

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2340-BGMNDY

Issue Date: November 2, 2021

The Recycling Depot GP Inc. as a General Partner for and on behalf of the
Recycling Depot LP
125 Villarboit Cres
Vaughan, Ontario
L4K 4K2

Site Location: 195 Bethridge Road
195 Bethridge Rd
Toronto City,
M9W 1N4

*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:

solid non-hazardous waste, limited to excess soils and soils containing construction
and demolition debris

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

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

" **Adverse Effect** " 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;

"**Company**" and " **Owner**" mean The Recycling Depot GP Inc. as a General Partner
for and on behalf of the Recycling Depot LP, and includes its officers, employees,
agents, contractors, successors and assigns in accordance with section 19 of the EPA;

"**Composite Sample**" means a sample that is made up of a number of laboratory grab

samples from a single sample container that have been thoroughly mixed together;

"debris" means solid non-hazardous material present in an incoming soil mixture that is not soil;

"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 II.1 of the EPA;

"District Manager" means the District Manager for the Toronto District Office of the Ministry;

"Dry Soil" is as defined in O. Regulation 406/19 and within the context of this Approval also means a waste which contains Contaminants of Concern and/or does not contain more than insignificant amounts of incidental debris or other non-hazardous waste, handling of which is subject to the Environmental Compliance Approval requirements under the EPA. Dry Soil is a solid waste that is received at the Site for Bioremediation or for transfer off-Site;

"EPA" and **"Act"** means the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended;

"Excess Soil" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming Dry Soil, Liquid Soil and Dry Soil/Rock mixture accepted at the Site to be managed in accordance with this Approval and the Processed Soil and Solidified Liquid Soil transferred from the Site in compliance with the requirements set out in O. Regulation 406/19. If destined for transfer without any screening, Excess Soil also means the incoming Dry Soil which does not contain more Rock than allowed for a particular Reuse Site;

"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;

"Excess Soil Standards" means the Excess Soil quality criteria set out in the Soil Rules required for a Reuse Site;

"Hazardous Waste" is as defined in Regulation 347;

"Industrial/Commercial/Community Property Use" is as defined by O. Regulation 153/04;

"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;

"NMA" means the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended;

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

"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;

"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 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, 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. Reg. 153/04, as amended;

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

"Processed Soil" means the Excess Soil processed at the Site, where processing is limited as per the conditions of this Approval;

"Processing Area" means the area of the Site where all waste management activities permitted by the conditions of this Approval and described in the attached supporting documentation listed in Schedule "A" are carried out;

"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;

"Putrescible Waste" means organic waste that decomposes rapidly, such as food waste;

"Qualified Person" or **"QP"** 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" or **"Reg. 347"** means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended;

"Rejected Waste" means the incoming load inadvertently received at the Site and deemed by the Owner to be waste that does not meet the incoming Excess Soil quality criteria set out in this Approval or that cannot be processed;

"Residential/Parkland/Institutional Property Use" is as defined by O. Regulation 153/04;

"Residual Waste" means waste resulting from the management of the Excess Soil at the Site and destined for further management at an off-Site location or final disposal;

"RSC" means the record of site condition;

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

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

"SDWA" means the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, as amended;

"Similar Soils" within context of this Approval mean the incoming Dry Soil and/or the Processed Soil and/or Solidified Liquid Soil tested to show that their characteristics comply with the Excess Soil Criteria required for transfer from the Site to the same Reuse Site or the same waste disposal site or into the Bioremediation at the Site;

"Site" means the operation being approved under this Approval, located at 195 Bethridge Road, M9W 1N4, Toronto, Ontario;

"Slump Test" means the Test Method for the Determination of Liquid Waste set out in Schedule 9 of Regulation 347;

"Soil" as defined in O. Regulation 406/19;

"Soil Amendment" means material added to the Soil to improve properties of the soil for beneficial reuse, such as porosity, moisture content, nutrient content, or material used to promote natural passive degradation of contaminants;

"Soil Rules" has 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 Soil Standards contained within the "*Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act*", April 15, 2011, as amended;

" **Solid non-hazardous waste** " means a waste that is not a liquid waste and not a hazardous waste as defined in Regulation 347;

"**Source site**" means the location of origin of the non-hazardous Excess Soil which is received at the Site for processing or temporary storage and transfer;

"**Spill**" is as defined in the EPA;

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

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

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

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

"**Tested Soil**" means the Dry Soil that has been tested in accordance with this Approval to demonstrate compliance with the appropriate Excess Soil Criteria defined in this Approval and including the following:

- a. if mixed and Bioremediated, the Bioremediated Dry Soil intended for mixing, bulking and blending with Similar Soils, that was tested by the Owner and destined for transfer for deposition at a Reuse Site or transfer to a disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;
- b. if not mixed but Bioremediated, the Bioremediated Dry Soil that was tested by the Owner and destined for transfer for deposition at a Reuse Site or transfer to a waste disposal site or to any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;
- c. if mixed and destined for transfer, the incoming Dry Soil characterized by the

generator or by the Owner, intended for mixing, bulking and blending with Similar Soils, that was tested and destined for transfer for deposition at a Reuse Site or transfer to a waste disposal site or to any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;

- d. if not mixed and destined for transfer, the incoming Dry Soil characterized by the generator or by the Owner, received at the Site and destined for transfer for deposition at a Reuse Site or transfer to a waste disposal site to any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;

"Trained Personnel" means an employee trained in accordance with the requirements of Condition 25.3 and is knowledgeable through instruction and/or practice and able to carry out any necessary duties;

"VOCs" means volatile organic compounds.

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

TERMS AND CONDITIONS

1.0 General

Compliance

1.1 The Owner shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

1.2 Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

Build, etc. in Accordance

1.3 (1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval received April 30, 2019 and signed by George Kirchmair, P.Eng., VP Environmental Services, York Environmental Solutions Ltd., and the supporting documentation listed in the attached Schedule "A".

(2) 1. Construction and installation of the aspects of the described in 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.

2. 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 1.3(1) above.

1.4 The Owner shall maintain a copy of each supporting document listed in Schedule "A" at the Site to be made available to any Provincial Officer upon request.

Interpretation

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

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

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

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

Other Legal Obligations

1.9 The issuance of, and compliance with the conditions of, this Approval does not:

- a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
- b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.

Adverse Effects

1.10 The Site shall be constructed, operated and maintained in an environmentally safe manner which ensures the health and safety of all persons and minimizes adverse effects on the natural environment.

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

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

Change of Owner

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

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

1.14 No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance and sufficient financial assurance is deposited with the Ministry to ensure that these conditions will be carried out. In the event of any change in ownership of the Site, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director .

Wastewater Discharges

2.1 All wastewater must be discharged in accordance with the *OWRA*, any Approval issued under Section 53 of the *OWRA*, and any applicable Municipal Sewer Use By-Law(s).

Discharges to the Atmosphere

2.2 (1) No later than December 31, 2021, the Owner shall submit an application for approval under Section 9 of the *EPA* to the Director unless otherwise notified by the Ministry in writing.

(2) The Owner shall ensure that all discharges to the atmosphere comply with all approvals issued under Section 9 of the *EPA* for this Site.

3.0 Inspections by the Ministry

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

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

4.0 Information and Record Retention

4.1 Any information requested by the Ministry, concerning the operation of the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request. Records shall be retained for seven (7) years except as otherwise authorized in writing by the Director.

4.2 The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

- a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
- b. acceptance by the Ministry of the information's completeness or accuracy.

5.0 Financial Assurance

5.1 No later than 30 days from the date of issuance of this Approval, the Owner shall submit Financial Assurance, as defined in Section 131 of the EPA, in the amount of \$2,142,250 (CAN) to the Director. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis and transportation off-site of all permitted waste, Site clean-up, and the long-term monitoring and maintenance of the Site.

5.2 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 5.1. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

5.3 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.

6.0 Waste Types, Processes and Service Area

6.1 The Site may receive solid, non-hazardous Excess Soil originating in the Province of Ontario. Excess Soil includes soil that contains petroleum hydrocarbons, poly-cyclic aromatic hydrocarbons, metals, inorganics, volatile organic compounds, semi-volatile organic compounds, and/or contains construction & demolition debris. Excess Soil may be received for the purposes of transfer or processing. No free-phase liquid (non-aqueous phase liquid), excluding water, shall be present in the Excess Soil.

6.2 The following processes may be carried out at the Site:

- a. the transfer of Excess Soil;

- b. the screening of Excess Soil to remove debris;
- c. the crushing of concrete, stones and other similar material screened out or otherwise removed from Excess Soil received at the Site;
- d. the homogenization of Soil loads.
- e. the processing of Excess Soil through the addition of the Soil Amendments listed in Condition 7.1 to improve properties of the soil for beneficial reuse, such as porosity, moisture content, nutrient content, or to promote natural passive degradation of contaminants;

6.3 The Site may only receive Excess Soil for processing that does not contain metals at concentrations exceeding the applicable quality criteria for reuse at the final destination in accordance with Condition 20.2.

6.4 The Owner shall ensure that Excess Soil that is classified as a hazardous waste, as defined in *Regulation 347*, is not received at the Site.

7.0 Soil Amendment Materials

7.1 The following are approved for receipt, temporary storage and use at the Site as soil amendment material:

- a. compost that meets the definition of an exempt waste as set out in Section 3(2)25 of Regulation 347;
- b. aged horse or cow manure that meets the definition of agricultural waste set out in Regulation 347;
- c. carbon and carbon products;
- d. cement;
- e. solid non-hazardous cement kiln dust; and
- f. the other soil amendments described in Items 2 and 3 of Schedule "A".

8.0 Waste Limits, Capacity and Handling

8.1 The amount of Excess Soil that may be received at the Site, including Excess Soil awaiting sampling, analysis and/or characterization at the Site, is limited to 6,000 tonnes per day.

8.2 Notwithstanding Condition 8.1 above, the Site may receive up to 9,000 tonnes of Excess Soil, including Excess Soil awaiting sampling, analysis and/or characterization

at the Site, for up to 10 consecutive days, provided the daily receipt does not exceed 6,000 tonnes on more than 90 days in any year and no more than 2,130,000 tonnes of Excess Soil is received at the Site in any year.

8.3 The maximum amount of Excess Soil, Processed Soil and Residual Waste allowed at the Site at any one time is limited to 95,000 tonnes.

8.4 The Excess Soil received at the Site shall be transferred forthwith from the receiving vehicle to the designated receiving area.

8.5 Rejected Waste shall be removed from the Site within (4) business days of its receipt or receipt of the laboratory report for the analysis of the Excess Soil deemed as the Rejected Waste, as applicable, or as acceptable to the District Manager.

8.6 In the event that the Excess Soil that is not approved under this Approval is inadvertently accepted at the Site, the Owner shall ensure that this Rejected Waste:

- a. is stored indoors or outdoors covered in the way that ensures isolation from other wastes and materials and from the natural environment;
- b. is handled and removed from the Site in accordance with *Regulation 347* and the *EPA*, and that a record is made in the daily log book of the reason why the Excess Soil was refused and the origin of the waste, if known.

8.7 The Owner shall ensure that all solid Residual Waste:

- a. is stored in a designated area of the Site;
- b. is segregated from all other waste;
- c. is removed from the Site within sixty (60) days from the time of its generation; and
- d. is managed and removed from the Site in accordance with *Regulation 347* and the *EPA*.

9.0 Site Security and Signage:

9.1 The Site must be maintained in a secure manner, such that unauthorized persons cannot enter the Site.

9.2 The Owner shall ensure that a sign readable twenty four (24) hours per day is posted at the entrance to the Site stating the following information:

- a. name of the Owner;
- b. this Approval number;

- c. normal hours of operation;
- d. telephone number to which complaints may be directed;
- e. twenty-four hour emergency telephone number (if different from above);
- f. a warning against unauthorized access; and
- g. a warning against dumping at the Site.

9.3 The Owner shall ensure that the Site is secured and that all entrances are secured by lockable gates to prevent unauthorized access when the Site is not open.

9.4 The Owner shall ensure that the Site is operated in a safe and secure manner, and that all waste is properly handled, contained, stored and labelled so as not to pose any threat to the general public and the Site personnel.

SITE OPERATIONS

10.0 Hours of Operation

10.1 Excess Soil may be received at the Site 24 hours per day, 7 days per week, unless otherwise restricted by municipal bylaws.

10.2 The processing of Excess Soil shall only be conducted during the operating hours noted in condition 10.1 above.

11.0 Incoming Excess Soil Receipt:

Required Documentation from Generator of Excess Soil for Processing

11.1 Prior to accepting any Dry Soil at the Site, the Owner shall acquire from the Source Site owner/generator, the documentation that contains information on the Source Site and the characterization information of the incoming Dry Soil, unless the Dry Soil is received in accordance with the following sub-conditions:

Dry Soil with Incomplete Documentation or without Documentation

- a. provided that the Dry Soil is a solid non-hazardous waste, any Dry Soil received at the Site with incomplete Dry Soil characterization documentation or without the required Dry Soil characterization documentation, shall remain segregated from all other Dry Soils, wastes and materials and be covered, until complete documentation promptly provided by the Source Site owner/generator, received by the Owner and deemed acceptable by Trained Personnel or the Dry Soil is characterized at the Site in accordance with this Approval;

Dry Soil from Spills

b. provided that the Dry Soil is generated from emergency spill response activities, any Dry Soil received at the Site shall remain segregated from all other Dry Soils, wastes and materials and be covered, until the Dry Soil is characterized at the Site in accordance with this Approval.

Dry Soil - Small Amounts for Bioremediation

c. For Dry Soil from small-scale residential Source Site projects and destined for the Bioremediation at the Site, Dry Soil may be received at the Site without accompanying characterization results subject to the following:

- i. the amount of Dry Soil received from any one Source Site shall not exceed 80 cubic metres or 150 tonnes;
- ii. the total amount of Dry Soil stockpiled further to this sub-condition shall not exceed 800 cubic metres or 1,440 tonnes;
- iii. all Dry Soils shall be inspected visually and olfactorily prior to receipt to ensure the Dry Soil quality matches the Dry Soil description provided and the requirements of this Approval;
- iv. the Dry Soils may be stockpiled separately or in the same pile prior to sampling and testing; and
- v. the Dry Soil stockpiles may be mixed prior to testing for the purposes of homogenization, provided that an Air Approval required under Section 9 of the EPA for the equipment used is obtained prior to mixing and this activity is approved in the Air Approval.

d. For Dry Soil from small-scale excavation IC&I Source Site projects and destined for the Bioremediation at the Site, Dry Soil may be received at the Site without accompanying test results subject to the following:

- i. the amount of Dry Soil received from any one Source Site shall not exceed 10 tonnes or 18 cubic metres and this amount shall not be exceeded in any one (1) year from the last excavation at the Source Site;
- ii. the Dry Soil shall be inspected visually and olfactorily prior to receipt to ensure the Dry Soil quality matches the Dry Soil description provided and the requirements of this Approval;
- iii. Dry Soils shall be stockpiled separately prior to testing; and
- iv. if the Contaminants of Concern involve only fuels (diesel, gasoline, oil), or mineral oils, or SAR, then a minimum of one (1) sample may be taken for testing.

11.2 The documentation from Condition 11.1 shall be reviewed and deemed acceptable by Trained Personnel.

Excess Soil General Documentation

11.3 Regardless whether the Excess Soil is characterized by the Source Site owner/generator or the Owner, the documentation required in Condition 11.1 shall include the following Source Site information:

- a. the generator's name and/or company name, address and contact information;
- b. the Source Site location;
- c. current Source Site's activities and land use;
- d. past Source Site's activities and land use, if known; and
- e. estimated quantity of the Excess Soil to be received at the Site.

For Each Source Site

11.4 The documentation required in Condition 11.1 shall be for the Excess Soil from each Source Site.

Characterization Documentation

11.5 All applicable analytical results shall be from a laboratory service provider accredited by a Canadian Association for Laboratory Accreditation or equivalent.

Incoming Dry Soil - Transfer to a Reuse Site

11.6 The documentation required in Condition 11.1 for the incoming Dry Soil for transfer and destined for a Reuse Site, shall include sampling and testing protocols and characterization results done in accordance with the requirements in O. Regulation 406/19 and the Soil Rules.

Incoming Dry Soil - Transfer to a Waste Disposal Site

11.7 The documentation required in Condition 11.1 for the incoming Dry Soil destined for transfer to an approved non-hazardous waste disposal site shall also include sampling and testing protocols, methods and analytical results to demonstrate that the Dry Soil is a solid non-hazardous waste. As a minimum, the characterization documentation shall include the following information:

- 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 characterization results:

- i. slump from the Slump Test, if the Excess Soil has a high moisture content;
- ii. characterization to demonstrate that the Dry Soil is a non-hazardous waste which was done in accordance with the following:

- A. sampling and testing results to demonstrate that the Dry Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis results, from samples,
 - 1. collected in accordance with the

procedures set out in the Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended; and

2. tested for Contaminants of Concern determined from the information contained in the general documentation required in Condition 11.1 and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider; and

B. sampling and testing results to demonstrate that the Dry Soil is suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site Environmental Compliance Approval **or** sampling and testing results to demonstrate that the Dry Soil is suitable for acceptance at the receiving waste disposal site, as instructed by the owner of the waste disposal site.

Incoming Dry Soil - Bioremediation

11.8 The required incoming Dry Soil characterization documentation required in Condition 11.1 for Dry Soil destined for Bioremediation at the Site, shall include characterization information, sampling and testing protocols/methods done in accordance with the following:

- 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 characterization results:
 - i. slump from the Slump Test, if the Excess Soil has a high

moisture content;

- ii. any applicable analytical results demonstrating that the Dry Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis results;
- iii. bulk concentrations of the following:

- A. petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);

- B. heavy metals;

- C. Benzene, Toluene, Ethyl Benzene and Xylene; and

- iv. bulk concentrations of the other applicable potential Contaminants of Concern listed in Section B of Part I of the Soil Rules, including any other VOCs and SVOCs or inorganics determined from the information contained in the general documentation required above;

c. the following sampling and testing information:

- 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 Dry Soil from residential Source Sites:

- 1. a minimum of one (1) sample shall be collected for each 500 m³ of the Dry Soil to be excavated/excavated for testing of VOCs and SVOCs, excluding petroleum

hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);
and

2. a minimum of one (1) sample shall be collected for each 300 m³ of the Dry Soil to be excavated/excavated for testing for petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34) and for all other testing,

B. for an in-situ characterization of the Dry Soil from IC&I Source Sites:

1. a minimum of three (3) samples shall be collected if less than 600 m³ of the Dry 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 Dry Soil to be excavated;
3. a minimum of one (1) sample shall be collected for each additional 450 m³ of the Dry Soil after the first 10,000 m³ of the Dry Soil to be excavated;
and
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 Dry Soil to be excavated;

C. when carrying out an ex-situ characterization of the Dry Soil from IC&I Source Sites, the sampling frequency requirements are as follows:

1. for stockpile volume of less than 220 m³, a minimum of 2 samples shall be collected;
2. for stockpile volume between 221 m³ and 430 m³, a minimum of 3 samples shall be collected;
3. for stockpile volume between 431 m³ and 670 m³, a minimum of 4 samples shall be collected;
4. for stockpile volume between 671 m³ and 950 m³, a minimum of 5 samples shall be collected;
5. for stockpile volume between 951 m³ and 1,250 m³, a minimum of 6 samples shall be collected;
6. for stockpile volume between 1,251 m³ and 1,550 m³, a minimum of 7 samples shall be collected;
7. for stockpile volume between 1,551 m³ and 1,850 m³, a minimum of 8 samples shall be collected;

8. for stockpile volume between 1,851 m³ and 2,200 m³, a minimum of 9 samples shall be collected;
9. for stockpile volume between 2,201 m³ and 2,500 m³, a minimum of 10 samples shall be collected;
10. for stockpile volume between 2,501 m³ and 2,900 m³, a minimum of 11 samples shall be collected;
11. for stockpile volume between 2,901 m³ and 3,300 m³, a minimum of 12 samples shall be collected;
12. for stockpile volume between 3,301 m³ and 3,700 m³, a minimum of 13 samples shall be collected;
13. for stockpile volume between 3,701 m³ and 4,100 m³, a minimum of 14 samples shall be collected;
14. for stockpile volume between 4,101 m³ and 4,500 m³, a minimum of 15 samples shall be collected;
15. for stockpile volume between 4,501 m³ and 5,000 m³, a minimum of 16 samples shall be collected; and
16. for stockpile volume of greater than 5,000 m³, a minimum

number of samples to be collected shall be calculated in accordance with the following formula: $N = [32 + (\text{volume} - 5000 / 300)]/2$ where "volume" is the actual stockpile volume;

- ii. sampling methods used and procedures for handling of the samples 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 service provider carrying out the analytical testing;
- iii. sampling of the Dry Soil for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, in accordance with the Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended;
- iv. analytical methods for determining bulk concentrations of contaminants in the Dry 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; and
- v. leachate characterization in accordance with the TCLP.

Unacceptable/Rejected

11.9 Any Excess Soil characterized at the Site that is found to be unacceptable for receipt at the Site shall be deemed as Rejected Waste, and shall be transferred from the Site in accordance with the requirements of this Approval.

Receipt of Excess Soil at the Site

11.10 All Excess Soil receipt and unloading shall be undertaken within a dedicated

receiving area at the Site.

11.11 Trained Personnel shall visually inspect the incoming Excess Soil as it is being unloaded. Any Excess Soil that exhibits characteristics suggesting that it is not a solid, non-hazardous waste shall be deemed a Rejected Waste and disposed of in accordance with the conditions of this Approval.

12.0 Storage Area Requirements:

12.1 All storage of the Excess Soil, Rejected Waste, Residual Waste, Processed Soil, processing amendments and/or reagents shall be carried out within the designated areas of the Site as set out in supporting documentation included in the attached Schedule "A" and as required below:

- a. Excess Soil storage stock piles shall be contained within bunkers with appropriate signage as described in the attached Schedule "A".
- b. Notwithstanding provisions of Condition 12.1a, above, incoming Excess Soil requiring segregation shall be kept in a designated area separate from other soils.

13.0 Waste Inspections:

13.1 All sampling/analytical documentation for the loads of Excess Soil entering the Site shall be reviewed by Trained Personnel prior to Excess Soil being accepted at the Site to ensure that the Excess Soil is of a type approved for acceptance under this Approval.

14.0 Transfer:

14.1 The transfer of Excess Soil encompasses the following waste management activities:

- a. weighing all incoming and outgoing truck loads and recording the results;
- b. receipt;
- c. temporary storage;
- d. screening, as required
- e. homogenization of Soil; and
- f. transfer of the Excess Soil intended for transfer to a waste disposal site.

14.2 The maximum storage duration of the Excess Soil destined for transfer to a waste disposal site shall not exceed ninety (90) days from its receipt.

14.3 The Excess Soil intended for transfer to a waste disposal site shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or any other site approved to accept such waste by an

appropriate government agency of equivalent jurisdiction.

14.4 The Excess Soil intended for transfer to a waste disposal site shall be shipped from the Site only to a Ministry approved waste disposal site or other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.

15.0 Excess Soil Management Activities:

15.1 Processing of the Excess Soil encompasses the following waste management activities:

- a. weighing all incoming and outgoing truck loads and recording the results;
- b. receipt, temporary storage, screening, processing and homogenization of Excess Soil;
- c. the addition of approved soil amendments to Excess Soil;
- d. sorting of the Excess Soil to remove rocks and debris.

15.2 All activities approved under this Approval shall only be carried out by the Trained Personnel appropriately trained as set out in Condition 23.3.

15.3 The Owner shall ensure the Excess Soil stockpiles remain segregated during and after processing.

15.4 No inoculants or other additives may be added to the Excess Soil other than those listed in this Approval.

15.5 At no time shall any Excess Soil be mixed with any other waste, soil or materials if the principal purpose of the mixing is to reduce contaminant concentrations in the Excess Soil.

16.0 Site Inspections:

16.1 The Owner shall maintain at the Site a comprehensive written Inspection Program which includes procedures for inspections of all aspects of the Site's operations including the following:

- a. Excess Soil, Processed Soil and any other waste loading/unloading/storage/handling areas;
- b. condition of all major pieces of the Equipment;
- c. condition of all instruments for monitoring required under this Approval;
- d. presence of excessive fugitive dust emissions from the operation of the Site;
- e. presence of on and off-site litter; and

f. presence of off-site odours.

16.2 The Inspection Program required in Condition 16.1 shall be up-dated, as required, shall be retained at the Site and be made available for inspection by a Provincial Officer, upon request.

16.3 The inspections described in the Inspections Program noted in Condition 16.1 shall be undertaken daily by Trained Personnel in accordance with the inspection program to ensure that all Equipment and facilities at the Site are maintained in good working order at all times and that no off Site impacts are occurring. Any deficiencies detected during these regular inspections must be promptly corrected.

17.0 General Requirements for Characterization

17.1 (1) Unless the incoming Dry Soil has been already adequately characterized at the Source Site or at the spill site as required by this Approval, the Owner shall upon receipt at the Site characterize the Dry Soil at the Site to determine its nature, constituents and characteristics and carry out sampling of the incoming Dry Soil within twenty four (24) hours from its receipt.

(2) For the Processed Soil, sampling shall be carried out within twenty four (24) hours from completion of processing or Solidification or on the next business day, whichever comes first.

(3) Discrete Samples shall be taken when analysing for:

i. metals;

ii. hydride-forming metals;

iii. petroleum hydrocarbons (PHCs);

iv. benzene, toluene, ethylbenzene, xylene (BTEX);

v. volatile organic compounds (VOCs);

vi. polycyclic aromatic hydrocarbons (PAHs);

vii. acid/base/neutral compounds (ABNs);

viii. chlorophenols (CPs).

(4) Composite Samples shall be taken when analysing for SVOCs with the Henry's Law constant less than 1×10^{-5} atmosphere m^3 / mol and/or vapour pressure less than 0.05 mm Hg.

(5) For sampling of the Dry Soil or Processed Soil, the Owner shall,

- a. use sampling procedures, including methods, equipment and techniques, for collection of representative samples and for handling of the samples as set out in the Section B of Part I of the Soil Rules or as recommended by the accredited laboratory service provider carrying out the analytical testing.

Analytical methods

(6) For testing of the Dry Soil, the Liquid Soil or the Processed Soil or the Solidified Liquid Soil or the solidified Waste Slurries and Sludges, the Owner shall,

- a. for determining bulk concentrations of contaminants, use the analytical methods as set out in 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 Section B of Part I of the Soil Rules;
- b. for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, sample the Dry Soil or the Liquid Soil in accordance with the Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended;
- c. for determination if Waste is a solid or a liquid, use the Slump Test;
- d. to demonstrate that the Dry Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis, use the Ministry-published methods and if unavailable, use methods recommended by the accredited laboratory service provider; and
- e. submit samples to an accredited laboratory service provider no later as instructed, for the required analysis.

Testing of Waste to be Transferred to Waste Disposal Site

17.2 For solid Waste destined for transfer to an approved non-hazardous waste disposal site, the required Waste characterization sampling and testing protocols/methods shall be in accordance with the following:

- a. if the Waste has a high moisture content, determine the slump; and

b. sample and test the Waste in accordance with one of the following:

- A. sampling and testing results to demonstrate that the Waste does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis results, from samples,
1. collected in accordance with the procedures set out in the Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended; and
 2. tested for Contaminants of Concern determined from the information contained in the general documentation required in Condition 11.1 and 11.3 above and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider; and
- B. sampling and testing results to demonstrate that the Waste is suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site Environmental Compliance Approval **or** sampling and testing results to demonstrate that the Waste is suitable for acceptance at the receiving waste disposal site, as instructed by the owner of the waste disposal site.

Testing of Incoming Dry Soil for Bioremediation

17.3 (1) For Dry Soil destined for the Bioremediation at the Site, the required on-Site characterization sampling and testing protocols/methods shall be in accordance with the following:

- a. for characterization of the Dry Soil from residential Source Sites received at the Site, sampling and testing requirements, including the number of samples taken and their locations shall be as follows:
 - i. a minimum of one (1) sample shall be collected for each 500 m³ of the Dry Soil to be excavated/excavated for testing of VOCs

and SVOCs, excluding petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34); and

- ii. a minimum of one (1) sample shall be collected for each 300 m³ of the Dry Soil to be excavated/excavated for testing for petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34) and for all other testing;

b. for characterization of the Dry Soil from IC&I Source Sites received at the Site, sampling and testing requirements, including the number of samples taken and their locations shall be as follows:

- A. for stockpile volume of less than 220 m³, a minimum of 2 samples shall be collected;
- B. for stockpile volume between 221 m³ and 430 m³, a minimum of 3 samples shall be collected;
- C. for stockpile volume between 431 m³ and 670 m³, a minimum of 4 samples shall be collected;
- D. for stockpile volume between 671 m³ and 950 m³, a minimum of 5 samples shall be collected;
- E. for stockpile volume between 951 m³ and 1,250 m³, a minimum of 6 samples shall be collected;
- F. for stockpile volume between 1,251 m³ and 1,550 m³, a minimum of 7 samples shall be collected;
- G. for stockpile volume between 1,551 m³ and 1,850 m³, a minimum of 8 samples shall be collected;
- H. for stockpile volume between 1,851 m³ and 2,200 m³, a minimum of 9 samples shall be collected;
- I. for stockpile volume between 2,201 m³ and 2,500 m³, a minimum of 10 samples shall be collected;
- J. for stockpile volume between 2,501 m³ and 2,900 m³, a minimum of 11 samples shall be collected;
- K. for stockpile volume between 2,901 m³ and 3,300 m³, a minimum of 12 samples shall be collected;
- L. for stockpile volume between 3,301 m³ and 3,700 m³, a minimum of 13 samples shall be collected;
- M. for stockpile volume between 3,701 m³ and 4,100 m³, a minimum of 14 samples shall be collected;

- N. for stockpile volume between 4,101 m³ and 4,500 m³, a minimum of 15 samples shall be collected;
- O. for stockpile volume between 4,501 m³ and 5,000 m³, a minimum of 16 samples shall be collected;
- P. for stockpile volume of greater than 5,000 m³, a minimum number of samples to be collected shall be calculated in accordance with the following formula: $N = [32 + (\text{volume} - 5000 / 300)]/2$ where "volume" is the actual stockpile volume;
- c. 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 service provider carrying out the analytical testing;
- d. sampling of the Dry Soil for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 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;
- e. if the Excess Soil has a high moisture content, slump shall be determined to confirm the Excess Soil is a solid;
- f. applicable criteria from the hazardous waste definition from Regulation 347, including leachate concentrations for the Contaminants of Concern listed in Schedule 4 of Regulation 347, shall be determined from the information contained in the general documentation required in Conditions 11.1 and 11.3 above and tested for;
- g. bulk concentrations of the following:
- i. petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);
 - ii. heavy metals;
 - iii. Benzene, Toluene, Ethyl Benzene and Xylene; and
 - iv. other applicable potential Contaminants of Concern listed in Section B of Part I of the Soil Rules, including any other VOCs and SVOCs or inorganics, determined from the information contained in the general documentation required in Condition 4.2(3); and
- h. analytical methods listed in Condition 17.1 above shall be used.

18.0 Verification Testing of the Excess Soil:

18.1 For the Excess Soil that has been characterized by the generator , upon its receipt at the Site, the Owner shall collect a minimum of one (1) representative sample from the incoming Excess Soil from each source in order to verify the quality of the incoming Excess Soil and test it depending on the final destination as set out in Conditions 18.2, 18.3, 18.4 and 18.5, below.

18.2 For the Excess Soil that has been characterized by the generator and is destined for final disposal at a non-hazardous waste landfill site, the Owner shall test the Excess Soil for the parameters required to verify that the incoming Excess Soil is a non-hazardous waste, including the relevant parameters set out in Schedule 4 entitled “Leachate Quality Criteria” of *Regulation 347*.

18.3 For the Excess Soil that has been characterized by the generator and is destined for transfer to an approved waste disposal site, the Owner shall test the Excess Soil for the parameters required to demonstrate compliance with the waste disposal site's waste receipt restrictions.

18.4 For the Excess Soil that has been characterized by the generator and is destined for reuse as set out in Condition 19.2 the Owner shall test the Excess Soil for the following parameters:

- a. parameters required to confirm that the incoming Excess Soil is a solid and a non-hazardous waste, including the relevant parameters set out in Schedule 4 entitled “Leachate Quality Criteria” of *Regulation 347*;
- b. petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);
- c. Benzene, Toluene, Ethyl Benzene and any other VOCs based on the source site uses and history;
- d. SVOCs based on the source site uses and history;
- e. heavy metals based on the source site uses and history; and
- f. any other contaminants based on the source site uses and history.

18.5 Sampling of the incoming Excess Soil for the purpose of characterization required by Conditions 18.1 through 18.4, above, shall be carried out:

- a. upon receipt at the Site;
- b. prior to mixing with any Similar Soils, any Bioaugmentation Compound(s) solution, and the Biostimulation Compound(s);
- c. in accordance with the sampling/testing protocols set out in Condition 17.0.

19.0 TESTED SOIL QUALITY CRITERIA, SOIL DISPOSAL and RE-USE REQUIREMENTS

19.1 Tested Soil Quality Criteria

- (1) The Tested Soil shall meet the applicable Excess Soil Criteria for the Reuse Site.
- (2) The Tested Soil destined for a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction, shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the waste disposal site or the other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.

19.2 Dry Soil as Excess Soil Destined for a Reuse Site

- (1) The Tested Soil may leave the Site as Excess Soil to a Reuse Site only if tested in accordance with the requirements set out in O. Regulation 406/19 and the Soil Rules to show compliance with the Excess Soil Criteria.

19.3 Dry Soil Destined for a Waste Disposal Site or a Site in Another Jurisdiction

- (1) The Tested Soil may be transferred to a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction subject to compliance with the applicable quality criteria and restrictions in O. Regulation 406/19.

19.4 Disposal of Non-Reusable Soil-like Waste

- (1) Except for the Processed Soil intended for deposition at a Reuse Site, the Owner shall ensure that,

- a. all Rock that does not meet the definition of an Inert Fill;
- b. all Excess Soil that contains more Rock than allowed in Excess Soil and which does not meet the definition of an Inert Fill;
- c. all Excess Soil that contains more than an insignificant amount of incidental construction and/or demolition waste or other non-hazardous waste debris; and
- d. all Excess Soil that contains foundry sands, slag, emission control dusts or treatment residues;

are only transferred to:

- i. 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
ii. a location not required to obtain an Environmental Compliance Approval but having an appropriate jurisdictional approval or a license, if required.

19.5 Other Wastes – Transfer or Disposal

(1) The Owner shall ensure that other Wastes received and managed at the Site or wastes generated at the Site are transferred to an approved waste disposal site in accordance with the requirements in the EPA and Regulation 347 or to a location with the appropriate jurisdictional approval or a license, if required or a site exempted from the Environmental Compliance Approval in accordance with Regulation 347.

20.0 (revoked)

21.0 Housekeeping and Nuisance Impact Control

Vermin and Vectors

21.1 The Owner shall implement necessary housekeeping procedures to eliminate potential sources of attraction for vermin and vectors.

Dust

21.2 The Owner shall implement best management practices to minimize the generation of dust such that it does not result in an off-site nuisance.

Litter

21.3 The Owner shall pick up the litter at the Site, as required to prevent its escape from the Site.

Vehicles and Traffic

21.4 The Owner shall ensure that vehicles leaving the Site do not drag waste onto the public roadways.

21.5 The Company shall ensure that trucks leaving the Site have been cleaned in such a manner as to prevent the off-site tracking of dirt and mud.

21.6 The Owner shall ensure that the vehicles transporting any wastes from the Site

are appropriately covered as they depart from the Site, so that fugitive dust or odour emissions are minimized during the transit to their destination.

22.0 Complaints Response Procedure

22.1 A designated representative of the Owner shall be available to receive public complaints caused by the operations at the Site twenty-four (24) hours per day, seven (7) days per week.

22.2 If at any time, the Owner receives a complaint regarding the operation of the Site, the Owner shall respond to the complaint according to the following procedure:

- a. the Owner shall record each complaint on a formal complaint form entered in a computerized tracking system. The information recorded shall include the nature of the complaint, circumstances of the complaint including the wind direction and other weather conditions, the name, address and the telephone number of the complainant, if available, 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 notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. Notification shall include a description of what actions, if any, were taken to identify and remediate the cause of the complaint, the name(s) of Owner personnel responsible for handling the incident and a description of the measures taken to prevent a similar occurrence in the future.

23.0 Operations Manual and Staff Training

Operations Manual

23.1 The Owner shall maintain an Operations Manual for the Site. As a minimum, the Operations Manual must contain the following:

- a. outline of the responsibilities of the Site personnel;
- b. personnel training protocols;
- c. Site operating procedures including but not limited to Excess Soil and soil amendment receiving, unloading/loading, screening, handling and storage procedures
- d. sampling, testing, monitoring and recording procedures as required by this

Approval;

- e. required data recording procedures;
- f. emergency response procedures including an outline of the responsibilities of Site personnel including roles and responsibilities during emergency situations, exit locations and evacuation routing, and locations of relevant Equipment available for handling of the emergency situations;
- g. the contingency plans for the Site;
- h. Equipment and Site inspection procedures, as required by this Approval;
- i. nuisance impact control & housekeeping procedures, as required by this Approval; and
- j. the procedures for handling and recording complaints as described in this Approval.

23.2 A copy of this Operations Manual shall be kept at the Site, shall be accessible to Site personnel at all times and shall be updated as required.

Training

23.3 Site employees shall be trained with respect to the following:

- a. operation and management of the Site, or area(s) within the Site, as per the specific job requirements of each individual employee in accordance with the Operations Manual required by Condition 23.1, above;
- b. terms and conditions of this Approval, relevant to the specific job requirements of each individual employee in accordance with the Operations Manual required by Condition 23.1, above;
- c. environmental, and occupational health and safety concerns pertaining to the wastes to be handled;
- d. emergency first-aid information and the use of the Equipment and materials outlined in the Emergency Response and Contingency Plan;
- e. relevant waste management legislation and regulations, including the *EPA and Regulation 347*; and
- f. for those employees involved in the sampling/testing of Excess Soil, sampling/testing protocols required for the characterization of the incoming the Excess Soil and the outgoing Processed Soil.

23.4 The Owner shall ensure that all employees at the Site are trained in the requirements of this Approval relevant to the employee's position:

- a. upon commencing employment at the Site in a particular position; and
- b. whenever items listed in Condition 23.3a. are changed or during planned refresher training.

24.0 Contingency Plan:

24.1 The Owner shall maintain an up-to date Contingency Plan for the Site. The Contingency Plan shall be revised, as required, in consultation with the District Manager. The Contingency Plan, as a minimum must include the following:

- a. procedures and actions to be taken should the incoming Excess Soil not meet the quality criteria set out in this Approval;
- b. procedures and actions to be taken should the outgoing Residual Waste or the Excess Soil destined for transfer off-Site not meet the quality criteria set out in the receiving site's Environmental Compliance Approval;
- c. procedures and actions to be taken should the Processed Soil fail to meet the required quality standards;
- d. procedures and actions to be taken should the temporary storage of the Excess Soil or of any other waste at the Site result in occurrence of complaints;
- e. procedures and actions to be taken should the receipt of any incoming Excess Soil be likely to cause the storage limits for the Site to be exceeded, including ceasing the receipt of all Excess Soil at the Site until sufficient material can be moved off-site and reporting to the District Manager in the event that such contingency measures need to be implemented;
- f. procedures and actions to be taken should the occurrence of complaints require the Owner to implement additional environmental impact control measures; and
- g. procedures and actions to be taken should the occurrence of complaints require the Owner to suspend the Excess Soil handling activities at the Site.

24.2 An up-to-date version of the Contingency Plan shall be kept at the Site, in a central location known and available to all Site personnel. A copy shall be made available to Ministry staff upon request.

24.3 The Contingency Plan shall be reviewed on an annual basis and updated, if necessary. Revised versions of the Contingency Plan shall be provided to the District Manager upon request.

25.0 Emergency Situations Response and Reporting:

25.1 The Owner shall maintain an up-to date Emergency Response Plan for the Site.

The Emergency Response Plan shall be revised, as required, in consultation with the District Manager. The Owner shall also invite the local municipality and the local Fire Department to provide input and/or comments into revisions of the Emergency Response Plan. The Emergency Response Plan, as a minimum must include the following:

- a. emergency response procedures to be undertaken in the event of a spill, process upset, power failure, fire or any other emergency situation, including specific clean up methods for wastes expected to be generated from the emergency situation;
- b. a list of Equipment and clean up materials available for dealing with the emergency situations and their locations on the Site plan;
- c. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the Site, the Ministry's District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response;

25.2 The Owner shall immediately take all necessary measures, as set out in the Emergency Response Plan, to handle the emergency situations occurring at the Site.

25.3 The Owner shall ensure that the Equipment and materials outlined in the Emergency Response Plan are immediately available at the Site at all times and are in a good state of repair and fully operational.

25.4 The Owner shall ensure that all Site employees are fully trained in the use of the Equipment and materials outlined in the Emergency Response Plan, and in the procedures to be employed in the event of an emergency.

25.5 All Spills shall be immediately reported to the **Ministry's Spills Action Centre at 1-800-268-6060** and to the local municipality and shall be recorded in the log book as to the nature and cause of the Spill, and the action taken for clean-up, correction and prevention of similar future occurrences.

25.6 Should a Spill occur at the Site, in addition to fulfilling the requirements from the *EPA*, the Owner shall submit to the District Manager a written report within three (3) calendar days outlining the nature of the Spill, remedial measure taken and the measures taken to prevent future occurrences at the Site.

26.0 Record Keeping

Daily Activities

26.1 The Owner shall maintain a written or digital record of daily activities undertaken at the Site. All measurements shall be recorded in consistent metric units of measurement. The record shall include, as a minimum, the following information:

- a. date of receipt and the name of the original Excess Soil generator, source site location, land/use of the source site, and the quantity (tonnage and number of trucks) of the Excess Soil received;
- b.
- c. results of the required characterization of the incoming Excess Soil;
- d. the Excess Soil processing activities undertaken at the Site, including the amounts of soil amendments used;
- e. date, quantity, type, quality (including the analytical data from any compliance testing) and the destination of the Processed Soil and of the Excess Soil destined for transfer off-site;
- f. date, quantity, type, and the destination of the total Residual Waste, transferred from the Site for final disposal;
- g. date, quantity, type, quality (including the analytical data from any compliance testing, if applicable) and the destination of the Rejected Waste transferred off-site and the reason for rejection;
- h. a running total of the amount of Excess Soil, Processed Soil and Residual Waste at the Site;
- i. the running total of the Processed Soil and its characterization results, if characterization has been completed;
- j. copies of the signed confirmations for each of the receiving sites and the confirmation of the credentials for the Qualified Person, as applicable;
- k. the date when each new preventative measure or operating procedure to minimize emissions to the atmosphere is implemented, including a description of the preventative measure or operating procedure; and
- l. the date, time of commencement, and time of completion of housekeeping and other periodic activities conducted to minimize emissions to the atmosphere, including a description of the preventative measure/procedure and the name of the individual performing the activity.

Emergency Situations

26.2 The Owner shall maintain a written or digital record of the emergency situations. The record shall include, as a minimum, the following:

- a. the type of an emergency situation;
- b. description of how the emergency situation was handled;
- c. the type and amount of material spilled, if applicable;
- d. a description of how the spilled material was cleaned up and waste stored, if generated; and
- e. the location and time of final disposal, if applicable.

Inspections and Maintenance

26.3 The Owner shall maintain a written or digital record of inspections and maintenance as required by Condition 16.0, above. The record shall include, as a minimum, the following:

- a. the name and signature of person that conducted the inspection;
- b. the date and time of the inspection;
- c. the list of any deficiencies discovered;
- d. the recommendations for remedial action;
- e. the date, time and description of actions taken; and
- f. all records on the maintenance, repair and inspection of the Equipment.

Training

26.4 The Owner shall maintain a written or digital record of training as required by Condition 23.3, above. The record shall include, as a minimum, the following:

- a. date of training;
- b. name and signature of person who has been trained; and
- c. description of the training provided.

Sampling & Testing Records

26.5 The Owner shall establish and maintain a written or digital record of all sampling and testing activities at the Site as required by Conditions 18.0 and 19.0 above. This record shall include, as a minimum, the following information:

- a. Excess Soil type sampled, sample collection locations and volume collected;
- b. day and time of collection;
- c. sample handling procedures;

- d. name of the person undertaking the sampling;
- e. parameters tested for and the results;
- f. name of the laboratory facility conducting the testing, if applicable; and
- g. conclusions drawn with respect to the results of the testing.

Complaints Response Records

26.6 The Owner shall establish and maintain a written or digital record of all complaints and the responses as required by Condition 22.0 above.

27.0 Annual Report:

27.1 By March 31st following the end of each operating year, the Owner shall prepare an Annual Report, in a format acceptable to the District Manager, summarizing the operation of the Site covering the previous calendar year. This Annual Report shall be maintained on-site for a minimum of seven (7) years from the date of creation, to be made available to the Ministry upon request, and shall include as a minimum the following information:

- a. annual amount of Excess Soil received at the Site;
- b.
- c. a summary of the amount of Excess Soil and Processed Soil transferred from the Site and their final destinations;
- d. a summary describing any Rejected Waste including quantity, type, reasons for rejection, its origin and its final destination;
- e. annual amount of the Residual Waste transferred from the Site for final disposal and its destination;
- f. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site or identified during the Site inspections and any mitigative actions taken;
- g. details of any implementation of the Contingency Plan;
- h. any changes to the Emergency Response and Contingency Plan, the Operations Manual or the Closure Plan that have been approved by the Director or the District Manager since the last Annual Report;
- i. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
- j. a summary of any complaints received and the responses made, as required by this Approval;

- k. a descriptive summary of any spills, incidents or other emergency situations which have occurred at this Site, any remedial measures taken, and the measures taken to prevent future occurrences;
- l. an annual summary of any deficiencies, items of non-compliance or process aberrations that occurred at this Site and any remedial/mitigative action taken to correct them;
- m. an up-to-date estimate of the Financial Assurance required for the Site.

27.2 The Owner shall keep a copy of the latest Annual Report at the Site at all times.

28.0 Additional District Manager Notification:

28.1 The District Manager shall be notified in writing of the receipt of Rejected Waste within four (4) business days of its receipt. The following information shall be included in the notification to the District Manager:

- a. quantity and type of the Rejected Waste;
- b. source of the Rejected Waste, if known;
- c. reason for the rejection;
- d. final destination of the Rejected Waste; and
- e. date of receipt and time and date of removal from the Site.

28.2 Should the Owner become aware that a vehicle delivering Excess Soil to the Site has leaked waste and/or wastewater on the municipal roadways, the Owner shall immediately report the violation to the owner of the vehicle(s) and to the District Manager.

28.3 The District Manager shall be notified in writing within two (2) business days of implementing the Contingency Plan for the Site. The following information shall be included in the notification to the District Manager:

- a. the reason for implementing the Contingency Plan;
- b. the date the Contingency Plan was implemented;
- c. the actions taken to implement the Contingency Plan;
- d. the expected date for operations at the Site to return to normal.

29.0 Site Closure:

29.1 The Owner shall submit, for approval by the Director, a written Closure Plan for the Site at least nine (9) months prior to closure of the Site. This Closure Plan shall

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.

29.2 Within ten (10) days after closure of the Site, the Owner shall notify the Director, in writing, that the Site is closed and that the Closure Plan has been implemented.

SCHEDULE "A"

This Schedule "A" forms part of this Approval.

1. Environmental Compliance Approval application dated April 29, 2019 signed by George Kirchmair, P.Eng., Vice President, Environmental Services, including all supporting documentation.
2. Email dated November 19, 2019 from George Kirchmair, P.Eng., to Andrew Neill, P.Eng., MECP, with additional information on FA, the use of cement, compost, manure and other soil amendments.
3. Email dated December 3, 2019 from George Kirchmair, P.Eng., to Andrew Neill, P.Eng., MECP, with additional information on cement kiln dust.
4. Environmental Compliance Approval application dated September 25, 2020 signed by George Kirchmair, P.Eng., Vice President, Environmental Services, including all supporting documentation.

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

Conditions 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 4.1 and 4.2 are included to clarify the legal rights and responsibilities of the Owner.

Condition 1.3 is included to ensure that the Site is build and 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.

Condition 1.13 is included to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.

Condition 1.14 is included to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

Conditions 2.1, 2.2, 12.1, 14.0 and 15.0 are included to ensure that waste handling and storage are undertaken in done in a way which does not result in an adverse environmental effect or a hazard to the environment or any person and 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.

Condition 3.1 is included to ensure that the appropriate Ministry staff has ready access to the operations of the Site which are approved under this Approval. The Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the *EPA*, the *OWRA*, the *PA*, the *NMA* and the *SDWA*.

Condition 5.0 is included 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.

Conditions 6.1, 6.2, 6.3, 6.4, 7.1 and 8.0 are included to specify the approved Waste types, the approved receiving and storage limits, waste handling procedures, the approved process amendments and the service area from which the Waste may be accepted at the Site based on the Owner's application and supporting documentation.

Condition 9.0 is included to ensure that the Site's users, operators and the public are fully aware of important information and restrictions related to the operation of the Site. Condition 9.0 is also included to ensure that the Site is sufficiently secured to prevent unauthorized access when the Site is closed.

Conditions 10.1 and 10.2 are included to specify the hours of operation for the Site.

Conditions 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 13.1, 20.1, 20.2, 20.3, 20.4 and 20.5 are included to ensure that only the approved Waste types are accepted and handled/processed at the Site.

Condition 16.0 is included to require the Site to be inspected thoroughly and on a regular basis to ensure that the operations at the Site are undertaken in a manner which does not result in an adverse environmental effect or a hazard to the health and safety of the environment or any person.

Conditions 17.0, 18.0 and 19.0 are included to that sampling and testing of Excess Soil is carried out in accordance with prescribed standards and accepted practice, and that the information provided by site generators is verified.

Conditions 20.0 is included to identify the Soil Quality Criteria that must be met before the Processed Soil is considered suitable for its intended future re-use in a manner that protects the health and safety of people and the environment.

Condition 21.0 is included to ensure that the Site is operated and maintained in an environmentally acceptable manner which does not result in a negative impact on the natural environment or any person.

Condition 22.0 is included to require the Owner to appropriately respond to any environmental complaints resulting from the waste management operations at the Site.

Condition 23.0 is included to ensure that personnel employed at the Site are fully aware and properly trained on the requirements and restrictions related to Site operations under this Approval.

Conditions 24.0 and 25.0 are included to ensure that the Owner is prepared and properly equipped to take action in the event of an emergency situation and to require further spill notification to the Ministry in addition to the requirements already listed in Part X of the *EPA*.

Conditions 26.0 and 27.0 are included to ensure that detailed records of Site activities, inspections, monitoring and upsets are recorded and maintained for inspection and information purposes.

Condition 28.0 is included to ensure that the District Manager is notified in the event of waste rejection or spills.

Condition 29.0 is included to ensure that final closure of the Site is completed in accordance with Ministry's standards.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 2340-BGMNDY issued on December 20, 2019

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
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*** 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 2nd day of November,
2021

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

AN/
c: District Manager, MECP Toronto - District
George Kirchmair P. Eng. and Todd Parry, York Environmental Solutions Ltd. as general partner
for and on behalf of York Environmental Solutions, LP