

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A022108

Notice No. 1

Issue Date: July 4, 2018

Environmental Services Inc.
22153 King & Whittle Rd
Rural Route, No. 3
Tilbury, Ontario
N0P 2L0

Site Location: 22153 King & Whittle Road
Lot Northwest 1/2 of Lot 18, Concession 10
Chatham-Kent Municipality,
N0P 2L0

You are hereby notified that I have amended Approval No. A022108 issued on May 16, 2014 for a 4.5 hectare Waste Disposal Site (Transfer and Processing) , as follows:

I. Condition 19 is hereby revoked and replaced with:

(19) (a) The total amount of waste from the transfer operations and residual waste arising out of the processing operations leaving the *Site* for final disposal, shall not exceed 599 tonnes per day; and

(b) The total amount of residual waste resulting from processing at the *Site*, leaving the *Site* for final disposal shall not exceed 399 tonnes per day.

II. Condition 49 is hereby revoked and replaced with:

(49) (a) Within twenty (20) days of issuance of this notice, the *Company* shall submit to the *Director*, sufficient funds to increase the financial assurance, as defined in Section 131 of the *EPA*, to a total of **\$174,375**. 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.

(b) Commencing on March 31, 2021 and at intervals of three (3) years thereafter, the *Company* shall submit to the *Director*, a re-evaluation of the amount of financial assurance to implement the actions required under Condition (49) (a). 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 ten (10) days of written acceptance of the re-evaluation by the *Director*.

(c) Commencing on March 31, 2019, the *Company* 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 (49) (a) for each of the intervening years in which a re-evaluation is not required to be submitted to the *Director* under Condition (49) (b). The re-evaluation shall be made available to the *Ministry*, upon request .

(d) The amount of financial assurance is subject to review at any time by the *Director* and may be amended at his/her discretion.

(e) 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.

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

39. Environmental Compliance Approval Amendment Application, dated July 7, 2017 and signed by Jeff Parker, General Manager, Environmental Services Inc, including all supporting information.

40. Memorandum dated January 31, 2018, from Cheryl Robinson, Change Energy Services Inc., to Alan Tan, Senior Waste Engineer, MOECC, providing additional information to support the application.

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

1. Condition 19 is to approve the request to increase the treatment capacity on site.
2. Condition 49 is to ensure that if for any reason the Company should cease operations or abandon the Site sufficient funds will be available for the Site to be closed down and the wastes disposed of in an acceptable manner. The amount of financial assurance was increased from \$125,000 to \$174,375.

This Notice shall constitute part of the approval issued under Approval No. A022108 dated May 16, 2014.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), 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:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*		The Environmental		The Director appointed for the purposes of
Environmental Review Tribunal		Commissioner		Part II.1 of the Environmental Protection Act
655 Bay Street, Suite 1500	AND	1075 Bay Street, Suite 605	AND	Ministry of the Environment and Climate
Toronto, Ontario		Toronto, Ontario		Change
M5G 1E5		M5S 2B1		135 St. Clair Avenue West, 1st Floor
				Toronto, Ontario
				M4V 1P5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, 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.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 4th day of July,
2018

Dale Gable, P.Eng.
Director
appointed for the purposes of Part
II.1 of the *Environmental Protection
Act*

AT/

c: Area Manager, MOECC Windsor

c: District Manager, MOECC Sarnia

Allan W. Davidson, DMA Technical Services, a division of Change Energy Services Inc.