition No.44 is to ensure that wastes used as cover be counted and reported within the annual limit.
4. The reason for the amendment to Condition No.59 is to allow for the operation of on-site equipment during emergency events out of regular operational hours.
5. The reason for the amendment to Condition No.67 is to use a defined term to make the condition less ambiguous.
6. The reason for the amendment to Schedule "E" is to make the deadline for first financial assurance instalment one month prior to site opening, and the following instalments coincide with the date of annual report submission.

**This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. 0084-78RKAM dated January 30, 2008**

*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

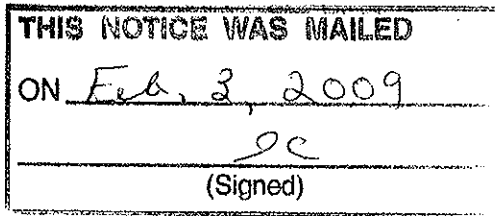
AND

The Director  
Section 39, *Environmental Protection Act*  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

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

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

DATED AT TORONTO this 29th day of January, 2009



Tesfaye Gebrezghi, P.Eng.

Director

Section 39, *Environmental Protection Act*

RL/

c: District Manager, MOE Niagara  
Brad Cassidy, Walker Industries ✓