



AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
 NUMBER 3030-7G7HUV
 Notice No. 2
 Issue Date: May 26, 2011

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, as amended on August 7, 2009 for a Waste Disposal Site (Processing) of liquid industrial waste, limited as per the Conditions of this Certificate, as follows:

Condition 4 is hereby revoked and replaced with:

4. Except as otherwise provided by this *Certificate*, the *Site* shall be designed, developed, built, operated and maintained in accordance with the application for this *Certificate*, dated September 7, 2010, and the supporting documentation listed in Schedule "A".

Conditions 14, 15 and 16 are hereby revoked and replaced with:

14. (a) The *Owner* shall maintain with the *Ministry*, Financial Assurance as defined in Section 131 of the *EPA*, in the amount of thirty-three thousand dollars (\$33,000.00). 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 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 shall be submitted to the *Director* within twenty (20) 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 (a) 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 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.

Condition 23 is hereby revoked and replaced with:

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23. Only liquid industrial waste (waste characterization L), as defined in *Reg. 347*, limited to waste classes 111, 112, 113, 114, 121, 122, 123, 131, 132, 133, 134, 141, 143, 145, 146, 148, 149, 150, 211, 212, 213, 221, 222, 231, 232, 233, 251, 252, 253, 254, 261, 262, 263, 264, 265, 266, 267, 268, 269 and 270 as described in the Ministry of the Environment's "New Ontario Waste Classes" document dated January 1986 as amended from time to time, shall be accepted at the *Site*.

Condition 24 is hereby revoked and replaced with:

24. (a) The amount of waste received at the *Site* shall not exceed 224,476 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) 224,476 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) No liquid industrial waste shall be stored on site other than in the following containers:

- (i) a maximum of two (2) 33,122 litre tanks;
- (ii) a maximum of four (4) 28,102 litre tanks;
- (iii) a maximum of one (1) 9,464 litre tank; and
- (iv) a maximum of two (2) 3,785 litre tanks.

No *residual waste* shall be stored on site other than in the following container:

- (i) one (1) 20 cubic metre lugger box.
- (e) No waste shall be stored overnight on trucks.

Condition 34 is hereby revoked and replaced with:

34. The Design and Operations Report shall consist of all items listed 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) A copy of the final updated Design and Operations Report shall be submitted to the *District Manager* within 30 days of any amendment to this *Certificate*.

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

7. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated September 7, 2010, signed by Daniel Tardif, President, MORS Refining Systems Inc., including all supporting information.

8. Letter dated October 4, 2010 from Daniel Tardif, MORS Refining Systems Inc. to Ministry of the Environment, including additional supporting information for the application.

9. Design & Operations Report Version No. 3 dated April 2011, submitted by MORS Refining Systems Inc. to Ministry of the Environment on April 18, 2011.

10. Email dated May 5, 2011 from Greg Taras, Urban & Environmental Management Inc. to Christina Ng, Ministry of the Environment, including an amendment to Design & Operations Report Version No. 3 dated April 2011.

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

The amendment to Condition 4 is administrative.

Conditions 14, 15 and 16 are amended to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.

Condition 23 is amended to include the additional waste classes that the Site is allowed to receive.

Condition 24 is amended to specify the final storage tank set-up.

The amendment to Condition 34 is administrative.

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:

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 26th day of May, 2011

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

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