

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4462-AD6P6S

Issue Date: May 28, 2020

781998 Ontario Inc.
86 Front Road West
Champlain, Ontario
K0B 1K0

Site Location: Mayer Waste Transfer Facility
194 County Road 17
Township of Champlain, United Counties of Prescott and Russell

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

a 2.66 hectare Waste Disposal Site (Transfer) to be used for the receipt, processing and transfer of solid, non-hazardous waste.

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:

"Approval" means this entire Environmental Compliance Approval document, issued in accordance with the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A";

"Adverse Effect" is as defined in the EPA;

"ARA" means the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended;

"Contaminants of Concern" have the same meaning as in O. Regulation 153/04;

"Design and Operations Report" means the Design and Operations Report, amended as Item 4 of Schedule "A" of this Approval or the most recent Design and Operations Report approved by the Ministry;

"Director" means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA;

“**District Manager**” means the District Manager of the local district office of the Ministry for the geographic area in which the Site is located;

“**EPA**” means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended;

"**Excess Soil**" means excess soil as defined in O. Regulation 406/19, as amended;

"**Excess Soil Criteria**" means the Excess Soil Quality Standards set out in the Soil Rules required for a Reuse Site and also includes the site specific criteria as set out in Section D of the Soil Rules;

"**Inert Fill**" is as defined in Reg. 347;

"**IC&I**" means industrial, commercial and institutional;

"**leaf and yard waste**" means grass clippings, leaves and plant waste including natural Christmas trees and other plant materials, but not tree limbs or other woody materials in excess of 7 centimetres in diameter;

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

“**Ministry**” means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees, or other persons acting on its behalf;

"**m³**" means cubic metres;

"**Operator**" means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site;

"**O. Regulation 153/04**" means Ontario Regulation 153/04: Records of Site Condition - Part XV.1 of the EPA, as amended;

"**O. Regulation 406/19**" means Ontario Regulation 406/19, entitled "On-Site and Excess Soil Management" made under the EPA, as amended;

"**O. Regulation 406/19 Implementation Date**" means the date on which O. Regulation 406/19 comes into force, which is the later of July 01, 2020 and the day it is filed;

“**Owner**” means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes 781998 Ontario Inc., its successors and assigns;

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

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

"**Permit**" means any instrument under a provincial Act or any instrument under a federal Act that can regulate the quality or quantity of Tested Soil deposited at a receiving site, and includes a fill permit issued for the receiving site under a municipal by-law enacted under section 142 of the *Municipal Act*, S.O. 2001, c.25, as amended, or a development permit for the receiving site granted under a Regulation made pursuant to section 28 of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, as amended;

"**Phase I ESA**" means Phase I Environmental Site Assessment, as defined in O. Regulation 153/04, as amended;

"**Phase II ESA**" means Phase II Environmental Site Assessment, as defined in O. Regulation 153/04, as amended;

"**Provincial Officer**" means any person designated in writing by the Minister as a provincial officer pursuant to Section 5 of the OWRA or Section 5 of the EPA or Section 17 of the PA or Section 4 of the NMA or Section 8 of the SDWA;

"**Qualified Person**" means a person who meets the qualifications to be a qualified person for conducting a Phase I ESA and a Phase II ESA and for completing certifications in a record of site condition, as set out in Section 5 of O. Regulation 153/04 made under the EPA;

"**Reg. 347**" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

"**Receiving Site**" means the site where the Tested Soil can be transferred to during the transition period (until O. Regulation 406/19 Implementation Date) in accordance with the requirements set out in this Approval;

"**Residual Waste**" means waste remaining after processing that is destined for final disposal or further processing at another approved waste disposal facility;

"**Reuse Site**" is as defined in O. Regulation 406/19;

"**Rock**" is as defined in O. Regulation 406/19;

"**RSC**" means the record of site condition;

"**Site**" means the 2,66 hectare portion of the property legally identified as Part of Parts 3, 6 and 7 on Registered Plan 46R-5100 and south of Part 3 on Registered Plan 46R-5726, Township of Champlain, with the municipal address of 194 County Road 17, Township of Champlain;

"**Slump Test**" means the Test Method for the Determination of Liquid Waste detailed in Schedule 9 of Reg. 347;

"**Soil Rules**" have the same meaning as in O. Regulation 406/19 and means the document entitled "*Part I: Rules for Soil Management*", published by the Ministry and as amended from time to time, available on a website of the Government of Ontario as Part I of the document entitled "Rules for Soil Management and Excess Soil Quality Standards";

"**Soil Standards**" means the concentrations of the contaminants in the Standards Document;

"**Soil**" within the context of this Approval, means Soil as defined in O. Regulation 406/19, that is a dry waste which contains Contaminants of Concern but which does not contain more than insignificant amounts of incidental debris or other non-hazardous waste, and handling of which is subject to the Environmental Compliance Approval requirements under the EPA;

"**Source Site**" means the source of the incoming Soil or Excess Soil;

"**Standards Document**" means the Ministry's document entitled "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act", revised version April 15, 2011, as amended;

"**SVOCs**" means semi-volatile organic compounds;

"**Table 2 Soil Standards**" means the full depth generic site condition standards for potable ground water site conditions for industrial/commercial/community property use listed in Table 2 of the Standards Document;

"**TCLP**" means Toxicity Characteristic Leaching Procedure as described in Reg. 347;

"**Tested Soil**" means the Soil that has been tested in accordance with this Approval to demonstrate compliance with the appropriate Soil Standards or the Excess Soil Criteria defined in this Approval. Tested Soil is limited to the characterized Soil received for transfer and intended for transfer to a waste disposal site or the same Receiving Site or the same Reuse Site;

"**Trained Personnel**" means competent personnel that have been trained through instruction and/or practice in accordance with Condition 19.1 of this Approval;

"**VOCs**" means volatile organic compounds; and

"**wood waste**" is as defined in Reg. 347.

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

TERMS AND CONDITIONS

GENERAL

1.0 Compliance

- 1.1 The Owner shall ensure compliance with all the conditions of this Approval, and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions herein, and shall take all reasonable measures to ensure any such person complies with the same.
- 1.2 Any person authorized to carry out work on, or operate any aspect of, the Site shall comply with the conditions of this Approval.
- 1.3 The Site shall be operated and maintained at all times in accordance with the EPA, Reg. 347 and the conditions of this Approval. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

2.0 Design, Develop, Build, Operate, Modify and Maintain in Accordance

2.1 Except as otherwise provided for in this Approval, the Site shall be designed, developed, built, operated, modified and maintained in accordance with this Approval, the Environmental Compliance Approval application dated July 04, 2019 and the other supporting documentation listed in Schedule "A".

3.0 Interpretation

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

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

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

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

4.0 Other Legal Obligations

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

- (a) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement including, but not limited to:
 - (i) obtaining site plan approval from the local municipal authority;
 - (ii) obtaining all necessary building permits from the local municipal authority Building Services Division;
 - (ii) obtaining approval from the Chief Fire Prevention Officer, local municipal authority: or
- (b) limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.

5.0 Adverse Effect

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

5.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval the Owner, Operator or any other person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

6.0 Change of Owner

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

- (a) the ownership of the Site;
- (b) the appointment of, or change in, the Operator of the Site;
- (e) the address of the Owner or Operator;
- (f) the partners, where the Owner is or at any time becomes a partnership and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B-17 shall be included in the notification; and
- (g) the name of the corporation where the Owner is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C-39 shall be included in the notification.

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

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

7.0 Inspections

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

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

8.0 Information and Record Retention

- 8.1 Any information requested, by the Ministry, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.
- 8.2 The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
- (a) an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
 - (b) acceptance by the Ministry of the information's completeness or accuracy.
- 8.3 All records required by the conditions of this Approval must be retained on Site for a minimum period of five (5) years from the date of their creation.
- 8.4 Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

FINANCIAL ASSURANCE

9.0 Financial Assurance

- 9.1 Within thirty (30) days of issuance of the Approval, the Owner shall retain with the Director, financial assurance as defined in Section 131 of the EPA, in the amount of \$22,264.00. This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.
- 9.2 Commencing on September 1, 2020, and every four (4) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 9.1. Additional financial assurance, if required, must be submitted to the Director within thirty (30) days of written acceptance of the re-evaluation by the Director.
- 9.3 Commencing on September 1, 2018, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Condition 9.1 for each of the intervening years in which a re-evaluation is not required to be submitted the Director under Condition 9.2. The re-evaluation shall be made available to the Ministry, upon request.
- 9.4 The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion; and

- 9.5 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 Owner shall forthwith replace the financial assurance with cash.

SITE OPERATIONS

10.0 Approved Waste Types and Processes

- 10.1 (a) The Site is approved to receive non-hazardous solid waste generated by residential, commercial, industrial and institutional sources, leaf and yard waste, contaminated Soil and wood waste generated within the Provinces of Ontario and Quebec.
- (b) With respect to contaminated Soil, the Owner shall comply with the requirements listed in Condition 14 of this Approval.
- 10.2 Processing activities at the Site shall be limited to the storage and sorting of incoming waste using manual labour or mechanical assistance (e.g. excavators and loaders). No mixing, bulking or blending of Soil shall take place.

11.0 Approved Quantities, Waste Handling and Storage

- 11.1 The Owner shall ensure that the maximum amount of all waste, as approved under Condition 10.1(a), received at the Site is as follows:
- (a) a maximum of 160 tonnes per day; and
- (b) a maximum of 49,920 tonnes in any one calendar year period.
- 11.2 The Owner shall ensure that the maximum amount of all waste, as approved under Condition 10.1(a), present on Site does not exceed 160 tonnes at any one time.
- 11.3 In the event that waste cannot be transferred from the Site, the Owner shall cease accepting any additional waste and shall ensure the total amount of waste on Site does not exceed the maximum quantities approved under Condition 11.1
- 11.4 The Owner shall ensure that:
- (a) all waste is inspected by a Trained Personnel prior to being accepted at the Site to ensure that the waste is of a type approved for acceptance under this Approval; and
- (b) all waste is received and sorted within the confines of the lined sorting area; and
- (c) waste segregated for diversion (recycling or reuse) is stored in designated bins within the confines of the lined sorting area or the material storage area before transfer; and
- (d) waste destined for final disposal is compacted in bins and stored only within the confines of the lined sorting area or the material storage area before transfer; and
- (e) contaminated soil is kept segregated from all other waste; and
- (f) no waste, including waste destined for recycling, but excluding leaf and yard waste, shall be kept on Site for greater than 30 days; and
- (g) leaf and yard waste shall be kept on the Site for a maximum of four (4) days.

12.0 Hours of Operation

12.1 The Site is approved to operate Monday through Saturday between 7:00 a.m. and 5:00 p.m.

13.0 Signage and Security

13.1 The Owner shall maintain the Site in a secure manner such that unauthorized person cannot enter the Site when the Site is closed.

13.2 The Owner shall ensure that Trained Personnel are on duty at all times when the Site is open to ensure proper supervision of all activities.

13.3 The Owner shall erect a sign at the entrance to this Site identifying the name of the Site, the hours of operation, the type of waste accepted and a twenty-four (24) hour telephone number to contact the Owner in the event of an emergency or complaint.

14.0 Soil Receiving, Handling, Storage and Disposal

Incoming Soil

14.1 Prior to accepting any Soil at the Site, the Owner shall acquire from the Source Site owner, the documentation that contains information on the Source Site and characterization of the incoming Soil, unless the Soil is received in accordance with the following subconditions:

- (a) provided that the Soil is shown to be a solid non-hazardous waste, any Soil received at the Site without the required Soil characterization documentation shall remain segregated from all other Soils and materials and be covered until the documentation is received by the Owner and deemed acceptable by Trained Personnel or the Soil is characterized at the Site in accordance with this Approval;
- (b) provided that the Soil is shown to be a solid non-hazardous waste, the Owner may accept the Soil, for which the required documentation is deficient or unavailable, if the Soil remains segregated from all other Soils and materials and is covered, until sufficient samples of the Soil are sampled at the Site and tested in accordance with this Approval;
- (c) the Owner may accept the Soil from emergency spill response activities, if the Soil remains segregated from all other Soils and materials and is covered, until Soil characterization is completed in accordance with this Approval;

14.2 The Soil characterization documentation required in Condition 14.1 shall,

- (a) be for Soil from each Source Site;
- (b) include the following information:

- i. the generator's name and/or company name, address and contact information;
- ii. the Source Site location;
- iii. current Source Site's activities and land use;
- iv. past Source Site's activities and land use, if known;
- v. estimated quantity of the Soil to be received at the Site; and

(c) include the sampling information and the results of testing, as required by Conditions 14.5, 14.6, 14.7 or 14.8.

14.3 In the event that a load of Soil is refused, a record shall be maintained identifying the reason for refusal and the generator and/or the origin of the waste, if known.

Soil Characterization

14.4 Unless the incoming Soil has been already adequately characterized at the Source Site or at the spill site as required by this Approval, the Owner shall characterize the Soil at the Site to determine its nature, constituents and characteristics. The characterization shall be in accordance with the requirements set out in Conditions 14.5, 14.6, 14.7 or 14.8.

14.5 **Starting on the O. Regulation 406/19 Implementation Date**, the required Soil characterization shall include the details on the sampling and testing protocols/methods in accordance with the requirements in O. Regulation 406/19 and the Soil Rules.

14.6 **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, for Soil destined for transfer for final disposal at an approved non-hazardous waste disposal site as set out in Condition 14.13(a), the following Soil sampling and analytical results data are required:

- (a) sampling protocols, including the number of samples taken and their locations, the sampling methods used and procedures for handling of the samples;
- (b) analytical results for the Slump Test if the Soil has a high moisture content;
- (c) any applicable analytical results demonstrating that the Soil does not trigger any criteria from the hazardous waste definition from Reg. 347, including TCLP analysis; and
- (d) any other applicable analytical results as required by waste disposal site's owner.

14.7 **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, for Soil destined for the **Receiving Sites** as set out in Conditions 14.13(b) through 14.13(e), the following Soil sampling and analytical results data are required:

- (a) results of any Phase I ESA and Phase II ESA undertaken for the Source Site in accordance with the Ministry's requirements under O. Regulation 153/04; or;
- (b) the following Soil sampling and analytical results data:

- i. sampling protocols, including the number of samples taken and their locations collected in accordance with one of the following:
 - A. for an in-situ and ex-situ characterization of the Soil from residential Source Sites:
 1. a minimum of one (1) sample shall be collected for each 500 m³ of the Soil to be excavated/excavated for testing of VOCs and SVOCs;
 2. a minimum of one (1) sample shall be collected for each 300 m³ of the Soil to be excavated/excavated for all other testing, including testing for petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34)
 - B. for an in-situ characterization of the Soil from IC&I Source Sites:
 1. a minimum of three (3) samples shall be collected if less than 600 m³ of the Soil is to be excavated;
 2. a minimum of one (1) sample shall be collected for each 200 m³ of the Soil for the first 10,000 m³ of the Soil to be excavated;
 3. a minimum of one (1) sample shall be collected for each additional 450 m³ of the Soil after the first 10,000 m³ of the Soil to be excavated;
 4. at least one (1) sample shall be collected for each additional 2,000 cubic metres after the first 40,000 cubic metres of the Soil to be excavated.
 - C. for an ex-situ characterization of the Soil from IC&I Source Sites:
 1. for stockpiles size smaller than three (3) m³, a minimum of three (3) aliquots shall be taken for each m³ of Soil, and that a composite sample of the Soil shall be prepared for the required analysis;
 2. stockpiles of size greater than three (3) m³ but less than five thousand (5,000) m³, the Soil representative individual grab samples shall be taken in accordance with the following sampling frequency for the required analysis:
 3. for stockpile volume of less than 50 m³, a minimum of 1 sample shall be collected;
 4. for stockpile volume of more than 50 m³ but less than 150 m³, a minimum of 3 samples shall be collected;
 5. for stockpile volume of more than 150 m³ but less than 500 m³, a minimum of 5 samples shall be collected;
 6. for stockpile volume of more than 500 m³ but less than 1,500 m³, a minimum of 10 samples shall be collected;

7. for stockpile volume of more than 1,500 m³, a minimum of 15 samples shall be collected;
 8. for the Soil stockpiles of size greater than 5,000 m³, the sampling frequency shall be determined in accordance with the following formula: $N = 32 + (\text{volume of stockpile} - 5000 / 300)$;
- ii. sampling methods used and procedures for handling of the samples shall be in accordance with the requirements set out in the Section B of Part I of the Soil Rules or in accordance with the instructions of the accredited laboratory carrying out the analytical testing;
 - iii. sampling of Soil for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Reg. 347, shall be in accordance with the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Reg. 347", as amended;
 - iv. slump from the Slump Test if the Soil has a high moisture content;
 - v. any applicable analytical results demonstrating that the Soil does not trigger any criteria from the hazardous waste definition from Reg. 347, including TCLP analysis results;
 - vi. bulk concentrations of the parameters listed in Section B of Part I of the Soil Rules;
 - vii. bulk concentrations of other potential Contaminants of Concern, including other VOCs and SVOCs, based on the current and past Source Site activities and land uses;
 - viii. analytical methods for determining bulk concentrations of contaminants in the Soil, in accordance with the Ministry's document entitled "Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act" dated March 9, 2004, amended July 1, 2011, and as further amended at any time or in accordance with Section B of Part I of the Soil Rules;
 - ix. leachate characterization shall be done in accordance with the TCLP;
 - x. explanation and justification why the requirements listed in Condition 14.7(b)i. through 14.7(b)ix., may not be applicable.

14.8 **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, if the Soil must be characterized at the Site, the Owner shall carry out the required characterization as follows:

- (a) sampling of the Soil shall be carried out for Soil from each Source Site;

- (b) sampling of the incoming Soil shall be carried out within twenty four (24) hours from its receipt, or on the next business day, whichever comes first;
- (c) samples shall be submitted to an accredited laboratory immediately after collection or on the next business day, whichever comes first, for the required analysis;
- (d) samples shall be collected in accordance with the ex-situ sampling frequency protocol, above listed in Conditions 14.7(b)i.A. or 14.7.(b)i.C.;
- (e) samples shall be tested for the parameters listed in Conditions 14.7(b)v., 14.7(b)vi., and 14.7(b)vii., above
- (f) sampling and testing methods shall be in accordance with Conditions 14.7(b)ii., 14.7(b)iii., 14.7(b)viii., and 14.7(b)ix., above
- (g) any additional sampling and analysis specific to the Receiving Site shall be carried out as required by the local municipality, the local conservation authority and any applicable federal/provincial legislation;
- (h) should the Receiving Site be subject to the requirements set out in O. Regulation 153/04, additional sampling and analysis specific to the Receiving Site shall be carried out as recommended by the Qualified Person for the Receiving Site.

14.9 All reasonable measures in the way of laboratory, compatibility and bench testing of waste and materials shall be taken to ensure that the transfer and processing of wastes at the Site will not result in uncontrollable reactions that could result in a fire or release of contaminants to the natural environment.

Soil Storage

14.10 The Owner shall ensure that:

- (a) Soils are kept segregated from all other waste; and
- (b) Soils from different Source Sites shall remain segregated until their transfer from the Site.

Tested Soil Quality Criteria

14.11 The Tested Soil shall meet the following quality criteria:

- (a) **Starting on the O. Regulation 406/19 Implementation Date**, the applicable Excess Soil Criteria;
- (b) **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, the quality criteria required for the specific end-use of the Tested Soil as set out in Condition 14.13; and

- (c) any other applicable requirements for the receiving site as required by the local municipality, the local conservation authority and any applicable provincial/federal legislation.

Soil Disposal and Re-use Requirements

14.12 **Starting on the O. Regulation 406/19 Implementation Date**, the Tested Soil may leave the Site to the Reuse Site only in accordance with the requirements set out in O.Regulation 406/19 and the Soil Rules.

14.13 **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, the Tested Soil may leave the Site only to be deposited at any one of the following Receiving Sites:

- (a) a waste disposal site approved under Part II.1 of the EPA to accept the Tested Soil;
- (b) a RSC property within the meaning of O. Regulation 153/04, provided that the Tested Soil deposition on, in or under the property complies with the requirements set out in s. 55 of O. Regulation 153/04;
- (c) a property that is a pit or quarry under the ARA, if:
 - i. a Qualified Person has confirmed in writing that the concentrations of constituent contaminants of the Tested Soil and the deposition of the Tested Soil at the pit or quarry complies with the requirements of the ARA, and the regulations, the site plan and the conditions of the licence or permit under the ARA; and
 - ii. a Qualified Person has determined it is appropriate to bring the Tested Soil to the site and this determination was done with consideration given to the contaminant volumes and loading, the impacts on the existing conditions at the Receiving Site and the introduction of new contaminants to the Receiving Site;
- (d) a property for which a Permit has been issued and the Tested Soil complies with the requirements outlined in the Permit;
- (e) any other Receiving Site not already listed in paragraphs 14.13(a) through 14.13(d), above, provided that, this Receiving Site has been assessed by a Qualified Person and the Qualified Person has confirmed in writing that the maximum concentrations of constituent contaminants of the Tested Soil do not exceed the following quality criteria:
 - i. the Receiving Site's existing average concentrations of said constituents in the soil horizon in which the Tested Soil is to be deposited, or in the soil horizon of equivalent depth immediately below the fill if the Tested Soil is to be placed on top of the existing soil surface;

- ii. the appropriate Table 2 Soil Standards for the current land use of the Receiving Site if the said Table 2 Soil Standards are lower than the Receiving Site's existing average concentrations referred to in 14.13(e)i., above; or
- iii. the appropriate Table 2 Soil Standards for the current land use of the Receiving Site if the Qualified Person has confirmed in writing that:
 - A. the Qualified Person has determined it is appropriate to use the applicable Soil Standards for bringing the Tested Soil to the Receiving Site; and
 - B. the Qualified Person has determined this with consideration given to the Ministry document "*Rationale for the Development of Soil and Ground Water Standards for Use at Contaminated Sites in Ontario, revised version April 15, 2011*", including consideration of the factors used in setting the Soil Standards.

14.14 Notwithstanding Condition 14.13(e), the Receiving Sites covered under Condition 14.13(e), cannot include a type of property described in section 41.1(1) of O. Regulation 153/04.

14.15 Before shipping any Tested Soil from the Site to the Receiving Site, the Owner shall obtain from the Receiving Site's owner a written confirmation certified by a Qualified Person, that:

- (a) the Tested Soil quality and quantity is appropriate for the Receiving Site;
- (b) the Receiving Site's owner agrees to accept the Tested Soil; and
- (c) the deposition of the Tested Soil at the Receiving Site will not cause an Adverse Effect to human health or the environment.

14.16 A Qualified Person shall certify that the confirmations required in Conditions 14.13 and 14.15, above, have been based on engineering or scientific opinions made in accordance with generally accepted principles and practices as recognized by members of the environmental engineering or science profession or discipline practising at the same time and in the same or similar location.

14.17 Any Tested Soil that exceeds the quality criteria appropriate for its intended site/property end-use shall be:

- (a) segregated from all other waste and Tested Soil at the Site; and
- (b) removed from the Site within fourteen (14) days of the date of the compliance testing report using an approved hauler, as required, unless otherwise authorized in writing by the District Manager.

14.18 Except for Soil intended for deposition at a Receiving Site or a Reuse Site, the Owner shall ensure that all Waste received at the Site, including Rock that does not meet the definition of an Inert Fill, all Soil that contains more than an insignificant amount of incidental construction and/or demolition waste or other non-hazardous waste debris and all Soil that contains foundry sands, slag, emission control dusts or treatment residues are only transferred to:

- (a) a waste disposal site approved to accept that type of waste to be further processed, used or disposed of in accordance with the Environmental Compliance Approval for that site; or
- (b) a location not required to obtain an Environmental Compliance Approval but having an appropriate jurisdictional approval or a license, if required.

15.0 Nuisance Control

- 15.1 The Owner shall operate and maintain the Site in a manner which ensures the health and safety of all persons and the protection of the environment through active prevention of any possible environmental adverse effects, including but not be limited to odours, dust, litter, vectors, vermin and noise.
- 15.2 If at any time vectors or vermin are deemed a nuisance by the Provincial Officer, the Owner shall hire a qualified, licensed pest control professional to design and implement a pest control plan for the Site. The pest control measures shall then remain in effect until the Site has been closed and this Approval has been revoked.
- 15.3 The Owner shall maintain the existing vegetative buffer on the perimeter of the Site to control off-site impacts of stormwater runoff.

16.0 Site Inspections and Maintenance

- 16.1 The Owner shall conduct daily inspections of the equipment and facilities at the Site to ensure that all equipment and facilities are in good working condition and operated in a manner that will not negatively impact the environment. Any deficiencies, that might negatively impact the environment detected during these regular inspections shall be promptly corrected.
- 16.2 The Owner shall develop and implement a preventative maintenance program for all equipment associated with the processing and managing of waste and/or processed materials in accordance with equipment manufacturers' recommendations. The preventative maintenance program shall be available on Site for inspection by a Provincial Officer upon request.

17.0 Spills and Emergency Response and Reporting

- 17.1 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from operations at the Site.
- 17.2 All spills and upsets, as defined by the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060.
- 17.3 (a) The Owner shall have in place an Emergency Response Plan that outlines procedures to be taken in the event of an emergency. The plan shall include, but not be limited to:
 - (i) emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods for each individual waste;

- (ii) a list of contingency equipment and spill clean up materials, including names and telephone numbers of waste management companies available for emergency response;
- (iii) a notification protocol, with names and telephone numbers of persons to be contacted, including Owner, Operator, Trained Personnel, the Ministry's Spills Action Centre and District Manager, the local fire and police departments, the local municipality, the local Medical Officer of Health, and the Ministry of Labour; and
- (iv) procedures to be undertaken in the event of environmental adverse effects resulting from, but not limited to, odours, dust, litter, vectors and noise from the Site.

(b) A copy of the Spill Contingency and Emergency Response Plan shall be kept on the Site at all times, in a prominent location available to all staff. Copies shall be made available to District Manager, local municipality or local fire department upon request.

(c) The Owner shall review the Spill Contingency and Emergency Response Plan on an annual basis at a minimum, and ensure that the plan is current and accurate.

17.4 The Owner shall ensure that the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan are immediately available on the Site at all times, in a good state of repair, and fully operational.

17.5 The Owner shall have in place a written contingency plan which details how waste will be stored or disposed of in the event that it cannot be removed from the Site in the usual manner. If implementation of the contingency plan is necessary, it shall be effected through written concurrence from the District Manager.

18.0 Complaints

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

- (a) The Owner shall record and number each complaint, either electronically or in a log book, and shall include the following information:
 - (i) the nature of the complaint,
 - (ii) the name, address and the telephone number of the complainant if the complainant will provide this information and
 - (iii) the time and date of the complaint;
- (b) The Owner, upon receipt of the complaint, shall notify the District Manager of the complaint and 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 complete, and retain at the 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 recurrence of similar incidents.

19.0 Training

- 19.1 (a) The Owner shall ensure that employees are trained, and receive annual refresher training, on the operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual, employee including but not limited to:
- (i) proper receiving and recording procedures (including recording procedures of wastes which are refused at the Site);
 - (ii) proper storage, handling, sorting and shipping procedures;
 - (iii) the use of emergency equipment and the procedures to be employed in the event of an emergency;
 - (iv) procedures outlined in the contingency plan in the event that there is a business disruption;
 - (v) record keeping procedures;
 - (vi) inspection and maintenance procedures.
 - (vii) procedures for minimizing nuisances; and
 - (viii) procedures for recording and responding to public complaints.
- (b) the Owner shall ensure that employees who oversee operations at the Site are trained, and receive annual refresher training in:
- (i) relevant waste management legislation, including but not limited to Reg. 347;
 - (ii) terms, conditions and operating requirements of this Approval.

DOCUMENTATION

20.0 Record Keeping

- 20.1 (a) The Owner shall maintain, regularly review and update as necessary the Design and Operations Report.
- (b) Applications to amend this Approval shall include submission of the most current version of the Design and Operations Report.
- 20.2 The Owner shall maintain a written or digital record of daily activities undertaken at the Site. All measurements shall be recorded in consistent metric units of measurement. The record shall include, as a minimum, the following information:
- (a) date of receipt and the name of the contaminated Soil generator, Source Site location, land/use of the Source Site, and the quantity (tonnage and number of trucks) of the contaminated Soil received;
 - (b) date of receipt and the name of the waste, other than the contaminated Soil, generator, and the quantity (tonnage and number of trucks);
 - (c) results of the required characterization of the incoming waste, other than the contaminated Soil;
 - (d) date, quantity, type, quality (including the sampling and analytical data from any off-site characterization) of the incoming contaminated Soil;
 - (e) destination of the Tested Soil shipped from the Site;
 - (f) date, quantity, type, and the destination of the total Residual Waste, transferred from the Site for final disposal;

- (g) date, quantity, type, quality (including the analytical data from any compliance testing, if applicable) and the destination of the rejected waste transferred off-Site and the reason for rejection;
- (h) housekeeping activities, including wetting of the storage stockpiles for dust control and the type of material used;
- (i) the running total of the characterized Soil temporarily stored prior to transfer off-Site;
- (j) the running total of the uncharacterized Soil temporarily stored at the Site in accordance with this Approval;
- (k) copies of the signed confirmations required in Conditions 14.15 and 14.16, above, for each of the Receiving Sites and the confirmation of the credentials for the Qualified Person, as applicable.
- (l) types and quantities of materials stored on Site;

20.3 At the end of each operating day, the Owner shall calculate the total amount of waste present on Site through a mass balance calculation of the amount received on Site that day, transferred from the Site that day and stored on Site from the previous day. The amount shall be recorded for each operating day and be available for inspection by a Provincial Officer upon request.

20.4 The Owner shall ensure that a record is kept of all spills and upsets reported to the Ministry's Spills Action Centre. The record shall include, at a minimum:

- (a) the date and time that the notification was made;
- (b) the name of the Trained Personnel who notified the Ministry;
- (c) the details of the spill or upset; and
- (d) the actions taken by the Owner to contain the spill / upset.

20.5 The Owner shall ensure that a record is kept of all employee training. At a minimum, the record shall include:

- (a) the date of training;
- (b) a description of the training received;
- (c) the name of the organization or person conducting the training;
- (d) the name of the employee being trained; and
- (e) the signature of the employee being trained.

20.6 The Owner shall ensure that a record is kept of the Site inspections conducted to satisfy Condition 16.1. At a minimum, the record shall include:

- (a) the date;
- (b) the areas inspected;
- (c) any deficiencies noted during the inspections;
- (d) actions taken to rectify the deficiencies; and
- (e) name and signature of Trained Personnel conducting the inspection.

20.7 The Owner shall ensure that a record is kept of preventative maintenance work conducted on Site. At a minimum, the record shall include:

- (a) the date;
- (b) the equipment or part of the equipment on which maintenance was performed;
- (c) the type of maintenance performed;

- (d) the next scheduled maintenance period; and
- (e) the name, company affiliation (if other than the Owner) and signature of the person conducting the maintenance.

- 20.8 The Owner shall establish and maintain a written or digital record of all sampling and testing activities at the Site. This record shall include, as a minimum, the following information:
- (a) contaminated Soil type sampled, sample collection locations and volumes collected;
 - (b) day and time of collection;
 - (c) sample handling procedures;
 - (d) name of the person undertaking the sampling;
 - (e) parameters tested for and the results;
 - (f) name of the laboratory facility conducting the testing, if applicable; and
 - (g) results of the testing and conclusions drawn with respect to the results.

21.0 Annual Report

- 21.1 By March 31st of each year, the Owner shall prepare and submit to the District Manager an Annual Report on the operations of the Site for the preceding calendar year. The Annual Report shall include, but not be limited to the following:
- (a) a monthly summary of the amount and types of waste received at the Site including any liquid waste and hazardous waste;
 - (b) a monthly summary of the amount and types of waste removed from the Site;
 - (c) a statement as to the minimum, average and maximum amount of waste present on the Site on any one operating day;
 - (d) annual amount, sources and quality of the contaminated Soil received at the Site;
 - (e) annual amount and quality of the Tested Soil transferred from the Site and its destinations;
 - (f) annual amount and quality of waste, other than Soil, received at the Site, transferred from the Site and its final destinations;
 - (g) running total of the uncharacterized contaminated Soil temporarily stored at the Site at the end of the operating year;
 - (h) running total of the Tested Soil temporarily stored at the Site at the end of the operating year;
 - (i) a summary of any spills or upsets that occurred at the Site (whether or not they were reported to the Ministry);
 - (j) a summary of any complaints received and the responses made;
 - (k) a statement as to compliance with all Conditions of this Approval and with the inspection and reporting requirements of the Conditions herein.

SITE CLOSURE

22.0 Closure Plan

- 22.1 (a) Six (6) months prior to the permanent closure of the Site, the Owner shall submit to the District Manager written notification of the decision to cease activities and a schedule for the implementation of the activities in accordance with the Site Closure Plan presented in Item 4, Schedule "A" (Design and Operations Report); and

- (b) Within ten (10) days after closure of the Site, the Owner must notify the Director and District Manager, in writing, that the Site Closure Plan has been implemented and the Site is now closed.

SCHEDULE "A"

This Schedule "A" form part of Environmental Compliance Approval No. 4462-AD6P6S.

1. Environmental Compliance Approval application signed by Mr. Gilles R. Mayer, President, dated March 22, 2016.
2. Design and Operations Report, Waste Transfer Facility, prepared for 781998 Ontario Inc., prepared by GHD Limited, dated March 29, 2016.
3. Letter dated August 5, 2016, to MOECC from Etienne Bordeleau, GHD Ltd., re: Response to MOECC comments and including the following attachments:
Attachment A: Financial Assurance Plan
Attachment B: Sample Record Forms, Materials Received, Transferred and Rejected
Attachment C: Site Specific Training Plan for Employees
4. Application to amend Environmental Compliance Approval No. 4462-AD6P6S, dated July 4, 2019 and received June 18, 2019, including Design and Operations Report (Rev. 1), Waste Transfer Facility, prepared for 781998 Ontario Inc., prepared by GHD Limited, dated June 05, 2019.
5. Email dated April 23, 2020 from Marc M. Bouchard (GHD Limited) to Ali Fayyaz Karim (MECP), including information about material storage area and contact water management.
6. Email dated May 07, 2020 from Marc M. Bouchard (GHD Limited) to Ali Fayyaz Karim (MECP), confirming applicability of O.Reg 406/19 and information regarding soil management.

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

The reason for Conditions 1.1, 1.2, 1.3, 4.1, 5.1, 5.2, 8.2 and 8.4 is to clarify the legal rights and responsibilities of the Owner under this Approval.

The reason for Conditions 2.1 and 21.1 is to ensure that the Site is designed, operated, monitored and maintained in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

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

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

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

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

The reason for Conditions 7.1 and 8.1 is to ensure that appropriate Ministry staff have ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

The reason for Condition 8.3 is to ensure the availability of records and drawings for inspection and information purposes.

The reason for Conditions 9.1, 9.2, 9.3, 9.4 and 9.5 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.

The reason for Conditions 10.1, 11.1 and 11.3 is to ensure that the types and quantities of waste received at the Site are in accordance with that approved under this Approval.

The reason for Condition 10.2 is to clarify the waste management activities approved for this Site in accordance with the Owner's application and supporting documentation.

Condition 11.2 is included to ensure that the actual storage capacity of the Site that is covered by the proposed amount of the financial assurance is clearly specified.

Condition 11.4 is included that waste storage is done in a manner and duration which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Condition 12.1 is to specify the hours of operation for the Site based on the Owner's application and supporting documentation.

The reason for Condition 13.1 is to ensure that the Site is secure when unattended to prevent vandalism or theft.

The reason for Condition 13.2 is to ensure that the Site is supervised and operated by properly trained staff during the hours of operation.

The reason for Condition 13.3 is to ensure that users of the Site and emergency personnel have the necessary information in the event of an emergency or complaint.

The reason for Condition 14.0 is to ensure that all wastes, including Soil are properly managed, processed and disposed in accordance with O.Reg 406/19 and O. Reg. 347 and in a manner that protects the health and safety of people and the public.

The reason for Conditions 15.1, 15.2 and 15.3 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Conditions 16.1 and 16.2 is to ensure that all equipment and facilities are maintained in good working order.

The reason for Condition 17.1 is to ensure that the Owner immediately responds to a spill.

The reason for Condition 17.2 is to ensure that the Owner notifies the Ministry forthwith of any spills as required in Part X of the EPA so that appropriate spills response can be determined.

The reason for Conditions 17.3 and 17.4 is to ensure that the Owner is prepared and properly equipped to take action in the event of a spill, fire or other operation upset.

The reason for Condition 17.5 is to ensure that the Owner follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site.

The reason for Condition 18.1 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

The reason for Conditions 19.1 is to ensure that the Owner's staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.

The reason for Conditions 20.2, 20.3 and 20.8 is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Approval, the EPA and its regulations.

The reason for Conditions 20.4, 20.5, 20.6 and 20.7 is to ensure that detailed records of Site inspections are recorded and maintained to demonstrate compliance with this Approval.

The reason for Condition 22.1 is to ensure that the Site is closed in accordance with MECP standards and to protect the health and safety of the environment.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 4462-AD6P6S issued on October 7, 2016

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.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

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 28th day of May, 2020



Mohsen Keyvani, P.Eng.

Director

appointed for the purposes of Part II.1 of the
Environmental Protection Act

AK/

c: Area Manager, MECP Cornwall
c: District Manager, MECP Ottawa
Marc Bouchard, GHD Limited