



Ministry of the Environment
Ministère de l'Environnement

AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A031806
Notice No. 5
Issue Date: June 18, 2007

Clean Harbors Canada, Inc.
4090 Telfer Road, R.R. 1
Corunna, Ontario
N0N 1G0

Site Location: Lot 8,9, Concession 10
St. Clair Township, County of Lambton

You are hereby notified that I have amended Provisional Certificate of Approval No. A031806 issued on September 5, 1997 and subsequent Notices dated December 4, 1998, October 11, 2002 and June 17, 2004 for the use and operation of a landfill site with a total fill area of approximately 56 hectares which includes the pre-1985 fill area, previous operating 14.3 hectare fill area and the Cell 18 expansion fill area of 13.1 hectares and a landfill pretreatment system all within a total site area of 121.4 hectares, as follows:

I. The following definitions shall be added to this Certificate:

- i. "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 application and the supporting documentation listed in Schedule "A";
- j. "EPA " means Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended;
- k. "LDR " means Lands Disposal Restrictions referring to sections 74 and sections 75, 76, 77, 79, 80, 81, 82, 83, 84 and 85 of Reg. 347 which is amended into Reg. 347 on August 31, 2007 and section 78 which is amended into Reg. 347 on December 31, 2009 which prohibit the disposal of listed and characteristic hazardous wastes on land until they have been treated to meet the treatment standards under Reg. 347.
- l. "Ministry " means Ministry of the Environment;
- m. "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 its successors or assignees;
- n. "Owner " means any person that is responsible for the establishment or operation of the Site being approved by this Certificate, and includes **Clean Harbors Canada Inc.**, its successors

and assignees;

- o. "OWRA " means the Ontario Water Resources Act, R.S.O. 1990, c. O-40, as amended from time to time;
- p. "PA " means the Pesticides Act, R.S.O. 1990, c. P-11, as amend from time to time;
- q. "Processing Facility " means the waste processing facility located at Lot 8 & 9, Concession 10, St. Clair Township, Ontario as described in Schedule "A" and as approved by this Certificate;
- r. "Reg 347 " means Regulation 347, R.R.O. 1990, made under the EPA, as amended from time to time;
- s. "Waste Analysis Plan " means the Owner that treats waste in accordance with sections 75, 76, 77, 78, 79, 82 and 83 of Reg. 347 shall develop and follow a written plan that requires regular and detailed chemical and physical testing of representative samples of waste.

II. The following condition is added to this Certificate:

- 3. a. Subject to the qualifications provided in Condition 5, the following Ministry waste classes may be accepted at this Site for processing at the Processing Facility for LDR: 111, 112, 113, 114, 121, 122, 123, 131, 132, 133, 134, 135, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150.

III. The establishment and operation of a Processing Facility to treat and process hazardous inorganic waste in accordance to LDR under Reg. 347 and treat and process subject waste as part of the approved landfill pretreatment system.

IV. The following new conditions shall be added to this Certificate:

Processing Facility

Build, etc. in Accordance

- 23. a. Except as otherwise provided by this Certificate, the Processing Facility shall be designed, developed, built, operated and maintained in accordance with the application for this Certificate, dated May 4, 2006, and the supporting documentation listed in Schedule "A".

Interpretation

- 23. b. i. Where there is a conflict between a provision of any document, including the application, referred to in this Certificate, and the conditions of this Certificate, the conditions in this Certificate shall take precedence.

- ii. Where there is a conflict between the 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 the Ministry approved the amendment.
- iii. Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.
- iv. 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.

Construction

- 23. c. A set of as-built drawings, including a Site Plan, showing the Processing Facility as constructed shall be kept up to date through periodic revisions and shall be submitted to the Director and the District Manager. An amendment to this Certificate shall be sought for changes requiring approval.

Operation

- 23. d. The Site shall be operated and maintained at all time including management and disposal of all waste in accordance with the EPA, Reg. 347 and the Conditions of this Certificate.

Vermin, etc.

- 23. e. The Processing Facility shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic does not create an adverse effect.

Waste Type

- 23. f.
 - i. Subject to the qualifications provided in Condition 5, only the following waste classes shall be accepted at the Processing Facility for processing of hazardous inorganic waste subject to LDR and for processing and solidification as part of the approved landfill pretreatment system: 111, 112, 113, 114, 121, 122, 123, 131, 132, 133, 134, 135, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150 as described in the Ministry's "New Ontario Waste Classes" document dated January 1986 or as amended; and
 - ii. Subject to the qualifications provided in Conditions 5 and 23 s) v), the following waste classes shall be accepted at the Processing Facility for processing and solidification as part of the approved landfill pretreatment system: 211, 212, 213,

221, 222, 231, 232, 233, 241, 242, 251, 252, 253, 254, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 281, 282, 311 and 321 as described in the Ministry's "New Ontario Waste Classes" document dated January 1986 or as amended.

Waste Limits

23. g. i. The Owner shall maintain a minimum free board of 0.15 metres below finished concrete slab level at the sides of the mixing pit.
- ii. No storage of waste is allowed at the Processing Facility.

Hours of Operation

23. h. Waste shall only be accepted at the Processing Facility during the following time periods:
24 hours a day, 7 days a week.

Waste Inspection

23. i. i. All waste shall be inspected by trained personnel prior to being accepted at the Site to ensure that the waste is of a type approved for processing under this Certificate.
- ii. In the event that a load of waste is refused, a record shall be made in the daily log of the reason the waste was refused and the origin of the waste, if known.

Facility Inspection

23. j. i. An inspection of the entire Processing Facility and all equipment (not to include transport/delivery trucks, excavators, monitoring and pressure washing equipment and generators) at the Processing Facility shall be conducted each day the Processing Facility is in operation to ensure that: the Processing Facility is secure; that the operation of the Processing Facility is not causing any nuisances; that the operation of the Processing Facility is not causing any adverse effects on the environment and that the Processing Facility is being operated in compliance with this Certificate. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporary ceasing operations at the processing facility if needed.
- ii. A record of the inspections shall be kept that includes the following information:
1. the name and signature of person that conducted the inspection;
 2. the date and time of the inspection;
 3. a list of any deficiencies discovered;
 4. list of any dust, litter, noise, odour or pests detected;
 5. a brief description of any maintenance procedures conducted;

6. any recommendations for remedial action; and
7. the date, time and description of actions taken.

Training Plan

23. k. i. A training plan shall be developed and maintained for all employees that operate the Processing Facility prior to acceptance and processing of any waste. Only trained personnel may operate the Processing Facility or carry out any activity required under this Certificate.
- ii. The Owner shall ensure that trained personnel are available at all times during the hours of operation of this Processing Facility. Trained personnel shall supervise all transfer and processing of waste material at the Processing Facility.

Complaint Response

23. l. If at any time, the Owner receives complaints regarding the operation of the Processing Facility, the Owner shall referred to Condition 20 of this Certificate for the complaint response procedure.

Emergency Response Plan

23. m. i. Prior to acceptance and processing of any waste at this Processing Facility, an Emergency Response Plan shall be developed and implemented for the Processing Facility. The Plan shall include, but is not necessarily limited to:
 1. 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;
 2. a list of equipment and spill clean up materials available in case of an emergency;
 3. 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, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response;
 4. fire and explosion prevention;
- ii. The Emergency Response Plan shall be developed for this Processing Facility and reviewed annually, a copy shall be retained in a central location at the Processing Facility and shall be accessible to all staff at all times with copies to District Manager, local Municipality, and local Fire Department
- iii. Changes to the Emergency Response Plan at the Processing Facility shall be submitted to the Director and District Manager.

- iv. The equipment, materials and personnel requirements outlined in the Emergency Response Plan shall be immediately available at the Processing Facility at all times. The equipment shall be kept in a good state of repair and in a fully operational condition and should be appropriate for the waste types and volumes present on Site.
- v. All staff that operate the Processing Facility shall be fully trained in the use of the Emergency Response Plan, and in the procedures to be employed in the event of an emergency.
- vi. 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 Processing Facility and immediately implement the Emergency Response plan if required.

Design and Operations Report

- 23. n. i. An updated Design and Operation Plan shall be submitted to the Director for approval within 60 (sixty) days after commissioning of the Processing Facility as detailed in item 15 of Schedule "A" of this Certificate.
- ii. The Design and Operations Report for the Processing Facility shall be retained at the Processing Facility; kept up to date through periodic revisions; and be available for inspection by Ministry staff. Changes to the Design and Operations Report shall be submitted to the Director for approval.

Segregation

- 23. o. i. Wastes shall be segregated from other incompatible wastes and materials at the Processing Facility.

Loading/Unloading Waste

- 23. p. During the unloading/loading of waste, all vehicles shall be positioned such that the waste are unloaded/loaded within the confines of the Processing Facility in accordance with item 14 b) of Schedule "A".

Incoming/Outgoing Waste

- 23. q. All in-coming and outgoing waste subject to LDR shall be inspected and/or tested by trained personnel in accordance with the Design and Operations Reports contained in items 13, 14 and 15 of Schedule "A", Reg. 347 and the Conditions of this Certificate prior to being received, processed, and transferred from the Processing Facility to ensure wastes are being managed and disposed of in accordance with EPA and Reg. 347.

Waste Analysis Plan

23. r. Within 60 (sixty) days after the commissioning of this Processing Facility, the Owner shall submit a Waste Analysis Plan to the Director and District Manager as a revision to the Design and Operation Report for all waste subject to LDR that is planned for receipt and treatment at the Processing Facility.

Processing Waste

23. s.
- i. Processing of waste carried out at the Processing Facility is limited to the processing as described in Schedule "A" and in accordance with Reg. 347 and the Conditions of this Certificate.
 - ii. Hazardous inorganic waste accepted under Condition 3 a) at this Site shall be subject to the LDR under Reg. 347 if it becomes mixed with any other waste or material at this Site and results in a mixed waste.
 - iii. All waste processing shall occur indoors at all times except the debris processing as detailed in items 18 and 19 of Schedule "A".
 - iv. Notwithstanding the requirements of Condition 23. s) i) of this Certificate, all reasonable measures in the way of laboratory, compatibility and bench testing of waste and materials shall be taken to ensure that the processing of wastes at the Processing Facility will not result in uncontrollable reactions that could result in a fire or release of contaminants to the natural environment.
 - v. Processing of waste classes as part of the landfill pretreatment system at this Processing Facility shall only occur if no waste subject to LDR is present at the Processing Facility.

Processed Waste

23. t. At a minimum requirement, each batch of processed waste must be in compliance with Reg. 347 and Condition 6 of this Certificate.

Record Keeping

23. u. A record for the Processing Facility shall be maintained and shall include the following information:
- i. date;
 - ii. types (class and primary characteristic), quantities and source of waste received;
 - iii. quantities of waste processed, and quantities and type of reagents used;
 - iv. quantities and destination of each type of waste transferred from the Processing Facility;

- v. the results of all analyses as required by this Certificate;
- vi. a record of daily inspections required by this Certificate;
- vii. a record of any spills or process upsets at the Processing Facility, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, and for spills, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA;
- viii. a record of any waste refusals which shall include, amounts, reasons for refusal and actions taken; and
- viv. the signature of the trained personnel conducting the inspection and completing the report.

Weekly Reporting

- 23 v. The Owner shall provide the District Manager with a weekly report that indicates where all waste subject to LDR will be temporary stored on Site as described in item 17 of Schedule "A".

Annual Report

- 23. w. The Owner shall prepare and including the following information in an annual report as described in Condition 15 of this Certificate
 - i. a detailed monthly summary of the type (by waste class and characteristic) and quantity of waste received at the Site for LDR and at the Processing Facility for LDR and landfill pretreatment system, total amount and type of reagents used in the process, and the total amount and destination of all outgoing wastes from the Processing Facility; and
 - ii. a descriptive summary of upgrades conducted during the previous calendar year.

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

- 11. Letter dated May 9, 2006 to Mr. Greg Washuta (MOE) from Mr. Christopher Small (Clean Harbors) regarding the CofA amendment required to meet LDR with the following information included:
 - a. Amendment to the Design and Operation Report;
 - b. Application for a Provisional Certificate of Approval for a Waste Disposal Site signed by Mr. Frank Hickling, Director of Operation (Clean Harbors), dated May 4, 2006;
 - c. Verification of public consultation;
 - d. Verification of Legal Name;
 - e. Verification of Financial Assurance.
- 12. Letter dated May 26, 2006 to Ms. Gabriela Sadowska (MOE) from Christopher Small (Clean Harbors) regarding additional information related to the application, updated EBR abstract and adjacent landowner notification and list of names and addresses

13. Letter dated December 22, 2006 to Richard Saunders (MOE) from Christopher Small (Clean Harbors) regarding the modified drawings, project description and design of the Processing Facility including the following information:
 - a. Drawings:
 - i. 'Inorganic Waste Pre-treatment Plot Plan', drawing no. 050-ADA-662, rev. A, dated December 21, 2006;
 - ii. 'Inorganic Waste Pre-treatment Equipment Layout Plan', drawing no. 050-ADA-6632, rev. B, dated December 21, 2006;
 - iii. '1-144" Dia. X 354"S/S Silo M-10, Tricil Waste Plant, Corunna, Ontario', drawing no. T-D4470, rev. 1, dated March 21, 1986;
 - iv. '1-144" Dia. X 354"S/S Silo M-11, Tricil Waste Plant, Corunna, Ontario', drawing no. T-D4470.1, rev.1, dated March 21, 1986;
 - v. 'Tricil Samia Limited, Landfill Pre-treatment System, Silo Details', sheet no. M-24, dated November 11, 1985;
 - vi. 'Inorganic Waste Pre-treatment Mixing Tank, Plan, Sections & Details', drawing no. 050-NDD-663, rev.A, dated December 21, 2006;
 - b. Report entitled "Lambton Incineration Facility, Inorganic Waste Pretreatment Facility, Alternate LPS location" and subtitled "Project Description and Design Basis, Rev.2 December 19, 2006".

14. Letter dated March 15, 2007 to Richard Saunders (MOE) from Christopher Small (Clean Harbors) regarding additional information related to the Design and Operation Report and the following information:
 - a. Drawings:
 - i. 'Inorganic Waste Pre-treatment Plot Plan', drawing no. 050-ADA-662, rev. A, dated December 21, 2006,
 - ii. 'Inorganic Waste Pre-treatment Equipment Layout Plan', drawing no. 050-ADA-6632, rev. B, dated December 21, 2006;
 - iii. '1-144" Dia. X 354"S/S Silo M-10, Tricil Waste Plant, Corunna, Ontario', drawing no. T-D4470, rev. 1, dated March 21, 1986;
 - iv. '1-144" Dia. X 354"S/S Silo M-11, Tricil Waste Plant, Corunna, Ontario', drawing no. T-D4470.1, rev.1, dated March 21, 1986;
 - v. 'Tricil Samia Limited, Landfill Pre-treatment System, Silo Details', sheet no. M-24, dated November 11, 1985;
 - vi. 'Inorganic Waste Pre-treatment Equipment Layout Sections, drawing no. 050-NDD-664, rev.B, dated December 12, 2006;
 - vii. 'Inorganic Waste Pre-treatment Mixing Tank, Plan & Sections', drawing no. 050-NDD-663, rev.B, dated December 21, 2006.
 - b. Report entitled "Lambton Incineration Facility, Inorganic Waste Pretreatment Facility, Alternate LPS location" and subtitled "Project Description and Design Basis, Rev.3, February 20, 2007".

15. Letter dated April 17, 2007 to Richard Saunders (MOE) from Christopher Small (Clean Harbors) regarding additional information requested by the MOE and the information that will be submitted with an updated D&O report sixty days after the processing facility is commissioned.

16. Email dated May 7, 2007 to Richard Saunders (MOE) from Christopher Small (Clean Harbors)

regarding the treatment of waste streams as part of the approved landfill pretreatment system.

17. Email received on June 7, 2007 entitled "Commissioning of Facility - rev. 1" from Clean Harbors Canada regarding how the Commissioning phase of the Processing Facility will be in compliance with Reg. 347.
18. Email received June 13, 2007 to Richard Saunders (MOE) from Christopher Small (Clean Harbor Canada) regarding the exclusion of certain equipment from the inspection condition, the additional waste reagents to be used as binding reagent for LDR and a description involving the treatment of debris to meet LDR.
19. Email received June 14, 2007 to Richard Saunders (MOE) from Christopher Small (Clean Harbor Canada) regarding free board of the mixing vessel and the processing location of debris subject to LDR.

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

1. *The reason for Conditions 23 a), and 23 n) are to ensure that the Processing Facility is operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.*
2. *The reason for Condition 23 b) is to clarify the legal rights and responsibilities of the Owner and Operator.*
3. *The reason for Condition 23 c) is to ensure the availability of record drawings for inspection and information purposes.*
4. *The reason for Conditions 23 d), 23 e), 23 j) i), 23 o), 23 p), and 23 s) iii) is to ensure that the Processing Facility is operated in a manner which does not result in a adverse effect or a hazard to the health and safety of the environment or people.*
5. *The reasons for Conditions 23 f) and 23 g) are to specify the types of waste that may be accepted at the Processing Facility and the waste limits based on the Owner's application and supporting documentation.*
6. *The reason for Condition 23 h) is to specify the hours of operation for the Processing Facility.*
7. *The reason for Conditions 23 i), 23 q), 23 r), 23 s) ii), 23 s) iv), 23 s) v), 23 t) is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed in accordance with Reg. 347, and in a manner that protects the health and safety of people and the public.*
8. *The reason for Condition 23 j) ii) is to ensure that detailed records of Processing Facility inspections are recorded and maintained for inspection and information purposes*
9. *The reason for Condition 23 k) is to ensure that the Processing Facility 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.

10. *The reason for Condition 23 l) is to ensure that any complaints regarding Processing Facility's operations at the Site are responded to in a timely manner*
11. *The reasons for Condition 23 m) are to ensure that an Emergency Response Plan is developed and maintained at the Processing Facility and that staff are properly trained in the operation of the equipment used at the Processing Facility and emergency response procedures*
12. *The reason for Condition 23 s) i) is to identify the processes approved under this Certificate*
13. *The reason for 23 v) is that weekly record keeping of where waste will be temporary stored on Site is necessary to determine compliance with this Certificate, EPA and its regulations.*
14. *The reasons for Condition 23 u) is 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.*
15. *The reasons for Condition 23 w) is to ensure that regular review of site development and operations and any possible improvements to Processing Facility 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.*

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A031806 dated September 5, 1997

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., Suite 1700
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 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

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, 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 18th day of June, 2007



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

RS/
c: District Manager, MOE Samia
Chris Small, Clean Harbors Canada, Inc.

Under the Environmental Protection Act and the regulations and subject to the limitations thereof, this Provisional Certificate of Approval is issued to:

Laidlaw Environmental Services (Sarnia) Ltd.
265 North Front Street, Suite 502
Sarnia, Ontario
N7T 7X1

for the use and operation of a landfill site with a total fill area of approximately 56 hectares which includes the pre-1985 fill area, the current operating 14.3 hectare fill area and the expansion fill area of 13.1 hectares and a landfill pretreatment system all within a total site area of 121.4 hectares.

all in accordance with the following plans and specifications:

As per Schedule "A"

Located: Lot 9, and Part of Lot 8, Concession 10
Township of Moore
County of Lambton

which includes the use of the site only for the processing and disposal of the following categories of waste (Note: Use of the site or additional categories of wastes requires a new application and amendments to the Provisional Certificate of Approval) as specified in conditions 3 and 4.

and subject to the following conditions:

1. For the purpose of this Provisional Certificate of Approval:

- (a) "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the Environmental Protection Act, R.S.O. 1990;
- (b) "Company" means only Laidlaw Environmental Services (Sarnia) Ltd.;
- (c) "District Manager" means the District Manager of the Ministry of Environment and Energy for the Sarnia District Office;
- (d) "MOEE" means the Ontario Ministry of Environment and Energy;
- (e) "Regional Director" means the Director of the Southwest Region of the Ontario Ministry of Environment and Energy; and
- (f) "District Office" means the Ontario Ministry of Environment and Energy Sarnia District Office;
- (g) "CL/AC" means Community Liaison/Advisory Committee.
- (h) "Property" means the lands located as described above.

2. Except as otherwise provided by these conditions, the landfill site and the landfill pretreatment system shall be operated in accordance with the documents listed in Schedule "A".

3. Acceptable Wastes for Pretreatment System

Subject to the qualification provided in condition 5, the following Ministry of Environment and Energy waste classes may be accepted for processing and solidification at the landfill pretreatment system; 111-114 inclusive, 121, 122, 123, 131-135 inclusive, 141-150 inclusive, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 251-254 inclusive, 261-270 inclusive, 281, 282, 311 and 321.

4. Acceptable Wastes for Landfill

Subject to the qualification provided in condition 5, the following categories of waste may be accepted for disposal at the landfill site:

- (a) non-hazardous solid industrial waste;
- (b) solidified wastes from the landfill pretreatment system;
- (c) the residues or contaminated materials from the clean-up of a spill that have a slump of less than 150 mm using the Test Method for the Determination of Liquid Waste ("slump test") as set out in Regulation 347; and
- (d) solid wastes having a slump of less than 150 mm (using the slump test), of the following Ministry of Environment and Energy waste classes; 111-114 inclusive, 121-123 inclusive, 131-135 inclusive, 141-150 inclusive, 211-213 inclusive, 221, 222, 231-233 inclusive, 241, 242, 251-254 inclusive, 261-270 inclusive, 281, 282, 311 and 321.

5. Waste Restrictions

Except with the prior approval of the District Manager, the following wastes as defined in Regulation 347 under the Environmental Protection Act shall not be accepted for processing and solidification at the landfill pretreatment system or for disposal at the landfill site:

- (a) ignitable wastes
- (b) radioactive wastes
- (c) pesticide wastes
- (d) reactive waste
- (e) waste streams containing greater than 2% by weight of:
 - i) halogenated and non-halogenated organic chemicals which in their pure state:
 - are non-solid, and
 - exhibit an equilibrium vapour pressure in excess of 10 mm of mercury at 25°C, and
 - have a molecular weight of less than 300 atomic mass units.

- ii) aromatic compounds which contain one or more nitrogen atoms and
 - a) have an equilibrium vapour pressure in their pure state greater than 10 mm of mercury at 25°C and have a molecular weight less than 300 atomic mass units and are non-solid at 25°C.

or

 - b) are listed dangerous goods in the Transportation of Dangerous Goods Act and have a primary or subsidiary designation of Class 1 (Explosives) or Class 4 (Flammable Solids).
 - iii) constituents contained in Schedule 2, Parts A and B of Ontario Regulation 347 which in their pure state:
 - are non-solid, and
 - exhibit an equilibrium vapour pressure in excess of 10 mm of mercury at 25°C, and
 - have a molecular weight of less than 300 atomic mass units.
- (f) The Company shall obtain the written concurrence of the District Manager prior to the pretreatment or disposal of any of the restricted wastes where the Company are proposing a change to the primary or secondary waste characterization as identified on a subject manifest by the generator. The analysis conducted in support of a proposed change to the waste class characterization shall be done consistent with the requirements under Regulation 347.

6. Analysis of Solidified Product and Neutralized Liquid Waste

For the landfill pretreatment system, each batch of neutralized liquid wastes and the solidified product are to be sampled and analyzed to ensure that the following specifications for moisture content and stability are met:

- i) the solidified waste product will have a moisture content of less than 35% weight/weight (w/w);
- ii) the solidified waste product will exhibit a slump (as measured by the standard test method defined in O. Reg. 347) of less than 50% as initially prepared and will exhibit a resistance to penetration of not less than 15 psi on 24 hours curing.

7. Changes to the Final Design and Operations (D&O) Report

- (a) The CL/AC shall receive copies of any documents relating to the approval, design and operations of the landfill site prior to the submission of any application for changes to the operation of the site or revised documentation that are subject to the Director's approval.
- (b) The Company shall submit the final revised D&O Report to the Director, for approval, within 90 days of the date of this approval.

8. Daily Records

Daily records shall be kept at the landfill site and the landfill pretreatment system of quantities and types of waste received including origin of the waste, the results of any analysis performed and the location in the cell where the wastes are deposited.

9. Monitoring Programs

- (a) The Site Monitoring Programs shall be conducted as described in the following Sections of the Design and Operations Report (D&O Report):
 - i) Groundwater, sections 6.4.1, 6.4.2 and 6.4.3
 - ii) Cap integrity, section 6.4.4
 - iii) Surface water, section 6.5
 - iv) Air Quality, section 6.6.1
 - v) Biomonitoring, section 6.6.2
- (b) Soil cores from the cap shall be sampled and analyzed as described in Section 6.4.4 of the D&O Report.
- (c) The Company shall carry out the monitoring program as approved and with any amendments as required or approved, in writing, from time to time by the Regional Director.
- (d) The results of all analyses performed pursuant to the program shall be submitted to the Regional Director within one month of each analysis being completed.
- (e) If the results of the monitoring program demonstrate that contaminants are moving away from the base of the waste cells and through the soils at a rate and concentration greater than those predicted by the diffusion model, then the operations of the landfill site and any additional mitigative measures are to be reviewed by the Approvals Director.
- (f) In addition to (a) i) above, the Company shall submit an enhanced groundwater monitoring program to the Regional Director, for approval, within 90 days after the date of issuance of this certificate.

10. Surface Water

- (a) The Company shall take all reasonable steps to ensure that liquid at the base of the active working face does not exceed a depth of 0.3 metres.
- (b) All liquid collected from the base of the active working face shall be incinerated or disposed of at a hazardous waste facility approved for the disposal of that type of waste.
- (c) All surface water collected from Area I and, as delineated Figure 4-8 of the D&O Report, shall be incinerated or disposed at a facility approved for the disposal of that type of waste.
- (d) Surface water collected from Areas II and III as delineated in Figure 4-8 of the D&O Report shall be treated by trickling filter, sand filter and carbon polishing and may only be discharged to the Telfer Road ditch if the following criteria are met:
 - i) total suspended solids shall not exceed 15 mg/L
 - ii) solvent extractables shall not exceed 15 mg/L
 - iii) total phenols shall not exceed 0.02 mg/L
 - iv) pH shall be in the range of 5.5 to 9.5
 - v) the water does not exhibit acute toxicity as measured by a standard test using a species like Rainbow Trout; or another equivalent test as may be approved by the Regional Director.
 - vi) no discharge may interfere with drainage in the ditch or be discharged at such a rate as to increase the turbidity in the ditch or cause erosion, and;
 - vii) all discharge must comply with the Objectives for Control of Industrial Discharges in Ontario and the approval No. 4-012-86-006 issued under the Ontario Water Resources Act.

11. Abandoned Wells

During the progress of landfilling, the company shall locate, remove and seal all wells in the area of the trench, including observation wells, old water wells and oil and gas test wells. A well decommissioning protocol shall be included in the revised D&O Report required by condition 7 (b).

12. Surficial Sand and Gravel

Any surficial sand and gravel deposits in the area between the cell and the outside of the perimeter berm shall be removed prior to berm construction to prevent underdrain conditions from occurring.

13. Access Roads

All access roads to the landfill site shall be maintained in accordance with procedures described in Section 4.8.3 of the D&O Report to minimize dust generation at the site.

14. Landfill Cap

The 5.1 metre cap over the waste shall be constructed as described in Section 4.4 of the D&O Report in order to minimize hydraulic conductivity to the degree that molecular diffusion is the dominant factor controlling the rate of contaminant migration.

Quality control of cap construction shall be monitored as described in Section 6.3 of the D&O Report.

15. Annual Report

The Company shall submit annual reports to the MOEE Regional Director on or before November 30th of each year. Such reports shall cover the year ending the previous August 31st and shall include the following information as required for the landfill site and landfill pretreatment system:

- (a) the results of an interpretive analysis of all monitoring programs as defined in conditions 9 and 10;
- (b) a summary of waste received for landfilling and pretreatment at the site including quantities, types and origin;
- (c) a list of all rejected vehicles together with reasons for any rejection;
- (d) a report on the progress of landfilling including total capacity used and the remaining site life, berm development, the extent and location of any gravel or sand lenses excavated and the location of any old wells discovered and plugged; and
- (e) a summary and discussion of past analytical data based on previous annual reports showing trends in data and potential future concerns.

16. Insurance and Securities for the Landfill Site

(a) Insurance

A policy of environmental liability insurance providing coverage of at least \$5,000,000 per occurrence with an annual aggregate of at least \$10,000,000 shall be kept in force at all times including after closure of the site, until the Approvals Director is satisfied that it is no longer necessary to do so. The policy shall cover sudden and non-sudden emissions of contaminants from the site and shall cover bodily injury and property damage. If such insurance becomes unavailable, the Director shall be notified immediately upon notice from the insurance institution and extra securities shall be deposited with the Director in order to maintain third party coverage.

(b) Immediate Response fund

The Company shall provide the sum of \$25,000 to the Township of Moore to be held in trust by the Township for emergency water supply, if necessary. The Company shall enter into an agreement with the Township respecting the administration of the trust fund including provisions for replenishment, payments and an administration fee.

(c) Closure and Post-Closure Security

Prior to the disposal of any waste at the landfill site, the Company shall provide to the Approvals Director financial security of type and form satisfactory to the Director in the amount of \$750,000 to ensure the completion of closure and post-closure activities at the site.

(d) Contingencies and Remedial Action Security

Prior to the disposal of any waste at the landfill site, the Company shall provide to the approvals Director financial security of a type and form satisfactory to the Director in the amount of \$1,500,000 to guarantee that appropriate contingency and remedial action measures will be implemented if and when required.

(e) The Company shall submit reports to the Approvals Director every five years updating the cost estimates on which the financial securities referred to in (c) and (d) above were based, taking into consideration any changes proposed in the operation and closure of the site and cost increases due to inflation.

(f) The amount of the financial securities referred to in (c) and (d) above shall be adjusted by the Approvals Director in accordance with the reports submitted, if accepted by the Director as satisfactory, and the Company shall provide any additional or replacement financial security as required by the Director.

(g) If, at any time, notice is received that an institution which has issued either of the financial security instruments referred to above, proposes to revoke or not renew the security instruments at a time when replacement security has not been furnished, the Company will immediately inform the Director and the security may be drawn upon and the amount placed in the Consolidated Revenue Fund of the Province of Ontario.

17. Prohibition/Registration on Title

(a) Pursuant to Section 197 of the Environmental Protection Act, neither the Owner nor any person having an interest in the Property shall deal with the Property in any way without first giving a copy of this Certificate to each person acquiring an interest in the Property as a result of the dealing.

(b) The Owner shall:

i) Within 60 days of the date of this Certificate, submit to the Director for the Director's signature two copies of a completed Certificate of Prohibition containing a registrable description of the Property, in accordance with Form 1 of O. Reg. 14/92.

- ii) Within 10 calendar days of receiving the Certificates of Prohibition signed by the Director, register the Certificate of Prohibition in the appropriate Land Registry Office on title to the Property and submit to the Director immediately following registration the duplicate registered copy.

18. Replacement of Previous Provisional Certificate of Approval

This Provisional Certificate of Approval revokes all previously issued Provisional Certificates of Approval issued under Part V of the Environmental Protection Act for the landfill site, Provisional Certificate of Approval No. A 031806 and the landfill pretreatment system Provisional Certificate of Approval No. A 031822. The approval given herein, including the terms and conditions set out, replaces all previously issued approvals and related terms and conditions under Part V of the Act for the aforementioned landfill site and pretreatment system.

19. Odour Control and Monitoring

A program shall be maintained to minimize and control odours, which may have an impact off-property, as described in Section 3.2.6.3 of the D&O Report.

20. Complaint Response Procedure

The Facility shall maintain the ability to receive and respond to complaints concerning off-property impacts on a 24 hour basis. Complaints impacts shall be recorded upon receipt and referred to the Shift Supervisor. The complaint shall be investigated by the Shift Supervisor as soon as possible after receipt and a direct response made to the complainant within 12 hours.

If the complaint resulted from an off-property impact caused by the facility, the Shift Supervisor shall take immediate steps to rectify the situation, including, if necessary, restricting Facility Operations until the impact ceases.

The Company shall forthwith notify the Ministry of all complaints that are received at the Facility.

21. Closure and Post Closure

Closure and Post Closure shall mean the phases outlined in Section 7 of the D&O Report. The Closure and Post Closure procedures, monitoring and maintenance shall be carried out as described in this Section.

22. Mitigation of Nuisance Effects

Programs shall be maintained to minimize and mitigate off-property impacts due to noise, sediment, dust, lighting and odour as described in Section 4.8 of the D&O Report.

SCHEDULE "A"

This Schedule "A" forms part of Provisional Certificate of Approval No. A 031806

1. Application for Approval of a Waste Disposal Site, dated May 8, 1996.
2. EA Document 3 - Site Assessment Report, Volumes 1 and 2, dated April 1996.
3. EA Document 4 - Design and Operations Report, dated April 1996.
4. Environmental Assessment Landfill Continuation, Technical Reports Volumes 1 and 2, dated April 1996.
5. EA Document 5 - Response to Environmental Assessment Review, dated January 1997.
6. Letter from the Company's, Mr. Eric Hunter, Director Special Projects, to the MOEE, dated February 28, 1997, correcting typographical errors in the application in item 1.
7. Copy, dated May 8, 1997, of an Order in Council made on May 7, 1997 regarding the approval, pursuant to the Environmental Assessment Act, to proceed with an undertaking subject to conditions.

The reasons for the imposition of these conditions are as follows:

1. The reason for condition 1 is to simplify the wording in the subsequent conditions and to define the specific meaning of the terms used in this Certificate.
2. The reason for condition 17 is that it was added pursuant to subsection 197(1) of the Environmental Protection Act, to provide that any persons having an interest in the Property are aware that the land has been approved and used for the purposes of waste disposal.
3. The reason for condition 18 is to ensure that the site is operated in accordance with this Provisional Certificate of Approval and not with previously issued certificates.
4. The reason for conditions 2 through 22 is that they ensure compliance with the Act and regulations or they are required, on probable grounds, to address potential nuisances, achieve the public interest, or avoid hazards to the health or safety of any person. Also, these conditions are in large measure the result of discussions between experts on behalf of the Company and the public, and Ministry staff. Due to those discussions, the precise rationale for each particular condition is well known to the parties involved.

The establishment, use and operation of this site without the above conditions may create a nuisance or result in a hazard to the health and safety of any person.

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990 c. E-19, you may by written notice served upon me and the Environmental Appeal Board within 15 days after receipt of this Notice, require a hearing by the Board. Section 142 of the Environmental Protection Act, as amended provides that the Notice requiring a 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.*

In addition to these legal requirements, 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.

*PROVISIONAL CERTIFICATE OF APPROVAL
FOR A WASTE DISPOSAL SITE*

*NO. A 031806
Page 11 of 11*

This Notice must be served upon:

The Secretary,
Environmental Appeal Board,
2300 Yonge St., 12th Floor,
P. O. Box 2382,
Toronto, Ontario
M4P 1E4

AND

The Director,
Section 39, Environmental Protection Act,
Ministry of the Environment and Energy,
250 Davisville Avenue, 3rd Floor,
Toronto, Ontario
M4S 1H2

DATED AT TORONTO this 5th day of September, 1997.



A. Dominski, P.Eng.
Director,
Section 39,
Environmental Protection Act



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Ministry
of the
Environment

Ministère
de
l'Environnement

NOTICE
PAGE 1 OF 2

Safety-Kleen Ltd.
265 North Front Street, Suite 502
Sarnia, Ontario
N7T 7X1

You are hereby notified that Provisional Certificate of Approval No. A031806 for the use and operation of a 26 hectare landfill site with a total fill area of approximately 14.3 hectares and a landfill pretreatment system all within a total site area of 80 hectares located at Lot 9, and Part of Lot 8, Concession 10, Township of Moore, County of Lambton, dated October 20, 1994, and amended November 28, 1994, is hereby further amended as follows:

1. The name of the holder of the Provisional Certificate of Approval on the first page of the Certificate is amended to read:

To: Safety-Kleen Ltd.
265 North Front Street, Suite 502
Sarnia, Ontario
N7T 7X1

From: Laidlaw Environmental Services (Sarnia) Ltd.
265 North Front Street, Suite 502
Sarnia, Ontario
N7T 7X1

1. The reason for this amendment is to ensure the correct name of the holder of the Provisional Certificate of Approval is referenced in the Certificate.

Schedule "A" is hereby revised by adding the following:

11. Letter from Eric Hunter, Director of Compliance, Eastern Canada, Safety-Kleen Ltd. to Mr. Bill Gregson, Acting Director, Ministry of the Environment (MOE), requesting an amendment to reflect the name change, dated October 6, 1998.

All other conditions on the original Certificate as amended, not affected by this Notice, remain in effect.



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NOTICE
PAGE 2 OF 2

You may by written notice served upon me and the Environmental Appeal Board and the Environmental Commissioner within 15 days after receipt of this Notice, require a hearing by the Board. Section 142 of the Environmental Protection Act, R.S.O. 1990 C. E-19, as amended, 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.*

In addition to these legal requirements, 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 Appeal Board
P.O. Box 2382
2300 Yonge Street, 12th Floor
Toronto, Ontario
M4P 1E4

AND

The Director, Section 39
Environmental Protection Act
Ministry of the Environment
250 Davisville Avenue, 3rd Floor
Toronto, Ontario
M4S 1H2

DATED AT TORONTO this 16th day of November, 1998.

Director
Section 39
Environmental Protection Act