

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A650046
Issue Date: February 22, 2022

GFL Environmental Services Inc.
100 New Park Place, 500
Vaughan, Ontario
L4K 0H9

Site Location: 1731 Pettit Road
Fort Erie Town, Regional Municipality of Niagara

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

a 1.6 hectare Waste Disposal Site (Transfer/Processing) containing a 0.3 hectare processing and storage plant located at Part of Lot #6, Concession 5, Geographic Township of Bertie, Now in the Town of Fort Erie, Part of Part 14, Plan 59R-4985, Lots 10 and 11 and Part of Lot 9, for the processing, transfer and temporary storage of the following categories of waste serving Canada, Mexico, South America, and the United States of America:

liquid industrial and hazardous waste classes: 111-114, inclusive, 121, 122, 123, 131-135, inclusive, 142, 143, 144, 145, 146, 148, 149, 150, 211, 212, 213, 221, 222, 251, 252, 253, 254, 261, 263, 267, 270 and 331 as outlined in the New Ontario Waste Classes, January 1986 or as amended and Municipal Waste limited to a maximum daily receipt of 200 tonnes

For the purpose of this environmental compliance approval, the following definitions apply:

DEFINITIONS

“**Act**” means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;

“**Approval**” means this entire Environmental Compliance Approval, issued in accordance with section 39 of the Act, and includes any schedules to it, the applications and the supporting documentation listed in Schedule "A";

“**Director**” means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the Act as a Director for the purposes of Part V of the Act;

“**District Manager**” means the District Manager of the local district office of the Ministry in which the Site is geographically located;

"**Drum**" means a standard 205 litre drum, in the instances where a standard drum has been overpacked a drum means a leakproof container, of sufficient size to fully enclose a container which is leaking or which must be secured to provide containment for some other reason, not exceeding a volume of 205 litres. For purposes of compliance with this Approval totes, skids and wranglers are each considered to be the equivalent of four drums;

"**Fire Code**" means Fire Code - Ontario Regulation 388/97, made under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended from time to time;

"**Incident**" means an abnormal event which causes a spill, emission, emergency situation or other occurrence which may affect the environment, causes or may cause an adverse effect;

"**Lab Packs**" means the waste management industry's recognized method of temporarily storing and transporting miscellaneous organic and inorganic wastes in a drum or tote;

"**LDR**" means Lands Disposal Restrictions referring to sections 74 and sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of Ontario Regulation 347 which prohibit the disposal of listed and characteristic hazardous wastes on land until they have been treated to meet the treatment standards under Ontario Regulation 347;

"**Listed Hazardous Waste**" means a Hazardous Industrial Waste (Schedule 1, Ontario Regulation 347), Acute Hazardous Waste Chemical (Schedule 2(A), Ontario Regulation 347), Hazardous Waste Chemical (Schedule 2(B), Ontario Regulation 347) and Severely Toxic Waste (Schedule 3, Ontario Regulation 347);

"**Liquid Waste**" means waste that has a slump of more than 150 millimetres using the Test Method for Determination of Liquid Waste referenced in Ontario Regulation 347 (Slump Test);

“**Ministry**” and “**MOE**” means the Ontario Ministry of the Environment, Conservation and Parks;

"**Municipal Waste**" is as defined in Ontario Regulation 347;

"**NMA**" means Nutrient Management Act, 2002, S.O. 2002, c.4, as amended;

"**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 GFL Environmental Services Inc., its successors or assigns;

"**Ontario Regulation 347**" means Ontario Regulation 347, R.R.O. 1990, General - Waste Management, made under the *Act*, as amended from time to time;

"O. Reg. 362" means Ontario Regulation 362, R.R.O. 1990, Waste Management - PCBs, made under the *Act* , as amended from time to time;

"Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes GFL Environmental Services Inc., its successors and assigns;

"OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O-40, as amended from time to time;

"PA" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;

"PCBs" " means any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them, as defined in O.Reg. 362;

"Professional Engineer" means a person entitled to practise as a Professional Engineer in the Province of Ontario under a licence issued under the Professional Engineers Act;

"Professional Geoscientist" means a person entitled to practise as a Professional Geoscientist in the Province of Ontario under a license issued the Professional Geoscientists Act;

"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;

"Regional Director" means the Regional Director of the local Regional Office of the Ministry in which the Site is located;

"Residual Waste" means waste remaining after processing that is destined for final disposal or further processing at another approved waste disposal facility;

"Site" means the entire waste disposal site (Processing) located at 1731 Pettit Road, Part of Lot #6, Concession 5, Geographic Township of Bertie, now in the Town of Fort Erie, Part of Part 14, Plan 59R-4985, Lots 10 and 11 and Part of Lot 9, approved by this Approval;

"SDWA" means Safe Drinking Water Act, 2002, S.O. 2002, c.32, as amended;

"TDGA" means Transportation of Dangerous Goods Act, R.R.O. 1990, as amended;

"TCLP" means the Toxicity Characteristic Leaching Procedure, Method 1311 that appears in the United States Environmental Protection Agency Publication SW-846 entitled "Test Methods for Evaluating Solid Wastes, Physical/Chemical Method", as amended;

"Trained personnel" means personnel that have been trained through instruction and/or practice in accordance with Condition 35.1 of this Approval;

"Waste Analysis Plan" means a written plan that documents the regular and detailed chemical and physical testing of representative samples requiring treatment in accordance with sections

75,76,77,78,79,82 and 83 of Ontario Regulation 347.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

GENERAL

1.0 Revocation

1.1 The Environmental Compliance Approval A650046, dated January 21, 2009 is hereby revoked and replaced in its entirety by this Approval.

2.0 Compliance

2.1 The Owner and Operator shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

2.2 Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

3.0 Build, etc. in Accordance

3.1 Except as otherwise provided by these conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the conditions of this Approval and all other supporting documents listed in Schedule "A" of this Approval.

4.0 Interpretation

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

4.2 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.

4.3 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.

4.4 The requirements of this Approval are severable. If any requirement of this Approval, or the

application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

5.0 Other Legal Obligations

5.1 The issuance of, and compliance with the conditions of, this Approval does not:

- (1) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
- (2) 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 Approval.

6.0 Adverse Effects

6.1 In the event of a spill or the discharge of a contaminant the Owner and Operator shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

6.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval the person remains responsible for any contravention of any other Condition of this Approval 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.

7.0 Change of Owner

7.1 The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within 30 days of the occurrence of any changes which affect the following information :

- (1) the ownership of the Site;
- (2) the Operator of the Site;
- (3) the address of the Owner or Operator;
- (4) 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; and
- (5) 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.

7.2 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, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director.

8.0 Financial Assurance

8.1 By March 31, 2022, the Owner shall replace the existing Financial Assurance, as defined in Section 131 of the Act, in the amount of **One Hundred and Thirty Two Thousand, Five Hundred Dollars (\$132,500)**. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for waste analysis and transportation, Site clean-up and monitoring and the disposal of all waste on the Site at any time.

8.2 No later than March 31, 2022 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 8.1. 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.

8.3 Commencing on March 31, 2023, 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 8.1 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 8.2. There-evaluation shall be made available to the Ministry, upon request.

8.4 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.

9.0 Inspections

9.1 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, the PA, the SDWA or the NMA of any place to which this Approval relates, and without limiting the foregoing to:

- (1) enter upon the premises where the Site are located, or the location where the records required by the conditions of this Approval are kept;
- (2) have access to, inspect, and copy any records required by the conditions of this Approval;
- (3) inspect the practices, procedures, or operations required by the terms conditions of this Approval; and
- (4) sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the PA, the SDWA or the NMA.

10.0 Information and Record Retention

- 10.1 Any information requested, by the Ministry, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request. Records shall be retained for five (5) years except as otherwise authorized in writing by the Director.
- 10.2 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 Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
 - (1) an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
 - (2) acceptance by the Ministry of the information's completeness or accuracy.

11.0 OPERATION and MAINTENANCE

- 11.1 At the Site, waste management, disposal activities, Site operations and maintenance shall be conducted in accordance with the EPA, Ontario Regulation 347 and the conditions of this Approval. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.
- 11.2 The Owner and Operator shall ensure that a copy of this Approval, in its entirety and including all its Notices of Amendment, and documentation listed in Schedule "A", shall be retained on-Site at all times.

12.0 Hours of Operation

- 12.0. Waste may be received and processed at the site and transferred from the site, 24 hours a day, seven days a week.

13.0 Site Security and Signage

- 13.1 The Owner shall ensure that the Site is secured by a minimum 1.8 meter (6 foot) high lockable security fence at all times. All entrances shall be secured by lockable gates to restrict access only to authorized personnel.
- 13.2 The Site shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the Site.
- 13.3 A sign shall be posted and maintained at the main entrance/exit to the Site displaying the following information in a manner that is clear and legible at a distance of twenty-five metres from the public roadway bordering the Site.
- (1) the name of the Site and Owner;
 - (2) the number of this Approval;
 - (3) a telephone number to which complaints may be directed; and
 - (4) a twenty-four (24) hour emergency telephone number (if different from above).
- 13.4 The Owner shall ensure that the site is adequately lit at all times.

14.0 Vermin, etc.

- 14.1 The Site shall be operated and maintained in an environmentally safe manner which ensures the health and safety of all persons and minimizes visual impacts, smoke, dust, odours, pests, litter, vibration and noise.
- 14.2 If at any time odours, pests, litter, dust, smoke, vibration, noise or other such nuisances are generated at this Site, the Owner and Operator shall take immediate appropriate remedial action, including the suspension of waste management activities if necessary.

15.0 Traffic and Vehicles

- 15.1 The Owner shall ensure that all vehicles leaving the site do not drag off the site, waste, dirt and/or other material that may become a contaminant or nuisance.
- 15.2 The Owner shall notify all companies using the facility that truck traffic leaving the site must proceed directly to the Queen Elizabeth Way via Pettit Road and Gilmore Road.
- 15.3 The Owner shall notify all companies using the facility that truck traffic entering the site must proceed directly from the Queen Elizabeth Way via Gilmore Road and Pettit Road.
- 15.4 Notwithstanding Condition 15.3, use of alternate routes may be temporarily considered as necessary with the written concurrence of the District Manager well in advance if alternate routes become necessary.

16.0 Waste Types and Limits

16.1 The Owner and Operator are prohibited from receiving the following categories of waste at this Site:

- (1) Severely toxic waste;
- (2) Pathological Waste;
- (3) Radioactive Waste;
- (4) PCB Waste;
- (5) Acute hazardous waste chemical; except Ontario waste classes 121, 146 and 148; and
- (6) Hazardous Waste Chemical; except Ontario waste classes 112, 113, 123, 146 and 148.

17.0 Waste Quantities and Storage Requirements

17.1 The Owner shall ensure that the total amount of liquid and solid waste, and processed waste stored on site shall not exceed 500 tonnes at any one time. No subject wastes destined for disposal shall remain on site for longer than 180 days without written approval of Director.

17.2 The maximum liquid storage capacity is limited to 499 cubic metres contained in the following areas:

- (1) a maximum of two hundred eighty eight drums within the Acid Drum Storage Area (A3);
- (2) a maximum of two hundred sixty four drums within the Alkali Drum Storage Area (A4);
- (3) the following four storage tanks located within the Acid Storage Area (A5);
 - (a) one 35,000-litre storage tank (T-301);
 - (b) one 25,000-litre storage tank (T-302);
 - (c) one 25,000-litre storage tank (T-303);
 - (d) one 25,000-litre storage tank (T-304);
- (4) the following four storage tanks located within the Alkaline/Processing Area (A2) for virgin sodium hydroxide;
 - (a) one 25,000-litre storage tank (T-701);
 - (b) one 25,000-litre storage tank (T-702);
 - (c) one 25,000-litre storage tank (T-703);
 - (d) one 25,000-litre storage tank (T-704);
- (5) the following five treatment tanks located within Area A2;
 - (a) one 15,000 litre storage tank (T-401);
 - (b) one 15,000-litre storage tank (T-402);
 - (c) one 15,000-litre storage tank (T-403);
 - (d) one 15,000-litre storage tank (T-404);

- (e) one 15,000-litre storage tank (T-405);
 - (6) the following three treated storage tanks located within Area A1; and
 - (a) one 25,000 litre storage tank (T-601);
 - (b) one 25,000 litre storage tank (T-602);
 - (c) one 35,000 litre storage tank (T-603);
 - (7) A lime slurry tank (T671).
- 17.3 All drums shall be stored indoors at all times and the total number of drums shall not exceed one hundred (100). Up to twenty (20) of those drums can be used for the storage of liquid and solid hazardous waste.
- 17.4 The maximum solid waste storage capacity is limited to 350 tonnes including material used for solidification contained in the following areas:
- (1) Two mixing cells each having a 35 cubic meter total capacity for the treatment of hazardous and non-hazardous solids;
 - (2) Roll-off and lugger box containers; and
 - (3) Drums within Acid and Alkali storage area referred in Condition 17.2(1) and 17.2(2) for the storage of Acid and Alkali.
- 17.5 The mixing cells shall be properly decontaminated to avoid cross contamination between listed waste, characteristic waste and non-hazardous waste as follows:
- (1) Before non-hazardous wastes are processed within the cells following treatment and storage of listed or characteristic wastes; and
 - (2) Before characteristic wastes are processed within the cells following treatment and storage of listed wastes.
- 17.6 The Owner shall ensure that the total amount of waste (solid and liquid) transported from the Site and directed for direct or indirect disposal does not exceed two hundred (200) tonnes on any one day. Any waste requiring disposal shall only be disposed of at a Ministry approved site or at a site approved to accept such waste by the appropriate jurisdiction.
- 17.7 With the exception of the storage of waste materials and processed wastes as referred to in condition 17.8, all processing and storage of raw materials, wastes and processed wastes shall occur indoors.
- 17.8 The Owner may store a combined maximum of 80 tonnes of solid waste and solid processed waste within the "Bulk loading/unloading and Temporary Storage Area" in accordance with the following provisions:
- (1) materials shall be stored within solid bulk containers and shall be covered with a lid or tarp at all times;

- (2) unprocessed wastes must be clearly identified, including their waste class;
- (3) storage of wastes and processed wastes shall not exceed thirty (30) consecutive days; and
- (4) no processing, bulking and/or blending of wastes shall occur within the temporary storage area.

17.9 The Municipal Waste on-site storage capacity shall not exceed 150 cubic yards. All waste totes used for solid, non-hazardous domestic waste and solid recyclable materials shall be stored outdoors within a secure compound.

17.10 Waste Classes 270 and 267 must be stored separately and not mixed with any other waste.

17.11 Wastes containing halogenated solvents with a concentration greater than 2% by weight shall not be accepted at the Site. No halogenated solvents shall be mixed to achieve this level.

18.0 Labelling:

18.1 The Owner shall ensure that:

- (1) all storage containers/bins used to store waste are maintained in good condition to prevent leakage;
- (2) leaking containers are immediately removed from service;
- (3) containers that are used to store material on site are closed/covered during use; and
- (4) labels are clearly visible at all times for inspection and record keeping.

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

18.3 The Owner shall keep a container inventory for all materials stored at the Site and shall make the inventory available to any Provincial Officer upon request.

19.0 Waste Storage, Segregation and Containment

19.1 The Owner shall design and maintain all storage tanks and containment areas to meet the minimum standards of the "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities, dated May 2007 and as updated".

19.2 The Owner shall inspect all bulking, processing and storage tanks daily to ensure that there are no leaks.

19.3 The Owner shall maintain the integrity of the liquid storage containment systems at all times to ensure against spills, leaks and discharges. Any material collected by these containment systems shall be removed promptly by the company from the containment structure to ensure sufficient containment volume is available at all times.

20.0 Waste Screening, Receiving and Monitoring

- 20.1 Prior to the acceptance of any waste at this site, and for each generator and for each waste to be received from each generator, the Owner shall perform a screening analysis of a representative sample of each waste in accordance with the Waste Acceptance Plan, included as Appendix H of the Design and Operations Report (Item 46, Schedule "A").
- 20.2 The Owner shall request generators of waste to notify the Owner of any changes or process modifications which may affect the waste class/characteristics. Upon receipt of notification of changes, the owner shall again undertake the waste classification and characterisation analysis as described in 20.1 above, prior to accepting the waste at the Site.
- 20.3 Prior to accepting each incoming load of waste, the Owner shall take a representative sample of the load and analyse the sample for, as a minimum, the same parameters analysed in the preshipment samples required by conditions 20.1 and 20.2. The Owner shall compare the analysis to that of the preshipment sample required by condition 20.1 and 20.2 and accept or reject waste in accordance with the Waste Acceptance Plan included as Appendix H of the Design and Operations Report (Item 46, Schedule "A") and the provision of Conditions of this Approval.
- 20.4 Prior to the shipping of each outgoing load of waste the Owner shall take a representative sample of the outgoing load of waste and :
- (1) analyse the sample in accordance with the Waste Acceptance Plan included as Appendix H of the Design and Operations Report (Item 46, Schedule "A");
 - (2) for the waste destined for land disposal, analyse the sample for all relevant regulated constituents with respect to appropriate hazardous waste number of relevant schedule of Ontario Regulation 347;
 - (3) undertake a TCLP test on the sample in accordance with Ontario Regulation 347, if the material is solid and is destined for disposal as solid non hazardous waste;
 - (4) from the above analysis and such other tests as may be necessary, determine the appropriate hazardous waste number, waste class and characteristics and ensure that the waste subject to LDR meets the treatment standards set out in Ontario Regulation 347; and
 - (5) ship the outgoing sampled waste load via licensed carrier to a waste disposal site approved for the disposal of the waste.

21.0 Waste Processing

- 21.1 Processing carried out at the Site shall be carried out in accordance with the processes described in the applications and supporting documentation contained within Schedule "A" and is limited to:

- (1) the bulking and storage of wastes;
- (2) the shredding, grinding and crushing of waste metal and plastic drums;
- (3) the separation and recovery of metals from metal bearing wastes; and
- (4) the physical chemical treatment of wastes.

22.0 Waste Inspection

22.1 The Owner and Operator shall:

- (1) inspect all incoming loads to ensure only waste that is approved under this Approval is received at this Site and that the waste is of acceptable quality;
- (2) develop and have in place written procedures to ensure that incoming loads will be rejected from this Site if these loads do not comply with this Approval or are of unacceptable quality;
- (3) establish and implement a waste screening and materials tracking system for all waste received at, processed at, stored at and transferred from this Site; and
- (4) make written procedures available to a Provincial Officer upon request.

22.2 A record shall be kept in the daily log book of every refusal of a waste shipment, the reason(s) for the refusal, and the origin of the waste, if known.

23.0 Site Inspection

23.1. An inspection of the entire Site and all equipment on the Site shall be conducted 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 Approval. If any deficiencies are discovered as a result of the inspection they shall be remedied immediately. Remedial actions may include the temporary cessation of operations at the Site if needed.

- 23.2
- (1) The Owner shall maintain and update as necessary a preventative maintenance and inspection program for the bulk storage tanks and all on site equipment associated with processing and managing of wastes and/or processed waste. The preventative maintenance and inspection program shall be developed using manufacturer recommendations and best industry standards. The preventative maintenance and inspection program shall be available on-site for inspection by a Provincial Officer upon request.
 - (2) In the event that a storage tank is determined to be defective and presents an increased risk of failure the tank shall be forthwith removed from use until such time that it can be repaired satisfactorily or replaced.

23.3 A record of the inspections required by Conditions 23.1 and 23.2 shall be kept in the daily log book which shall include the following information:

- (1) the name and signature of the person who conducted the inspection;
- (2) the date and time of the inspection;
- (3) a list of any deficiencies discovered;
- (4) any recommendations for remedial action; and
- (5) the date, time and description of actions taken.

24.0 Land Disposal Restrictions

24.1 The Owner shall ensure that listed and characteristic waste accepted at this Site and destined for land disposal shall be subject to the LDR under Ontario Regulation 347 and cannot be land disposed unless it meets the treatment/standard requirement.

24.2 Hazardous waste accepted at this Site shall be subject to the LDR under Ontario Regulation 347 if it becomes mixed with any other waste or material at this Site and results in a mixed waste.

24.3 Residual waste which is listed and characteristic waste generated at the site are subject to LDR under Ontario Regulation 347 and shall not be disposed unless the wastes meets the treatment/standard requirement.

24.4 Wastes subject to LDR shall not be mixed, bulked or blended with wastes which have different treatment requirements set out in the relevant Schedule of Ontario Reg. 347.

24.5 The Owner shall employ a qualified consultant (e.g. a professional engineer or equivalent) to carry out a study of, and make a written report on the Owner's compliance with applicable LDR requirement and shall submit the report to the District Manager within six months from the date of the issuance of this Approval.

25.0 Waste Analysis Plan

25.1 The Waste Analysis Plan included in the Design and Operations Report shall be retained at the Site; kept up to date; and be available for inspection by Provincial Officer.

25.2 The Waste Analysis Plan shall be reflect the requirements of the LDR treatment requirements of Ontario Regulation 347.

25.3 The Owner shall implement a Quality Assurance/Quality Control (QA/QC) program for the sampling and analysis of all incoming and outgoing wastes as described in the Waste Analysis Plan. Further, the Owner shall make the results of the program and all analytical results available

for the inspection upon request by a Provincial Officer.

- 25.4 In the event that the Owner or Operator proposes minor or administrative changes to the Waste Analysis Plan, those proposed changes shall be submitted to the District Manager 30 days prior to implementation. It is the discretion of the District Manager if such changes require Director's approval.
- 25.5 The Owner shall implement a system of tracking all changes that have been made to the Waste Analysis Plan. The system shall include dates of changes and authorized signatures.
- 25.6 Notwithstanding Condition 25.4, the Owner shall take all reasonable actions in the way of laboratory, compatibility and bench testing of waste and materials to ensure that the Owner is aware of the characteristics of the waste and to ensure that the receipt, processing and transfer of wastes at the Site will not result in uncontrollable reactions that could result in a fire or release of contaminants to the natural environment.

26.0 Listed Hazardous Waste

- 26.1 The Owner shall ensure that all of the wastes generated at the Site are disposed in accordance with Ontario Regulation 347.
- 26.2 Listed Hazardous Wastes shall not be mixed, bulked, blended, put into a common container, or processed with any other waste material at the Site unless the following procedures and restrictions are followed or met as the case may be:
- (1) Only chemically compatible wastes may be mixed bulked or blended;
 - (2) A mixture of a Severely Toxic Waste and any other waste(s) is a Severely Toxic Waste;
 - (3) A mixture of an Acute Hazardous Waste Chemical and any other waste(s) except a Severely Toxic Waste is an Acute Hazardous Waste Chemical;
 - (4) A mixture of a Hazardous Waste Chemical and any other waste(s) except a Severely Toxic Waste or an Acute Hazardous Waste Chemical is a Hazardous Waste Chemical; and
 - (5) A mixture of a Hazardous Industrial Waste and any other waste(s) except a Severely Toxic Waste, an Acute Hazardous Waste Chemical or a Hazardous Waste Chemical is a Hazardous Industrial Waste.

27.0 Treatment and Characterisation of Listed Hazardous Waste :

- 27.1 (1) The Listed Hazardous Wastes and the waste characterisation referred to in Condition 27.2 of this Approval shall not be changed by the Owner once received at the Site except for Listed Hazardous Wastes that have been processed and through treatment and testing are shown to no longer exhibit the hazardous characteristics from which the Listed Hazardous Waste was derived.

- (2) All other bulking, transferring and processing activities are not permitted to re-characterise Listed Hazardous Wastes.
- 27.2 Notwithstanding Condition 27.1, the Owner shall not re-characterize any amount of Hazardous Industrial Waste that, upon being received at the Site is shown through TCLP testing to generate leachate containing arsenic at a concentration at or above the detection limit of 0.5 milligrams per litre without receiving the prior written approval of the Director.
- 27.3 Notwithstanding Condition 27.1, wastes which are recharacterised shall be managed in accordance with section 79 of Ontario Regulation 347 and shall meet the treatment standards in Schedule 5 of Ontario Regulation 347 as of August 2007 and Schedule 6 of Ontario Regulation 347 as of December 2009.
- 27.4 (1) Solid waste that has been recharacterised in accordance with Condition 27.1 shall be managed only as follows :
- (a) it may be disposed of at the Owner's landfilling site approved under Approval Number A181008; or
 - (b) it may be disposed of at a waste disposal facility located outside of Ontario that is approved by that jurisdiction to receive the waste; or
 - (c) it may be managed in accordance with Section 3(2)1 of Ontario Regulation 347.
- (2) Liquid waste that has been recharacterised in accordance with Condition 27.1 shall be managed only as follows:
- (a) it may be transferred directly by the Owner for further treatment under Approval A100318 or Approval A280285; or
 - (b) it may be managed in accordance with Section 3(2)1 of Ontario Regulation 347.
- 27.5 The Owner shall maintain for a period of five years after the receipt of a shipment of Listed Hazardous Waste at the Site, a record available for inspection, tracking the path of the Listed Hazardous Waste movement through the Site. The recorded information shall at a minimum include the following information concerning the Listed Hazardous Waste:
- (1) the date of receipt of the waste, including manifest number;
 - (2) the waste class and waste characteristic;
 - (3) the volume or mass of waste received;
 - (4) the date and location of disposal of the Hazardous Waste, including the manifest number; and
 - (5) the batch identification number, quantity, waste class, waste characteristic, date shipped, manifest number and location of the final disposal site for each treated batch that failed to

meet the re-characterization requirements and is disposed off site as a Listed Hazardous Waste.

27.6 For each batch of treated waste containing Listed Hazardous Waste that has been re-characterized in accordance with Condition 27.1 of this Approval the Owner shall maintain for a period of five years from the date of receipt, a record available for inspection, tracking the path of the batch which contains Listed Hazardous Waste. The recorded information shall at a minimum include the following :

- (1) a batch identification number;
- (2) the date of receipt, the waste generator, and manifest number of each waste included in the batch;
- (3) the waste class, waste characteristic and quantity of each waste included in the batch;
- (4) a description and quantity of each chemical and reagent that is used in the processing of each batch;
- (5) the analytical results for each treated batch;
- (6) the batch identification number, quantity, waste class, waste characteristic, date shipped, manifest number and location of the final disposal site for each treated batch that has been re-characterized in accordance with the requirements described in Condition 27.1; and
- (7) for waste disposed off site as a Listed Hazardous Waste, the batch identification number, quantity, waste class, waste characteristic, shipment date, manifest number and location of the final disposal site for each treated batch that failed to meet the re-characterization requirements.

28.0 Procedures Manual

28.1. A Procedures Manual specific to the Site shall be prepared and maintained 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 and shall be maintained current at all times and kept at the Site in central location that is accessible to Site personnel.

29.0 Groundwater Monitoring

29.1 On an annual basis, in later summer or early fall, the Owner shall collect groundwater samples from each well on the Site. Each sample shall be analyzed for the following parameters:

Metals/Inorganics: aluminum, arsenic, barium, cadmium, chloride, chromium, copper, cyanide, fluoride, iron, lead, mercury, nickel, phosphorous, silver, sulphate, sulphide,

tin, zinc, nitrate, nitrite, pH

Organics: benzene, toluene, ethylbenzene, xylenes (BTEX), petroleum hydrocarbons (fractions F1 to F4)

- 29.2 The Owner may request to make changes to the monitoring program to the District Manager in accordance with the recommendations of the annual report. The Owner shall make clear reference to the proposed changes in separate letter that shall accompany the annual report.
- 29.3 Within fourteen (14) days of receiving the written correspondence from the District Manager confirming that the District Manager is in agreement with the proposed changes to the groundwater monitoring program, the Owner shall forward a letter identifying the proposed changes and a copy of the correspondences from the District Manager and all other correspondences and responses related to the changes to the groundwater monitoring program, to the Director requesting the Approval be amended to approve the proposed changes to the groundwater monitoring plan prior to implementation.
- 29.4 In the event any other changes to the groundwater monitoring program are proposed outside of the recommendation of the annual report, the Owner shall follow current ministry procedures for seeking approval for amending the Approval.

30.0 Other Requirements

- 30.1 The Owner shall manage all discharges from this Site, including storm water run-off in accordance with appropriate Municipal, Provincial and/or Federal legislation, Regulation and By-laws.
- 30.2 The Owner shall employ a qualified consultant (e.g. a professional engineer or equivalent) to carry out a study of, and report on, environmental protection measures at the site every three (3) years and shall, within thirty (30) days of the completion of the study, notify the District Manager in writing of its completion.
- 30.3 The Owner shall ensure that Site processes and equipment are not operated and no waste is received at the Site unless all approvals under Section 9 of the EPA, where applicable, have been obtained.
- 30.4 At no time is burning or incineration of any materials allowed on the Site.
- 30.5 (1) The Site shall at all times be maintained and operated in accordance with the provisions of the Fire Code;
- (2) If for any reason it becomes impossible to fully comply with both the Fire Code and this Approval, due to incompatible requirements, the Owner shall notify the District Manager, in writing, of the reasons why the requirements can not be met; and
- (3) If an official of the local Fire Department or the Fire Marshall's Office authorizes a

procedure, practice or plan not set out in detail in the Fire Code or issues an order, the Owner shall provide a copy of the procedure, practice, plan or order to the District Manager, forthwith.

31.0 Spill Contingency and Emergency Response Plan

31.1 The Owner shall ensure that the Spill Contingency and Emergency Response Plan for the Site is reviewed annually and maintained current at all times and that it includes a Fire Plan that has been found acceptable by the local Municipality and the local Fire Department for the operation of the Transfer/Processing Site. At a minimum the Spill Contingency and Emergency Response Plan shall include the following:

- (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; and
- (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, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.

31.2 (1) The Spill Contingency and Emergency Response Plan shall be retained in a central location on the Site and shall be accessible to all staff at all times and a copy shall be submitted to the District Manager, the local Municipality and the Fire Department.

- (2) The Owner shall ensure that the District Manager, the local Municipality and the Fire Department are notified of any changes to the Spill Contingency and Emergency Response Plan no later than 2 weeks following the implementation of the changes.

31.3 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.

31.4 The Owner shall maintain on-Site a Site plan identifying the location of each storage container and/or processing equipment and waste it contains. The Owner shall ensure the plan is a true reflection of the materials stored on-Site and make the plan available for inspection upon request by emergency response personnel and/or Provincial Officers.

31.5 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.

31.6 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.

- 31.7 The Owner shall forthwith notify the Ministry's Spills Action Centre at 1-800-268-6060 of any spill, as defined in the Act, which occurs at this Site. In addition, the Owner and Operator shall submit to the District Manager a written report within three (3) working days outlining the nature of the spill, remedial measure taken and the measures taken to prevent future occurrences at this Site.

32.0 Training Plan

- 32.1 A training plan shall be developed and maintained for all employees that operate the Site. Only Trained personnel may operate the Site or carry out any activity required under this Approval. The training plan shall require and ensure through proper written records that all persons directly involved with activities relating to the Site have been trained with respect to:

- (1) relevant waste management legislation, regulations and guidelines;
- (2) major environmental concerns pertaining to the waste to be handled;
- (3) occupational health and safety concerns pertaining to the processes and wastes to be handled;
- (4) management procedures including the use and operation of equipment for the processes and wastes to be handled;
- (5) emergency response procedures;
- (6) specific written procedures for refusal of unacceptable waste loads;
- (7) specific written procedures for the control of nuisance conditions; and
- (8) the requirements of this Approval.

- 32.2. The Owner shall ensure that Trained personnel as per Condition 32.1 of the Approval are available at all times during the hours of operation of this Site. Trained personnel shall at all times supervise the transferring and processing of waste at the Site.

- 32.3 The Owner shall as a minimum review the training plan on an annual basis and update as appropriate. The training plan shall be available on-site, upon request, for inspection by a provincial officer.

33.0 Site Design and Operating Manual

- 33.1 The Owner shall ensure that the Design and Operating Manual is retained at the Site; kept up to

date; and is available for inspection by a Provincial Officer. The Design and Operating Manual 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".

33.2 In the event that the Owner proposes minor or administrative changes to the Design and Operations Manual, those proposed changes shall be submitted to the District Manager 30 days prior to implementation. It is the discretion of the District Manger if such changes require Director's approval.

33.3 The Owner shall implement a system of tracking all changes that have been made to the Design and Operations Manual. The system shall include dates of changes and authorized signatures.

34.0 Complaint Response Procedure

34.1 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:

(1) The Owner shall record each complaint in a computerized tracking system. The information recorded shall include the following:

- (a) name, address and the telephone number of the complainant;
- (b) time and date of the complaint;
- (c) waste management activities undertaken at the time of the complaint;
- (d) direction of the wind at the time of the complaint;
- (e) details of the complaint;
- (f) actions taken to remediate the cause of the complaint; and
- (g) proposed actions to be taken to prevent reoccurrence in the future.

(2) The Owner, upon receipt of the complaint shall initiate appropriate steps to determine all possible causes of the complaint and proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant.

(3) The Owner, upon receipt of the complaint, shall immediately notify the District Manager orally of the receipt of the complaint.

34.2 The Owner shall submit, within 30 days of an occurrence which lead to a complaint, a written report to the District Manager identifying the cause(s) of the complaint and details of what action was taken to rectify the problem and prevent a recurrence.

35.0 Record Keeping

- 35.1 The Owner shall maintain on-Site, a written or digital record of waste received at, stored at, processed at and transferred from this Site. The record shall be in the form of a daily log. All measurements quoted in the daily log shall be recorded in consistent metric units of measurement and shall include, as a minimum, the following:
- (1) date, quantity, and type (waste class and primary characteristics) and source of waste received on-Site;
 - (2) date, quantity and description of waste processed;
 - (3) date, quantity, type and the destination of processed waste, transferred off-Site for direct transport to a site where it will be wholly utilized in an ongoing industrial process;
 - (4) date, quantity, type and the destination of any waste directed for disposal;
 - (5) date, quantity storage location (e.g. tank number) and type of waste or processed material stored; and
 - (6) a record of any waste refusals which shall include; amounts, reasons for refusal and actions taken.
- 35.2 The Owner shall maintain on-Site a written or digital record of all spills or leaks. The record shall document:
- (1) the type and amount of material spilled;
 - (2) a description of how the material was cleaned up and stored; and
 - (3) the location and time of final disposal.
- 35.3 The Owner shall maintain a record of the inspections required under Condition 23.3 in a daily log book. The records kept in the log book shall include:
- (1) the name and signature of the person who conducted the inspection;
 - (2) the date and time of the inspection;
 - (3) a listing of all relevant equipment, tanks, fencing, gates and containment systems inspected and a list of any deficiencies discovered;
 - (4) any recommendations for remedial action;
 - (5) the date, time and description of any actions taken; and,
 - (6) a list of any incidents which may result in the emission of a contaminant to the natural environment.
- 35.4 The Owner and Operator shall maintain on-Site a written or digital record related to LDR. The record shall include :
- (1) Test results or knowledge used to make LDR determination;
 - (2) Waste Analysis Plan;
 - (3) Waste Analysis Plan – Sample Results; and
 - (4) Notification to receiver.
- 35.5 Any information requested, by the Director or a Provincial Officer, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this

Approval, shall be provided to the Ministry immediately upon request.

36.0 Annual Report

36.1. By March 31, 2023, and by March 31 on an annual basis thereafter, the Owner shall prepare a written report for the previous calendar year (“Annual Report”) The Annual Report shall be submitted to the District Manager on March 31 of each year. The report shall include, at a minimum, the following information:

- (1)
 - (a) a monthly summary by waste class and hazardous characteristics of the waste received at the site, including quantity in tonnes, source and type;
 - (b) a monthly summary by waste class of the waste stored at the end of each month including quantity in tonnes and type;
 - (c) a monthly summary of the waste generated at the site and transported off-site, including quantity in tonnes, destination, waste class, hazardous characteristic and type;
 - (d) an annual summary material balance of the waste received at and transported from the site;
 - (e) a descriptive summary of any incidents or spills or other emergency situations which have occurred at the site, the remedial measures taken, and measures taken to prevent future occurrences;
 - (f) a descriptive summary describing any rejected waste including quantity, waste class, reasons for rejection and origin of the rejected waste;
 - (g) a description of all complaints received about the Site and how each of them were addressed;
 - (g) a descriptive summary of maintenance conducted during previous calendar year; and
 - (h) a monthly summary of Town of Fort Erie water consumed and volume of waste (effluent) discharged to the sanitary sewer.
- (2) a detailed monthly summary of the records required by Condition 35 of this Approval;
- (3) a detailed monthly summary of the records required by Condition 27.5 and 27.6 of this Approval;
- (4) any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- (5) a report prepared by a Professional Geoscientist, which includes a detailed evaluation of the groundwater conditions underlying the Site, including an interpretation of the annual groundwater monitoring results and any recommendations to amend the monitoring plan.
- (6) any changes to the Emergency Response Plan, the Design and Operations Report and the Closure Plan that have been approved by the Director since the last Annual Report; and

- (7) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

37.0 Closure Plan

- 37.1. Six (6) months prior to the planned closure of this Site, the Owner shall provide to the Director, for written approval, a written Closure Plan for the Site. This plan must include, as 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.
- 37.2. The Owner shall implement the Closure Plan, after it has been approved, in writing, by the Director.
- 37.3. Within 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.
- 37.4. After closure, the Site shall no longer receive, process or store waste unless the Director and District Manager have been notified, 30 days in advance of the Company's intent to restart operations and the updated Financial Assurance funds have been provided to the Ministry.

SCHEDULE "A"

1. Supporting documents for the Application for a Certificate of Approval for a Waste Disposal Site (Processing) entitled "REPUBLIC ENVIRONMENTAL SYSTEM CERTIFICATE OF APPROVAL APPLICATION" dated October 27, 1994.
2. Application for a Certificate of Approval for a Waste Disposal Site (Processing), undated, received October 31, 1994.
3. Letter and document entitled "Follow Up Information File No. A650046 Feb. 10/95" to Mr. Lee Van Biesbrouck, Ministry of Environment and Energy, from Mr. Harry Wells, Republic Environmental Systems Ltd., dated February 12, 1995.
4. Letter to Ms. Alison Braithwaite, Ministry of Environment and Energy re: Republic Environmental Systems Ltd., from Mr. Joe Furgal, P.Eng., Regional Niagara Public Works Department, dated December 15, 1994. re : Sewer use restrictions.
5. Letter to Ms. A. Braithwaite, Ministry of Environment and Energy from Mr. Harry Wells, Republic Environmental Systems Ltd., and Application for a Waste Disposal Site (Processing) filed under the Environmental Bill of Rights, all dated March 31, 1995.
6. Letter to Mr. R.L. Van Biesbrouck, P.Eng., Ministry of Environment and Energy from T. Fregren, P.Eng., Republic Environmental System Ltd., dated May 4, 1995. Re: PVC curtains for containment system.
7. Letter and reports entitled "PHASE ONE ENVIRONMENTAL SITE ASSESSMENT AND BASELINE CHEMISTRY REPUBLIC ENVIRONMENTAL SYSTEMS PETTIT ROAD FORT ERIE, ONTARIO", dated December 5, 1994 and " GEOTECHNICAL INVESTIGATION NEW WAREHOUSE/OFFICE BUILDING REPUBLIC ENVIRONMENTAL SYSTEMS FORT ERIE INDUSTRIAL PARK" dated November 22, 1994, by McGlone & Associates Ltd. to Mr. Lee Van Biesbrouck, Ministry of Environment and Energy, from Mr. Harry Wells, Republic Environmental Systems Ltd. dated February 12, 1995.
8. Letter to Mr. R.L. Van Biesbrouck, P.Eng., Ministry of Environment and Energy from Harry Wells , General Manager, Republic Environmental Systems Ltd., dated May 23, 1995 RE : PVC Curtains for containment system, Groundwater Monitoring Program and Operation details.
9. Letter to Mr. R.L. Van Biesbrouck, P.Eng., Ministry of Environment and Energy from Harry Wells, General Manager, Republic Environmental Systems Ltd., dated May 24, 1995. RE : Waste Screening.
10. "GEOTECHNICAL INVESTIGATION CHARACTERISTICS OF SOILS FOR SPILL CONTAINMENT FORT ERIE ONTARIO" dated June 13, 1995, by McGlone & Associates Ltd. to Mr. Lee Van Biesbrouck, Ministry of Environment and Energy, from Mr. T. Fregren, Republic Environmental Systems Ltd. by hand on June 30, 1995.

11. TELEFAX to Mr. R.L. Van Biesbrouck, P.Eng., Ministry of Environment and Energy from T. Fergen, P.Eng., Republic Environmental Systems Ltd., dated July 4, 1995. RE : C of A conditions.
12. Letter to Mr. L.Van Biesbrouck, P.Eng., Ministry of Environment and Energy from Harry Wells, General Manager, Republic Environmental Systems Ltd., dated July 17, 1995 RE : Draft Certificate of Approval.
13. Letter, application and supporting documentation dated December 5, 1996 to Director of West Central Region, Ministry of Environment and Energy from Harry Wells, Republic Environmental Systems (Fort Erie) Ltd.
14. Letter dated January 24, 1997 to Mr. Lee Van Biesbrouck, Ministry of Environment and Energy from Harry Wells, Republic Environmental System (Fort Erie) Ltd.
15. Letter dated February 17, 1997 to Mr. L.Van Biesbrouck, Ministry of Environment and Energy from Harry Wells, Republic Environmental System (Fort Erie) Ltd.
16. Letter dated March 6, 1997 to Deanna Johnson, Ministry of Environment and Energy from Harry Wells, Republic Environmental System (Fort Erie) Ltd.
17. Letter dated May 7, 1997 to Deanna Johnson, Ministry of Environment and Energy from Harry Wells, Republic Environmental System (Fort Erie) Ltd.
18. Letter dated June 6, 1997 to Deanna Johnson, Ministry of Environment and Energy from Harry Wells, Republic Environmental System (Fort Erie) Ltd.
19. Facsimile letter dated August 5, 1997 to Ms. D. Johnson from Harry Wells, Philip Services Corp., Re: notification of error to Notice of Amendment #2 to Approval no. A650046 issued on July 25, 1997.
20. The letter and supporting documentation dated January 7, 1999 from R.J. Manager, Philip Services Corp., to the Director, Section 39, EPA, re : Site
21. Site Plan, Figure No., FE-003, Philip Services Corp., 1731 Petit Road, Fort Erie, dated January 2003.
22. Philip Services Inc "H Waste" 90 Day Treatment Study, prepared by Philip Services Inc., dated June 23, 2003.
23. Letter dated September 5, 2003, from Timothy Edwards, Ministry of the Environment, to Harry Wells, Philip Services Inc., defining the terms of the "H Waste" Treatment Study.
24. Letter dated August 25, 2006, from Harry Wells, Newalta Industrial Services Inc., to Timothy

Edwards, Ministry of the Environment.

25. Letter dated March 30, 2007 from Brad Bodo, Newalta Industrial Services Inc. to Tim Edwards, Ministry of the Environment.
26. Letter dated October 16, 2007 from Brad Bodo, Newalta Industrial Services Inc to Jatin Patel, MOE. along with the supporting documents.
27. Site layout drawing # 5-2064-08-04 fig 1 dated October 2007, prepared by XCG.
28. Email dated April 24, 2008 from Brad Bodo, Newalta Industrial Services Inc. to Timothy Edwards, MOE. providing a summary of the construction activities.
29. Letter dated September 10, 2008 from Jeff Danko, Branch Manager from Newalta Industrial Services Inc. to Paul Widemeyer, MOE, regarding compliance item no.1 and 2 of Provincial Order no. 3881-7HPKGB.
30. Email dated December 17, 2008 from Blake Higgins, General Manager from Newalta Industrial Services Inc. to Paul Widemeyer, MoE. regarding compliance item no. 4,5,6 and 7 of Provincial Order no. 3881-7HPKGB.
31. Environmental Compliance Approval Application dated April 24, 2013, signed by Brad Bodo, Newalta Corporation, with its supporting documentation, including but not limited to the report entitled "Attachment No. 3 Design and Operations Manual" dated September 12, 2012, as it pertains only to the proposal for two (2) additional sea containers for storage of batteries.
32. E-mail dated February 28, 2014 (10:54 a.m.) from Brad Bodo, Newalta Corporation, to Margaret Wojcik, Ontario Ministry of the Environment, withdrawing the proposal to increase the level of acceptable organic content from 1% to 5% by weight, to modify the Waste Analysis Plan or to make any other changes listed in Attachment No. 5 entitled "Summary of Changes to Design and Operations Manual and Waste Analysis Plan" as they pertain to the waste processing at the site.
33. E-mail dated March 4, 2014 (10:45 a.m.) from Brad Bodo, Newalta Corporation, to Margaret Wojcik, Ontario Ministry of the Environment, including an attachment entitled "Fort Erie Site Plan.pdf" showing the location of the proposed sea containers.
44. E-mails dated March 5, 2014 (11:29 a.m.) and March 5, 2014 (14:20 a.m.) from Brad Bodo, Newalta Corporation, to Margaret Wojcik, Ontario Ministry of the Environment, providing further clarification of the proposed outdoor storage of batteries.
45. Letter with updated Financial Assurance calculations, dated August 8, 2017, addressed to Dale Gable, Supervisor, Approval Services from Michael Jovanovic, Vice President, Environmental Affairs.
46. Document entitled "Design and Operations Report, Revolution Environmental Solutions Acquisitions GP, o/a Terrapure Environmental A650046, prepared by XCG Consulting Limited, dated July 29, 2021."

47. Document entitled "Certificate of Amalgamation, Business Corporations Act for GFL Environmental Services Inc., dated January 1, 2022".

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

1. The reason for the definitions is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.
2. The reason for Condition 1.0 is to state that the previously issued Approval for the Site is revoked and replaced with this Approval.
3. The reason for Conditions 2.0, 4.0, 5.0, 6.0, 10.0 and 11.0 is to clarify the legal rights and responsibilities of the Owner and Operator.
4. The reason for Conditions 3.0, 21.0, 28.0 and 35.0 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 7.1 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 7.2 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 Approval.
7. The reason for Conditions 8.0 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 9.0 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 Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.
9. The reason for Conditions 14.0, 15.0, 18.0, 22.0, 23.0, 28.0, 29.0 and 30.0 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.
10. The reason for Condition 12.0 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.
11. The reason for condition 13.1 and 13.4 is to minimize the risk of Vandalism and to ensure that the site is only operated in the presence of trained personnel to ensure that the waste is properly

managed.

12. The reasons for Condition 13.2 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.
13. The reason for Condition 13.3 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Approval.
14. The reasons for Conditions 16.0 and 17.0 are to specify the approved source 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 utilize waste, based on the applications and supporting documentation.
15. The reason for Conditions 19.0, 20.0 and 25.0 is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed of in accordance with Ontario Regulation 347 and in a manner that protects the health and safety of the public and the environment.
17. The reason for Conditions 24.0, 26.0 and 27.0 is to ensure the compliance with LDR program in accordance with the Ontario Regulation 347.
21. The reasons for Condition 31.0 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.
22. The reason for Condition 32.0 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.
23. The reason for Condition 34.0 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
24. The reasons for Condition 33.0 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 Approval, the EPA and its regulations.
25. The reason for Condition 36.0 is 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.
26. The reason for Condition 37.0 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A650046 issued on January 21, 2009

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land Tribunal and in accordance with Section 47 of the *Environmental Bill of Rights*, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") 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:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

and

The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.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 <https://ero.ontario.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 22nd day of February, 2022



Mohsen Keyvani, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

IP/

c: District Manager, MECP Niagara

Karlee Baglieri

Scott Sangster, Terrapure Environmental