

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4700-BLJKVN
Issue Date: March 27, 2020

Nouryon Chemicals LLC
131 South Dearborn Street, Suite 1000
Chicago, Illinois
USA 60603-5566

Site Location: Part of Lot 4, Concession 1
Parts 11, 12, and 14, Reference Plan 52R5391
Lot Part of 4, Concession 1
Cornwall City, United Counties of Stormont, Dundas and
Glengarry
K6H 1E2

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

for the closed 4.07 hectare landfill within a 6.05 hectare total Site area.

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

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

Definitions

- (a) "**Director**" means the one or more persons who from time to time are so designated for the purpose of Part V of the Environmental Protection Act, R.S.O. 1990, as amended from time to time;
- (b) "**District Manager**" means the Manager of the Ottawa District Office, Ministry of the Environment, Conservation and Parks;
- (c) "**ECA**" means this Environmental Compliance Approval, as amended from time to time, and all Schedules attached to and forming part of this ECA;

- (d) "EPA" means the Environmental Protection Act, R.S.O. 1990, as amended;
- (e) "Ministry" or "MECP" means the Ontario Ministry of the Environment, Conservation and Parks;
- (f) "Ontario Regulation 153" or "O.Reg. 153/04" means Ontario Regulation 153/04, Records of Site Condition, made under the EPA, as amended.
- (g) "Owner" means Nouryon Chemicals LLC;
- (h) "Regional Director" means the Director, Eastern Region, Ministry of the Environment, Conservation and Parks;
- (i) "Regulation 347" means Regulation 347 of Revised Regulations of Ontario, 1990 (General - Waste Management), made under the EPA, as amended.
- (j) "Site" means the property known as Former Courtaulds Fibre and Films Landfill, located at Part of Lot 4, Concession 1, Parts 11, 12, and 14, Cornwall, and described in this ECA.
- (k) "Regulation 232" means Ontario Regulation 232/98 (New Landfill Standards) made under the EPA, as amended from time to time.

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

TERMS AND CONDITIONS

General

1. Except as otherwise provided by these Conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and or installed in accordance with the Environmental Compliance Approval Application for a Waste Disposal Site dated March 29, 2019, and supporting documentation, and plans and specifications listed in Schedule "A".
2. The requirements specified in this ECA are requirements under the Act. Issuance of this ECA in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation and regulations.
3. The requirements of this ECA are severable. If any requirements of this ECA, or the application of any requirement of this ECA to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this ECA shall not be affected in any way.
4. The Owner must ensure compliance with all terms and conditions of this ECA. Any non-compliance constitutes a violation of the Act and is grounds for enforcement.
5. (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as

defined in the Act), furnish any information requested by such persons with respect to compliance with this ECA, including but not limited to, any records required to be kept under this ECA; and

- (b) In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this ECA (for the purposes of this condition referred to as "Information"),
 - (i) the receipt of Information by the Ministry;
 - (ii) the acceptance by the Ministry of the Information's completeness or accuracy; or
 - (iii) the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this ECA or any statute or regulation in relation to the Information;shall not be construed as an approval, excuse or justification by the Ministry of any act of omission of the Owner relating to the Information, amounting to non-compliance with this ECA or any statute or regulation.
6. The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:
- (a) carry out any and all inspections authorized by Section 156, 157 or 158 of the Act, Section 15, 16 or 17 of the Ontario Water Resources Act, R.S.O. 1990, or Section 19 or 20 of the Pesticides Act, R.S.O. 1990, as amended from time to time, of any place to which this ECA relates; and,
 - (b) without restricting the generality of the foregoing, to:
 - (i) enter upon the premises where records required by the conditions of this ECA are kept;
 - (ii) have access to and copy, at reasonable times, any records required by the conditions of this ECA;
 - (iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this ECA; and
 - (iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this ECA.
7. Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this ECA, the conditions in this ECA shall take precedence. Where there is a conflict between the documents listed in Schedule "A", the document bearing the most recent date shall prevail.
8. Any information relating to this ECA and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.
9. All records and monitoring data required by the conditions of this ECA must be kept on the Owner's Regional Headquarters at 131 S. Dearborn Street, Suite 1000, Chicago, Illinois 60603-5566, USA for a minimum period of five (5) years from the date of their creation.

Certificate of Prohibition / Registration on Title

10. The Owner shall, if not previously completed:
- (a) within one hundred and twenty (120) calendar days issuance of this ECA, submit to the Director for the Director's signature, two (2) copies of a completed Certificate of Prohibition containing a

registerable description of the Site, in accordance with Form 1 of O. Reg. 14/92 (Document General - Form 4 - Land Registration Reform Act); and

- (b) within ten (10) calendar days of receiving the Certificate of Prohibition signed by the Director, register the Certificate of Prohibition in the appropriate Land Registry Office on title to the Site and submit to the Director following registration the duplicate registered copy.

Transferral or Encumbrance of Site

- 11. Pursuant to Section 197 of the EPA, neither the Owner nor any person having an interest in the Site shall deal with the Site in any way without first giving a copy of this ECA to each person acquiring an interest in the Site as a result of the dealing.
- 12. No portion of this Site shall be transferred or encumbered, unless the Director is notified in advance in writing and is satisfied with the arrangements made to ensure that all terms and conditions of this ECA will be carried out and sufficient financial assurance (EPA, Part XII) is deposited with the Ministry, if requested by the Director, to ensure that these terms and conditions will be carried out.

Notification

- 13. The Owner shall ensure that all communications/correspondence are made pursuant to this ECA.
- 14. The Owner shall notify the District Manager in writing within thirty (30) days of becoming aware of any of the following changes:
 - (i) change of Owner/Operator of the Site or both: and
 - (ii) address of the new Owner or change of address.

Landfill Waste

- 15. No waste may be placed in the landfill at the Site, except for the following:
 - (a) drill cuttings and excavated soil associated with the groundwater remediation program occurring at the Site and adjacent properties to a maximum of 20,000 m³;
 - (b) the soil identified in Condition 15 (a) must meet O.Reg. 153/04 (as amended), Table 3 standards and will be used to recontour the landfill cap; and
 - (c) any soil not meeting these standards shall either be disposed of off-site at the appropriate facility or may be disposed of within the landfill as long as this soil is covered with a low permeable soil cover of at least 600 mm.

Security

- 16. The Owner shall ensure that:
 - (a) access to the Site is restricted by fencing; and
 - (b) fencing and lockable gate are kept in good repair.

Nuisance Control

17. If at any time problems such as odours, dust, litter, noise, vectors, vermin, rodents or other nuisances are found at the Site, the Owner shall take appropriate remedial action to address the nuisance.

Inspections

18. The Owner shall conduct regular inspections of the Site to ensure the landfill cap, leachate collection system, groundwater and gas monitoring wells, and all aspects of the Site are maintained in a manner which minimizes the impacts on the environment and the public.

Staff Training

19. The Owner shall develop and maintain a training plan for current and new Site operations contractors/employees and shall ensure that all Site operations contractors/employees have been adequately trained and receive on-going training with respect to the following:
 - (a) terms, conditions and operating requirements of this ECA;
 - (b) the operation, inspection, and maintenance of the Site;
 - (c) record keeping requirements; and
 - (d) emergency procedures and contingency plans in cases of fire, spills, off-site impacts and any other emergency situations.

Complaints

20. If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:
 - (a) The Owner shall record each complaint on a formal complaint form entered in a log book. The information recorded shall include the nature of the complaint, the name, address and telephone number of the complainant and the time and date of the complaint;
 - (b) The Owner, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
 - (c) The Owner shall retain on-site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the reoccurrence of similar incidents.

Record Keeping

21. The Owner shall record the following at the Site:
 - (a) results of the inspection required under Condition 18; and
 - (b) any accidents, injuries, spills, leaks, other upsets or complaints received.

Spill Reporting

22. The Owner shall promptly take all necessary steps to contain and clean up any spills which result from the

operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition 23 of this ECA, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

23. Within three (3) days of knowledge of any spill or incident that occurs at the Site, the Owner shall submit to the District Manager a written report outlining the nature of the incident, remedial measures taken and measures taken to prevent potential future occurrences.

Monitoring Plan

24. The Owner shall retain qualified professionals to conduct groundwater, landfill gas, and leachate monitoring as per Attachment H of Item 1 of Schedule "A" , and as modified by the District Manager.
25.
 - (a) All monitoring wells which form part of any monitoring program shall be protected from damage.
 - (b) Any groundwater monitoring wells that are damaged shall be repaired, replaced forthwith or properly abandoned.

Site Closure

26. No later than March 31, 2021, the Owner must submit, for approval by the Director, a written Closure Plan for the Site. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the Site, a description and timeline of any further remedial action required at the Site, monitoring and long term maintenance of the Site.

Annual Report

27. No later than March 31 of each year, the Owner shall submit to the District Manager an Annual Report on the operation and monitoring of the Site for the preceding calendar year.
28. The Annual Report shall, as a minimum, include the following elements:
 - (a) Executive Summary
 - (b) Site Operations
 - i) A report on the activities occurred during the last year at the Site;
 - ii) A summary of complaints regarding Site operations and the Owner's response;
 - iii) An assessment as to whether or not the Owner is operating the Site in compliance with the Conditions of this ECA;
 - (c) Environmental Quality Monitoring
 - i) An analysis and interpretation of all monitoring data;
 - ii) An assessment of the groundwater quality with respect to Table 3 standards of O.Reg. 153/04 (as amended);
 - iii) An assessment of the landfill gas generation and potential impacts on local receptors; and
 - iv) An assessment of the leachate generated, captured and disposed off at the Site.
 - (d) Recommendations
 - i) Recommendations on any proposed changes to the monitoring programs or any repairs required

- to the monitoring well network.
 - ii) Recommendations on the requirement for any remedial works or contingency actions based on the monitoring results or Site operations.
29. The monitoring program may be altered by obtaining the written consent of the District Manager prior to these changes being made.
30. In the event that the results of the monitoring program are such that an off-site exceedance of the Table 3 standards of O.Reg. 153/04 (as amended), can reasonably be predicted to occur, the Owner shall include in the annual report:
- a) the details of any such predicted off-site exceedance, including the assumptions upon which the prediction is based;
 - b) a discussion of the modifications, if any, to intended operations which would be necessary to prevent the predicted off-site exceedance;
 - c) a discussion of the modifications, if any, which should be made to the monitoring program; and
 - d) a discussion of other mitigation measures or contingency actions, if any, which may be necessary to prevent off-site impacts.

Financial Assurance

31. (1) Within sixty (60) days of issuance of this notice the Owner shall submit to the Director, Financial Assurance, as defined in Section 131 of the Act, for the amount of \$6,015,224. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time;
- (2) Commencing on March 31, 2023 and at intervals of three (3) thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 31.(1). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director;
- (3) Commencing on March 31, 2021, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 31. (1) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 31.(2). The re-evaluation shall be made available to the Ministry, upon request.; and
- (4) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

Schedule "A"

This Schedule "A" forms part of this ECA Approval:

1. Application and supporting information for Environmental Compliance Approval of a Waste Disposal Site, dated March 29, 2019 and signed by Jeffery T. Massari, Vice President, Secretary, and General Counsel, Nouryon Chemicals LLC.

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

1. *The reason for Condition 1 is to ensure that this Waste Disposal Site is operated in accordance with the application submitted by the Owner, and not in a manner which the Director has not been asked to consider.*
2. *The reason for Conditions 2, 3, 4, 7, 8, 9, 12, 13 and 14 is to clarify the legal responsibilities and obligations imposed by this Environmental Compliance Approval.*
3. *The reason for Conditions 5 and 6 is to ensure that appropriate Ministry staff have ready access to the system in order to confirm that the system is being operated according to this Environmental Compliance Approval. The condition is supplementary to the powers afforded a Provincial Officer pursuant to the Environmental Protection Act, the Ontario Water Resources Act, and the Pesticides Act, as amended.*
4. *The reason for Conditions 10 and 11 is to protect future occupants of the site and the environment from any hazards which might occur as a result of waste being disposed of on the site. This prohibition and potential hazard should be drawn to the attention of future owners and occupants by the Environmental Compliance Approval being registered on title.*
5. *The reason for Condition 15 is to specify that no further waste is acceptable at the Site.*
6. *The reason for Condition 16 is to minimize the risk of unauthorized entry to the Site.*
7. *The reason for Condition 17 is to ensure that reasonable methods are employed at the Site to deal with any nuisances.*
8. *The reason for Condition 18 is to specify the inspections that must be conducted at the Site to ensure that the Site is not causing any environmental issues to the natural environment and/or human health.*
9. *The reason for Condition 19 is included to ensure that the Owner properly trained the staff operating the site to ensure that the operations are undertaken in accordance with the requirements of this Environmental Compliance Approval.*
10. *The reason for Condition 20 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.*

11. Condition 21 is included to ensure that the Owner accurately estimates the amount of waste brought to the Site so that compliance with this Certificate can be verified.

12. The reason for Conditions 22 and 23 is to ensure that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures. This will minimize the possibility of spills occurring and will enable staff to deal promptly and effectively with any spills that do occur.

13. Conditions 24 and 25 are included to require the Owner to undertake the monitoring activities in accordance with the methods acceptable to the Ministry, in order to demonstrate that the Site impacts on the natural environment are acceptable.

14. The reason for Condition 26 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the environment.

15. Conditions 27 through 30 are included to ensure that regular review of Site development, operations and monitoring is documented and any possible improvements to site design, operations or monitoring programs are identified.

16. The reason for Condition 31 is to provide financial assurance for the contaminating life of the Site.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

AND

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 27th day of March, 2020



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

CM/
c: Area Manager, MECP Cornwall
c: District Manager, MECP Ottawa
Jeremy Piper, Jacobs Engineering Group