

**COMPLIANCE INSPECTION REPORT**

**The Nation Township  
(Cambridge)  
Waste Disposal Site**

**SOLID NON-HAZARDOUS  
WASTE DISPOSAL SITE**

**REPORT PREPARED BY THE CORNWALL OFFICE OF THE  
MINISTRY OF THE ENVIRONMENT, EASTERN REGION**

**Inspected by: Marc Robert  
Inspection: November 18, 1999**

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**MINISTRY OF THE ENVIRONMENT**  
**SOLID NON-HAZARDOUS WASTE DISPOSAL SITE**  
**INSPECTION REPORT**

**COMPANY/MUNICIPALITY:** The Corporation of the Nation Township

**SITE ADDRESS:** 958 Highway 500 West, RR 3, Casselman, Ontario, K0A 1M0

**CONTACTS:**

Name	Title	Phone	Fax
Mary McCuaig	Clerk	(613) 764-5444	
Roger Brunette	Environmental Projects Coordinator	(613) 524-2932	

**SITE LOCATION:** Lot 14, Concession 5, The Nation Township (former Township of Cambridge)

**SITE NAME:** Central (Casselman) waste disposal site

**INSPECTION DATE:** November 18, 1999

**DATE OF LAST INSPECTION REPORT:** December 20, 1995

**1.0 CERTIFICATES OF APPROVAL**

A copy of the Certificate of Approval (C of A) No. A471101 dated June 7, 1982 and supporting information is found in Appendix 1 of the report

Number	Date (Y/M/D)	Description	Conditions
A471101	82/06/07	The use and operation of a landfilling site, located Part Lot 14, Concession 5, former Township of Cambridge, for the receiving and disposal of domestic, commercial and "other" limited to agricultural waste, wire and wood waste	Registration on title of C of A at appropriate Land Registry Office.  Wastes covered and compacted at least once each month from April 15 to November 15 inclusive and at least four times during the remainder of the year.  No burning of municipal waste.
471101	73/08/09	Landfill	Closure of landfill site
471101	72/08/17	Landfill	Closure of landfill site
471101	72/06/07	Landfill	none
471101	71/10/15	Landfill	none
471101	71/03/19	Landfill	Closure of landfill site

**1.1 Is there a record of financial assurance for the waste disposal site?**

At the time of the inspection there was no record of financial assurance for this landfill site, nor is one required by way of the site's C of A.

**1.2 What is the approved total area of the site ?**

The approved total area of the waste disposal site is 0.8 hectares.

The current Certificate of Approval does not describe the size of the approved waste disposal site however the Supporting Information to the 1971 Application for Approval for a Landfill Disposal Site describes the Total Area of Site as being of 2 acres (0.8 hectares).

**1.3 What is the approved landfilling area (footprint) of the site?**

There is no approved footprint for the waste disposal site. The waste footprint being the area of the landfill site where waste is deposited, covered and

compacted.

The current Certificate of Approval does not describe the size of an approved footprint for the waste disposal site nor does the Supporting Information to the 1971 Application for Approval for a Landfill Disposal Site.

Taking into consideration Section 11(17) of Ontario Regulation 347 which states: *A green belt or neutral zone shall be provided around the site and the site shall be adequately screened from public view*, the footprint of the waste disposal site should be less than 0.8 hectares.

#### **1.4 What is the approved capacity of the site?**

There is no approved capacity for the Cambridge waste disposal site. As such MOE's protocol entitled *Landfill Capacity Determination*, dated December 1993, should be used to determine the capacity of the site.

It is my opinion, based on my observations during the inspection, that by using this protocol it will be determined that there is very little or no remaining capacity at the Cambridge waste disposal site (see Section 2.2 of this report).

### **2.0 INSPECTION OBSERVATIONS**

#### **2.1 Has the footprint been flagged and/or is clearly identifiable ?**

No.

A few wooden stakes appear to have been placed along the east side of the active waste disposal area, however it is unclear whether they are there to delimit the footprint.

Although the landfill site's C of A does not require identification of the footprint, this practice is recommended so that waste is not inadvertently placed within the landfill site's buffer area or beyond the approved limits of the site. Photo No. 1 provides a view of the footprint.

#### **2.2 Are wastes being deposited outside of the footprint ?**

Yes.

Although a waste footprint had not been delimited at the site, at the time of my inspection, waste appeared to be landfilled in within a single waste disposal area. Previously, waste has been deposited in the ravine between the Village of Casselman and Cambridge landfill sites and at other locations near the present

waste disposal area. At the time of my inspection it would appear that waste has and continues to be deposited on an area greater than the approved size of the waste disposal site (0.8 hectares).

Waste tires are being stockpiled, for off-site disposal, at a location outside of the footprint (photo No. 2).

### **2.3 Is access to the site controlled ?**

Yes and No.

Access to the site is regulated by Section 11(2) of Ontario Regulation 347 which states: *Access to the site shall be limited to such times as an attendant is on duty and the site shall be restricted to use by persons authorized to deposit waste in the fill area.* Mr. Brunette explained that a site attendant is present when waste is being deposited at the site. The site attendant's shelter is located along the landfill site's access road (photo No. 3).

There are two entry points to the waste disposal site: a main entrance to the site off of County Road 3 (photo No. 4) and another secondary entrance located behind the Nation Township municipal offices and garage (photo No. 5). Access to the site is controlled somewhat by a locked chain that traverses each of the entrances. There is no fence around the landfill site. At the time of my inspection, the chain was in place across the main entrance to the site and was not in place across the municipal offices' entrance. I have visited the landfill site on a few other occasions since my inspection and have observed that when a site attendant is not present the main entrance is locked whereas the municipal offices' entrance has always been open.

### **2.4 Are wastes being adequately covered ?**

Yes and No.

Frequency of waste covering is regulated by C of A No. 471101 that states: *The wastes shall be compacted and covered at least once each month from April 15<sup>th</sup> to November 15<sup>th</sup>, inclusive, and at least four times during the remainder of the year.*

Section 11(13) of Ontario Regulation 347 states: *Waste shall be deposited in an orderly manner in the fill area, compacted adequately and covered by cover material by a proper landfilling operation.*

According to Mr. Brunette, waste is covered and compacted approximately every one to two weeks.

At the time of my inspection interim earth cover, consisting mostly of sand, had been applied to all of the waste within the footprint except for a small portion of newly deposited domestic waste. An area method of waste placement and covering appears to be utilized. An adequate thickness of cover appeared to have been applied to the top of the footprint as little waste was visible through the cover material. However, cover material does not appear to be applied to the side slopes of the footprint as waste was very visible along the entire length of the footprint (photos No. 6 and 7). Waste is also visible at other locations that were previously used as waste disposal areas, especially in the ravine between the Village of Casselman and Cambridge landfill sites (photo No. 8).

Also, there was evidence of small uncovered piles of waste that had been deposited outside of the footprint for no apparent reason (photos No. 9 and 10).

Wind-blown litter did not appear to be a problem at the landfill site.

**2.5 Is there evidence of burning ?**

No.

The burning of waste is regulated by C of A No. 471101 that states: *That the practice of open burning of municipal refuse at the landfill site shall be discontinued.*

At the time of my inspection there was no evidence that waste of any sorts was being burned however Mr. Brunette stated that wood waste is occasionally burned.

**2.6 Is there any obvious evidence of groundwater/surface water impact ?**

Yes.

Section 11(4) of Ontario Regulation 347 states: *Drainage that may cause pollution shall not, without adequate treatment, be discharged into watercourses.*

Section 11(5) of Ontario Regulation 347 states: *Waste shall be placed sufficiently above or isolated from the maximum water table at the site in such a manner that impairment of groundwater in aquifers is prevented and sufficiently distant from sources of potable water supplies so as to prevent contamination of the water, unless adequate provision is made for the collection and treatment of leachate.*

In a report for the former Township of Cambridge entitled *Site Development and Operation Plan for Waste Disposal Site - Township of Cambridge, Lot 14, Concession 5* dated February 1991, the potential problem of leachate flows to the South Nation River was identified. In general, landfill leachate is discharged via overland flow or groundwater discharge into three ravines near the site and ultimately into the South Nation River. The report recommended additional studies

to further investigating this problem.

During January 1999, The Village of Casselman, with The Nation Township, produced the *Casselman/Nation Landfill Study Report*. This report proposes a solution to the leachate problem which has yet to be implemented.

At the time of my inspection a fair amount of leachate had pooled in the largest of the three ravines located between the Cambridge and the Village of Casselman landfill sites and identified in the aforementioned report as R1 (photo No.11). Leachate was also visible, further east, flowing from a smaller ravine, identified in the report as R2, towards the South Nation River (photos No. 12 and 13).

At the time of my inspection, ponded water was occurring at the base of the current waste disposal area. Waste was also visible in the water (photo No. 14). The ponded water could be caused by the removal of the sandy cover material down the top of the water table. Water is also entering into this area from under the site's access road and flowing off-property towards the east of the site (photos No. 15, 16 and 17). The potential for ground and surface water contamination in this area of the site is great.

**2.7 If a leachate control system is required for this site, is it operational ?**

A leachate control system or leachate control measures is not required by way of a control document. However, such a system or measures is required to address the flow of leachate to the South Nation River. At the present time a permanent control system has yet to be installed. On November 15, 1999, I received a draft workplan and schedule for the implementation of temporary and permanent leachate control measures at the Casselman/The Nation landfill sites. The construction of a temporary leachate collection structure is planned for the Casselman/The Nation landfill sites, before December 31, 1999, while studies continue for the installation of permanent leachate control structures.

**2.8 If a methane gas control system is required for this site, is it operational ?**

A gas control system is not required for the Cambridge waste disposal site nor has one been installed. At the present time, there does not appear to be a need for a methane gas control system.

**2.9 Is there evidence that wastes other than solid non-hazardous wastes are being deposited at the site?**

No.

Waste refrigerators were visible amongst the pile of scrap metal at the site (photo No. 18). Although it was not possible to ascertain whether they had been tagged



free of ozone-depleting substances, they likely did not contain refrigerants because the metal lines to their compressors had been severed.

### 3.0 REVIEW OF OUTSTANDING ISSUES

The Ministry of the Environment's December 1995 inspection report reported that the Cambridge waste disposal site was likely in a "Fill Beyond Approved Limits" situation and recommended that the municipality take steps to correct this situation. Since then the Nation Township has maintained that the size of the Cambridge waste disposal site should be 20 acres and not 2 acres, yet has failed to produce any written proof to this effect.

### 4.0 SUMMARY OF INSPECTION FINDINGS (HEALTH/ENVIRONMENTAL IMPACT)

- Was there any indication of a known or anticipated human health impact during the inspection and/or review of relevant material, related to this Ministry's mandate ?

Yes



**Specifics:**

- Was there any indication of a known or anticipated environmental impact during the inspection and/or review of relevant material ?



No

**Specifics:** Leachate from the Cambridge waste disposal site flows to and into the South Nation River. An assessment of the impact of the leachate on the river has yet to be done. Also waste at the site may have been placed beyond the legal boundary of the site, thus impacting on the local environment.

Also, waste is being deposited in ponded water in the landfill site's active waste disposal area. The potential for surface and groundwater contamination from this area is great.

- Was there any indication of a known or suspected violation of a legal requirement during the inspection and/or review of relevant material which could cause a human health impact or environmental impairment ?

No

**Specifics:** There is non compliance with the following control documents:

Certificate of Approval No. A471101. A 2 acre waste disposal site was approved by way of the Certificate of Approval and more precisely by way of the information that is located on 1971 Supporting Information to the 1971 Application for Approval for a Landfill Disposal Site. Waste has most likely been placed beyond the approved limits of the site.

There is non compliance with the following legislation:

Section 30(1) Ontario Water Resources Act: *Every person that discharges or causes or permits the discharge of any material of any kind into or in any waters or on a shore or bank thereof or into or in any place that may impair the quality of the water of any waters is guilty of an offence.*

Section 11(5) Regulation 347: *Waste shall be placed...sufficiently distant from sources of potable water supplies so as to prevent contamination of the water, unless adequate provision is made for the collection and treatment of the leachate.*

- Was there any indication of a potential for environmental impairment during the inspection and/or the review of relevant material ?

No

**Specifics:** See second bullet point.

#### 4.1 ACTION(S) REQUIRED

The Nation Township waste disposal site is presently in a "Fill Beyond Approved Limits/Overfill" situation. Therefor the municipality must complete the requirements of the Ministry of the Environment's *Protocol For Dealing With Fill Beyond Approved Limits and Overfill - December 1993*, a copy of which is found in Appendix 3 of this report. It is my understanding that the Nation Township may decide to close the Cambridge landfill site and send its waste to the Village of Casselman waste disposal site as per the provisions of Section 5.2 of Ontario Regulation 347. Should this occur, the above mentioned protocol would be

followed as part of a site closure plan.

Also, the Nation Township must continue with its voluntary abatement program to eliminate the off-property discharge of leachate from the site.

To date The Nation Township, along with the Village of Casselman, has submitted a joint landfill study report that briefly describes the current conditions at both waste disposal sites and proposes a leachate treatment option. Both municipalities have also submitted a workplan and schedule for addressing the leachate problem during the year 2000. The MOE has agreed to the workplan and schedule and has recommended the implementation of temporary remedial measures for the correction of leachate problems at the Nation landfill site until permanent leachate control measures are established at the site. The municipality has informed the MOE that temporary remedial measures will be installed during December 1999.

The municipality should ensure that the municipal offices' entrance to the waste disposal site is locked when a site attendant is not present on site.

## **5.0 OTHER INSPECTION FINDINGS**

At the time of my inspection, there was a outdated sign at the entrance of the waste disposal site providing very general information regarding site management and operation (photo No. 19). Section 11 of Ontario Regulation 347 requires signs be posted at the site for prevention of accidents at the site.

### **5.1 OTHER ACTION(S) REQUIRED**

Should the municipality take steps to continue operations at the waste disposal site (see Section 4.1), the installation of a sign with the following information is recommended for the entrance of the landfill site:

- name and address of the site owner and operator;
- Certificate of Approval number for operating a landfill site;
- hours and days of operation of the landfill site;
- admission restrictions;
- any applicable local municipal bylaws;
- emergency contact and telephone number;
- types of waste accepted; and
- tipping fees schedule.

Also, the waste disposal site footprint should be clearly delimited on site.

OCCURRENCE REPORT #: 9940002305

PREPARED BY:

ENVIRONMENTAL OFFICER:

Marc Robert

(Print)

(Signature)

Kingston District / Cornwall Office  
(District/Area Office)

December 8, 1999

(Date)

REVIEWED BY:

DISTRICT SUPERVISOR:

Ron Robertson

(Print)

(Signature)

(Date)

REPORT MAILED OUT ON:

December 10, 1999

(Date)

**NOTE: "This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or the operating authority to ensure compliance with all applicable legislative and regulatory requirements."**

Appendices:

Appendix A: Certificate(s) of Approval and Supporting Information

Appendix B: Photos of the Nation (Cambridge) waste disposal site

Appendix C: Ministry of the Environment Protocol For Dealing With Fill Beyond Approved Limits And Overfill.

## APPENDICES

Appendix "A" .....	Certificates of Approval and Supporting Information
Appendix "B" .....	Photographs of the Nation (Cambridge) Waste Disposal Site
Appendix "C" .....	Ministry of the Environment Protocol for Dealing with Fill Beyond Approval Limits and Overfill

Appendix A

The Nation Township (Cambridge) waste disposal site  
Certificate(s) of Approval and Supporting Information



Ontario

Ministry  
of the  
Environment

REVISED  
Provisional Certificate No.  
A 471101

## PROVISIONAL CERTIFICATE OF APPROVAL WASTE DISPOSAL SITE

Under the Environmental Protection Act and the regulations and subject to the limitations thereof, this Provisional Certificate of Approval is issued to:

Township of Cambridge,  
R.R. #1,  
St. Albert, Ontario.

THIS IS A TRUE COPY OF THE  
ORIGINAL CERTIFICATE MAILED

ON

June 14/82  
RB.

(Signed)

for the use and operation of a landfilling site

all in accordance with the following plans and specifications:

Located: <sup>1/4</sup> Part of Lot 12, Concession 5,  
Township of Cambridge,  
Counties of Prescott & Russell.

which includes the use of the site only for the disposal  
of the following categories of waste (NOTE: Use of the site for additional categories of  
wastes requires a new application and amendments to the Provisional Certificate of  
Approval) domestic, commercial, and 'other' limited to agricultural  
waste, wire and wood waste.

and subject to the following conditions:

1. No operation shall be carried out at the site after sixty days from this condition becoming enforceable unless this certificate including the reasons for this condition has been registered by the applicant as an instrument in the appropriate Land Registry Office against title to the site and a duplicate registered copy thereof has been returned by the applicant to the Director.
2. The wastes shall be compacted and covered at least once each month from April 15th to November 15th, inclusive, and at least four times during the remainder of the year.
3. The practice of open burning of municipal refuse at the landfill site shall be discontinued immediately.

Dated this 7th day of June, 19 82.

Director, Section 38



Ontario

MINISTRY OF THE ENVIRONMENT

NOTICE

THIS IS A TRUE COPY OF THE  
ORIGINAL NOTICE MAILED

ON

SIGNED

TO:

Township of Cambridge,  
R.R. #1,  
St. Albert, Ontario,

You are hereby notified that Provisional Certificate of Approval No. A 471101 has been issued to you subject to the conditions outlined therein.

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

1. A reason for the condition requiring registration of the Certificate is that Section 45 of the Environmental Protection Act, prohibits any use being made of the lands after they cease to be used for waste disposal purposes within a period of twenty-five years from the year in which such land ceased to be used unless the approval of the Minister for the proposed use has been given. The purpose of this prohibition is to protect future occupants of the site and the environment from any hazards which might occur as a result of waste being disposed of on the site. This prohibition and potential hazard should be drawn to the attention of future owners and occupants by the Certificate being registered on title.
2. The reason for the imposition of condition 2 is to prevent the accumulation of waste from creating a nuisance and for the conservation of the natural environment.
3. The reason for condition 3 is that the burning of refuse may create a nuisance to people living in the immediate vicinity of the landfilling site, and for the conservation of the natural environment.

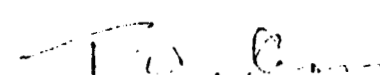
You may by written notice served upon me and the Environmental Appeal Board within 15 days after receipt of this Notice, require a hearing by the Board.

This Notice should be served upon:

The Secretary  
Environmental Appeal Board  
1 St. Clair Avenue West AND  
5th Floor  
Toronto, Ontario M4V 1K7

The Director  
Section 38, E.P.A.  
Ministry of the Environment  
135 St. Clair Ave. W.,  
Toronto, Ontario M4V 1P5

Dated at Toronto this 7th day of June, 1982.

  
\_\_\_\_\_  
Director,  
Section 38, E.P.A.,



Appendix B

The Nation Township (Cambridge) waste disposal site

Photos

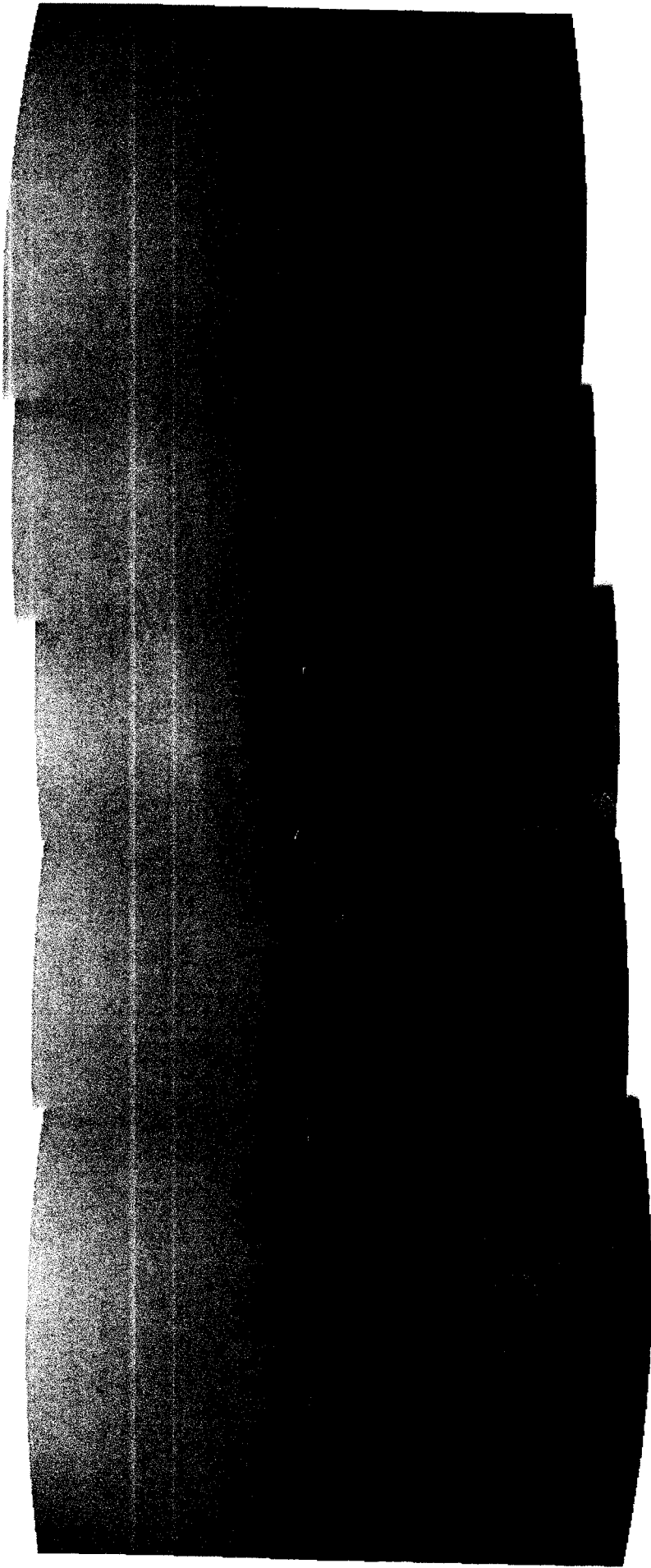


Photo 1: View (looking west) of the active waste disposal area (footprint) of the Nation (Cambridge) waste disposal site



**Photo 2: Waste tires storage area**



**Photo 3: Site attendant's shelter**



**Photo 4: Main entrance to the Nation  
(Cambridge) waste disposal site.**



**Photo 5: Secondary entrance to the Nation  
(Cambridge) waste disposal site.**



Photo 6: Uncovered waste along east side of footprint (looking north).



Photo 7: Uncovered waste along east side of footprint (looking south).

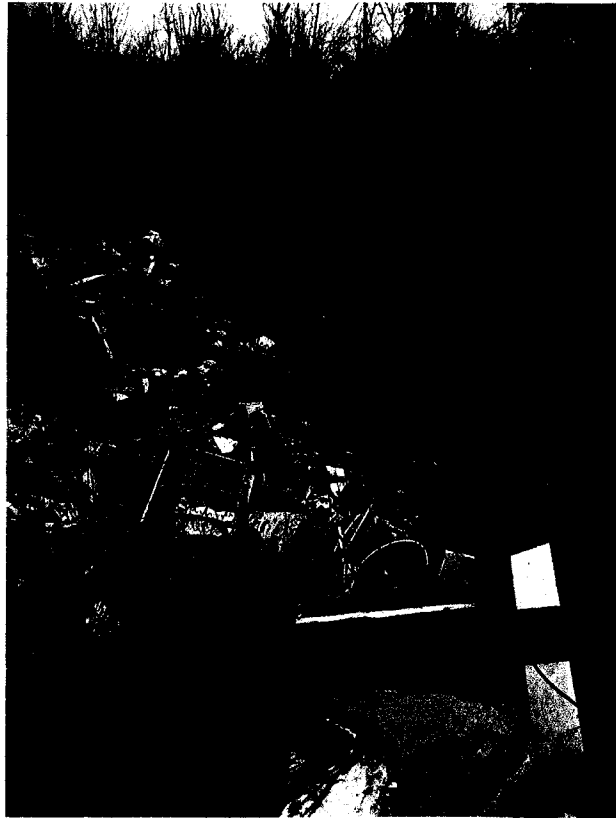


Photo 8: Uncovered waste in the ravine (R1)  
between the Village of Casselman and the Nation  
(Cambridge) landfill sites (looking south).



Photo 9: Pile of uncovered waste.



Photo 10: Pile of uncovered waste.



Photo 11: Pooled leachate in the ravine (R1) in between the Village of Casselman and the Nation (Cambridge) landfill sites.



Photo 12: Flow of leachate in ravine (R2) to South Nation River from Cambridge waste disposal site.



Photo 13: Flow of leachate in ravine (R2) to South Nation River from Cambridge waste disposal site.



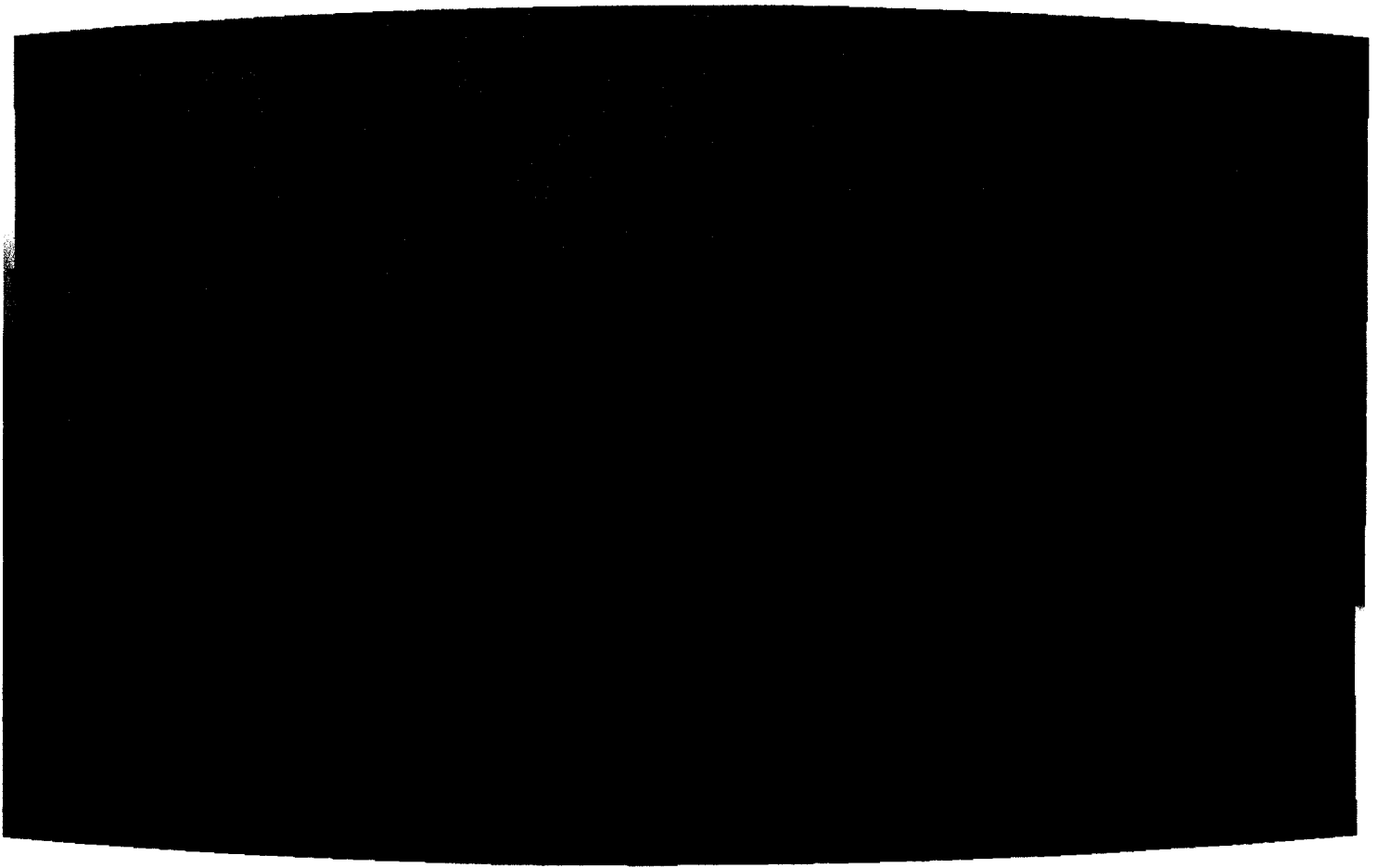


Photo 14: Ponded water at the base of the waste disposal area (looking north).



Photo 15: Water flowing from under landfill site access road.

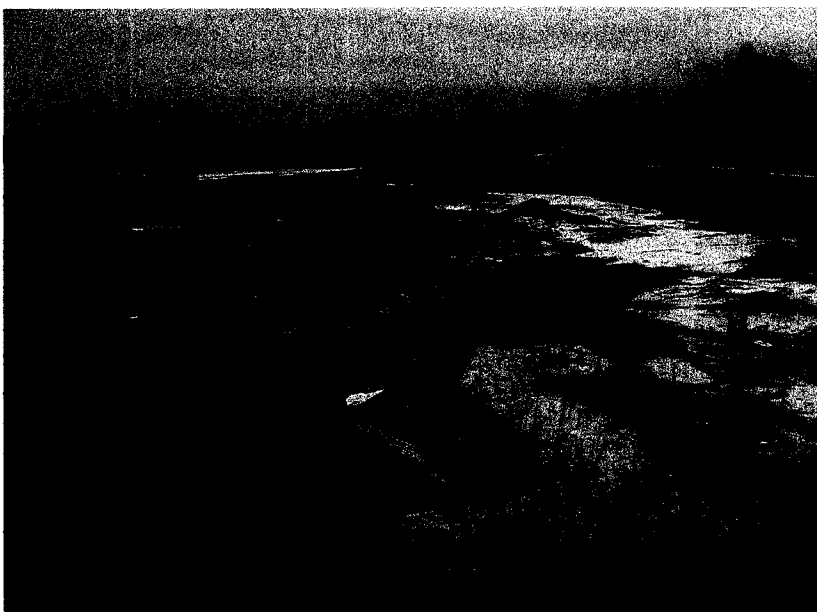


Photo 16: Flow of water along south face of waste disposal area (looking east).

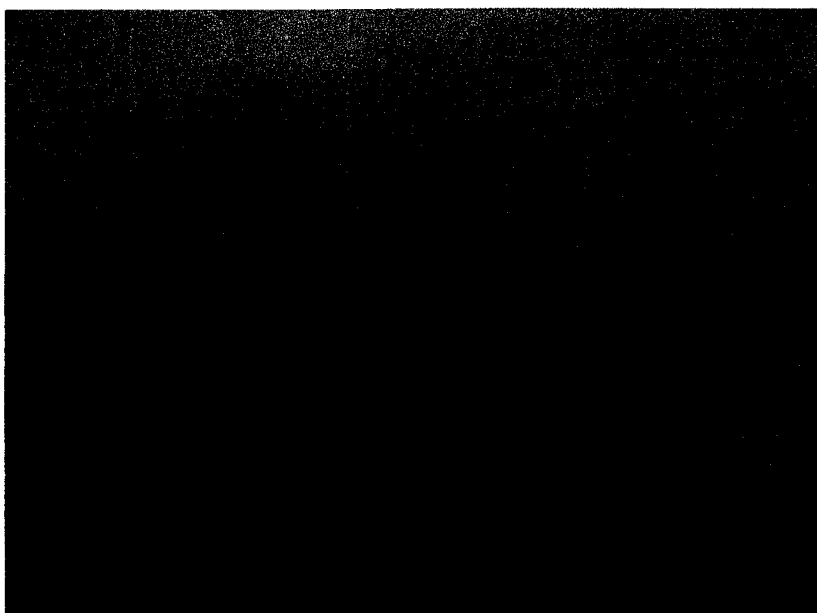


Photo 17: Flow of water along south face of waste disposal area into ponded area (looking east).



Photo 18: Scrap metal storage.



Photo 19: Sign at main entrance to landfill site.

Appendix C

The Nation Township (Cambridge) waste disposal site

Ministry of the Environment Protocol For Dealing With Fill  
Beyond Approved Limits And Overfill

## **OPERATIONAL WASTE ISSUES COMMITTEE**

### **PROTOCOL FOR DEALING WITH WASTE**

### **BEYOND APPROVED LIMITS AND OVERFILL**

**FINAL VERSION - DECEMBER 1993**

#### **STATEMENT OF PURPOSE**

Part V of the Environmental Protection Act requires that landfilling of wastes be done in accordance with a Certificate of Approval issued by the Director. Certificates of Approval typically specify the area in which waste may be deposited, i.e. the "footprint", and the upper and lower contour limits for disposal. This document outlines a protocol to be used by Ministry staff when faced with a situation where waste is deposited within/or partially within a landfill site (not necessarily within the approved footprint) but beyond the approved fill limits.

[The deposit of waste in a separate off-site location is considered an illegal site and is not covered by this protocol].

#### **CURRENT STATUS**

Section 27 of the EPA requires that "no person use, operate, establish, alter, enlarge or extend .... a waste disposal site unless a certificate of approval ..... has been issued by the Director and except in accordance with any conditions set out in such certificate".

Section 40 prohibits the deposition of waste on any land that is not a landfill site for which a certificate of approval has been issued and except in the accordance with the terms and conditions of such certificate.

Section 43 states that where waste has been disposed of in areas not approved for disposal the Director may order the waste removed and the site restored.

Certificates of approval typically approve an area for disposal, (i.e. the footprint), within the total site and define a volume by restricting the upper and lower elevations for disposal. These restrictions are well defined in newer approvals, however, in older approvals these restriction

## **OPERATIONAL WASTE ISSUES COMMITTEE**

may not be stated or may be only partially stated. In these cases, present standard disposal practices and Ministry guidelines may be used to define the unknowns.

### **DEFINITIONS**

**1. Fill Beyond Approved Limits, (FBAL) -** occurs where waste is disposed of outside of the approved footprint which in it self has remaining capacity for waste disposal, this is defined as "fill beyond approved limits". Fill Beyond Approved Limits, may occur under the following circumstances, (see Diagram 1):

- 1(i)** Fill may be contiguous to the approved footprint and within the site boundary (see A);
- 1(ii)** Fill may be contiguous to the approved footprint and outside of the site boundary, (see B);
- 1(iii)** Fill may be outside the approved footprint and within the site boundary, (see C);
- 1(iv)** Fill may be outside the approved footprint and partially within and partially outside the site boundary, (see D);
- 1(v)** Fill may be above the approved top contour or below the approved bottom elevation, or beyond the approved final contours for the side slope(s), (see E).

**2. Approved Site Capacity -** see separate document entitled "Landfill Capacity Determination".

**3. Overfill -** occurs when waste is disposed of within/ or partially within the approved site but in excess of the approved capacity of the landfill. This includes waste that is laterally beyond the established footprint. In addition it includes wastes above or below established/approved contours.

**4. Illegal Waste -** for the purpose of this document, fill that is both outside the approved footprint and outside the site boundary is considered an illegal waste site and is not addressed by this protocol.

### **PROCEDURES:**

The following procedures should be followed where an FBAL situation has been identified. [For

## **OPERATIONAL WASTE ISSUES COMMITTEE**

the case of a separate illegal disposal site located completely outside any boundaries of an approved landfill, normal abatement/enforcement procedures apply].

1. Upon identification of a Fill Beyond Approved Limits, abatement staff shall prepare and submit an Occurrence Report on the FBAL.

2. The District Officer shall immediately upon identification of the FBAL, send a letter to the owner/operator indicating that,

- (i) a FBAL situation has been identified;
- (ii) an Occurrence Report, noting a Violation of the Certificate of Approval has occurred, will be prepared;
- (iii) the owner must ascertain the areal extent of the FBAL and estimate the depth and total quantity of the waste deposited in this area;
- (iv) the owner must determine the remaining capacity of the approved area;
- (v) the owner must prepare a legal survey of the property identifying all areas where waste has been deposited, and;
- (vi) the owner must determine the existing environmental and potential effects of the FBAL;
- (vii) the owner must provide alternatives for dealing with remediation of the FBAL. The remediation alternatives considered must include:
  - (a) closing the FBAL area using current practices and monitoring for the effects of the disposal; or
  - (b) relocating the waste to an approved disposal area. [In the case of relocating the waste, if the approved area has insufficient capacity to receive the "relocated waste", the owner must assess alternative landfill sites for disposal of the relocated waste. Where approved alternative landfills are not available, the relocation of the waste within the existing site may result in an Emergency situation.

The letter from the District Officer should also give the owner a practical deadline which reflects the work to be done and the time of the year it is to be carried out.

## **OPERATIONAL WASTE ISSUES COMMITTEE**

3. Based on the findings and alternatives in (2) above, the District Officer or designate should attempt to negotiate a voluntary program to implement the preferred remedial measure, which would be incorporated into an amended Certificate of Approval. The District Officer or designate, should also make recommendation to the Director Approvals Branch, as to whether or not the Certificate of Approval for the site should be amended under Section 39 of the EPA.

4. If a voluntary program cannot be negotiated, the Regional Director should issue an order under Section 44, EPA. Based on one of three options:

(i) If the program/order is to close out the FBAL area, without relocating the waste, the Certificate or Order, (with legal survey attached), should be registered on title to acknowledge deposition of waste in areas beyond the approved limits.

The volume of remaining approved capacity of the site must be proportionally reduced. [The site was approved to receive a set amount of waste, if the FBAL is not included the owner/operator is basically getting additional capacity, whatever the reason without formal EPA/EAA approval].

(ii) If the program/order is to relocate the waste to the approved area, the owner must submit a report that outlines the available capacity of the approved area, the amount of waste to be relocated, the location for placement of the waste, the remaining capacity after the waste relocation and an operating plan and schedule for the work.

(iii) The Director may, in accordance with Section 39, EPA, recommend that the Certificate be amended to require the necessary remedial measures and/or site closure on the grounds of unacceptable environmental impact.

5. If the approved capacity of the site is exceeded either by direct deposit above the approved contour or by relocation of FBAL into the approved area, or with the inclusion of the FBAL into the overall capacity calculation, then the site is considered in an OVERFILL situation.

The owner/operator must be notified that the site is in an overfill and be advised that they must address the immediate waste management situation, and submit a request for an Emergency extension of the site within 14 days of the notification, should they wish to continue operating the site. This request for an Emergency Certificate of Approval should address immediate approved alternatives.

6. The Director may upon receipt of a formal request by the owner to have the site remain open, amend the Certificate of Approval by Notice to allow waste disposal at the site for a period of 90 days from the Certificate date. This approval is in effect an emergency approval to continue



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receiving waste for 90 days, issued under Section 31, EPA, to allow the owner/operator sufficient time to more fully assess the alternatives for a longer term waste management solution.

7. The amended Certificate of Approval would also require that where the owner does not propose to continue operating the site beyond the 90 day period, a plan of closure for the site, be submitted.

The Certificate should also require the submission of a plan for the long term management of the waste for affected site users, within 60 days of the certificate date.

8. During this period, the Owner should study available alternatives to the use of the Overfull waste disposal site. If no alternatives exist, the Owner may apply to the Director for an extension to the current Emergency Certificate of Approval. In making application, the Owner must satisfy the Directors requirements for issuing an emergency approval as outlined in the "Guide for Applying for Certificates of Approval - Waste Disposal Sites".

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# DIAGRAM #1

