

# Certificate of Property Use

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

Certificate of property use number **7773-BKSQSC**  
Risk assessment number **5278-9MGJN2**

**Owner:** UCANCO General Partners Inc. (Registered Owner)

For and on behalf of  
Canure Limited Partnership (Beneficial Owner)

Suite 1500 – 222 3<sup>rd</sup> Avenue SW  
Calgary, Alberta T2P 0B4

**Site:** 609 West Street South  
Orillia, Ontario

with a legal description as follows:

**PT LT 12, CON 4, SOUTH ORILLIA, AS IN INSTRUMENT NO. RO133033  
SAVE AND EXCEPT RO133034, ORILLIA**

**Being all of Property Identification Number 58568-0033 (LT)**

**as outlined on Figure 1: “Plan 51R-39475 - Plan of Survey of Part of Lot 12,  
Concession 4, (Geographic Township of Orillia), (Southern Division), City of  
Orillia, County of Simcoe” by Dearden and Stanton Ltd., dated June 4, 2014,  
a copy of which is attached hereto in Schedule “B”.**

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

## **Summary:**

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, include but are not limited to the following:
- |  |     |
|--|-----|
| a. Installing/maintaining any equipment  | Yes |
| b. Monitoring any contaminant  | Yes |
| c. Refraining from constructing any Building specified   | Yes |
| d. Refraining from using the Property for any use specified  | Yes |
| e. Other: Maintaining a barrier to site soils, and preparing and implementing a soil and ground water management plan and health and safety plan for the Property. | Yes |
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
- a. The barrier to site soils shall be maintained indefinitely until the Director alters or revokes the CPU.
  - b. The soil and ground water management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils or Impacted Ground Water for as long as the Contaminants of Concern are present on the Property.
  - c. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

## Part 1: Interpretation

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

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

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

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

“Building” means an enclosed structure occupying an area greater than ten square metres consisting of a wall or walls, roof and floor.

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

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

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

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number **7773-BKSQSC**.

"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.

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Industrial/Commercial/Community Property Use Standards for soils within **Table 2 “Full Depth Generic Site Condition Standards in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Potable Ground Water Standards within **Table 2 “Full Depth Generic Site Condition Standards in a Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 6 “Generic Site Condition Standards for Shallow Soils in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for All Types of Property Use.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or ground water, which may disturb or expose Contaminants of Concern at the Property.

“Licensed Professional Engineer” means a person who has obtained the appropriate education and training and has demonstrated experience and expertise in the areas related to the work required to be carried out in this CPU and holds a licence, limited licence or temporary licence under the Professional Engineers Act, R.S.O. 1990, c. P.28.

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

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

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

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

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

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

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

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

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

"Risk Assessment" means the Risk Assessment number [5278-9MGJN2](#) accepted by the Director on December 23, 2019 and set out in the following documents and information/correspondence:

- The report entitled “Pre-Submission form for 609 West Street South, Orillia, Ontario” by Intrinsic Environmental Services Inc., dated July 2014.
- The report entitled “A Risk Assessment of 609 West Street South, Orillia, Ontario” by Intrinsic Corp. (“Intrinsic”), dated March 21, 2017.
- The report entitled “A Revised Risk Assessment of 609 West Street South, Orillia , Ontario” by Intrinsic, dated October 27, 2017.
- The report entitled “A Revised Risk Assessment of 609 West Street South, Orillia, Ontario” by Intrinsic, dated September 2018.
- The report entitled “An Addendum to a Revised Risk Assessment Report of 609 West Street South, Orillia, Ontario” by Intrinsic, dated April 2019.
- The email entitled “Request for additional information for 609 West Street South, Orillia; RA1419-14d; IDS#5278-9MGJN2” from Keith Clarke of WSP to Ann-Marie Deonarine of the ministry’s Technical Assessment and Standards Development Branch (“TASDB”) dated August 30, 2019, with the following document attached:
  - o “RA1419-14d request for addn'l info Aug16-19.pdf”

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

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

"Unimpacted Soil" means soil in which one or more Contaminants are present at concentrations less than the Industrial/Commercial/Community Property Use Standards within **Table 2 "Full Depth Generic Site Condition Standards in a Potable Ground Water Condition"** of the **Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act** published by the Ministry and dated April 15, 2011 for coarse textured soil.

## Part 2: Legal Authority

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

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

## Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: “Industrial/Commercial/Community” property use, as defined in O. Reg. 153/04. The Property was historically used as a bulk petroleum storage facility and is currently vacant with an existing office/warehouse Building, garden shed, loading dock and transport trailer remaining on Site, as outlined in Drawing No. 7: “Groundwater Monitoring Program” in Schedule “B”. Currently there are no definitive development plans for the Property.
- 3.2 The Contaminants on, in or under the Property that are present above the Industrial/Commercial/Community Property Use Standards for soils within **Table 2 “Full Depth Generic Site Condition Standards in a Potable Ground Water Condition”** or for ground water within **Table 2 “Full Depth Generic Site Condition Standards in a Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 6 “Generic Site Condition Standards for Shallow Soils in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.
- 3.3 The following Schedules form part of this CPU:

### Schedule A – Property Specific Standards

- Table 1-1 “Final Property-Specific Soil Standards (µg/g)”
- Table 1-2 “Final Property-Specific Groundwater Standards (µg/L)”

### Schedule B – Figures

- Figure 1: “Plan 51R-39475 - Plan of Survey of Part of Lot 12, Concession 4, (Geographic Township of Orillia), (Southern Division), City of Orillia, County of Simcoe” by Dearden and Stanton Ltd., dated June 4, 2014.
- Drawing No. 1: “Risk Management Measure – Clean Soil Cap” by WSP, dated September 2018.
- Drawing No. 2: “Risk Management Measure – Hard Cap – Not Under Structures” by WSP, dated September 2018.
- Drawing No. 3: “Risk Management Measure – Hard Cap Under Structures” by WSP, dated September 2018.

- Drawing No. 4 “Risk Management Measure – Vapour Control” by WSP dated September 2018.
- Drawing No. 7: “Groundwater Monitoring Program” by WSP dated September 2018.

Schedule C – Tables

- Table 7-3: “Summary of Groundwater Monitoring Well Details”
- Table 7-4: “Indoor Air Quality Monitoring Program – Trigger Values”

Schedule D – Certificate of Requirement.

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

## Part 4: Director Requirements

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

### Risk Management Measures

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



#### 4.2.1 CAPPING

Prior to first occupancy, the Property shall be covered by a physical barrier where there is less than 1.0 m of Unimpacted Soils between the ground surface and Impacted Soils. The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence as specified below:

4.2.1.1 A clean soil cap shall consist of a minimum of 0.5 m of Unimpacted Soils or growth media immediately on top of a geotextile material (warning layer). The material above the Impacted Soil may also include up to 0.5 m of non-soil surface treatment such as asphalt, concrete or aggregate, all as illustrated in Drawing 1 "Risk Management Measure – Clean Soil Cap" in Schedule "B". For any plants that are to be planted within, or near, Impacted Soils with root structures that would typically extend to depths greater than the clean soil cap depth (i.e. trees), then the planting hole shall be excavated such that there is a minimum of 500 mm of Unimpacted Soils or planting media around the root ball diameter and the planting hole shall be filled with Unimpacted Soils or planting media. Alternatively, landscaping can be planted in concrete boxes or similar planting container containing growth media or Unimpacted Soils on top of the Cap.

4.2.1.2 For areas that are not under structures, the hard cap shall consist of at least 75 mm of hard surface consisting of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth underlain by at least 150 mm of Granular "A" or other suitable material as illustrated in Drawing 2 "Risk Management Measure – Hard Cap – Not Under Structures" in Schedule "B".

4.2.1.3 Capping of Impacted Soil on the RA property for such surfaces as building footings and foundations, the hard cap shall consist of a minimum of 75 mm of concrete or equivalent. For such surfaces as floor slabs, the hard cap shall consist of a minimum of 75 mm of concrete above a sub-slab vapour control system as required under Item 4.2.9 of the CPU and as illustrated in Drawing 3 "Risk Management Measure – Hard Cap Under Structures" in Schedule "B".

4.2.1.4 Upon issuance of the CPU, for portion(s) of the Property, under re-development or not in use and not capped, these areas shall have a fence barrier to prevent the general public from accessing that part of the Property and a dust control plan to prevent surface soil from impacting the adjacent properties.

## 4.2.2 INSPECTION AND MAINTENANCE PROGRAM

4.2.2.1 Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- i. procedures and timing for implementing the program;
- ii. semi-annual inspections, in spring and fall, of the barrier;
- iii. noting any deficiencies in the barrier observed during the inspections, or at any other time;
- iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the barrier has been properly repaired;
- v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; and
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- vii. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- viii. updated and delivered to the Owner within 30 days following making any alteration to the program; and

4.2.2.2 Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the barrier showing its design and vertical and lateral extent;

and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

4.2.2.3 Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

#### 4.2.3 BUILDING RESTRICTIONS

Upon issuance of the CPU, no occupancy or use of the existing Building on the Property shall be allowed unless an indoor air monitoring/sampling program has been completed in accordance with Item 4.2.10 of the CPU confirming that the indoor air is protective of human health for any persons occupying the Building.

#### 4.2.4 SOIL AND GROUND WATER MANAGEMENT PLAN

Prepare and implement a written soil and ground water management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil or soil brought to the Property, and, if any, ground water from dewatering during Intrusive

Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or ground water at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
    1. is to be used as Capping soil,
    2. meets the standards; or
    3. exceeds the standards;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    1. used as Capping soil at the Property;
    2. otherwise used as fill at the Property;
    3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    4. removed from the Property for off-site use as fill or disposal; and
  - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
    1. reflect the distinctions described in parts (c) i and ii; and
    2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
    3. have been bermed or fenced, as appropriate, to restrict access by persons; and
    4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments,

to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:

- i. dates and duration of the Intrusive Activities being undertaken;
- ii. weather and site conditions during the Intrusive Activities;
- iii. the location and depth of excavation activities, and dewatering activities, if any;
- iv. dust control and soil tracking control measures;
- v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
- vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
- vii. management activities for any ground water from dewatering;
- viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- ix. names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

- xi. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- xii. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### 4.2.5 HEALTH AND SAFETY PLAN

In addition to any requirements under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any

- biogenic gases such as methane that may be present at the Property including information in the Risk Assessment; and
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate; and
  - d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property; and
  - e. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident; and
  - f. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- g. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- h. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### 4.2.6 FUTURE SITE DEVELOPMENT

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

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

#### 4.2.7 SITE PLAN

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

#### 4.2.8 SITE RESTORATION PLAN

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

#### 4.2.9 SUB-SLAB VAPOUR CONTROL SYSTEM

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

4.2.9.1 A passive sub-slab vapour control system consisting of an aerated floor slab utilizing a 25 cm (10 inch) CUPOLEX system, or equivalent, installed beneath the entire Building with vent risers, all as illustrated in Drawing No. 3 "Risk Management Measure – Hard Cap Under Structures" and Drawing No. 4 "Risk Management Measure – Vapour Control" in Schedule "B".

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

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

#### 4.2.9.4 UTILITY SEALING

Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

- a. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and
- b. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building.

#### 4.2.9.5 QUALITY ASSURANCE / QUALITY CONTROL

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the sub-slab vapour control system is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licenced Professional Engineer; and
- ii. daily inspections of the installation of the sub-slab vapour control system, including of the quality assurance and quality control measures and procedures undertaken by the installer; and
- iii. verification that appropriate measures to prevent post-construction damage to the sub-slab vapour control system have been taken; and
- iv. noting any deficiencies in the materials or installation of the sub-slab vapour control system; and



- v. ensuring the prompt repair of any deficiencies, to the design specifications; and
- vi. preparing a written report of all inspections, quality control measures and any verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- vii. delivered to the Owner before installation of the sub-slab vapour control system begins; and
- viii. updated and delivered to the Owner within 30 days of making any alteration to the program; and

#### 4.2.9.6 AS CONSTRUCTED PLANS

Prepare as constructed plans of the sub-slab vapour control system, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed sub-slab vapour control system, including cross-sectional drawings specifying the design and the vertical and lateral extent of the sub-slab vapour control system relative to the Building and the ground surface,

and which are:

- i. delivered to the Owner and Director before use of all or any part of the Building begins, or within 90 days following completion of installation of the sub-slab vapour control system, whichever is earlier; and
- ii. updated and delivered to the Owner and Director within 30 days following making any alteration to the sub-slab vapour control system, or other relevant feature shown on the plans.

#### 4.2.10 VAPOUR MONITORING AND MAINTENANCE PROGRAM

##### 4.2.10.1 Existing Building

4.2.10.1.1 Prior to and during occupation of the existing Building an indoor air monitoring/sampling program shall be implemented utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 "Indoor Air Quality Monitoring

Program – Trigger Values” of Schedule “C” of this CPU.

- 4.2.10.1.2 During occupation of the existing Building, the indoor air monitoring/sampling program shall be carried out on a quarterly basis (every three months) for the first year; semi-annually (every 6 months) for the second year; and each year thereafter.
- 4.2.10.1.3 The results of the indoor air monitoring program shall be compared to the trigger values in Table 7-4 in Schedule C.
- 4.2.10.1.4 If the results of any single monitoring event exceed the trigger values in Table 7-4, the indoor air shall be re-sampled immediately (within two (2) days) of receipt of the results and compared to Table 7-4 in Schedule C.
- 4.2.10.1.5 If the results of the re-sample confirm an exceedance of the trigger values in Table 7-4, then notice shall be provided in writing to the Director within 2 business days of receipt of the analytical results and provide to the Director a mitigation plan which may include resampling, increasing air exchanges, restricting access, etc.
- 4.2.10.1.6 If the results of any single monitoring event exceed the trigger values in Table 7-4, no un-authorized access to the Building is allowed until it is confirmed that the indoor air is below the trigger values in Table 7-4.
- 4.2.10.1.7 Any proposed changes to the indoor air monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.

#### 4.2.10.2 New Development

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

The monitoring and maintenance program shall include the following:

- 4.2.10.2.1 Prior to occupancy and for a period of one year, sub-slab vapour samples (i.e. collected from vapour monitoring ports) and indoor air samples shall be obtained quarterly (every 3 months) utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 of Schedule “C” of this CPU.

- 4.2.10.2.2 After the first year, sub-slab vapour samples (i.e. collected from vapour monitoring ports) and indoor air samples shall be obtained semi-annually (two times per year with at least one sampling round completed under frozen ground conditions) utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 of Schedule "C" of this CPU.
- 4.2.10.2.3 After the second year, sub-slab vapour samples (i.e. collected from vapour monitoring ports) and indoor air samples shall be obtained annually (completed under frozen ground conditions) utilizing TO-15 methodology or equivalent and analyzed for the Contaminants of Concern as outlined in Table 7-4 of Schedule "C" of this CPU.
- 4.2.10.2.4 If the results of the indoor air samples of any single monitoring event exceed the trigger values in Table 7-4, the indoor air shall be re-sampled immediately (within two (2) business days) of receipt of the results and compared to Table 7-4 in Schedule C.
- 4.2.10.2.5 If the results of the re-sample of the indoor air confirm an exceedance of the trigger values in Table 7-4, the Owner shall notify the Director in writing of the exceedance(s) within 2 business days of receipt of the analytical results and provide to the Director a mitigation plan, which may include one or more of the following: maintenance, confirmatory sampling, indoor air and ambient air monitoring, recommendations for modifying the system such as converting it from a passive system to an active system.
- 4.2.10.2.6 If the results of any single indoor air monitoring event exceed the trigger values in Table 7-4, no un-authorized access to the Building is allowed until it is confirmed that the indoor air is below the trigger values in Table 7-4.
- 4.2.10.2.7 Any proposed changes to the vapour/indoor air monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.
- 4.2.10.2.8 The maintenance program shall include the development of an operations and maintenance manual outlining the routine inspection and repair of the vapour control system and the documentation thereof. A copy of this manual and the documentation shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request.
- 4.2.10.2.9 An inspection and maintenance program shall be prepared and implemented prior to occupancy. The inspection program shall include, at a minimum:
- quarterly inspections of the vent pipe from the roof to ensure that the pipe is not clogged or damaged;

- annual inspection of the exposed floor areas within the Building to ensure that there are no obvious cracks, distress or damage to the floor which may result in damage to the underlying sub-slab vapour control system; and
- replacement or re-instatement of the sub-slab vapour control system as required, in the event that there are construction activities which may result in the removal or disturbance of the concrete floor.

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

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

#### 4.2.11 GROUND WATER MONITORING PLAN

Upon issuance of the CPU, an on-going ground water monitoring program shall be implemented in order to assess the concentrations of select Contaminants of Concern within the ground water.

- 4.2.11.1 Ground water monitoring shall be implemented at the existing ground water monitoring wells as identified in Table 7-3 “Summary of Groundwater Monitoring Well Details” in Schedule “C”. The location of the ground water monitoring wells are shown on Drawing 7 “Groundwater Monitoring Program” in Schedule “B”. Ground water samples shall be collected semi-annually (May/June and November/December) for the first year upon issuance of this CPU and annually thereafter.
- 4.2.11.2 Ground water samples shall be analyzed for petroleum hydrocarbons (“PHCs”); benzene, ethylbenzene, toluene, xylenes (“BTEX”); and poly aromatic hydrocarbons (“PAHs”) as outlined in Table 7-3 “Summary of Groundwater Monitoring Well Details” in Schedule “C”. The analytical results shall be compared to the Property Specific Standards as outlined in Schedule “A”.
- 4.2.11.3 If the analytical results for the ground water monitoring program exceed the Property Specific Standards listed in Schedule “A”, the Owner shall notify the Director in writing of the exceedance(s) within 2 business days of receipt of the analytical results and provide to the Director a mitigation/assessment plan, which may include but not be limited to, confirmatory sampling, evaluation of trends, assessment of risk to receptors, assessment of potential sources or activities that may have affected the ground water, need for additional investigations and/or need for increased monitoring frequency.

- 4.2.11.4 Should any monitoring well listed in Table 7-3 of Schedule C become damaged or destroyed, that monitoring well will be repaired or replaced by a newly constructed monitoring well in the same location and of similar construction as the original monitoring well.
- 4.2.11.5 Any proposed changes to the ground water monitoring program shall be submitted to the Director for approval prior to implementation.

#### 4.2.12 PROHIBITION ON GROUND WATER USE

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

- 4.2.12.1 Properly abandon according to applicable law all wells at the Property which are or can be used as a water source except those that are being utilized as part of the on-going ground water monitoring program as per Item 4.2.11 of the CPU; and
- 4.2.12.2 Refrain from constructing on the Property any well which can be used as a water source.

#### 4.2.13 ANNUAL REPORT

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

- 4.2.13.1 A copy of all records relating to the inspection and maintenance program for the barrier to the site soils.
- 4.2.13.2 A copy of all records relating to the inspection and maintenance program for the sub-slab vapour control system.
- 4.2.13.3 Details of the work completed to sample and analyze the sub-slab vapour concentrations and indoor air concentrations (and ambient

air concentrations, if completed), including all field and analytical data and laboratory certificates of analysis.

- 4.2.13.4 Details of the work completed to sample and analyze ground water concentrations, including all field and analytical data and laboratory certificates of analysis.
  - 4.2.13.5 An assessment of the QA/QC protocols/procedures for the sampling programs completed and any implications they may have on sample results.
  - 4.2.13.6 A summary of all notifications to the Director of exceedances as required under Items 4.2.10.1.6, 4.2.10.2.5 and 4.2.11.3 and any follow up actions taken to address the exceedances.
  - 4.2.13.7 A copy of all records relating to the soil and ground water management plan.
  - 4.2.13.8 A copy of all records relating to the health and safety plan.
  - 4.2.13.9 An evaluation and interpretation of the results of the monitoring programs.
  - 4.2.13.10 Any recommendations on changes to the monitoring programs and risk management measures.
  - 4.2.13.11 Any recommendations on changes to the required Financial Assurance, including a copy of the Financial Assurance re-evaluation completed in accordance with Item 4.13 of the CPU.
- 4.3 Refrain from using the Property for any of the following use(s): “Agriculture or Other” and “Residential/Parkland/Institutional” Property Uses as defined in O.Reg. 153/04.
- 4.4 Refrain from constructing the following Building(s): No new enclosed structures on the Property unless the Building is equipped with a Sub-Slab Vapour Control System as per Item No. 4.2.9 of the CPU.
- 4.5 Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

### Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the

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

### Reports

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

### Property Requirement

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

### Certificate of Requirement

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

### Verification

- 4.10 Within five (5) days after registering the certificate of requirement provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

### Owner Change

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

## Financial Assurance

- 4.12 Within fifteen (15) days of the date of the CPU, you shall provide financial assurance to the Crown in right of Ontario in the amount of One Hundred and Fifty Thousand dollars (\$150,000) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 4.13 The Owner shall re-evaluate the financial assurance required under Item 4.12 every three years from the date of this CPU. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to changes in development of the Property and to the environmental conditions of the Property. The re-evaluation shall include any costs of additional monitoring and/or implementation of contingency plans. If the re-evaluation of the amount of financial assurance indicates that more than the amount in Item 4.12 is required, the Owner shall forthwith provide a copy of that re-evaluation to the Director.
- 4.14 The total financial assurance required may be reduced from time to time or released by the Director upon application and submission of such supporting documentation as required by the Director.

## **Part 5: General**

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 5.2 An application under subsection 168.6(3) of the Act to,  
a. alter any terms and conditions in the CPU or impose new terms and conditions; or  
b. revoke the CPU;  
shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.



- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
  - b. obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b. strikes, lockouts or other labour disturbances,
  - c. inability to obtain materials or equipment for reasons beyond your control, or
  - d. any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 and then transfers the ownership of the Property to various condominium owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

## Part 6: Hearing before the Environmental Review Tribunal

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

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

and

Cindy Hood  
Ministry of the Environment, Conservation and Parks  
54 Cedar Pointe Road, Unit 1201  
Barrie, Ontario  
L4N 5R7  
Fax: 705-309-5874  
Email: [cindy.hood@ontario.ca](mailto:cindy.hood@ontario.ca)

- 6.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993*, (the “EBR”) you must give notice to the public in the Environmental Registry of Ontario. 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 Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario . The notice must be delivered to the Minister of the Environment, Conservation and Parks at 777 Bay Street, 5<sup>th</sup> Floor, Toronto, Ontario M7A 2J3 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 Environmental Registry of Ontario; and
  - 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR Environmental Registry of Ontario.

Further information on the requirements of the Tribunal regarding an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349

Fax: (416) 326-5370

[www.elto.gov.on.ca](http://www.elto.gov.on.ca)

Issued at Barrie this 3<sup>rd</sup> day of June, 2020.

Cindy Hood  
Director, section 168.6 of the Act

## Schedule 'A'

### Property Specific Standards

<b>Table 1-1 Final Property-Specific Soil Standards (µg/g)</b>						
<i>Contaminant of Concern</i>	<i>Maximum Concentration</i>	<i>Table 2 Site Condition Standard<sup>a</sup></i>	<i>Final PSS</i>	<i>Basis of PSS</i>	<i>Risk Management Requirement</i>	<i>Potential for Off-Site Exceedance of Site Condition Standard</i>
Benzene	0.64	0.32	0.77	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Ethylbenzene	26	1.1	31	Maximum concentration + 20%	No	No
PHC F1 (C6 – C10)	1,400	55	1,700	Maximum concentration + 20% (Indoor Worker, Plants and Soil organisms)	Yes <sup>b,c</sup>	No
PHC F2 (>C10 – C16)	9,000	230	11,000	Maximum concentration + 20% (Indoor Worker, Plants and Soil organisms)	Yes <sup>b,c</sup>	No
PHC F3 (>C16 – C34)	4,700	1,700	5,600	Maximum concentration + 20% (Plants and Soil Organisms)	Yes <sup>c</sup>	No
Xylene mixture	100	26	120	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No

<sup>a</sup> MOE (2011) Table 2 Generic Site Condition Standards for Soils in a Potable Ground Water Condition for coarse textured soil for commercial/industrial property use.

<sup>b</sup> Risk management measures are required to prevent unacceptable risks to human health on-site in areas where COC concentrations are in excess of the lowest effects-based concentration.

<sup>c</sup> Risk management measures are required to prevent the occurrence of unacceptable risks to VECs on-site in areas where COC concentrations are in excess of the lowest effects-based concentration.

**Table 1-2 Final Property-Specific Groundwater Standards (µg/L)**

Contaminant of Concern	Maximum Concentration	Table 2 Site Condition Standard <sup>a</sup>	Final PSS	Basis of PSS	Risk Management Requirement	Potential for Off-Site Exceedance of Site Condition Standard
Acenaphthene	7.2	4.1	8.6	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Acenaphthylene	<1.0	1	1.2	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Benzene	170	5	200	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Benz(a)anthracene	<0.05	1	0.06	Maximum concentration + 20%	No	No
Benzo(a)pyrene	0.014	0.01	0.017	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Benzo(b)fluoranthene	<0.05	0.1	0.06	Maximum concentration + 20%	No	No
Benzo(g,h,i)perylene	<0.05	0.2	0.06	Maximum concentration + 20%	No	No
Benzo(k)fluoranthene	<0.05	0.1	0.06	Maximum concentration + 20%	No	No
Chloroform	<2	2.4	2.4	Maximum concentration + 20%	No	No
Chrysene	<0.05	0.1	0.06	Maximum concentration + 20%	No	No
Dibenz(a,h)anthracene	<0.05	0.2	0.06	Maximum concentration + 20% (Indoor Worker, Construction/Trench Worker)	Yes <sup>b</sup>	No
Dichloropropene, 1,3-	<0.5	0.5	0.6	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Ethylbenzene	230	2.4	280	Maximum concentration + 20%	No	No
Ethylene dibromide	<0.2	0.2	0.24	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Fluoranthene	0.19	0.41	0.23	Maximum concentration + 20%	No	No
Hexane (n)	47	51	56	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Indeno(1,2,3-cd)pyrene	<0.05	0.2	0.06	Maximum concentration + 20%	No	No
Methylnaphthalene, 2-(1-)	420	3.2	500	Maximum concentration + 20% (Indoor Worker, Construction/Trench Worker)	Yes <sup>b</sup>	No
Naphthalene	69	11	83	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
PHC F1 (C6 – C10)	1,400	750	1,700	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
PHC F2 (>C10 – C16)	12,000	150	14,000	Maximum concentration + 20% (Indoor Worker, Construction/Trench Worker)	Yes <sup>b</sup>	No
PHC F3 (>C16 – C34)	4,200	500	5,000	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Phenanthrene	11	1	13	Maximum concentration + 20%	No	No
Pyrene	0.21	4.1	0.25	Maximum concentration + 20%	No	No
Tetrachloroethane, 1,1,1,2-	<1	1.1	1.2	Maximum concentration + 20%	No	No
Vinyl chloride	<0.4	0.5	0.48	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No
Xylene mixture	550	300	660	Maximum concentration + 20% (Indoor Worker)	Yes <sup>b</sup>	No

< Indicates that the concentration is lower than the value presented but cannot be more accurately quantified due to analytical uncertainty.

<sup>a</sup> MOE (2011) Table 2 Generic Site Condition Standards for a Potable Ground Water Condition for coarse textured soil for commercial/industrial property use.

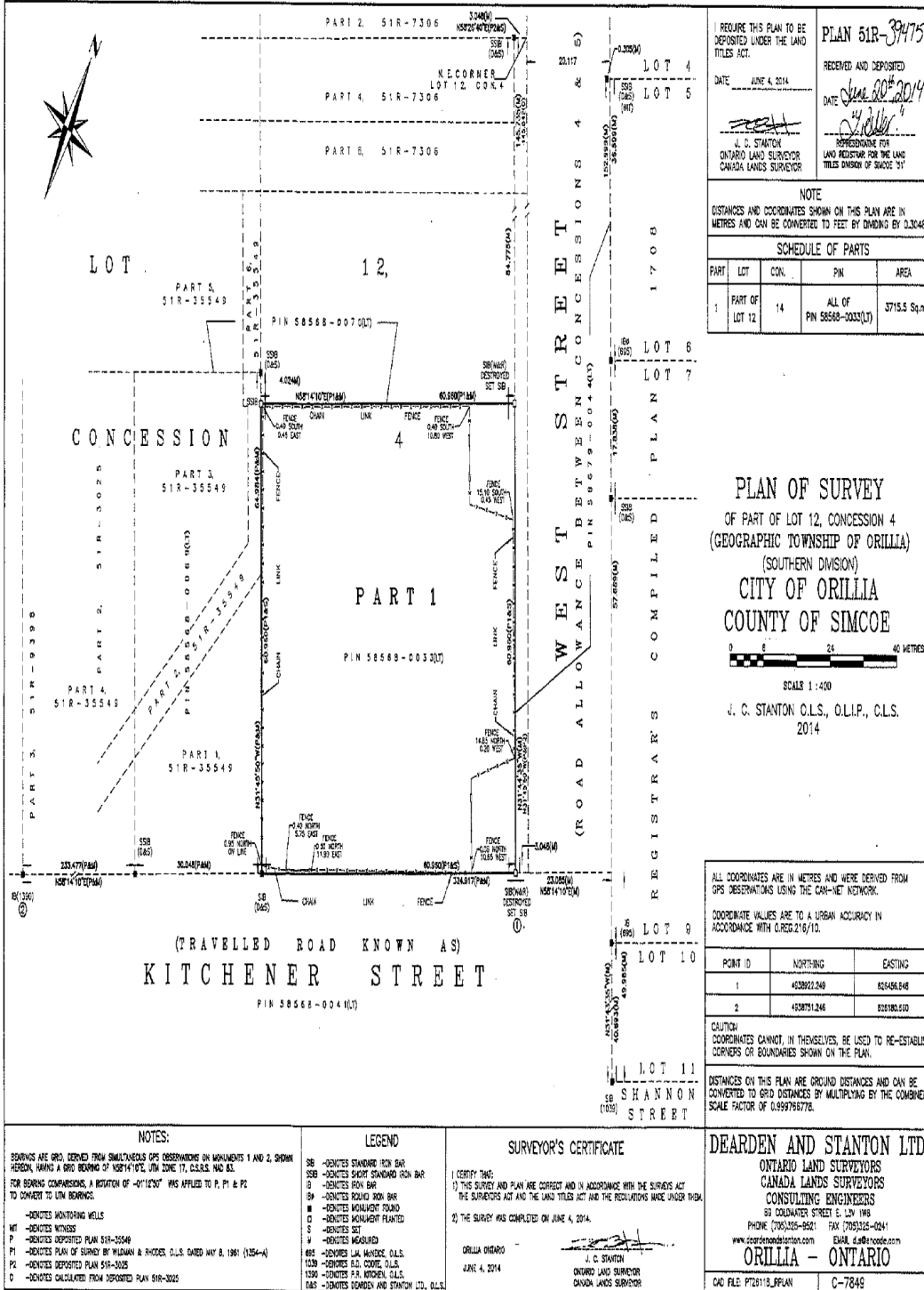
<sup>b</sup> Risk management measures are required to prevent unacceptable risks to human health on-site in areas where COC concentrations are in excess of the lowest health-based concentration.

## **Schedule 'B'**

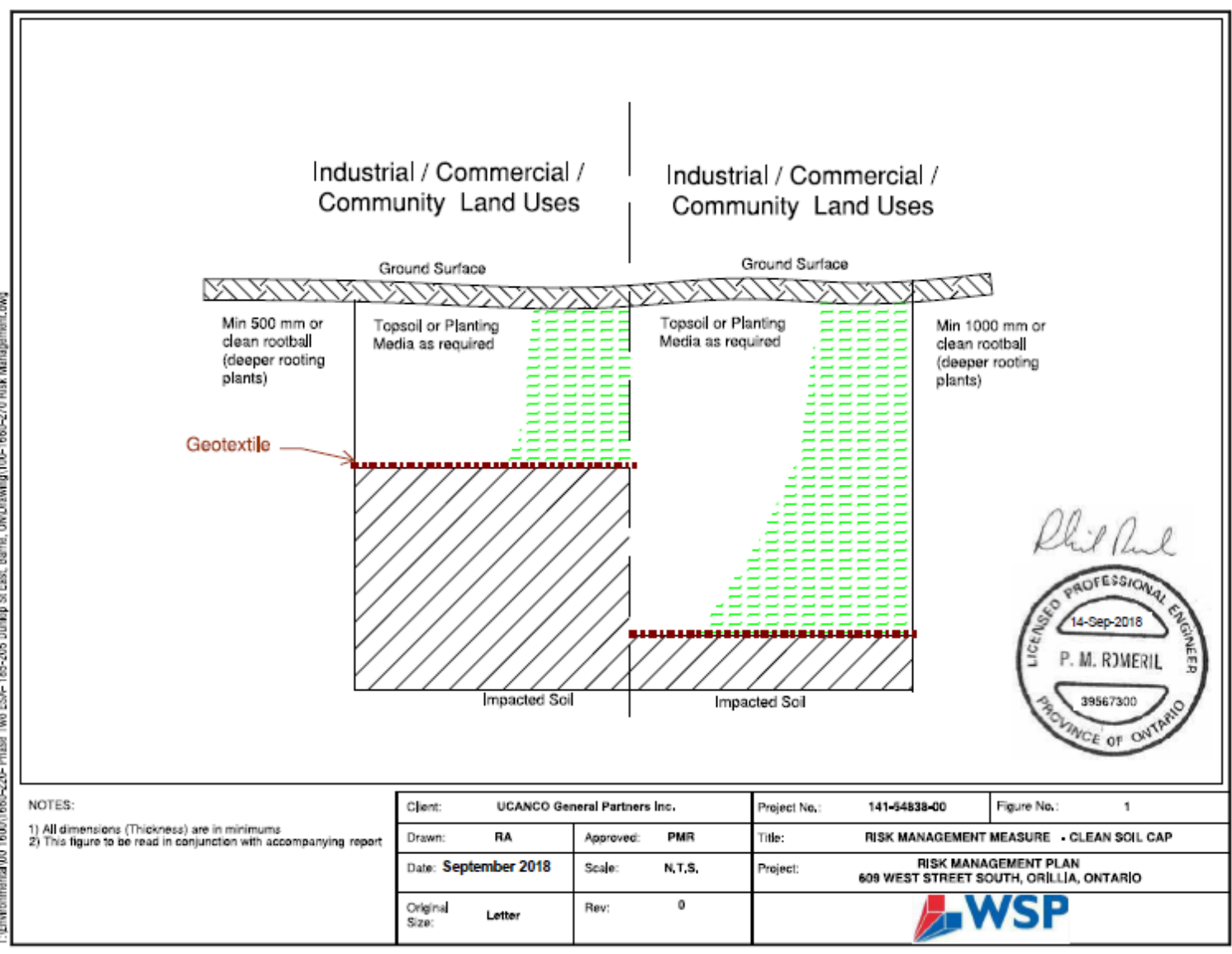
### **FIGURES**

- Figure 1: "Plan 51R-39475 - Plan of Survey of Part of Lot 12, Concession 4, (Geographic Township of Orillia), (Southern Division), City of Orillia, County of Simcoe" by Dearden and Stanton Ltd., dated June 4, 2014.
- Drawing No. 1: "Risk Management Measure – Clean Soil Cap" by WSP, dated September 2018.
- Drawing No. 2: "Risk Management Measure – Hard Cap – Not Under Structures" by WSP, dated September 2018.
- Drawing No. 3: "Risk Management Measure – Hard Cap Under Structures" by WSP, dated September 2018.
- Drawing No. 4 "Risk Management Measure – Vapour Control" by WSP dated September 2018.
- Drawing No. 7: "Groundwater Monitoring Program" by WSP dated September 2018.

Figure 1: "Plan 51R-39475 - Plan of Survey of Part of Lot 12, Concession 4, (Geographic Township of Orillia), (Southern Division), City of Orillia, County of Simcoe" by Dearden and Stanton Ltd., dated June 4, 2014.

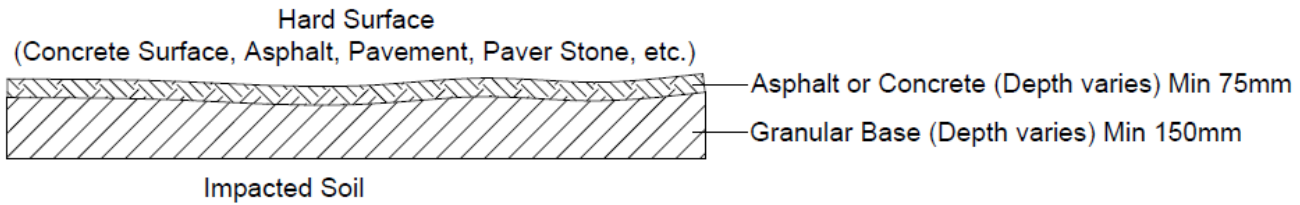


Drawing No. 1: "Risk Management Measure – Clean Soil Cap" by WSP, dated September 2018.





Drawing No. 2: "Risk Management Measure – Hard Cap – Not Under Structures" by WSP, dated September 2018.



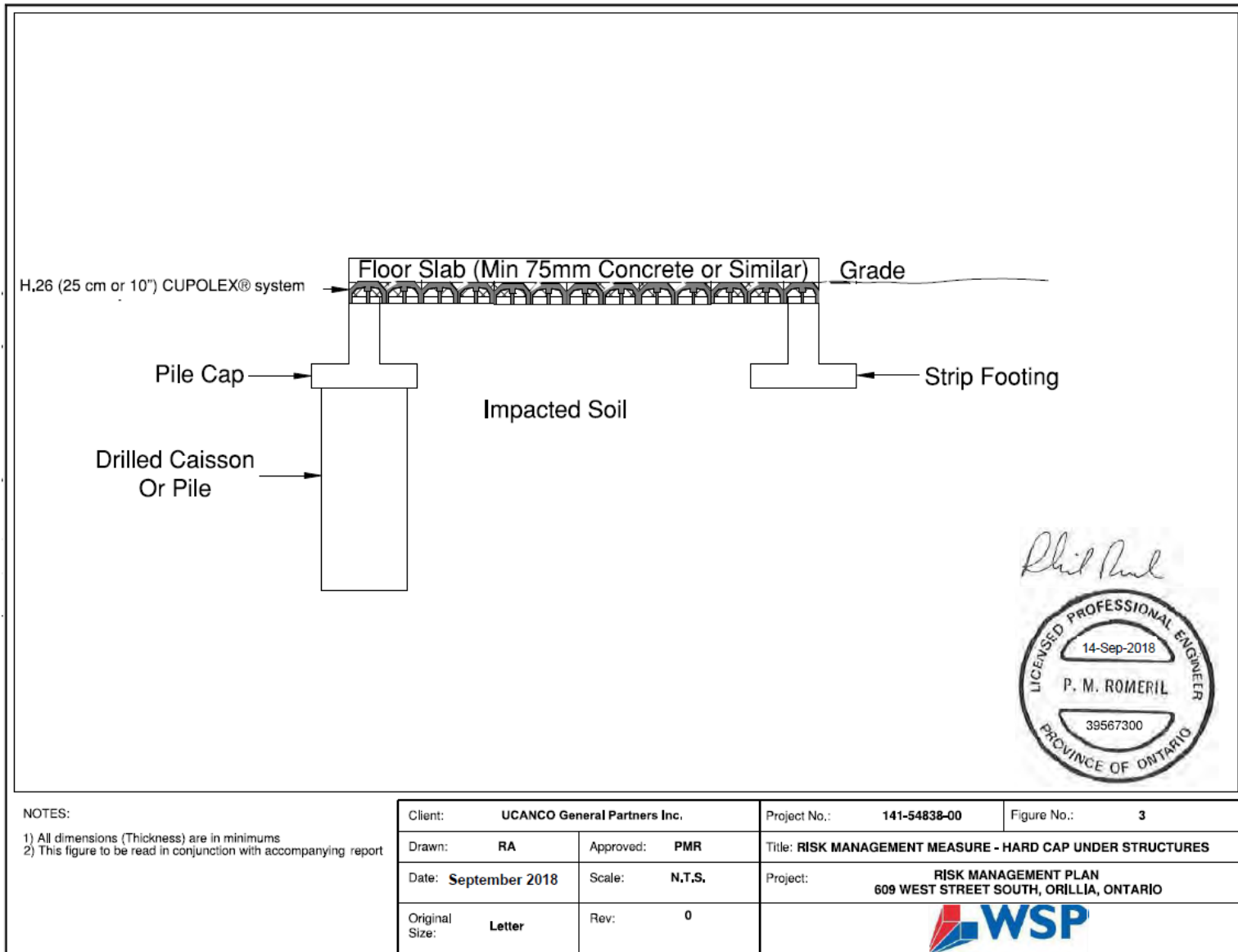
*Phil Romeril*

NOTES:

- 1) All dimensions (Thickness) are in minimums
- 2) This figure to be read in conjunction with accompanying report

Client: UCANCO General Partners Inc.		Project No.: 141-54838-00	Drawing No.: 2
Drawn: RA	Approved: PMR	Title: RISK MANAGEMENT MEASURE - HARD CAP - NOT UNDER STRUCTURES	
Date: September 2018	Scale: N.T.S.	Project: RISK MANAGEMENT PLAN 609 WEST STREET SOUTH, ORILLIA, ONTARIO	
Original Size: Letter	Rev: 1		

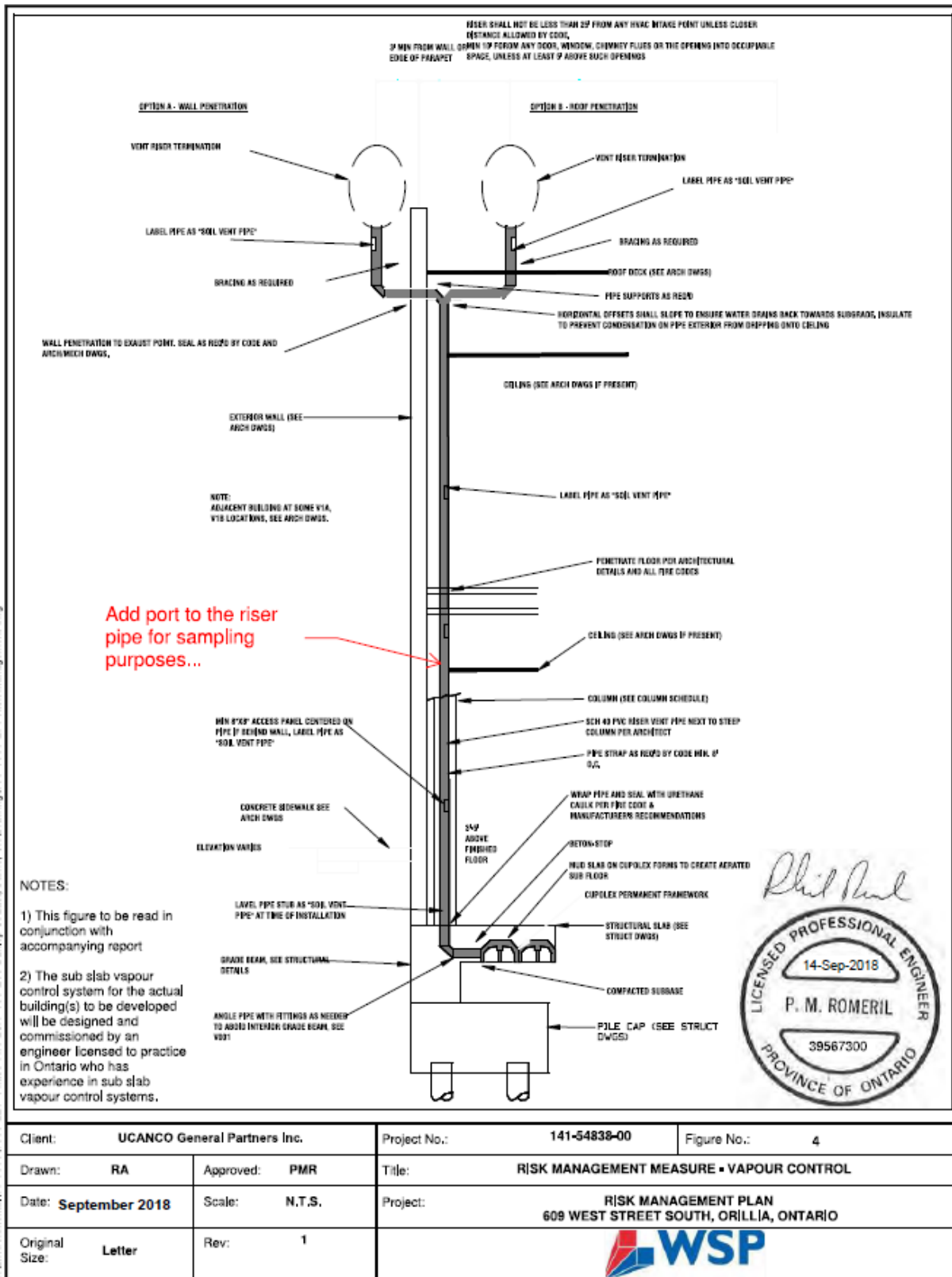
Drawing No. 3: "Risk Management Measure – Hard Cap Under Structures" by WSP, dated September 2018.



**NOTES:**

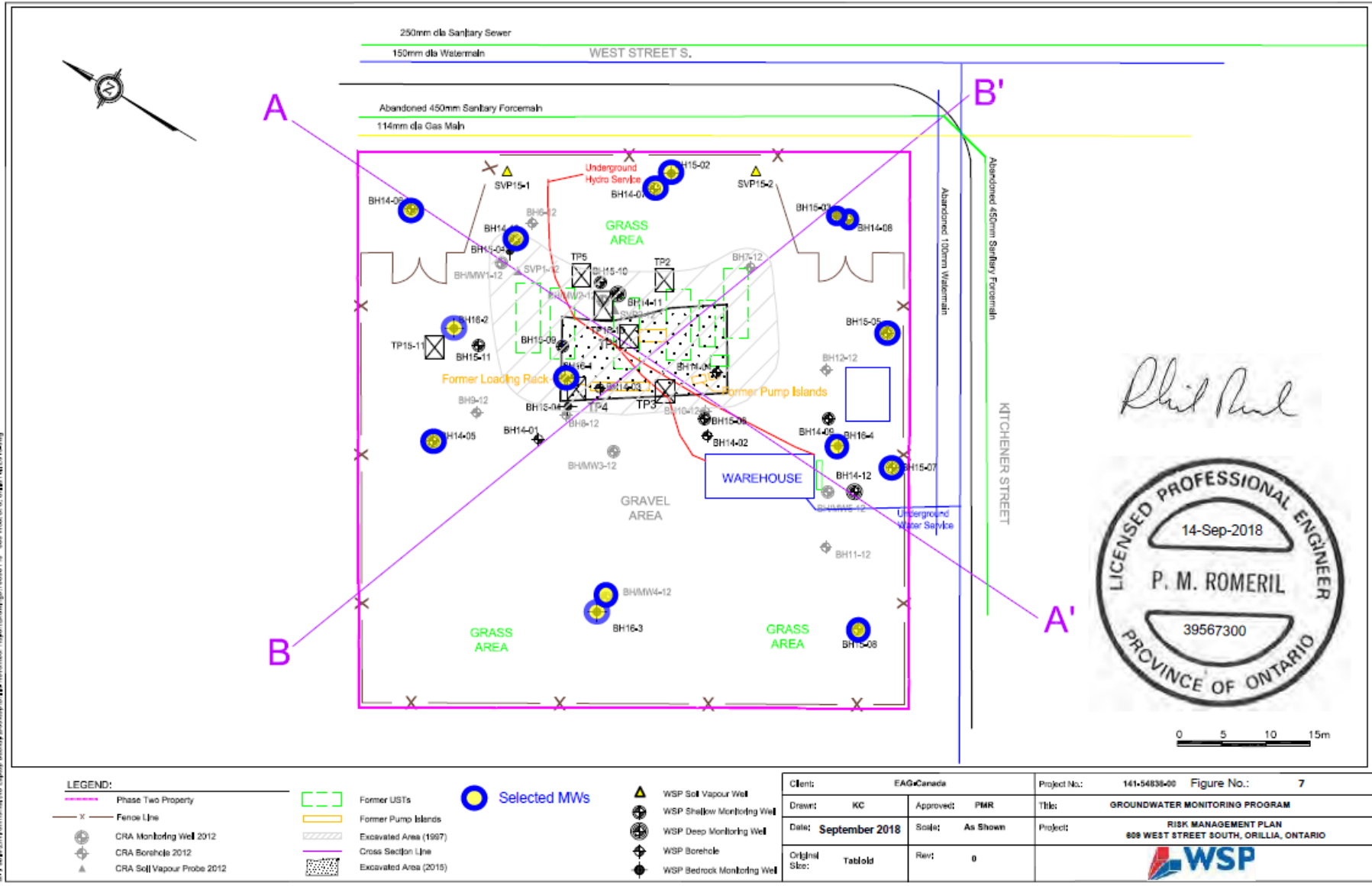
- 1) All dimensions (Thickness) are in minimums
- 2) This figure to be read in conjunction with accompanying report

Client: <b>UCANCO General Partners Inc.</b>		Project No.: <b>141-54838-00</b>	Figure No.: <b>3</b>
Drawn: <b>RA</b>	Approved: <b>PMR</b>	Title: <b>RISK MANAGEMENT MEASURE - HARD CAP UNDER STRUCTURES</b>	
Date: <b>September 2018</b>	Scale: <b>N.T.S.</b>	Project: <b>RISK MANAGEMENT PLAN 609 WEST STREET SOUTH, ORILLIA, ONTARIO</b>	
Original Size: <b>Letter</b>	Rev: <b>0</b>		



Client:	UCANCO General Partners Inc.	Project No.:	141-54838-00	Figure No.:	4
Drawn:	RA	Approved:	PMR	Title: RISK MANAGEMENT MEASURE • VAPOUR CONTROL	
Date:	September 2018	Scale:	N.T.S.	Project: RISK MANAGEMENT PLAN 609 WEST STREET SOUTH, ORILLIA, ONTARIO	
Original Size:	Letter	Rev:	1		

Drawing No. 7: "Groundwater Monitoring Program" by WSP dated September 2018.



### Schedule C

Table 7-3: Summary of Groundwater Monitoring Well Details

Well	Screen Depth (mbgs)	Average Water Depth (mbgs)	Parameter Group(s)
<b>OVERBURDEN</b>			
MW4-12	1.52-4.57	1.50	PHCs, BTEX, PAHs
BH14-05	1.20-4.30	1.65	PHCs, BTEX, PAHs
BH14-06	1.40-4.40	1.76	PHCs, BTEX, PAHs
BH14-07	1.40-4.40	2.09	PHCs, BTEX, PAHs
BH14-08	1.40-4.40	2.28	PHCs, BTEX, PAHs
BH14-10	5.70-6.70	1.20	PHCs, BTEX, PAHs
BH15-05	1.40-4.45	2.61	PHCs, BTEX, PAHs
BH15-07	1.40-4.45	2.16	PHCs, BTEX, PAHs
BH15-08	1.40-4.45	2.27	PHCs, BTEX, PAHs
<b>BEDROCK</b>			
BH15-02	9.45-10.95	2.54	PHCs, BTEX
BH15-03	9.63-11.13	2.41	PHCs, BTEX
BH16-1	27.40-30.50	1.44	BTEX
BH16-2	10.7-12.2	1.70	PHCs, BTEX
BH16-3	10.7-12.2	1.81	PHCs, BTEX
BH16-4	10.7-12.2	1.65	PHCs, BTEX

**Table 7-4 Indoor Air Quality Monitoring Program – Trigger Values**

<i>Contaminant of Concern</i>	<i>Health Based Indoor Air Criteria – Industrial (<math>\mu\text{g}/\text{m}^3</math>)</i>
Benzene	1.63E+00
Ethylene dibromide	5.96E-03
Hexane (n)	1.79E+03
Naphthalene	2.65E+00
PHC F1	8.54E+03
Aliphatic C6-C8	3.29E+04
Aliphatic C>8-C10	1.79E+03
Aromatic C>8-C10	3.58E+02
PHC F2	1.61E+03
Aliphatic C>10-C12	1.79E+03
Aliphatic C>12-C16	1.79E+03
Aromatic C>10-C12	3.58E+02
Aromatic C>12-C16	3.58E+02
Vinyl chloride	4.06E-01
Xylene mixture	5.01E+02

**Schedule 'D'**

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

**Environmental Protection Act**

This is to certify pursuant to Item 4.9 of the Certificate of Property Use number **7773-BKSQSC** issued by Cindy Hood, Director of the Ministry of the Environment and Climate Change, under sections 168.6 and 197 of the Environmental Protection Act on June 3, 2020 being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 609 West Street South, Orillia, Ontario, being all of Property Identifier Number (PIN) 58568-0033 (LT) (the "Property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

**UCANCO General Partners Inc.**

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

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