

Appendix E

Notice Pursuant to s.7(1) of O.Reg. 419/05

**Ministry of the Environment,
Conservation and Parks**

Environmental Monitoring and
Reporting Branch

125 Resources Road
Toronto ON M9P 3V6
Tel.: 416 235-6300
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**Ministère de l'Environnement, de la
Protection de la nature et des Parcs**

Direction de la surveillance
environnementale

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Tél. : 416 235-6300
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Notice number: **0258-BL2Q4A**
Reference number: **7638-B9MLMZ**

Notice

Pursuant to subsection 7(1) of O. Reg. 419/05, made under the
Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)

To: **Waste Connections Canada**
20262 Erieau Road
Chatham-Kent, Ontario, N0P 1A0

Site: **Ridge Landfill**
20262 Erieau Road
Chatham-Kent, Ontario, N0P 1A0

Part 1: Definitions

In this Notice,

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

"Director" means the undersigned Director or any other person appointed under section 5 of the Act as a Director for the purposes of section 7 and 52 of the Regulation;

"Facility" means the plant, structure and any other thing that may discharge a Contaminant that is located at *20262 Erieau Road, Chatham-Kent, Ontario, N0P 1A0*;

"Notice" means this Notice number 0258-BL2Q4A, as it may be amended from time to time;

"Person Responsible" means Waste Connections Canada being the person who discharges or causes or permits the discharge of contaminants from the Facility into the air; and

"Regulation" means Ontario Regulation 419/05: Air Pollution - Local Air Quality, made under the Act.

Part 2: Legal Authority

The following provisions of the regulation sets out the legal authority that forms the basis for this Notice:

7. (1) The Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant from a property stating that the Director is of the opinion that, with respect to discharges of the contaminant from that property,

(a) one or more dispersion models specified in the notice would predict concentrations of the contaminant at least as accurately as an approved dispersion model;

- (b) a combination specified in the notice of two or more dispersion models would predict concentrations of the contaminant at least as accurately as an approved dispersion model;
- (c) a combination specified in the notice of one or more dispersion models and one or more sampling and measuring techniques would predict concentrations of the contaminant at least as accurately as an approved dispersion model; or
- (d) one or more approved dispersion models specified in the notice would predict concentrations of the contaminant less accurately than,
 - (i) a dispersion model or combination specified under clause (a), (b) or (c), or
 - (ii) another approved dispersion model. O. Reg. 419/05, s. 7 (1); O. Reg. 507/09, s. 5 (1).

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 7 (2).

(3) If a notice is given under subsection (1) with respect to discharges of a contaminant from a property, a reference in this Part to an approved dispersion model shall be deemed, with respect to those discharges,

- (a) to include a dispersion model or combination specified under clause (1) (a), (b) or (c); and
- (b) not to include a dispersion model that is specified under clause (1) (d). O. Reg. 419/05, s. 7 (3).

(4) Revoked: O. Reg. 507/09, s. 5 (2).

(5) Subsection (3) does not apply to a discharge of a contaminant until,

- (a) three months after the notice is given under subsection (1), unless clause (b) applies; or
- (b) one year after the notice is given under subsection (1), if the notice includes a notice under clause (1) (c). O. Reg. 419/05, s. 7 (5).

(6) Subsection (5) does not apply for the purpose of preparing a report to which subsection 22 (1.1) or (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies. O. Reg. 419/05, s. 7 (6); O. Reg. 605/05, s. 2 (1); O. Reg. 507/09, s. 5 (3).

(7) Subsection (5) does not apply to a discharge of a contaminant if subsection (3) would have the effect of permitting the discharge. O. Reg. 419/05, s. 7 (7).

(8) If a notice is given to a person under subsection (1) and section 20 does not apply to the person in respect of a contaminant, subsection (3) applies to the person in respect of the contaminant only after section 20 begins to apply to the person in respect of the contaminant. O. Reg. 419/05, s. 7 (8).

(9) Despite subsection (8), if a notice is given to a person under subsection (1) and section 20 does not apply to the person in respect of a contaminant, subsection (3) applies to the person in respect of the contaminant for the purpose of preparing a report to which subsection 22 (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies. O. Reg. 419/05, s. 7 (9); O. Reg. 605/05, s. 2 (2); O. Reg. 507/09, s. 5 (4).

(10) If a notice given under subsection (1) is amended by a notice given under section 52, the notice under section 52 takes effect, and subsection (3) begins to apply to the amended notice,

- (a) three months after the notice is given under section 52, unless clause (b) or (c) applies;

(b) one year after the notice is given under section 52, if the amendment adds a statement described in clause (1) (c) to the notice given under subsection (1), unless clause (c) applies; or

(c) on the day the notice is given under section 52, if the application of subsection (3) to the amended notice would have the effect of permitting a discharge that would otherwise be prohibited. O. Reg. 507/09, s. 5 (5).

(11) If a notice given under subsection (1) is revoked by a notice given under section 52, the notice under section 52 takes effect, and subsection (3) ceases to apply to discharges of the contaminant,

(a) three months after the notice is given under section 52, unless clause (b) applies; or

(b) on the day the notice is given under section 52, if the revocation of the notice given under subsection (1) would have the effect of permitting a discharge that would otherwise be prohibited. O. Reg. 507/09, s. 5 (5).

52. (1) Subject to subsections 7 (10) and (11), the Director may, by written notice, amend or revoke any notice given by the Director under this Regulation. O. Reg. 507/09, s. 32 (1).

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).

Part 3: Grounds for Notice

3.1 For the purpose of subsection 7(1)(a) of the Regulation, I, the Director am of the opinion that AERMOD 19191 used in conjunction with AERMET 19191 would predict concentrations of the contaminant at least as accurately as an approved dispersion model.

This notice is being issued for the following reasons:

- AERMOD 19191, AERMET 19191 include more advanced algorithms, and
- the request was to use the model without using any non-default options (with the exception of the horizontal and capped sources).

3.2 In accordance with subsection 7(2) of the Regulation, the Director provided a draft of this Notice to the Person Responsible at the Facility and provided an opportunity for that person to make written submissions to the Director during a thirty (30) day period.

Part 4 Notice Requirements

Pursuant to my authority under subsection 7(1) of the Regulation, with the issuance of this Notice, I hereby require the Person Responsible to do the following:

4.1 Use an approved dispersion model in accordance with subsection 7(3) of the Regulation.

4.2 In particular, a reference to an approved dispersion model in Part II of the Regulation shall be deemed to include:

- AERMOD 19191 used in conjunction with AERMET 19191

Part 5: General

5.1 Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing.

5.2 The time for making written submissions to the Director under section 7 (2) or section 52 of the Regulation is not extended by choosing service by mail.

5.3 All notices are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.

- 5.4 The requirements of this notice are severable. If any requirement of this notice or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the notice shall not be affected thereby.
- 5.5 Any request to change a requirement in this notice shall be made in writing to the Director with reasons for the request, at least 45 days prior to any compliance date for that requirement.
- 5.6 The requirements of this notice are minimum requirements only and do not relieve you from:
- (a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; and
 - (b) obtaining any approvals or consents not specified in this notice.
- 5.7 Subsection 53(2) of the Regulation provides a person who is required to do something by a notice given by the Director under this Regulation shall comply with the requirement.
- 5.8 Subsection 186(1) of the Act states that every person who contravenes this Act or the regulations is guilty of an offence.
- 5.9 Any written submissions to the Director made under subsection 7 (2) or section 52 of the Regulation must be made in accordance with the requirements of section 182 of the Act and Ontario Regulation 227/07 made under the Act, as they may be amended from time to time.
- 5.10 This notice expires on the latest of the following dates:
1. The date the next amendment to the AERMOD models comes into effect in accordance with subsection 177(6) of the Act.
 2. If, on or before the date mentioned in paragraph 1, an application has been made in respect of the facility under section 20.2 of the Act that uses the model version specified in this notice, the date that the Person Responsible is next required to prepare a report in accordance with section 26 of the Regulation following the date on which a decision is made with respect to the application under section 20.2 of the Act.

This notice is effective from the date of issue.

Issued this 27th day of January, 2020.



Jeffrey McKerrall, P.Eng.
Director, Section 7, O. Reg. 419/05