



AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3030-7G7HUV

Notice No. 3

Issue Date: October 29, 2012

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 Approval No. 3030-7G7HUV issued on September 12, 2008, as amended on August 7, 2009 and May 26, 2011 for a Waste Disposal Site (Processing) of liquid industrial waste and other non-hazardous waste, limited as per the Conditions of this Approval, as follows:

I. For the purpose of this Approval the following definitions apply:

"Approval" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

"Director" means any *Ministry* employee pursuant to section 20.3 of Part II.1 of the *EPA*;

II. Conditions 14 (a), (b), (c) and (d) 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) By March 30, 2013 but no less than thirty (30) days prior to increasing the waste receiving and storage capacity at the *Site* in accordance with Condition 24(d), the *Owner* shall submit to the *Director*, Financial Assurance as defined in Section 131 of the *EPA*, for the additional amount of \$29,535 for the total Financial Assurance of \$62,535. 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;

(c) Commencing on September 30, 2015 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 (b). 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*;

(d) Commencing on September 30, 2013, 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 (c). The re-evaluation shall be made available to the *Ministry*, upon request;

(e) 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.

III. Condition 23 is hereby revoked and replaced with:

23. Only the following waste types shall be accepted at the *Site*:

- (a) 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, 135, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 211, 212, 213, 221, 222, 231, 232, 233, 241, 242, 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; and
- (b) Other non-hazardous non-subject liquid and solid wastes including but not limited to: contaminated soil, wood waste, processed organic waste, waste from food processing and preparation operations, hauled sewage and sludge.

IV. 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) Liquid industrial waste shall be stored on site only in the following containers:

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

(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 500,000 litres per day.
- (ii) The amount of waste stored or present at the *Site* at any one time shall not exceed:
 - a. 500,000 litres of liquid industrial waste and other non-hazardous waste;
 - b. 80 cubic metres of residual waste other than liquid industrial waste.

(e) Notwithstanding Conditions 24(c) above, the following number of waste storage containers shall apply provided the *Owner* has provided Financial Assurance to the *Director* in accordance with Condition 14(b) above:

- (i) maximum of ten (10) 33,122 litres tanks for liquid industrial waste;
- (ii) maximum of four (4) 28,102 litres tanks for liquid industrial waste;
- (iii) maximum of one (1) 20,000 litres sludge pit for other non-hazardous waste; and

(iv) maximum of four (4) 20 cubic metres lugger boxes for residual waste.

(f) The amount of wastewater discharged to sewer shall not exceed 75,000 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 75,000 litres per day, the discharge rate may be increased to the limit explicitly authorized therein.

(g) No waste shall be stored overnight on trucks.

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

11. Application for an Environmental Compliance Approval dated April 12, 2012, signed by Daniel Tardif, President, MORS Refining Systems Inc., including Design & Operations Report Version No.4 dated April 2012, and all supporting

information.

12. Letter dated May 16, 2012 from Daniel Tardif, MORS Refining Systems Inc. to Sara Sideris, Ministry of the Environment, including additional application fee, EBR project description summary and estimated financial assurance.

13. Email dated August 31, 2012 from Greg Taras, Urban & Environmental Management Inc. to Malgosia Ciesla, Ministry of the Environment, including response letter dated August 30, 2012 and revised Design & Operations Report Version No. 4 dated April 2012.

14. Email dated September 13, 2012 from Greg Taras, Urban & Environmental Management Inc. to Malgosia Ciesla, Ministry of the Environment, including letter from the Town of Lincoln dated September 13, 2012.

15. Revised Design & Operations Report Version No. 4 received by e-mail on October 3, 2012 from Greg Taras, Urban & Environmental Management Inc. to Malgosia Ciesla, Ministry of the Environment.

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

Condition 14 is 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 allow the company to increase waste limits and number of storage tanks provided Financial Assurance is submitted as per the Condition 14(b) above.

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

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

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

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

The Notice should also include:

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

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

This Notice must be served upon:

CONTENT COPY OF ORIGINAL

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Environmental Commissioner
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director appointed for the purposes of Part II.1 of
the 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) 212-6349, Fax: (416) 314-4506 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

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

DATED AT TORONTO this 29th day of October, 2012

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

MC/
c: District Manager, MOE Niagara
Greg Taras, Urban & Environmental Management Inc.