

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: December 4, 2012	
SUBJECT/REPORT NO: Application for an Amendment to Ministry of Environment Environmental Compliance Approval (Waste Site) No. 8902-8HKPNP, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED12230) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Peter De Iulio (905) 546-2424 Ext. 1345
SIGNATURE:	

RECOMMENDATION

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application MOE-CA-12-002, by Mida International Inc., Applicant**, for an amendment to Environmental Compliance Approval (Waste Site) No. 8902-8HKPNP, to permit an increase in the total amount of waste and processed materials stored at any one time from 890 tonnes to 1,100 tonnes at the current waste disposal facility, on the lands located at 565 Arvin Avenue (Stoney Creek), as shown on Appendix "A" to Report PED12230, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval (ECA) include the following requirements:
 - (i) That the applicant applies for and receives final approval of a Site Plan application from the City's Planning Division, if required, to the satisfaction of the Manager, Development Planning.

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- (ii) That the Environmental Compliance Approval limit the daily processing of waste to a maximum annual average of 200 tonnes per day, a maximum of 25,000 tonnes per year, and a maximum storage of 1,100 tonnes of waste at any one time.
- (iii) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment.
- (iv) That the waste streams accepted at this facility be limited to non-hazardous municipal solid waste comprised of waste electronic and electrical equipment (WEEE) collected under the Ontario Electronic Stewardship (OES) Program, as well as scrap metal from residential, and industrial, commercial, and institutional (IC&I) sources.
- (v) That the proponent be aware that Arvin Avenue is a Reduced Load Roadway from March 1 to April 30, where full loading of standard trucks is not permitted.
- (vi) That a waste screening and testing program be developed and implemented to deal with unanticipated received materials.
- (vii) That any fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) be identified and stored accordingly, and be sent to an approved recycler.
- (viii) That an effective odour/dust/noise mitigation control plan for day-to-day activities be implemented.
- (ix) That excellent on site housekeeping practices be implemented for overall general maintenance, including litter and vermin control.
- (x) That the proponent shall comply with the Fire Safety Inspection Report, dated September 27, 2012, and Fire Marshal's Inspection Order.
- (xi) That the spills prevention and containment measures plan include measures to deal with douse water or fire water in the event of a fire.
- (xii) That the proponent shall implement on site spills prevention and containment measures included in the Environmental Compliance Approval. That the Contingency Plans for spills on and off site, and clean-up procedures, are covered under the Environmental Compliance Approval, and that the City's Spill Reporting Line (905) 540-5188 and the Ministry of the Environment Spills Action Centre (800) 268-6060 be

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included in the company's Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill prevention and contingency plan be submitted, to the satisfaction of the Ministry of the Environment.

- (xiii) That the exterior lock box located on the front gate of the west side of the building continue to have a current copy of the approved fire safety plan, daily product inventory list, including product quantities and exact location within the facilities, along with the MSDS sheets, as applicable, in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.
 - (xiv) That waste accepted be limited to waste generated only from within Canada.
 - (xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.
 - (xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED12230 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
 - (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Environmental Compliance Approval to the Clerk, City of Hamilton.

EXECUTIVE SUMMARY

The applicant, Mida International Inc., has applied to amend their MOE Environmental Compliance Approval for a Waste Disposal Site to permit an increase in the amount of waste they can handle at their processing facility at 565 Arvin Avenue (Stoney Creek) (see Appendix "A"). Staff notes that beginning in 2012, the MOE changed the name of the application from Certificate of Approval to Environmental Compliance Approval. The facility will continue to receive, process, and store non-hazardous waste under the Ontario Electronic Stewardship Program. The type of waste being received is waste electronic and electrical equipment (WEEE), as well as scrap metal from residential and industrial, commercial, and institutional (IC&I) generators. The site would receive an

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average of 200 tonnes of waste per day up to the maximum annual limit of 25,000 tonnes. A maximum of 1,100 tonnes of waste would be stored on site at any time. All loading activities would be accommodated within a portion of the existing building, and waste storage would be accommodated within the building, with some temporary outside storage of scrap metal in roll-off bins within the designated area, as shown on the Process Schematic (see Appendix “B”).

The MOE requests affected municipalities to provide comments on new and amended Environmental Compliance Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Environmental Compliance Approval applications are forwarded to the MOE. Based on the comments received from an internal circulation of this application, and the analysis undertaken, this MOE application for an amendment to the existing Environmental Compliance Approval is considered acceptable, subject to a number of conditions being included in the Approval, as will be further discussed below.

Alternatives for Consideration - See Page 12.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: Environmental Compliance Approval applications are processed by the Ontario Ministry of the Environment under the authority of the Environmental Protection Act. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

HISTORICAL BACKGROUND

What is an Environmental Compliance Approval?

An “Environmental Compliance Approval” pursuant to Part V of the Environmental Protection Act is a legally binding document, through which an individual, company, or municipality is permitted, by the Ontario Ministry of Environment, to undertake an activity related to the management of waste.

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Each Environmental Compliance Approval is drafted to address the site-specific considerations relevant to the proposal, and contains enforceable requirements that ensure environmental and health protection, compliance with legislation, and policy requirements. The Environmental Compliance Approval stipulates the types of wastes that can be managed at the facility, and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of the Certificate’s conditions constitutes a violation of the Environmental Protection Act, and is grounds for enforcement through the Provincial Offences Act.

Official Plan Policies and Zoning Regulations Regarding Private Waste Disposal Sites

At the Economic Development and Planning Committee Meeting of June 2, 2009, Committee approved new Official Plan Policies and Zoning Regulations regarding the location of private waste disposal sites in the City of Hamilton. These new policies and regulations are based on the findings of the Planning Study of Private Waste Disposal Sites, which had been completed by Jacques Whitford Limited in 2008. The implementing Official Plan and Zoning By-law Amendments, which were passed by Council on June 10, 2009, permit waste transfer stations as-of-right if they are located a minimum of 300m from any residentially or institutionally zoned lands. The subject lands are not located within 300m of any lands zoned for residential or institutional purposes and, therefore, conform with the new Official Plan policies and comply with the Zoning regulations.

These policies have also been incorporated into the City’s new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Ministry of Municipal Affairs and Housing issued its decision on March 10, 2011, with the last date for appeal being April 5, 2011. The Plan has been appealed to the Ontario Municipal Board (OMB).

MOE-CA-11-01

In January 2011, the applicant, MIDA Recycled Precious Metals (RPM), a Division of Mida International Inc., applied to the MOE for a Certificate of Approval for a Waste Disposal Site to permit a new waste processing facility on the lands at 565 Arvin Avenue (Stoney Creek). The facility receives, processes, and stores non-hazardous waste under the Ontario Electronic Stewardship Program. The type of waste received on site is waste electronic and electrical equipment (WEEE), as well as scrap metal from residential and industrial, commercial, and institutional (IC&I) generators. The site receives an annual average of 100 tonnes of waste per day; however, during peak times may receive up to a maximum of 200 tonnes of waste per day, provided the maximum annual limit of 25,000 tonnes is not exceeded. The current Certificate of Approval permits a maximum of 890 tonnes of waste that can be stored on site at any time. All loading activities would be accommodated within a portion of the existing

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building, and waste storage would be accommodated within the building, with some temporary outside storage of scrap metal in roll-off bins within the designated area, as shown on the Process Schematic (see Appendix “C”).

On May 17, 2011, staff Report PD11087 was considered by the Planning Committee, and the Committee supported the application subject to various conditions (see Appendix “D”). Council requested that waste be from Canada only, but this was not implemented by the MOE (see Appendix “E”, Page 5, Condition 10.1).

On August 19, 2011, the MOE issued the Certificate of Approval (see Appendix “E”).

MOE-CA-12-002

The proposed application is to amend the 2011 application to permit an increase in the total amount of waste that can be stored on the property at any time from 890 tonnes to 1,100 tonnes. To accommodate this increase, the entire building will now be used for the operation (see Appendix “B”). In addition, the number of containers for materials has increased as follows:

- Eight 40 cubic yard containers for steel from four;
- Four 40 foot trailers for storage from zero; and,
- Two sea containers from zero.

Finally, a sheer cut area is proposed at the northeast corner of the property.

POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that via the Certificate of Approval process, the applicant will demonstrate consistency with the sustainability of healthy, liveable, and safe communities, as outlined in Policy 1.1.1 (c) of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Policy C-4.2.2.10 outlines the policies for Waste Management Facilities:

“4.2.2.10 Waste Management Facilities

4.2.2.10.1 Waste management facilities shall include the following uses: waste processing facilities, waste transfer facilities, hazardous waste management facilities, and waste disposal facilities.

4.2.2.10.4 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for a Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new waste management facilities or expansions or alterations to existing waste management facilities within the City of Hamilton.

4.2.2.10.5 Existing waste management facilities shall be recognized as permitted uses in the Zoning By-law.

Waste Processing Facilities and Waste Transfer Facilities

4.2.2.10.8 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300m from a Residential or Institutional designation.”

The subject property is over 375m from the nearest lands designated “Residential”. As a result, the proposed amendment to the existing MOE Environmental Compliance Approval application conforms with the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Industrial - Business Park” in the Stoney Creek Official Plan. The primary uses permitted in this designation shall be for manufacturing, the processing of raw materials or goods, repairing and servicing operations, warehousing, and storage and transportation terminals. Additionally, Waste Management Facilities may also be permitted subject to compliance with the policies of the Regional Official Plan. Since the application conforms with the Regional Official Plan, the proposal conforms with the Stoney Creek Official Plan.

New Urban Hamilton Official Plan

The proposal has been reviewed against the policies of the City’s new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Ministry of Municipal Affairs and Housing issued its decision on March 10, 2011, with the last date for appeal being April 5, 2011. However, the Plan has been appealed to the OMB.

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The subject lands are designated “Employment Area - Business Park” on Schedule “E-1” - Urban Land Use Designations in the new Urban Hamilton Official Plan. The primary permitted uses include waste processing facilities and waste transfer facilities. The following policies are applicable to waste management facilities:

“Waste Management Facilities - General Policies

5.3.6.2 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for a Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new waste management facilities or expansions or alterations to existing waste management facilities within the City of Hamilton.

Waste Processing Facilities and Waste Transfer Facilities

5.3.7 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300m from a sensitive land use within the Neighbourhoods, Institutional, or Commercial and Mixed-Use designations.”

Since the application is for an amendment to an existing Environmental Compliance Approval, the application conforms to the applicable policies of the Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Business Park (M2) Zone, which permits a “Waste Processing Facility” and “Waste Transfer Facility” provided any building, structure, or land utilized for such uses is located a minimum of 300m from a Residentially Zoned or Institutionally Zoned property line. The subject lands are located a minimum of 375m from lands zoned for residential purposes, therefore, the proposed use is permitted, subject to compliance with the applicable performance measure in the By-law (i.e. parking, screening, etc.).

RELEVANT CONSULTATION

The Public Works Department, Operations and Waste Management Division,
provided the following comments:

“This proposal is for an amendment for waste disposal/site processing for non-hazardous municipal, electronic, and scrap metal. The amendment includes a building expansion and increase in the total amount of waste. This application has no impact on the City of Hamilton’s Solid Waste Management Master Plan (SWMMP) or

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the Waste Management System. The proposal complements the SWMMP, in that it provides a processing facility for WEEE and scrap metal, which are currently accepted from residential sources at the City's three Community Recycling Centres."

The Public Works Department, Environment and Sustainable Infrastructure Division, advises that:

- “1. A review of MIDA International's application, and site inspection by Mr. Chris Banitsiotis, with Mr. Randy Canacevic, P.Eng., Manager, and Mr. Len Skilnick, Environmental Health and Safety Coordinator, on September 21st, 2012, indicates that spill prevention and containment measures will be dealt with through the provisional C of A; and,
2. Contingency plans for spills on site and clean up procedures are covered under the company's provisional C of A, and that the City's Spills number (905) 540-5188 should be included in the provisional C of A, and will be included in the company's on site Contingency Plan.

Mr. Canacevic and Mr. Skilnick stated that they would comply with all the above-noted items.

As it stands, the proposal put forth by MIDA International Inc. is acceptable from a sewer use standpoint, with the provision that wastewater discharged from this operation complies with Sewer Use By-law 04-150, and that they institute the above-noted two items, as indicated.”

These are being addressed through Recommendations (a) (xi) and (xii).

The Health Protection Branch, Public Health Services Department, offers the following comments/recommendations:

- “1. All fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) are continued to be identified, stored, and recycled appropriately.
2. PHS commends the practice of completing a daily site inspection report, which looks at nuisance issues such as dust, odour, litter, vermin, etc., and taking steps to mitigate nuisances, as needed.
3. PHS also commends the proponent in contracting a road sweeper to clean onsite roadways for potential dust, as needed.

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4. Although it has been identified that operations such as the wire and cable shredding will not require Section 9 EPA approval (e.g. closed loop cyclone and filtered dust collection system), technical guidance should be sought from the MOE if this component and/or any other plant process will create any air discharge. Applicable controls should also be in place, as deemed necessary by the MOE.”

These are being addressed through Recommendations (a) (iii), (vii), (viii), and (ix).

Hamilton Emergency Services, Fire Prevention Division, has no objection to the issuance of the Certificate of Approval provided that the application complies with the following requirements:

- “1. Compliance with the Fire Safety Inspection Report, dated September 27, 2012.
2. Compliance with the Fire Marshal’s Inspection Order.
3. That the exterior lock box located on the front gate of the west side of the building continue to have current copy of the approved fire safety plan, daily product inventory list, including product quantities and exact location within the facilities, along with MSDS sheets, as applicable, in a manner such that all noted documents are readily available to the Hamilton Emergency Services Fire 24/7, 365 days of the year.”

These are being addressed through Recommendations (a) (x) and (xiii).

Public Consultation

Public notification/consultation requirements for Environmental Compliance Approval applications are regulated by the Environmental Protection Act, and administered by the MOE. Upon receipt of the application, the MOE normally requires the applicant to circulate an Information Notice to abutting property owners. The MOE will also post a Notice of the proposal on the Environmental Registry (website) for a 30-day comment period. The MOE posted this proposal on the Environmental Registry on July 12, 2012, requesting comments by August 26, 2012.

The MOE has been notified that the City of Hamilton would not meet the commenting deadline for this application. The MOE has informed City staff that it is standard Ministry policy to allow 6-weeks for all municipalities to provide comments on applications in order to ensure reasonable timelines are met for all reviews. The Ministry will accept comments from the City of Hamilton at any time during the course of their review.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Site Operations

Mida Recycled Precious Metals (RPM), a Division of Mida International Inc., currently operates a waste processing facility on the lands located at 565 Arvin Avenue (Stoney Creek). The subject lands are currently occupied by a 9,290 sq. m building. The waste processing facility currently occupies a portion of the building (approximately 2,230 sq. m) within the rear of the existing building (see Appendix "C"), but proposes to use the entire building to accommodate the increased volume requested in the current application (see Appendix "B"). The facility accepts, sorts, disassembles, processes, repackages, and ships the waste material. The types of waste received at the site are waste electronic and electrical equipment (WEEE), as well as scrap metal. All waste will be unloaded, stored, processed, and reloaded inside the building, with the exception of the temporary storage of scrap metal, and is proposed to be stored outside in roll-off bins within the designated area in the rear of the property (see Appendix "B"). Any proposed accessory structures (storage containers) and sheer cut area may require the submission of a Site Plan Control application to ensure any outdoor storage is properly screened from view from the street (see Recommendation (a) (i)). Materials received on site will be manually and mechanically disassembled into various components, which are then repackaged and shipped to downstream processors/recyclers.

The Design and Operations (D&O) Report, dated July 2012, and prepared by ERS Ltd., indicates that the proposed processing facility will receive waste electronics and electrical equipment (WEEE) (non-hazardous solid waste) and scrap metal, mostly from Ontario Electronic Stewardship approved collection points and additional drop sites, including a small drop box for the general public to be located at the front of the facility, from residential and IC&I (industrial, commercial, and institutional) generators throughout North America.

The facility will receive, on an annual basis, an average of 200 tonnes per day of WEEE waste or 25,000 tonnes per year, with a storage capacity on site, for a maximum of 1100 tonnes. The facility will operate 24 hours a day, 7 days a week, with shipping and receiving activities limited to 12 hours a day, 6 days a week (7:00 am to 7:00 pm, Monday to Friday; and 7:00 am to 5:00 pm on Saturday).

Upon arrival, materials will be screened to ensure there is no unacceptable material included in the load. Should unacceptable materials be detected, the truck will be reloaded and sent back to the supplier. ERS Ltd. has explained that WEEE streams of waste may contain incidental hazardous materials such as batteries, fluorescent lighting, and toner cartridges. The suppliers are asked not to ship these materials, but

some electronics will arrive at the site containing these incidental components. Staff notes that waste management facilities handling hazardous wastes, as defined by Ontario Regulation 347 to the Environmental Protection Act, are not permitted by the City's Zoning By-law. Staff from the MOE has indicated that these incidental materials are excluded from the definition of "subject waste" and "hazardous waste" in Ontario Regulation 347, as these materials remain intact, and are destined for a waste recovery facility. Based on this information, the Waste Processing Facility is not considered to be a "Hazardous Waste Management Facility", and is permitted by the applicable Zoning By-laws.

Conditions of Approval

Based on circulation of this application to other City Departments, and the analysis undertaken, this MOE application for an amendment to Environmental Compliance Approval is considered acceptable, subject to a number of conditions being addressed in the Approval. Most of these recommended conditions are addressed in the Relevant Consultation section of this Report (see Pages 9 - 11). In addition, several standard conditions of approval are also recommended, relating to financial assurances to the MOE for final site clean-up, limitation of the origin of the accepted waste, and identification of an MOE contact for all issues related to the operation (see Recommendations (a) (xiv), (xv), and (xvi)).

With respect to the origin of waste, both the 2011 and 2012 applications request waste from North America. In 2011, the City recommended that it be limited to Canada only, but the final Certificate of Approval included Canada and the United States (see Appendix "E", Page 5, Condition 10.1). Based on the City's recommendation in 2011, staff recommends that it be limited to Canada (see Recommendation (a) (xiv)).

ALTERNATIVES FOR CONSIDERATION

The City of Hamilton is not the approval authority for Environmental Compliance Approval applications, but has been requested to submit comments on this application to the MOE. The MOE will consider the City's comments in making a decision on the application. The following alternatives are available to the City in providing comments to the MOE.

1. Request MOE to Deny the Application

The City could request that the MOE deny the amendment to the Environmental Compliance Approval application.

2. Request MOE to Incorporate the City's Conditions

The City can request that certain conditions be included in the Environmental Compliance Approval, if approved. The circulation of the application to City Departments did not result in any objections to the proposal. Staff has identified requirements that are to be addressed through the Environmental Compliance Approval, as specified in the Recommendation section of this Report.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.

Growing Our Economy

- ◆ Competitive business environment.
- ◆ Supporting the expansion of an existing business.

Environmental Stewardship

- ◆ Reduce the impact of Hamilton's industrial, commercial Private and Public operations on the environment.

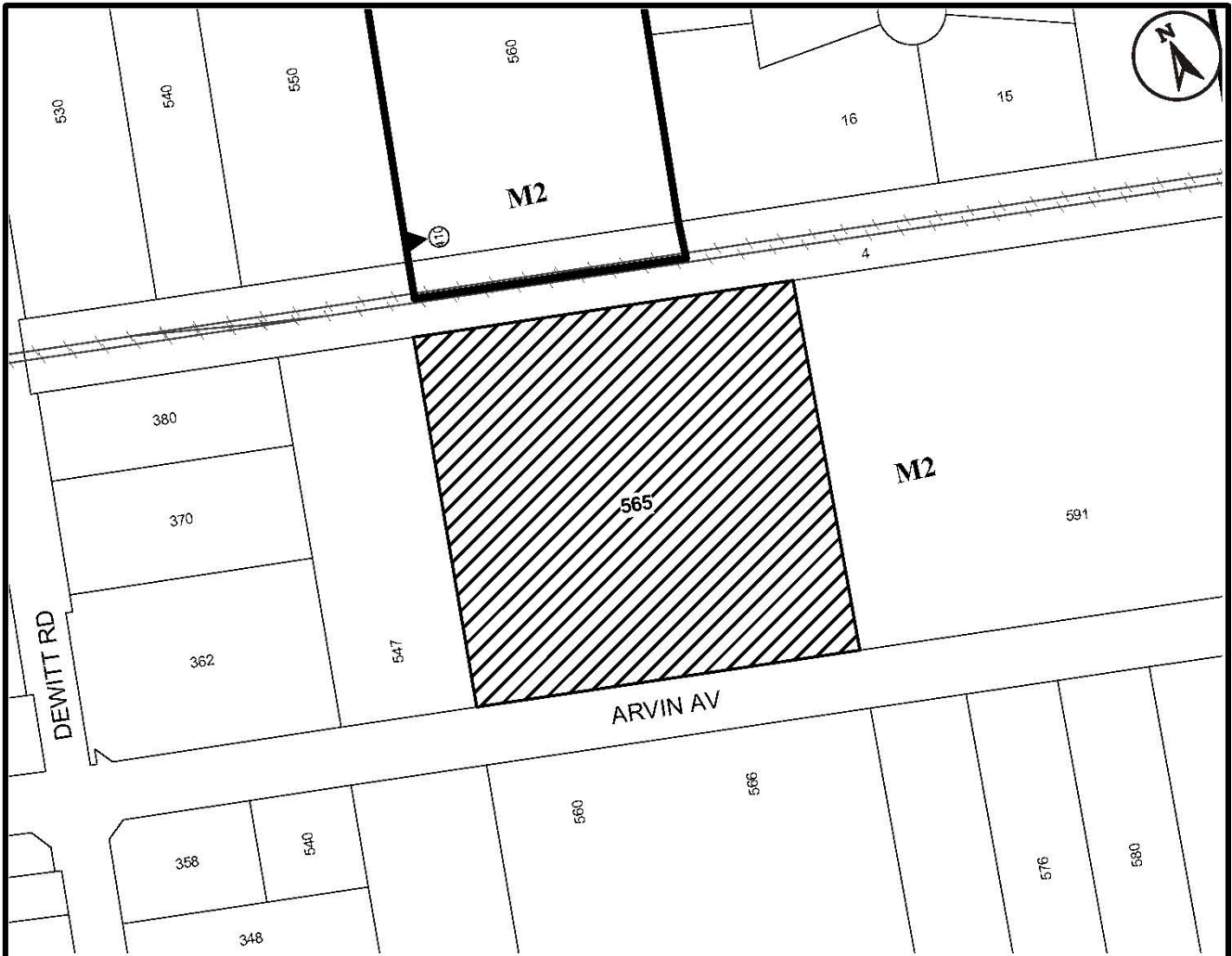
Healthy Community

- ◆ Complements the City's waste management and diversion initiatives.

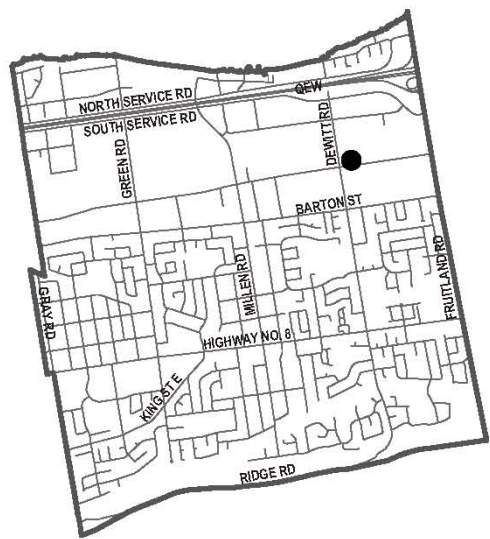
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": 2012 Application - Site Plan
- Appendix "C": 2011 Application - Site Plan
- Appendix "D": 2011 Application - City's Recommended Conditions
- Appendix "E": 2011 Certificate of Approval

:PD
Attachs. (5)



● Site of the Application



Ward 10 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
MOE-CA-12-002

Date:
September 11, 2012

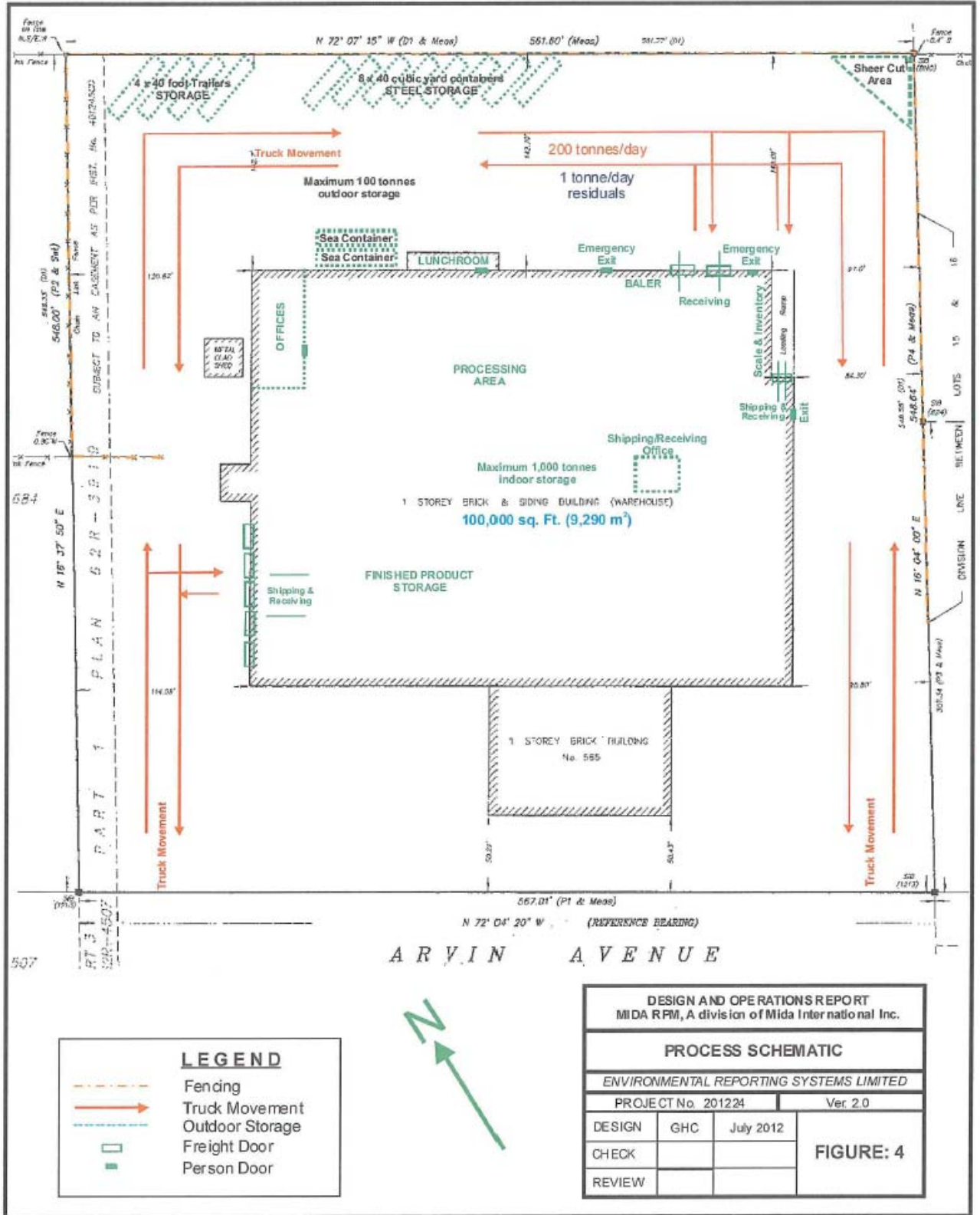
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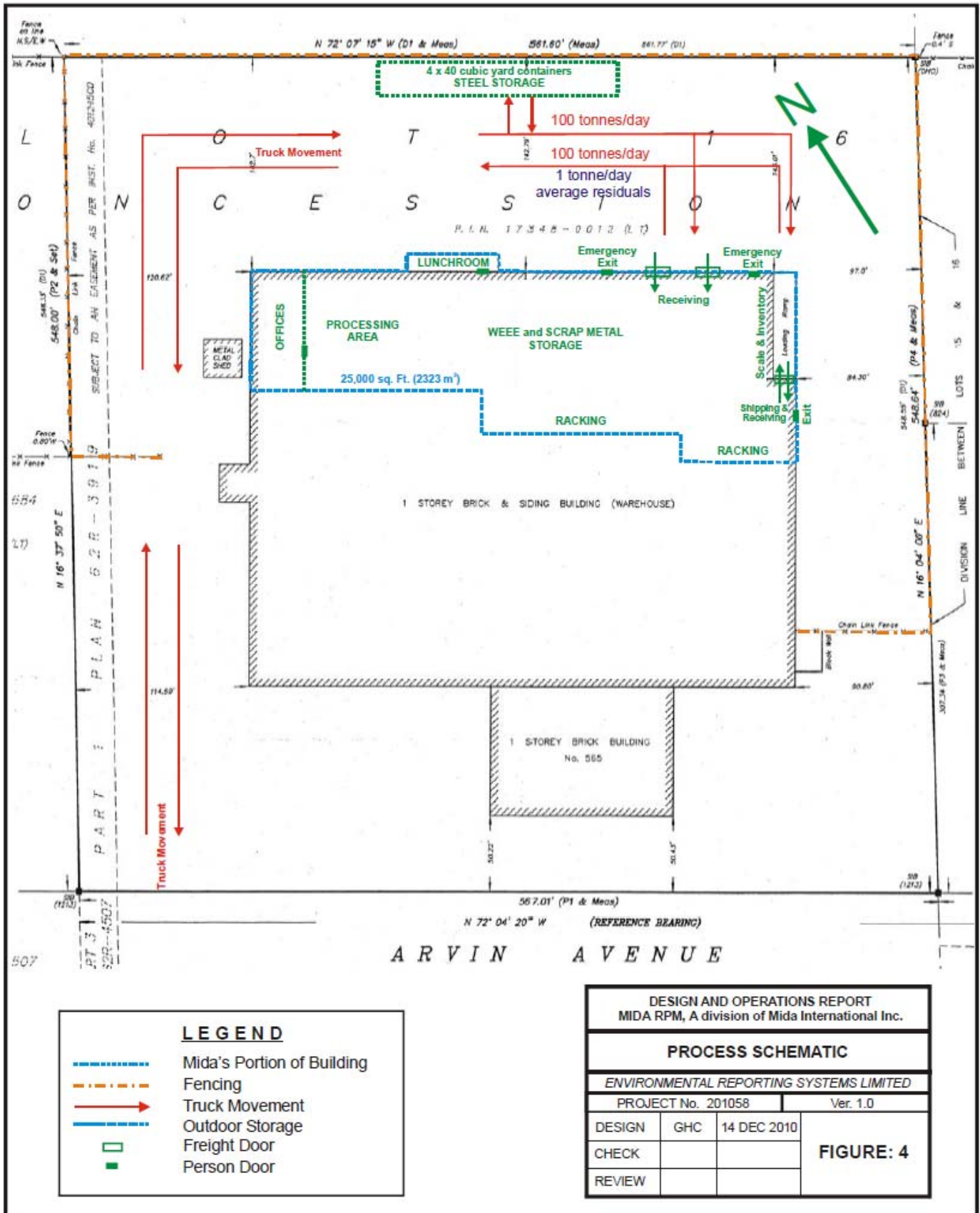
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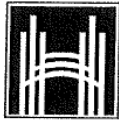
Planner/Technician:
PD/KA

Subject Property

 565 Arvin Avenue







Hamilton

City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario,
Canada L8P 4Y5
www.hamilton.ca

City Clerk's Office, Corporate Services
Physical Address: 71 Main Street West, 1st floor
Phone: 905.546-4408 Fax: 905.546-2095
Email: clerk@hamilton.ca

June 16, 2011

Fax: (416) 314-8452

Tesfaye Gebrezghi, P.Eng.
Senior Waste Engineer
Environmental Assessment and Approvals Branch
Ministry of the Environment
2 St. Clair Avenue West
Toronto ON M4V 1L5

Dear Sir:

Re: Item 6.8 - Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED11087) (Ward 10)

At its meeting of May 25, 2011, City Council passed the following as Item 14 of the Planning Report 11-011:

14. Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED11087) (Ward 10) (Item 6.8)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving Application MOE-CA-11-001, Mida RPM, a Division of Mida International Inc., Applicant, for a Certificate of Approval for a Waste Disposal Site, MOE Reference #7216-8CZLEL, to permit a waste processing facility on the lands located at 565 Arvin Avenue (Stoney Creek), as shown on Appendix "A" to Report PED11087, that the City of Hamilton requests:

- (a) That, if approved, the Certificate of Approval includes the following requirements:
 - (i) That prior to receiving any waste materials on site, the applicant obtains Site Plan approval from the City's Planning Division, to the satisfaction of the Manager, Development Planning.
 - (ii) That the Certificate of Approval limit the daily processing of waste to a maximum annual average of 100 tonnes per day, a maximum

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June 16, 2011

of 25,000 tonnes per year, and a maximum storage of 890 tonnes of waste at any one time.

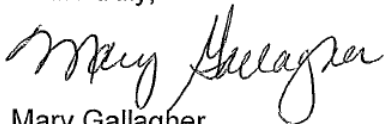
- (iii) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment.
- (iv) That the waste streams accepted at this facility be limited to non-hazardous municipal solid waste comprised of waste electronic and electrical equipment (WEEE) collected under the Ontario Electronic Stewardship (OES) Program, as well as scrap metal from residential, and industrial, commercial, and institutional (IC&I) sources.
- (v) That the proponent be aware that Arvin Avenue is a Reduced Load Roadway from March 1 to April 30, where full loading of standard trucks is not permitted.
- (vi) That a waste screening and testing program be developed and implemented to deal with unanticipated received materials.
- (vii) That any fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) be identified and stored accordingly, and be sent to an approved recycler.
- (viii) That an effective odour/dust/noise mitigation control plan for day-to-day activities be implemented.
- (ix) That excellent on site housekeeping practices be implemented for overall general maintenance, including litter and vermin control.
- (x) That the proponent shall comply with the Fire Safety Inspection Report and Fire Marshals Inspection Order dated February 24, 2011.
- (xi) That the spills prevention and containment measures plan include measures to deal with douse water or fire water in the event of a fire.
- (xii) That the proponent shall implement on site spills prevention and containment measures included in the Certificate of Approval. That the Contingency Plans for spills on and off site, and clean-up procedures, are covered under the Certificate of Approval, and that the City's Spill Reporting Line (905) 540-5188 and the Ministry of the Environment Spills Action Centre (800) 268-6060 be included in the company's Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill prevention and

June 16, 2011

contingency plan be submitted, to the satisfaction of the Ministry of the Environment.

- (xiii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.
 - (xiv) That waste accepted be limited to waste generated only from within Canada.
 - (xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.
 - (xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED11087 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
 - (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

Yours truly,



Mary Gallagher,
Manager of Legislative Services/Deputy Clerk

MG:sr

File C11-014

c.c. Jennifer Haan, Planning
Stephanie Paparella, Legislative Assistant

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Ministry of the Environment
Ministère de l'Environnement

PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER 8902-8HKPNP
Issue Date: August 19, 2011

Mida International Inc.
2319 Fairview St, No. Unit 604
Burlington, Ontario
L7R 2E3

Site Location: Mida RPM
565 Arvin Ave Lot 16, Conc. 1, Part 1, Ref. Plan 62R-4507, 7684, 14673, 11458, Stoney Creek
Hamilton City,
L8E 5N7

You have applied in accordance with Section 27 of the Environmental Protection Act for approval of:

a waste disposal site

to be used for the transfer and processing of the following types of waste:

municipal waste, limited as per the Conditions of this Certificate

Note: Use of the site for any other type of waste is not approved under this Certificate, and requires obtaining a separate approval amending this Certificate.

For the purpose of this Provisional Certificate of Approval and the terms and conditions specified below, the following definitions apply:

- (1) "**EPA**" means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;
- (2) "**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";
- (3) "**Director**" means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA;
- (4) "**District Manager**" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- (5) "**Fire Safety Plan**" means a Fire Safety Plan for the Site that is deemed to have been found acceptable by the local fire service authority;
- (6) "**Ministry**" means the Ontario Ministry of the Environment;
- (7) "**municipal waste**" means municipal waste as defined in Reg. 347;
- (8) "**OWRA**" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;
- (9) "**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;

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- (10) "**Owner**" means any person that is responsible for the establishment or operation of the Site being approved by this Certificate, and includes Mida International Inc., its successors and assigns;
- (11) "**PA**" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;
- (12) "**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 or section 17 of PA;
- (13) "**putrescible waste**" means organic waste that rapidly decomposes, such as food waste;
- (14) "**Reg. 347**" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;
- (15) "**residual waste**" means waste that is destined for final disposal or further processing at another approved waste disposal facility;
- (16) "**Site**" means the waste disposal site (transfer and processing) located at 565 Arvin Ave, Lot 16, Concession 1, Part 1, Ref. Plan 62R-4507, 7684, 14673, 11458, Stoney Creek, Hamilton;
- (17) "**subject waste**" means subject waste as defined in Reg. 347;
- (18) "**Trained personnel**" means competent personnel that have been trained through instruction and/or practice in accordance with Condition 24 of this Certificate; and
- (19) "**waste electrical and electronic equipment**" means waste electrical and electronic equipment as defined in Reg. 347.

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

TERMS AND CONDITIONS

1.0 Compliance

- 1.1 The Owner and Operator shall ensure compliance with all the conditions of this Certificate and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Certificate and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- 1.2 Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Certificate.
- 1.3 The Site shall be operated and maintained at all times including management and disposal of all waste in accordance with the EPA, Reg. 347 and the conditions of this Certificate. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

2.0 Design, Develop, Build, Operate, Modify and Maintain in Accordance

- 2.1 Except as otherwise provided for in this Certificate, the Site shall be designed, developed, built, operated, modified and maintained in accordance with the application for this Certificate dated December 23, 2010, the Design and Operations Report as updated from time to time, and the other supporting documentation listed in Schedule "A".

3.0 Interpretation

- 3.1 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.
- 3.2 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

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the Ministry approved the amendment.

3.3 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.

3.4 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.

4.0 Other Legal Obligations

4.1 The issuance of, and compliance with, this Certificate does not:

(1) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement including, but not limited to:

- (a) obtaining site plan approval from the local municipal authority;
- (b) obtaining all necessary building permits from the local municipal authority Building Services Division;
- (c) obtaining approval from the Chief Fire Prevention Officer, local municipal authority; 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 Certificate.

5.0 Adverse Effect

5.1 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.

5.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Certificate, the Owner, Operator or any other person remains responsible for any contravention of any other condition of this Certificate 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.

6.0 Change of Owner

6.1 The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any changes:

(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.

6.2 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 Certificate, and the Owner shall provide a copy

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of the notification to the District Manager and the Director.

7.0 Financial Assurance

7.1 (1) Within twenty (20) days of issuance of the Certificate, the Owner shall submit to the Director, financial assurance as defined in Section 131 of the EPA, in an amount no less than \$109,342.00. This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste permitted to be on Site at any one time;

(2) Commencing on March 31, 2014, and every three (3) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 7.1(1). Additional financial assurance, if required, must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director;

(3) Commencing on March 31, 2012, the Owner shall prepare and maintain on-site updated re-evaluation of the amount of financial assurance required to implement the actions required under Condition 7.1(1) for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 7.1 (4). The re-evaluation shall be made available to the Ministry, upon request;

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

(5) 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 Owner shall forthwith replace the financial assurance with cash.

8.0 Inspections

8.1 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, or the PA, of any place to which this Certificate relates, and without limiting the foregoing:

(1) to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this Certificate are kept;

(2) to have access to, inspect, and copy any records required to be kept by the conditions of this Certificate;

(3) to inspect the Site, related equipment and appurtenances;

(4) to inspect the practices, procedures, or operations required by the conditions of this Certificate; and

(5) to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Certificate or the EPA, the OWRA or the PA.

9.0 Information and Record Retention

9.1 Any information requested, by the Ministry, concerning the Site and its operation under this Certificate, including but not limited to any records required to be kept by this Certificate shall be provided to the Ministry, upon request, in a timely manner.

9.2 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 Certificate 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 Certificate or any statute, regulation or other legal requirement; or

(2) acceptance by the Ministry of the information's completeness or accuracy.

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9.3 All records required by the conditions of this Certificate must be retained on Site for a minimum period of five (5) years from the date of their creation.

9.4 Any information relating to this Certificate and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

10.0 Service Area and Hours of Operations.

10.1 Only waste generated by residential, commercial, industrial and/or institutional facilities within the geographical boundaries of Canada and the United States shall be accepted at the Site.

10.2 (1) Waste may be received at the Site from 7:00am to 5:00pm Monday through Friday, and from 8:00am to 5:00pm on Saturdays, unless otherwise limited by municipal by-laws.

(2) Waste may be processed at the Site 24 hours per day, 7 days per week, unless otherwise limited by municipal by-laws.

11.0 Signage and Security

11.1 The Owner shall install a sign at the main entrance/exit to the Site on which is legibly displayed the following information:

(1) the name of the Site and Owner;

(2) the number of this Certificate;

(3) a twenty-four (24) hour telephone number that can be used to reach the Owner in the event of a complaint or an emergency; and

(4) the type of waste that is approved for receipt at the Site.

11.2 The Owner shall operate and maintain the Site in a secure manner, with access to the Site regulated and perimeter of the Site secured by fencing or natural features. During non-operating hours, the Site entrance and exit gates shall be locked and the Site shall be secured against access by unauthorized persons.

12.0 Approved Waste Types

12.1 (1) The Owner may only accept the following categories of municipal waste at the Site:

1. waste electrical and electronic equipment; and
2. scrap metal.

(2) No putrescible waste shall be received at the Site.

12.2 (1) The Owner shall ensure all incoming loads are inspected by a trained attendant to ensure only waste approved under this Certificate is received at this Site;

(2) If any incoming waste load is known to, or is discovered to, contain unapproved waste, that load shall not be accepted at the Site; and

(3) If any unapproved or odourous waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.

12.3 (1) Printed circuit boards that are waste and that are transferred at this Site and destined for a smelter at which they are to be used as a feedstock in an ongoing operation for the recovery of metal are exempt from Part V of the EPA in accordance with Section 3(2)12 of Reg. 347.

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(2) Notwithstanding Condition 12.3(1) above, the Owner shall ensure that all such printed circuit boards are managed at this Site in a manner that does not result in a nuisance, an adverse effect or a hazard to human health or the environment, and that the storage of all such printed circuit boards is carried out in accordance with any restrictions as described in applicable building permits or as imposed by the local fire service authority.

13.0 Approved Waste Quantities

13.1 The amount of waste received at the Site, excluding waste described under Condition 12.3(1) above, shall not exceed:

1. 25,000 tonnes per year; and
2. 200 tonnes on any one day.

13.2 The amount of residual waste transferred from the Site for final disposal shall not exceed 1,000 tonnes per day.

13.3 The amount of waste present at the Site at any one time, including unprocessed waste, in-process waste, processed waste and residual waste, but excluding waste described in Condition 12.3(1) above, shall not exceed 890 tonnes at any one time.

13.4 In the event that residual waste and/or processed waste cannot be transferred from the Site, the Owner shall cease accepting any additional waste.

14.0 Waste Storage

14.1 Waste shall be stored in accordance with the current Design and Operations Report, and at a minimum the Owner shall ensure that all activities related to the unloading, processing, storage and other handling of incoming waste, in-process waste, processed waste and residual waste are conducted indoors such that wind blown litter, dust and odour do not result in a nuisance or an adverse effect.

14.2 Notwithstanding Condition 14.1 above, scrap metal may be stored outdoors in up to four 40-cubic yard bins. This scrap metal shall be covered at all times to minimize contact with rain water, and shall otherwise be stored in a manner that does not result in a nuisance or an adverse effect due to litter, dust and odour.

14.3 The Owner shall ensure that any subject waste generated as a result of Site operations shall be managed, stored and shipped from the Site in a manner that prevents the release of contaminants to the natural environment and minimizes the risk of fires, explosions and other hazards, and shall otherwise be carried out in accordance with any restrictions as described in applicable building permits or as imposed by the local fire service authority. All subject waste shall be stored in accordance with the Ministry's "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities" dated May 2007, as amended from time to time.

15.0 Processing

15.1 No processes other than the following shall be carried out at the Site:

- (1) the receipt, storage and transfer of waste listed in Condition 12 above;
- (2) the manual processing of waste electrical and electronic equipment as described in Schedule "A";
- (3) the mechanical shredding of wiring from waste electrical and electronic equipment as described in Schedule "A"; and
- (4) the sorting and recovery of scrap metal.

16.0 Procedures Manual and Preventative Maintenance

16.1 A procedures manual specific to the Site shall be prepared no later than 6 months from the date of issuance of this Certificate, and shall be maintained current at all times and kept at the Site in central location that is accessible to Site personnel. The procedures manual shall contain detailed standard operating procedures relating to all aspects of the handling and processing of waste at the Site including contingency procedures to be followed in the event of equipment

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malfunction, a labour disruption, transportation disruption, inability of receiving sites to accept waste or other business disruption to the operation.

16.2 No later than 7 months from the date of issuance of this Certificate, the Owner shall develop and implement a preventative maintenance program for all on-site equipment associated with the handling and processing of waste. The preventative maintenance program shall be available on Site for inspection by a Provincial Officer upon request.

17.0 Design and Operations Report

17.1 The Owner shall ensure that the Design and Operations Report listed in Item 1 of Schedule "A" is retained at the Site, kept up to date, and made available for inspection by Ministry staff upon request. The Design and Operations Report shall describe current Site operations as reflected in the conditions of this Certificate, and 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" as it applies to this Site.

18.0 Nuisance Control

18.1 (1) The Owner shall operate and maintain the Site such that dust, odours, vectors, litter, vibration, noise and traffic do not create a nuisance or an adverse effect.

(2) The Owner shall ensure that all doors on the building are kept closed during normal hours of operation, except as necessary during the movement of waste and processed materials into and out of the building.

18.2 If at any time vectors, birds or other pests become a nuisance, the Owner shall develop a pest control plan, satisfactory to the District Manager, which shall detail all practical steps that the Owner shall implement to control pests at the Site.

18.3 If at any time litter becomes a nuisance, the Owner shall develop a litter control plan, satisfactory to the District Manager, which shall detail all practical steps that the Owner shall implement to control litter at the Site.

18.4 If at any time dust becomes a nuisance, the Owner shall develop a dust control plan, satisfactory to the District Manager, which shall detail all practical steps that the Owner shall implement to control dust at the Site.

18.5 (1) If at any time odours are generated at the Site resulting in complaints, the Owner shall take appropriate remedial actions immediately to eliminate the cause of the problem. Appropriate actions may include the removal of waste from the Site and temporary stoppage of all operations until the problem has been rectified and measures have been undertaken to prevent future occurrence.

(2) If in the event that the District Manager has determined odours to be a persistent cause of nuisance or adverse effect at the Site the Owner shall prepare and submit to the District Manager an Odour Monitoring Program that is designed to detect and identify any odours originating from the operation of the Site which may cause nuisance impacts. The Odour Monitoring Program shall include a survey of sensitive receptors in the vicinity of the Site and shall outline all operational controls, monitoring, measurement and corrective actions, and communication and management reviews required to achieve the objective of managing odour at the Site in order to prevent or mitigate any odour impacts on the nearby sensitive receptors.

18.6 The Owner shall ensure that there is no queuing or parking of trucks that are waiting to enter this Site on any roadway that is not a distinct part of this Site.

19.0 Stormwater Management

19.1 The Owner shall ensure that contact between stormwater and received waste, processed waste and residual waste is kept to a minimum.

19.2 The Owner shall manage all discharges from this Site, including sanitary and stormwater runoff, in accordance with appropriate municipal, provincial and/or federal legislation, regulations and by-laws.

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20.0 Site Inspections

20.1 Trained Personnel shall carry out a visual inspection of the entire Site (including all waste handling facilities, stormwater management facilities, buildings and grounds) each day the Site is in operation to ensure that:

- (1) the Site is secure;
- (2) the operation of the Site is not the cause of any nuisances or adverse effects as described in Condition 18 above;
- (3) the operation of the Site is not causing any adverse effects on the environment; and
- (4) the Site is being operated in compliance with this Certificate.

20.2 Any deficiencies discovered as a result of an inspection carried out under Condition 20.1 shall be remedied immediately. Operations shall be temporarily ceased as necessary in order to carry out required remedial actions.

20.3 A record of the daily inspections shall be kept in the daily log book 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) any recommendations for action; and
- (5) the date, time and description of actions taken.

21.0 Complaints

21.1 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 and number each complaint, either electronically or in a log book, and shall include the following information:

- (a) the nature of the complaint;
- (b) the name, address and the telephone number of the complainant if the complainant will provide this information; and
- (c) the time and date of the complaint;
- (d) weather conditions at the time of the complaint; and
- (e) site operations being carried out at the time of the complaint.

(2) The Owner shall inform the District Manager of the complaint forthwith.

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

(4) The Owner shall provide the District Manager with a report written within 1 week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

22.0 Spill Prevention, Control & Countermeasures Plan

22.1 The Owner shall develop, implement and maintain a Spill Prevention, Control & Countermeasures Plan for the Site.

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The Spill Prevention, Control & Countermeasures Plan shall include, but not necessarily be limited to, 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;
- (3) contingency procedures to be followed in the event of equipment malfunction, a labour disruption, transportation disruption, inability of receiving sites to accept waste or other business disruption to the operation; and
- (4) 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 municipal fire department, the local municipal authority, the local Medical Officer of Health, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.

22.2 No later than 6 months from the date of issuance of this Certificate, the Owner shall provide a copy of the Spill Prevention, Control & Countermeasures Plan to the local municipality and the District Manager. A copy of the Spill Prevention, Control & Countermeasures Plan shall be kept on-site on the exterior of the building/Site in a secure manner that provides 24-hour access to response personnel.

22.3 The Owner shall review the Spill Prevention, Control & Countermeasures Plan on an annual basis as a minimum, and shall ensure that the names and telephone numbers of the persons to be contacted as required under Condition 22.1(4) are up-to-date, and that these numbers are prominently displayed and immediately available to all staff and emergency response personnel.

22.4 The District Manager shall be notified within 30 days of any major changes to the Spill Prevention, Control & Countermeasures Plan.

22.5 The equipment, materials and personnel requirements outlined in the Spill Prevention, Control & Countermeasures Plan are required to be kept on Site and 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.

22.6 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation. All spills and upsets shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and action taken for clean-up, correction and prevention of future occurrences.

22.7 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060 and to the local municipal authority.

23.0 Fire Safety Plan

23.1 No later than 6 months from the date of issuance of this Certificate the Owner shall prepare and submit a Fire Safety Plan to the local fire service authority. In addition to any other information required by the local fire service authority, this Fire Safety Plan shall include a plan to deal with contaminated water generated as the result of fire suppression.

23.2 No later than 10 days after receiving written concurrence/approval for the Fire Safety Plan from the local fire service authority, the Owner shall submit a copy to the District Manager.

23.3 No waste shall be received at the Site unless condition 23.2 above has been satisfied.

24.0 Training

24.1 No later than 6 months from the date of issuance of this Certificate, a training plan specific to the Site shall be developed and implemented to ensure that all employees that operate the Site or carry out any activity required under this Certificate are trained in its operation.

24.2 The training plan shall require and ensure through proper written records that all persons directly involved with

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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, the procedures manual and the Design and Operations Report;
- (5) the Spill Prevention, Control & Countermeasures Plan and in the procedures to be employed in the event of an emergency;
- (6) the Fire Safety Plan;
- (7) specific written procedures for refusal of unacceptable waste loads;
- (8) contingency procedures;
- (9) specific written procedures for the control of nuisance conditions; and
- (10) the requirements of this Certificate.

24.3 The Owner shall maintain a written record of training at the Site which includes:

- (1) date of training;
- (2) the name and signature of the person who has been trained; and
- (3) description of the training provided.

24.4 The Owner shall ensure that Trained personnel is/are on duty at all times when the Site is open to carry out any activity required under this Certificate.

25.0 Record Keeping

25.1 The Owner shall maintain a daily record either electronically or in a log book, with a duplicate copy to be kept at another location as a backup, which shall include the following information:

- (1) the type, date and time of arrival, source, and quantity (by weight) of all waste received at the Site on each operating day;
- (2) the date, type, quantity (by weight) and destination of all residual waste and processed waste transferred from the Site on each operating day;
- (3) a record of any waste refusals, which shall include: the amount of waste refused; identification of the waste generator/hauler; reasons for refusal; and actions taken;
- (4) a running total of the quantity (by weight) of waste received at and shipped from the Site for the calendar year;
- (5) a running total of the total quantity (by weight) of all unprocessed, in-process, processed and residual waste on-site at any one time;
- (6) a record of the daily inspections required by Condition 20 above; and
- (7) a record of any spills or process upsets at the site, 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

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and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA.

26.0 Annual Report

26.1 On March 31, 2012, the Owner shall prepare and retain on Site a written report which covers the period from the commissioning of the Site to December 31, 2011. Thereafter, by March 31 on an annual basis, the Owner shall prepare and retain on Site a written annual report for the previous calendar year. The report shall include, at a minimum, the following information:

- (1) a detailed monthly summary of the information required by Condition 25 including an annualized reconciliation between all wastes received and processed at the Site and all residual wastes and processed wastes transferred from the Site;
- (2) a summary of waste loads refused including the generator of the load, the licensed hauler of the load if the generator can not be determined, the date of refusal and reason for refusal of the load;
- (3) any environmental and operational problems, that are likely to negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- (4) a summary of complaints received and the actions taken to mitigate the issue associated with the complaint;
- (5) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

27.0 Closure Plan

27.1 (1) Four (4) months prior to the permanent closure of the Site the Owner shall submit to the District Manager written notification of the decision to cease activities and a schedule for the implementation of all decommissioning activities to be undertaken.

(2) Within ten (10) days after closure of the Site, the Owner shall notify the Director and the District Manager, in writing, that the Site is closed and that the decommissioning activities have been completed.

Schedule "A"

The following Schedule forms a part of this Certificate:

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated December 23, 2010, signed by David Love, including the attached Design and Operations Report dated December 2010 and prepared by Environmental Reporting Systems Limited, and all supporting documentation.
2. Letter dated July 21, 2011 from Mida International Inc., with revised Financial Assurance calculations prepared in accordance with Ministry Guideline F-15.

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 Provisional Certificate of Approval.
2. The reason for Conditions 1, 3, 4, 5 and 9 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Conditions 2, 15, 16 and 17 is to ensure that the Site is operated in accordance with the application and supporting documentation submitted by the Company, and not in a manner which the Director has not been asked to consider.
4. The reasons for Condition 6.1 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.
5. The reasons for Condition 6.2 are to restrict potential transfer or encumbrance of the Site without the approval of the

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Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Certificate of Approval.

6. The reason for Condition 7 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.

7. The reason for Condition 8 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 Certificate of Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

8. The reason for Condition 10.1 is to specify the approved service area from which waste may be accepted at the Site.

9. The reason for Condition 10.2 is to specify the hours of operation for the Site.

10. The reason for Condition 11.1 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Certificate of Approval.

11. The reasons for Condition 11.2 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.

12. The reasons for Conditions 12.1, 12.2, 13, and 14 are to specify 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 ship waste based on the Company's application and supporting documentation.

13. The reason for Conditions 18 and 19 is to ensure that the Site is operated in a manner which does not result in a nuisance, an adverse effect or a hazard to the health and safety of the environment or people.

14. The reason for Condition 20 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.

15. The reason for Condition 21 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.

16. The reasons for Condition 22 and 23 is to ensure that an Emergency Response Plan and a Fire Safety Plan are 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.

17. The reason for Condition 24 is to ensure that the Site is operated by properly Trained staff in a manner which does not result in an adverse effect, hazard or nuisance to the natural environment or any person.

18. The reasons for Condition 25 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.

19. The reasons for Condition 26 are 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.

20. The reasons for Condition 27 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.

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

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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 works are located;

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

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The 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 19th day of August, 2011

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

AN/
c: District Manager, MOE Hamilton - District
Grahaem H. Capaldi, Environmental Reporting Systems Limited