

Date Required:	2009/08/29
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Ministry of the Environment
Ministère de l'Environnement

**AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER 3030-7G7HUV
Notice No. 1
Issue Date: August 7, 2009**

MORS Refining Systems Inc.
122 Niagara St
St. Catharines, Ontario
L2R 4L4

Site Location: 4706 Christie Drive
Lot 16, Concession 1
Lincoln Town, Regional Municipality of Niagara
L0R 1B4

You are hereby notified that I have amended Provisional Certificate of Approval No. 3030-7G7HUV issued on September 12, 2008 for the processing of liquid industrial waste, limited as per the Conditions of Certificate, as follows:

The following definitions have been added:

Definitions

"Processed Waste" means waste that has been treated on Site and is ready to be shipped to an approved receiver;

"Residual Waste" means any solid waste remaining after liquid wastes have been processed.

The following Conditions have been revoked and replaced with:

Compliance

4. 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 Application for a Certificate of Approval for a Waste Disposal Site dated September 16, 2005 as amended, and supporting documentation, and plans and specifications listed in Schedule "A". Use of the site for any other type of waste or additional process that is not approved under this Certificate, requires obtaining a separate approval amending this Certificate.

Financial Assurance

14. (a) Within twenty (20) days of issuance of this notice the Owner shall submit to the Director, Financial Assurance, as defined in the Act, for the amount of thirty three thousand dollars (CDN\$33,000.00). This Financial Assurance shall be determined using the ministry's Guideline F-15 and funds shall be submitted in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.

(b) Commencing on August 30, 2013 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 14 (a). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

(c) Commencing on August 30, 2010, 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 14 (b) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 14 (b). The re-evaluation shall be made available to the Ministry, upon request.

(d) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory efforts 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.

Waste Types

23. Only liquid industrial waste limited to Ontario Waste Class Nos. 112L, 113L, 121L, 122L, 133L, 141L, 145L, 149L, 150L, 221L, 222L, 231L, 251L, 252L, 253L, 254L and 262L shall be accepted at the *Site*.

Waste Limits

24. (a) The amount of waste received at the *Site* shall not exceed 76,000 litres per day. If for any reason waste cannot be transferred from the *Site*, the *Site* shall cease accepting waste.

(b) The amount of waste stored or present at the *Site* at any one time shall not exceed:

- (i) 76,000 litres of liquid industrial waste; and
- (ii) 20 cubic metres of *Residual Waste* other than liquid industrial waste.

(c) The amount of wastewater discharged to sewer shall not exceed 13,000 litres per day. If written confirmation from both the Region of Niagara and the Town of Lincoln is obtained that explicitly authorizes a discharge rate greater than 13,000 litres per day, the discharge rate may be increased to the limit explicitly authorized therein.

(d) Notwithstanding Conditions 24(a) and (b) above, the following waste limits shall apply provided the *Owner* has provided Financial Assurance to the *Director* in accordance with Condition 14(b) above:

- (i) The amount of waste received at the *Site* shall not exceed 224,476 litres per day.
- (ii) The amount of waste stored or present at the *Site* at any one time shall not exceed:
 - a. 224,476 litres of liquid industrial waste; and
 - b. 20 cubic metres of *Residual Waste* other than liquid industrial waste.

(e) No liquid industrial waste shall be stored on-site other than in the following containers:

- (i) a maximum of seven (7) 28,102 litre tanks;
- (ii) a maximum of three (3) 9,464 litre tanks;
- (iii) a maximum of one (1) 22,712 litre spare tank.

No *Residual Waste* shall be stored on-site other than in the following containers:

- (i) one (1) twenty cubic metre lugger box.
- (f) No waste shall be stored overnight on trucks.

25. The Owner shall ensure that the spill containment measures described in Item 3 of Schedule "A" are maintained at all times, and that the storage of waste at the Site complies with the MOE document entitled "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities", dated May 2007, at all times. The containment areas include storage, processing, loading and unloading. Liquid wastes shall not be managed without proper containment in place.

Testing

26. (a) The *Owner* shall ensure that all waste other than wastewater is characterized before leaving the *Site* (according to the schedule in (d)) to determine whether the nature of the waste is hazardous, liquid industrial or non-hazardous. The characterization shall be completed in accordance with the following:

- (i) the slump test, as described in Schedule 9 of *O.Reg. 347*; and
- (ii) the Toxicity Characteristic Leaching Procedure, as described in the definition of "Toxicity Characteristic Leaching Procedure" in *O.Reg. 347*.

(b) All hazardous waste, liquid industrial waste and *Residual Waste* leaving the *Site* shall be disposed of at a facility approved to accept that type of waste.

(c) The *Owner* shall ensure that once characterized, no mixing of subject waste and other waste takes place at the *Site*.

(d) The *Owner* shall ensure that a testing schedule and details of all testing are included in the Design and Operations Report. Details of testing shall include, but not limited to the following:

- (i) Determination of what waste will be tested;
- (ii) Specifics of type of testing to be performed on a specific waste;
- (iii) Frequency of testing;
- (iv) Method of taking representative samples;
- (v) Acceptance and rejection criteria; and
- (vi) Procedures for rejecting a waste.

(e) All wastewater being discharged to sewer shall be tested in accordance with the procedures described in Item 3 of Schedule "A".

Design and Operations Report

34. The Design and Operations Report shall consist of Items 1-6 in Schedule "A", and shall be retained, kept up to date through periodic revisions, and be available for inspection by *Ministry* staff.

(a) Changes to the Design and Operations Report shall be submitted to the District Manager for review.

(b) An updated Design and Operations Report shall be submitted to the District Manager within 30 days of any amendment made to the Certificate of Approval.

Schedule "A"

This Schedule forms a part of this Certificate of Approval:

4. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated March 3, 2009 and signed by Daniel Tardif, President, MORS Refining Systems Inc., including the attached cover letter dated February 17, 2009 from Daniel Tardif to MOE, and all supporting documentation.

CONTENT COPY OF ORIGINAL

5. Letter dated April 2, 2009 from Daniel Tardif to Ms. Anne Cameron, MOE, regarding further details on the application sent to the MOE.
6. Letter dated April 24, 2009 from Doug Kerr, Acting Director of Public Works, Town of Lincoln to Tesfaye Gebrezghi, Waste Unit Supervisor, MOE regarding the town's continued requirement for the restriction of discharge volumes to the municipal sewer system.

The reason(s) for this amendment to the Certificate of Approval is (are) as follows:

1. The reason for Condition 4 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.
2. The reason for Condition 14 is to ensure that enough funds are available to remediate the site should the Owner shut down operations and no longer have the ability to remediate the site.
3. The reason for Condition 23 is to identify the waste classes that are permitted to be received at the Site.
4. The reason for Condition 24 (b) is to identify the amount of waste permitted to be stored on Site.
5. The reason for Condition 26 is to ensure that appropriate testing and characterization of waste is completed with respect to the waste received and transported from the site.
6. The reason for Condition 34 is to ensure that an up-to-date Design and Operations Report is maintained on-site at all times.

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. 3030-7G7HUV dated September 12, 2008

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, S.O. 1993, Chapter 28, the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

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

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the waste disposal site is located;

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

This Notice must be served upon:

CONTENT COPY OF ORIGINAL

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

AND

The Environmental Commissioner AND
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

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 7th day of August, 2009

Tesfaye Gebrezghi, P.Eng.
Director

YI/
c: District Manager, MOE Niagara
Daniel Tardif, MORS Refining Systems Inc.