



Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6

Certificate of Property Use number: 7280-ATHMC5
Risk Assessment number: 7800-9LEHPX

Owner:

Everest Canadian Storage Company
Suite 200 - 199 South Los Robles Ave
Pasadena, California, 91101-2498
USA

Site:

24-60 Sanford Avenue North
Hamilton, Ontario

With a Legal Description of:

Lots 17, 18, 19, 20, 21, 22, 23 & 24, Plan 46; Part Lots 25, 26, 27, 28, 29, 30, 31 & 32, Plan 46, as in VM231207; Lane, Plan 46, as closed by orders HA 118450 & HA 130962 as in VM231207, Hamilton

PIN 17199-0017(LT)

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 No

- 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: see ii below for details Yes

ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

- a. The existing barriers or any new hard cap and fill cap barriers that may be installed on the Property are required to be maintained for as long as the Contaminants of Concern are present on the Property;
- b. The health and safety plan for all intrusive work and excavation activities potentially exposing the Contaminants of Concern identified on the Property shall be required for as long as the Contaminants of Concern are present on the Property;
- c. The soil and groundwater management plan for all intrusive work and excavation activities potentially exposing the Contaminants of Concern identified on the Property shall be required for as long as the Contaminants of Concern are present on the Property;
- d. Restrictions on the construction of basements for any new and existing buildings located within the southeastern section of the Property shall be required for as long as the Contaminants of Concern are present on the Property;

The other Risk Management Measures shall continue indefinitely until the Director amends or revokes the CPU.

Part 1: Interpretation

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

“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;

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

“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 may cause an Adverse Effect;

“Contaminant of Concern” & “COC” has the meaning as set out in section 3.2 of the CPU;

“CPU” means this Certificate of Property Use Number **No. 7280-ATHMC5** as may be amended from time to time;

"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;

“Licensed Professional Engineer” means a person who holds a license, limited license or temporary license under the Professional Engineers Act, R.R.O. 1990, c.P.28, as amended;

"Ministry" means Ontario Ministry of the Environment and Climate Change;

“Owner” means the **Everest Canadian Storage Company** the current owner of the Property, and any future Property Owner (s);

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above, and illustrated in Figure 1 of Schedule A which is attached to and forms part of this CPU;

“Property Specific Standards” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 of the CPU;

"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 O. Reg. 153/04, as amended, made under the Act;

"Risk Assessment" (RA) means the Risk Assessment **No. 7800-9LEHPX** accepted by the Director on **November 20, 2017** (“RA”).

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

“Risk Management Plan” means the final version of the risk management plan as set out in section 7 Risk Assessment and *Appendix L – Engineered Risk Management Measures Report* dated October 2016;

“Tribunal” has the same meaning as in the Act; namely, the Environmental Review Tribunal;

“Unimpacted Soil” means soil that meets the soil criteria identified in **Table 7: Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition** of the Ministry’s *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011.

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 the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), 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 specified in the certificate that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, 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 the 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 196(1) of the Act states that the authority to make an order under the Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.
- 2.8 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.
- 2.9 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.
- 2.10 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.

2.11 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 (RA) was undertaken for the Property to establish the risks that the Contaminants identified in the Risk Assessment may pose to future users and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **Industrial/Commercial/Community** as defined in O. Reg. 153/04, as amended, made under the Act.
- 3.2 The Contaminants on, in or under the Property that are present either above **Table 7: Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition** of the Ministry's *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 or for which there are no such standards, are set out in the Risk Assessment (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table 1A and Table 1B of Schedule 'A'** which is attached to and forms part of the CPU.
- 3.3 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.
- 3.4 The Risk Assessment indicates the presence of Contaminants of Concern in soil and groundwater which require on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and 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 Section 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

- 4.2.1 The existing barriers on the Property are required to be maintained and monitored so as to prevent exposure to the Contaminants of Concern (COC) identified on the Property and shall be maintained for as long as the COC are present on the Property.
- 4.2.2 The replacement of existing barriers in whole or in part on the Property shall be replaced with new hard cap and fill cap barriers, installed as described in the Risk Management Plan and Figure 2 of Schedule 'A' attached to this CPU. New fill cap and hard cap barriers shall consist of the following, at minimum:
- (i) The fill cap barrier(s) shall consist of a minimum of 1.0 m thick cover, consisting of at least 0.5 m of Unimpacted Soil immediately on top of a geotextile material and may also include up to 0.5 m of non-soil surface treatment such as asphalt, concrete, concrete pavers, aggregate or a combination thereof.
 - (ii) The hard cap barrier(s) shall consist of a cover of asphalt, concrete, a building slab, or building foundation and floor slab, consisting of at least 150 millimeters (mm) of Granular 'A' or equivalent material overlain by at least 75 mm of asphalt or concrete.
- 4.2.3 Within 90 days of completion of the installation of any new hard cap and/or fill cap barriers on the Property, the Owner shall submit to the Director written confirmation signed by a qualified Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of the Risk Management Plan and Part 4.2.2 of this CPU along with final design specifications/drawings and or as built drawings.
- 4.2.4 An inspection and maintenance program shall be implemented to ensure the continuing integrity of the hard cap and fill cap barriers, existing and new, as long as the COC are present on the Property. The inspection program shall include semi-annual (spring and fall) inspections of the barrier's integrity in accordance with the inspection and maintenance program set out in the Risk Management Plan. Any barrier deficiencies shall be repaired forthwith in accordance with the Risk Management Plan. If cracks, breeches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure that no exposure to the COCs that have been identified on the Property occurs. The repair of any damaged portions of the barriers shall meet the specifications set out, at minimum, in Part 4.2.2 of this CPU. In the event of a repair to a barrier, the Owner shall submit to the Director written confirmation prepared and signed by a Licensed Professional Engineer that the barriers have been repaired in accordance with the requirements of Part 4.2.2 and Figure 2 of Schedule 'A' of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs. The Owner shall keep records

of the inspections and maintenance and make them available for review by the Ministry upon request.

4.2.5 A property specific Health and Safety Plan shall be developed and implemented prior to all intrusive activities potentially in contact with or exposing COC identified on the Property or portion(s) of the Property. The Health and Safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations to mitigate the potential risks identified in the Risk Management Plan and include, but not be limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. The Owner shall retain a copy of the plan to be available for review by the Ministry upon request.

4.2.6 A property specific Soil and Groundwater Management Plan (SGMP) shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs identified in on-site soils or groundwater on the Property as detailed in the Risk Management Plan. A copy of the SGMP shall be maintained on the Property for the duration of all planned intrusive activities and include, but not be limited to, the following components as deemed necessary by a Qualified Person:

- (i) oversight by a Qualified Person;
- (ii) dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
- (iii) management of excavated soils including 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;
- (iv) storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but to not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;
- (v) characterization of excavated/extracted excess soils and groundwater to determine if the excavated/extracted excess soils and groundwater exceed the Property Specific Standards listed in Tables 1A and 1B of Schedule 'A' attached to this CPU and/or the applicable generic site condition standards for parameters other than those identified in Tables 1A and 1B and require off-site disposal in accordance with the provisions of Ontario Regulation 347, as amended, made under the Act;

- (vi) record keeping, including but not to be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, dust control measures, stockpile management and drainage, all soil and groundwater characterization results obtained as part of the SGMP, names of the Qualified Persons, contractors, haulers and receiving sites for any excavated excess soils and groundwater, as a result of dewatering activities, removed from the property and any complaints received relating to site activities; and,
- (vii) a copy of the SGMP and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

4.2.7 The construction of new basements is prohibited for any new and existing buildings located within the area shown on Figure 3 of Schedule 'A' of this CPU. The basement(s) existing on the Property as of the date of this CPU are not required to be removed or otherwise modified.

4.2.8 The Owner shall implement a groundwater monitoring program in accordance with the Risk Management Plan. Specifically, the groundwater monitoring program shall include, but not be limited to, the following components:

- i. Be overseen by a Qualified Person;
- ii. Consist of the collection of groundwater samples semi-annually (spring and fall) from locations: MW01, PIN-MW03, PIN-MW201, PIN-MW202, MTE-MW310-13, MTE-MW403-14, MTE-MW602-16 and MTE-MW603-16 as identified in the Risk Management Plan and on Figure 3 of Schedule 'A' of this CPU;
- iii. Groundwater samples shall be sent to an appropriately qualified laboratory and analyzed for the COC identified in Table 1B, Schedule 'A' of this CPU;
- iv. The results of the groundwater samples shall be compared to the Property Specific Standards set out on Table 1B of Schedule 'A' of this CPU.;
- v. At the occurrence of two consecutive years of results for the monitoring carried out in accordance with Part 4.2.8 i., ii., iii. and iv. of this CPU indicating that the measured levels are less than the Property Specific Standards set out on Table 1B of Schedule 'A' of this CPU, a request can be made to the Director in accordance of Part 5.2 a) of this CPU;
- vi. In the event that a sample(s) collected as set out in Parts 4.2.8 i., ii., iii. and iv. of this CPU is greater than the Property Specific Standards set out on Table 1B of Schedule 'A' of this CPU, the Owner shall notify the Director within 10 business days of receiving the analytical results and

collect an additional sample (confirmatory) within 30 business days of receiving the analytical results at the location(s) where the exceedance(s) occurred. The Owner shall provide copies of the confirmatory results to the Director within 10 business days of receiving the analytical results;

- vii. If the sample (s) collected as required by Part 4.2.8 vi. of this CPU is equal to or less than the Property Specific Standards set out on Table 1B of Schedule 'A' of this CPU, monitoring shall continue as set out by Part 4.2.8 i, ii, iii and iv of this CPU and the Risk Management Plan;
 - viii. If the sample (s) collected as required by Part 4.2.8 vi. of this CPU is greater than the Property Specific Standards set out on Table 1B of Schedule 'A' of this CPU, the Owner must retain a Qualified Person to develop and submit a contingency plan as described by the Risk Management Plan including timelines for implementation to the Director within 30 days of receipt of the analytical results.
 - ix. Upon the Owner receiving written approval from the Director regarding the contingency plan submitted as directed by Part 4.2.8 viii. of this CPU, the Owner shall forthwith implement the plan and provide confirmation to the Director. The contingency plan shall be completed under the supervision of a Qualified Person.
 - x. In the event that one or more of the monitoring wells identified in Part 4.2.8 ii. of this CPU are damaged or destroyed, the Owner shall provide written notification to the Director forthwith and the damaged or destroyed monitoring wells shall be either repaired or replaced, as warranted, by a newly installed monitoring well in the same location and be of similar construction, to the extent practicable, as the original monitoring well that was destroyed prior to the next scheduled groundwater sampling event. All damaged monitoring wells that cannot reasonably be repaired shall be decommissioned in accordance with Ontario Regulation 903 as amended from time to time. Monitoring wells may be removed from the groundwater monitoring program upon the Owner receiving written approval from the Director;
 - xi. The Owner shall keep a copy of all sampling data available for inspection by a Provincial Officer upon request.
- 4.2.9 On or before April 30, 2019 and annually thereafter, the Owner shall submit to the Director an annual report documenting the activities relating to the Risk Management Measures undertaken during the previous calendar year. This annual report is to be prepared by a Qualified Person that includes, but is not limited to, the following minimum information requirements:

- i. Inspection and maintenance activities in regards to the surface barriers described by Parts 4.2.1 and 4.2.2 of this CPU;
- ii. Soil and ground water management activities described by Part 4.2.6 of this CPU;
- iii. Groundwater monitoring activities as described by Part 4.2.8 of this CPU; and
- iv. Any other information determined to be necessary by the Qualified Person.

Site Changes

4.3 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

4.4 Retain a copy of any reports required under the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the Director) 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

4.5 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

4.6 Within fifteen (15) days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act, register the certificate of requirement on title to the Property in the appropriate Land Registry Office.

4.7 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 / Occupant Change

- 4.8 While the CPU is in effect, 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 related common elements on the Property.

Financial Assurance

- 4.9 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario

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 amend 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 provided, 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 you 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.

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 you 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 provisions of Sections 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 ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and 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
Fax Toll Free: 1(844) 213-3474
Email: ERTTribunalSecretary@ontario.ca

and

Paul Widmeyer
Director
119 King Street West, 9th Floor
Hamilton, Ontario
L8P 4Y7

Fax: (905) 521-7806
Email: paul.widmeyer@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 Environmental Commissioner of Ontario who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner 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:

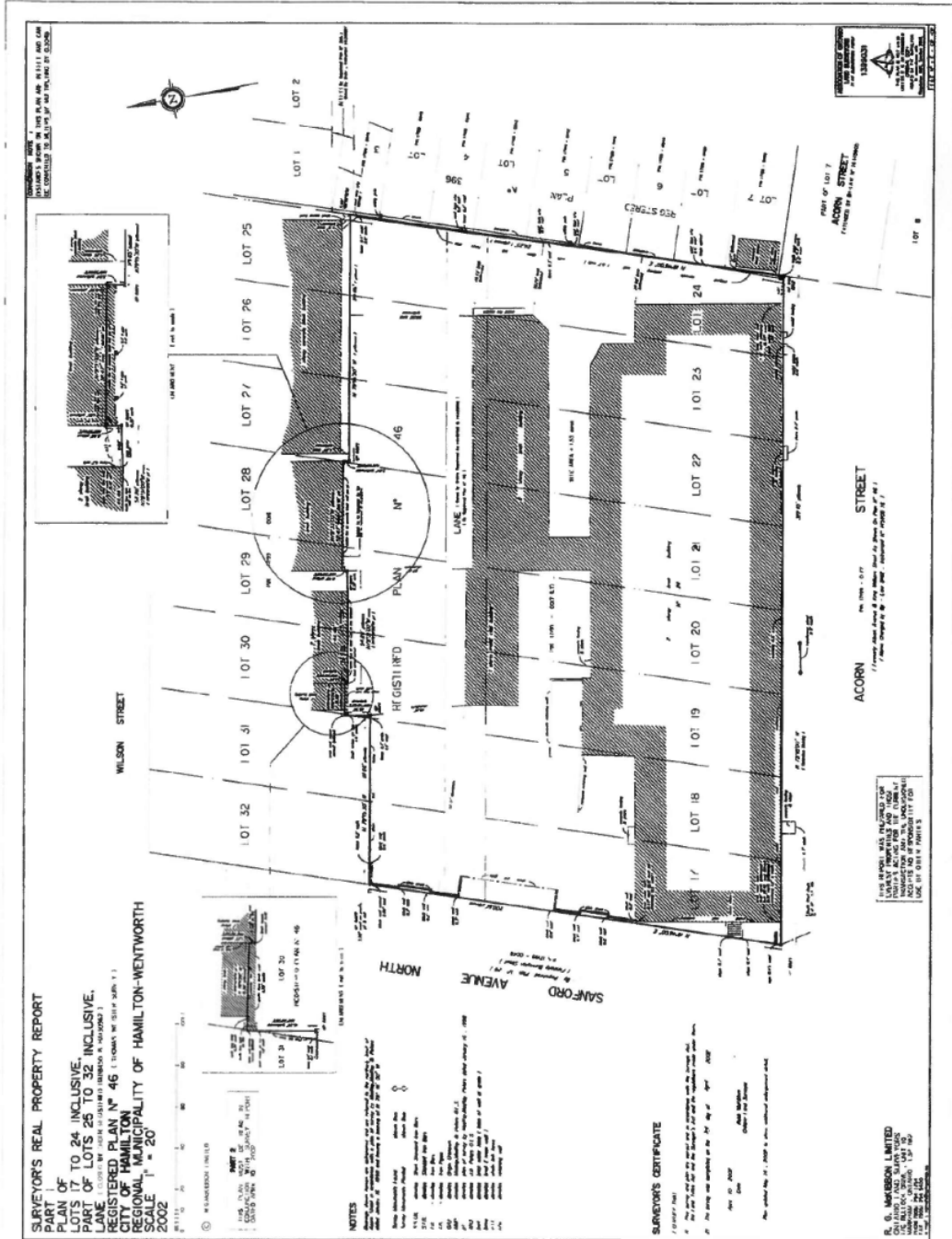
- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and
- 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Issued at Hamilton this **27th** day of **March** 2018.

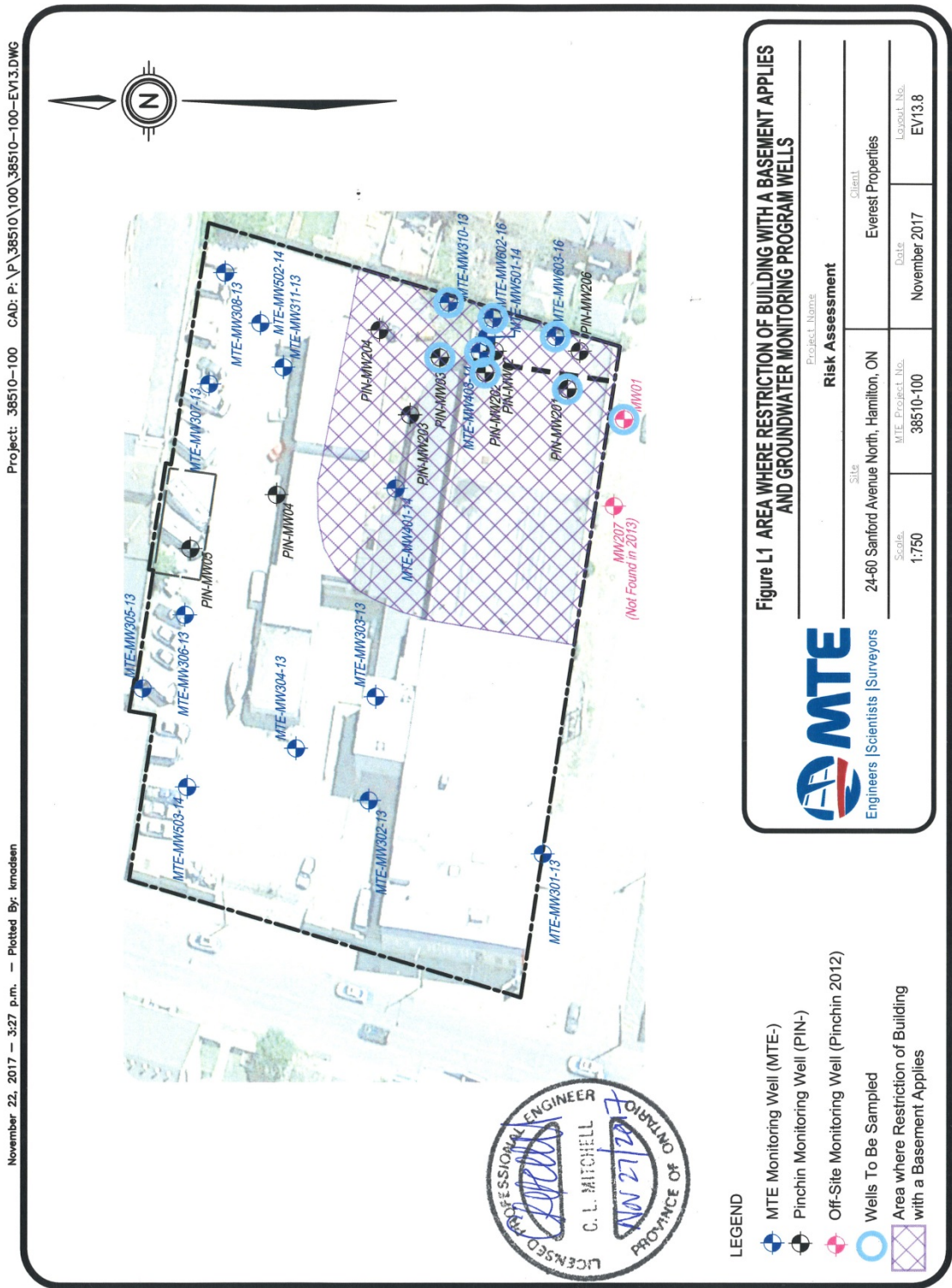
Original Signed By

Paul Widmeyer
Director, section 168.6 of the Act

**Schedule 'A': Figure 1 - Site plan
(not to scale)**



Schedule 'A': Figure 3 – Area where basements are restricted and groundwater monitoring well locations (not to scale)



Schedule 'A': Table 1A: Property Specific Standards – Soil

All values in micrograms per gram except where indicated

Contaminant of Concern	Property-Specific Standard
Acenaphthylene	0.272
Aluminum	45,000
Anthracene	19
Antimony	14,400
Arsenic	168
Benz[a]anthracene	28.7
Benzo[a]pyrene	23.9
Benzo[b]fluoranthene	26.3
Benzo[ghi]perylene	13
Benzo[k]fluoranthene	11.9
Cadmium	35.4
Chrysene	26.3
Copper	23,880
Dibenz[a h]anthracene	3.71
Fluoranthene	66.2
Indeno[1 2 3-cd]pyrene	13.7
Lead	4,320
Petroleum Hydrocarbons F1	1,968
Petroleum Hydrocarbons F2	374
Phenanthrene	61.1
Selenium	9.2
Tin	1,404
Xylene Mixture	45.8
Zinc	32,760

Schedule 'A': Table 1B: Property Specific Standards – Groundwater

All values in micrograms per litre except where indicated

Contaminant of Concern	Property-Specific Standard
Aluminum	120
Benzene	138
Benzo[a]pyrene	1.87
Benzo[b]fluoranthene	2.39
Benzo[ghi]perylene	1.19
Benzo[k]fluoranthene	0.65
Cadmium	7.3
Chrysene	1.49
Copper	522
Ethylbenzene	1,848
Indeno[1 2 3-cd]pyrene	1.24
Iron	7,248
Petroleum Hydrocarbons F1	15,960
Petroleum Hydrocarbons F2	3,936
Petroleum Hydrocarbons F4	660
Xylene Mixture	7,344
Zinc	4,452