

AMENDMENT TO PROVISIONAL CERTIFICATE OF
APPROVAL
WASTE DISPOSAL SITE
NUMBER A121030
Notice No. 4
Issue Date: October 19, 2009

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

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

You are hereby notified that I have amended Provisional Certificate of Approval No. A121030 issued on March 21, 2006 and as amended on April 3, 2007, December 18, 2007 and August 28, 2008 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:

Notice No. 3, dated August 28, 2008 has been revoked in its entirety and replaced with the following.

- 16.1 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 currently set at \$25,000.00 to provide sufficient funds for the analysis, transportation, *Site* clean-up, monitoring and disposal of all wastes on the *Site* at any one time. 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* and must be in a form acceptable to the *Director* .
- 16.2 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.

Conditions 30, 65, 68 have been revoked and replaced with the following:

30. Only *Processed Organic Waste* that is generated within the The Regional Municipality of Niagara shall be accepted at the *Site* . Should total approved capacity not be reached at any given time, *Processed Organic Waste* generated within the Province of Ontario may be accepted at the *Site* ;
65. Design and Operating Report has been approved as documented in Item 14, Schedule A. Any proposed changes to the Design or the Operating methods shall be first approved by the Director.
68. Closure of the site shall be in accordance with the approved Closure Plan, Item 10, Schedule A. Any deviations from the approved Closure Plan must first be approved by the District Manager.

SCHEDULE A

Schedule A forms part of this Provisional Certificate of Approval. This Schedule A is reproduced in its entirety combining all items that form the supporting documents submitted in support of this application.

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. 8369/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.
10. Email dated November 2, 2006 from Alison Braithwaite, Niagara Waste System Ltd., to Tim Edwards, MOE submitted in accordance with Condition 68 of Certificate of Approval A121030, providing a Closure Plan, date November 1, 2006 including a description of the work required to facilitate closure and decommissioning of the processing facility.
- 10 (a). Letter dated July 17, 2007 from Alison Braithwaite, Niagara Biosolids Corporation to Brad Ross, Ministry of the Environment.
11. Application for a Provisional Certificate of Approval for a Waste Disposal Site for the site owned by Niagara Biosolids Corporation at 3865 Townline Road, Thorold, Ontario, dated July 17, 2007.
12. Letter dated September 14, 2007 from Alison Braithwaite, Niagara Biosolids Corporation to Narren Santos, Ministry of the Environment.
13. Letter dated December 10, 2007 from Dessa Fox, Environmental Coordinator, Niagara Biosolids Corporation to Greg Washuta, Senior Water Engineer, Ministry of the Environment.
14. Design and Operating Report, Niagara Biosolids LP dated May 28, 2008.
15. Letter dated May 25, 2009 from Brad Cassidy, Environmental Coordinator, Integrated Municipal Services to Jim Hiraishi, Senior Review Engineer, Waste.
16. Niagara Escarpment Development Permit No. N/W/2008-2009/241, issued to Integrated Municipal Services Inc. issued on June 8, 2009.

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

16. Notice No. 1, dated August 28, 2007, referenced a *Certificate of Approval* that had been revoked earlier. Hence, in order to allow compliance, the entire Notice No 1 was revoked and modified Conditions from Notice No 1 were added.
30. This amendment allows Niagara Biosolids to accept suitably processed wastes first from the Region of Niagara and secondarily, from sources within the Province of Ontario.
65. This document outlines the design and operating procedures and methods of the biosolids processing facility.
68. Condition 68 of Certificate of Approval, dated March 21, 2006 had not been revoked although approved by Notice No. 1 dated April 3, 2007. The new Condition recognizes the acceptance of the Closure Plan.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A121030 dated March 21, 2006

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

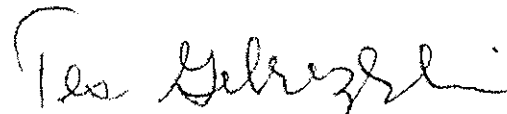
AND

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*

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