

Ministry of the Environment
Environmental Assessment and
Approvals Branch
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2 St Clair Ave W
Toronto ON M4V 1L5
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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
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August 25, 2008

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

Dear Madam:

**Re: Application for Approval of Waste Disposal Sites
Re-evaluation of Financial Assurance, A121030
Thorold, Regional Municipality of Niagara
MOE Reference Number 2318-7FXJV7**

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\$25,000.00 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 16.2 of Certificate of Approval No. A121030, 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 that reads "Jennifer Turner".

Jennifer Turner
Waste Evaluator

c: District Manager, MOE Niagara District Office
Bradley Ross, MOE

AMENDMENT TO PROVISIONAL CERTIFICATE OF
APPROVAL
WASTE DISPOSAL SITE
NUMBER A121030
Notice No. 3
Issue Date: August 28, 2008

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

Site Location: Niagara Waste (Walker Bros.) Biosolids Facility
3865 Townline Road
Thorold, Regional Municipality of Niagara, Ontario

You are hereby notified that I have amended Provisional Certificate of Approval No. A121030 issued on March 21, 2006 as amended on April 3, 2007 and December 18, 2007 for 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 , as follows:

I. Conditions 16-18 are hereby revoked and replaced with:

16. Financial Assurance

- 16.1 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 \$25,000.00. 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.
- 16.2 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 16.1. 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.

- 16.3 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 16.2 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 16.1. The re-evaluation shall be made available to the Ministry, upon request.
- 16.4 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 16 is to ensure that sufficient funds are available to the Ministry to clean-up the Site in the event that the Company is unable or unwilling to do so.*

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A121030 dated September 24, 1992, 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
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 28th day of August, 2008



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

JT/

c: District Manager, MOE Niagara District Office
Bradley Ross, MOE