



## AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A130410

Notice No. 2

Issue Date: February 26, 2015

Flow-Kleen Technology Ltd.  
841 Arvin Ave Stoney Creek  
Hamilton, Ontario  
L8E 5N8

Site Location: 841 Arvin Avenue,  
Hamilton City,  
L8E 5N8

*You are hereby notified that I have amended Approval No. A130410 issued on November 13, 2009 for a waste receiving and processing site serving the Province of Ontario, Province of Quebec and the State of New York, as follows:*

**I. The following Preamble is hereby revoked and replaced with the following:**

a waste receiving and processing site for road sweepings, clean soil material recovered from hydro-excavation activities and drilling mud and clean soil cuttings from Horizontal Directional Drilling operations serving the Province of Ontario, Province of Quebec and the State of New York.

**II. The following Conditions are hereby revoked and replaced with the following:**

14 (a) Waste received at the site shall be limited to non-hazardous catch basin waste, road sweeping, clean soil material recovered from hydro-excavation activities and drilling mud and clean soil cuttings from Horizontal Directional Drilling operations.

18. Processing of waste shall be limited to non-hazardous catch basin waste, road sweeping, clean soil material recovered from hydro-excavation activities and drilling mud and clean soil cuttings from Horizontal Directional Drilling operations.

**32. Financial Assurance**

(a) Within twenty (20) days of issuance of this notice, the Owner shall submit to the Director, Financial Assurance, as defined in Section 131 of the Act, in the amount of **Two Thousand, One Hundred and Seventy Dollars (\$2,170)**.

This will be added to the current balance of \$120, 955 for a grand total of \$123, 125. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.

(b) On June 30, 2018 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 32 (a). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The

Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

(c) Commencing on September 30, 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 32 (a) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 32 (b). The re-evaluation shall be made available to the Ministry, upon request.

(d) 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 efforts 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.

(e) All documents sent to the Director regarding Financial Assurance shall be copied to the Regional Director and the District Manager of the Ministry.

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

6. The application to amend ECA No. A130410, dated April 17, 2014 and signed by Ted Fennema, President, Flow Kleen.

7. Email with attached FA re-evaluation, dated February 12, 2015 from Jim Yardley, P.Eng., Conestoga-Rovers & Associates.

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

1. The reason for amending the preamble is to update the waste types that can be received and processed at the *Site*.

2. The reason for amending Conditions 14(a) and 18 is to update the waste types that can be received and processed at the *Site*.

3. The reason for amending Condition 32 is to ensure enough funds are available to clean the site should the Owner shut down operations and no longer have the ability to remediate the site.

**This Notice shall constitute part of the approval issued under Approval No. A130410 dated November 13, 2009**

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

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

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

CONTENT COPY OF ORIGINAL

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

AND

The Director appointed for the purposes of Part II.1 of  
the Environmental Protection Act  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at:  
Tel: (416) 212-6349, Fax: (416) 314-3717 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

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

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

DATED AT TORONTO this 26th day of February, 2015

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

CJ/  
c: District Manager, MOE Hamilton - District  
Jim Yardley, CRA, Flow-Kleen Technology Ltd.