



ENVIRONMENTAL COMPLIANCE APPROVAL  
NUMBER 5648-9NVNSH  
Issue Date: March 25, 2015

The Corporation of the Town of Whitby  
575 Rossland Rd E  
Whitby, Ontario  
L1N 2M8

*You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:*

a waste management system for the temporary storage of municipal waste at the sites listed in Schedule "B" of this Approval

*For the purpose of this environmental compliance approval, the following definitions apply:*

- (1) "**Approval**" means this entire Environmental Compliance Approval document, issued in accordance with section 39 of the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A";
- (2) "**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;
- (3) "**District Manager**" means the District Manager of the Ministry's York-Durham District Office;
- (4) "**EPA**" means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;
- (5) "**Ministry**" means the Ontario Ministry of the Environment;
- (6) "**municipal waste**" as defined in Reg. 347;
- (7) "**OWRA**" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;
- (8) "**Operations Centre**" means the Town of Whitby Operations Centre located at 333 McKinney Drive, Whitby, Ontario, with all records required to be kept at Operations Centre through this Approval to be under the care of the Town's Commissioner of Public Works or designate;
- (9) "**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 System;
- (10) "**Owner**" means any person that is responsible for the establishment or operation of the Site being approved through this Approval, and includes the Corporation of the Town of Whitby, its successors and assigns;
- (11) "**PA**" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended;
- (12) "**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;
- (13) "**Reg. 347**" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

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(14) "**residual waste**" means any waste that is destined for final disposal or further processing at another approved waste disposal facility;

(15) "**Site(s)**" means the site(s) listed in Schedule "B";

(16) "**System**" means the waste management system being approved through this Approval, and includes the sites listed in Schedule "B";

(17) "**subject waste**" as defined in Reg. 347;

(18) "**Trained personnel**" means competent personnel that have been trained through instruction and/or practice in accordance with the conditions of this Approval.

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

### **TERMS AND CONDITIONS**

#### **1.0 Compliance**

1.1 The Owner and Operator shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the System is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

1.2 Any person authorized to carry out work on or operate any aspect of the System shall comply with the conditions of this Approval.

1.3 The System shall be operated and maintained at all times including management and disposal of all waste in accordance with the EPA, Reg. 347 and the conditions of this Approval. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

#### **2.0 Design, Develop, Build, Operate, Modify and Maintain in Accordance**

2.1 Except as otherwise provided for in this Approval, the Site shall be designed, developed, built, operated, modified and maintained in accordance with the application for this Approval dated June 23, 2014, the Design and Operations Report as updated from time to time, and the other supporting documentation listed in Schedule "A".

#### **3.0 Interpretation**

3.1 Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.

3.2 Where there is a conflict between the 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 the Ministry approved the amendment.

3.3 Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.

3.4 The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

#### **4.0 Other Legal Obligations**

4.1 The issuance of, and compliance with, this Approval does not:

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(1) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement including, but not limited to:

- (a) obtaining site plan approval from the local municipal authority;
- (b) obtaining all necessary building permits from the local municipal authority Building Services Division;
- (c) obtaining any necessary or applicable approvals from the Chief Fire Prevention Officer, local municipal authority: or

(2) 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 Approval.

### 5.0 Adverse Effect

5.1 The Owner and Operator shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the System, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

5.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval, the Owner, Operator or any other person remains responsible for any contravention of any other condition of this Approval 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.

### 6.0 Change of Owner

6.1 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:

- (1) the ownership of the System;
- (2) the Operator of the System;
- (3) the address of the Owner or Operator;
- (4) 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; and
- (5) 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.

### 7.0 Inspections

7.1 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, or the PA, of any place to which this Approval relates, and without limiting the foregoing:

- (1) to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this Approval are kept;
- (2) to have access to, inspect, and copy any records required to be kept by the conditions of this Approval;
- (3) to inspect the System, related equipment and appurtenances;
- (4) to inspect the practices, procedures, or operations required by the conditions of this Approval; and
- (5) to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Approval or the

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EPA, the OWRA or the PA.

### **8.0 Information and Record Retention**

8.1 Any information requested, by the Ministry, concerning the System and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.

8.2 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 Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

- (1) an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
- (2) acceptance by the Ministry of the information's completeness or accuracy.

8.3 All records required by the conditions of this Approval must be retained for a minimum period of five (5) years from the date of their creation.

8.4 Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

### **9.0 Notification**

9.1 No less than 24 hours prior to the receipt of waste pursuant to this Approval, the Owner shall provide the Medical Officer of Health with written notification of the Owner's intent to receive waste pursuant to this Approval and a list of the locations of all Sites.

9.2 No waste may be received at any Site unless:

(1) the District Manager has received written correspondence from the Medical Officer of Health indicating that an emergency situation has arisen requiring the temporary storage of waste pursuant to this Approval; and

(2) the Owner has received written correspondence from the District Manager allowing the receipt of waste pursuant to this Approval.

9.3 (1) Prior to the receipt of waste and/or the construction of any Site, the Owner shall provide written notification to the landowners adjacent to that Site of the Owner's intent to utilize the Site for the temporary storage of waste. This notification shall include the following:

1. the purpose of the Site;
2. a map of the Site showing the proposed waste storage locations;
3. a description of the environmental protection and security measures to be employed at the Site;
4. a direct link to an online resource where this Approval may be viewed in its entirety; and
5. a 24-hour telephone number that can be used to reach to Owner in the event of a complaint or an emergency.

(2) A copy of the notification described in Condition 9.3(1) shall be provided to the District Manager prior to the receipt of waste and/or the construction of any Site.

### **10.0 Service Area and Hours of Operation**

10.1 Only waste that is generated within the geographical boundaries of the Town of Whitby may be accepted at the Sites.

10.2 Waste may be received at and/or shipped from the Sites 24 hours per day, 7 days per week for the duration of any emergency situation noted in Condition 9.2(1) above, unless otherwise directed by the District Manager in writing.

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### 11.0 Signage and Security

11.1 Prior to receiving any waste, the Owner shall install a sign at the main entrance/exit to each Site on which the following information shall be legibly displayed:

- (1) the name of the Owner and the address of the Site;
- (2) the number of this Approval;
- (3) a 24-hour telephone number that can be used to reach the Owner in the event of a complaint or an emergency;
- (4) the Ministry's Spill Action Centre telephone number (1-800-268-6060);
- (5) the type of waste that is approved for receipt at the Site, and procedures for depositing waste at the Site.

11.2 The Owner shall operate and maintain each Site in a secure manner, such that unauthorized persons cannot access the Site.

### 12.0 Approved Waste Types

12.1 No wastes other than municipal waste, limited to solid non-hazardous waste from residential sources, shall be accepted at the Sites.

12.2 The Owner shall take appropriate measures to ensure that only approved waste contained in tied plastic bags (or other equivalent containers/packaging) is received at the Sites. If any unacceptable waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.

### 13.0 Approved Waste Quantities

13.1 The amount of waste received at each Site shall not exceed the amount specified for that Site in Schedule "B".

### 14.0 Waste Storage

14.1 (1) All waste shall be stored in leakproof containers in order to prevent interaction with stormwater, leachate generation and wind blown litter.

(2) Waste containers with permanent covers shall be kept closed. Waste containers without permanent covers shall be covered with tarps or other temporary covers as necessary to prevent interaction with stormwater.

(3) Waste storage shall otherwise be carried out such that the operation of the System does not result in a nuisance or an adverse effect.

14.2 Waste shall be removed from each Site:

- (1) when the amount of waste at the Site reaches 75% of the capacity of the Site; and
- (2) no less than once per week

to minimize nuisances or adverse impacts due to odours, vermin and vectors.

### 15.0 Nuisance Control

15.1 The Owner shall operate and maintain the Sites such that dust, litter, odours and vermin/vectors do not result in a nuisance or an adverse effect.

15.2 If at any time vermin and/or vectors result in a nuisance or an adverse effect, the Owner shall hire a qualified, licensed pest control professional to design and implement a pest control plan for the affected Site(s).

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15.3 If at any time odours result in a nuisance or an adverse effect, the Owner shall take all appropriate remedial actions to eliminate the cause of the odour at the affected Site(s) which may include: identifying and removing the odourous waste; removing all waste from the affected Site(s); and/or increasing the frequency of waste removal to no less than once per day for the affected Site(s), as necessary.

### **16.0 Stormwater Management and Discharge to Sewer**

16.1 The Owner shall manage all discharges from this Site, including sanitary sewage and stormwater runoff, in accordance with appropriate municipal, provincial and/or federal legislation, regulations and by-laws.

16.2 The Owner shall take all reasonable measures to ensure that no contaminated stormwater and/or leachate enters any storm sewer or natural water course.

### **17.0 Site Inspections**

17.1 Trained Personnel shall carry out a daily inspection of each operational Site to ensure that:

- (1) the Site is secure;
- (2) no unapproved waste is present on-site;
- (3) the operation of the Site is not the cause of any nuisances or adverse effects as described in Condition 15 above; and
- (4) the operation of the Site is not the cause of any other adverse effects.

17.2 Any deficiencies discovered as a result of an inspection carried out under Condition 17.1 shall be remedied immediately, with corrective measures including temporarily ceasing operations at the Site(s) and/or removing all waste from the Site(s) as necessary.

17.3 A record of the inspections shall be kept at the Operations Centre that includes the following information:

- (1) the name and signature of person that conducted the inspection;
- (2) the date of the inspection;
- (3) a list of any deficiencies discovered;
- (4) any recommendations for action; and
- (5) the date, time and description of actions taken.

### **18.0 Complaints**

18.1 If at any time the Owner receives complaints regarding the operation of a Site, the Owner shall respond to these complaints according to the following procedure:

(1) The Owner shall record each complaint, with a record to be kept at the Operations Centre, and shall include the following information:

1. the Site location;
2. the nature of the complaint;
3. the name, address and the telephone number of the complainant if the complainant will provide this information;
4. the time and date of the complaint; and
5. weather conditions at the time of the complaint.

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- (2) The Owner shall inform the District Manager of the complaint forthwith.
- (3) The Owner shall immediately initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant within 72 hours.

### **19.0 Spill Response and Contingency Measures**

19.1 All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at 1-800-268-6060 and a record shall be kept at the Operations Centre as to the nature of the spill or upset and the actions taken for clean-up, correction and prevention of future occurrences.

19.2 Contingency plans shall be kept at the Operations Centre. These contingency plans shall address, as a minimum, the procedures to be followed regarding the receipt of waste not approved under this Approval and disruptions to normal operations.

### **20.0 Training**

20.1 The Owner shall develop and implement a training plan specific to the System to ensure that all employees that operate Sites or carry out any activity required under this Approval are trained in its operation.

20.2 The training plan shall require and ensure through proper written records that all persons directly involved with activities relating to the System have been trained with respect to:

- (1) their specific on-site duties;
- (2) relevant waste management legislation, regulations and guidelines;
- (3) major environmental concerns pertaining to the waste to be handled;
- (4) occupational health and safety concerns pertaining to the processes and wastes to be handled;
- (5) the spill response and contingency measures;
- (6) the control of nuisance conditions; and
- (7) the requirements of this Approval.

20.3 The Owner shall maintain a written record of training at the Operations Centre, including:

- (1) the date of training;
- (2) the name and signature of the person who has been trained; and
- (3) a description of the training provided.

### **21.0 Closure Plan**

21.1 The Owner shall commence the removal of waste from all Sites within 24 hours of the end of the emergency situation noted in Condition 9.2(1) above, and shall restore each Site to its previous condition as soon as possible thereafter.

21.2 Within 30 days of the end of the emergency situation noted in Condition 9.2(1) above, the Owner shall submit a report to the District Manager covering the entire duration of the labour dispute. This report shall include the following:

- (1) confirmation that all waste has been removed from each Site;

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(2) an estimate of the total amount of waste received at and removed from each Site, including the destination of the waste;

(3) an assessment of any environmental impacts remaining from the operation of each Site, and a schedule for remediating any such impacts.

**Schedule "A"**

*This Schedule "A" forms part of this Environmental Compliance Approval:*

1. Environmental Compliance Approval Application dated June 23, 2014 signed by Suzanne Beale, Commissioner of Public Works, Town of Whitby, including all supporting documentation.

**Schedule "B"**

*This Schedule "B" forms part of this Environmental Compliance Approval:*

<b>Name</b>	<b>Address</b>	<b>Capacity (tonnes)</b>
Iriqouis Park Sports Centre	500 Victoria Street West, Whitby	100
McKinney Centre	222 McKinney Drive, Whitby	100
Brooklin Memorial Park	67 Winchester Road East, Brooklin	100
Town of Whitby Parking Lot	215 Colborne Street East, Whitby	100

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

1. The reason for the definitions is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.
2. The reason for Conditions 1, 3, 4, 5 and 8 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Condition 2 is to ensure that the System 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.
4. The reasons for Condition 6 are to ensure that the System is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.
5. The reason for Condition 7 is to ensure that appropriate Ministry staff have ready access to the System for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA, OWRA and PA.
6. The reasons for Condition 9 are to ensure that all neighbouring residents are notified of the establishment of each Site prior to use, and to ensure the Medical Officer of Health is advised of the existence and location of each Site.
7. The reasons for Conditions 10.1 and 10.2 are to specify the approved service area from which waste may be accepted by the System and the hours of operation for the Sites.
8. The reasons for Conditions 11.1 and 11.2 are to ensure that users of the Sites are fully aware of important information and restrictions related to Site operations and access under this Approval, and to ensure the controlled access and integrity of the Sites by preventing unauthorized access.
9. The reasons for Conditions 12, 13, and 14 are to specify the types of waste that may be accepted by the System, the amounts of waste that may be stored at the Sites, the maximum rate at which the Sites may receive waste, and when waste removal shall begin for each Site.



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10. The reason for Conditions 15, 16, 17.1 and 17.2 is to ensure that the System is operated in a manner which does not result in a nuisance, an adverse effect or a hazard to the health and safety of the environment and the public.

11. The reason for Condition 17.3 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.

12. The reason for Condition 18 is to ensure that any complaints regarding Site operations are responded to in a timely manner.

13. The reason for Condition 19 is to ensure that a Spill Response and Contingency Plan is developed to be implemented as necessary.

14. The reason for Condition 20 is to ensure that the System is operated by properly Trained staff in a manner that does not result in an adverse effect, hazard or nuisance to the natural environment or any person.

15. The reasons for Condition 21 is to ensure that the Sites are 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, 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 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.

*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:*

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

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) 314-3717 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

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

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DATED AT TORONTO this 25th day of March, 2015

Dale Gable, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

AN/  
c: District Manager, MOE York-Durham  
Brad Brooks, The Corporation of the Town of Whitby