

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2650-B68M54

Issue Date: June 20, 2019

J & J Lepera Infrastructures Inc.
4405 Seventh Concession Rd
Windsor, Ontario
N9A 6J3

Site Location: 7751 Howard Avenue
Amherstburg Town, County of Essex
N0R 1J0

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 10.23 hectare waste disposal site to be used for the transfer and processing of solid non-hazardous waste limited to construction and demolition waste including concrete, asphalt and stone;

and,

- fugitive emissions associated with the storage and handling of waste aggregate products, and processed aggregate products.

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

For the purpose of this environmental compliance approval, the following definitions apply:

"Acoustic Assessment Report" means the report, prepared in accordance with *Ministry Publication NPC-233*, by Amir Iravani of Dillon Consulting Limited and dated April 2018 submitted in support of the application that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility*;

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

"Approval" means this Environmental Compliance Approval and any Schedules to it,

including the application and supporting documentation listed in Schedule "A";

" *Best Management Practices Plan*" means the document titled "Best Management Practices Plan for Fugitive Dust Control", dated November 30, 2018 and prepared by Dillon Consulting Limited;

"*Director*" means any *Ministry* employee pursuant to section 20.3 of Part II.1 of the *Act*;

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

" *Equipment*" means the equipment and processes described in the *Company*'s application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval*;

"*Facility*" means the entire operation located on the property where the *Equipment* is located;

"*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;

"*Ministry*" means the Ontario Ministry of the Environment, Conservation and Parks;

" *Noise Control Measures* " means measures to reduce the noise emissions from the *Facility* and/or *Equipment* including, but not limited to, silencers, barriers and enclosures. " *Noise Control Measures*" also means the seven (7) metre high berm as described in Section 3.3 and depicted in Figure 2 of the *Acoustic Assessment Report* " .

"*Operator* " means any person, other than the *Owner*'s employees, authorized by the *Owner* as having the charge, management or control of any aspect of the site, and includes its successors or assigns;

" *Owner* " means any person that is responsible for the establishment or operation of the *Site* being approved by this *Approval* , and includes J & J Lepera Infrastructures Inc., its successors and assigns;

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

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

" *Processed waste* " means waste resulting from processing operation that is destined for an end user;

" *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 *Act* or section 17 of *PA* ;

" *Publication NPC-233* " means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended.

"*Publication NPC-300*" means the *Ministry* Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended.

"*Putrescible waste*" means waste that decomposes such as food waste;

" *Reg. 347* " means *Regulation 347* , R.R.O. 1990, made under the *Act* , as amended from time to time;

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

" *Residual waste* " means waste that is destined for final disposal at the *Ministry* approved facility;

" *Site* " means the waste disposal site, located at 7751 Howard Ave, Town of Amherstburg, Ontario, approved by this *Approval* ;

" *Trained Personnel* " means an employee who has received training in accordance with this *Approval* and is qualified because of knowledge, training and experience, to organize the work and its performance;

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

TERMS AND CONDITIONS

GENERAL

1.0 In Accordance

1.1 Except as otherwise provided for in this *Approval* , the *Site* shall be designed, developed, built, operated and maintained in accordance with:

- (a) the Application for an *Approval* (Waste Disposal Site) dated June 14, 2018 and signed by Joe Lepera, President, J & J Lepera Infrastructures Inc.,
- (b) the Application for an *Approval* (Air & Noise) dated June 14, 2018 and signed by Joe Lepera, President; the ESDM Report dated April 11, 2018 prepared by Dillon Consulting Limited, and signed by David Diemer; the *Acoustic Assessment Report* dated April 2018 created and signed by Amir Iravani of Dillon Consulting Limited; and all supporting information associated with the application; and
- (c) all supporting information and documentation listed in Schedule "A".

1.2 Use of the *Site* for any other type of waste, or other waste management activity, is not permitted under this *Approval*, and requires obtaining a separate approval amending this *Approval* .

1.3 Applications to amend this *Approval*, for reasons other than administrative amendments, shall include submission of a revised Design and Operations Report.

2.0 Compliance

2.1 The *Owner* shall ensure compliance with all the conditions of this *Approval* and shall ensure that any person authorized to carry out work on or operate any aspect of

the *Site* is notified of this *Approval* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

2.2 Any person authorized to carry out work on or operate any aspect of the *Site* shall comply with the conditions of this *Approval* .

2.3 The *Site* shall be operated and maintained, and the management and disposal of all waste shall be carried out, in accordance with the *Act* , *Reg. 347* and the conditions of this *Approval* . At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

3.0 Interpretation

3.1 Where there is a conflict between a provision of any document, including the application, referred to in this *Approval* , and the conditions of this *Approval* , the conditions in this *Approval* shall take precedence.

3.2 Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the *Ministry* approved the amendment.

3.3 Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.

3.4 The conditions of this *Approval* are severable. If any condition of this *Approval* , or the application of any condition of this *Approval* to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this *Approval* shall not be affected thereby.

4.0 Other Legal Obligations

4.1 The issuance of, and compliance with, this *Approval* does not:

(a) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or

(b) limit in any way the authority of the *Ministry* to require certain steps be taken or to require the *Owner* to furnish any further information related to compliance with this *Approval* .

4.2 The *Owner* shall ensure that:

(a) all equipment discharging to air operating at the *Site* are approved under Section 9 of the *Act*; and

(b) all direct effluent discharges from this *Site*, including stormwater run-off, are managed in accordance with appropriate Municipal, Provincial and/or Federal Legislation, Regulations and By-laws.

5.0 Adverse Effect

5.1 The *Owner* shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the *Site* , including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

5.2 Despite the *Owner* , Operator or any other person fulfilling any obligations imposed by this *Approval* , the person remains responsible for any contravention of any other

condition of this *Approval* or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

6.0 Change of Owner

6.1 The *Owner* shall notify the *Director*, in writing, and forward a copy of the notification to the *District Manager*, within 30 days of the occurrence of any changes in the following information:

- (a) change of *Owner* or *Operator* of the *Site*, or both;
- (b) change of address of the current *Owner*, or address of the new *Owner*;
- (c) change of partners where the *Owner* or *Operator* is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Business Names Act*, 1991 shall be included in the notification to the *Director*;
- (d) any change of name of the corporation where the *Operator* is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990, as amended), filed under the *Corporations Information Act* shall be included in the notification to the *Director*.

6.2 No portion of this *Site* shall be transferred or encumbered prior to or after closing of the *Site* unless the *Director* is notified in advance and sufficient financial assurance is deposited with the *Ministry* to ensure that these conditions will be carried out.

6.3 In the event of any change in ownership of the *Site*, other than change to a successor municipality, the *Owner* shall notify the successor of, and provide the successor with a copy of this *Approval*, and the *Owner* shall provide a copy of the notification to the *District Manager* and the *Director*.

7.0 Inspections

7.1 No person shall hinder or obstruct a *Provincial Officer* from carrying out any and all inspections authorized by the *Act*, the *OWRA* or the *PA*, of any place to which this *Approval* relates, and without limiting the foregoing:

- (a) to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this *Approval* are kept;
- (b) to have access to, inspect, and copy any records required to be kept by the conditions of this *Approval*;
- (c) to inspect the *Site*, related equipment and appurtenances;
- (d) to inspect the practices, procedures or operations required by the conditions of this *Approval*; and
- (e) to sample and monitor for the purposes of assessing compliance with the terms and conditions of this *Approval* or the *Act*, the *OWRA* or the *PA*.

8.0 Information and Record Retention

8.1 Any information relating to this *Approval* and contained in *Ministry* files may be made available to the public in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. F-31.

8.2 Any information requested, by the *Ministry*, concerning the *Site* and its operation under this *Approval*, including but not limited to any records required to be kept by this

Approval shall be provided to the *Ministry*, upon request, in a timely manner.

8.3 The receipt of any information by the *Ministry* or the failure of the *Ministry* to prosecute any person or to require any person to take any action, under this *Approval* or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

(a) an approval, waiver, or justification by the *Ministry* of any act or omission of any person that contravenes any term or condition of this *Approval* or any statute, regulation or other legal requirement; or

(b) acceptance by the *Ministry* of the information's completeness or accuracy.

8.4 All records and monitoring data required by the conditions of this *Approval* must be kept on the *Owner's* premises for a minimum period of two (2) years from the date of their creation.

FINANCIAL ASSURANCE

9.0 Financial Assurance

9.1 Within twenty (20) days of this *Approval*, the *Owner* shall submit Financial Assurance, as defined in Section 131 of the *Act*, for the amount of **\$936,000.00**. 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.

9.2 Commencing on March 31, 2022, 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 9.1. 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 twenty (20) days of written acceptance of the re-evaluation by the *Director*.

9.3 Commencing on March 31, 2020, 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 9.1 for each of the intervening years in which a re-evaluation is not required to be submitted to the *Director* under Condition 9.2. The re-evaluation shall be made available to the *Ministry*, upon request.

9.4 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.

SITE OPERATIONS

10.0 Operation and Maintenance

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

(a) prepare, not later than three (3) months after the date of this *Approval*, and update, as necessary, a *Manual* outlining the operating procedures and a maintenance program for the *Equipment*, including:

(i) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the *Equipment* suppliers; :

(ii) emergency procedures; :

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

(iv) all appropriate measures to minimize noise emissions from all potential sources; and,

(b) implement the recommendations of the *Manual*.

11.0 Fugitive Dust Control

11.1 The *Owner* shall implement the *Best Management Practices Plan* for the control of fugitive dust emissions resulting from the operation of the *Facility*. The *Owner* shall update the *Best Management Practices Plan* as necessary or at the direction of the *District Manager*.

12.0 Noise Requirements

12.1 The *Owner* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-300*.

12.2 The *Owner* shall;

(a) incorporate the *Noise Control Measures* as outlined in the *Acoustic Assessment Report* prior to the operation of the *Equipment*;

(b) ensure that the *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*; and

(c) restrict the operation of the *Equipment* to the daytime hours of 7:00 am to 7:00 pm.

13.0 Approved Waste & Service Area

13.1 This *Site* shall only accept solid non-hazardous waste limited to construction and demolition waste including concrete, asphalt and stone.

13.2 The *Owner* shall ensure that the following unacceptable wastes are prohibited to be received at the *Site*:

- (a) *Putrescible waste* ;
- (b) liquid industrial waste as defined by *Reg. 347*;
- (c) hazardous waste or subject waste as defined by *Reg. 347*;

14.0 Hours of Operation

14.1 This *Site* may operate as follows:

- (a) Monday to Friday from 7:00 am to 6:00 pm; and
- (b) Saturday from 7:00 am to 1:00 pm.

15.0 Waste Limits

15.1 The maximum amount of waste which may be received at this *Site* shall not exceed 1000 tonnes per day.

15.2 The maximum amount of all waste stored at the *Site* shall not exceed 110,000 tonnes at any time and 55,000 cubic metres annually.

15.3 The maximum amount of *residual* waste leaving the *Site* for final disposal shall not exceed 100 tonnes per year.

15.4 In the event that *processed waste* and/or *residual waste* cannot be removed from the *Site* and the total storage capacity as approved in Condition 15.2 has been reached, the *Owner* :

- (a) must cease accepting additional waste to ensure the total approved storage capacity does not exceed the maximum amount approved by this *Approval*; and
- (b) shall notify *District Manager* immediately and submit a written schedule to the *District Manager* for removal the stored waste, within three (3) days of reaching the storage capacity; and
- (c) shall remove stored waste in accordance with the schedule required in Condition 15.4 (b).

16.0 Waste Storage and Management

16.1 Prior to being accepted at the *Site*, all incoming waste shall be inspected by a *Trained Personnel* and shall only be permitted to enter the *Site* if the *Site* is approved to accept that type of waste.

16.2 In the event that unacceptable waste is received at the *Site*, the *Owner* shall:

- (a) refuse receipt of the unacceptable waste and return the waste to the generator if safe to do so; or
- (b) if returning the waste is not feasible, the *Owner* shall isolate the unacceptable waste and remove it from the *Site* within twenty-four (24) hours of receipt in accordance with *Reg. 347*; and
- (c) the *Owner* shall review the incident and take appropriate steps to prevent future receipt of unacceptable waste.

16.3 The *Owner* shall ensure the following:

- (a) the *Site* is used only for the transfer and processing of construction and demolition waste;
- (b) all waste shall be stored and processed within seven (7) metres high landscaped bermed area;
- (c) processing of waste shall only be done by a licensed contractor with a valid *Approval* (Mobile) that has been issued by the *Ministry* ;

(d) all waste shall be stored at the *Site* for a maximum period of one hundred eighty (180) days from the time of receipt; and

(e) all waste shall be transferred off-site in accordance with the *Act* and *Reg. 347*.

16.4 The *Owner* shall ensure that the *residual waste* shall only be disposed of at a site for which an *Approval* has been issued by the Ministry or an appropriate government agency of equivalent jurisdiction.

16.5 Under no circumstances shall burning or incineration of any material be allowed at this *Site*.

17.0 Signage and Security

17.1 The *Owner* shall operate and maintain the *Site* in a secure manner, such that unauthorized vehicles / persons cannot enter the *Site*. During non-operating hours, the *Site* shall be locked and secured against access by unauthorized persons.

17.2 The *Owner* shall ensure that the *Site* is operated in a safe manner, and that all waste is properly handled, processed and contained so as not to pose any threat to the general public and *Site* personnel.

17.3 A sign shall be posted in a prominent location at the *Site* entrance clearly stating:

(a) the *Owner's* name;

(b) the *Approval* number;

(c) the hours of operation for receipt and transfer of waste; and

(d) a 24-hour telephone number to call to reach the *Owner* in the event of an emergency or complaint; and

(e) the type of waste that is approved for receipt at the *Site*.

18.0 Nuisance Control

18.1 The *Owner* shall operate and maintain the *Site* in a manner which ensures the health and safety of all persons and the protection of the environment through active prevention of any possible environmental adverse effects, including but not be limited to odours, dust, litter, vectors, vermin, rodents and noise.

18.2 If at any time problems such as odours, dust, litter, noise, vectors, vermin, rodents or other nuisances are generated at the *Site*, the *Owner* shall take appropriate, immediate remedial action to eliminate the problem.

18.3 The *Owner* shall ensure that the exterior of all vehicles leaving this *Site* are clear of debris and that vehicles do not drag out onto streets waste, dirt or other contaminants.

18.4 The *Owner* shall ensure that there is no queuing or parking of vehicles that are waiting to enter this *Site* unless they are on a designated roadway as approved by the Municipality and the Fire Department.

19.0 Site Inspections and Maintenance

19.1 (a) On each operating day, the *Owner* shall ensure that a visual inspection is carried out by a *Trained Personnel* of the storage, processing and loading/unloading areas and the security features of the *Site*. The inspection shall ensure that all equipment and facilities are in good working order and operated in a manner that will not negatively impact the environment, that waste storage, unloading and loading areas are orderly and that security features are in good working order;

(b) On a monthly basis, the *Owner* shall ensure an inspection of emergency response equipment by a *Trained Personnel*;

(c) Any deficiencies, that might negatively impact the environment detected during inspections shall be promptly corrected.

19.2 The *Owner* shall develop and implement a preventative maintenance program, in accordance with manufacturer's recommendations, for all on-site equipment associated with the managing of waste. The preventative maintenance program shall be available on *Site* for inspection by a *Provincial Officer* , upon request.

20.0 Spills and Emergency Response and Reporting

20.1 The *Owner* shall take immediate measures to clean-up all spills, related discharges and process upsets of wastes which result from the operation of the *Site*.

20.2 All spills and upsets shall be immediately reported to the *Ministry's* Spills Action Centre at 416- 325-3000 or 1-800-268-6060. All spills shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

20.3 Prior to the receipt of waste at the *Site* , the *Owner* shall have in place a Spill Contingency and Emergency Response Plan. The plan shall be kept on the *Site* at all times, in a central location available to all staff and shall include, but is not limited to:

(a) emergency response procedures to be undertaken in the event of an accident, injury, medical emergency, spill or fire;

(b) a list of equipment available in the event of the above listed emergencies;

(c) a notification protocol with names and telephone numbers of persons to be contacted, including:

(i) *Owner's* personnel;

(ii) the *Ministry* Spills Action Centre and District Office,

(iii) the local fire department and other emergency responders;

(iv) the local Ministry of Labour office;

(v) waste management companies available to assist in the event of a spill.

20.4 The *Owner* shall ensure that:

(a) the equipment and materials outlined in the emergency response plan are immediately available on the *Site* at all times, in a good state of repair, and fully operational; and

(b) all operating personnel are fully trained in the use of the equipment and materials outlined in the emergency response plan, and in the procedures to be employed in the event of an emergency.

21.0 Training

21.1 The *Owner* shall ensure that all staff having access to the *Site* are trained, through instruction and practise, in the following:

(a) terms, conditions and operating requirements of this *Approval*;

- (b) relevant waste management legislation, including but not limited to *Reg. 347*;
- (c) operation and management of all transfer, processing, storage and contingency measures equipment and procedures at the *Site* ;
- (d) an outline of the responsibilities of the *Site* personnel;
- (e) receiving and recording procedures;
- (f) occupational health and safety concerns pertaining to the waste received;
- (g) the emergency response plan including exit locations and evacuation routing, and location of relevant equipment available for emergencies and spills;
- (h) equipment and *Site* inspection procedures,
- (i) nuisance impact control procedure; and
- (j) procedures for recording and responding to public complaints.

22.0 Complaint Response

22.1 If at any time, the *Owner* receives complaints regarding the operation of the *Site* , the *Owner* shall respond to these complaints according to the following procedure:

- (a) record and number each complaint, either electronically or in a separate log book, and shall include the following information;
- (b) a description of the nature of the complaint,
- (c) the name, address and the telephone number of the complainant (if provided) and
- (d) the time and date of the incident to which the complaint relates;
- (e) the *Owner* , upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
- (f) the *Owner* shall complete and retain on-site a report with a copy given to the *District Manager* within two (2) days of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

23.0 Record Keeping

23.1 The *Owner* shall maintain at the *Site* , in written or electronic format, daily records, which shall be available upon request, for inspection by a *Provincial Officer* , and which shall include the following information:

- (a) date of record;
- (b) quantity and source of *waste* received at the *Site* ;
- (c) quantity of all *wastes* stored at the *Site* ;
- (d) quantity and destination of *residual* waste shipped from the *Site* ;
- (e) a record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, and for spills, the time that the *Ministry* and other persons were notified of the spill in fulfilment of the reporting requirements in the *Act* ;
- (f) details of any refusals of waste shipments and reasons for refusal;
- (g) a record of training required by this *Approval* ;
- (h) a record of daily inspections required by this *Approval* ; and

- (i) all records on the maintenance, repair and inspection of the *Equipment*;
- (j) all records of any environmental complaints, including:

- (i) a description, time and date of each incident to which the complaint relates;
- (ii) wind direction at the time of the incident to which the complaint relates; and
- (iii) 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; and

(k) the signature of the *Trained Personnel* conducting the inspection and completing the report.

24.0 Annual Report

24.1 By March 31st of each year, the *Owner* shall prepare and submit to the *District Manager* an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:

- (a) a detailed monthly summary of the type, quantity and origin of all wastes received and stored at the *Site* ;
- (b) a detailed monthly summary of the type, quantity of all wastes transferred from the *Site* including the destination;
- (c) a summary of complaints received and actions taken in response;
- (d) any changes to the emergency response plan, the Design and Operations Report and the closure plan that have been approved by the *Director* since the last annual report;
- (e) any environmental and operation problems that could negatively impact the environment, encountered during the operation of the *Site* and during the facility inspections, and any mitigative actions taken; and
- (f) a statement as to compliance with all Conditions of this *Approval* and with the inspection and reporting requirements of the Conditions herein.

25.0 Closure Plan

- 25.1 (a) The *Owner* must submit, for approval by the *Director*, a written closure plan for the *Site* six (6) months prior to closure of the *Site*. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the *Site* and a schedule for completion of that work; and
- (b) Within ten (10) days after closure of the *Site*, the *Owner* must notify the *Director*

and *District Manager*, in writing, that the *Site* has been closed in accordance with the approved closure plan.

SCHEDULE "A"

This Schedule "A" forms part of this Environmental Compliance Approval.

1. Application for an Environmental Compliance Approval (Waste Disposal Site) dated June 14, 2018 from J & J Lepera Infrastructures Inc., including Design and Operations Report dated June 2018 prepared by Dillon Consulting Limited and all supporting documentation submitted therewith.

2. Application for an Environmental Compliance Approval (Air & Noise) dated June 14, 2018 and signed by Joe Lepera, President, J & J Lepera Infrastructures Inc., and all supporting documentation submitted therewith.

3. ESDM Report dated April 11, 2018 prepared by Dillon Consulting Limited, and signed by David Diemer;

4. *Acoustic Assessment Report* prepared by Pinchin Ltd., dated March 5, 2018 and signed by Weidong Li; and all supporting information associated with the application.

5. Email dated November 14, 2018 from David Diemer, Dillon Consulting Limited to Malgosia Ciesla, MECP including additional supporting information.

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

The reason for Conditions 1.1, 1.2, 1.3, 4.1, 4.2, 5.1, 5.2, and 8.1 is to clarify the legal rights and responsibilities of the Owner under this Approval.

The reason for Conditions 2.1, 2.2 and 2.3 is to ensure that the Site is designed, operated, monitored and maintained in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

The reason for Conditions 3.1, 3.2, 3.3 and 3.4 is to clarify how to interpret this Approval in relation to the application and supporting documentation submitted by the Owner.

The reason for Condition 6.1 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this Approval.

The reason for Condition 6.2 is to restrict potential transfer or encumbrance of the Site without the approval of the Director. Any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

The reason for Condition 6.3 is to ensure that subsequent owners of the Site are informed of the terms and conditions of this Approval. This also applies to all supporting documentation listed in Schedule "A".

The reason for Condition 7.1 is to ensure that appropriate Ministry staff has ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the

powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

The reason for Conditions 8.2, 8.3 and 8.4 is to ensure the availability of records and drawings for inspection and information purposes.

The reason for Conditions 9.1, 9.2, 9.3 and 9.4 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.

The reason for Conditions 10.1, 11.1 and 12.1 and 12.2 is to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the EPA, the Regulations and this Approval.

The reason for Conditions 13.1, 13.2, 14.1, 16.3, 16.4 and 16.5 is to specify the approved areas from which waste may be accepted, hours of operation, the types of waste that may be accepted at the Site, and the waste management activities approved to take place at the Site, based on the Owner's application and supporting documentation.

The reason for Conditions 15.1, 15.2, 15.3 and 15.4 is to ensure that the quantities of waste received, generated and stored at the Site are in accordance with that approved under this Approval.

The reason for Conditions 16.1 and 16.2 is to ensure that only waste approved under this Approval is received at the Site.

The reason for Condition 17.1 is to minimize the risk of unauthorized entry to the Site. The reason for Conditions 17.2 and 17.3 is to ensure that emergency responders and the public have the necessary contact information in the event of an emergency or complaint.

The reason for Conditions 18.1, 18.2, 18.3 and 18.4 is to ensure that the site is operated 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 Conditions 19.1 and 19.2 is to ensure that all equipment and facilities are maintained in good working order.

The reason for Condition 20.1 is to ensure that the Owner immediately responds to a spill.

The reason for Condition 20.2 is to ensure that the Owner 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 20.3 and 20.4, is to ensure that the Owner is prepared and properly equipped to take action in the event of a spill, fire or other operation upset.

The reason for Condition 21.1 is to ensure that the Site is supervised and operated by properly trained staff thereby minimizing the risk of the operations resulting in a hazard or nuisance to the natural environment or any person.

The reason for Condition 22.1 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

The reason for Conditions 23.1 and 24.1 is to ensure that accurate records are maintained to demonstrate compliance with the conditions in this Approval, the Act and

its regulations.

The reason for Condition 25.1 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the environment.

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:

- 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.

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 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, Conservation
and Parks
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**

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, 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 20th day of June, 2019

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

MC/
c: Area Manager, MECP Windsor
c: District Manager, MECP Sarnia
David Diemer, Dillon Consulting Limited