



Ontario

Ministry of the Environment
Ministère de l'Environnement

PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER 3166-6TYMDZ
Issue Date: December 1, 2006

PLASCO Trail Road Inc.
1145 Innovation Drive, Suite 100
Kanata, Ontario
K2K 3G8

Site Location: Nepean Landfill Site (Closed)
Part of Lot 9, Concession 4, Rideau Front
Ottawa, Ontario

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

the establishment, use and operation of a Waste Disposal Site (Energy-From-Waste Demonstration Facility)

to be used for the

receipt, storage, processing and plasma gasification of Municipal Waste

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:

DEFINITIONS

1. For the purpose of this Provisional Certificate of Approval and the terms and conditions specified below, the following definitions apply:
 - a. "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 applications and the supporting documentation listed in Schedule "A";
 - b. "Certificate of Approval (Air)" means the corresponding Certificate of Approval (Air) Number 6925-6REN9E issued to PLASCO Trail Road Inc., under Section 9 of the *EPA*;
 - c. "Nepean Landfill Site (Closed)" means the site formerly used as a landfill site and commonly known as the Nepean Landfill that is located on Part Lot 9, Concession 4

Rideau Front in the former Township of Nepean as approved by Provisional Certificate of Approval Number A461301 issued under Part V of the *EPA* ;

- d. "*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* ;
- e. "*District Manager* " means the *District Manager* of the local district office of the *Ministry* in which the Site is geographically located;
- f. "*Domestic Waste* " means waste that is municipal waste but is limited to waste that has characteristics similar to that collected at curb side from households but from which *Incidental Subject Waste* has been removed;
- g. "*EPA* " means *Environmental Protection Act* , R.S.O. 1990, c. E. 19, as amended;
- h. "*Hazardous Waste* " means hazardous waste as defined in *O.Reg 347* ;
- i. "*High carbon waste* " means residual municipal waste from waste recycling facilities including but not necessarily limited to Types 3, 4, 5, 6 and 7 plastics and shredded tires to the extent described within Section 7 (b) and 7 (c) of *O.Reg 254/06* ;
- j. "*Incidental Subject Waste* " means hazardous waste and liquid industrial waste that is received at the Site commingled with *domestic* waste and which is separated from the waste stream prior to being gasified;
- k. "*Liquid Industrial Waste* " means liquid industrial waste as defined in *O.Reg 347* ;
- l. "*Ministry* " means Ontario Ministry of the Environment;
- m. "*Municipal Waste* " means municipal waste as defined in *O.Reg 347* ;
- n. "*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;
- o. "*Owner* " means any person that is responsible for the establishment or operation of the site being approved by this *Certificate* , and includes PLASCO Trail Road Inc., its successors and assigns;
- p. "*OWRA* " means the *Ontario Water Resources Act* , R.S.O. 1990, c. O-40, as amended from time to time;
- q. "*PA* " means the *Pesticides Act* , R.S.O. 1990, c. P-11, as amend from time to time;
- r. "*Professional Engineer* " means Professional Engineer as defined within the *Professional Engineers Act* , R.S.O. 1990, c. P-28, as amended from time to time;;

- s. "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* ;
- t. "O. Reg. 254/06 " means Ontario Regulation 254/06: PLASCO Demonstration Project made under the *EPA* ;
- u. "O. Reg. 347 " means Regulation 347, R.R.O. 1990, made under the *EPA* , as amended from time to time;
- v. "Residual Waste " means waste remaining after processing at the *Site* , including *Incidental Subject Waste* , that is destined for final disposal or further processing at another approved waste disposal facility;
- w. "Start-up Date " means the date when *Municipal Waste* is first received at the *Site* .
- x. "Site " means the Energy-From-Waste Demonstration Facility approved under this Certificate and located on the 3 acre parcel of the *Nepean Landfill Site (Closed)* that is described as Part of Lot 9, Concession 4 Rideau Front, as in Instrument CR526253, Except Part 1, Plan 5R14685 and Road as Widened Subject to Instrument Number CR383044, formerly City of Nepean, now City of Ottawa;
- y. "Trail Waste Facility Landfill " means the landfill site commonly known as the Trail Road Landfill that is located on Part Lots 7, 8, 9, 10 and 11, Concession 4 Rideau Front in the former Township of Nepean, now City of Ottawa as approved by Provisional Certificate of approval Number A461303 issued under Part V of the *EPA* ;
- z. "Trained person" means a person knowledgeable in the following through instruction and practice:
 - i. relevant waste management legislation, regulations and guidelines;
 - ii. major environmental concerns pertaining to the waste to be handled;
 - iii. occupational health and safety concerns pertaining to the processes and wastes to be handled;
 - iv. management procedures including the use and operation of equipment for the processes and wastes to be handled;
 - v. emergency response procedures;
 - vi. specific written procedures for the control of nuisance conditions;
 - vii. Specific written procedures for refusal of unacceptable waste loads;
 - viii. the requirements of *O. Reg. 254/06* ;
 - ix. the requirements of this *Certificate* ; and
 - x. the requirements of the *Certificate of Approval (Air)* .

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

TERMS AND CONDITIONS

GENERAL

Compliance

2. Any person authorized to carry out work on or operate any aspect of the *Site* shall be notified of this *Certificate* and the conditions herein and all reasonable measures shall be taken to ensure any such person complies with the same.
3. Any person authorized to carry out work on or operate any aspect of the *Site* shall comply with the conditions of this *Certificate* .

Build, etc. in Accordance

4. Except as otherwise provided by this *Certificate* , the *Site* shall be designed, developed, built, operated and maintained in accordance with the applications for this *Certificate* , the Design and Operating Manual as amended from time to time, and all other supporting documents listed in Schedule "A".

Interpretation

5. Where there is a conflict between a provision of any document, including an application, referred to in this *Certificate* , and the conditions of this *Certificate* , the conditions in this *Certificate* shall take precedence.
6. Where there is a conflict between an 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 this *Certificate* includes that change.
7. Where there is a conflict between any two documents listed in Schedule "A", other than an application, the document bearing the most recent date shall take precedence.
8. 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.
9. Unless otherwise specified, the obligations set out in this *Certificate* are those of both the *Owner* and *Operator* .

Other Legal Obligations

10. The issuance of, and compliance with the conditions of, this *Certificate* does not:
 - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or

- b. 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* .

Adverse Effects

11. Steps shall be taken to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality that results from their operations at the *Site* , including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
12. 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.

Change of Owner

13. 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 to:
 - a. the ownership of the *Site*;
 - b. the *Operator* of the *Site* ;
 - c. the address of the *Owner* or *Operator* ;
 - d. 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; or
 - e. 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.
14. 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* the *Owner* shall notify the successor and provide the successor with a copy of this *Certificate* , and the *Owner* shall provide a copy of the notification to the *District Manager* and the *Director*.

Financial Assurance

15. The *Owner* shall submit to the *Director* , Financial Assurance, as defined in Section 131 of the *EPA* , for the amount of \$43,000.00 thirty (30) days prior to any waste being received at the *Site* . This Financial Assurance shall be in a form and amount 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-site at any one time.
16. No later than March 31, 2007 and on an annual basis thereafter, the *Owner* shall provide, to the *Director* , a written re-evaluation of the amount of the Financial Assurance required to carry out the matters specified in Condition 15. The re-evaluation shall be based on the Financial Assurance Guideline applicable at the time of any re-evaluation. The revised Financial Assurance amount must be submitted to the *Director* within ten (10) days of written acceptance of the re-evaluation by the *Director* .
17. 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.

Inspections

18. No person shall hinder or obstruct a *Provincial Officer* in the performance of their duties, including any and all inspections authorized by the *OWRA* , the *EPA* or the *PA* of any place to which this *Certificate* relates, and without limiting the foregoing to:
 - a. enter upon the premises where the *Site* are located, or the location where the records required by the conditions of this *Certificate* are kept;
 - b. have access to, inspect, and copy any records required by the conditions of this *Certificate*;
 - c. inspect the practices, procedures, or operations required by the terms and conditions of this *Certificate* ; and
 - d. sample and monitor for the purposes of assessing compliance with the conditions of this *Certificate* or the *EPA* , the *OWRA* or the *PA*.

Information and Record Retention

19. 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. Records shall be retained for five (5) years except for as otherwise authorized in writing by the *Director* .
20. 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:

- a. 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
- b. acceptance by the *Ministry* of the information's completeness or accuracy.

CONSTRUCTION

21. The *Owner* shall provide to the *Director* and *District Manager* copies of the as-built Equipment General Arrangement Drawing (Drawing Number 141-DL-0260) bearing the stamp of a *Professional Engineer* prior to any waste being received at the *Site* .

OPERATION and MAINTENANCE

Operation

22. The *Site* shall be operated and maintained at all times including management and disposal of all waste in accordance with the *EPA* , *Regulation 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.

Demonstration Period

23. The *Owner* shall provide written notification to the *Director* and *District Manager* of the date that *Municipal Waste* is first received at the *Site* as part of the demonstration project. This notification shall be provided not later than fifteen days after the *Start-up Date* .
24. The *Owner* shall not receive or process any amount of waste at the *Site* and shall ensure that all waste is removed from the *Site* after the second anniversary of the *Start-up Date* .

Public Meetings

25. The *Owner* shall hold regular public information meetings to update the local community regarding the operation of the *Site* . The *Owner* shall provide the *Director* and *District Manager* with written notification and shall place notices in two local newspapers advising of the time, date and location of each public meeting at least fifteen (15) days prior to the date of each meeting. At a minimum the following public information meetings shall be held:
 - a. an initial public information meeting shall be held prior to the *Start-up Date* ;
 - b. a public information meeting shall be held not earlier than three months and not later than six months after the *Start-up Date* ;
 - c. a public information meeting shall be held not earlier than nine months and not later than twelve months after the *Start-up Date* ;

- d. a public information meeting shall be held in the month following the day waste is last processed as part of the demonstration project.

Traffic and Noise Study

26. Prior to any amount of waste being received at the *Site* the *Owner* shall provide a traffic and noise study to the *Director* and the *District Manager* that describes the anticipated impacts of the *Site* on traffic and noise levels in the area surrounding the *Nepean Landfill Site (Closed)* and sets out measures to be followed to minimize any undesirable impacts.

Public Website

27. The *Owner* shall maintain a website that can be accessed by the general public containing electronic copies (with the exclusion of any confidential financial or commercial information) of:
 - a. *O. Reg. 254/06* ;
 - b. this *Certificate* and the *Certificate of Approval (Air)* including supporting documentation listed with the certificates;
 - c. a telephone number to which complaints may be directed; and
 - d. the Monthly Engineer's Reports, the Semi-Annual Progress Reports and the Final Assessment Report referred to in Condition 48, 64 and 65, of the *Certificate* respectively.

Approved Waste Types and Service Area

28. The *Owner* may only accept the following categories of *Municipal Waste* at the *Site* :
 - a. *Domestic Waste* originating from curbside collection within the City of Ottawa that would otherwise have been disposed of at the *Trail Road Landfill* ;
 - b. *High carbon waste* originating within the City of Ottawa that is not suitable for recycling and that would otherwise have been disposed of at the *Trail Road Landfill* ; and
 - c. *High carbon waste* resulting from waste processing activities at Les Sols Calco Soils Inc. under Provisional Certificate of Approval Number 4130-5ZKH3W that is not suitable for recycling and that would otherwise have been disposed of at an approved waste disposal site.

Approved Limits

29. A maximum of fifteen (15) truckloads of waste may be received at the *Site* per day.
30. a. The *Site* is approved to utilize *Domestic Waste* referred to in Condition 28a. at a rate not

to exceed seventy-five (75) tonnes per day; and

- b. The *Site* is approved to utilize *High carbon waste* referred to in Conditions 28b. and 28c. at a combined maximum rate not to exceed ten (10) tonnes per day.

31. The maximum amount of waste that may be present at the *Site* at any one time shall not exceed the following:

- a. Incoming waste:
 - i. three hundred (300) tonnes of *Domestic Waste* stored within the material handling building;
 - ii. one hundred (100) tonnes of *High carbon waste* stored within the plastics storage building;
- b. Solid *Residual waste* :
 - i. one hundred (100) tonnes of slag waste stored within two lugger boxes;
 - ii. twenty-five (25) tonnes of wet sulphur waste from the H₂S Removal System collected within storage vessel TK-2265;
 - iii. eight hundred (800) kilograms of flyash waste from the slag baghouse collected within storage vessel TK-2264; and
- c. Liquid *Residual waste* :
 - i. 159,000 litres of *Liquid Industrial Waste* collected within above ground storage tank TK-6102;
 - ii. 15,000 litres of *Liquid Industrial Waste* collected within underground storage tank TK-6112; and
 - iii. 780 litres of *Liquid Industrial Waste* collected within sewage sump pit TK-6105.

Hours of Operation

- 32. a. The *Site* may operate twenty-four hours (24) per day three hundred and sixty-five (365) days per year.
- b. Notwithstanding Condition 32a. waste shall only be received at the *Site* and *Residual Waste* may only be transferred from the *Site* during the following hours:
 - i. on Mondays, Tuesdays, Thursdays and Fridays between the hours of 7:00 a.m. and 6:00 p.m.;
 - ii. on Wednesdays from April 15 to December 15 between the hours of 7:00 a.m. and 9:00 p.m.;
 - iii. on Wednesdays from December 16 to April 14 between the hours of 7:00 a.m. and 6:00 p.m.; and
 - iv. on Saturdays between the hours of 8:00 a.m. and 4:00 p.m.

Site Security and Signage

- 33. The *Site* shall be operated and maintained in a secure manner, such that unauthorized persons

cannot enter the *Site* .

34. A sign shall be posted and maintained at the main entrance/exit to the *Site* displaying in a manner that is clear and legible from the public roadway bordering the *Site* . The sign shall contain the following information:
- a. the name of the *Site* , the *Owner* and the *Operator* ;
 - b. the number of this *Certificate* ;
 - c. the normal hours of operation;
 - d. the allowable waste types;
 - e. a telephone number to which complaints may be directed;
 - f. a twenty-four (24) hour emergency telephone number (if different from above);
 - g. a warning against dumping outside the *Site* ; and
 - h. the website address referred to in Condition 27 of this *Certificate*.

Receiving

35. All waste arriving at the *Site* shall be inspected by a *Trained person* prior to being received at the *Site* to ensure wastes are being managed and disposed of in accordance with this *Certificate* , the *EPA* and *Reg. 347* .
36. In the event that a load of waste is rejected, a record shall be maintained identifying the reason the waste was refused, the type of waste that was refused and the generator and/or the origin of the waste, if known.

Labeling

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

Storage

38. All waste received at the *Site* shall be unloaded, processed and stored at the locations shown in the General Arrangement Drawing (Drawing Number 141-DL-0260) found in Schedule "A" of this *Certificate* .
39. The *Owner* shall ensure that all waste and process chemicals shall be stored in accordance with

Ministry publication "Guidelines for Environmental Protection Measures at Chemical Storage Facilities", dated October 1978 or as amended. Wastes and process chemicals shall be segregated from other incompatible wastes and materials.

Processing

40. The waste management functions that shall be carried out at the *Site* as approved by this *Certificate* are limited to the operations as described in the *Site's* Design and Operations Report contained within Item 3 of Schedule "A".
41. A Procedures Manual specific to the *Site* shall be prepared a minimum of thirty (30) days prior to the acceptance of any waste at the *Site*. The Procedures Manual shall contain detailed standard operating procedures relating to all aspects of the handling and processing of waste at the *Site* and shall be maintained current at all times and kept at the *Site* in central location that is accessible to *Site* personnel.

Odour

42.
 - a. The *Owner* shall ensure that the doors of the material handling building shall be kept closed at all times and shall only be opened for entry or departure of vehicles.
 - b. In the event of a persistent odour issue at the *Site* that results in an off *Site* adverse impact the *Owner* shall implement additional odour control measures in accordance with the odour contingency plan described in Item 8 of Schedule "A".
43.
 - a. *Domestic Waste* received at the *Site* shall be utilized within seventy two (72) hours.
 - b. *Domestic Waste* shall be removed from the loading/unloading area for disposal at an approved waste disposal site within forty eight (48) hours during emergency situations, mechanical failure or process upsets.
44. The tipping floor shall be cleaned following each day's operation and shall be disinfected as necessary.

Disposal

45.
 - a. All waste generated at the *Site* shall be disposed of in accordance with *Reg. 347*; and
 - b. Only haulers approved by the *Ministry* shall be used to transport waste from the *Site*.

Landfill Gas Monitoring

46. The *Owner* shall ensure that landfill gas monitoring is carried out at the *Site* in accordance with the landfill gas monitoring plan for the *Nepean Landfill Site (Closed)* as it is amended from time to time.

Site Inspection

47. A *Trained Person* shall inspect the entire *Site* each day the *Site* is in operation to ensure that: the *Site* is secure; that the operation of the *Site* is not causing any nuisances; that the operation of the *Site* is not causing any adverse effects on the environment and that the *Site* is being operated in compliance with this *Certificate*. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the *Site* if needed. On each operating day, a visual inspection of the following areas shall be carried out:
- a. loading/unloading area(s);
 - b. storage area(s);
 - c. delivery system area(s);
 - d. processing area(s); and
 - e. security fence or barriers and property line.
48. A record of the inspections shall be kept in the daily log book that includes the following information:
- a. the name and signature of person that conducted the inspection;
 - b. the date and time of the inspection;
 - c. a list of any deficiencies discovered;
 - d. any recommendations for action; and
 - e. the date, time and description of actions taken.

Monthly Engineer's Reports

49. In addition to the *Site* inspections required by Condition 47 of this *Certificate* third party inspections of the *Site* shall be carried out by a *Professional Engineer* as follows:
- a. The *Professional Engineer* shall visit the *Site* on a monthly basis to observe and report on the operations of the *Site* to verify compliance with the requirements of *O. Reg. 254/06* and the conditions of this *Certificate* and the *Certificate of Approval (Air)*. The inspections shall include a detailed walkthrough of the entire *Site* and a thorough review of the daily *Site* inspection records required by Condition 48 and the daily log book records required by Condition 64.
 - b. A report signed by the *Professional Engineer* shall be provided to the *District Manager* that summarizes the results of each inspection and certifies whether the *Site* has operated

in substantial compliance with this *Certificate* since the previous report. This report must be submitted to the *District Manager* no later than five (5) business days following the end of each calendar month starting from the *Start-up Date* .

- c. The *Professional Engineer* shall immediately notify the *Owner* in writing in the event that a non-compliance situation is observed during the course of the inspection. In the event that the *Owner* observes or is otherwise made aware of a non-compliance situation the *Owner* shall forthwith report the non-compliance to the *District Manager* in writing.

Other approvals

50. No waste shall be received at the *Site* and no *Site* processes and equipment shall be operated unless all approvals under Section 9 of the EPA, where applicable, have been obtained.
51. All direct discharges from this *Site* including stormwater run-off shall be managed in accordance with applicable Municipal, Provincial and or Federal Legislation, Regulations and By-laws.
52. Prior to any amount of waste being received at the *Site* the *Owner* shall provide to the *District Manager* and the *Director* a copy of a Schedule II Notification for the Thio Bacillus W5 organism acknowledging that the culture has been approved for import to the *Site* in accordance with the requirements of the *New Substances Notification Regulations, SOR/94-260* made under the *Canadian Environmental Protection Act, 1999* .

Training

53.
 - a. A training plan shall be submitted to the *District Manager* a minimum of thirty (30) days prior to the acceptance of any waste at the *Site* . The training plan shall be developed, implemented and maintained for any persons that operate the *Site* . The training plan shall require that all persons are trained in those activities that they are directly involved in or are responsible for overseeing.
 - b. A record showing that all persons directly involved with activities relating to the *Site* have been trained in accordance with the requirements described in Condition 53.a shall be maintained at the *Site* at all times.
54. A *Trained Person* shall be available at all times during the hours of operation of this *Site* to carry out any activity required under this *Certificate* .

Complaint Response

55. If at any time a complaint is received regarding the operation of the *Site* , the complaint shall be responded to according to the following procedure:
 - a. The *District Manager* shall be notified in writing forthwith upon receipt of any complaint;

- b. Each complaint shall be recorded and numbered, either electronically or in a separate log book, and shall include the following information:
 - i. the nature of the complaint,
 - ii. if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
 - iii. the address of the complainant (if provided); and
 - iv. the time and date of the complaint;
- c. Appropriate steps shall be taken forthwith to determine all possible causes of the complaint and to eliminate the cause of the complaint. A written reply shall be provided to the complainant within three (3) days of the complaint; and
- d. A report written shall be completed and retained at the *Site* within one (1) week of the complaint date outlining the information required by subconditions a, b, and c above that details as appropriate, the actions taken to investigate the cause of and to resolve the complaint including any recommendations for remedial measures, and managerial or operational changes proposed and taken to reasonably avoid the recurrence of similar incidents.

Emergency Response Plan

- 56. The *Owner* shall submit to the *District Manager* a Spill Contingency and Emergency Response Plan for the *Site* a minimum of sixty (60) days prior to the acceptance of waste at the *Site* . The Spill Contingency and Emergency Response Plan submitted must be acceptable to the local Municipal and the local Fire Department and shall be implemented prior to any waste being received at the *Site* . At a minimum the Spill Contingency and Emergency Response Plan shall include the following:
 - a. 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;
 - b. a list of equipment and spill clean up materials available in case of an emergency; and
 - c. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the site, the *Ministry* 's District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response.
- 57. The *Owner* shall ensure that the Spill Contingency and Emergency Response Plan for the *Site* is reviewed annually and maintained current at all times.
- 58. The Spill Contingency and Emergency Response Plan shall be retained in a central location on

the *Site* and shall be accessible to all staff at all times. The *Owner* shall ensure that the *District Manager*, the local Municipality and the Fire Department are notified of any changes to the Spill Contingency and Emergency Response Plan.

59. The equipment, materials and personnel requirements outlined in the Spill Contingency and Emergency Response Plan shall be immediately available on the *Site* at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.
60. All staff that operate the *Site* shall be fully trained in the use of the Spill Contingency and Emergency Response Plan and in the procedures to be employed in the event of an emergency.
61. The *Owner* shall immediately take all measures necessary to contain and clean up any spill or leak which may result from the operation of this *Site* and immediately implement the Spill Contingency and Emergency Response Plan if required.

Site Design and Operating Manual

62. The Design and Operating Manual shall be retained at the *Site* ; kept up to date; and be available for inspection by *Ministry* staff. The Design and Operating Manual shall contain at a minimum the information specified for a waste processing site as described in the most recent version of the *Ministry* publication "Guide For Applying For Approval Of Waste Disposal Sites".
63. Changes to the Design and Operating Manual shall be submitted to the *Director* for approval.

Daily Log Book

64. A log book or electronic file shall be maintained at the *Site* for a minimum of five years and shall include daily records of the following information. All amounts must be recorded in metric:
 - a. the date;
 - b. the types, amounts and sources of waste received at the *Site* ;
 - c. a record of any waste refusals which shall include: amounts, reasons for refusal and actions taken;
 - d. the type and amounts of unprocessed and processed waste at the *Site* ;
 - e. the results of the sampling and analysis of the residual wastes generated at the *Site* ;
 - f. the amounts and destination of each type of waste shipped from the *Site* ;
 - g. a record of daily inspections required by this *Certificate* ;
 - h. 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 and other persons were notified of the spill in fulfillment of the reporting requirements in the *EPA* ; and

- i. the signature of the person conducting the inspection and completing the report.

Semi-Annual Progress Report

65. The *Owner* shall prepare and provide to the *Director* and the *District Manager* a Semi-annual Progress Report for each six-month period after the *Start-up Date* describing how the operation of the *Site* complied with requirements of *O. Reg. 254/06* and the terms and conditions of this *Certificate* and the *Certificate of Approval (Air)* in that period. Each Semi-annual Progress Report shall be submitted within two (2) months of the conclusion of the period in which the report is based and shall at a minimum include the following information:

- a. the purpose of the demonstration project;
- b. an executive summary;
- c. a statement as to compliance with the requirements of *O. Reg. 254/06* and the Conditions of this *Certificate* and the *Certificate of Approval (Air)* with the inspection and reporting requirements of the Conditions contained herein;
- d. a detailed monthly and semi-annual summary of the information required by Condition 64 of this *Certificate* ;
- e. a detailed monthly and semi-annual summary of the reporting requirements required within the *Certificate of Approval (Air)* ;
- f. any environmental and operational problems, that caused or was likely to cause an adverse affect, encountered during the operation of the *Site* and during the facility inspections and any mitigative actions taken;
- g. any changes to the Spill Contingency and Emergency Response Plan, the Design and Operating Report and the Closure Plan that have been approved by the *Director* since the last semi-annual report;
- h. any recommendations to minimize environmental impacts from the operation of the *Site* and to improve *Site* operations and monitoring programs in this regard; and
- i. a summary of any complaints received and mitigating actions undertaken.

Final Assessment Report

66. The *Owner* shall prepare and provide to the *Director* and the *District Manager* a Final Assessment Report not less than three months after the date in which waste is last processed at the *Site* as part of the Demonstration Project. The Final Assessment Report shall at a minimum

include the following information:

- a. the purpose of the Demonstration Project;
- b. an executive summary including a summary on the operation of the Demonstration Project,
- c. a detailed summary of the information contained within the Semi-annual Progress Reports required by Condition 65 of this *Certificate* ; and
- d. a detailed evaluation of the ability of the demonstration project to generate electricity using *Municipal Waste* as a fuel source.

Closure Plan

67. A Closure Plan shall be submitted to the *Director* for approval within ninety (90) days of the issuance of this *Certificate* with a copy to the *District Manager* . The *Closure Plan* must include, at a minimum, a description of the work that will be done to facilitate closure of the *Site* and a schedule for completion of that work.
68. When the *Owner* ceases to receive, process and transfer waste at the *Site* in accordance with this *Certificate* , the *Owner* shall promptly close the *Site* in accordance with the approved *Closure Plan* .
69. Within ten (10) days after closure of the *Site* , the *Owner* shall notify the *Director* , in writing, that the *Site* is closed and that the approved Closure Plan has been implemented.

SCHEDULE "A"

1. Application for a Provisional Certificate of Approval for a Waste Disposal Site, dated June 23, 2006, prepared by PLASCO Trail Road Inc., and signed by Ken Campbell, including supporting documentation submitted under covering letter dated July 5, 2006.
2. Letter dated August 14, 2006, from Timothy Edwards, Ministry of the Environment, to Ken Campbell, PLASCO Trail Road Inc., requesting additional information.
3. Design and Operations Report, PLASCO Trail Road Demonstration Facility, prepared by SENES Consultants Limited, dated September 2006.
4. Letter dated September 29, 2006, from Timothy Edwards, Ministry of the Environment, to Ken Campbell, PLASCO Tail Road Inc., requesting additional information relating to the Design and Operations Report and the Nepean Landfill Site (Closed).
5. Addenda Application for a Provisional Certificate of Approval for a waste Disposal Site - PLASCO Demonstration Facility, dated November 2, 2006 prepared by SENES Consultants Limited, SENES Reference 34220.
6. Email dated November 7, 2006, from Murali Gunapathy, SENES Consultants Limited, to Tim Edwards, Ministry of the Environment, providing details of secondary containment.
7. Letter dated November 8, 2006, from Murali Gunapathy, SENES Consultants Limited, to Tim Edwards, Ministry of the Environment, providing additional clarification relating to secondary containment.
8. Letter dated November 28, 2006, from Richard Urbanski, SENES Consultants Limited, to Tim Edwards, Ministry of the Environment, providing details of the odour minimization plan and the odour contingency plan.

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

1. The reason for Condition 1 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 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 19, and 20 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Conditions 4, 38, 40, 61 and 62 is to ensure that the Site is operated in accordance with the applications and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.
4. The reasons for Condition 13 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval, to ensure that the Director is

informed of any changes and to ensure that the former owners and/or operators of the Site are not involved in any aspect of the charge, management or control of the Site.

5. The reasons for Condition 14 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not compromise compliance with this Certificate of Approval.
6. The reason for Conditions 15, 16 and 17 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that it appears the Owner is unable or unwilling to do so.
7. The reason for Condition 18 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 21 is to ensure the availability of accurate record drawings for inspection and information purposes.
9. The reason for Conditions 22, 37, 39, 41, 42, 43, 44, 46, 47, 49, 50, 51 and 52 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.
10. The reasons for Conditions 23, 24, 25, 26 and 27 are to specify the period of time in which the *Site* may operate, the requirement to hold public meetings, the requirement that a traffic and noise study be submitted and the requirement that a public website be maintained as stipulated within Ontario Regulation 254/06: PLASCO Demonstration Project made under the *EPA* .
11. The reasons for Conditions 28, 29 30 and 31 are to specify the approved service area from which waste may be accepted at the Site, the types of waste that may be accepted at the Site, the amounts of waste that may be stored at the Site and the maximum rate at which the Site may receive and remove waste, based on the applications and supporting documentation.
12. The reason for Condition 32 is to specify the hours of operation for the Site so that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.
13. The reasons for Condition 33 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 .
14. The reason for Condition 34 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.
15. The reason for Conditions 35, 36 and 45 is to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed of in accordance with O. Reg. 347, R.R.O.

1990 and in a manner that protects the health and safety of the public and the environment.

16. The reason for Condition 48 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.
17. The reason for Condition 53 and 54 is to ensure that the Site is operated by properly Trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person.
18. The reason for Condition 55 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
19. The reasons for Conditions 56, 57, 58, 59, 60 and 61 are to ensure that an Emergency Response Plan is developed and maintained at the Site and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.
20. The reasons for Condition 64 are to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Certificate of Approval, the EPA and its regulations.
21. The reasons for Condition 65 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.
22. The reason for Condition 66 is to ensure that a detailed evaluation of the Demonstration Project is carried out that assess the ability of the technology to generate electric electricity using municipal waste as a fuel source.
23. The reasons for Condition 67, 68 and 69 are 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 and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. 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
2300 Yonge St., Suite 1700
P.O. Box 2382
Toronto, Ontario
M4P 1E4

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**

The above noted waste disposal site is approved under Section 39 of the Environmental Protection Act.

DATED AT TORONTO this 1st day of December, 2006



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

TE/
c: District Manager, MOE Ottawa
Richard Urbanski, SENES Consultants Limited