

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A210328
Issue Date: July 24, 2020

Waste Management of Canada Corporation
117 Wentworth Court
Brampton, Ontario
L6T 5L4

Site Location: 260 New Toronto Street
Toronto City,
M8V 2E8

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 Waste Disposal Site

to be used for the transfer and processing of the following types of waste:

- (1) Excess soil and/or asphalt;
- (2) Solid non-hazardous waste including domestic (residential), industrial, commercial and institutional, wood waste, leaf and yard waste, recyclable, construction and demolition waste;
- (3) Liquid Industrial waste, limited to the following Waste Classes: **221, 222, 251, 252, 253, 254 and 146;**
- (4) Liquid wastes, limited to grease trap wastes; and
- (5) Non-hazardous sludges.

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

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

"**Adverse Effect**" is as defined in the EPA;

"**Approval**" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

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

"**Contaminated asphalt**" means solid non-hazardous asphalt that may be contaminated with Ontario Regulation 347 Waste Classes 221 (Light fuels), 222 (Heavy fuels) and/or 251-254 inclusive (Oily wastes);

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

"**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, Sarnia District Office of the Ministry;

"**EASR**" means the Environmental Activity and Sector Registry;

"**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 Regulation 347;

"**m³**" means cubic metres;

"**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;

"**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;

"**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;

"**Owner**" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes Waste Management of Canada Corporation, 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;

"**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;

"**Regulation 347**" means Regulation 347, R.R.O. 1990, made under the EPA, as amended;

"**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 Processing Facility and the Transfer Site located at 260 New Toronto Street, in the City of Toronto, Ontario;

"**Slump Test**" means the Test Method for the Determination of Liquid Waste detailed in Schedule 9 of Regulation 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**" is as defined in O. Regulation 406/19;

"**Source Site**" means the source of the incoming 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;

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

"**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;

"**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 Person**" means an employee trained in accordance with the requirements of Condition 27 and is knowledgeable through instruction and/or practice and able to carry out any necessary duties; and

"**VOCs**" means volatile organic compounds.

"**Waste**" and "**waste**" within the context of this Approval, it means any material defined as a waste or designated to be a waste under any provincial Act or regulation or any other discarded, unwanted, unsuitable for its original use or purpose (for example off-specification or expired) post-consumer goods, items, materials and including excavated Soil, Liquid Soil or Rock. Waste outputs from processing/treatment of waste continue to be considered waste.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Site shall be designed, developed, used, maintained and operated and all facilities, equipment and fixtures shall be build and installed, in accordance with the Applications for Approval for a Waste Disposal Site dated September 24, 1996, March 6, 2003, June 1, 2009, June 5, 2015, and August 8, 2019 and supporting documentation and plans and specifications listed in Schedule "A".
2. The requirements specified in this Environmental Compliance Approval are the requirements under the EPA. The issuance of this Environmental Compliance Approval in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation and regulations.
3. The requirements of this Environmental Compliance Approval are severable. If any requirement of this Environmental Compliance Approval, or the application of any requirement of this Environmental Compliance Approval to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Environmental Compliance Approval shall not be affected in any way.
4. The Owner shall ensure compliance with all the terms and conditions of this Environmental Compliance Approval. Any non-compliance constitutes a violation of the EPA and is grounds for enforcement.
5.
 - (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such persons with respect to compliance with this Environmental Compliance Approval, including but not limited to, any records required to be kept under this Environmental Compliance Approval; and,
 - (b) In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this Environmental Compliance Approval (for the purposes of this condition referred to as "Information"),
 - (i) the receipt of Information by the Ministry;
 - (ii) the acceptance by the Ministry of the Information's completeness or accuracy; or
 - (iii) the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this Environmental Compliance Approval or any statute or regulation in relation to the Information;

shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Environmental Compliance Approval or any statute or regulation.
6. The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:
 - (a) carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, Section 15, 16 or 17 of the OWRA, or Section 19 or 20 of the PA, as amended from time to time, of any

place to which this Environmental Compliance Approval relates; and,

without restricting the generality of the foregoing, to:

- (b)
 - (i) enter upon the premises where the records required by the conditions of this Environmental Compliance Approval are kept;
 - (ii) have access to and copy, at reasonable times, any records required by the conditions of this Environmental Compliance Approval;
 - (iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Environmental Compliance Approval; and,
 - (iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Environmental Compliance Approval.
- 7.
 - (a) Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Environmental Compliance Approval, the conditions in this Environmental Compliance Approval shall take precedence; and,
 - (b) Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.
- 8. The Owner shall ensure that all communications/correspondence made pursuant to this Environmental Compliance Approval includes reference to the Environmental Compliance Approval number.
- 9. The Owner shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:
 - (a) change of Owner or operator of the Site or both;
 - (b) change of address or address of the new Owner;
 - (c) change of partners where the Owner or operator is or at any time becomes a partnership, and a copy of the most recent declaration filed under the **Business Names Act**, 1991 shall be included in the notification to the Director;
 - (d) any change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the **Corporations Information Act** shall be included in the notification to the Director; and,
 - (e) change in directors or officers of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as

referred to in 9(d), supra.

10. In the event of any change in ownership of the Site, the Owner shall notify, in writing, the succeeding owner of the existence of this Environmental Compliance Approval, and a copy of such notice shall be forwarded to the Director.
11. Any information relating to this Environmental Compliance 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.
12. All records and monitoring data required by the conditions of this Environmental Compliance Approval must be kept on the Owner's premises for a minimum period of two (2) years from the date of their creation.

OPERATIONS

13.
 - (a) The Site may accept waste twenty-four (24) hours per day seven (7) days per week; and,
 - (b) Processing/transfer of waste and recyclable materials may take place inside the building twenty-four (24) hours per day seven (7) days per week.
14. Only the following types of waste shall be accepted at the Site:
 - (1) excess soil and/or asphalt;
 - (2) Solid non-hazardous waste including domestic (residential), industrial, commercial and institutional, wood waste, leaf and yard waste, recyclable, construction and demolition waste;
 - (3) Liquid Industrial waste, limited to the following Waste Classes: **221, 222, 251, 252, 253, 254 and 146;**
 - (4) Liquid wastes, limited to grease trap wastes; and
 - (5) Non-hazardous sludges.
15. Incoming waste shall be inspected prior to being received at the Site to ensure that the Site is approved to accept that type of waste.
16.
 - (a) The facility may receive, process and transfer the following waste:
 - (i) up to 1,000 tonnes per day of solid non-hazardous waste for final disposal;
 - (ii) up to 650 tonnes per day of recyclable materials, including yard waste, cardboard, wood, metal, etc. for recycling;

- (iii) up to 1,300 tonnes per day of Single Source Recyclable materials, including FE, HDPE, PET, AL and OCC materials. FE may include steel recyclable items such as cans, tins, cups and cutlery; High Density Polyethylene (HDPE) Items may include plastic #2 materials; Polyethylene Terephthalate (PET) items may include bottles and containers; AL items will consist of other aluminum recyclable materials; and Old Corrugated Containers (OCC) items will include fibre and mixed paper materials.
 - (iv) up to 1,300 tonnes per day of excess soil from residential and ICI generators;
 - (v) up to 100,000 litres per day of liquid industrial waste with waste classes 221L, 222L, 251L, 252L, 253L, 254L and 146L;
 - (vi) up to 100,000 litres per day of liquid organic waste, including grease trap waste, from ICI generators; and
 - (vii) up to 300 tonnes per day of non-hazardous sludges with waste classes 221L, 222L, 251L, 252L, 253L, 254L and 146L.
- (b) Should waste received be likely to cause an odour nuisance, the Owner shall take appropriate remedial action to eliminate the cause of the problem. Appropriate measures shall include, but not limited to:
 - i) removal of waste from the site within 24 hours from the time of receipt at the Site;
 - ii) application of odour suppression;
 - iii) cease receipt of the offending waste stream until the problem can be rectified and measures taken to prevent future occurrences.
 - (c) The solid and liquid waste shall be segregated and stored in such a manner that would prevent or eliminate spills as well as located in area where vehicle traffic will not affect the integrity of the storage containers if they were to be impacted by machinery or vehicles.
17. (a) The total amount of waste leaving the Site, which includes residual waste from the processing operation plus waste arising from the transfer operation, shall not exceed 1,000 tonnes per day.
- (b) The Owner shall ensure that the exterior of all vehicles leaving this Site are clear of debris and that vehicles do not drag out onto streets waste, dirt or other contaminants.
18. (a) The maximum amount of unprocessed, processed and residual material stored on-site at any time shall not exceed 4,600 tonnes and 230,000 liters; and,
- (b) Outdoor storage of recyclable, processed/unprocessed or residual materials is not permitted at this Site except for a single outdoor container for public drop off.
19. (a) The tipping floor disinfected as necessary to prevent any off-site impacts; and,

- (b) A written record shall be kept of when the disinfection of the tipping floor was conducted as per Condition 25.
20. (a) If any incoming waste load is known to, or is discovered to, contain unacceptable waste, that load shall not be accepted at the Site; and,
- (b) If any unacceptable waste is discovered on-site, that waste shall immediately be disposed of in accordance with Ontario Regulation 347.
21. The Owner shall ensure that all wastes transported to and from the Site shall be transported in accordance with the Act and Ontario Regulation 347.
22. (a) The Owner shall ensure that the Site is operated in a secure manner, such that unauthorized persons cannot enter; and,
- (b) The Owner shall ensure that the Site is operated in a safe manner, and that all waste is properly handled, processed and contained so as not to pose any threat to the general public and site personnel.
23. The Owner shall ensure that trained staff are on duty at all times when the Site is open to ensure proper supervision of all activities.
24. At no time is burning or incineration of any materials allowed on the Site.
25. The Owner must conduct regular inspections of the equipment and facilities to ensure that all equipment and facilities at the Site are maintained in good working order at all times. Any deficiencies detected during these regular inspections must be promptly corrected. A written record must be maintained at the Site, which includes, but not limited to the following:
- (a) name and signature of trained personnel conducting the inspection;
 - (b) date and time of the inspection;
 - (c) list of equipment inspected and all deficiencies observed;
 - (d) a detailed description of the maintenance activity;
 - (e) date and time of maintenance activity; and,
 - (f) recommendations for remedial action and actions undertaken.
26. The Owner, in addition to inspections and documentation requirements carried out in Condition 25 of this Approval, must conduct on each operating day, a visual inspection of the following areas to ensure the Site is secure and that no off-site impacts such as vermin, vectors, odour, noise, dust and litter, result from the operation of the Facility:

- (a) waste loading/unloading areas and associated containment areas;
- (b) waste storage areas and associated containment areas; and,
- (c) security fence, barriers and property line.

STAFF TRAINING

27. The Owner shall ensure through proper written records that all personnel directly involved with activities relating to the Site have been trained with respect to:
- (a) the terms, Conditions and operating requirements of this Approval;
 - (b) the operation and management of all transfer, processing, storage and contingency measures equipment and procedures;
 - (c) sampling/testing protocols required for the characterization required under this Approval;
 - (d) any environmental and occupational health and safety concerns pertaining to the Site and wastes to be transferred/processed; and,
 - (e) relevant waste management legislation and Regulations under the Act and Ontario Water Resources Act.

RECORD KEEPING:

28. The Owner shall maintain, at the Site for a minimum of two (2) years, a log book or electronic file format which records daily the following information:
- (a) date of record;
 - (b) type, quantities and sources of waste received;
 - (c) quantities and sources of waste that are identified as inert waste received;
 - (d) quantity of waste processed;
 - (e) quantities of residual waste on the Site;
 - (f) quantities and destination of each type of waste shipped from the Site;
 - (g) quantities and destinations of waste shipped from the Site that the Owner has identified as inert waste; and

(h) results of inspections and reports required under Conditions 25 and 26 of this Approval, including the name and signature of the person conducting the inspection and completing the report.

COMPLAINT RESPONSE PLAN

29. If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to the complaint in accordance with the following procedure;
- (a) The Owner shall record each complaint on a formal complaint form entered in a sequentially numbered log book or electronically. The information recorded shall include the nature of the complaint, the name address and the telephone number of the complainant and the time and date of the complaint;
 - (b) The Owner, upon notification of the complaint shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and,
 - (c) The Owner shall submit to the District Manager, a report written seven (7) days of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operations changes to reasonably avoid the reoccurrence of similar incidents.

EMERGENCY RESPONSE

30. The Owner shall take immediate measures to clean-up all spills, related discharges and process upsets of wastes which result from the operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition 28 of this Approval, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.
31. (a) The Owner shall maintain a Spill Contingency and Emergency Response Plan for the operation of the transfer/processing Site. The Plan shall include:
- (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; and,
 - (iii) a notification protocol with names and telephone numbers of persons to be contacted, including Owner personnel, the Ministry District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour.

- (b) A copy of the Spill Contingency and Emergency Response Plan shall be kept on the Site at all times, in a central location available to all staff, and a copy shall be submitted to the District Manager, the local Municipality and the Fire Department by no later than **October 31, 2020**;
- (c) 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; and,
- (d) The Owner shall ensure that all operating personnel are fully Trained in the use of the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan, and in the procedures to be employed in the event of an emergency.

STORMWATER MANAGEMENT

32. The Owner shall manage all direct discharges from this Site including stormwater run-off in accordance with appropriate Municipal, Provincial and or Federal Legislation, Regulations and By-laws.

ANNUAL REPORT

33. By March 31 and on an annual basis thereafter, the Owner shall prepare and submit to the District Manager an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:
- (a) a detailed monthly summary of the type, quantity and origin of all wastes received, processed and transferred from the Site, including the destination, type and quantity of waste destined for final disposal and also including any reconciliations on mass balance made;
 - (b) any environmental and operational problems that could negatively impact the environment, encountered during the operation of the Site and during the facility inspections, and any mitigative actions taken;
 - (c) a statement as to compliance with all Conditions of this Environmental Compliance Approval and with the inspection and reporting requirements of the Conditions herein;
 - (d) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard; and,

FINANCIAL ASSURANCE

34. (a) The Owner shall maintain the Financial Assurance, as defined in Section 131 of the EPA, as the amount of **\$381,681**. 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 materials on the Site at any one time;
- (b) Commencing on March 31, 2024 and at intervals of four (4) years thereafter, the Owner shall

submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 34(a). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance shall be submitted to the Director within thirty (30) days of written acceptance of the re-evaluation by the Director;

- (c) Commencing on March 31, 2021, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of Financial Assurance required to implement the actions required under Condition 34(a) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 34(b). The re-evaluation shall be made available to the Ministry, upon request;
- (d) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

CLOSURE PLAN

- 35. (a) The Owner must submit, for approval by the Director, a written Closure Plan for the Site four (4) months prior to closure of the Site. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work; and,
- (b) Within ten (10) days after closure of the Site, the Owner must notify the Director, in writing, that the Site has been closed in accordance with the approved Closure Plan.

SINGLE STREAM WASTE STORAGE & PROCESSING PROCESS

- 36. Construction of the proposed Single Stream Storage & Processing Process shown in Item 21 of Schedule "A" must be completed within 5 years of the later of:
 - (a) the date this Approval is issued; or
 - (b) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.

- 37. This Approval ceases to apply in respect of the aspects of the Site noted above that have not been constructed or installed before the later of the dates identified in Condition 36 above.

EXCESS SOIL AND CONTAMINATED ASPHALT

Incoming Soil

38.1 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 sub-conditions:

- (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 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, 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, until Soil characterization is completed in accordance with this Approval;

38.2 The Soil characterization documentation required in Condition 38.1 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 38.5, 38.6, 38.7 or 38.8.

38.3 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

38.4 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 38.5, 38.6, 38.7 or 38.8.

38.5 **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.

38.6 **From the date of this Approval until the O. Regulation 406/19 Implementation Date**, for Soil destined for final disposal at an approved non-hazardous waste disposal site as set out in Condition 38.13(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.

38.7 **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 38.13(b) through 38.13(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. explanation and justification why the requirements listed in Condition 38.7(b)i. through 38.7(b)viii., may not be applicable.

38.8 **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 38.7(b)i.A. or 38.7(b)i.C.;
- (e) samples shall be tested for the parameters listed in Conditions 38.7(b)v., 38.7(b)vi., and 38.7(b)vii., above
- (f) sampling and testing methods shall be in accordance with Conditions 38.7(b)ii., 38.7(b)iii., and 38.7(b)viii., 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.

38.9 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

38.10 The Owner shall ensure that soils are kept segregated from all other waste.

Tested Soil Quality Criteria

38.11 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 38.13; 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

38.12 **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.

38.13 **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 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 38.13(a) through 38.13(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 38.13(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.

38.14 Notwithstanding Condition 38.13(e), the Receiving Sites covered under Condition 38.13(e), cannot include a type of property described in section 41(1) of O. Regulation 153/04.

38.15 Before shipping any Tested Soil from the Site to the Receiving Site that is not a final waste disposal 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.

- 38.16 A Qualified Person shall certify that the confirmations required in Conditions 38.13 and 38.15, 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.
- 38.17 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.
- 38.18 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.

SCHEDULE "A"

This Schedule "A" forms part of this Environmental Compliance Approval No. A210328:

1. The application for a Provisional Certificate of Approval for a Waste Disposal Site to be used only for the purpose of a transfer site, received May 14, 1990.
2. Letter from John Muller, Senior Staff Engineer, Waste Management of Canada Inc., (WMI) to K. Waldie, District Officer, MOE, dated July 29, 1993 re: Amendment to Provisional Certificate of Approval (PCofA) #A210328.
3. Document entitled "Engineering Report and Operations & Management Plan - Proposed Amendments to Service Area and Residual Loading Procedures" dated January 1993 and prepared by WMI.
4. Letter to Mr. Crump, Director, MOE from M. Ellard, Director, WMI, enclosing an application to amend PCofA #A210328, including supporting information and dated September 25, 1996.
5. Application for Approval of a Waste Disposal Site signed by Jessica Campbell, Environmental Programs Manager, Canadian Waste Services Inc., (CWS) dated March 21, 2000.
6. Letter with attached forms dated May 22, 2002 from Katrina DiRenzo-McGrath, Environmental Coordinator, CWS, to R. Krisak, MOE, re: CWS, Waste Processing/Transfer site PCofAs, Corporate Office Address Change.
7. Letter dated March 6, 2003 to Mr. J. O'Mara, Director, MOE, enclosing an Application and supporting information for an amendment to PCofA #A210328, signed by J. Campbell, Director, Environmental Compliance, CWS.
8. Letter dated May 5, 2003 to K. Wassink, MOE from Mr. J. Muller, Project Manager, Earth Tech Canada Inc., providing a revised Site plan, and clarification of proposed Site operations.
9. Application from the Owner for an amendment to a Certificate of Approval dated June 1, 2009 and signed by Wilf Goldlust and supporting documentation.
10. December 22, 2008 letter addressed to the Environmental Assessment and Approvals Branch, with attachments, and signed by John Nicholson, M.Sc. P.Eng. of Environmental Business Consultants.
11. April 27, 2009, letter addressed to the Environmental Assessment and Approvals Branch and signed by John Nicholson, M.Sc., P.Eng., of Environmental Business Consultants.
12. Waste Transfer Station Design and Operations Report for Trillium Material Processing Centre Inc., prepared by Environmental Business Consultants, dated September, 2009.
13. August 31, 2010 letter from Trillium Recovery Inc., signed by John Clark, Accountant, and

addressed to the Ministry of the Environment.

14. Application for an Environmental Compliance Approval for a Waste Disposal Site from Waste Management of Canada Corporation dated February 11, 2014, and signed by Katrina DiRenzo McGrath, Senior Environmental Manager, including the following supporting information:
 - (a) New Toronto Processing & Transfer Facility Design & Operations Report dated February 2014 prepared by AECOM Canada; including site plan, location plan, zoning map, estimate of financial assurance, confirmation of compliance with municipal zoning, adjacent property notification letter and distribution list and pre-application consultation record.
 - (b) Cover letter dated February 14, 2014 and signed by Larry Fedec, P.Eng., M.B.A., Senior Waste Services Engineer, AECOM Canada.
15. E-mail dated March 11, 2014 from Larry Fedec, AECOM Canada, to Ricki Alum, MOE, including revised page 27 of the application form.
16. E-mails dated April 10 and April 22, 2014 from Katrina DiRenzo McGrath, Waste Management of Canada Corporation to Malgosia Ciesla, MOE, including additional supporting information.
17. E-mail dated May 30, 2014 from Katrina DiRenzo McGrath, Waste Management of Canada Corporation to Malgosia Ciesla, MOE, including revised financial assurance evaluation, version 3 and supporting information.
18. Application for an Environmental Compliance Approval for a Waste Disposal Site from Waste Management of Canada Corporation dated June 5, 2015, and signed by Katrina DiRenzo McGrath, Waste Management of Canada, including the New Toronto Processing & Transfer Facility Design & Operations Report, site plan, location plan, zoning map, estimate of financial assurance, confirmation of compliance with municipal zoning, adjacent property notification letter and distribution list and pre-application consultation record.supporting information.
19. E-mail dated January 11, 2016 from Katrina DiRenzo McGrath, Waste Management of Canada to Alan Tan, MOECC, providing revised estimates of financial assurance.
20. Application for an Environmental Compliance Approval for a Waste Disposal Site from Waste Management of Canada Corporation dated August 8, 2019, and signed by Katrina DiRenzo McGrath, Waste Management of Canada, including the updated Design & Operations Report, site plan, location plan, zoning map, estimate of financial assurance, confirmation of compliance with municipal zoning, adjacent property notification letter and distribution list.
21. Updated Design and Operations Report - New Toronto Waste Transfer and Processing Facility, dated August 2019, prepared by AECOM Canada Ltd.

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

1. The reason for Conditions 1, 13 and 33 is to ensure that the Site is operated 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.

2. The reason for Conditions 2, 3, 4, 7, 8, 9, 10, 11 and 12 is to clarify the legal rights and responsibilities of the Owner.
3. The reason for Conditions 5 and 6 is to ensure that the appropriate Ministry staff have ready access to information and the operations of the Site which are approved under this Environmental Compliance Approval. Condition 6 is supplementary to the powers of entry afforded a Provincial Officer pursuant to the **Environmental Protection Act**, the **Ontario Water Resources Act**, and the **Pesticides Act**, as amended.
4. The reason for Conditions 14, 15, 16, 17, 18 and 28 is to ensure that the types and amounts of waste received at the Site are in accordance with that approved under this Environmental Compliance Approval.
5. The reason for Conditions 19, 20, 21, 22, 23, 24, 25, 26, 29, 32, 43, 44, 45, 46, 47, 48, 49 and 50 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 public and the environment.
6. The reason for Condition 27 is to ensure that staff are properly trained in Site operational procedures, the operation of the equipment used at the Site, and emergency response procedures.
7. The reason for Conditions 30 and 31 is to ensure that staff notify the Ministry forthwith of any spills as required in Part X of the EPA so that appropriate spills response can be determined, and to ensure that any spills are dealt with in a manner which minimizes any impacts.
8. The reason for Condition 34 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.
9. The reason for Condition 35 is to ensure the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.
10. The reason for Condition 36 and 37 is to make sure the proposed new single stream process facility will be built within 5 years from the approval date.
11. The reason for Condition 38 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A210328 issued on July 29, 2003, as amended.

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 24th day of July, 2020



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

AT/

c: District Manager, MECP Toronto - District
Marie Wardman P. Eng., AECOM Canada Ltd.