

AMENDMENT TO PROVISIONAL CERTIFICATE OF
APPROVAL
WASTE DISPOSAL SITE
NUMBER 0084-78RKAM
Notice No. 5
Issue Date: October 19, 2009

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

Site Location: Walker South Landfill
3081 Taylor Rd
Niagara Falls City, Regional Municipality of Niagara

You are hereby notified that I have amended Provisional Certificate of Approval No. 0084-78RKAM issued on January 30, 2008, and amended on January 29, 2009, April 17, 2009 and August 14, 2009 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:

I. Temporary Access to the Site

The following condition is hereby added to this Certificate:

62. (1) Prior to the completion of construction of the main entrance on Taylor Road, the East Landfill entrance on Thorold Townline Road may be used as temporary access to the Site for the transportation of waste in accordance with Items 36, 37 and 39 in Schedule "A".

II. Revision to the Design and Operations Report

The following condition is hereby amended:

91. (3) The Design and Operations Report listed as Item 3 in Schedule "A" is hereby amended in accordance with Item 38 in Schedule "A".

The following items are hereby added to Schedule "A":

36. Letter dated September 23, 2009 addressed to Brad Cassidy, Niagara Waste Systems Limited from Rick Li, Ministry of the Environment providing comments on the temporary use of the East Landfill entrance for access to the South Landfill.
37. Letter dated September 30, 2009 addressed to Rick Li, Ministry of the Environment from Brad Cassidy, Niagara Waste Systems Limited providing response to the Ministry's September 23, 2009 letter.
38. Letter dated September 28, 2009 addressed to Rick Li, Ministry of the Environment from Brad Cassidy, Niagara Waste Systems Limited, regarding the application to amend the Provisional Certificate of Approval No.0084-78RKAM for the South Landfill pursuant to Condition 91(3) of this Certificate and the supporting documentations.
39. Letter dated October 7, 2009 addressed to Rick Li, Ministry of the Environment from Brad Cassidy, Niagara Waste Systems Limited providing response to the Ministry's comments with regard to the storm water management and the traffic assessment.

The reasons for this amendment to the Certificate of Approval are as follows:

1. The reason to amend Condition 62 is to allow for temporary access to the *Site* from the East Landfill entrance due to delay in construction of the main entrance on Taylor Road.
2. The reason to amend Condition 91(3) is to accept the revision to the Design and Operations Report to account for the approved changes in landfill phasing within Stage 1 and the temporary works.

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

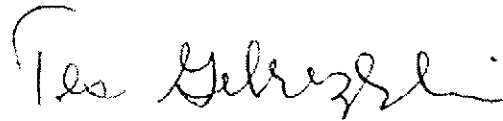
AND

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

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

DATED AT TORONTO this 19th day of October, 2009



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

RL/

c: District Manager, MOE Niagara
Brad Cassidy, Niagara Waste Systems Limited