

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) 314-8183

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) 314-8183



March 21, 2006

Alison Braithwaite, Director, Environmental Performance  
Niagara Waste Systems Ltd.  
2800 Thorold Townline Road, P.O. Box 100  
Thorold, Ontario  
L2V 3Y8

Dear Madam:

**Re: Application for Approval of Waste Disposal Site  
Niagara Biosolids Corporation Biosolids Processing Facility  
Thorold City, Regional Municipality of Niagara  
MOE Reference Number 2769-66ELBD**

Please be advised that the Director has approved *Amended Provisional Certificate of Approval No. A121030*, a copy of which is attached to this letter. Please review the terms and conditions contained within the amended certificate in their entirety to ensure that you are familiar with all of its requirements including those that must be fulfilled prior to any waste being received at the Site.

The Director's decision to approve this amended certificate, does not negate any other necessary approvals or requirements that may pertain to the project. This includes the City of Thorold's requirement that Niagara Waste Systems enter into a site plan control agreement with the City and the requirement that the second Niagara Escarpment Development Permit be obtained to permit the construction of the finished product storage facility.

You are reminded at this time that in accordance with Section 27 of the *Environmental Protection Act* any changes to the operation of the waste disposal site will require a new application, complete with supporting information.

If you have any questions regarding the above, please contact me at the above phone number, or alternatively, you can contact Linda Gabriele at the Ministry's Niagara District Office at (905) 704-3901.

Yours truly,

A handwritten signature in blue ink, appearing to read 'T. Edwards'.

Timothy Edwards, P.Eng.  
Senior Review Engineer, Waste Unit

c: District Manager, MOE Niagara  
Martin Kilian, Niagara Escarpment Commsission



Ministry of the Environment  
Ministère de l'Environnement

AMENDED PROVISIONAL CERTIFICATE OF APPROVAL  
WASTE DISPOSAL SITE  
NUMBER A121030  
Issue Date: March 21, 2006

Niagara Waste Systems Ltd.  
2800 Thorold Townline Road, P.O. Box 100  
Thorold, Ontario  
L2V 3Y8

Site Location: Part Lots 42, 43, Plan II  
3865 Townline Road  
City of Thorold, 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 0.62 acre waste processing facility within a 2.0 acre waste disposal site to be used for the receipt and processing of *Processed Organic Waste*.

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

## DEFINITIONS

1. For the purpose of this Provisional Certificate of Approval and the terms and conditions specified below, the following definitions apply:
  - 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 applications 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. "*Fertilizers Act*" means *Fertilizers Act*, R.S., 1985, c-F-10, as amended;
  - f. "*Finished Product*" means a *Supplement* that has been assessed and approved under the *Fertilizers Act* in accordance with the requirements of Canadian Food Inspection Agency

Trade Memorandum T-4-112 - Information Required For The Assessment of By-Products and Other "Waste" Materials Sold as Fertilizers or Supplements;

- g. "*In-Process Waste*" means *Processed Organic Waste* and alkaline admixture (liming agent) that have been mixed together and are undergoing processing;
- h. "*Ministry*" means Ontario Ministry of the Environment;
- i. "*Operator*" means any person, other than the Owner's employees, authorized by the *Owner* as having the charge, management or control of any aspect of the site and includes Niagara Biosolids Corporation, 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 Niagara Waste Systems Ltd., 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. "*Processed Material*" means waste that has undergone processing as approved under this *Certificate* but has not met the criteria to be considered to a *Finished Product*;
- n. "*Processed Organic Waste*" means *Processed Organic Waste* as defined in *Reg. 347*.
- o. "*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*;
- p. "*Regional Director*" means the Regional Director of the local Regional Office of the *Ministry* in which the *Site* is located;
- q. "*Reg. 347*" means Regulation 347, R.R.O. 1990, made under the *EPA*, as amended from time to time;
- r. "*Residual Waste*" means waste remaining after processing, or waste that is received at the *Site* but is not suitable for processing, and that is destined for either final disposal or for further processing at an approved waste disposal site;
- s. "*Site*" means the entire 2.0 acre waste disposal site, located at Part Lots 42, 43, Plan II, 3865 Townline Road, Thorold, as approved by this *Certificate*;
- t. "*Supplement*" means any substance or mixture of substances, other than a fertilizer, that is manufactured, sold or represented for use in the improvement of the physical condition of soils or to aid plant growth or crop yields, as defined in the *Fertilizers Act*;

- u. “*Trained person*” means a person knowledgeable in the following through instruction and 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;
  - viii. the requirements of this *Certificate*.

*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 Provisional Certificate of Approval No. A 121030, dated September 24, 1992, is hereby revoked and replaced in its entirety by this Certificate.
3. Any person authorized to carry out work on or operate any aspect of the *Site* shall be notified of this *Certificate* and the conditions herein and all reasonable measures shall be taken to ensure any such person complies with the same.
4. 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

5. Except as otherwise provided by this *Certificate*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the applications for this *Certificate*, the Design and Operating Report as amended from time to time, and all other supporting documents listed in Schedule “A”.

#### Interpretation

6. Where there is a conflict between a provision of any document, including an application, referred to in this *Certificate*, and the conditions of this *Certificate*, the conditions in this *Certificate* shall take precedence.

7. Where there is a conflict between an 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 this *Certificate* includes that change.
8. Where there is a conflict between any two documents listed in Schedule "A", other than an application, the document bearing the most recent date shall take precedence.
9. 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.
10. Unless otherwise specified, the obligations set out in this *Certificate* are those of both the *Owner* and *Operator*.

### **Other Legal Obligations**

11. 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 including a Development Permit from the Niagara Escarpment Commission; 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**

12. Steps shall be taken to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality that results from their operations at the *Site*, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
13. Despite an *Owner*, *Operator* or any other person fulfilling any obligations imposed by this *Certificate* the *Owner*, *Operator* or any other 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

14. The Owner shall notify the *Director* in writing, and forward a copy of the notification to the *District Manager*, within thirty (30) days of the occurrence of any changes to:
  - 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; or
  - 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.
15. 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* 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

16. No waste shall be received, transferred or processed at the *Site* until Financial Assurance as defined in Section 131 of the *EPA* is provided to the *Director* in the amount of twenty five thousand dollars (\$25,000) and in a form acceptable to the *Director*. The amount of the Financial Assurance shall be sufficient to secure compliance with and performance of any thing specified in this *Certificate*, including but not limited to the site clean- up, monitoring and disposal of all quantities of waste on-site, closure and post-closure care of the *Site* and contingency plans for the *Site*
17. No later than March 31, 2007 and on an annual basis thereafter, the *Owner* shall provide, to the *Director*, a written re-evaluation of the amount of the Financial Assurance required to carry out the matters specified in Condition 16. The re-evaluation shall be based on the Financial Assurance Guideline applicable at the time of any re-evaluation. The revised Financial Assurance amount must be submitted to the *Director* within ten (10) days of written acceptance of the re-evaluation by the *Director*.
18. 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**

19. 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**

20. 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*.
21. 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.

### **CONSTRUCTION**

22. The *Director* and *District Manager* shall be provided with copies of "as constructed" drawings within sixty (60) days of waste being received at the *Site*. The drawings shall bear the stamp of a Professional Engineer and shall illustrate all equipment, buildings, storage vessels, fittings and appurtenances.

### **OPERATION and MAINTENANCE**

## Operation

23. The *Site* shall be operated and maintained at all times, including the 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.
24. a. The *Site* shall be operated and maintained in an environmentally safe manner which ensures the health and safety of all persons and minimizes dust, odours, vectors, birds, litter, vibration, noise and any other adverse effects that may result from the operations at the *Site*.
- b. If at any time, problems such as dust, odours, vectors, birds, litter, vibration, noise, or other nuisances are generated at the *Site* resulting in complaints, appropriate remedial actions shall be immediately taken to eliminate the cause of such problems. Appropriate measures may include temporary stoppage of all operations until the problem has been rectified and measures have been undertaken to prevent future occurrence.
- c. An Odour Monitoring Program shall be prepared and submitted to the *District Manager* a minimum of thirty (30) days prior to any waste being received at the *Site*. The Odour Monitoring Program shall be designed to detect and identify any odours originating from the operation of the *Site* which may cause nuisance impacts. The Odour Monitoring Program shall include a description of the equipment and inspection protocol to ensure that negative pressure is maintained at all times throughout the facility. The Odour Monitoring Program shall be implemented after written concurrence from the *District Manager* has been received. In the future should it be necessary to modify the approved Odour Monitoring Program the written authorization of the *District Manager* is required prior the implementation of the proposed changes.
25. All reasonable measures shall be taken to prevent the generation of fugitive emissions from the *Site*. If fugitive emissions from the *Site* cause or have the potential to cause an adverse effect, as defined in the *EPA*, immediate action shall be taken to abate the emission. If these measures do not abate the emission, the *Site* operations contributing to the emission shall cease immediately until the cause of the emission has been abated to the satisfaction of the *District Manager*.

## Approved Waste Types

26. a. Only municipal waste limited to *Processed Organic Waste* shall be accepted at the *Site*.
- b. Hazardous waste and/or liquid industrial wastes shall not be received at the *Site*.

## Waste Limits

27. No more than three hundred (300) tonnes of *Processed Organic Waste* per day shall be

accepted at the *Site*. If for any reason waste cannot be transferred from the site, the *Site* must cease accepting waste.

28. The maximum amount of waste permitted at the *Site* at any one time is limited to three hundred and fifty (350) tonnes. This amount includes *Processed Organic Waste* received at the *Site*, *In-Process Waste*, and *Processed Material* that has not met the Canadian Food Inspection Agency requirement to be considered a *Fertilizer*.
29. The total amount of *Residual Waste* leaving the *Site* for final disposal comprised of waste from the processing operation shall not exceed two hundred and ninety-nine (299) tonnes or equivalent per day.

### **Service Area**

30. Only *Processed Organic Waste* that is generated within The Regional Municipality of Niagara shall be accepted at the *Site*.

### **Hours of Operation**

31. Waste shall only be accepted at the *Site* Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. The processing of waste at the *Site* may occur twenty four hours per day.

### **Site Security and Signage**

32. The *Site* shall at all times be secured to prevent unauthorized access. The *Owner* shall construct and maintain *Site* fencing as shown in the most recently approved version of the Site Plan as found in Schedule "A". The gates shall be closed and locked whenever a *Trained Person* is not present to operate the *Site*.
33. 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*, the *Owner* and the *Operator*;
  - b. the number of this *Certificate*;
  - c. the hours in which waste may be received at the *Site*;
  - d. the normal hours of operation;
  - e. the allowable and prohibited waste types;
  - f. a telephone number to which complaints may be directed;
  - g. a twenty-four (24) hour emergency telephone number (if different from above); and

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

34. There shall be no queuing or parking of trucks that are waiting to enter this *Site*.

### **Waste Inspection**

35. All waste arriving at the *Site* shall be inspected by a *Trained person* prior to being received at the *Site* to ensure wastes are being managed and disposed of in accordance with this *Certificate*, the *EPA* and *Reg. 347*.

36. a. The *Owner* shall ensure that all cement kiln dust received at the *Site* does not exceed the maximum permissible metals concentrations contained within Canadian Food Inspection Agency Trade Memorandum T-4-93 - Registration of Micronutrient Fertilizers made under the *Fertilizers Act* and as listed in Column 2 of Schedule "B" of this *Certificate*. All cement kiln dust received at the *Site* shall be accompanied by a product label identifying that the cement kiln dust being received has been approved by Agriculture and Agri-Food Canada for use as a liming agent.

b. The *Owner* shall ensure that *Processed Organic Waste* received at the *Site* does not exceed the maximum permissible metals concentrations contained within the *Ministry* document entitled *Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land, March 1996* and as listed in Column 3 of Schedule "B" of this *Certificate*.

37. In the event that a load of waste is rejected, a record shall be maintained identifying the reason the waste was refused, the type of waste that was refused and the generator and/or the origin of the waste, if known.

### **Storage**

38. All *Processed Organic Waste* received at the *Site* shall be unloaded, processed and stored indoors at all times.

39. Waste shall not be stored at any other location other than that which is described in the supporting documents contained in Schedule "A" of this *Certificate*.

### **Labeling**

40. All waste storage containers at the *Site* shall have a label or sign identifying the waste type and when applicable the waste class(es), the waste characteristic, WHMIS and TDGA classification of the contents contained within. The label or sign shall be clearly visible for inspection and record keeping.

### **Processing**

41. The waste management functions that shall be carried out at the *Site* as approved by this *Certificate* are limited to the operations as described in the *Site's* Design and Operating Report and supporting documentation contained within Schedule "A".
42. A Procedures Manual specific to the *Site* shall be prepared a minimum of thirty (30) days prior to the acceptance of any waste at the *Site*. The Procedures Manual shall contain detailed standard operating procedures relating to all aspects of the handling and processing of waste at the *Site* including specific details relating to process monitoring and analytical testing. The Procedures Manual shall be maintained current at all times and kept at the *Site* in central location that is accessible to *Site* personnel.
43. The processing building shall be maintained at a negative pressure at all times, unless an emergency occurs, to prevent any odour escaping from the building to the atmosphere. The exhaust from the building shall be controlled by appropriate air pollution control equipment, approved by the *Ministry*.
44. The doors of the processing building shall be kept closed and shall only be opened for entry or departure of vehicles, or to provide make-up air for building ventilation.
45. The waste receiving area shall be cleaned following each day's operation and shall be disinfected as necessary.
46. Any *Residual Waste* shall be removed from the *Site* within forty eight (48) hours.
47.
  - a. The *Owner* and *Operator* shall ensure that the *In-Process Waste* exiting the rotary dryer within the heat-pulse cells is maintained for at least twelve hours at a temperature between 52 and 62 degrees Celsius and at a pH of greater than 12.
  - b. The *Owner* and *Operator* shall ensure that subsequent to meeting the requirements of Condition 47.a., the *Processed Material* shall be maintained for an additional sixty (60) hours at a pH of greater than 12.
48. The *Owner* and *Operator* shall conduct quality control monitoring of *Processed Material* as follows:
  - a. a composite sample, consisting of a minimum of ten grab samples, shall be collected for every 500 tonnes of *Processed Material* produced during the first four (4) months of operation; and
  - b. a composite sample, consisting of a minimum of ten grab samples, shall be collected every three (3) months representing all *Processed Material* generated within the preceding ninety (90) days; and
  - c. all composite samples shall be monitored for the following suite of parameters:
    - i. arsenic, cadmium, cobalt, chromium, copper, mercury, molybdenum, nickel, lead, selenium and zinc;

- ii. total bacteria, fecal coliforms, fecal streptococci, and salmonella;
- iii. total and viable helminth eggs;
- iv. enteroviruses;
- v. nitrogen, phosphorus and potassium;
- vi. ammonia;
- vii. calcium carbonate equivalence;
- viii. percent volatile solids, total organic carbon;
- ix. granularity, adherence, compactibility; and
- x. odour.

49. The *Owner* and *Operator* shall establish and maintain a written record of all monitoring, sampling and testing activities at the *Site*. This record shall include, as a minimum, the following information:

- a. sample collection locations and volume collected;
- b. day and time of collection;
- c. sample handling procedures;
- d. parameters tested for and the resulting concentrations;
- e. name of the laboratory facility conducting the testing;
- f. temperature within the dryer (inlet and outlet);
- g. temperature within the heat-pulse;
- h. pH within the heat pulse;
- i. percent total solids of the *Processed Organic Waste* as received, of the *In-Process Waste*; and of the *Processed Material*;
- j. percentage of alkaline liming agent to *Processed Organic Waste* within each batch; and
- k. conclusions drawn with respect to the results of the monitoring and testing.

## End Use of Material

50. The *Owner* shall provide to the *Director* and *District Manager* notification from Agriculture and Agri-Food Canada that the *Processed Material* has been assessed and approved for use as a *Supplement* under the *Fertilizers Act* prior to the initial shipment of the *Processed Material* being transferred off Site as for use as a *Supplement*. In addition to the notification, the *Owner* shall provide to the *Director* and *District Manager* the following information
- a. a copy of the complete application package submitted to Agriculture and Agri-Food Canada in support of the request to manufacture the *Supplement*;
  - b. the specific requirements of Agriculture and Agri-Food Canada that must be met for the processed material to be considered a *Supplement* including all process monitoring, analytical, and quality assurance / quality control requirements; and
  - c. a copy of the approved Product Label.
51. All *Processed Material* shipped from the *Site* as *Finished Product* must be accompanied by a Product Label that has been approved by Agriculture and Agri-Food Canada. If the *Processed Material* does not meet the criteria it shall be managed as a waste in accordance with the requirements of the *EPA*, the *OWRA* and all other Federal, Provincial and Municipal Legislation, Regulations, and By-laws. *Processed Material* managed as waste shall only be disposed of at a *Ministry* approved site or a site approved to accept such waste by an equivalent jurisdiction.

## Site Inspection

52. A *Trained Person* shall inspect the entire *Site* 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. On each operating day, a visual inspection of the following areas shall be carried out:
- a. loading/unloading area(s);
  - b. processing area(s);
  - c. storage area(s); and
  - d. security fence or barriers and property line.
53. 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 action; and
- e. the date, time and description of actions taken.

### Other approvals

- 54. a. No waste shall be received at the *Site* and no *Site* processes and equipment shall be operated unless all approvals under Section 9 of the EPA, where applicable, have been obtained.
  - b. At no time is burning or incineration of any materials allowed on the *Site*.
55. All direct discharges from this *Site* including stormwater run-off shall be managed in accordance with applicable Municipal, Provincial and or Federal Legislation, Regulations and By-laws.

### Training

- 56. a. A training plan shall be submitted to the *District Manager* prior to the acceptance of any waste at the *Site*. The training plan shall be developed, implemented and maintained for any persons that operate the *Site*. Only a *Trained Person* may operate the *Site* or carry out any activity required under this *Certificate*. The training plan shall require that all persons directly involved with activities relating to the *Site* have been trained with respect to:
    - 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*.
  - b. A record showing that all persons directly involved with activities relating to the *Site* have been trained in accordance with the requirements described in Condition 56.a shall be maintained at the *Site* at all times.
57. A *Trained Person* shall be available at all times during the hours of operation of this *Site* to

supervise any activity required under this *Certificate*.

### **Complaint Response**

58. 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.

### **Spill Contingency and Emergency Response Plan**

59. A Spill Contingency and Emergency Response Plan shall be prepared and submitted to the *District Manager* a minimum of thirty (30) days prior to any waste being received at the *Site*. The Spill Contingency and 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 Spill Contingency and 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, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.
60. The Spill Contingency and 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 Spill Contingency and Emergency Response Plan shall be submitted to the *District Manager*, the local Municipality and the Fire Department.

61. The equipment, materials and personnel requirements outlined in the Spill Contingency and 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.
62. All staff that operate the *Site* shall be fully trained in the use of the Spill Contingency and Emergency Response Plan and in the procedures to be employed in the event of an emergency.
63. 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 Spill Contingency and Emergency Response Plan if required.

### **Site Design and Operating Report**

64. The Design and Operating Report shall be retained at the *Site*; kept up to date; and be available for inspection by *Ministry* staff. The Design and Operating 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".
65. Changes to the Design and Operating Report shall be submitted to the *Director* for approval.

### **Daily Log Book**

66. A log book or electronic file shall be maintained at the *Site* for a minimum of five years and shall include daily records of the following information. All amounts must be recorded in metric:
  - a. the date, time, source, quality and quantity of all *Processed Organic Material* that is received at the *Site* for processing;
  - b. the date, time, source, quantity and quality of all cement kiln dust received at the *Site* as a liming agent;
  - c. a running daily total of the quantity of all unprocessed waste, all in process waste and all *Processed Materials* at the *Site*;
  - d. a running daily total of all residual waste present at the *Site*;
  - e. a running daily total of the quantity of *Finished Product* present at the *Site*;
  - f. the date, time, quantity, quality and destination of *Finished Product* transferred from the *Site*;
  - g. the date, time, destination, type and quantity of all residual waste shipped off-site for

disposal at a licensed facility.

- h. A description of any problems, upsets, spills, or complaints which occurred and any remedial actions undertaken to mitigate or prevent a recurrence; and
- i. the name of the *Trained Personnel* conducting the inspection and completing the record.

### **Annual Report**

67. By March 31, 2008, and on an annual basis thereafter, an annual report shall be submitted to the *District Manager* for the previous calendar year. Each report shall include the following information:
- a. a detailed monthly and yearly summary of the information required by Condition 66. including an annual reconciliation between all waste that was received at the *Site* and waste and products that were transferred from the *Site*;
  - b. any environmental and operational problems, that caused or was likely to cause an adverse effect, encountered during the operation of the *Site* and during the facility inspections and any mitigative actions taken;
  - c. any changes to the Spill Contingency and Emergency Response Plan, the Design and Operating Report and the Closure Plan that have been approved by the *Director* since the last Annual Report; and
  - d. 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**

68. A *Closure Plan* shall be submitted to the *Director* for approval within ninety (90) days of the issuance of this *Certificate* with a copy to the *District Manager*. The *Closure Plan* must include, at 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.
69. When the *Owner* ceases to receive, process and transfer waste at the *Site* in accordance with this *Certificate*, the *Owner* shall promptly close the *Site* in accordance with the approved *Closure Plan*.
70. Within ten (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 Niagara Biosolids Corporation, dated November 1, 2004 and signed by Alison Braithwaite.
2. Letter dated May 18, 2005, from Tim Edwards, Ministry of the Environment, to Alison Braithwaite, Niagara Waste Systems Ltd., requesting additional information.
3. Letter dated June 16, 2005, from Dympna Scullion, Integrated Municipal Services, to Tim Edwards, Ministry of the Environment, to Alison Braithwaite, Niagara Waste Systems Ltd., provided in response to May 18, 2005 request for additional information.
4. Letter dated September 16, 2005, from Dympna Scullion, Integrated Municipal Services Inc., to Tim Edwards, Ministry of the Environment, to Alison Braithwaite, Niagara Waste Systems Ltd., provided in response to May 18, 2005 request for additional information.
5. Niagara Escarpment Development Permit No. 8396/N/W/2004-2005/113, issued to Integrated Municipal Services Inc., dated July 8, 2005.
6. Letter dated November 28, 2005, from Tim Edwards, Ministry of the Environment, to Alison Braithwaite, Niagara Waste Systems Ltd., requesting additional information.
7. Letter dated December 22, 2005, from Dympna Scullion, Integrated Municipal Services, to Tim Edwards, Ministry of the Environment, to Alison Braithwaite, Niagara Waste Systems Ltd., provided in response to November 28, 2005 request for additional information.
8. Email dated March 7, 2006 from Alison Braithwaite (ABraithwaite@walkerind.com), Walker Industries Holdings Limited, to Tim Edwards (tim.edwards@ene.gov.on.ca), Ministry of the Environment.
9. Facsimile received March 17, 2006 from Grant Mills, N-Viro Systems Canada Inc., to Tim Edwards, Ministry of the Environment, including copy of Canadian Food Inspection Agency Trade Memorandum T-4-112 - Information Required For The Assessment of By-Products and Other "Waste" Materials Sold as Fertilizers or Supplements.

## SCHEDULE "B"

*This Schedule "B" forms part of Certificate of Approval No. A121030*

<u>Column 1</u> <b>Parameter</b>	<u>Column 2</u> <b>Maximum Permissible metals concentration for Cement Kiln Dust (mg/kg dry weight)</b>	<u>Column 3</u> <b>Maximum Permissible metals concentration for Processed Organic Waste (mg/kg dry weight)</b>
Arsenic	75	170
Cadmium	20	34
Cobalt	150	340
Chromium	1,060	2800
Copper	755	1700
Mercury	5	11
Molybdenum	20	94
Nickel	180	420
Lead	500	1,100
Selenium	14	34
Zinc	1,850	4200

*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 Condition 2 is to state that previously issued Provisional Certificate of Approval for the Site is revoked and replaced with this Certificate.*
3. *The reason for Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 20, and 21 is to clarify the legal rights and responsibilities of the Owner and Operator.*
4. *The reason for Conditions 5, 23, 39, 41, 42, 47, 48, 49, 64 and 65 is to ensure that the Site is operated in accordance with the applications and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.*
5. *The reasons for Condition 14 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval, to ensure that the Director is informed of any changes and to ensure that the former owners and/or operators of the Site are not involved in any aspect of the charge, management or control of the Site.*
6. *The reasons for Condition 15 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 compromise compliance with this Certificate of Approval.*

7. *The reason for Conditions 16, 17 and 18 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that it appears the Owner is unable or unwilling to do so.*
8. *The reason for Condition 19 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.*
9. *The reason for Condition 22 is to ensure the availability of accurate record drawings for inspection and information purposes.*
10. *The reason for Conditions 24, 25, 34, 38, 40, 43, 44, 45, 46, 52, 54 and 55 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.*
11. *The reasons for Conditions 26, 27, 28, 29 and 30 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 and remove waste, based on the applications and supporting documentation.*
12. *The reason for Condition 31 is to specify the hours of operation for the Site so 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.*
13. *The reasons for Condition 32 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.*
14. *The reason for Condition 33 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.*
15. *The reason for Conditions 35, 36, 37 and 51 is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed of in accordance with O. Reg. 347, R.R.O. 1990 and in a manner that protects the health and safety of the public and the environment.*
16. *The reason for Conditions 50 and 53 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.*
17. *The reason for Condition 56 and 57 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 58 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.*
19. *The reasons for Conditions 59, 60, 61, 62 and 63 are 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 66 are 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.*
21. *The reasons for Condition 67 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.*
22. *The reasons for Condition 68, 69 and 70 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. A121030 issued on September 24, 1992**

*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., 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 39, *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](http://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](http://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 21st day of March, 2006



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Greg Washuta, P.Eng.  
Director  
Section 39, *Environmental Protection Act*

GW/

c: District Manager, MOE Niagara  
Alison Braithwaite, Niagara Biosolids Corporation