

AMENDED CERTIFICATE OF APPROVAL

AIR
NUMBER 6794-7FWJBB
Issue Date: July 26, 2009

Environmental Services Inc.
22153 King & Whittle Rd
Tilbury, Ontario
N0P 2L0

Site Location: 22153 King & Whittle Road
Lot 8, Concession 10
Chatham-Kent Municipality,
N0P 2L0

You have applied in accordance with Section 9 of the Environmental Protection Act for approval of:

- one (1) exhaust fan to ventilate the drum storage building (warehouse), exhausting into the atmosphere at a volumetric flow rate of 2.30 cubic metres per second through a stack, identified as stack no.11, having an exit diameter of 0.500 metre, extending 3.00 metres above grade;
- one (1) propane gas fired glycol boiler, having a maximum heat input of 1,055,000 kilojoules per hour, exhausting into the atmosphere at a volumetric flow rate of 0.082 cubic metre per second through a stack, identified as stack no.15, having an exit diameter of 0.305 metre, extending 2.50 metres above grade;
- **one (1) exhaust fan to provide ventilation for the east de-watering enclosure inside the waste processing building, exhausting into the atmosphere at a volumetric flow rate of 9.91 actual cubic metres per second through a sidewall exhaust fan outlet, identified as stack no.13, having an exit diameter of 1.2 metre, extending 6.70 metres above grade;**
- **one (1) exhaust fan to provide ventilation for the west de-watering enclosure inside the waste processing building, exhausting into the atmosphere at a volumetric flow rate of 9.91 actual cubic metres per second through a sidewall exhaust fan outlet, identified as stack no.14, having an exit diameter of 1.2 metre, extending 6.70 metres above grade;**
- eleven (11) storage tanks with tank capacities and stack parameters as outlined in the attached Schedule "A".

All in accordance with the application for a Certificate of Approval (Air) signed by Todd Davidson, dated October 5, 2006 and supporting information. Email correspondence dated June 23 and 24, 2008 and July 17, 2009 from Al Davidson of DMA Technical Services Inc. to the Ontario Ministry of the Environment.

Schedule "A"

This Schedule "A" forms part of the Certificate of Approval (Air).

Stack no.	Description	Vent diameter (metre)	Vent height above grade (metres)	Tank capacity (litres)
1	TF1- Tank 1 vent	0.038	4.85	68,700
2	TF1- Tank 2 vent	0.038	5.30	36,750
3	TF1- Tank 3 vent	0.038	3.45	29,950
4	TF1- Tank 4 vent	0.038	3.85	5,800
5	TF1- Tank 5 vent	0.038	2.90	31,400
6	TF1- Tank 6 vent	0.038	4.85	43,000
7	TF1- Tank 7 vent	0.038	5.00	52,000
8	Brine - Tank 1 vent	0.038	5.10	34,900
9	Brine - Tank 2 vent	0.038	3.95	26,450
10	Brine - Tank 3 vent	0.038	3.05	45,750
16	TF2- Tank 1 vent	0.051	6.10	161,000

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

1. *"Certificate"* means this entire certificate of approval document, issued in accordance with section 9 of the *EPA*.
2. *"Company"* means Environmental Services Inc. that is responsible for the construction or operation of the *Facility* and includes any successors and assigns.
3. *"District Manager"* means the District Manager of the appropriate local district office of the *Ministry* where the *Facility* is geographically located.
4. *"EPA"* means the Environmental Protection Act, R.S.O. 1990, c.E.19.
5. *"Equipment"* means tanks, boiler and **de-watering enclosures ventilation systems** described in the *Company's* application, this *Certificate* and in the supporting documentation submitted with the application, to the extent approved by this *Certificate*.

6. "*Facility*" means the entire operation located on the property where the *Equipment* is located.
7. "*Manual*" means a document or a set of documents that provide written instructions to the staff of the *Company*.
8. "*Ministry*" means the ministry of the government of Ontario responsible for the *EPA* and includes all officials, employees or other persons acting on its behalf.
9. "*Publication NPC-205*" means *Ministry* Publication NPC-205, "Sound Level Limits for Stationary Sources Class 1 & 2 Areas (Urban)", October, 1995 as amended.
10. "*Publication NPC-232*" means *Ministry* Publication NPC-232, "Sound Level Limits for Stationary Sources Class 3 Areas (Rural)", October, 1995 as amended.

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

TERMS AND CONDITIONS

1. The *Company* shall ensure that the *Equipment* is properly operated and maintained at all times. The *Company* shall:
 - (1) prepare, not later than three (3) months after the date of this *Certificate*, and update, as necessary, a *Manual* outlining the operating procedures and a maintenance program for the *Equipment*, including:
 - (a) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the *Equipment* suppliers;
 - (b) emergency procedures, including all spill clean-up procedures;
 - (c) procedures for any record keeping activities relating to the operation and maintenance of the *Equipment*;
 - (d) all appropriate measures to minimize noise and odorous emissions from the all potential sources; and
 - (e) the frequency of inspection and replacement of the filter material in the *Equipment*;
 - (2) implement the recommendations of the *Manual*.
2. The *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-205* or *Publication NPC-232*, as applicable.

RECORD RETENTION

3. The *Company* shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this *Certificate*, and make these records available for review by staff of the *Ministry* upon request. The *Company* shall retain:
 - (1) all records on the maintenance, repair and inspection of the *Equipment*; and
 - (2) all records of any environmental complaints, including:
 - (a) a description, time and date of each incident to which the complaint relates;
 - (b) wind direction at the time of the incident to which the complaint relates; and
 - (c) a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

NOTIFICATION OF COMPLAINTS

4. The *Company* shall notify the *District Manager*, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - (1) a description of the nature of the complaint; and
 - (2) the time and date of the incident to which the complaint relates.

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

1. Condition No. 1 is included to emphasize that the *Equipment* must be maintained and operated according to a procedure that will result in compliance with the *Act*, the regulations and this *Certificate*.
2. Condition No. 2 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility*.
3. Condition No. 3 is included to require the *Company* to keep records and to provide information to staff of the *Ministry* so that compliance with the *Act*, the regulations and this *Certificate* can be verified.
4. Condition No. 4 is included to require the *Company* to notify staff of the *Ministry* so as to assist the *Ministry* with the review of the site's compliance.

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. 0340-542PF6 issued on November 9, 2001

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 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 9, *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 works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 26th day of July, 2009



Victor Low, P.Eng.
Director
Section 9, *Environmental Protection Act*

ST/
c: District Manager, MOE Windsor

Al Davidson, DMA Technical Services

Ministry of the Environment
Environmental Assessment and
Approvals Branch
Floor 12A
2 St Clair Ave W
Toronto ON M4V 1L5
Fax: (416)314-8452
Telephone: (416) 314-8001

Ministère de l'Environnement
Direction des évaluations et des
autorisations environnementales
Étage 12A
2 av St Clair O
Toronto ON M4V 1L5
Télécopieur : (416)314-8452
Téléphone : (416) 314-8001



July 27, 2009

JUL 31 2009

R. Todd Davidson, President
Environmental Services Inc.
22153 King & Whittle Rd
Tilbury, Ontario
N0P 2L0

Dear Sir:

**Re: Application for Approval of Air
Relocation and Addition of Exhaust Stacks
Chatham-Kent Municipality
MOE Reference Number 3126-6UMR6D**

Please find enclosed the Certificate of Approval (Air) for the above referenced application.

It is confirmed in the e-mail from DMA Technical Services Inc. dated July 21, 2009 that you have already begun constructing the de-watering enclosures. We note that this activity has taken place in contravention of subsection 9(1) of the *Environmental Protection Act*, R.S.O. 1990 (Act). Our local district office may contact you in regards to this matter.

We also note that the issuance of the above certificate does not absolve you of liability for having started the construction of the de-watering enclosures before we issued a certificate of approval.

Based on our technical evaluation and the information submitted with your application, the Facility is capable of operating within this Ministry's requirements.

We emphasize that if, at any time, emissions from the Equipment/Facility contravene any part of the Act, Regulation 419/05, or any conditions included in the above noted Certificate, such contravention may become the subject of enforcement in accordance with section 186 of the Act. In addition, the Director may amend or revoke the above noted Certificate in accordance with his powers under the Act.

Please be advised that Ontario Regulation 419/05: Air Pollution – Local Air Quality came into force on November 30, 2005 and was amended on August 31, 2007. This regulation changes the way air emissions are regulated in Ontario. Regulation 419/05 imposes requirements that may

affect your facility today and in the future.

Regulation 419/05 introduced new or updated air standards and sets out new requirements concerning the use of approved air dispersion models. The following time lines affect Schedule 5 sector facilities:

- **February 1, 2010** - By February 1, 2010, facilities that belong to sectors listed in Schedule 5 are required to comply with any new or updated standards in Schedule 2. (s. 19).
- **February 1, 2012** – ESDM reports accompanying CofA applications made after January 31, 2012 must be prepared as if s. 20 (Schedule 3 and advanced approved dispersion models) applies. (s. 22).
- **February 1, 2013** - By February 1, 2013, facilities that belong to sectors listed in Schedule 5 are required to comply with all standards in Schedule 3 using the advanced approved air dispersion models. (s.20).
- **February 1, 2013** - By February 1, 2013, facilities that belong to sectors listed in Schedule 5 are required to prepare and annually update an Emission Summary and Dispersion Modelling (ESDM) report. (s.23 and s.25).
- **October 31, 2011** - Should it be determined that a Schedule 3 standard cannot be met by the set compliance date, facilities that belong to sectors listed in Schedule 5 may request an alternative standard. The window set out in the Regulation within which to make this request opens on February 1, 2010 and closes on October 31, 2011. More information on the Alternative Standards process can be found in the “Guide for Requesting an Alternative Air Standard” on the MOE website (PIBs# 6322e). (s.32).

The Regulation 419/05 web-site contains comprehensive information including Frequently Asked Questions, Guideline Documents, Forms and a link to the Regulation.

<http://www.ene.gov.on.ca/envision/air/regulations/localquality.htm>

If you have any questions regarding the above, please contact S. Tieu, Senior Air Engineer, at (416) 314-7992.

Yours truly,



Victor Low, P.Eng.
Director
Section 9, Environmental Protection Act

c: District Manager, MOE Windsor

Al Davidson, DMA Technical Services