

IBI GROUP

LAND USE COMPATIBILITY STUDY SERENITY TEMPLE, NIAGARA FALLS

JUNE 01, 2022

FINAL





LAND USE COMPATIBILITY STUDY

SERENITY TEMPLE,
NIAGARA FALLS

IBI GROUP

FINAL

PROJECT NO.: 221-00720-00

DATE: JUNE 01, 2022

WSP
UNIT 2
126 DON HILLOCK DRIVE
AURORA, ON, CANADA L4G 0G9

T: +1 905 750-3080
F: +1 905 727-0463
WSP.COM



June 01, 2022

IBI GROUP
Suite 200, East Wing
360 James Street North
Hamilton, ON L8L 1H5

Attention: John Ariens, Associate Director

Subject: Serenity Temple Land Use Compatibility Study

WSP Canada Inc. (WSP) was retained to complete a Land Use Compatibility Study, to assess potential air quality, dust, odour, noise and vibration concerns for the property located at on the south site of Chippawa Creek Road and west of Heartland Forest Road in Niagara Falls, Ontario (the 'Site'). The study is being completed in support of a Zoning By-Law Amendment ('ZBA') as requested by the City of Niagara Falls ('City'). The Site is proposed to be rezoned from Heavy Industrial ('HI') to Prestige Industrial ('PI') allow for a health centre, accessory banquet facility, and lodging facility (the 'Proposed Development').

The study was conducted in accordance with the "Compatibility between Industrial Facilities and Sensitive Land Uses", published by the Ontario Ministry of the Environment, Conservation, and Parks (MECP) Guideline D-6 and the "Compatibility between Sewage Treatment and Sensitive Land Use" Guideline D-2 published by the Ontario Ministry of the Environment, Conservation and Parks (MECP).

The purpose of the study was to assess potential impacts that the surrounding industrial facility operations could have on the proposed development and vice versa. The objective was to review compatibility of land uses and flexibility for growth in developing the community.

Sincerely,

WSP Canada Inc.

Lillian Li, M.Eng.
Air Quality Specialist

WSP ref.: 221-00720-00

UNIT 2
126 DON HILLOCK DRIVE
AURORA, ON, CANADA L4G 0G9

T: +1 905 750-3080
F: +1 905 727-0463
wsp.com

SIGNATURES

PREPARED BY



Rebecca Wakoli, B.Sc., EPt.
Air Quality Specialist

REVIEWED BY



Camille Taylor, P.Eng.
Senior Air Quality Engineer

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1 INTRODUCTION

WSP Canada Inc. (WSP) was retained by IBI Group to prepare a Land Use Compatibility Study for the potential introduction of sensitive land uses at the property located on the south side of Chippawa Creek Road and west of Heartland Forest Road in Niagara Falls, Ontario (the ‘Site’ or the ‘Proposed Development’). WSP has reviewed the surrounding land uses with respect to the Ministry of the Environment, Conservation, and Parks (MECP) Guideline D-6 – Compatibility Between Industrial Facilities and Sensitive Land Uses (‘D-6 Guideline’) and Guideline D-2 – Compatibility between Sewage Treatment and Sensitive Land Use (‘D-2 Guideline’).

The purpose of the study is to assess potential air quality, dust, odour, noise, and vibration (nuisance) impacts that the surrounding land uses could have to the introduction of new sensitive land use at the Proposed Development, and vice versa. The objective is to evaluate compatibility of land uses and flexibility for growth in developing the community. This report describes the surrounding industrial and commercial facilities, specifically addressing the neighbouring businesses and industries within proximity of the Site as having t potential to cause a nuisance.

The methodology, findings, conclusions, and recommendations of this Land Use Compatibility Study are presented in the subsequent sections of this report.

1.1 PROPOSED DEVELOPMENT

The proposed development is located at the intersection of Chippawa Creek Road and Heartland Forest Road, situated on the south side of Chippawa Creek Road and west of Heartland Forest Road in Niagara Falls, Ontario, as shown in **Figure 1**. A copy of the Site concept plan can be found in **Figure 2**, as provided by the client. It is understood that this Land Use Compatibility Study is required for the Zoning By-Law Amendment (ZBA) application to the City of Niagara Falls, proposed as a rezoning of the property is required. The Site is currently zoned Heavy Industrial (HI), and the application is for the Site to be rezoned to Prestige Industrial (PI) to allow for a health and fitness centre, spa, restaurant, banquet, and conference centre together with accessory accommodation suites.

1.2 ZONING

The Site is located in the City of Niagara Falls, within the Regional Municipality of Niagara, Ontario. The Site is currently zoned for heavy industrial under the City of Niagara Falls Zoning By-Law. The area surrounding the Site consists primarily of heavy industrial, hazard zone land, prestige industrial land and environmental protection area. A zoning map of the land surrounding the Site is shown in **Figure 3**.

A review of the Site location revealed that there is currently a barn structure on the Proposed Development property. The information on the structure is summarized in **Table A1, Appendix A**. It is assumed that the structure will be removed/demolished during the development of the Site, and as a result it is not included in this study.

1.3 EVALUATION OF SURROUNDING LAND USES

Following the D-2 and D-6 Guidelines, a Study Area of 1 000 m around the Site was established. The D-6 Guideline outlines a recommended minimum separation distance and potential influence area between industrial facilities and sensitive land uses based on an industrial classification system. The minimum separation distance is the distance (property line to property line) between the incompatible land uses, where industrial use has the potential to cause an adverse effect. The potential influence area is a greater distance in which the industrial operations may have the potential to cause an adverse effect, depending on site operations and meteorological conditions. Additionally, the facilities that are outside of their respective recommended minimum separation distance and potential influence area are expected to have minimal potential for creating nuisance issues that would give rise to complaints. The D-2 Guideline provides alternative recommended minimum separation distances based on the design capacity of sewage treatment plants which are further discussed in **Section 3**.

In this assessment, facilities of potential concern were assessed based on the Ontario Environmental registry, the Environment Activity and Sector Registry (EASR) and Environmental Compliance Approval (ECA) data, aerial photography, facility websites and other publicly available sources.

2 APPLICABLE GUIDELINES

The following guidelines have been reviewed and applied in the assessment and relate to the potential for adverse impacts from industry on sensitive land uses:

MECP D-2 Guideline: “Compatibility between Sewage Treatment and Sensitive Land Use”

- MECP D-6 Guideline: “Compatibility between Industrial Facilities and Sensitive Land Uses”;
- MECP Regulation 419/05 Air Pollution – Local Air Quality.
- Ontario Regulation 524/98 Air Pollution – Environmental Compliance Approvals – Exemptions from Section 9 of the Act;
- Ontario Environmental Protection Act, R.S.O. 1990, c.E19;
- MTO “Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects” (May 2020); and
- MECP Traffic Related Air Pollution: Mitigation Strategies and Municipal Road Class Environmental Assessment Air Quality Impact Assessment Protocol Draft (July 25, 2017).

3 D-2 GUIDELINE

The objective of the D-2 Guideline is to prevent or minimize the encroachment of sensitive land uses upon waste stabilization ponds and sewage treatment plants, and vice versa. These two land uses are normally incompatible due to possible adverse effects on sensitive land uses created by facility operations.

3.1 POTENTIAL IMPACT OF SEWAGE TREATMENT FACILITIES ON THE PROPOSED DEVELOPMENT

Wastewater management facilities reviewed in this Study and identified as having the potential to adversely impact air quality at the proposed development are located within 1 000 m of the Site.

Garner Road Biosolids Facility (the ‘Facility’) is located at 8719 Chippawa Creek Road and is approximately 355 m west of the Site. Based on a review of the Region of Niagara Sewage Plan and Amended ECA for the Garner Road Biosolids Facility dated April 11, 2018, the design capacity of the facility is 92,000 m³/day. The Facility operates under an ECA for air emissions (ECA #4332-7B3L3S, ECA#2914-6SWPBE).

The D-2 Guideline categorizes waste stabilization ponds and sewage treatment plants into categories according to their design capacity. The D-2 Guideline defines a minimum separation distance and recommended separation distance between sewage treatment plant and sensitive land uses for each sewage treatment plant classification, presented in **Table 3-1**.

Table 3-1 Guideline D-2 Recommended Minimum Separation Distance for Sewage Treatment Plants

SEWAGE TREATMENT PLANT CLASSIFICATION	MINIMUM SEPERATION DISTANCE (m)	RECOMMENDED SEPERATION DISTANCE (m)
Capacity Equal to or Less than 500m ³ /d	<100 m may be permitted based on a feasibility study	100
Capacity Greater to 500m ³ /d but less than 25 000m ³ /d	100	150
Capacity Greater than 25 000m ³ /d	Require individual study, a separation distance >150 m may be required.	
Waste Stabilization Ponds	Varies from 100 – 400 m depending on the type of pond and characteristics of the waste.	

The Facility design capacity of 92,000 m³/day classify the Facility as one with a recommended separation distance to a sensitive receptor of greater than 150 m, and the separation distance from a waste stabilization pond to a sensitive receptor between 100 m and 400 m.

The proposed development is located approximately 355 m east of the Garner Road Biosolids Facility, which indicates that new sensitive receptors could be introduced within the recommended separation distance of the facility without an individual study being completed.

The Garner Road Biosolids Facility ECA was granted an ECA by the MECP which implies that the Facility was able to demonstrate that it complied with the odour guidelines at the nearest sensitive receptor. The closest existing sensitive receptor to the facility is approximately 26 m to the south, which is much closer than the Proposed Development to the Facility. It is therefore, expected that the Facility through their ECA conditions, one of which includes that the Facility is required to implement measures to prevent and/or minimize odour emissions or other nuisance and to take action to prevent impacts at sensitives receptors. Potential changes at the Facility require that the Facility submit an ECA Amendment application and approval from the MECP. The Facility would be required to demonstrate that it can meet air quality, odour and noise limits at the property boundary or at the nearest sensitive receptor.

Based on an assessment of localized meteorological data, the facility is located in an area where prevailing winds will not be blowing towards the Proposed Development.

The Garner Road Biosolids Facility is not expected to adversely impact air quality, odour, noise, and vibration at the proposed development. In addition, expansions at the Garner Road Biosolids Facility are not expected to be impacted by the proposed development based on separation distance from the Site, and the existing sensitive receptors located closer to the Garner Road Biosolids facility than the Proposed Development.

4 D-6 GUIDELINE

The objective of the D-6 Guideline is to prevent or minimize the encroachment of sensitive land uses upon industrial land uses and vice versa. These two land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations. For this study a commercial or employment land use is considered an industrial operation in terms of potential to adversely impact a sensitive land use. The D-6 Guideline categorizes industrial facilities into three classes according to their size, volume of operations, and nature of their emissions and defines what a sensitive land use is.

The D-6 Guideline provides definitions and examples to illustrate the three industrial classes, provided in **Appendix B**. Facilities that do not meet the definition of any one of the three industrial classes have little potential for creating nuisance issues that would give rise to complaints. The definitions and examples in the D-6 Guideline relevant to nuisance concerns were used to characterize the nearby facilities. The D-6 Guideline defines a recommended minimum separation distance and potential influence area between industrial facilities and sensitive land uses for each industrial classification, presented in **Table 4-1**.

Table 4-1 Guideline D-6 Recommended Minimum Separation Distance and Potential Influence Areas for Industrial Land Uses

INDUSTRIAL CLASSIFICATION	RECOMMENDED MINIMUM SEPARATION DISTANCE (m)	POTENTIAL INFLUENCE AREA (m)
Class I – Light Industrial	20	70
Class II – Medium Industrial	70	300
Class III – Heavy Industrial	300	1 000

4.1 POTENTIAL IMPACT OF SURROUNDING FACILITIES ON THE PROPOSED DEVELOPMENT

After reviewing maps and aerial imagery of the area, a comprehensive list of commercial and industrial facilities within the Study Area was generated. These facilities were divided into four categories:

- Class 0 facilities (WSP identifier, not listed in the D-6 guideline) assessed to be of negligible concern to sensitive land uses at the proposed development, and consisting of minor operations;
- Class I facilities determined to be of limited concern to sensitive land uses at the proposed development;
- Class II facilities determined to have a potential adverse impact to sensitive land uses at the proposed development; and,
- Class III facilities determined to have a potential adverse impact to sensitive land uses at the proposed development.

Table A2 in **Appendix A** provides the name of each of the identified facilities which have been included in this assessment. **Figure 4** identifies the location of the facilities and the Garner Road Biosolids Facility which have been included in this Study. The assessment was based on publicly available information (*i.e.*, facility websites, environmental registry, aerial photography, etc.).

4.2 FACILITIES WITH NEGLIGIBLE CONCERN FOR IMPACTS

Facilities reviewed in this D-6 Compatibility Assessment were categorized as either facilities of negligible concern, facilities of limited concern, or facilities of potential concern with respect to the Site and the surrounding environment. Facilities of negligible concern include retailers, restaurants, suppliers, and professional services

located outside the recommended minimum separation distance and potential influence area. **Table A3** in **Appendix A** presents thirteen (13) facilities that were either identified as industrial Class 0 or are located outside the recommended minimum separation distance and the potential influence area for their respective class. These facilities included small-scale operations including auto services, suppliers, manufacturers, public consulting services, and a brewery. Therefore, adverse nuisance impacts to sensitive land uses at the Site are not expected from current and future operations at these facilities. The introduction of sensitive land uses at the Site are also not expected to adversely impact operations at these facilities.

As requested by the City of Niagara Falls, the D-6 Compatibility Assessment reviewed the potential impact from Cytec Canada Inc, located at 9061 Garner Road. Cytec Canada Inc. is a manufacturing facility located at 9061 Garner Road, approximately 1200 m west southwest of the Site. The facility is located outside of 1000 m Study Area. The manufacturing facility operates under ECA number 1282-AQRMBJ for air and noise emissions. A copy of the ECA is provided in **Appendix C**. It is implied that odour and noise at the nearest sensitive receptor is in compliance with provincial standards through the environmental permit. The closest existing sensitive receptor to the manufacturing facility is approximately 100 m to the south southeast, which is closer than the Proposed Development to the manufacturing facility. As a result, current and future operations at Cytec Canada Inc. are not expected to have adverse air quality, odour, or noise and vibration impacts to new sensitive land uses at the Site.

4.3 POTENTIAL FACILITIES OF CONCERN

Facilities reviewed in this D-6 Compatibility Assessment and identified as having the potential to adversely impact sensitive land uses at the Site are located within the recommended minimum separation distance or potential area of influence. A total of one (1) facility was identified within the 1000 m Study Area.

4.3.1 FACILITIES WITHIN THE POTENTIAL INFLUENCE AREA

The Site is located within the potential influence area of one (1) facility; however, this facility is located outside the recommended minimum separation distance as shown in **Table 4-2**.

Table 4-2 Facilities Identified Within the MECP D-6 Potential Influence Area

FACILITY	INDUSTRIAL CLASS	APPROXIMATE DISTANCE FROM SITE (M)	MECP D-6 MINIMUM SEPARATION DISTANCE (M)	MECP D-6 POTENTIAL INFLUENCE AREA (M)
Power Grow Composting Facility*	III	860	300	1000

Notes:

- 1) * - indicates the facility operates under an ECA, a copy of the can be found in Appendix C.

Power Grow Composting is a composting facility located at 8800 Garner Road, approximately 860 m west of the Site. The facility has been classified as a Class III facility due to expected operations associated with composting material including the outdoor storage and transfer of organic matter and delivery vehicles posing potential dust, odour and noise nuisance. The facility is located outside of the recommended minimum separation distance for a Class III facility. The facility operates under ECA number 3203-5JBHQF and ECA number A120202 for odour and air and noise emissions. A copy of the ECA is provided in **Appendix C**.

The ECA for Power Grow Composting includes a condition for the control of potential nuisance nuisances such as odour by employing the use of a mobile odour control agent spraying system to minimize odour from facility. As Power Grow Composting was granted an ECA by the MECP it implies that the Facility was able to demonstrate that it complied with the air quality limits at the property line and the noise and odour guidelines at the nearest sensitive receptors. The closest existing sensitive receptor to the composting facility is approximately 360 m to the south, which is closer than the Proposed Development to the facility.

As the Power Grow Composting facility is operating under an ECA, the composting facility is required to comply with provincial standards for air and odour emissions at the property line. There were no other publicly available air emissions data from the composting facility available at the time of the assessment.

Noise generated at the facility may be occasionally audible off site but is not expected to impact sensitive land uses at the Site as it is outside of the recommended minimum separation distance and existing sensitive land use is closer to the facility. The composting facility would have to meet MECP sound level limits at the existing sensitive land use, and thus would be meeting at the Proposed Development with sensitive land use.

As a result, current and future operations at Power Grow Composting Facility are not expected to have adverse air quality, odour, or noise and vibration impacts to new sensitive land uses at the Site. The introduction of sensitive land uses at the Site are also not expected to impact operations at the facility.

4.3.2 TRANSPORTATION SOURCES

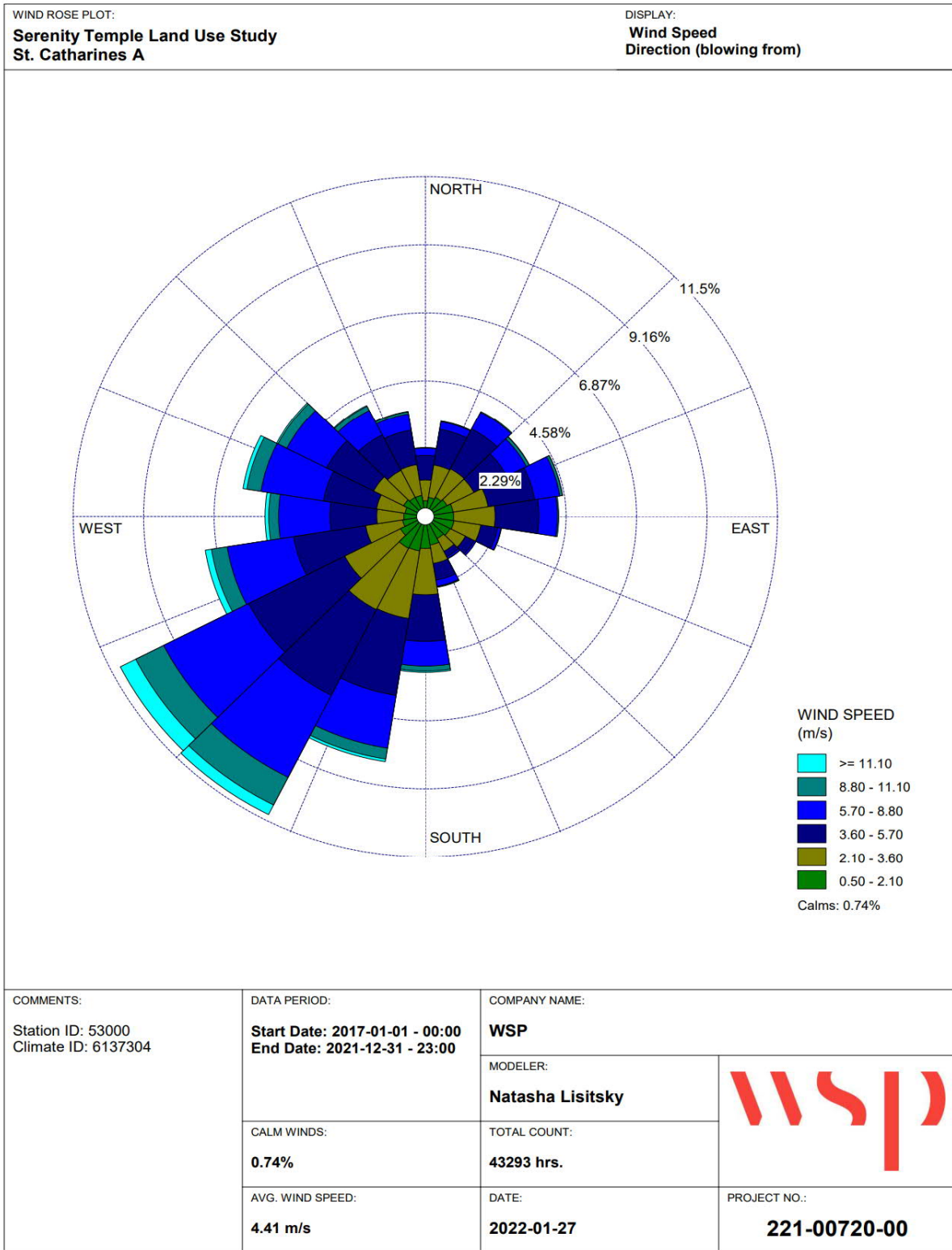
Roadways within 500 m of the Site were reviewed for their potential to generate dust nuisance at the Site based on guidance provided in the Ministry of Transportation Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects (May 2020). There are no major highways within 500 m of the Site. Roadways with the potential to experience high volumes of traffic (Annual Average Daily Traffic (AADT) greater than 20,000 vehicles) within 500 m of the Site include Chippawa Creek Road and Heartland Forest Road. Based on traffic data from the Grand Niagara Transportation Impact Study Draft dated January 2017 (included in **Appendix D**) the existing traffic volumes (AADT of 1130 vehicles) and future 2031 traffic volumes (AADT of 2100 vehicles) are relatively low and limited residential dwellings in the surrounding area. Therefore, road dust and traffic noise are not expected to have a significant impact on the Site.

5 METEOROLOGICAL DATA ANALYSIS

Localized meteorological data was reviewed to assess the frequency of winds blowing from the Garner Road Biosolids Facility and from the composting facility to the Site. WSP obtained historical climate data from the Environment and Climate Change Canada (ECCC) website and prepared reviewed the meteorological data for the frequency analysis.

The wind data averaged from 2017 to 2021 compiled from the St. Catharines station, Station # 53000, 19 km north northwest from our Site, was analyzed and applied to the area to determine the frequency that the wind could contribute to nuisance issues such as fugitive dust and odour as potential concerns for the Site. A 'blowing from' wind rose was produced for the aforementioned period and the frequency data is included in **Table 5-1**. The 'blowing from' wind rose plot is below in **Figure 5-1**.

Figure 5-1 Wind Rose Plot



WRPLOT View - Lakes Environmental Software

Table 5-1 Wind Data for Station #53000

WIND BLOWING FROM	FREQUENCY (%)	EQUIVALENT DAYS PER YEAR
N	3	12
NNE	4	15
NE	5	17
ENE	6	20
E	5	20
ESE	3	10
SE	2	7
SSE	3	10
S	7	26
SSW	11	40
SW	15	54
WSW	10	36
W	7	25
WNW	7	27
NW	6	21
NNW	5	17

The prevailing wind direction at the Site is blowing from the south southwest through to west south west, accounting for 36%, or 130 equivalent days of the year.

The Garner Road Biosolids Facility and Power Grow Composting (Terractec Environmental Ltd.) facility are located west of the Site. The frequency of wind direction blowing from the west is approximately 7% of the time or 25 equivalent days per year.

6 SUMMARY OF POTENTIAL IMPACTS

6.1 IMPACT FROM SEWAGE TREATMENT FACILITIES ON PROPOSED DEVELOPMENT

Garner Road Biosolids Facility is a waste management facility located at 8719 Chippawa Creek Road, approximately 355 m west of the Site. The design capacity of 92,000 m³/day of facility indicates that a separation distance to a sensitive receptor of greater than 150 m, and the separation distance from a waste stabilization pond to a sensitive receptor between 100 m and 400 m.

The proposed development is located approximately 355 m from the facility, which indicates that new sensitive receptors could be introduced within the recommended separation distance of the facility without an individual study being completed. The Garner Road Biosolids Facility ECA was granted an ECA by the MECP which implies that the Facility was able to demonstrate that it complied with the odour guidelines at the nearest sensitive receptor. The closest existing sensitive receptor to the facility is approximately 26 m to the south, which is much closer than the Proposed Development to the Facility. It is therefore, expected that the Facility through their ECA conditions, one of which includes that the Facility is required to implement measures to prevent and/or minimize odour emissions or other nuisance and to take action to prevent impacts at sensitive receptors. Potential changes at the Facility require that the Facility submit an ECA Amendment application and approval from the MECP. The Facility would be required to demonstrate that it can meet air quality, odour and noise limits at the property boundary or at the nearest sensitive receptor.

6.2 IMPACT FROM INDUSTRIAL FACILITIES ON PROPOSED DEVELOPMENT

Power Grow Composting is a composting facility located at 8800 Garner Road, approximately 860 m west of the Site. The facility has been classified as a Class III facility. The facility operates under an environmental approval for odour, air and noise emissions. It is implied that odour and noise at the nearest sensitive receptor is in compliance with provincial standards through the environmental permit. The facility is also located outside of the minimum separation distance and the closest existing sensitive receptor to the facility is approximately 360 m to the south, closer than the Site to the facility. As a result, current and future operations at Power Grow Composting Facility are not expected to have adverse air quality, odour, or noise and vibration impacts to new sensitive land uses at the Site. The introduction of sensitive land uses at the Site are also not expected to impact operations at the facility.

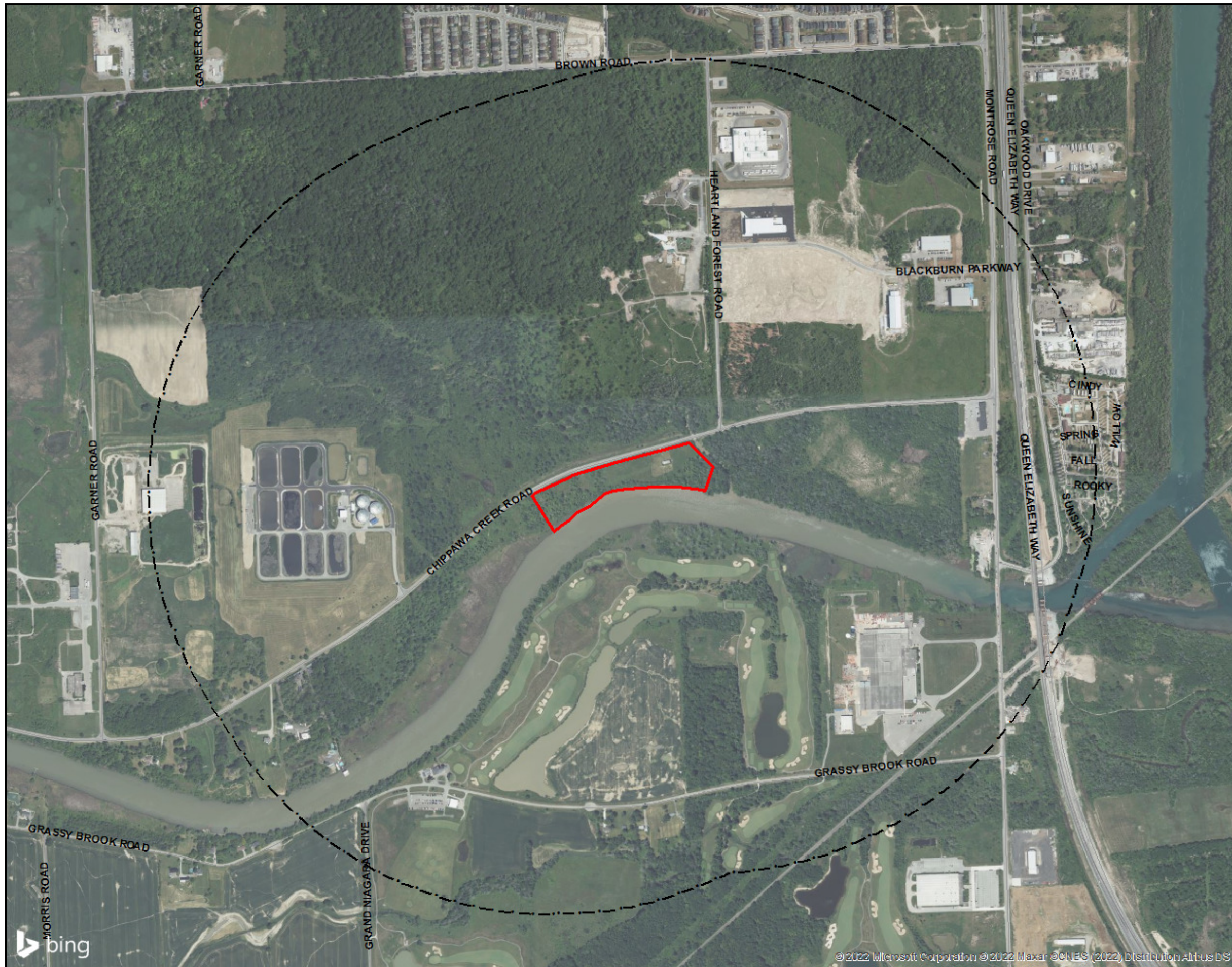
7 CONCLUSIONS AND RECOMMENDATIONS

Based on an assessment of the proposed development and surrounding facilities, WSP concludes the following:

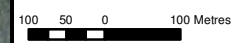
- The proposed development was identified to be within the potential influence area of one (1) facility, the Power Grow Composting (Terratec Environmental) facility. An assessment of prevailing winds, surrounding land uses, and existing sensitive receptors around the Site indicates that Garner Road Biosolids Facility and Power Grow Composting (Terratec Environmental) are not expected to adversely impact air quality, odour, noise, and vibration at the Site.
- Based on existing traffic volumes and limited residential dwellings in the area, the road traffic dust and noise and vibration are not expected to have a significant impact on the Site.
- Additional air quality and noise impact studies may be required if commercial or employment uses are introduced within the Site, as these uses could impact air quality and noise for sensitive uses within the Site, as well as surrounding sensitive receptors.

FIGURES





LEGEND
 APPROXIMATE SITE LOCATION
 1000m STUDY AREA



CLIENT:
IBI GROUP

PROJECT:
**LANDUSE COMPATIBILITY ASSESSMENT
 SERENITY TEMPLE
 NIAGARA FALLS, ONTARIO**

PROJECT NO: 221-00720-00	DATE: JANUARY 2022
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DESIGNED BY:
-

DRAWN BY:
TP

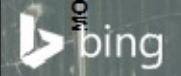
CHECKED BY:
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FIGURE NO: 1	SCALE: 1:10,000
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TITLE:
SITE LOCATION

DISCIPLINE:
ENVIRONMENT

ISSUE:	REV.:
-	-





PRELIMINARY SITE STATS		ft²	m²	%
Lot Area	12.84 Hectares	1382360.0	128,425.4	
Lot Coverage				
Building Coverage		15000.0	1,393.5	1.09%
Landscape Coverage (not Cov'd By Building)		1305360.0	121,271.9	94.43%
Paved Areas (Asphalt Not Cov'd By Building)		62000.0	5,760.0	4.49%
Estimated Floor Areas				
Lower Floor		11445.0	1,063.3	0.83%
1st Floor		11445.0	1,063.3	0.83%
3rd Floor		10410.0	967.1	0.75%
Gross Floor Area		33300.0	3,093.7	2.41%
Building Height	12m (2 Storeys) measured from grade to roof peak			
Parking				
Restaurant 1 space/10 seats		70 seats	7.00	spaces
Public hall/Assembly Hall 1 Space / 5 persons		635 persons	127	spaces

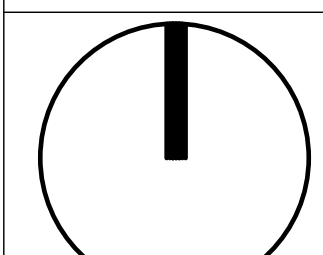
SITE PLAN
1" = 40'-0"

- | | | | | | |
|---------|---|---------|---|---------|--|
| PHASE 1 | <ul style="list-style-type: none"> LOWER LEVEL KUNG FU AND ACCOMMODATIONS MAIN LEVEL KUNG FU AND OFFICES MAIN ENTRY LOBBY AND ELEVATOR SECOND LEVEL GUEST ROOMS | PHASE 2 | <ul style="list-style-type: none"> LOWER LEVEL BANQUET STORAGE AND LINKWAY MAIN LEVEL BANQUET HALL KITCHEN AND COURTYARD SECOND LEVEL BANQUET HALL AND LINKWAY | PHASE 3 | <ul style="list-style-type: none"> LOWER LEVEL SPA MAIN LEVEL YOGA STUDIO AND NOODLE HOUSE SECOND LEVEL GUEST ROOMS |
|---------|---|---------|---|---------|--|


PRELIMINARY FOR DISCUSSION PURPOSES ONLY

PROPOSED NEW SERENITY TEMPLE CONCEPT

CHIPPAWA CREEK ROAD, NIAGARA FALLS, ONT.



NORTH



www.ackarchitects.com

studio office: 443 westchester ave. toronto, ontario m5t 1s2
 architectural office: 100 kumon ave. suite 102 toronto, ontario m1a 1s3

SHEET TITLE

SITE PLAN

PROJECT NUMBER: 2020-139
 DATE: APRIL 2020
 DRAWN BY: JMR
 CHECKED BY: MDA
 SCALE: AS SHOWN

SP1

2020-04-28 8:20:58 PM

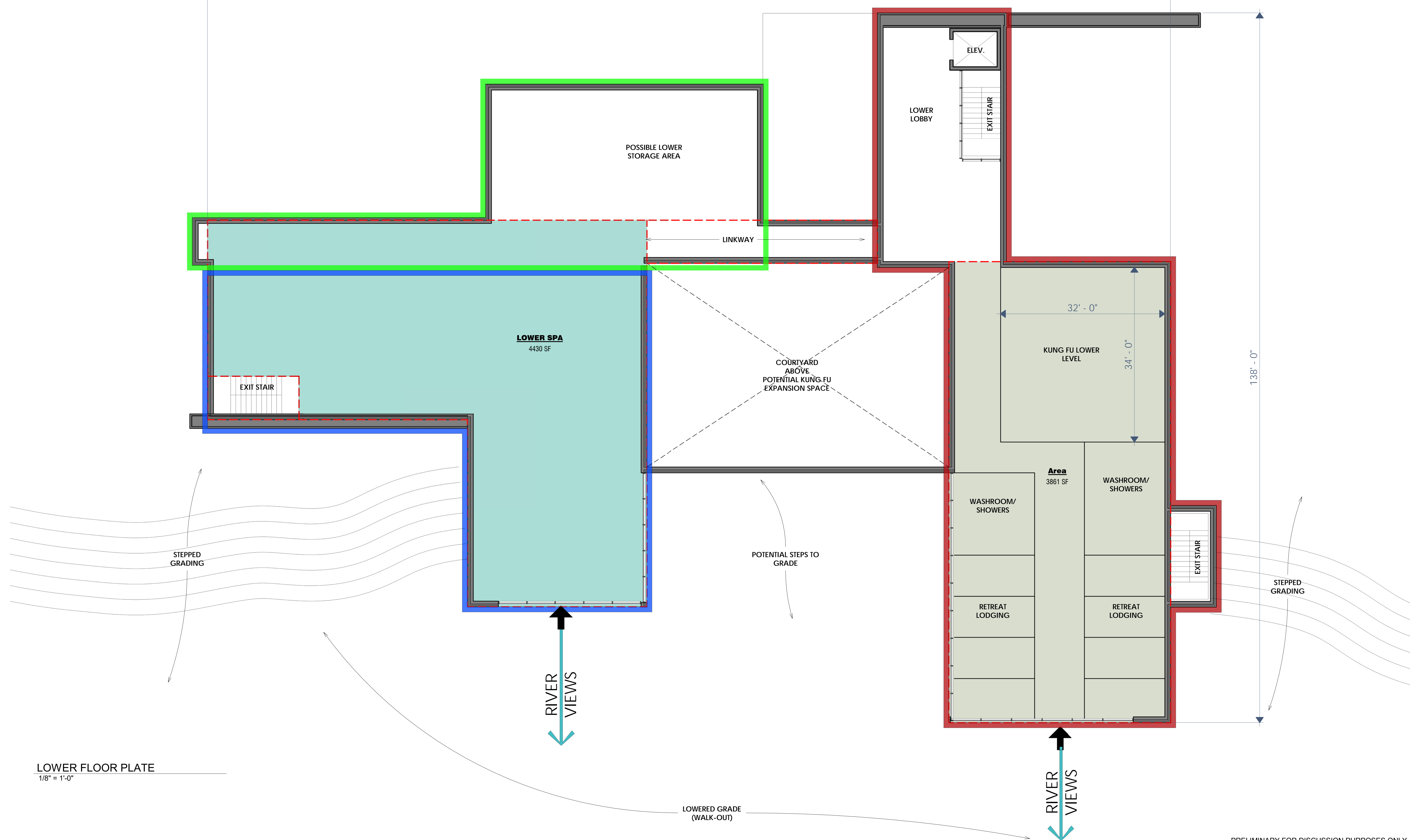
- | | | | | | |
|----------------|---|----------------|---|----------------|--|
| PHASE 1 | <ul style="list-style-type: none"> • LOWER LEVEL KUNG FU AND ACCOMMODATIONS • MAIN LEVEL KUNG FU AND OFFICES • MAIN ENTRY LOBBY AND ELEVATOR • SECOND LEVEL GUEST ROOMS | PHASE 2 | <ul style="list-style-type: none"> • LOWER LEVEL BANQUET STORAGE AND LINKWAY • MAIN LEVEL BANQUET HALL KITCHEN AND COURTYARD • SECOND LEVEL BANQUET HALL AND LINKWAY | PHASE 3 | <ul style="list-style-type: none"> • LOWER LEVEL SPA • MAIN LEVEL YOGA STUDIO AND NOODLE HOUSE • SECOND LEVEL GUEST ROOMS |
|----------------|---|----------------|---|----------------|--|

5265 sq. ft.

2430 sq. ft.

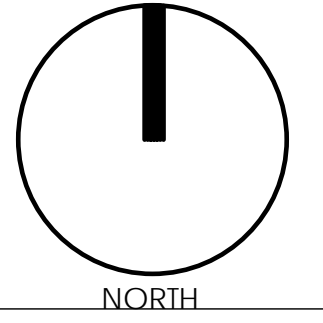
3750 sq. ft.

187' - 0"



**PROPOSED NEW
SERENITY TEMPLE
CONCEPT**

CHIPPAWA CREEK ROAD, NIAGARA FALLS, ONT.



A | C | K
architects
www.ackarchitects.com

studio office: 443 westchester ave. toronto, ontario m5s 2t6
architectural office: 100 kumon ave. suite 102 toronto, ontario m1a 1s3

SHEET TITLE
LOWER FLOOR PLATE

PROJECT NUMBER: 2020-139
DATE: APRIL 2020
DRAWN BY: JMR
CHECKED BY: MDA
SCALE: AS SHOWN

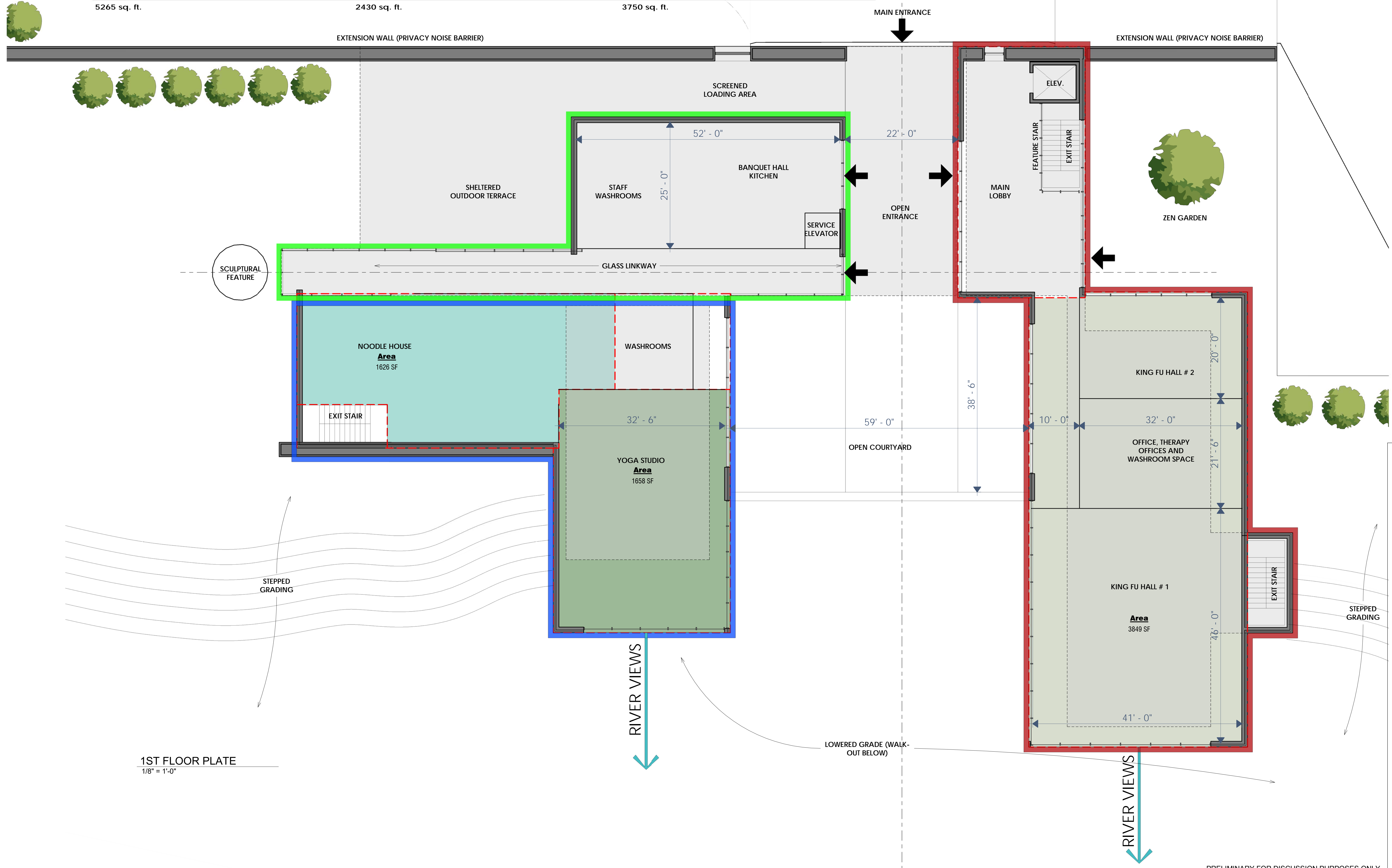
A1

LOWER FLOOR PLATE
1/8" = 1'-0"

PRELIMINARY FOR DISCUSSION PURPOSES ONLY

2020-05-28 8:17:11 PM

- PHASE 1**
 - LOWER LEVEL KUNG FU AND ACCOMMODATIONS
 - MAIN LEVEL KUNG FU AND OFFICES
 - MAIN ENTRY LOBBY AND ELEVATOR
 - SECOND LEVEL GUEST ROOMS
- PHASE 2**
 - LOWER LEVEL BANQUET STORAGE AND LINKWAY
 - MAIN LEVEL BANQUET HALL KITCHEN AND COURTYARD
 - SECOND LEVEL BANQUET HALL AND LINKWAY
- PHASE 3**
 - LOWER LEVEL SPA
 - MAIN LEVEL YOGA STUDIO AND NOODLE HOUSE
 - SECOND LEVEL GUEST ROOMS



1ST FLOOR PLATE
1/8" = 1'-0"

PROPOSED NEW SERENITY TEMPLE CONCEPT

CHIPPAWA CREEK ROAD, NIAGARA FALLS, ONT.

A | C | K
architects
www.ackarchitects.com

studio office: 443 westchester ave. niagara falls, ontario mla 1s2
architectural office: 100 huron ave. suite 102 toronto, ontario m5a 1s3

SHEET TITLE
1ST FLOOR PLATE

PROJECT NUMBER: 2020-139
DATE: APRIL 2020
DRAWN BY: JMR
CHECKED BY: MDA
SCALE: AS SHOWN

A2

PRELIMINARY FOR DISCUSSION PURPOSES ONLY

2020-05-28 8:17:22 PM

PHASE 1

- LOWER LEVEL KUNG FU AND ACCOMMODATIONS
- MAIN LEVEL KUNG FU AND OFFICES
- MAIN ENTRY LOBBY AND ELEVATOR
- SECOND LEVEL GUEST ROOMS

3690 sq. ft.

PHASE 2

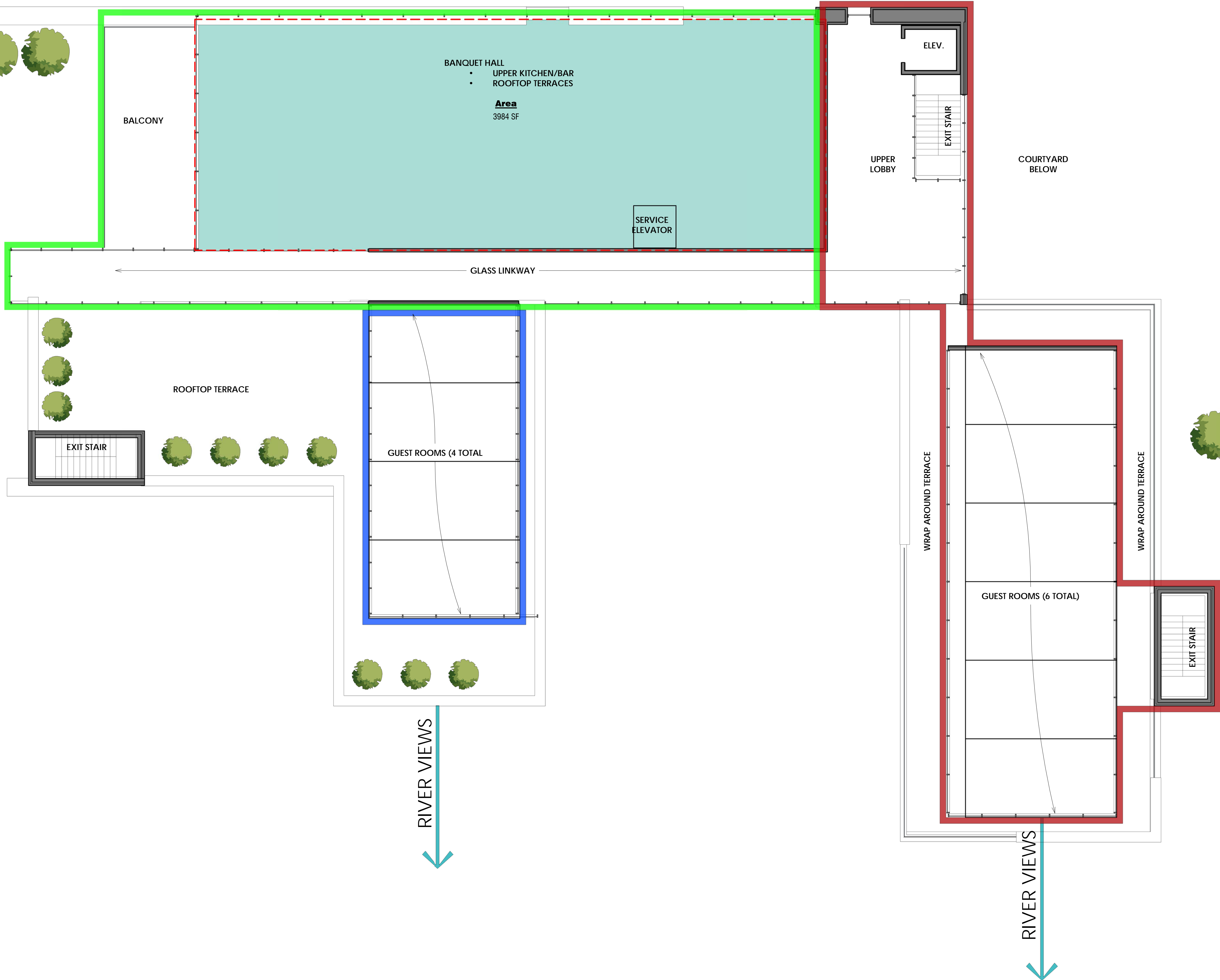
- LOWER LEVEL BANQUET STORAGE AND LINKWAY
- MAIN LEVEL BANQUET HALL KITCHEN AND COURTYARD
- SECOND LEVEL BANQUET HALL AND LINKWAY

5470 sq. ft.

PHASE 3

- LOWER LEVEL SPA
- MAIN LEVEL YOGA STUDIO AND NOODLE HOUSE
- SECOND LEVEL GUEST ROOMS

1250 sq. ft.



PROPOSED NEW SERENITY TEMPLE CONCEPT

CHIPPAWA CREEK ROAD, NIAGARA FALLS, ONT.

NORTH

A | C | K
architects
www.ackarchitects.com

studio office: 443 westchester ave. toronto, ontario m5t 1s2
 architectural office: 100 kumon ave. suite 102 toronto, ontario m1a 1s3

SHEET TITLE

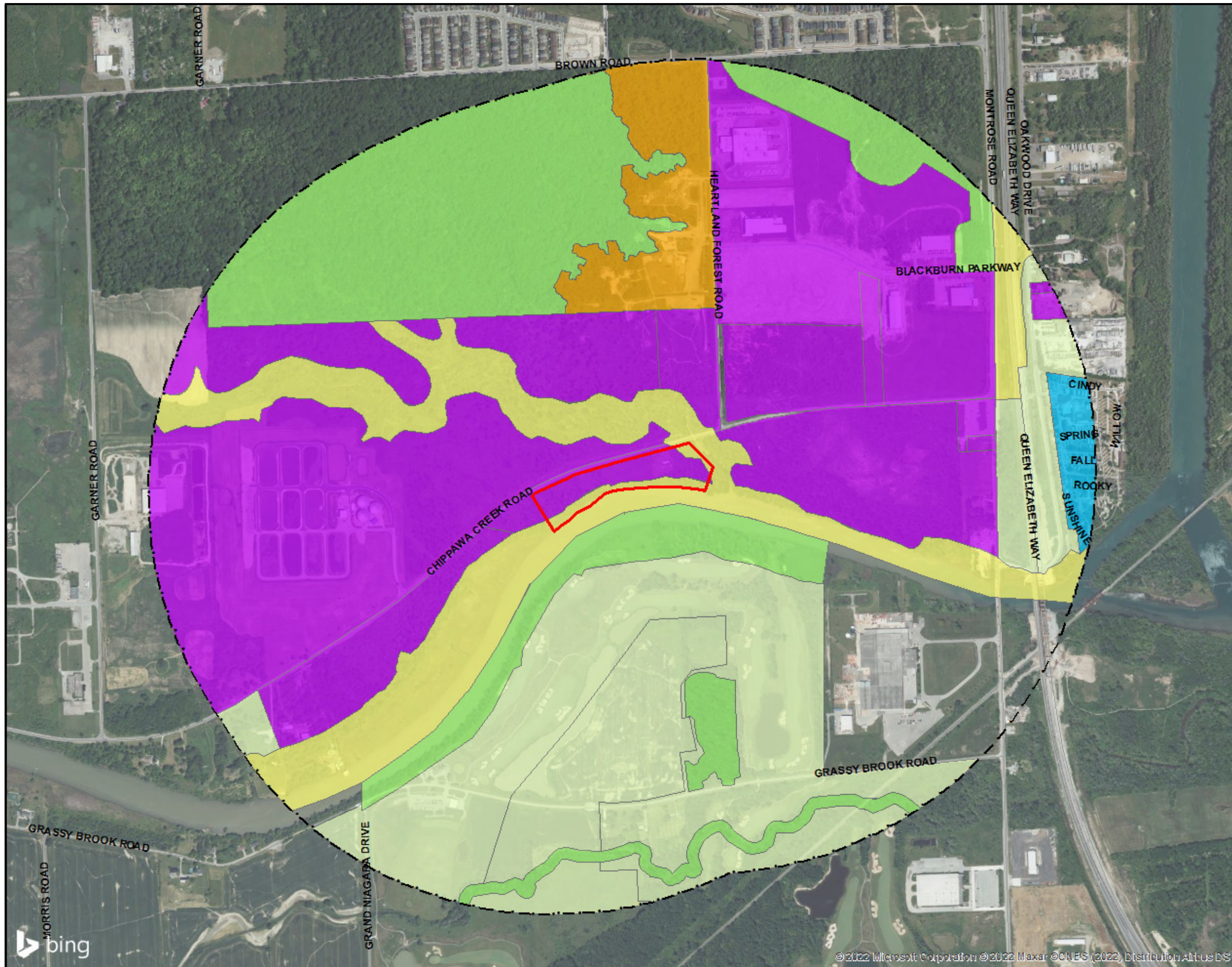
2ND FLOOR PLAN

PROJECT NUMBER: 2020-139
 DATE: APRIL 2020
 DRAWN BY: JMR
 CHECKED BY: MDA
 SCALE: AS SHOWN

A3

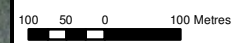
PRELIMINARY FOR DISCUSSION PURPOSES ONLY

2020-05-28 8:17:36 PM



LEGEND

- APPROXIMATE SITE LOCATION
- 1000m STUDY AREA
- ENVIRONMENTAL PROTECTION AREA
- HAZARD LAND
- INDUSTRIAL
- OPEN SPACE
- RESORT COMMERCIAL
- TOURIST COMMERCIAL



CLIENT:
IBI GROUP

PROJECT:
**LANDUSE COMPATIBILITY ASSESSMENT
SERENITY TEMPLE
NIAGARA FALLS, ONTARIO**

PROJECT NO: 221-00720-00	DATE: JANUARY 2022
-----------------------------	-----------------------

DESIGNED BY:
-

DRAWN BY:
TP

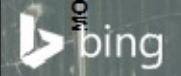
CHECKED BY:
-

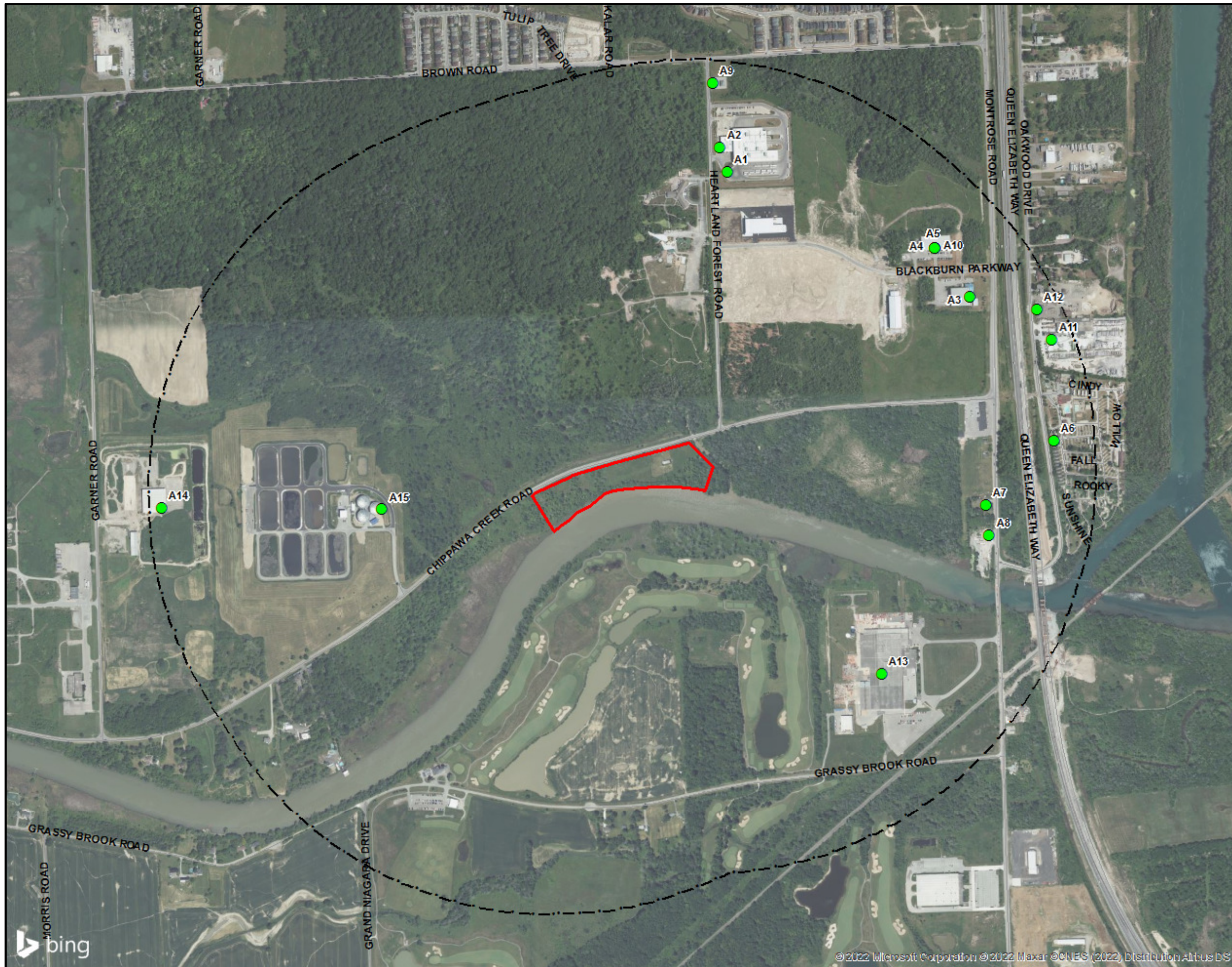
FIGURE NO: 3	SCALE: 1:10,000
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TITLE:
ZONING

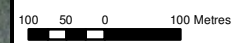
DISCIPLINE:
ENVIRONMENT

ISSUE:	REV.:
	-

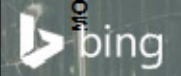




- LEGEND**
- APPROXIMATE SITE LOCATION
 - 1000m STUDY AREA
 - FACILITIES OF CONCERN



CLIENT:		IBI GROUP	
PROJECT:			
LANDUSE COMPATIBILITY ASSESSMENT SERENITY TEMPLE NIAGARA FALLS, ONTARIO			
PROJECT NO: 221-00720-00	DATE: JANUARY 2022		
DESIGNED BY: -			
DRAWN BY: TP			
CHECKED BY: -			
FIGURE NO: 4	SCALE: 1:10,000		
TITLE: FACILITIES OF CONCERN			
DISCIPLINE: ENVIRONMENT			
ISSUE:		REV.:	



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APPENDIX

A

SUMMARY OF
FACILITIES

Project Name: Land Use Compatibility Assessment

Site Addresses: Chippawa Creek Road at Heartland Forest Road, Niagara Falls, Ontario

Table A1: Structures on the Proposed Development Property

Facility	Description of Operations	Address
Barn		Chippawa Creek Road at Heartland Forest Road

Project Name: Land Use Compatibility Assessment
 Site Addresses: Chippawa Creek Road at Heartland Forest Road, Niagara Falls, Ontario

Table A2: Facilities within the Study Area of the Proposed Development

ID	Facility	Address	Description of Operations	MECP D-6 Industrial Class #	Minimum Distance from Site (Property-Line to Property-Line)	MECP D-6 Minimum Separation	MECP D-6 Potential Area of Influence	Potential Issues
					(m)	(m)	(m)	
A1	Blackburn Brew House	8001 Blackburn Pkwy, Niagara Falls	Brewery	I	550	20	70	Air/Odour/Noise
A2	City of Niagara Falls - WEGO Facility	8208 Heartland Forest Rd, Niagara Falls	Municipal Office	0	N/A	N/A	N/A	N/A
A3	Panoramic Properties Inc.	8485 Montrose Rd, Niagara Falls	Property Management Office	0	N/A	N/A	N/A	N/A
A4	JMR Logistics	7695 Blackburn Pkwy, Niagara Falls	Computer support services	0	N/A	N/A	N/A	N/A
A5	Niagara Financial Services	7695 Blackburn Pkwy, Niagara Falls	Tax preparation services	0	N/A	N/A	N/A	N/A
A6	Yogi Bear's Jellystone Park Camp Resort Niagara Falls	8676 Oakwood Dr, Niagara Falls	Resort	0	N/A	N/A	N/A	N/A
A7	Commercial Mobile Truck & Trailer Repair	8841 Montrose Rd, Niagara Falls	Truck Repair Shop	I	630	20	70	Air/Noise/Odour
A8	Cataract Ice	8891 Montrose Rd, Niagara Falls	Ice Supplier	I	655	20	70	Air/Noise
A9	Garner SW Sanitary Service Area and Pump Station*	8109 Kalar Road, Niagara Falls	Pump Station	I	901	20	70	Air/Noise/Odour
A10	SWS Warning Lights	7695 Blackburn Pkwy, Niagara Falls	Manufacturer	I	680	20	70	Air/Noise
A11	TKL Group Niagara	8620 Oakwood Dr, Niagara Falls	Manufacturer	II	850	70	300	Air/Noise
A12	T.T. & H Montgomery Construction (Niagara) Limited*	8850 Oakwood Dr, Niagara Falls	Manufacturer	II	890	70	300	Air/Noise
A13	E.S. Fox Limited	9127 Montrose Rd, Niagara Falls	Construction Company	II	495	70	300	Air/Noise
A14	Power Grow Composting (Terratec Environmental)*	8800 Garner Road, Niagara Falls	Composting Facility	III	860	300	1000	Air/Noise/Odour

Notes:

- 1) * - indicates the facility operates under an ECA or EASR. ECA and EASR documents can be found in Appendix C.
- 2) ** - indicates the company identified at the facility's location does not match the company name of the ECA or EASR filed.
- 3) N/A - indicates 'Not Applicable'.

 - Indicates that the proposed development is within the area of influence of the facility.

Project Name: Land Use Compatibility Assessment
 Site Addresses: Chippawa Creek Road at Heartland Forest Road, Niagara Falls, Ontario

Table A3: Facilities of Negligible Concern within the Study Area of the Proposed Development

Facility	MECP D-6 Industrial Class #	Minimum Distance from Site (Property-Line to Property-Line)	MECP D-6 Minimum Separation	MECP D-6 Potential Area of Influence
		(m)	(m)	(m)
Blackburn Brew House	0	Not Applicable as Class 0 Facilities are not defined in the D-6 Guideline with recommended minimum separation distances or potential area of influence.		
City of Niagara Falls - WEGO Facility	0			
Panoramic Properties Inc.	0			
JMR Logics	0			
Niagara Financial Services	0			
Yogi Bear's Jellystone Park Camp Resort Niagara Falls	0			
Commercial Mobile Truck & Trailer Repair	I	630	I	20
Cataract Ice	I	655	I	20
Garner SW Sanitary Service Area and Pump Station*	I	901	I	20
SWS Warning Lights	I	680	I	20
TKL Group Niagara	II	850	II	70
T.T. & H Montgomery Construction (Niagara) Limited*	II	890	II	70
E.S. Fox Limited	II	495	II	70

Notes:

- 1) * - indicates the facility operates under an ECA or EASR. ECA and EASR documents can be found in Appendix C.
- 2) ** - indicates the company identified at the facility's location does not match the company name of the ECA or EASR filed.
- 3) N/A – indicates 'Not Applicable'.

APPENDIX

B

INDUSTRIAL CLASS DEFINITIONS

APPENDIX

DEFINITION OF CLASSES FROM D-6 GUIDELINE

CLASS I INDUSTRIAL FACILITY

A place of business for a small scale, self-contained plant or building which produces and/or stores a product which is contained in a package and has a low probability of fugitive emissions for any of the following: noise, odour, dust, and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

CLASS II INDUSTRIAL FACILITY

A place of business for medium scale processing and manufacturing with outdoor storage of wastes or material (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions of any of the following: noise, odour, dust, and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

CLASS III INDUSTRIAL FACILITY

A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is a high probability of fugitive emissions.

APPENDIX

Table A-1 Industrial Class Definitions and Specifications as outlined in D-6 Guideline

INDUSTRIAL CLASSIFICATION	OUTPUTS	SCALE	PROCESS	OPERATION/INTENSITY
Class I – Light Industrial	<p>Noise: Sound not audible off property</p> <p>Dust and/or Odour: infrequent and not intense</p> <p>Vibration: No ground borne vibration on plant property</p>	<p>No outside storage</p> <p>Small scale plant or scale is irrelevant in relation to all other criteria for this Class</p>	<p>Self-contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions</p>	<p>Daytime operations only</p> <p>Infrequent movement of products and/or heavy trucks</p>
Class II – Medium Industrial	<p>Noise: Sound occasionally audible off property</p> <p>Dust and/or Odour: Frequent and occasionally intense</p> <p>Vibration: Possible ground borne vibration, but cannot be perceived off property</p>	<p>Outside storage permitted</p> <p>Medium level of production allowed</p>	<p>Open process</p> <p>Periodic outputs of minor annoyance</p> <p>Low probability of fugitive emissions</p>	<p>Shift operations permitted</p> <p>Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours</p>
Class III – Heavy Industrial	<p>Noise: sound frequently audible off property</p> <p>Dust and/or Odour: Persistent and/or intense</p> <p>Vibration: Ground-borne vibration can frequently be perceived off property</p>	<p>Outside storage of raw and finished products</p> <p>Large production levels</p>	<p>Open process</p> <p>Frequent outputs of major annoyances</p> <p>High probability of fugitive emissions</p>	<p>Continuous movement of products and employees</p> <p>Daily shift operations permitted</p>

APPENDIX

C

ENVIRONMENTAL
COMPLIANCE
APPROVALS



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 4332-7B3L3S
Issue Date: January 22, 2008

The Regional Municipality of Niagara
3501 Schmon Parkway
Post Office Box, No. 1042
Thorold, Ontario
L2V 4T7

Site Location: Garner Road Waste Disposal Site (Transfer)
8719 Chippawa Creek Rd
Niagara Falls, Regional Municipality Of Niagara

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

- one (1) standby natural gas generator set, having a rating of 25 kilowatts, to provide power for the facility during emergency situations;

all in accordance with the Application for Approval (Air & Noise) dated October 22, 2007 and signed by Robin Young, (Project Manager), The Regional Municipality of Niagara, and all supporting information associated with the application including additional information provided by Hydromantis Inc., dated October 12, 2007.

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

- (1) "Act" means the *Environmental Protection Act*;
- (2) "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act;
- (3) "Equipment" means the natural gas generator set described in the Owner's application, this Certificate and in the supporting documentation submitted with the application, to the extent approved by this Certificate;
- (4) "Manual" means a document or a set of documents that provide written instructions to staff of the Owner;
- (5) "Ministry" means the Ontario Ministry of the Environment;
- (6) "Owner" means The Regional Municipality of Niagara, and includes its successors and assignees;
- (7) "Publication NPC-205" means Ministry Publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), October, 1995; and
- (8) "Publication NPC-232" means Ministry Publication NPC-232, Sound Level Limits for Stationary Sources in Class 3 Areas (Rural), October, 1995.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Certificate, application for approval of the Equipment and the submitted supporting documents and plans and specifications as listed in this Certificate.

2. Where there is a conflict between a provision of any submitted document referred to in this Certificate and the Conditions of this Certificate, the Conditions in this Certificate shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

PERFORMANCE

3. The Owner shall ensure that the noise emissions from the Equipment comply with the limits set out in Publication NPC-205 or NPC-232, as applicable.

OPERATION AND MAINTENANCE

4. The Owner shall restrict the periodic testing of the Equipment to the daytime hours from 7:00 am to 7:00 pm.

5. The Owner shall ensure that the Equipment is properly operated and maintained at all times. The Owner shall:

(1) prepare, not later than three (3) months after the date of this Certificate or the date of commissioning of the Equipment, 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;
- (c) procedures for any record keeping activities relating to operation and maintenance of the Equipment;
- (d) all appropriate measures to minimize noise and odorous emissions from all potential sources;

(2) implement the recommendations of the Manual; and

(3) retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.

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

1. Condition Nos. 1 and 2 are imposed to ensure that the Equipment is built and operated in the manner in which it was described for review and upon which approval was granted. These conditions are also included to emphasize the precedence of Conditions in the Certificate and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.

2. Condition No. 3 is included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Equipment.

3. Condition No. 4 is included to ensure that the proposed operation, excluding emergency situations, is not extended beyond specific daytime hours to prevent an adverse effect resulting from the operation of the Equipment.

4. Condition No. 5 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. In addition the Owner is required to keep records and provide information to staff of the Ministry so that compliance with the Act, the regulations and this Certificate can be verified.

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

CONTENT COPY OF ORIGINAL

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 9, *Environmental Protection Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

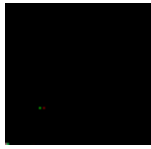
*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at:
Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 22nd day of January, 2008

Zafar Bhatti, P.Eng.
Director
Section 9, *Environmental Protection Act*

AA/
c: District Manager, MOE Niagara District Office
Joe Brown, Hydromantis Inc.



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 2914-6SWPBE
Issue Date: August 28, 2006

Ontario

The Regional Municipality of Niagara
P.O. Box 1042 Stn Main
Thorold, Ontario
L2V 4T7

Site Location: Garner Road Waste Disposal Site (Transfer)
8719 Chippawa Creek Road
Niagara Falls City, Regional Municipality Of Niagara

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

- two (2) exhaust systems, serving a solar biosolids drying process, exhausting into the atmosphere at a maximum total volumetric flow rate of 16.4 actual cubic metres per second at approximate temperature of 29.4 degrees Celsius through two (2) exhaust fans, each having an exit diameter of 0.98 metre, each located 4.27 metres to center above grade;

all in accordance with the application for a Certificate of Approval (Air) dated April 18, 2006, and signed by Deanna Barrow, Manager of Process & Staff Development, the letters (e-mails) from Joe Brown (Hydromantis, Inc., Consulting Engineers) dated August 15 and August 24, 2006, and all information associated with the application.

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

- (1) "Act" means the Environmental Protection Act;
- (2) "Certificate" means this Certificate of Approval, issued in accordance with Section 9 of the Act;
- (3) "Company" means The Regional Municipality of Niagara;
- (4) "District Manager" means the District Manager, Niagara District Office, West Central Region of the Ministry;
- (5) "Equipment" means the solar biosolids drying unit 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) "Manual" means a document or a set of documents that provide written instructions to staff of the Company; and
- (7) "Ministry" means the Ontario Ministry of the Environment.

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

TERMS AND CONDITIONS

OPERATION AND MAINTENANCE

1. The Company shall ensure that the Equipment is properly operated and maintained at all times. The Company shall:

(1) prepare, before commencement of operation of the Equipment, and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Equipment, including:

CONTENT COPY OF ORIGINAL

- (a) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
 - (b) emergency procedures;
 - (c) procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
 - (d) all appropriate measures to minimize noise and odorous emissions from all potential sources;
- (2) implement the recommendations of the Manual.

RECORD RETENTION

2. 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

3. 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 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.
- 3. Condition No. 3 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.

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:

CONTENT COPY OF ORIGINAL

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 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**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 28th day of August, 2006

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

JK/
c: District Manager, MOE Niagara
Joe Brown, Hydromantis Inc.



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 3203-5JBHQF

Terratec Environmental Ltd.
200 Eastport Boulevard
Hamilton, Ontario
L8H 7S4

Site Location: 8800 Garner Road, Niagara Falls City, Ontario.

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

- the use of a mobile odour control agent spraying system (Mega-Lab Odour Control System) to control odour from an open air composting facility using windrows to compost food wastes and paper wastes;

all in accordance with the application for a Certificate of Approval (Air) and all supporting information dated October 15, 2002, signed by E. English.

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

1. "Act" means the Environmental Protection Act;
2. "Certificate" means this Certificate of Approval issued in accordance with the Act;
3. "Company" means Terratec Environmental Ltd.;
4. "District Manager" means the District Manager, Niagara District Office, West Central Region of the Ministry;
5. "Facility" means all components of the composting facility, including the mobile odour control agent spraying system described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;
6. "Manual" means a document or a set of documents that provide written instructions to staff of the Company; and
7. "Ministry" means the Ontario Ministry of the Environment.

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

TERMS AND CONDITIONS

OPERATION AND MAINTENANCE

1. The Company shall ensure that the Facility is properly operated and maintained at all times.

(1) The Company shall prepare, not later than three (3) months after the date of this Certificate of Approval and update, as necessary, an Operation and Maintenance Manual outlining the operating procedures and a maintenance program for the Facility, including:

- (a) routine and emergency operating and maintenance procedures to ensure that operation is carried out in accordance with with good engineering practices and as recommended by the equipment suppliers;
- (b) measures to control and monitor the aeration, blending and mixing of compost to ensure that the oxygen

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content in the compost material is sufficient to prevent the composting mass from becoming anaerobic;

(d) procedures for any record keeping activities relating to operation and maintenance of the Equipment;

(c) all appropriate measures to minimize odour, noise and dust emissions from all potential sources from the Facility;

(d) the procedures for recording and responding to environmental complaints relating to the operation of the Facility; and

(2) implement the recommendations of the Operation and Maintenance Manual.

RECORD RETENTION

2. 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 operation and maintenance required by this Certificate. These records shall be made available to staff of the Ministry upon request. The Company shall retain:

(1) all records of the maintenance, repair and inspection of the Facility;

(2) all measures taken to minimize fugitive dust and odour emissions from all potential sources;

(3) all records on the environmental complaints, including:

a. a description, time and date of the incident causing the complaint;

b. wind direction and atmospheric conditions at the time of the incident;

c. a description of the measures taken to address the cause of incident and to prevent a similar occurrence in the future.

NOTIFICATION

3. The Company shall notify the District Manager, in writing, of each complaint and the measures taken to address the cause of the complaint within two (2) business days of the complaint.

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 require the Company to keep records to assist the Ministry in determining whether or not the Facility is being operated and maintained as required by the Act, the regulations and this Certificate.

3. Condition No. 3 is included to require the Company to report to the Ministry so that the environmental impact and subsequent compliance with the Act, the regulations and this Certificate can be verified.

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.

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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., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

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 Environment and Energy
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 13th day of February, 2003

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

QN/
c: District Manager, MOE Niagara
Robert McLatchie, Mega Lab International



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 1793-77FJMA
Issue Date: October 18, 2007

The Corporation of the City of Niagara Falls
4310 Queen Street, P.O. Box No. 1023
Niagara Falls, Ontario
L2E 6X5

Site Location: Garner SW Sanitary Service Area and Pump Station
8108 Kalar Road
City of Niagara Falls, Regional Municipality of Niagara

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

- one (1) standby diesel generator set, having a rating of 180 kilowatts, to provide power for the Garner SW Sanitary Service Area and Pump Station during emergency situations;

all in accordance with the Application for Approval (Air & Noise) dated July 31, 2007 and signed by Geoff Holman, (Director of Municipal Works), the Corporation of the City of Niagara Falls, and all supporting information associated with the application provided by Joe Tonellato, P. Eng., Associated Engineering (Ont.) Ltd.

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

- (1) "Act" means the *Environmental Protection Act*;
- (2) "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act;
- (3) "Equipment" means the diesel generator set described in the Owner's application, this Certificate and in the supporting documentation submitted with the application, to the extent approved by this Certificate;
- (4) "Manual" means a document or a set of documents that provide written instructions to staff of the Owner;
- (5) "Ministry" means the Ontario Ministry of the Environment;
- (6) "Owner" means the Corporation of the City of Niagara Falls, and includes its successors and assignees;
- (7) "Publication NPC-205" means Ministry Publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), October, 1995; and
- (8) "Publication NPC-232" means Ministry Publication NPC-232, Sound Level Limits for Stationary Sources in Class 3 Areas (Rural), October, 1995.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Certificate, application for approval of the Equipment and the submitted supporting documents and plans and specifications as listed in this Certificate.

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2. Where there is a conflict between a provision of any submitted document referred to in this Certificate and the Conditions of this Certificate, the Conditions in this Certificate shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

PERFORMANCE

3. The Owner shall ensure that the noise emissions from the Equipment comply with the limits set out in Publication NPC-205 or NPC-232, as applicable.

OPERATION AND MAINTENANCE

4. The Owner shall restrict the periodic testing of the Equipment to the daytime hours from 7:00 am to 7:00 pm.

5. The Owner shall ensure that the Equipment is properly operated and maintained at all times. The Owner shall:

(1) prepare, not later than three (3) months after the date of this Certificate or the date of commissioning of the Equipment, 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;
- (c) procedures for any record keeping activities relating to operation and maintenance of the Equipment;
- (d) all appropriate measures to minimize noise and odorous emissions from all potential sources;

(2) implement the recommendations of the Manual; and

(3) retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.

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

1. Condition Nos. 1 and 2 are imposed to ensure that the Equipment is built and operated in the manner in which it was described for review and upon which approval was granted. These conditions are also included to emphasize the precedence of Conditions in the Certificate and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.

2. Condition No. 3 is included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Equipment.

3. Condition No. 4 is included to ensure that the proposed operation, excluding emergency situations, is not extended beyond specific daytime hours to prevent an adverse effect resulting from the operation of the Equipment.

4. Condition No. 5 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. In addition the Owner is required to keep records and provide information to staff of the Ministry so that compliance with the Act, the regulations and this Certificate can be verified.

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 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**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 18th day of October, 2007

Mansoor Mahmood, P.Eng.
Director
Section 9, *Environmental Protection Act*

AV/
c: District Manager, MOE Niagara District Office
Joe Tonellato, P. Eng., Associated Engineering (Ont.) Ltd.

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A120215

Issue Date: April 11, 2018

The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Post Office Box, No. 1042
Thorold, Ontario
L2V 4T7

Site Location: Garner Road Biosolids Facility
8719 Chippawa Creek Road
City of Niagara Falls, Regional Municipality Of Niagara

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 31.16 hectare Waste Disposal Site serving the Region of Niagara and consisting of:

- ten (10) clay lined lagoons each with a 6,830 m³ storage capacity;
- three (3) storage tanks each with a 7,736 m³ storage capacity;
- one (1) 405 m² dewatering building containing two (2) centrifuges;
- one (1) 84 m² pump building containing three (3) mixing pumps and ancillary equipment; and
- one (1) 170 m² sludge transfer building;
- two (2) 35 m² utility buildings
- a pumping chamber and forcemain

to be used for the temporary storage and transfer of:

- a. processed organic waste generated by wastewater treatment plants located within the Region of Niagara; and
- b. waste sludges from the treatment of water for use as a potable water supply within the Region of Niagara subject to the OWRA

For the purpose of this environmental compliance 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";
" **competent person** " means a person who, because of training and experience, is knowledgeable in the following:

relevant waste management legislation, regulations and guidelines;

major environmental concerns pertaining to the waste to be handled;

occupational health and safety concerns pertaining to the processes and wastes to be handled;

emergency management procedures for the processes and wastes to be handled;

use and operation of the equipment to be used;

emergency response procedures and alerting;

Municipality specific written procedures for the control of nuisance conditions;
and

requirement of this Approval

" **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 II.1 of the EPA;

" **District Manager** " means the District Manager of the local district office of the Ministry for the geographic area in which the Site is located;

" **EPA** " means the *Environmental Protection Act*, R.S.O. 1990, C.E-19, as amended;

" **incident** " means an abnormal event which causes a spill, emission, emergency situation or other occurrence which may affect the environment, causes or may cause an adverse effect;

" **Ministry** " and " **MOECC** " means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf;

" **Municipality** " means the Regional Municipality of Niagara;

" **OWRA** " means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

" **PA** " means the *Pesticides Act*, R.S.O. 1990, c. P-11, as amended from time to time;

" **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;

" **PWQO** " means the Provincial Water Quality Objectives included in the July 1994 publication entitled *Water Management Policies, Guidelines, Provincial Water Quality Objectives*, as amended from time to time;

" **Regulation 347** " means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

" **RUP** " means the Reasonable Use Policy (Guideline B-7) of the Ministry of the Environment; and

" **Site** " means Part of Lots 205 and 206, Geographic Township of Stamford, County of Welland, now in the City of Niagara Falls, Part 10 - Registry Plan 59R and with the municipal address of 8719 Chippawa Creek Road.

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

TERMS AND CONDITIONS

Revoke and replace

1.1 This Approval revokes and replaces all Provisional Certificate of Approval No. A120215 issued March 5, 1996 and Notices of amendment Nos. 1 through 10, inclusive, issued for this Site under Part V of the EPA. The approval given herein, including the terms and conditions set out, replaces all previously issued approvals, terms and conditions under Part V of the EPA for this Site.

General

2.1 Except as otherwise provided for in this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the applications for this Approval, and the supporting documentation listed in Schedule "A".

2.2 Requirements specified in this Approval are minimum requirements and do not abrogate the need to take all reasonable steps to avoid violating the provisions of applicable legislation.

2.3 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, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

2.4 In all matters requiring the interpretation and implementation of this Approval, the Terms and Conditions of this Approval shall take precedence, followed in descending order by the Municipality's application and the documentation, referred to in this Approval, which is submitted in support of the application.

2.5 The Municipality shall ensure that all communications made pursuant to this Condition will refer to this Approval number A120215.

2.6 The Municipality shall retain all records, diagrams and reports required by this Approval for a minimum of two (2) years from the date of creation of the record, diagram or report. The Municipality shall make all records, diagrams and reports available upon request for inspection by a Provincial Officer.

Ministry Inspections

3.1 It is a Condition of this Approval that the Municipality shall allow Provincial Officers and/or Ministry personnel, or a Ministry authorized representative(s), to carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, Section 15, 16 or 17 of the OWRA, or Section 19 or 20 of the PA, of any place other than any room

actually used as a dwelling to which this Approval relates, and without restricting the generality of the foregoing to:

- a. enter upon the premises where the records required by the Conditions of this Approval are kept;
- b. have access to and copy, at any reasonable time, any records required by the Conditions of this Approval;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations approved pursuant to this Approval; and
- d. sample and monitor at reasonable times for the purposes of determining compliance with the Conditions of this Approval.

Change of Ownership

4.1 The Municipality shall notify the Director of any of the following changes, in writing, within thirty (30) days of the change occurring:

- a. change of owner'/operator of the Site, or both;
- b. change of address or address of the new owner.

4.2 In the event of any change in ownership of the Site, the Owner shall notify, in writing, the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager.

Security

5.1 The Municipality shall ensure that a competent person is on Site at all times during loading and unloading at this Site. No loading, unloading or transfer shall occur unless a competent person supervises the loading or unloading.

5.2 The Municipality shall ensure the area of the Site bounded by the fence is locked and secured by a minimum 1.8 metre high lockable security fence at all times when a competent person is not present.

5.3 The Municipality shall ensure the Site is adequately lit at all times during loading and unloading.

5.4 The municipality shall post a sign at the Site, readable at a distance of 25 metres from the public roadway bordering the Site, identify the name of the Site, the Municipality's name and emergency telephone number.

Operating Hours

6.1 Waste may be received and transferred from the Site from 7:00 a.m. to 9:00 p.m., Monday through Saturday excluding holidays as defined under the Business Holidays Act.

6.2 The Municipality shall ensure that a competent person is on duty at all times when the Site is operating and that all waste management activities are carried out under supervision.

Site Operations

7.1 a. The Site shall be operated in accordance with the Operation and Management Plan required by Condition 17.1.

b. If at any time, problems such as dust, odours, pests, noise or other nuisances are generated at the Site, then the Municipality shall take appropriate remedial action immediately. Appropriate measures may include the temporary cessation of all operations until the problem is rectified and measures have been undertaken to prevent future occurrence.

7.2 The Municipality shall ensure that all vehicles leaving the Site do not drag off the Site waste, dirt and/or other material that may become a contaminant or nuisance.

7.3 The Municipality shall manage all discharges from this Site, including stormwater run-off in accordance with appropriate Municipal, Provincial and/or Federal Legislation, Regulations and By-Laws and in accordance with approvals received under Section 53 of the OWRA for storm water management systems constructed on this Site.

Sludge Quantity and Quality

8.1 The Municipality shall ensure that the total amount of waste transported from the Site and directed for final disposal (landfill or incineration) does not exceed 200 tonnes on any one day. Any waste requiring disposal shall only be disposed of at a Ministry approved site or at a site approved to accept such waste by the appropriate jurisdiction.

8.2 The Municipality shall ensure that the total amount of waste received at the Site does not exceed 3,000 m³ on any one day.

8.3 Prior to being received at the Site, the Municipality shall ensure that incoming waste has been sampled and analyzed in accordance with the sampling frequency, parameters, and procedures specified for the corresponding Category 3 NASM in Ontario Regulation 267 and the "Sampling and Analysis Protocol", both made under the Nutrient Management Act, 2002, S.O. 2002 c 4, as amended.

8.4 Water treatment plant sludge and digested sewage sludge can be mixed in a 1:20 ratio, respectively, at the Garner Road Waste Disposal Site Lagoons. The content of each disposal site lagoon shall be thoroughly mixed by pumping around the lagoon prior to loading on to tank trucks for agricultural land application.

8.5 The Municipality shall monitor all waste transferred from the Site in accordance with the Ontario Regulation 267 to ensure that the waste meets the requirements for agricultural land application.

Sludge Storage

9.1 a. The Municipality shall maintain the integrity of the lagoons at all times to ensure against spills, leaks and discharges.

b. The freeboard in the lagoons shall not be less than 0.9 metres at any time except as permitted in Condition 9.1 c.;

c. In an emergency which would restrict the transfer of sludge from the Site, the freeboard in the lagoons shall be no less than 0.5 metres, providing the emergency is reported in advance to the District Office and the District Manager agrees an emergency situation exists; and

d. When the emergency situation ceases to exist, the freeboard in the lagoons shall be increased to 0.9 metres as soon as possible, and the District Manager shall be notified

when the 0.9 metres freeboard level is achieved.

Dewatered Biosolids Processing

10.1 The Site is approved to dewater biosolids within a dewatering facility consisting of a polymer system, two (2) centrifuges, an HVAC system and a truck bay.

10.2 The maximum amount of liquid biosolids accepted at the dewatering facility shall not exceed 1250 m³ per day.

Monitoring

11.1 The Municipality shall conduct groundwater and surface water monitoring and report the monitoring results to the District Manager on an annual basis.

11.2 By **August 31, 2018** the Municipality shall submit to the District Manager, a hydrogeological review report which provides an analysis and interpretation of groundwater monitoring results collected up to and inclusive of 2017 analytical results.

The review should include:

- a. an evaluation of historical data to determine the potential for the lagoons to impact offsite groundwater quality;
- b. an updated water well survey for the area and an assessment of the potential for impact to potable users; and
- a. based on the result of a. and b., submit a proposal for a groundwater monitoring program with appropriate scope using the historical groundwater quality data.

11.3 By **August 31, 2018** , the Municipality shall submit to the District Manager:

- a. a surface water review report which provides an analysis and interpretation of the surface water monitoring results collected up to and inclusive of 2017 analytical results; and
- b. based on the results of the review, submit a proposal for a surface water monitoring program.

Site Inspections and Maintenance

12.1 a. The Municipality shall maintain an inspection program which catalogues the areas of the Site to be inspected and a daily/weekly/monthly plan of inspection.

b. The Municipality shall ensure that the inspections as outlined in the inspection program are completed according to schedule by a competent person.

c. Any leaks, discharges, excessive odours or other malfunctions that may cause an adverse effect revealed by the inspections shall be rectified forthwith and inspections shall be increased to daily until the deficiencies are rectified.

d. The inspection program shall be reviewed on an annual basis at a minimum, and shall be updated as required to ensure that it is current.

e. The inspection program shall be available for inspection by a Provincial Officer upon request.

12.2 a. The Municipality shall maintain a preventative maintenance program for all on-

site equipment associated with the management of wastes in accordance with good engineering practices and the equipment suppliers' recommendations.

b. The Municipality shall ensure that the preventative maintenance tasks are completed as outlined in the program.

c. The preventative maintenance program shall be reviewed on an annual basis, at a minimum, and updated as required to ensure that it is current.

d. The preventative maintenance program shall be made available on-site for inspection by a Provincial Officer.

Complaints

13.1 Upon receiving a complaint, the Municipality shall:

a. initiate appropriate steps to determine all possible causes of the complaint and proceed to take the necessary actions to eliminate the cause of the complaint; and

b. verbally notify the District Manager within two (2) business days of the complaint received; and

c. provide a formal reply to the complainant, if contact details are available.

Emergency Response & Reporting

14.1 The Municipality shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation.

14.2 The Municipality shall notify the Ministry's Spills Action Centre at 1-800-268-6060 of any spill, as defined in the EPA, which occurs at this Site. In addition, the Municipality shall submit to the District Manager, a written report within three (3) days of any spill which could result in the discharge of a contaminant from this Site, outlining the nature of the spill, remedial measures taken and the measures taken to prevent future occurrences at this Site.

Training

15.1 The Municipality shall ensure that all persons employed at the Site are trained, and received refresher training, according to the training manual required by Condition 17.3.

Record Keeping

16.1 The Municipality shall maintain daily records of the waste received at the Site and the waste transferred from the Site for disposal, further treatment, or use on agricultural lands. These records shall be in the form of a daily log(s) and shall include as a minimum:

a. date, quantity, type and source of waste received;

b. date, quantity, type and the destination of waste transferred off-site;

c. date, quantity, type and the destination of any waste directed for disposal; and

d. date, quantity, storage location and type of waste stored.

16.2 The Municipality shall monitor and maintain records of the dewatering process for

the following parameters on a daily basis:

- a. potable water flow rate;
- b. polymer flow rate;
- c. centrifuge run times;
- d. total amount of biosolids processed;
- e. total amount of dewatered solids produced;
- f. total amount of centrate produced;
- g. all other parameters as prescribed under the Nutrient Management Act.

16.3 The Municipality shall keep a record of inspections conducted in accordance with the inspection program. The record shall be available for review by a Provincial Officer upon request. At a minimum, the record shall include:

- a. time and date of the inspection;
- b. name and signature of the competent person conducting the inspection;
- c. a description of the equipment, lagoon, storage tank or area inspected;
- d. freeboard in each lagoon, level in each storage tank;
- e. a summary of any deficiencies, that might negatively impact the environment, observed;
- f. recommendations for remedial action and the date on which any required remedial action was completed.

16.4 The Municipality shall keep a record of preventative maintenance conducted in accordance with the preventative maintenance program. The record shall be available for review by a Provincial Officer upon request. At a minimum, the record shall include:

- a. time and date that maintenance work is performed;
- b. name, signature and qualifications, if relevant, of the person conducting the maintenance activity;
- c. the equipment or piece of equipment on which maintenance was performed;
- d. a description of the maintenance work performed; and
- e. the date of the next scheduled maintenance event.

16.5 The Municipality shall maintain a written record of any written or verbal complaint received concerning the operation of the Site. This record shall be in the form of an incident report and shall include as a minimum:

- a. date and time of the complaint, and the name of the complainant, if available;
- b. nature and circumstances of the complaint; and
- c. recommendations for remedial action and the date remedial action was completed

16.6 The Municipality shall maintain a record of all employee training. At a minimum, the record shall include the following:

- a. date of training;
- b. type of training received;
- c. name and signature of employee receiving training; and
- d. date when refresher training is required.

Documents

17.1 a. The Municipality shall maintain an Operations and Management Plan that describes the operating procedures to be followed for the environmentally safe and efficient operation of the Site and in a manner which ensures the health and safety of all persons and minimizes visual impact, dust, odours, pests, litter and noise.

b. The Operations and Management Plan shall be reviewed on an annual basis, at a minimum, and updated as required to ensure that it describes current operations, procedures and practices.

17.2 a. The Municipality shall maintain a contingency plan for the Site. The plan shall include, as a minimum, the following:

- i. measures to prevent fires/spills;
- ii. fire protection system, control and safety devices;
- iii. measures for spill alerting, containment, treatment, disposal and clean-up, training of the Site operators;
- iv. availability of spill clean-up equipment;
- v. maintenance and testing programs for spill clean-up equipment;
- vi. emergency site plan and site diagram;
- vii. measures to address odours;
- viii. description of how sludge will be managed should the Municipality be unable to apply it to land; and
- ix. measures for handling of odorous and off specification

sludge.

b. The contingency plan shall be reviewed on an annual basis at a minimum, and updated as required to reflect any changes in equipment, operating procedures or Site conditions.

c. A copy of the most up-to-date contingency plan shall be submitted to the local fire department as well as being available on Site for review by a Provincial Officer upon request.

17.3 a. The Municipality shall maintain a training manual covering at a minimum a list of employee functions and the type of training required to fulfil that job function with respect to the operation, management, inspection, record keeping requirements, contingency plan, monitoring and maintenance of this Site.

b. The training plan shall be reviewed on an annual basis, at a minimum, an updated as required to reflect any changes in equipment, operational procedures or Site conditions.

c. A copy of the training manual shall be available at the Site for review by a Provincial Officer upon request.

Annual Report

18.1 By March 31st of each year, the Municipality shall prepare and submit to the District Manager an annual report which covers the previous calendar year. The annual report shall include as a minimum (all quantities shall be reported in metric units of measurement):

- a. a monthly summary of the waste received at the Site, including quantity in tonnes, source and type;
- b. a monthly summary of the waste stored at the end of each month including quantity in tonnes and type;
- c. a monthly summary of the waste generated at the Site and transported off-site, including the quantity in tonnes, destination and type;
- d. an annual summary material balance of the waste received at and transported from the Site;
- e. a descriptive summary of any incidents or spills or other emergency situations which have occurred at the Site, the remedial measures taken, and the measures taken to prevent future occurrences;
- f. a descriptive summary describing any rejected waste including quantity, type, reasons for rejection and origin of the rejected waste;
- g. a descriptive summary of maintenance conducted during the previous calendar year; and

- h. a summary description of any analytical data pertinent to the operation of this facility;
- i. an assessment of surface water quality in relation to the PWQO based on the surface water monitoring program; and
- j. an assessment of groundwater quality in relation to the RUP based on the groundwater monitoring program.

Closure Plan

19.1 At least 30 days prior to the closure of this Site, the Municipality shall submit to the District Manager for concurrence, a detailed clean-up and closure plan for this Site which confirms that this Site will be closed in an environmentally acceptable manner.

19.2 Within 30 days of the closure of this Site, the Municipality shall submit an independent confirmation that this Site has been closed in accordance with the submitted plan, and present this Approval for revocation to the Director.

Schedule A

This Schedule "A" forms part of Environmental Compliance Approval No. A120215.

1. Application for a Certificate of Approval for a Waste Disposal Site (Transfer) dated April 4, 1986.

2. Detailed Hydrogeological Study, Digested Sludge Transfer Lagoons, City of Niagara Falls for the Regional Municipality of Niagara dated January 24, 1986, prepared by Gartner Lee Associates.

3. Application for a Certificate of Approval for a Waste Disposal Site (Transfer) dated August 4, 1995.

4. Garner Road Sludge Lagoon Upgrade Contract RN 95-30 drawings prepared by Gore and Storrie Limited dated July 1995, as follows:

G2 Proposed Site Plan

G3 Sections and Details

G4 Road and Subdrain Plan and Details

G5 Landscape Plan

5. Regional Municipality of Niagara, Garner Road Digested Sludge Holding Facility Class Environmental Assessment Screening Report, March 1995, Gore and Storrie

Limited.

6. Geotechnical Investigation Garner Road Digested Sludge Holding Facility, City of Niagara Falls, Jagger Hims Limited, June 1995.
7. The Regional Municipality of Niagara Contract 95-30, Garner Road Sludge Lagoon Upgrade, City of Niagara Falls.
8. Application for a Certificate of Approval for a Waste Disposal Site (Transfer) dated November 7, 1995.
9. Letter from mike Rabishaw regarding Garner Road Lagoon to Deanna Barrow, Project Manager, dated October 11, 1995.
10. Letter from Ms. Deanna Barrow, P.Eng., regarding Upgrade and Expansion of the Garner Road Sludge Storage Facility, to Mr. Lee Van Biesbrouck, P.Eng., dated December 11, 1995.
11. Letter from Ms. Deanna Barrow, P.Eng., regarding Upgrade and Expansion of the Garner Road Sludge Storage Facility, to Mr. Lee Van Biesbrouck, P.Eng., dated January 22, 1996.
12. Application and letter dated May 14, 1996, to Mr. H. Wong, Director, Ministry of Environment and Energy, from Mr. Sal Iannello, Public Works Department, The Regional Municipality of Niagara, RE: Application to Amend Certificate of Approval A120215 and Further Information.
13. Letter dated April 24, 1996, to Mr. H. Wong., Ministry of Environment and Energy, from Sal Iannello, P.Eng., Public Works Department, The Regional Municipality of Niagara, RE: Amendment of Certificate of Approval No. A120215.
14. Letter dated June 25, 1996, to Mr. Dennis Corr, Ministry of Environment and Energy from Mr. Ed Dujlovic, The City of Niagara Falls, RE: City's approval letter.
15. Letter dated August 6, 1996, to Mr. H. Wong, Ministry of Environment and Energy, from Sal Iannello, Public Works Department, The Regional Municipality of Niagara, RE: Supporting Documentation.
16. Letter dated November 1, 1996, to Ms. Belinda Koblik, Ministry of Environment and Energy, from Sal Iannello, Public Works Department, The Regional Municipality of Niagara, RE: Operation of Lagoon for the interim storage of water process wastes and response to draft amendment of Certificate of Approval A120215.

17. Application for Approval of a Waste Disposal Site dated April 24, 1998 and the covering letter dated May 7, 1998 from Mr. D.J. Payne, Regional Municipality of Niagara, to Mr. W. Ng, Ministry of the Environment, and the supporting information attached (Project Description Summary, Pre-Design Technical Memorandum, Contract Drawings and Specifications).
18. Application and attached Letter, dated September 23, 1999 from Joe Furgal, P.Eng., Process Engineer, Water and Wastewater Division, the Regional Municipality of Niagara to Approvals Branch, Ministry of the Environment, regarding request to withdraw condition 8(5) and 8(6) of Notice of Amendment dated November 8, 1996 to Provisional Certificate of Approval No. A120215 dated March 5, 1996.
19. Letter dated November 4, 1999 and attached document from J. Furgal, P.Eng., Process Engineer, Water and Wastewater Division, the Regional Municipality of Niagara to Mr. George Lai, Ministry of the Environment, regarding procedures for incorporating water treatment plant backwash residuals and pollution control plant biosolids at the Garner Road Waste Management Site Lagoons and, data, quality and application rate of WTP residuals and PCP biosolids for agricultural land application.
20. Letter dated September 6, 2000 from Joseph P. Furgal, P.Eng., Process Engineer, Public Works Department, the Regional Municipality of Niagara to Mr. Bob Slattery, MOE regarding application for and amendment to Certificate of Approval Garner Road Waste Transfer Site for biosolids, dewatering.
21. Application for Approval dated September 6, 2000 and signed by Joe Furgal, P.Eng., Process Engineer, the Regional Municipality of Niagara.
22. Design and Operations report on sludge dewatering mobile unit prepared by Azurix North America.
23. Letter dated August 24, 2004 from Julie Parker, P.Eng., Project Engineer, Hydromantis Inc., Consulting Engineers to Eugenia Chalambalacis, Application Processor, MOE regarding the public notification letters sent to adjacent property owners.
24. Letter dated September 13, 2004 from Julie Parker, P.Eng., Project Engineer, Hydromantis Inc., Consulting Engineers to Richard Saunders, MOE regarding additional information requested.
25. Email dated September 20, 2004 from Julie Parker, P.Eng., Project Engineer, Hydromantis Inc., Consulting Engineers to Richard Saunders, MOE regarding odour control plans at the dewatering facility.

26. Email dated September 21, 2004 from Julie Parker, P.Eng., Project Engineer, Hydromantis Inc., Consulting Engineers to Richard Saunders, MOE regarding contact information for emergencies.
27. Email dated September 30, 2004 from Julie Parker, P.Eng., Project Engineer, Hydromantis Inc., Consulting Engineers to Richard Saunders, MOE regarding the maximum daily amount of waste received at the dewatering facility.
28. Application for a Provisional Certificate of Approval for a Waste Disposal Site signed by Deanna Barrow, Manager, Process & Staff Development of the Regional Municipality of Niagara, dated April 6, 2006.
29. Design and Operations Report for the Dewatered Biosolids Solar Drying Facility (Pilot Project) at the Garner Road Biosolids Storage Facility, Regional Municipality of Niagara, dated February 2006.
30. Fax from Ms. Deanna Barrow, Manager of Process & Staff Development (Regional Municipality of Niagara) to Richard Saunders (MOE) dated June 28, 2006 regarding additional information such as the reporting requirements, greenhouse design, uses of the dried biosolids and fire department comments.
31. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated January 21, 2010.
32. Application for a Provisional Certificate of Approval for a Waste Disposal Site signed by Robin Young, Project Manager, Water & Wastewater Engineering for the Regional Municipality of Niagara, signed February 10, 2009, including supporting documentation prepared by Hydromantis, Inc.
33. Environmental Compliance Approval Application, signed by Ms. Dawn MacArthur, W-WW Compliance Technologist, Regional Municipality of Niagara dated August 14, 2017.
34. Memorandum dated August 9, 2017, to J. Oatley, Region of Niagara, from M. Newbigging, Cole Engineering Group, re: Garner Road Biosolids Facility - CofA Consolidation Report.
35. Email dated March 9, 2018, to V. Pochmursky, MOECC, from D. Macarthur, Region of Niagara re: Garner Road Biosolids Mixer Replacement and includes attached drawings (56 drawings total) and construction specifications.

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

The reason for condition 1.1 is to clarify that the Certificate of Approval issued March 5, 1996 and Notices of Amendment Nos. 1 through 10 inclusive, are no longer in effect and have been replaced and superseded by the Terms and Conditions in this Approval.

The reason for Condition 2.1 is to ensure that the Site has been built in accordance with the applicaiton and supporting information submitted by the Municipality, and not in a manner which the Director has not been asked to consider.

Conditions 2.2 and 2.3 have been included to clarify the legal rights and obligation of this Approval.

The reason for Condition 2.4 is to clarify how to interpret this Approval in relation to the application and supporting documentation.

The reason for Condition 2.5 is to ensure that correspondence related to this Approval is easily identified.

The reason for Condition 2.6 is to ensure the availability of records for inspection and compliance purposes.

The reason for Condition 3.1 is to ensure that Ministry personnel, when acting in the course of their duties, will be given unobstructed access to the information and records related to the Site which are required by this Approval.

The reason for Conditions 4.1 and 4.2 is to ensure that the Site is operated under the corporate, limited or applicant's own name which appears on the application and supporting information submitted with the application and not under any name which the Director has not been asked to consider.

The reason for Condition 5.1 is to ensure that the Site is only operated in the presence of a competent person.

The reason for Condition 5.2 is to minimize the risk of vandalism.

The reason for Conditions 5.3, 8.1, 8.2, 8.3, 8.5, 9.1, 10.1, 10.2, and 17.1 is to ensure that the biosolids processing is conducted in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Condition 5.4 is to ensure that users of the Site are fully aware of important information and restrictions related to the use of the Site.

The reason for Condition 8.4 is to allow proper mixing of digested sewage sludge and water treatment plant sludge at the Garner Road Waste Disposal Site Lagoon.

The reason for Conditions 11.1, 11.2 and 11.3 is to demonstrate that the Site is performing as designed and the impacts on the natural environment are acceptable.

Regular monitoring allows for analysis of trends over time and ensures that there is an early warning of potential problems so that remedial action can be taken.

The reason for Condition 12.1 and 12.2 is to ensure that the Site is maintained in good working order.

The reason for Condition 13.1 is to ensure that any complaints regarding operations at the Site are responded to in a timely manner.

The reason for condition 14.1 is to ensure that the Municipality takes immediate action during an operational upset or emergency.

The reasons for Condition 14.2 is to ensure that the Municipality notifies the Ministry forthwith of any spills as required in Part X of the EPA so that appropriate spills response can be determined.

The reason for Conditions 15.1 and 17.3 is to ensure that site personnel are familiar with the operation and its associated hazards and to ensure the facility is operated in accordance with its Approval.

The reason for Conditions 16.1, 16.2, 16.3, 16.4, 16.5 and 16.6 is to ensure that accurate records are maintained to demonstrate compliance with the Conditions of this Approval, the EPA and its regulations.

The reason for Condition 17.2 is to ensure the Municipality follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site.

The reason for Condition 18.1 is to ensure that an annual review of the dewatering operations is documented and monitored so that any possible improvements to the operations or monitoring programs are identified.

The reason for Conditions 19.1 and 19.2 is to ensure this Site is closed in an orderly and environmentally acceptable manner. The use and operation of this Site without this condition would not be in the public interest.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A120215 issued on March 5, 1996

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:

- a. 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;
- b. 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:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. 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 and Climate Change
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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) 326-5370 or www.ert.gov.on.ca**

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

DATED AT TORONTO this 11th day of April,
2018

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

Act

DL/

c: District Manager, MOECC Niagara



**PROVISIONAL CERTIFICATE OF APPROVAL
WASTE MANAGEMENT SYSTEM**
NUMBER 2721-8A8PZW
Issue Date: October 19, 2010

T. T. & H. Montgomery Construction (Niagara) Limited
8550 Oakwood Drive
Niagara Falls, Ontario
L2E 6S5

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

a waste management system serving:

the Province of Ontario

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

- a. "Certificate" means the entire Certificate of Approval including its schedules, if any, issued in accordance with Section 27 of the Environmental Protection Act;
- b. "Company" means only T. T. & H. Montgomery Construction (Niagara) Limited;
- c. "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the Environmental Protection Act; and
- d. "District Manager" means the District Manager of the Ministry of the Environment for the geographic area in which the waste described in condition 2 is located.

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

TERMS AND CONDITIONS

1. Except as otherwise provided by the conditions of this Provisional Certificate of Approval, the waste management system shall be operated in accordance with the conditions contained within this Provisional Certificate of Approval and the supporting information submitted with the application for this Provisional Certificate of Approval dated September 10, 2010.
2. Only commercial waste including grease trap waste shall be transported pursuant to this Provisional Certificate of Approval and in any case, no subject waste may be transported pursuant to this Provisional Certificate of Approval.
3. The Company shall promptly take whatever steps are necessary to contain and clean up any spills of waste which have resulted from the operation of this waste management system.
4. Waste shall only be delivered to a waste disposal site or facility which has a Certificate of Approval or a Provisional Certificate of Approval, and only where the waste being delivered complies with the Certificate of Approval or Provisional Certificate of Approval of the receiving waste disposal site or facility, and at no time shall waste be stored or transferred to your truck storage yard located 8550 Oakwood Drive, Niagara Falls, Ontario.

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5. All waste shall only be transported in a covered vehicle.
6. Any addition, deletion or other change to the fleet of vehicles, trailers and equipment (i.e., year, make, model, serial number, licence number and ownership of each vehicle, trailer or piece of equipment) in particular those which are leased or rented, shall be reported to the Director within fourteen (14) days of any such change.
7. Except for the vehicle(s) that is/are owned and operated by or operated exclusively for a municipality or the Crown, every vehicle used for the collection and transportation of waste pursuant to this Provisional Certificate of Approval shall be clearly marked with the company name and the number which appears on the face of the Certificate of Approval or Provisional Certificate of Approval that authorizes the collection and transportation of waste.
8. The following documents shall be with each vehicle operated pursuant to this Provisional Certificate of Approval at all times that the vehicle is being operated or contains any wastes:
 - (a) A copy of this Provisional Certificate of Approval; and
 - (b) A certificate of vehicle liability insurance specifying that it provides coverage of a minimum of one million dollars (\$1,000,000.00).
9. (a) The Company shall notify the Director in writing of any of the following changes within thirty (30) days of the changes occurring:
 - (i) change of Company name, owner or operating authority;
 - (ii) change of Company address or address of new owner or operating authority; and
 - (iii) change of Company truck storage yard address/location.
 - (b) In the event of any change in ownership of the waste management system the company shall notify the succeeding (new owner) company of the existence of this Certificate, and a copy of such notice shall be forwarded to the Director.
 - (c) The Company shall ensure that all communications made pursuant to this condition will refer to this Certificate number.

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

1. The reason for condition 1 is to set out clearly that this waste management system shall be operated in accordance with the conditions set out in this Provisional Certificate of Approval and the supporting information submitted with the application for this Provisional Certificate of Approval.
2. The reason for condition 2 is to ensure that this waste management system is only used to collect, handle and transport waste which it is able to in a suitable manner as the transportation of waste which this waste management system is not able to collect, handle and transport may create a nuisance or result in a hazard to the health and safety of any person or the natural environment.
3. The reason for condition 3 is to ensure that any waste spilled onto the vehicle is promptly contained and cleaned up to minimize the risk of further spillage or the discharge of waste from the vehicle to the environment and to ensure that the proper officials of the Ministry of the Environment are notified and able to give direction to the Company to ensure the complete decontamination of the vehicle and clean up of the spilled material.
4. The reason for condition 4 is to ensure that this waste management system is used to transport waste only to waste disposal sites or facilities that have been approved by the Ministry of the Environment to receive the waste which this waste management system is delivering under this Provisional Certificate of Approval, and that by accepting the waste being delivered by the waste management system, the waste disposal site and facilities will not be out of compliance with its Certificate of Approval or Provisional Certificate of Approval.
5. The reason for condition 5 is to ensure that waste particulates are not emitted to the environment as any such emission

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may result in a hazard to the health and safety of any person or the natural environment.

6. The reason for condition 6 is to ensure that all vehicles, trailers and equipment including those leased or rented for operation under this Provisional Certificate of Approval have been approved as part of a suitable waste transportation system to collect and transport waste as an unsuitable waste transportation system could result in a hazard to the health and safety of any person or the natural environment.

7. The reason for condition 7 is to ensure that the collection, handling and transportation of waste is conducted in a safe and environmentally acceptable manner, as outlined in Regulation 347.

8. The reason for condition 8 is to ensure that all waste carriers have met and are operating in compliance with the standards for waste management systems outlined in Regulation 347.

9. The reason for condition 9 is to ensure that the waste management system is operated under the corporate, limited or the applicant's own name which appears on the application and supporting information submitted for this Provisional Certificate of Approval and not under any name which the Director has not been asked to consider.

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
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

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 management system is approved under Section 39 of the Environmental Protection Act, and is subject to the Regulations made thereunder.

DATED AT TORONTO this 19th day of October, 2010

Sherif Hegazy, P.Eng.
Director
Section 39, *Environmental Protection Act*

DA/
c: District Manager, MOE Niagara



AMENDMENT TO PROVISIONAL CERTIFICATE OF APPROVAL
WASTE DISPOSAL SITE
NUMBER A120212
Notice No. 1
Issue Date: December 9, 2008

Power Grow Systems Inc.
810 Technology Drive
Peterborough, Ontario
K9J 6X7

Site Location: Composting Site
Operator: Terratec Environmental a.k.a. American Water
8800 Garner Road
Part of Lot 205 (formerly in the Township of Stamford)
Niagara Falls, Regional Municipality Of Niagara
ON L2E 6S5

You are hereby notified that I have amended Provisional Certificate of Approval No. A120212 issued on July 5, 1996, and not yet amended for a Waste Disposal Site (Transfer/Processing) of a maximum storage capacity of 100,000 tonnes of solid, non-hazardous wastes, as follows:

Definitions

The following definitions are hereby revoked and replaced:

1. 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 application and the supporting documentation listed in Schedule "A";
- b) "**Company**" or "**Owner**" means any person that is responsible for the establishment or operation of the Site, and includes Power Grow Systems Inc., Courtice Auto Wreckers Limited, Courtice Industries Inc.; and Terratec Environmental, and American Water Services Canada; and their successors and assigns;
- f) "**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;
- h) "**District Manager**" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- n) "**Ministry**" means the Ministry of the Environment;

The following definitions are hereby added:

1. y) "**EPA**" means the Environmental Protection Act, R. S. O. 1990, c. E.19, as amended;
- z) "**Guideline F-15**" or "**Financial Assurance Guideline**" means the Financial Assurance Guideline, Guideline F-15, issued by the Ministry in November 2005 under the authority of the EPA;
- aa) "**Provincial Officer**" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the Ontario Water Resources Act or section 5 of the EPA or section 17 of the Pesticides Act;

ab) "**Regional Director**" means the Regional Director of the local Regional Office of the Ministry in which the Site is located;

ac) "**Reg. 347**" or "**Regulation 347**" means Regulation 347 General - Waste Management, R.R.O. 1990, made under the Environmental Protection Act, as amended from time to time.

Financial Assurance

Conditions 27 (1) to (3) inclusive are hereby revoked and replaced:

27. (1) The Owner shall maintain with the Ministry, Financial Assurance as defined in Section 131 of the EPA, in the amount of **\$1,200,000**. 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-Site at any one time.

27. (2a) By March 31, 2009, the Owner shall prepare and submit to the Director a new Financial Assurance calculation for this Site. The monetary value of the Financial Assurance shall be based on the following as a minimum:

- (i) plans to dispose of all quantities of waste allowed on-Site under this Certificate;
- (ii) current costs for disposal, supported by written quotes or price lists from vendors;
- (iii) costs to power sweep or wash site after removal of all wastes;
- (iv) costs to demolish and remove from Site any built structures;
- (v) costs to secure Site for five (5) years post-closure.

(2b) Upon acceptance of the Director of the new Financial Assurance required under Condition 27 (2a) above, the Owner shall adjust (increase or decrease accordingly) the Financial Assurance amount provided under Condition 27. (1) above. The revised Financial Assurance shall be submitted within twenty (20) days of the Director's acceptance of the calculation.

27. (3a) Commencing on March 31, 2012, and every third year thereafter, the Owner shall prepare and submit to the Director a new Financial Assurance calculation for this Site, which shall be prepared in a manner similar to the requirements of Condition 27 (2a).

(3b) Commencing on March 31, 2010, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 27 (1), for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 27 (3a). The re-evaluation shall be made available to the Ministry, upon request.

(3c) 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.

Schedule "A"

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

12. Letter and attachments dated January 30, 2007 from Michael Dennis, President, Power Grow Systems Inc. to Tesfaye Gebrezghi, EAAB, Ministry of the Environment regarding Financial Assurance, possible surplus in Financial Assurance, and evidence of ownership of Power Grow Systems Inc as being Courtice Industries Inc.

13. Letter of Credit dated November 6, 2008 from Citizens Bank of Pennsylvania, International Trade Dept., Medford, MA with Applicant: American Water Works Co., Inc., on behalf of American Water Services, Voorhees, NJ and Beneficiary: Toronto-Dominion Bank, 55 King Street West, Toronto in the amount of \$1,200,000.

14. Letter and attachments dated November 7, 2008 from Harvey Ambrose, President, Courtice Auto Wreckers Limited to

Tesfaye Gebrezghi, EAAB, Ministry of the Environment requesting transfer of certain portions of Financial Assurance from Power Grow Systems to Northwood Recycling and Energy Inc.; and setting out the corporate relationships between Power Grow, Northwood, Courtice Auto Wreckers Limited and Courtice Industries Inc.; and advising that Terratec (subsidiary of American Water) shall, by lease effective December 1, 2008, undertake operations at Site.

15. Letter of Credit dated November 26, 2008 from TD Bank, Global Trade Finance, Montreal, PQ with Applicant: American Water Works Co. Inc., on behalf of American Water Services, Voorhess, NJ and Beneficiary: Her Majesty the Queen in Right of Ontario in the amount of \$1,200,000.

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

1. *The Director has accepted that \$1,200,000 represents a reasonable Financial Assurance for the risk of the Owner's activities at Site.*
2. *Conditions 27 (2a) and (2b) have been imposed since the Owner has failed to comply with the earlier condition in the Certificate, which required annual re-evaluations of the Financial Assurance. No such evaluations have been received since 1996.*
3. *Conditions 27 (3a) and (3b) have been imposed since the Director has decided that the Owner needs only to submit a Financial Assurance calculation every third year, provided that the Owner performs the calculations for the two intermediate years, and maintains these calculations on Site.*

This Notice shall constitute part of the approval issued under Provisional Certificate of Approval No. A120212 dated July 5, 1996 and not yet amended.

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 waste disposal site is located;

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

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The 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.

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DATED AT TORONTO this 9th day of December, 2008

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

FC/

c: District Manager, MOE Niagara

Michael Dennis, President, Power Grow Systems Inc. (Peterborough)

Terratec Environmental, 8800 Garner Road, Niagara Falls ON L2E 6S5

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Ministry of the Environment
Ministère de l'Environnement

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A120212

Notice No. 2

Issue Date: August 28, 2013

Power Grow Systems Inc.
800 Colonial Sam Drive
Oshawa, Ontario
L1H 8A9

Site Location: 8800 Garner Road
Niagara Falls City, Regional Municipality Of Niagara
L2E 6S5

You are hereby notified that I have amended Approval No. A120212 issued on July 5, 1996 for a waste disposal site (transfer/processing) , as follows:

I. Condition 8 is hereby revoked and replaced by:

8. (1) The hours of operation for waste transfer and processing are as follows:

1. 7:00am to 5:00am daily (allowing nighttime operation) between August 28, 2013 and April 30, 2014.
2. 7:00am to 11:00pm daily beginning May 1, 2014 and continuing thereafter.

(2) No later than August 28, 2013 the Owner shall deliver a written notice to the Grand Niagara Golf Course (8547 Grassy Brook Road, Niagara Falls), Heartland Forest (7201 Beechwood Road, Niagara Falls), Mr. Ed Longhouse (7787 Kalar Road, Niagara Falls), and all occupants of the dwellings located on Chippawa Creek Road between Garner Road and Kalar Road in the City of Niagara Falls. This notice shall be authorized by a representative of Power Grow Systems Inc. and/or Terratec Environmental Ltd., and shall include the following information:

1. a brief description of the waste removal operations taking place;
2. the operating times set out in Condition 8(1) above; and
3. a toll-free telephone number that occupants can use to call a representative of Power Grow Systems Inc. and/or Terratec Environmental Ltd. at any time during the day or night in the event that noise or odour concerns arise.

The reason for this amendment to the Approval is as follows:

1. To facilitate the orderly removal of waste from the Site in a manner that minimizes impacts due to odour.

This Notice shall constitute part of the approval issued under Approval No. A120212 dated July 5, 1996

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.

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:

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**

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

DATED AT TORONTO this 28th day of August, 2013

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

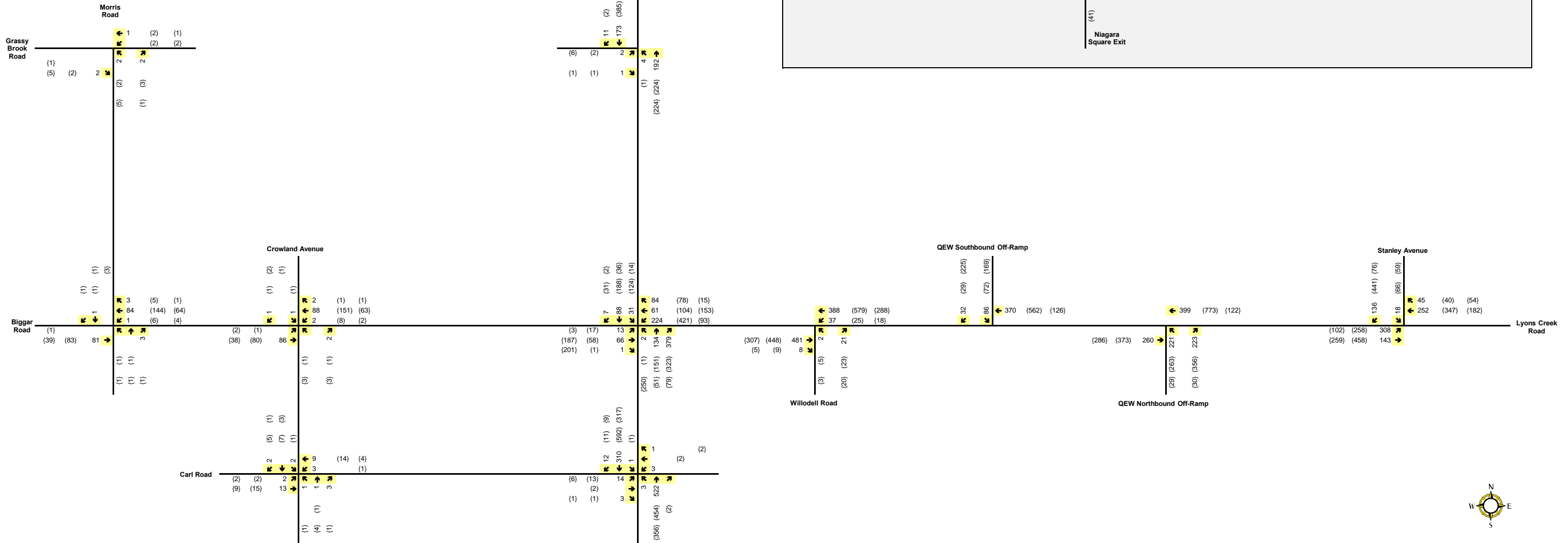
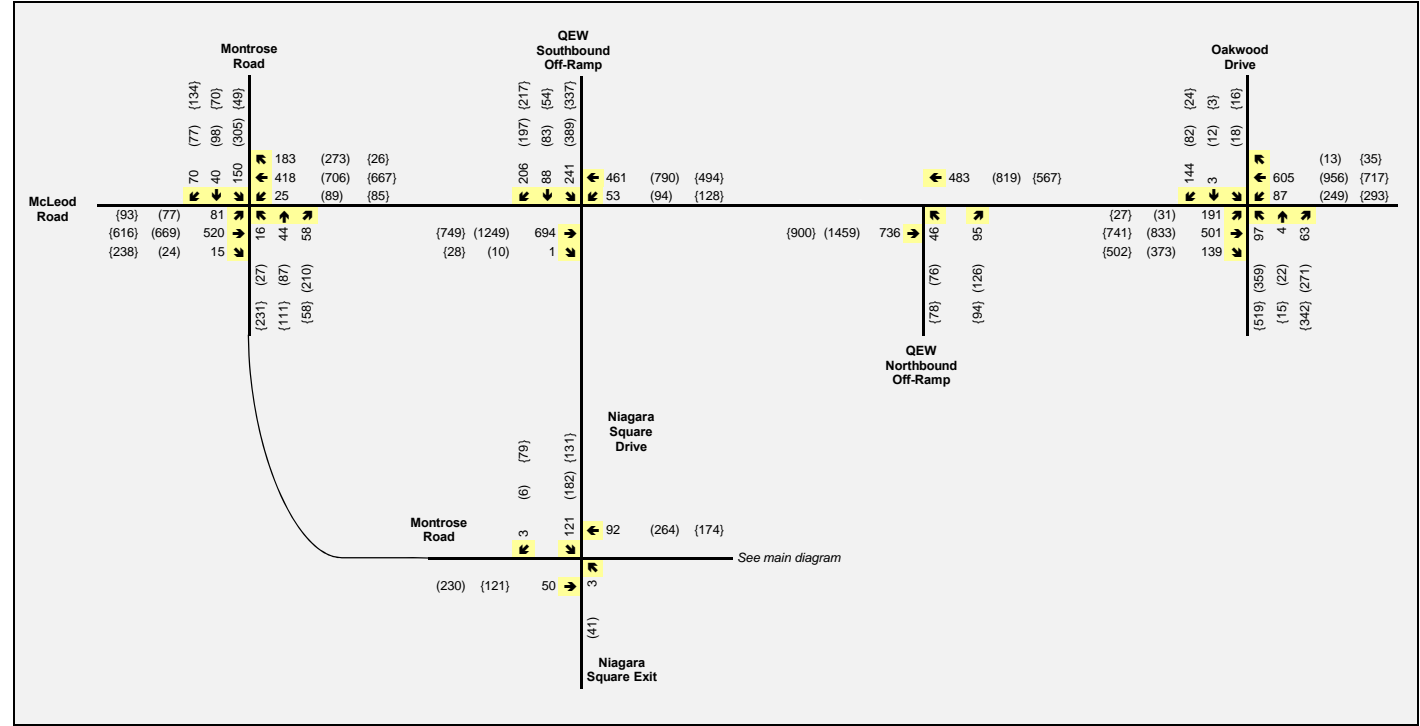
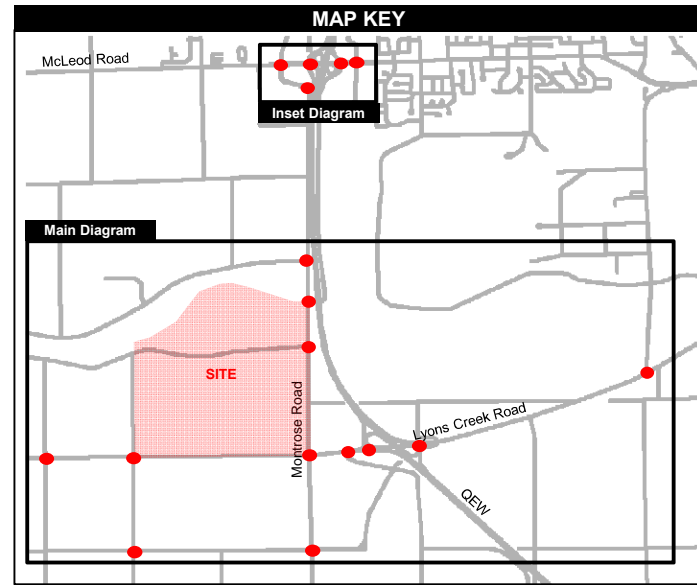
AN/
c: District Manager, MOE Niagara
Field Alert

APPENDIX

D

TRAFFIC DATA

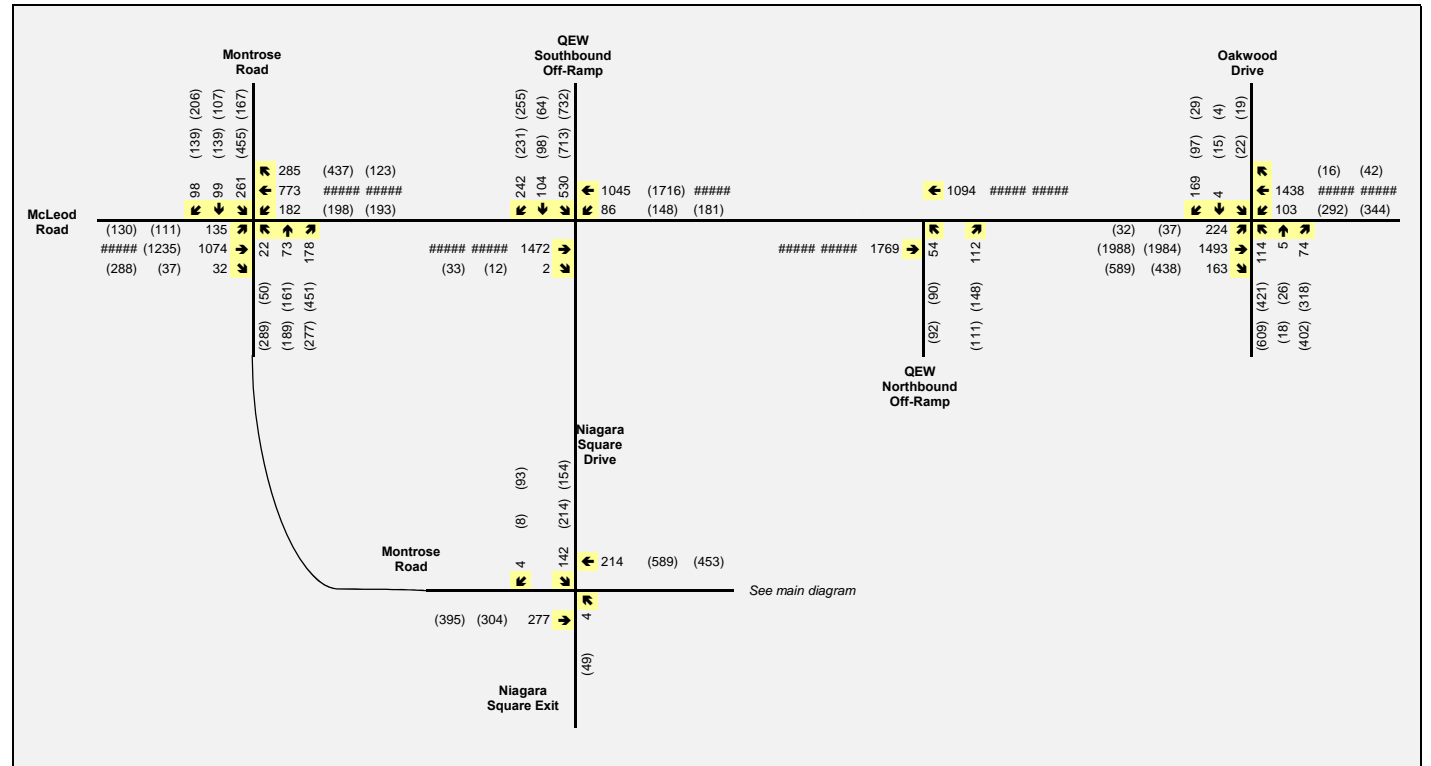
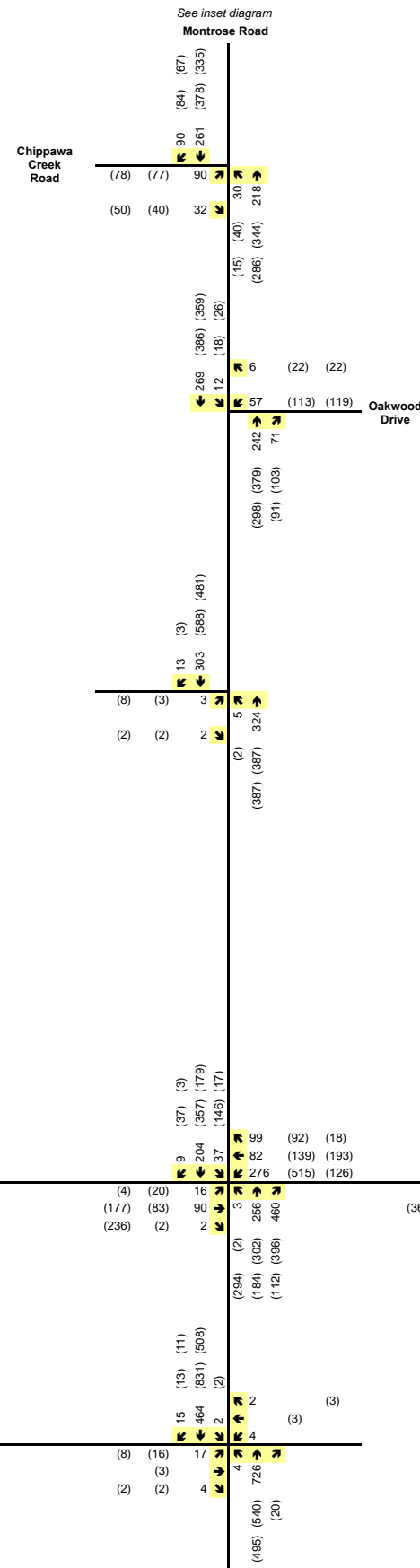
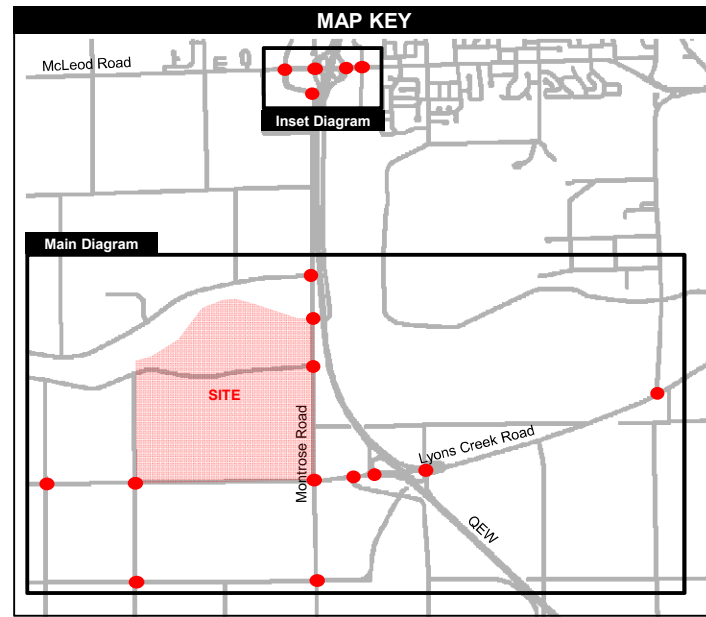




LEGEND
 SAT PM AM →



FIGURE 5
 Existing Traffic Volumes



LEGEND

SAT PM AM



FIGURE 6
Background Traffic Volumes – Horizon Year 2031