

## AMENDING DIRECTOR'S ORDER

### Amending Director's Order Issued To

SUSGLOBAL ENERGY BELLEVILLE LTD.  
200 DAVENPORT RD, TORONTO, ON, M5R 1J2

### Site

SUSGLOBAL ENERGY Belleville  
704 PHILLIPSTON RD, ROSLIN, BELLEVILLE, ON, K0K 2Y0

Refer to the Definitions section in Part B of this Amending Director's Order, for the meaning of all the capitalized terms that are used in this Amending Director's Order.

### PART A – WORK ORDERED

Pursuant to my authority under EPA | 157.3 | (5), OWRA | 16.4 | (5), I order you to do the following:

**Item No Item 1                      Compliance Due Date: December 8, 2023**

By December 8, 2023, submit written acknowledgment from an accredited financial institution to Provincial Officer Sharilyn Kennedy, at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca), that the accredited financial institution has received a complete application from the Company for a letter of credit in the amount of \$146,487.

**Item No Item 2                      Compliance Due Date: January 31, 2024**

Upon service of this Director's Order, immediately cease accepting or permitting, causing, or arranging for the deposit of leaf and yard waste, and clean wood at the Site until the Company provides written evidence to Provincial Officer, Sharilyn Kennedy, at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca), that the Company has secured the rental of appropriate equipment to grind or remove leaf and yard waste, and clean wood stored at the Site, and that such rental has been secured to commence service no later than January 31, 2024.

**Item No Item 3                      Compliance Due Date: November 22, 2023**

Upon service of this Director's Order, immediately cease accepting or permitting, causing, or arranging for the deposit of source separated organics and biosolids at the Site until the underground leachate storage tank is not overflowing onto the ground and the plan referenced in Item #10 is implemented to prevent the underground leachate storage tank from overflowing in the future.

**Item No Item 4                      Compliance Due Date: March 07, 2024**

By March 7, 2024, grind or remove all leaf and yard waste, and clean wood that has been stored at the Site for more than six (6) months.

**Item No Item 5                      Compliance Due Date: March 07, 2024**

By March 7, 2024, remove all residual Waste Overs from the Site that exceed the allowable limits set out in condition 2(9) in waste Environmental Compliance Approval 0031-7UTRSS.

**Item No Item 6                      Compliance Due Date: November 22, 2023**

Upon service of this Director's Order, immediately take all actions necessary to stop and prevent the underground leachate tank from overflowing onto the ground.

**Item No Item 7                      Compliance Due Date: December 11, 2023**

By no later than December 11, 2023, commence work to reduce the level of water in the SWM Pond at the Site to its designed water depth, as described in industrial sewage Environmental Compliance Approval 5515-9VEL3J, and complete the work on or by December 13, 2023. If the water removed from SWM Pond is removed from the Site, it must be removed using a waste management system authorized to collect, handle, store, and transport leachate impacted water, and dispose of the water at an approved sewage treatment plant.

**Item No Item 8                      Compliance Due Date:**

Revoked

**Item No Item 9 Compliance Due Date: March 7, 2024**

If the Company has not complied with any of the Items set out in this Amended Director's Order by March 7, 2024, then the Company shall post a copy of this Amended Director's Order on the SusGlobal website, <https://susglobalenergy.com/project/belleville-ontario-canada>, so that it is publicly accessible.

**Item No Item 10 Compliance Due Date: December 8, 2023**

By December 8, 2023, submit a written plan to the Provincial Officer Sharilyn Kennedy, at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca), for review and acceptance outlining the actions the Company will take to ensure the underground leachate tank will not overflow again. The plan must include, but not be limited to a maintenance contract for schedule pump outs of the underground leachate storage tank, with a waste management system authorized to collect, handle, store and transport leachate impacted water.

**Item No Item 11 Compliance Due Date: December 8, 2023**

Upon the Ministry's acceptance of the plan to prevent the underground leachate tank from overflowing, implement the plan.

**Item No Item 12 Compliance Due Date: December 15, 2023**

By December 15, 2023, submit a written plan to Provincial Officer Sharilyn Kennedy at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca), outlining the actions the Company will take to comply with Condition 5(15)(b) and (c) of the waste Environmental Compliance Approval 0031-7UUTRSS.

**Item No Item 13 Compliance Due Date: December 8, 2023**

By December 8, 2023, hire a qualified consultant to prepare a plan to manage and/or treat impacted water in the SWM pond, including the water removed from the SWM pond under item #7, if the water is still on the Site, in accordance with the Provincial Water Quality Objectives and ensure the SWM Pond is operating as designed and described in the industrial sewage Environmental Compliance Approval 5515-9VEL3J.

**Item No Item 14      Compliance Due Date: December 15, 2023**

By December 15, 2023, submit to the Provincial Officer Sharilyn Kennedy, at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca), written confirmation from the qualified consultant that she/he has, or they have, (1) received a copy of this Amended Director's Order; (2) been retained to carry out the work specified in Item #13; and (3) the experience and qualifications to carry out the work.

**Item No Item 15      Compliance Due Date: January 31, 2024**

By January 31, 2024, submit the written plan required by item 13 that recommends measures to manage and/or treat impacted water in the SWM Pond, in accordance with the Provincial Water Quality Objectives, and ensure the SWM Pond is operating as designed and described in the industrial sewage Environmental Compliance Approval 5515-9VEL3J to Provincial Officer Sharilyn Kennedy, at [sharilyn.kennedy@ontario.ca](mailto:sharilyn.kennedy@ontario.ca).

**Item No Item 16      Compliance Due Date: March 7, 2024**

The Company shall take all reasonable actions to implement the plan submitted under Item #15, on or by March 7, 2024.

**Item No Item 17      Compliance Due Date: March 7, 2024**

By March 7, 2024, submit financial assurance in the amount of \$491,150, to the Crown in right of Ontario, unless the Company has submitted a re-evaluation in accordance with condition 1(21) of waste Environmental Compliance Approval 0031-7UUTRSS to the director, as defined for the purposes of that Approval, and the director has accepted the reevaluation.

## **PART B – PROVINCIAL OFFICER’S REPORT**

This Amending Director’s Order is being issued for the reasons set out below.

### **Definitions**

For the purposes of this Amending Director’s Order, the following capitalized terms shall have the meanings set out in the Director’s Order 1-267843593 with the addition or alteration of the following capitalized terms, if any, set out below:

“Company” means SusGlobal Energy Belleville Ltd.

“Director’s Order” means Director’s Order 1-267843593 issued November 22, 2023.

### **Reasons for Amending the Director’s Order**

I met with Company representatives on Friday, December 1st to discuss the Company’s ability to comply with the items listed in the Director’s Order issued in response to a Request for Review. During the meeting, each item was discussed individually, and the Company explained the actions it was intending to take or had taken in response to the items. The Company also described its challenges in complying with the items and proposed alternative solutions and/or timelines for some of the items. More detail is described below.

For items 1 and 17, the Company explained it was already obtaining financial assurance (FA) in the form of a letter of credit from an accredited financial institution and that it is not able to provide the FA in the form of cash. Further, the financial institution is unable to process the application by the deadline, but it has indicated it is able to provide the letter of credit. Therefore, the items have been amended so the FA may be provided in an alternative form to cash.

For item 2, the Company explained that a grinder is not located on the Site and it has to secure a rental to grind the leaf and yard waste, and clean wood that has been stored on the Site longer than six (6) months. As such, it has less control of the timeline to complete the work, because it depends on the availability of the equipment. The Company also explained the financial impact to the business resulting from not accepting leaf and yard waste, and clean wood. However, the Company stated it is close to securing a rental and proposed a timeline for when it could complete the work. Therefore, item 2 has been amended to allow the Company time to secure the equipment rental and it has been amended to allow it to start accepting leaf and yard waste, and clean wood, once the grinding equipment rental agreement is in place.

For item 7, the Company proposed to reduce the levels in the SWM Pond by pumping water from the pond to totes to be stored on the Site. This is an acceptable alternative solution and I have amended item 7 accordingly.

The next amended item is item 9. During the meeting, the Company demonstrated a commitment to address all the items in the Director’s Order. As a result of that commitment, it requested a deadline of March 7th, 2024 before being required to post a copy of the Director’s Order on the Company’s website. I granted this request.

Item 13 has been amended to clarify the expectations for the remediation plan submitted for the SWM pond and to ensure the water removed from the SWM pond under item 7 is appropriately managed.

For items 15 and 16, the Company requested additional time to address the items due to the timing of the Christmas holidays and it asked if ministry review and acceptance of the plan could be removed from the item. The Company indicated that it had already engaged an engineering firm. I deemed the request reasonable and amended the items accordingly.

The Company also requested changes to items 3, 10, and 11. However, after I clarified the Ministry's expectations in order to comply with those items, the Company withdrew that request. I have since accepted the plan submitted in accordance with item 10 and the Company is therefore no longer prohibited from receiving source separated organics and biosolids at the Site by item 3.

In summary, I have altered the Director's Order by amending the items 1, 2, 7, 9, 13, 15, 16, and 17 as set out above.

The other items remain unchanged from Director's Order 1-267843593.

### **Attachments**

The attachments listed below, if any, form part of this Amending Director's Order:

- (1) 1-257271175 signed November 09, 2023.
- (2) Original Director's Order 1-267843593, dated November 22, 2023

**ISSUING OFFICER**

**Name:** Cathy Chisholm

**Job Title:** District Manager

**Badge Number:** 1723

**Address:** 1259 Gardiners Road, Unit 3, Kingston, Ontario, K7P 3J6

**Officer Email:** [cathy.chisholm@ontario.ca](mailto:cathy.chisholm@ontario.ca)

**Office Email:** [environment.kingston@ontario.ca](mailto:environment.kingston@ontario.ca)

**Date:** December 7, 2023

**Signature:**

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## APPEAL TO THE ONTARIO LAND TRIBUNAL INFORMATION

### REQUEST FOR HEARING

You may require a hearing before the Ontario Land Tribunal if, within 15 days of service of this Amending Director's Order, you serve written notice of your appeal on the Ontario Land Tribunal and the Director as indicated in the Contact information below. Your notice of appeal must state the portions of this Amending Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive leave (permission) from the Ontario Land Tribunal, you are not entitled to appeal a portion of this Amending Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal

### CONTACT INFORMATION

The contact information for the Director and the Ontario Land Tribunal is the following:

Registrar  
Ontario Land Tribunal  
655 BAY STREET, 15th FLOOR  
TORONTO, ON M5G 1E5  
[OLT.Registrar@ontario.ca](mailto:OLT.Registrar@ontario.ca)

and Director  
Ministry of the Environment,  
Conservation and Parks  
Kingston District Office  
1259 Gardiners Rd., Unit 3,  
Kingston, ON K7P 3J6  
Office Email:  
[Kingston@ontario.ca](mailto:Kingston@ontario.ca)  
Director Fax: (613) 548-6908

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at:

Tel: (416) 212-6349, Toll Free: 1(866) 448-2248 or [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

### SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax (in the case of the Director only), by commercial courier or by email in accordance with the legislation under which this Amending Director's Order is made and any corresponding Service Regulation.



## ADDITIONAL INFORMATION

Unless stayed by the Director or the Ontario Land Tribunal, this Amending Director's Order is effective from the date of service.

Failure to comply with a requirement of this Amending Director's Order constitutes an offence. Unless otherwise indicated, the obligation to comply with a requirement of this Amending Director's Order continues on each day after the specified compliance date until the obligation has been satisfied.

The requirements of this Amending Director's Order are minimum requirements only and do not mean that you are not required to comply with any other applicable legal requirements, including any:

- statute, regulation, or by-law;
- federal, provincial, or municipal law; or
- applicable requirements that are not addressed in this Amending Director's Order.

The requirements of this Amending Director's Order are severable. If any requirement of this Amending Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances. It also does not invalidate or render unenforceable the other requirements of this Amending Director's Order.

Further orders may be issued in accordance with the legislation as circumstances require.

This Amending Director's Order is binding upon any successors or assignees of the persons to whom this Amending Director's Order is issued.

**The procedures to request a hearing and an appeal of this Amending Director's Order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws).**