

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9046-57KJA2

Issue Date: November 30, 2021

U-Pak Disposals (1989) Limited
15 Tidemore Ave
Etobicoke, Ontario
M9W 7E9

Site Location: U-Pak Disposals (1989) Limited
15 Tidemore Ave
Toronto City,
M9W 7E9

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 (transfer and processing)

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

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

“ **Approval** ” means this entire Environmental Compliance Approval document, including all attached schedules;

“ **Director** ” means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the *Act* as a Director for the purposes of Part V of the *Act*;

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

“ **District Office** ” means the local district office of the Ministry in which the Site is geographically located;

“ **Ministry** ” and “ **MECP** ” mean the Ontario Ministry of the Environment, Conservation and Parks;

“ **Owner** ” means U-Pak Disposals (1989) Limited and its employees;

“ **Reg. 347** ” means R.R.O. 1990, Regulation 347: General - Waste Management, made under the *Environmental Protection Act*;

“ **Site** ” means the operation being approved under this Approval, located at 15 Tidemore Avenue, Toronto.

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 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.

2.0 In Accordance

2.1 Except as otherwise provided for in this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval, dated May 17, 2001, and the supporting documentation listed in Schedule "A".

2.2 (1) Construction and installation of the aspects of the Site described in the most recent application 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 2.2(1) above.

3.0 Interpretation

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

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

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

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

4.0 Other Legal Obligations

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

(a) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement including, but not limited to:

(i) obtaining all site approvals from the local municipal Planning Division;

(ii) obtaining all necessary building permits from the local municipal Building Services Division;

(iii) obtaining approval from the Chief Fire Prevention Officer of the local municipal Fire

Services; or

(b) limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.

5.0 Adverse Effect

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

5.2 Despite an Owner, 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.

6.0 Change of Owner

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

(a) the ownership of the Site;

(b) the appointment of or a change in 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, shall be included in the notification.

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

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

7.0 Financial Assurance

7.1 The Owner shall maintain financial assurance, as defined in Section 131 of the Act, with the Director in the amount of \$33,701.25. This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation and disposal of all waste permitted on-site at any one time, and the clean-up of the Site and any long-term monitoring and/or security required.

7.2 No later than March 1, 2025, and every three (3) years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance to facilitate the actions required under Condition 7.1. The financial assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director.

7.3 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 Owner shall forthwith replace the financial assurance with cash.

8.0 Inspections

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

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

9.0 Information and Record Retention

9.1 Any information requested, by the Ministry, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.

9.2 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.

9.3 Starting on January 1, 2022, all records required by the conditions of this Approval must be kept on-site for a minimum period of five (5) years from the date of their creation.

9.4 Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

10.0 Hours of Operation

10.1 Waste may be received at the Site from 6:00 a.m. to 7:00 p.m. Monday to Saturday, unless otherwise restricted by municipal by-laws.

10.2 Waste may be processed at the Site 24 hours per day, 7 days per week.

11.0 Waste Types

11.1 No waste other than solid non-hazardous commercial, industrial and residential waste shall be accepted at the Site.

11.2 Notwithstanding Condition 11.1 above, no putrescible waste shall be accepted at the Site other than waste that is exempt from Part V of the Act, such as waste managed at the Site further to Section 3(2)20 of Reg. 347.

12.0 Waste Limits and Processes

12.1 The total amount of waste stored on-site shall not exceed 300 tonnes at any one time.

12.2 The total amount of waste accepted at the Site shall not exceed 600 tonnes per day.

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

1. the receipt, storage and transfer of waste;
2. the sorting of recyclable material;
3. the washing of totes;
4. the processing of wastewaters from the tote washing operation prior to discharge into the sanitary sewer (or off-site disposal as necessary) in accordance with Item 9 in Schedule "A".

13.0 Waste Receiving, Storage and Transfer

13.1 The Owner shall ensure that all waste is inspected prior to being accepted at the Site to ensure that only waste permitted to be accepted at the Site is received.

13.2 No waste shall be loaded, unloaded, handled or stored outdoors.

13.3 The Owner shall ensure that all doors and windows to all waste storage buildings are kept closed at all times except as necessary to permit vehicles or persons to enter or leave the building.

13.4 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, R.R.O. 1990 as amended.

14.0 Site Security and Signage

14.1 The Site shall be operated in a secure manner, such that unauthorized persons cannot enter the Site.

14.2 The Owner shall ensure that a sign is posted in a prominent location near the entrance to the Site that displays the name of the company, this Approval number and a 24-hour telephone number to be used for an emergency response contact and to receive complaints from the public.

15.0 Staff Training

15.1 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.

15.2 The Owner shall ensure that all operators of the Site shall be trained with respect to the following:

- (a) the terms, conditions and operating requirements of this Approval;
- (b) operation and management of the Site, or areas within the Site, as per the specific job requirements of each individual operator, and which may include procedures for receiving, screening, refusal, and handling of waste;
- (c) shipping and manifesting procedures, if such functions fall within the job requirements of the individual operator;

- (d) the Site plan and location of relevant equipment, including that for emergencies and spills;
- (e) an outline of the responsibilities of Site personnel including roles and responsibilities during emergencies and spills;
- (f) Spill Emergency and Contingency Plan equipment and procedures;
- (g) any environmental and occupational health and safety concerns pertaining to the waste to be processed;
- (h) emergency first-aid information;
- (i) relevant waste management legislation and regulations, including the *Act* and Reg. 347;
- (j) information recording procedures;
- (k) Equipment and Site Inspection procedures; and
- (l) procedures for recording and responding to public complaints.

15.3 The Owner shall maintain a written record at the Site which shall include (as a minimum) the following:

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

16.0 Equipment and Site Inspection

16.1. The Owner shall conduct regular inspections of the equipment, buildings, facilities, security fencing and barriers to ensure that all are maintained in good working order and secure at all times. Any deficiencies detected during these regular inspections shall be promptly corrected. A written record shall be maintained at the Site, including (as a minimum) the following:

- (a) the name and signature of the trained personnel conducting the inspection;
- (b) the date and time of the inspection;
- (c) a list of equipment inspected and all deficiencies observed;
- (d) a detailed description of the maintenance activity;
- (e) the date and time of maintenance activity; and
- (f) recommendations for remedial actions undertaken.

16.2 The Owner shall ensure that a daily visual inspection of the loading/unloading area(s), transfer area(s), storage area(s), security fences, barrier and property lines is conducted to ensure the Site is secure and that no off-site impacts such as surface water runoff, vermin, vectors, odour, dust, mud, litter, noise and traffic, result from the operation of the Site. Any deficiencies detected during these regular inspections shall be promptly corrected to mitigate any possible impacts. A written record of this inspection shall be maintained at the Site, including (as a minimum) the following:

- (a) the name and signature of the trained personnel conducting the inspection;
- (b) the date and time of the inspection;
- (c) a list of areas inspected and all deficiencies observed;
- (d) a detailed description of any remedial action taken;
- (e) recommendations for remedial actions undertaken.

17.0 Nuisance Control, Complaint Response and Stormwater Management

17.1 The Site shall be operated and maintained such that the vermin, vectors, birds, dust, litter, odour, noise and traffic do not create a nuisance.

17.2 If at any time vectors or vermin become a nuisance, the Owner shall hire a qualified, licensed pest control professional to design and implement a pest control plan for the Site. The pest control plan shall only be discontinued with written concurrence from the District Manager.

17.3 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.

17.4 The Owner shall take all practical steps to prevent the escape of litter from the Site. Litter from the Site shall be picked up on a daily basis, or more frequently if needed, along the Site's perimeter and access road.

17.5 The Owner shall ensure that there is no queuing or parking of vehicles that are waiting to enter this Site on any roadway that is not a distinct part of this Site.

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

(a) The Owner shall record and number each complaint, either electronically or in a log book, and shall include the following information:

(i) the nature of the complaint;

(ii) the name, address and the telephone number of the complainant if the complainant will provide this information; and

(iii) the time and date of the complaint.

(b) The Owner, upon 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 the District Office.

(c) The Owner shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

17.7 (a) The Owner shall manage all discharges from this Site, including storm water run-off, in accordance with all applicable municipal by-laws and provincial and/or federal laws.

(b) The Owner shall ensure that the Site is graded and/or constructed and maintained in good order such that surface water runoff is diverted away from waste storage areas and the Site remains free of any excess accumulation of water from rain and snow at all times.

(c) The Owner shall regularly clean the outdoor drains from waste debris and liquids and shall prevent oil or other contaminants from entering the storm drains.

18.0 Spills and Emergency Response

18.1 All spills, upsets and fires shall be immediately reported to the **Ministry's Spills Action Centre at 1-800-268-6060** and a written record shall be made as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of

future occurrences.

18.2 The Owner shall immediately take all measures necessary to contain and clean up any spill or leak which may result from the operation at this Site.

18.3 (a) A copy of the Spill Contingency and Emergency Response Plan shall be kept on the Site at all times, in a prominent location available to all staff.

(b) The Owner shall ensure that copies of any updates to the Spill Contingency and Emergency Response Plan are submitted to the District Office, the local Municipality and the Fire Department within 7 days of an update being made.

(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.

(d) The Owner shall ensure that all operating personnel are fully trained in the use of the contingency equipment and related materials, and in the procedures to be employed in the event of an emergency.

19.0 Contingency Plan

19.1 The Owner shall prepare and maintain on-site a written contingency plan that details how residual waste and processed materials will be stored or disposed in the event that they cannot be removed from the Site in the usual manner. If implementation of the contingency plan is necessary, it shall be effected through written concurrence from the District Manager.

20.0 Record Keeping

20.1 The Owner shall maintain a written or electronic record at the Site containing (as a minimum) the following information:

(a) for wastes received at the Site:

(i) the date of record;

(ii) the quantity and type of waste received;

(iii) the name and address of the generator;

(iv) the name and address of the carrier; and

(v) the approval number or the environmental activity and sector registry number of the carrier.

(b) for wastes transferred from the Site:

(i) the date of record;

(ii) the quantity and type of waste transferred;

(iii) the name and address of the carrier;

(iv) the approval number or the environmental activity and sector registry number of the carrier;

(v) the name and address of the receiving site; and

(vi) the approval number of the receiving site.

(c) a running total of the amount of waste present on Site at any one time;

(d) the quantity and type of any rejected wastes;

(e) the Equipment and Site inspection report;

(f) details on any complaints regarding Site operations, including the information required under Condition 17.6;

(g) details on all spills, fires, upsets or other problems encountered during the operation of the Site, and all actions taken to remediate the problem; and

(h) records of staff training.

21.0 Annual Report

21.1 By January 31, 2022, and on an annual basis thereafter, the Owner shall prepare and retain on-site 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 and quantity of all waste received and transferred from the Site, including the records required under Condition 20.1;

(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, including the records required under Condition 16.2 and 17.6;

(c) a statement as to compliance with all conditions of this Approval and with the inspection and reporting requirements of the conditions herein; and

(d) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

22.0 Closure Plan

22.1 The Owner shall submit, for approval by the Director, a written Closure Plan for the Site no less than four (4) months prior to closure of the Site. This 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.

22.2 Within ten (10) days after closure of the Site, the Ownershall notify the Director, in writing, whether the Site has been closed in accordance with the approved Closure Plan.

SCHEDULE "A"

This Schedule "A" forms part of this Provisional Certificate of Approval:

1. Application for Approval of a Waste Disposal Site w/attachments, signed by Greg Thomas, dated May 17, 2001.
2. Letter dated December 14, 2001 from Andrew Neill, MOE, to Tim O'Connor, U-Pak Disposals Limited, re: Application for Approval of Waste Disposal Sites, Operate Waste Disposal Site (Transfer), Toronto City, MOE Reference Number 6352-4WZN68.
3. Letter w/attachments dated January 14, 2002 from Greg Thomas, Prime Environmental Services, to Andrew Neill, MOE, re: U-Pak Disposals (1989) Limited, MOE Ref#: 6352-4WZN68.
4. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated June 1, 2009, signed by Mary Molony, V.P. Finance.
5. Design and Operations Report, updated April 30, 2010.
6. Application for the review of the Financial Assurance (FA), dated August 12, 2013 and signed by Mary Molony, V.P. Finance.
7. Email with attached letter, dated Friday, February 7, 2014, with revised FA from Shawn Krug,

Health and Safety Manager, the U-Pak Group of Companies. Letter was signed by Mary Molony,
V.P. Finance.

8. Email with attached letter, dated Friday, February 21, 2014, with revised FA from Shawn Krug, Health and Safety Manager, the U-Pak Group of Companies. Letter was signed by Mary Molony, V.P. Finance.

9. Environmental Compliance Approval dated April 29, 2021 signed by Mary Molony, VP Finance, U-Pak Disposals (1989) Limited, including the attached Design and Operations Report, the wastewater treatment overview, and all other supporting documentation.

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

The reason for Conditions 1 and 2 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. The reason for Conditions 3, 4, 5 and 6 is to clarify the legal rights and responsibilities of the Owner.

The reason for Condition 7 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.

The reason for Conditions 8 and 9 is to ensure that the appropriate Ministry staff have ready access to information and the operations of the Site which are approved under this Approval. Condition 8 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.

The reason for Conditions 10, 11, 12, 13, 16, 17, 18 and 19 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.

The reason for Condition 14 is to ensure the public has the contact information for the Site to relay information directly regarding off-site impacts or emergencies.

The reason for Condition 15 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.

The reason for Conditions 20 and 21 is to ensure that records are kept and are compiled on a yearly basis.

The reason for Condition 22 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 9046-57KJA2 issued on June 21, 2002

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 30th 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
Don Sisti, U-Pak Disposals Limited