

Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19,
sections 168.6 (CPU) and 197 (Order)

Certificate of property use number **4126-BA2M42**
Risk assessment number **4381-8TNNJE**

Owner: Canadian Tire Corporation, Limited
2180 Yonge Street, 15th Floor,
Post Office Box 770
Toronto, Ontario, M4P 2V8

Site: 135 West Street South
Orillia, Ontario

with a legal description as follows:

LT 7 E/S ANDREW ST, 8 E/S ANDREW ST, 9 E/S ANDREW ST, 10 N/S MUSKOKA RAILROAD, 11 N/S MUSKOKA RAILROAD, PL 165 ORILLIA; LT 12 IN REAR OF LOTS S/S KING ST, PL 165 ORILLIA; PT LANE PL 165 ORILLIA AS CLOSED BY ORI21526; PT LT 1 S/S KING ST, 2 S/S KING ST, 3 S/S KING ST, 4 S/S KING ST, 5 S/S KING ST, 6 S/S KING ST, 13 W/S CHEMONG ST, 14 W/S CHEMONG ST, 15 W/S CHEMONG ST, PL 165 ORILLIA, PT 4, 51R7414; ORILLIA

being all of Property Identification Number 58643-0055 (LT)

as outlined on Figure 1: "Plan of Survey" by Dearden and Stanton Ltd., dated July 19, 2012, a copy of which is attached hereto in Schedule "B".

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
- | | |
|--|-----|
| a. Installing/maintaining any equipment | Yes |
| b. Monitoring any contaminant | Yes |
| c. Refraining from constructing any building specified | Yes |
| d. Refraining from using the Property for any use specified | Yes |
| e. Other: Maintaining a barrier to site soils, and preparing and implementing a soil and ground water management plan and health and safety plan for the Property. | Yes |
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
- a. The barrier to site soils shall be maintained indefinitely until the Director alters or revokes the CPU.
 - b. The soil and ground water management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils or Impacted Ground Water for as long as the Contaminants of Concern are present on the Property.
 - c. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

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

“Adverse Effect” has the same meaning as in the Act; namely,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

“Building Code” means the Ontario Regulation 332/12; ‘Building Code’, as amended January 1, 2014.

“Contaminant” has the same meaning as in the Act; namely, any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” has the meaning as set out in Item 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number **4126-BA2M42**.

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28, as amended.

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Industrial/Commercial/Community Property Use Standards for soils within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Non-Potable Ground Water Standards within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** or **Table 7 “Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for All Types of Property Use.

“Ministry” means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04, “Record of Site Condition – Part XV.1 of the Act” as amended, made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any subsequent owner(s) of the Property.

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended.

“Property” means the property that is the subject of the CPU and described in the “Site” section on page 1 above.

"Property Specific Standards" or "PSS" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Item 3.2 of the CPU and are the same standards specified in the Risk Assessment.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

"Qualified Person" means a person who meets the qualifications prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

- a. Holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, or
- b. Holds a certificate of registration under the *Professional Geoscientists Act, 2000*, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

"Risk Assessment" means the Risk Assessment number **4381-8TNNJE** accepted by the Director on February 14, 2019 and set out in the following documents and information/correspondence:

- The report entitled "Human Health and Ecological Risk Assessment for 135 West Street South, Orillia, Ontario" by NovaTox Inc. (NovaTox) dated June 2013.
- The report entitled "Human Health and Ecological Risk Assessment for 135 West Street South, Orillia, Ontario" by NovaTox dated August 2014.
- The report entitled "*Revised* Human Health and Ecological Risk Assessment for 135 West Street South, Orillia, Ontario" by NovaTox dated June 2015.
- The email entitled "RA1250-12 IDS Reference No. 4381-8TNNJE" from Mark Chappel of Novatox dated July 16, 2015, with the following document attached:
 - *KIOSK Conceptual Site Model (JOG 22 Apr 2015).pdf*
- The email entitled "RA1250-12 IDS Reference No. 4381-8TNNJE" from Mark Chappel of Novatox dated July 28, 2015, with the following document attached:
 - *11-053_ACH_Kiosk.pdf*
- The report entitled "Revised March 2017 Human Health and Ecological Risk Assessment for 135 West Street South, Orillia, Ontario" by NovaTox dated March 2017 (Parts 1 and 2).
- The report entitled "Revised Risk Assessment Report for 135 West Street South, Orillia, Ontario" by NovaTox dated May 10, 2018.
- The email entitled "Re: Request for additional information for 135 West Street South, Orillia; RA1250-12; IDS#4381-8TNNJE" from Mark Chappel of Novatox dated December 14, 2018, with the following documents attached:
 - *17-390_Addendum to RA_14Dec2018.pdf*
 - *17-370_RA2Addendum14Dec2018@1338.pdf*

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

"Tribunal" has the same meaning as in the Act; namely, the Environmental Review Tribunal.

“Unimpacted Soil” means soil in which one or more Contaminants are present at concentrations less than the Industrial/Commercial/Community Property Use Standards within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6(1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
1. Take any action that is specified in the certificate and that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),

- a. alter any terms and conditions in the certificate or impose new terms and conditions;
or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management

Measures to be implemented to ensure that the Property is suitable for the intended use: “Industrial/Commercial/Community” property use, as defined in O. Reg. 153/04. The Property currently consists of a retail gasoline fuel station/convenience store and associated parking. A former retail commercial building was located on part of the Property but has been demolished and the area is currently vacant, as outlined in Figure J6: “Locations and Timing of Risk Management Measures” in Schedule “B”.

3.2 The Contaminants on, in or under the Property that are present above the Industrial/Commercial/Community Property Use Standards for soils within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** or for ground water within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** or **Table 7 “Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.

3.3 The following Schedules form part of this CPU:

Schedule A – Table 1-1 “Proposed Property Specific Standards”

Schedule B – Figures

- Figure 1: “Plan of Survey” by Dearden and Stanton Ltd., dated July 19, 2012.
- Figure J1: “Surface Barrier Design (Hard Cap)” by Terrapex dated March 2017.
- Figure J2: “Surface Barrier Design – Soft Caps” by Terrapex dated March 2017.
- Figure J3: “Proposed RM Measure: Concrete Floor Slab Placement/Backfill of Underground Utilities” by Terrapex dated March 2017.
- Figure J4: “Preliminary Vapour Barrier Design/Spray-On Membrane” by Terrapex dated March 2017.
- Figure J5: “Typical Vapour Mitigation Design” by Terrapex dated March 2017.
- Figure J6: “Locations and Timing of Risk Management Measures” by Terrapex dated March 2018.

Schedule C – Table 7-4: “Acceptable Soil Vapour Criteria”

Schedule D – Certificate of Requirement

- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.
- 3.5 The Risk Assessment indicates the presence of Contaminants of Concern in soil and ground water which requires on-going restrictions on land use and pathway elimination. As such, it is necessary to restrict the use of the Property, impose building restrictions, and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.

Part 4: Director Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner to do or cause to be done the following:

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures. The performance objectives of the Risk Management Measures are as follows:
- block soil exposure pathways for human receptors and ecological receptors;
 - block soil vapour pathways for new buildings to be developed at the Site;
 - block groundwater pathways for human receptors; and
 - establish inspection and monitoring programs to evaluate the effectiveness of the Risk Management Measures.

4.2.1 CAPPING

The Property shall be covered by a physical barrier where there is less than 0.5 m of Unimpacted Soils between the ground surface and Impacted Soils. The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence as specified below:

- 4.2.1.1 The existing hard cap, as of the date of issuance of the CPU, that consists of at least 75 mm of asphalt, concrete or other surface treatment not required to support vegetative growth.
- 4.2.1.2 New or replacement hard caps shall consist of at least 225 mm of hard surface consisting of a minimum of 75 mm of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth underlain by a minimum of 150 mm of Granular "A" or other suitable material overlying a geotextile material (warning layer), all as illustrated in Figure J1 "Surface Barrier Design (Hard Cap)" in Schedule "B".
- 4.2.1.3 A clean soil cap shall consist of a minimum of 0.5 m of Unimpacted Soils or growth media immediately on top of a geotextile material (warning layer) as illustrated in Figure J2 "Surface Barrier Design – Soft Caps" in Schedule "B". Alternatively, landscaping can be planted in concrete boxes or similar planting container containing growth media or Unimpacted Soils on top of the Cap.
- 4.2.1.4 Upon issuance of the CPU, for portion(s) of the Property, under re-development or not in use and not capped, these areas shall have a fence barrier to prevent the general public from accessing that part of the Property and a dust control plan to prevent surface soil from impacting the adjacent properties.

4.2.2 INSPECTION AND MAINTENANCE PROGRAM

An inspection and maintenance program shall be prepared and implemented upon issuance of the CPU to ensure the continuing integrity of the Capping to Impacted Soils (including any fence barrier) as long as the Contaminants of Concern are present on the Property. The inspection program shall include, at a minimum, semi-annual (spring and fall) inspections to assess the integrity of the barrier. Any deficiencies of the barrier shall be repaired forthwith to meet the requirements as set out in Item 4.2.1 above. Inspection, deficiencies and repairs shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.

4.2.3 BUILDING RESTRICTIONS

- 4.2.3.1 Occupancy of below grade portions of any type of building are restricted with the exception of the use of the below grade areas for storage and/or parking as outlined in Item 4.2.11 of the CPU.
- 4.2.3.2 Placement of underground utilities shall occur within a zone of Unimpacted Soil as illustrated in Figure J3: "Proposed RM Measure: Concrete Floor Slab Placement/Backfill of Underground Utilities" in Schedule "B". This will ensure that in the event of future maintenance,

all excavations will be conducted through Unimpacted Soil.

4.2.4 SOIL AND GROUND WATER MANAGEMENT PLAN

A soil and ground water management plan shall be prepared for the Property and implemented during any activities potentially coming in contact with or exposing Impacted Soils and/or Impacted Ground Water to ensure that any Impacted Soil excavated or Impacted Ground Water removed from the Site is appropriately and safely managed. A copy of the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified Person and shall include, but not be limited to, provisions for soils excavation, stockpiling, characterization, dewatering and management of Impacted Ground Water, disposal and record keeping specified below and as outlined in the Risk Assessment:

- 4.2.4.1 Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, which may include wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working in high wind conditions, as required;
- 4.2.4.2 Management of excavated materials which may include cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment, as required;
- 4.2.4.3 Characterization of excavated soils to determine if they exceed the Property Specific Standards. Excavated soils and materials (including collected ground water) requiring off-site disposal as a waste shall be disposed of in accordance with the provisions of O. Reg. 347, as amended, made under the Act. Excavated soil meeting the Property Specific Standards may be placed on-site below the barrier if deemed suitable by a Qualified Person and in accordance with the Risk Assessment.
- 4.2.4.4 Dewatering and ground water management (including characterization of any collected ground water to determine if it exceeds the Property Specific Standards) during any ground intrusive activities that extend into the ground water table at the Property.
- 4.2.4.5 Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management and drainage, soil and ground water characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any soil or contaminated ground water removed from the Property and any complaints received

relating to site activities potentially coming in contact with or exposing site soils and ground water.

4.2.5 HEALTH AND SAFETY PLAN

A site specific health and safety plan shall be developed for the Property and implemented during all intrusive, below-grade construction activities potentially coming in contact with or exposing Impacted Soil or Impacted Ground Water and a copy shall be maintained on the Property for the duration of these intrusive activities. The Owner shall ensure that the health and safety plan takes into account the presence of the Contaminants of Concern, is designed to reduce or eliminate exposures to vapours in trench air, and is implemented prior to any intrusive work being done on the Property in order to protect workers from exposure to the Contaminants of Concern. The health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, shall address any potential risks identified in the Risk Assessment, and shall include, but not be limited to, occupational hygiene requirements, requirements for personal protective equipment, and contingency plan requirements including site contact information. Prior to initiation of any project (as defined in the Occupational Health and Safety Act, as amended) on the Property, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated soil and ground water. Implementation of the health and safety plan shall be overseen by persons qualified to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the plan, which shall be made available to a Provincial Officer upon request.

4.2.6 FUTURE SITE DEVELOPMENT

All Impacted Soil and Impacted Ground Water encountered during future site development must be delineated and remediated in keeping with the requirements and assumptions of the Risk Assessment. If remediation is required, upon completion, a summary report completed by a Qualified Person shall be retained by the Owner and be available to a Provincial Officer upon request. The summary report shall include the following:

- 4.2.6.1 The dates and duration of work completed;
- 4.2.6.2 A summary of the work completed;
- 4.2.6.3 A site plan showing the location of the work;
- 4.2.6.4 Material characterization results and confirmatory sampling results, including copies of the laboratory certificates of analysis.

4.2.7 SITE PLAN

The Owner shall submit a site plan prepared and signed by a Qualified Person prior to use of any future site development which will describe the Property, the proposed development and the location of the specified Risk Management Measures noted above. This site plan shall be submitted to the Director and the Owner shall retain one copy for inspection upon request by a Provincial Officer. The site plan shall be revised and resubmitted to the Director following the completion of any changes to the development.

4.2.8 SITE RESTORATION PLAN

A site restoration plan shall be developed and implemented for the Property prior to any development activities that may disturb the cap. This plan shall include the steps to repair/replace the cap to meet the requirements set out under Item 4.2.1 above. A log of steps taken to implement the plan shall be maintained and be available upon request by a Provincial Officer. The plan shall also be made available upon request by a Provincial Officer.

4.2.9 SUB-SLAB VAPOUR CONTROL SYSTEM

The Owner shall ensure that no future enclosed structures are constructed on the Property unless the building is equipped with a sub-slab vapour control system designed by a professional engineer licenced to practise in the Province of Ontario and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings. The conceptual design for the vapour control system as outlined in the Risk Assessment is as follows:

4.2.9.1 A passive vapour control system consisting of a vapour barrier and passive venting system installed beneath the entire building with the following components and as illustrated in Figure J4 "Preliminary Vapour Barrier Design/Spry-On Membrane" and Figure J5 "Typical Vapour Mitigation Design", all in Schedule "B".

- Provision of a vapour barrier with a minimum thickness of 40 mil welded seam High Density Polyethylene (HDPE) geomembrane or 60 mil (minimum) dry thickness LiquidBoot spray-on membrane, or equivalent; underlain by;
- A non-woven geotextile layer underlain by;
- A 200 mm thick layer of free-draining aggregate or clear stone within which is laid a network of 100 mm diameter perforated pipe (or equivalent) to allow collection and venting of soil gases from beneath the floor slab;
- Venting of the soil gases to a pipe which leads to the building

roof line.

4.2.9.2 If the future building is to be constructed with a basement, the vapour mitigation design will have to account for the high water table and ensure that it is appropriately drained.

4.2.9.3 If necessary, based on the monitoring results in accordance with Item 4.2.10, the passive vapour mitigation system shall be upgraded to an active system through the installation of fans or pumps to draw vapours from the void space.

4.2.10 VAPOUR MONITORING AND MAINTENANCE PROGRAM

4.2.10.1 Existing Kiosk/Convenience Store

- 4.2.10.1.1 An on-going sub-slab vapour monitoring program shall be implemented utilizing vapour probe VP208 for a minimum of two years to assess the potential vapour impacts to the existing Kiosk/Convenience Store.
- 4.2.10.1.2 Prior to each monitoring event, the floor of the kiosk building shall be inspected for cracks or penetrations, and they should be sealed, where practicable.
- 4.2.10.1.3 The soil vapour monitoring program shall be completed twice per year (once during frozen ground conditions) upon issuance of the CPU.
- 4.2.10.1.4 The results of the sub-slab vapour monitoring program shall be compared to the alert criteria in Table 7-4 in Schedule C.
- 4.2.10.1.5 If the results of any single monitoring event exceed the alert criteria in Table 7-4, the vapour probe shall be re-sampled within two (2) weeks of receipt of the results and compared to Table 7-4 in Schedule C.
- 4.2.10.1.6 If the results of the re-sample confirm an exceedance of the alert criteria in Table 7-4, then notice shall be provided in writing to the Director within 3 business days of receipt of the analytical results and provide to the Director a mitigation plan which may include resampling, sub-slab vapour sampling, increasing air exchanges, etc.

4.2.10.2 New Development

If a vapour mitigation system is installed beneath a future building at the Property in accordance with Item 4.2.9 of the CPU, prior to occupancy a monitoring and maintenance program shall be developed and implemented by an appropriately qualified person(s) (Qualified Person or certified hygienist) and be provided to the Director.

The monitoring and maintenance program shall include the following:

- 4.2.10.2.1 Prior to occupancy and for a period of one year, sub-slab vapour samples (i.e. collected from vapour monitoring ports) shall be

obtained quarterly utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 of Schedule "C" of this CPU.

- 4.2.10.2.2 After the first year, sub-slab vapour samples (i.e. collected from vapour monitoring ports) shall be obtained semi-annually (two times per year with at least one sampling round completed under frozen ground conditions) utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 of Schedule "C" of this CPU.
- 4.2.10.2.3 If the analytical results for the sub-slab soil vapour monitoring program exceed the soil vapour alert criteria in Table 7-4 for each of the Contaminants of Concern as identified in Item 4.2.10.2.1 or Item 4.2.10.2.2, the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and provide to the Director a mitigation plan, which may include one or more of the following: maintenance, confirmatory sampling, indoor air and ambient air monitoring, recommendations for modifying the system such as converting it from a passive system to an active system.
- 4.2.10.2.4 Any proposed changes to the vapour monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.
- 4.2.10.2.5 The maintenance program shall include the development of an operations and maintenance manual outlining the routine inspection and repair of the vapour control system and the documentation thereof. A copy of this manual and the documentation shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request.
- 4.2.10.2.6 An inspection and maintenance program shall be prepared and implemented prior to occupancy. The inspection program shall include, at a minimum:
- quarterly inspections of the vent pipe from the roof to ensure that the insect screen is intact, the pipe is not clogged or damaged;
 - annual inspection of the exposed floor areas within the building to ensure that there are no obvious cracks, distress or damage to the floor which may result in damage to the underlying venting and barrier system; and
 - replacement or re-instatement of the venting and barrier system as required, in the event that there are construction activities which may result in the removal or disturbance of the concrete floor.

Inspection, deficiencies and repairs shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.

4.2.10.2.7 Any proposed changes to the amount of financial assurance specified in Item 4.12 of the CPU.

4.2.11 BELOW-GRADE PARKING/STORAGE STRUCTURE

If future development plans include the construction of a parking garage, or a building that contains storage space/parking below grade as an alternative to the Sub-Slab Vapour Control System described in Item 4.2.9 of the CPU, the following is required:

- 4.2.11.1 No use of the areas below grade shall be for living spaces.
- 4.2.11.2 The building is for commercial use and includes at least one level of parking constructed at or below final grade of the building, covering the entire area of the building footprint at the final grade of the building;
- 4.2.11.3 The ventilation and air duct systems serving the ground level of the building and any area below this are completely separate systems from the ones serving all floors above the ground level;
- 4.2.11.4 The building/structure is in full compliance with all applicable requirements of the 2006 Ontario Building Code, including, without limitation, the provisions governing the following:
 - 4.2.11.4.1 Interconnection of air duct systems as set out in Division B, subsection 6.2.3.9 (2); and
 - 4.2.11.4.2 The provision for air leakage as set out in Division B, section 5.4.

4.2.12 GROUND WATER MONITORING PLAN

An on-going ground water monitoring program shall be implemented in order to assess the concentrations of select Contaminants of Concern within the ground water.

- 4.2.12.1 Ground water monitoring shall be implemented as per the approved Contaminant Management Plan under the Technical Standards and Safety Authority Environmental Management Protocol for Fuel Handling Sites in Ontario as outlined in the letter entitled "Proposal to Conduct Groundwater Monitoring and Sampling in 2014, Gasoline Retail Outlet CTP 1687, 135 West Street South, Orillia, Ontario" dated March 10, 2014 by Terrapex Environmental Ltd., as amended from time to time.
- 4.2.12.2 Ground water samples shall be analyzed for the Contaminants of Concern in the Ground Water with the potential to exceed off-Site

Site Condition Standards (“SCS”) and the analytical results shall be compared to the Property Specific Standards as outlined in Schedule “A”.

- 4.2.12.3 If the analytical results for the ground water monitoring program exceed the Property Specific Standards listed in Schedule “A”, the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and provide to the Director a mitigation/assessment plan, which may include but not be limited to, confirmatory sampling, evaluation of trends, assessment of risk to receptors, assessment of potential sources or activities that may have affected the ground water, need for additional investigations and/or need for increased monitoring frequency.
- 4.2.12.4 Any proposed changes to the ground water monitoring program shall be submitted to the Director for approval prior to implementation.

4.2.13 PROHIBITION ON GROUND WATER USE

Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of ground water in or under the Property as a water source, including

- 4.2.13.1 Properly abandon according to applicable law all wells at the Property which are or can be used as a water source except those that are being utilized as part of the on-going ground water monitoring program as per Item 4.2.12 of the CPU; and
- 4.2.13.2 Refrain from constructing on the Property any well which can be used as a water source.

4.2.14 ANNUAL REPORT

The Owner shall prepare by March 31st of each year, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request. The report shall be signed by a Qualified Person and shall include, but not be limited to, the following minimum information requirements:

- 4.2.14.1 A copy of all records relating to the inspection and maintenance program for the barrier to the site soils.

- 4.2.14.2 Details of the work completed to sample and analyze the sub-slab vapour concentrations (and indoor air and ambient air concentrations, if completed), including all field and analytical data and laboratory certificates of analysis.
 - 4.2.14.3 Details of the work completed to sample and analyze ground water concentrations, including all field and analytical data and laboratory certificates of analysis.
 - 4.2.14.4 An assessment of the QA/QC protocols/procedures for the sampling programs completed and any implications they may have on sample results.
 - 4.2.14.5 A summary of all notifications to the Director of exceedances as required under Items 4.2.10.1.6, 4.2.10.2.3 and 4.2.12.3 and any follow up actions taken to address the exceedances.
 - 4.2.14.6 A copy of all records relating to the soil and ground water management plan.
 - 4.2.14.7 A copy of all records relating to the health and safety plan.
 - 4.2.14.8 An evaluation and interpretation of the results of the monitoring programs.
 - 4.2.14.9 Any recommendations on changes to the monitoring programs and risk management measures.
 - 4.2.14.10 A copy of the Financial Assurance re-evaluation completed in accordance with Item 4.13 of the CPU.
- 4.3 Refrain from using the Property for any of the following use(s): “Agriculture or Other” and “Residential/Parkland/Institutional” Property Uses as defined in O.Reg. 153/04.
- 4.4 Refrain from constructing the following building(s): No new enclosed structures on the Property unless the building is equipped with a Sub-Slab Vapour Control System as per Item No. 4.2.9 or a Below-Grade Parking/Storage Structure as per Item No. 4.2.11 of the CPU.
- 4.5 Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Reports

- 4.7 Retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the Director or Provincial Officer.

Property Requirement

- 4.8 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

Certificate of Requirement

- 4.9 Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act, completed as outlined in Schedule "E", register the certificate of requirement on title to the Property in the appropriate land registry office.

Verification

- 4.10 Immediately after registration of the certificate of requirement, provide to the Director written verification that the certificate of requirement has been registered on title to the Property.

Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing, to the Director any changes of ownership of the Property, except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19, as amended, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

- 4.12 Within fifteen (15) days of the date of the CPU, you shall provide financial assurance to the Crown in right of Ontario in the amount of Thirty-six Thousand Six Hundred and Ninety-four dollars (\$36,694) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 4.13 The Owner shall re-evaluate the financial assurance required under Item 4.12 every three years from the date of this CPU. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans. If the re-evaluation of the amount of financial assurance indicates that more than the amount in Item 4.12 is required, the Owner shall forthwith provide a copy of that re-evaluation to the Director.
- 4.14 The total financial assurance required may be reduced from time to time or released by the Director upon application and submission of such supporting documentation as required by the Director.

Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU 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 CPU shall not be affected thereby.
- 5.2 An application under sub section 168.6(3) of the Act to,
a. alter any terms and conditions in the CPU or impose new terms and conditions; or
b. revoke the CPU;
shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be

increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.

- 5.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b. obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
 - b. strikes, lockouts or other labour disturbances,
 - c. inability to obtain materials or equipment for reasons beyond your control, or
 - d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, as amended, and then transfers the ownership of the Property to various condominium owners, the ongoing obligations of the Owner under this CPU can be

carried out by the condominium corporation on behalf of the new Owners of the Property.

Part 6: Hearing before the Environmental Review Tribunal

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Environmental Review Tribunal (the “Tribunal”), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.
- 6.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents*, made under the Act as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5
Fax: (416) 326-5370 or 1-844-213-3474
Email: ERTTribunalSecretary@ontario.ca

and

Cindy Hood
Ministry of the Environment, Conservation and Parks
54 Cedar Pointe Road, Unit 1201
Barrie, Ontario
L4N 5R7
Fax: 705-739-6440
Email: cindy.hood@ontario.ca

- 6.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

6.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the “EBR”), you must give notice to the public in the EBR registry. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Ministry who will place it on the EBR registry. The notice must be delivered to the Ministry at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 by the earlier of:

6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and

6.5.2 fifteen (15) days after service on you of a copy of the CPU.

6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

6.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and

6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Issued at Barrie this 16th day of August, 2019.

Cindy Hood
Director, section 168.6 of the Act

Schedule 'A'

Table 1-1 "Proposed Property Specific Standards"

Table 1-1 Proposed Property Specific Standards

COC	Maximum conc.	Table 3 SCS (l/C/C)	PSS	Basis of PSS	Pathways/receptors requiring RMM	RMM	Potential to exceed off-site SCS
Soil COCs (µg/g)							
Antimony	91.8	40	110	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates	OH&S Plan Surface Barrier Surface barrier	No
Arsenic	871	18	1,045	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Barium	3,100	670	3,720	Max.+20%	Terrestrial plants & soil invertebrates Mammals & birds	Surface barrier Surface barrier	No
Boron (hot water soluble)	15.1	2	18.1	Max.+20%	Terrestrial plants	Surface barrier	No
Cadmium	2.8	1.9	3.36	Max.+20%	Birds	Surface barrier	No
Chromium Total	250	160	300	Max.+20%	Birds	Surface barrier	No
Cobalt	1,700	80	2,040	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Copper	1,710	230	2,052	Max.+20%	Terrestrial plants & soil invertebrates	Surface barrier	No
Lead	2,300	120	2,760	Max. +20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Molybdenum	790	40	948	Max.+20%	Terrestrial plants & soil invertebrates Mammals & birds	Surface barrier Surface barrier	No
Nickel	1,500	270	1,800	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates	OH&S Plan Surface Barrier Surface barrier	No
Silver	78.6	40	94.3	Max.+20%	Terrestrial plants & soil invertebrates Mammals & birds	Surface barrier Surface barrier	No
Thallium	5.5	3.3	6.6	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates	OH&S Plan Surface Barrier Surface barrier	No
Zinc	6,600	340	7,920	Max.+20%	Terrestrial plants & soil invertebrates Birds	Surface barrier Surface barrier	No
Cyanide (CN-)	0.08	0.051	0.096	Max.+20%	--	--	No
Electrical Conductivity	2.7	1.4	3.24	Max.+20%	Terrestrial plants	Surface barrier	No
Sodium Adsorption Ratio	22.5	12	27	Max.+20%	Terrestrial plants	Surface barrier	No
Acenaphthylene	0.66	0.15	0.792	Max.+20%	--	--	No
Anthracene	7.7	0.67	9.24	Max.+20%	--	--	No

Table 1-1 Proposed Property Specific Standards

COC	Maximum conc.	Table 3 SCS (I/C/C)	PSS	Basis of PSS	Pathways/receptors requiring RMM	RMM	Potential to exceed off-site SCS
Benz[a]anthracene	76	0.96	91.2	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Benzo[a]pyrene	60	0.3	72	Max.+20%	Construction worker Outdoor worker	OH&S Plan Surface Barrier	No
Benzo[b]fluoranthene	66	0.96	79.2	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Benzo[ghi]perylene	27	9.6	32.4	Max.+20%	Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	Surface barrier Surface barrier Surface barrier	No
Benzo[k]fluoranthene	21	0.96	25.2	Max.+20%	Outdoor worker Terrestrial plants & soil invertebrates Mammals	Surface barrier Surface barrier Surface barrier	No
Chrysene	72	9.6	86.4	Max.+20%	Outdoor worker Terrestrial plants & soil invertebrates Mammals & birds	Surface barrier Surface barrier Surface barrier	No
Dibenz[a,h]anthracene	10	0.1	12	Max.+20%	Construction worker Outdoor worker	OH&S Plan Surface Barrier	No
Fluoranthene	93	9.6	112	Max.+20%	Outdoor worker	Surface barrier	No
Indeno[1,2,3-cd]pyrene	30	0.76	36	Max.+20%	Construction worker Outdoor worker Terrestrial plants & soil invertebrates Mammals	OH&S Plan Surface Barrier Surface barrier Surface barrier	No
Phenanthrene	30	12	36	Max.+20%	Terrestrial plants & soil invertebrates	Surface barrier	No
Benzene	6.6	0.32	7.92	Max.+20%	Indoor worker (all building scenarios)	Vapour Mitigation System	No
Ethylbenzene	120	9.5	144	Max.+20%	Indoor worker (all building scenarios)	Vapour Mitigation System	No
Toluene	110	68	132	Max.+20%	Indoor worker (all building scenarios)	Vapour Mitigation System	No
Xylene Mixture	740	26	888	Max.+20%	Indoor worker (all building scenarios) Terrestrial plants & soil invertebrates	Vapour Mitigation System Surface barrier	No
PHC F1	3,900	55	4,680	Max.+20%	Indoor worker (all building scenarios) Terrestrial plants & soil invertebrates Mammals	Vapour Mitigation System Surface barrier Surface barrier	No
PHC F2	9,900	230	11,880	Max.+20%	Indoor worker (all building scenarios) Terrestrial plants & soil invertebrates Mammals	Vapour Mitigation System Surface barrier Surface barrier	No
PHC F3	10,000	1700	12,000	Max.+20%	Terrestrial plants & soil invertebrates	Surface barrier	No

Table 1-1 Proposed Property Specific Standards

COC	Maximum conc.	Table 3 SCS (l/C/C)	PSS	Basis of PSS	Pathways/receptors requiring RMM	RMM	Potential to exceed off-site SCS
Groundwater COCs (µg/L)							
Naphthalene	12	1,400	14.4	Max.+20%	–	–	No
Benzene	150	44	180	Max.+20%	Indoor worker (Gen.Comm.BwB) Indoor worker (Site-specific kiosk)	Vapour Mitigation System	Yes
Ethylbenzene	230	2,300	276	Max.+20%	Indoor worker (Gen.Comm.BwB)	Vapour Mitigation System	No
Xylene Mixture	130	4,200	156	Max.+20%	–	–	No
Petroleum Hydrocarbons F1	780	750	936	Max.+20%	Indoor worker (Gen.Comm.BwB)	Vapour Mitigation System	Yes
Petroleum Hydrocarbons F2	290	150	348	Max.+20%	Indoor worker (Gen.Comm.BwB)	Vapour Mitigation System	Yes
Ethylene dibromide	<0.4	0.25	0.48	Max.+20%	Indoor worker (Gen.Comm.BwB)	Vapour Mitigation System	Yes
Trichloroethylene	0.8	1.6	0.96	Max.+20%	–	–	No
Vinyl Chloride (nominal)	0.6	0.5	0.6	Max.	Indoor worker (Gen.Comm.BwB)	Vapour Mitigation System	Yes

OH&S – Occupational Health & Safety

Schedule 'B'

FIGURES

- Figure 1: "Plan of Survey" by Dearden and Stanton Ltd., dated July 19, 2012.
- Figure J1: "Surface Barrier Design (Hard Cap)" by Terrapex dated March 2017.
- Figure J2: "Surface Barrier Design – Soft Caps" by Terrapex dated March 2017.
- Figure J3: "Proposed RM Measure: Concrete Floor Slab Placement/Backfill of Underground Utilities" by Terrapex dated March 2017.
- Figure J4: "Preliminary Vapour Barrier Design/Spray-On Membrane" by Terrapex dated March 2017.
- Figure J5: "Typical Vapour Mitigation Design" by Terrapex dated March 2017.
- Figure J6: "Locations and Timing of Risk Management Measures" by Terrapex dated March 2018.

Figure 1 "Plan of Survey" by Dearden and Stanton Ltd., dated July 19, 2012.

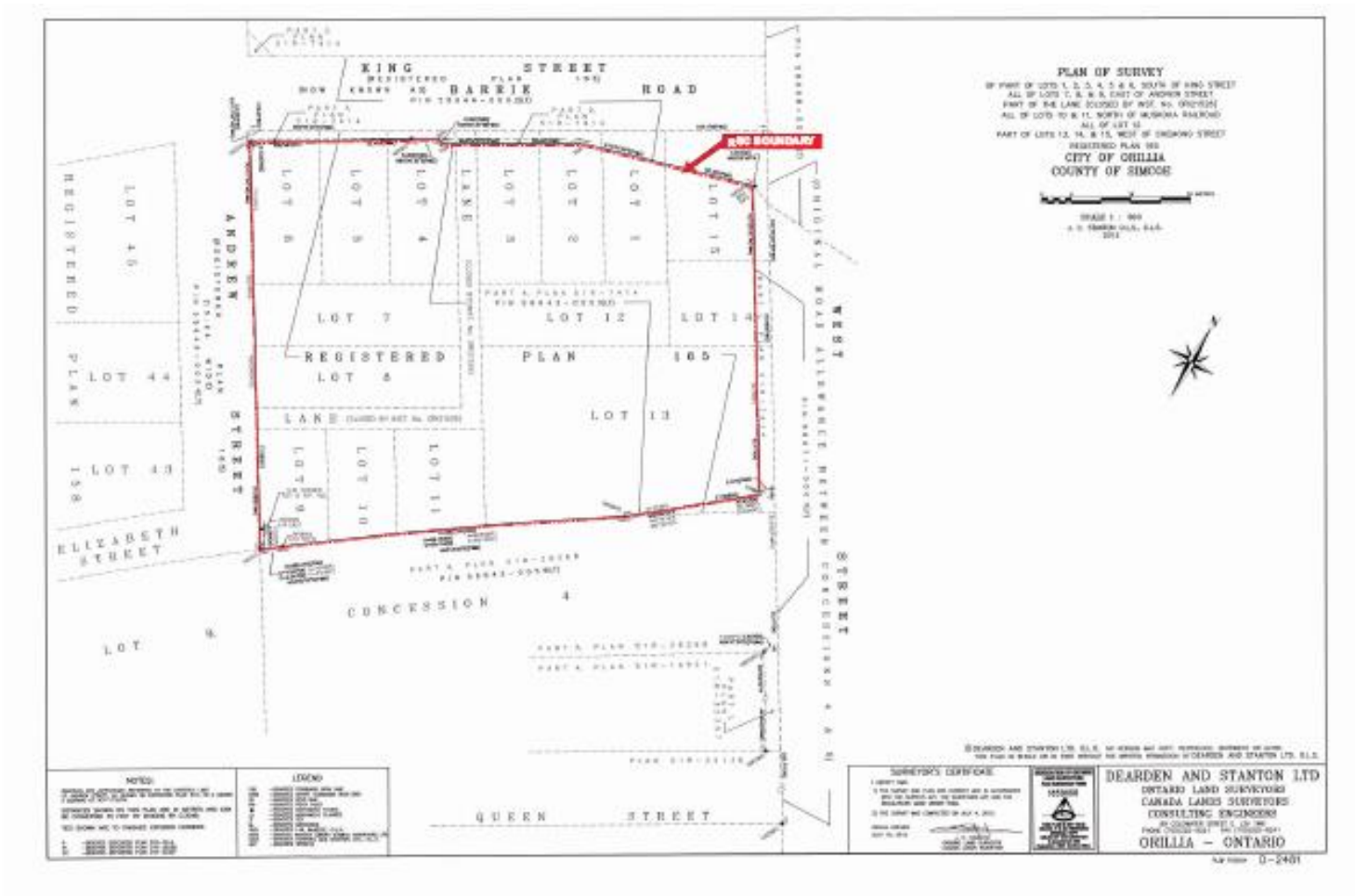


Figure J1: "Surface Barrier Design (Hard Cap)" by Terrapex dated March 2017.

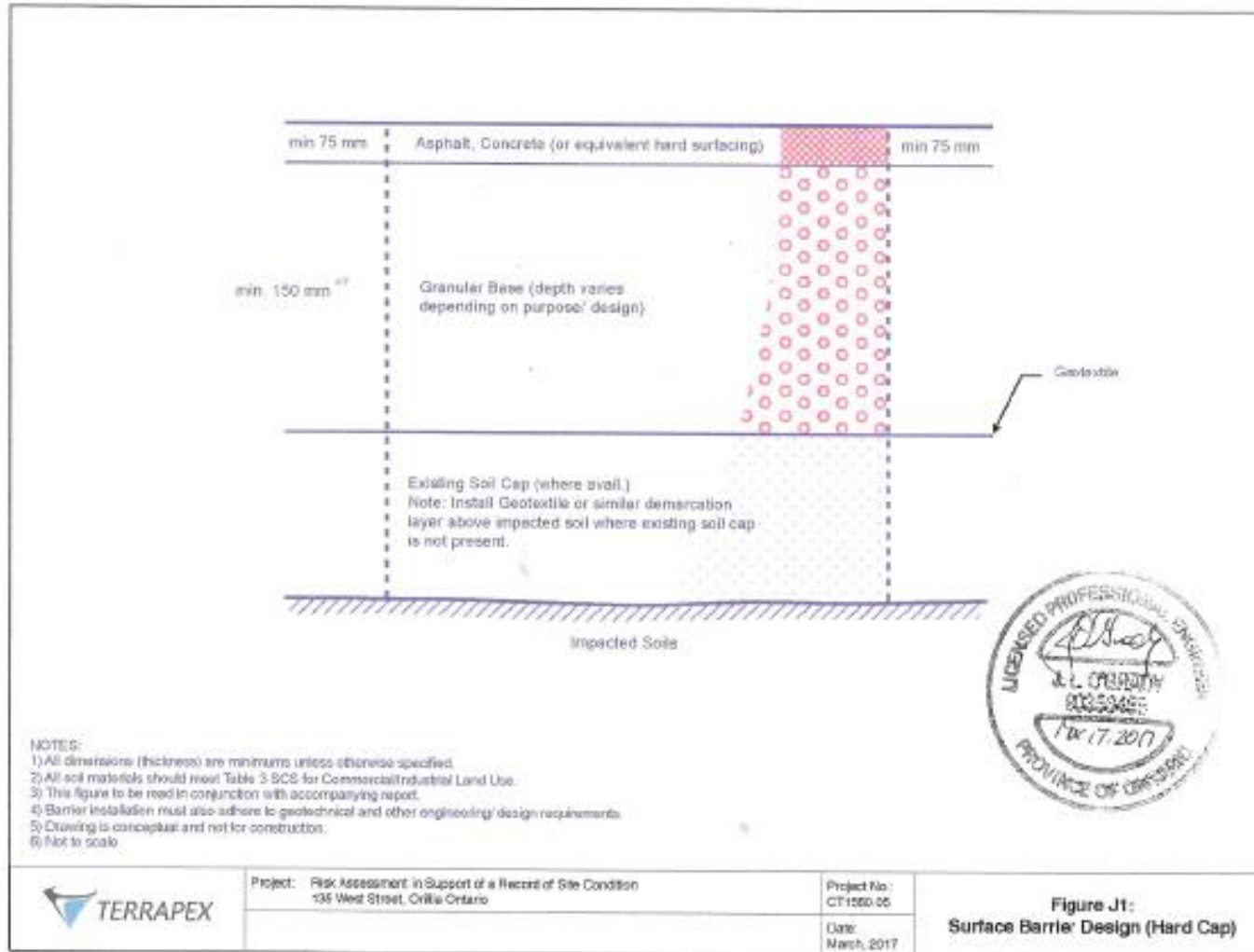


Figure J2: "Surface Barrier Design – Soft Caps" by Terrapex dated March 2017.

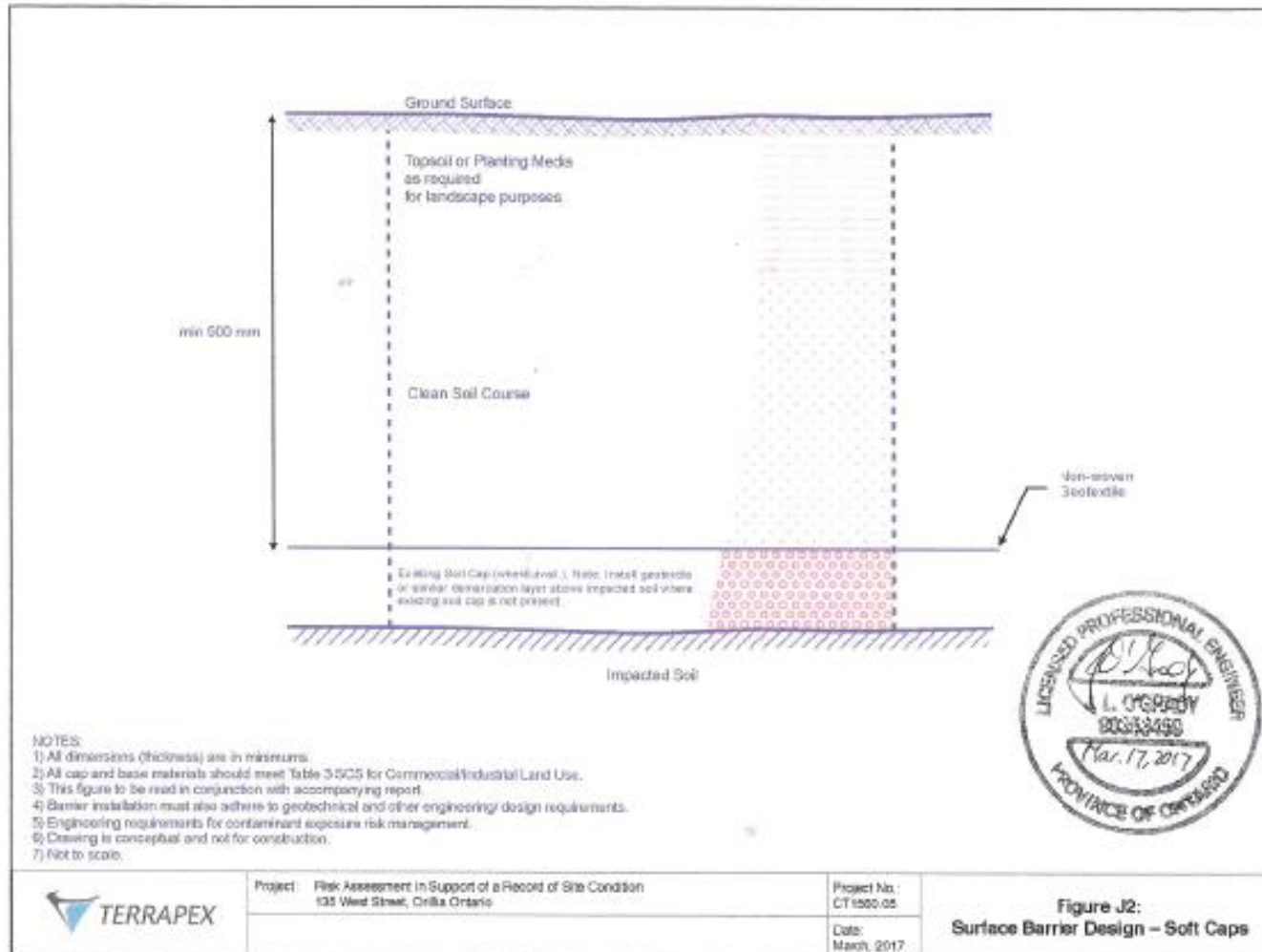


Figure J3: "Proposed RM Measure: Concrete Floor Slab Placement/Backfill of Underground Utilities" by Terrapex dated March 2017.

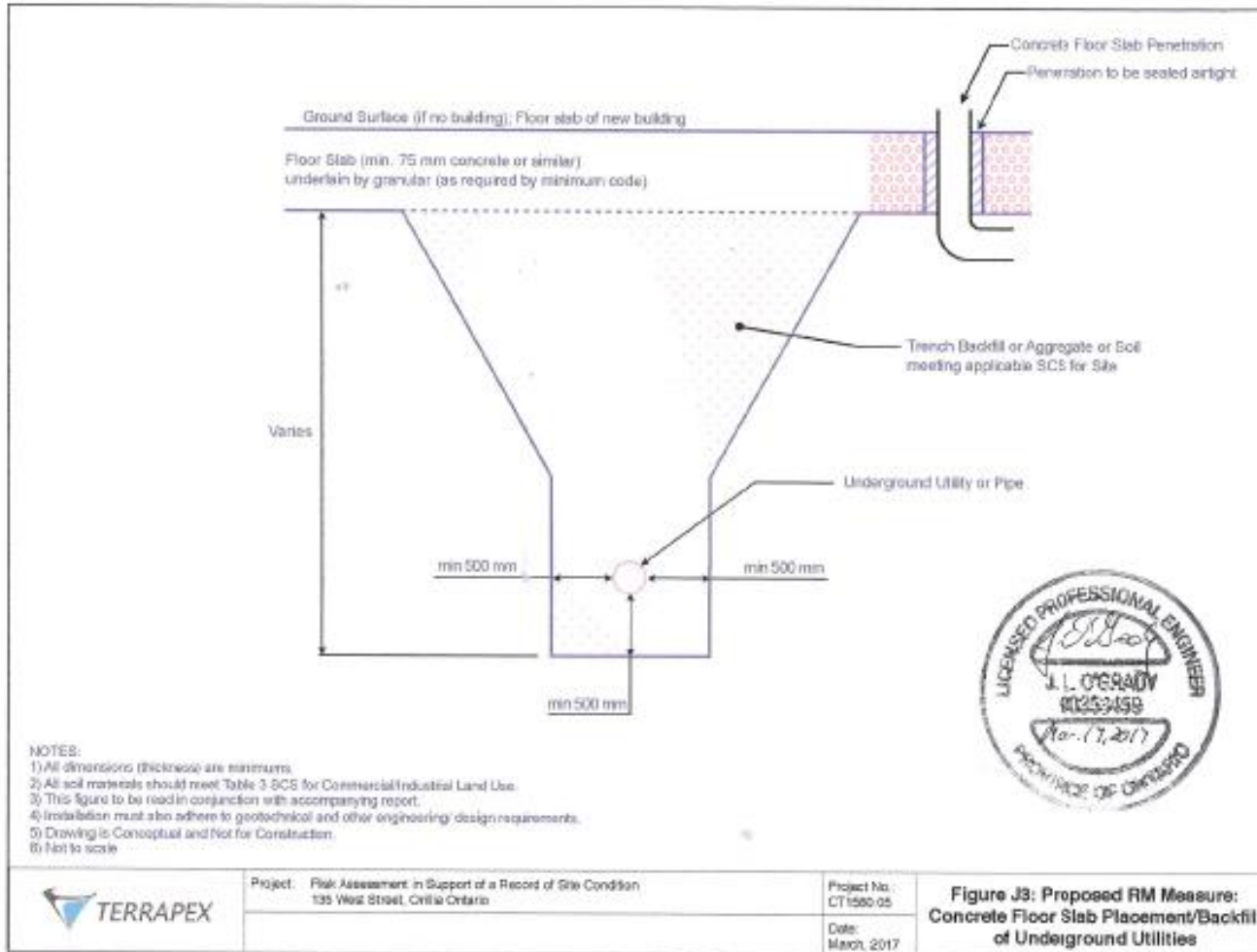


Figure J4: "Preliminary Vapour Barrier Design/Spray-On Membrane" by Terrapex dated March 2017.

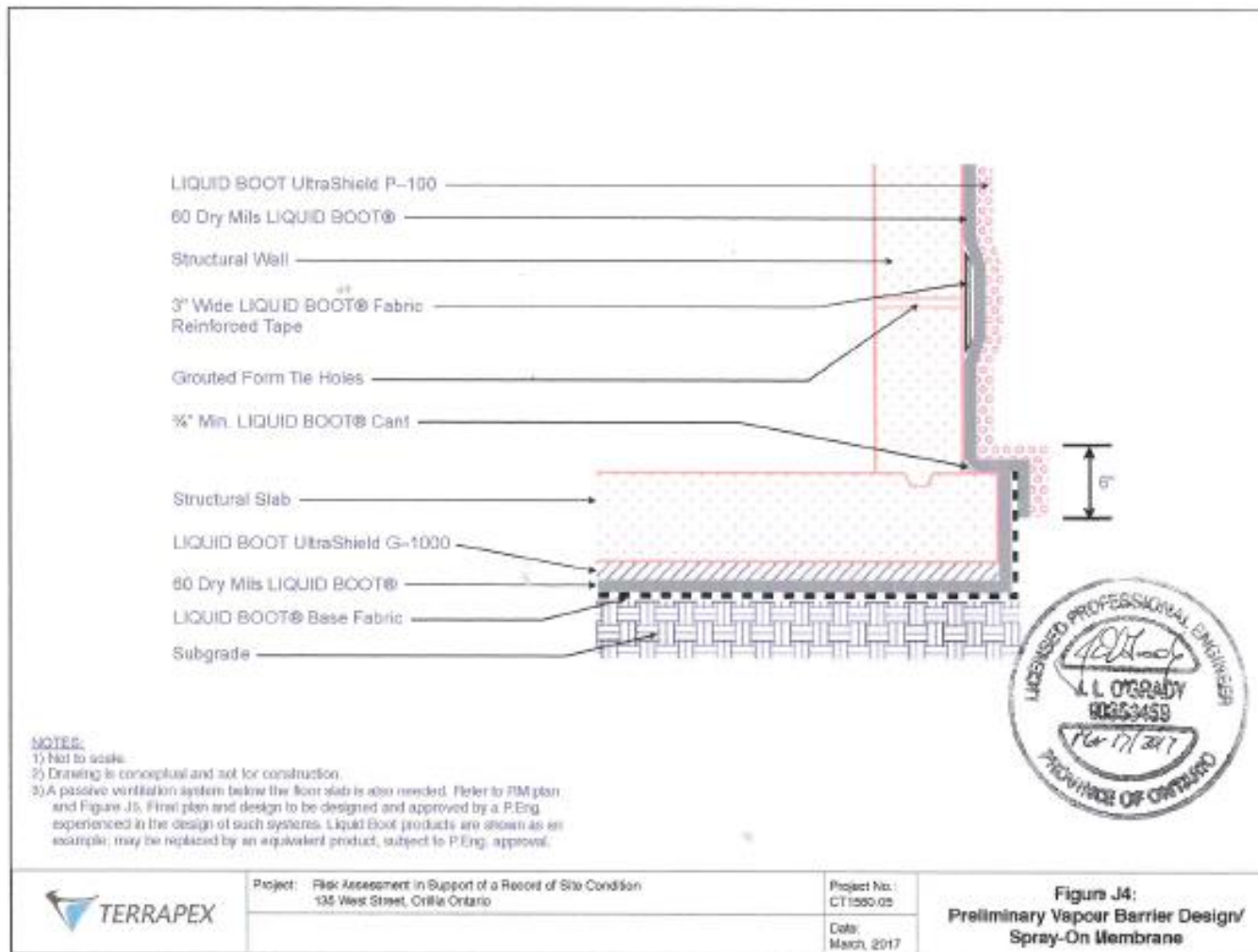


Figure J5: "Typical Vapour Mitigation Design" by Terrapex dated March 2017.

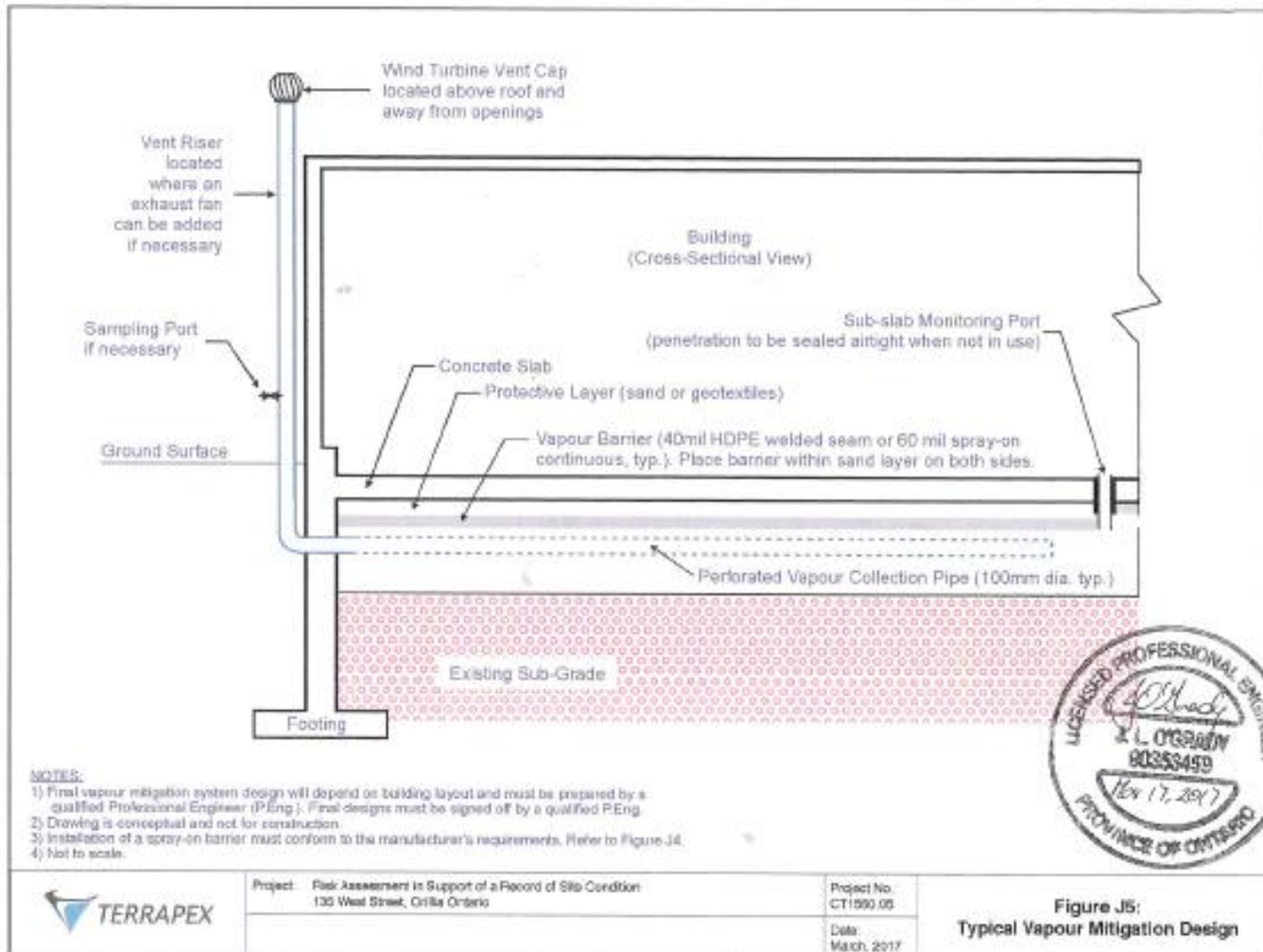
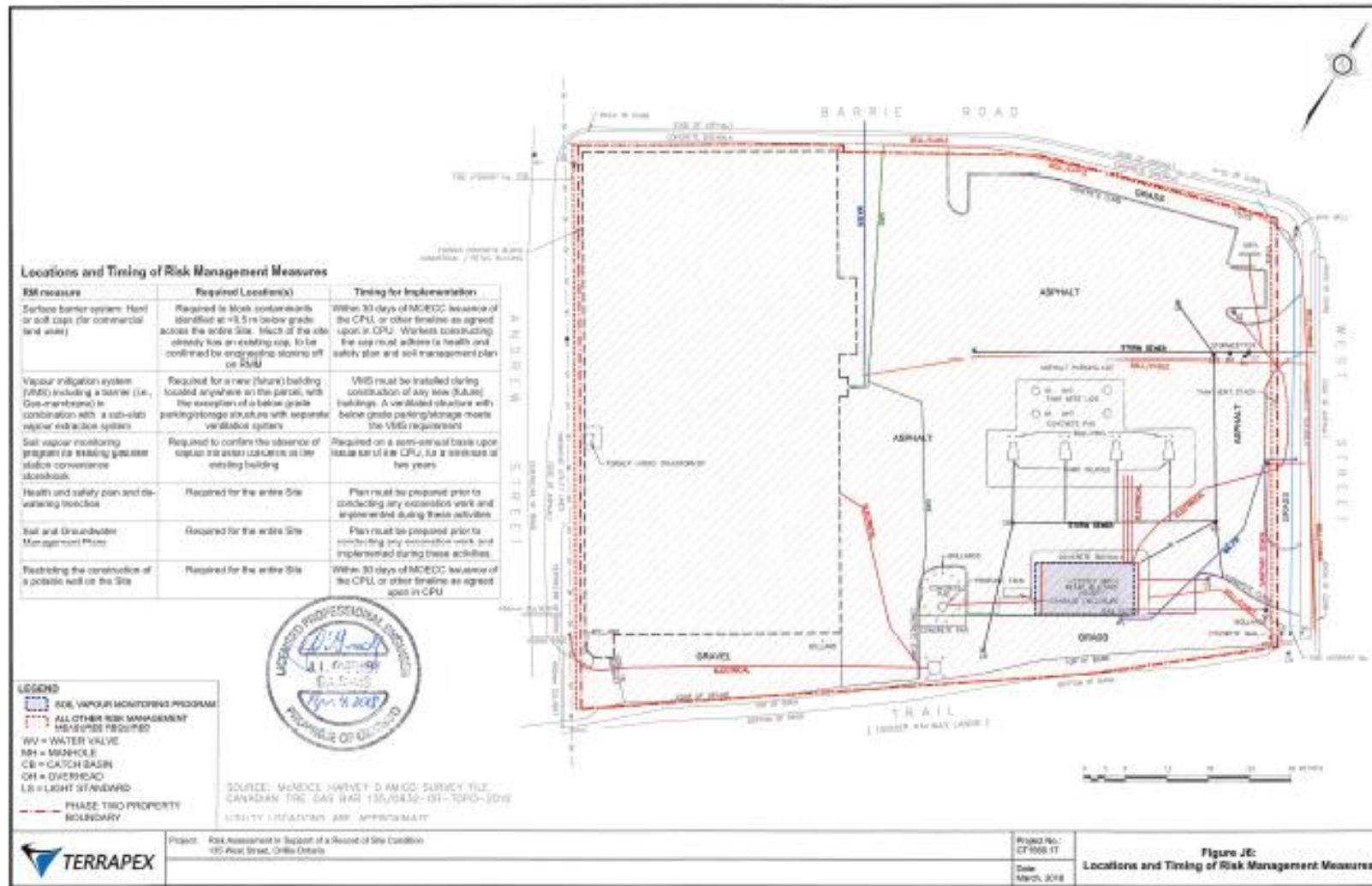


Figure J6: "Locations and Timing of Risk Management Measures" by Terrapex dated March 2018.



Schedule C

Table 7-4: Acceptable Soil Vapour Criteria

Contaminant of Concern (COC)	Soil Vapour Alert Criteria (ug/m³)
Benzene	4.07 x 10 ²
Ethylbenzene	1.80 x 10 ⁵
Toluene	8.95 x 10 ⁵
Xylene Mixture	1.25 x 10 ⁵
Petroleum Hydrocarbons F1	
Aliphatic C6-CV8	8.22 x 10 ⁶
Aliphatic C>8-C10	4.47 x 10 ⁵
Aromatic C>8-C10	8.95 x 10 ⁴
Petroleum Hydrocarbons F2	
Aliphatic C>10-C12	4.47 x 10 ⁵
Aliphatic C>12-C16	4.47 x 10 ⁵
Aromatic C>10-C12	8.95 x 10 ⁴
Aromatic C>12-C16	8.95 x 10 ⁴

Alert criteria have been adopted from the “Health Based Indoor Air Criteria – Industrial” entries on the “Human Health” tab of the MECP Approved Model published April 15, 2011 and updated November 1, 2016. Criteria determined by applying attenuation factor of 250 ($\alpha = 0.004$) to the corresponding indoor air criterion.

Schedule 'D'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify pursuant to Item 4.9 of the Certificate of Property Use number [4126-BA2M42](#) issued by Cindy Hood, Director of the Ministry of the Environment and Climate Change, under sections 168.6 and 197 of the Environmental Protection Act on August 16, 2019 being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 135 West Street South, Orillia, Ontario, being all of Property Identifier Number (PIN) 58643-0055 (LT) (the "property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the property,

Canadian Tire Corporation, Limited

and any other persons having an interest in the property, are required before dealing with the property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the property.

Under subsection 197(3) of the Environmental Protection Act, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the real property.