

## DRAFT Certificate of Property Use

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

Certificate of Property use number 2362-BV7PE9  
Risk Assessment number 7525-9TMQH5

**Owner:** 2395662 Ontario Inc.  
P.O. Box 471, Belle Vallée, Ontario, P0J 1A0

**Site:** 266 Broadwood Avenue, New Liskeard, Ontario, P0J 1P0

with a legal description as set out below:

**FIRSTLY**, All of Lot 140 and part of Lot 155, Plan M-34 NB, designated as Part 1, Plan 54-6219, (Dymond) City of Temiskaming Shores, being all of PIN 61339-0579 (LT);

**SECONLDY**, All of Lots 138, 139 and 156 and part of Lot 137, Plan M-34 NB, designated as Part 2, Plan 54R-6219 (Dymond), City of Temiskaming Shores, being part of PIN 61339-0578 (LT); and

**THIRDLY**, All of Lot 157 and part of Lot 158, Plan M-34 NB, designated as Part 3, Plan 54R-6219 (Dymond), City of Temiskaming Shores, being part of PIN 61339-0608 (LT).

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

### Summary:

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

- i) CPU requirements addressed in Part 4 of the CPU, Director's Requirements, are summarized as follows:
- |  |     |
|--|-----|
| a. Installing/maintaining any equipment                | Yes |
| b. Monitoring any contaminant                          | Yes |
| c. Refraining from constructing any building specified | Yes |

- d. Refraining from using the Property for any use specified Yes
- e. Other: Maintaining a barrier to site soils, prohibiting deep rooting vegetation, and preparing and implementing a soil management plan and health and safety plan for the Property Yes

ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

- a. The barrier to site soils over the entirety of the Property shall be maintained for as long as the Contaminants of Concern are present on the Property or until the Director alters or revokes the CPU.
- b. The soil management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing site soils for as long as the Contaminants of Concern are present on the Property.
- c. All other Risk Management Measures shall continue for as long as Contaminants of Concern are present on the Property or until the Director alters or revokes the CPU.

## **Part 1 Interpretation**

In this CPU, the following capitalized terms have the meanings described below:

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

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

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

“Approved Model” has the same meaning as in subsection 1 (1) of Schedule C of O. Reg. 153/04, namely, the data file entitled “Modified Generic Risk Assessment Model” and dated October 19, 2009, as amended from time to time, that is maintained by the Ministry as part of its Brownfield initiative and is available on the Internet and may be available in such other manner as the Minister considers appropriate.

“ASTM” means the American Society for Testing and Materials.

“Barrier” means a Hard Cap Barrier or Shallow Soil Cap Barrier.

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

“Building Area” means the horizontal area of a Building at Grade within the outside surface of the exterior wall or walls.

“Building Code” means Ontario Regulation 332/12 (Building Code) as amended to January 1, 2015, made under the Building Code Act, 1992, S.O. 1992, c.23.

“Capping Soil” means soil that meets the applicable site condition standards for the Property and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Certificate of Property Use” or “CPU” means this certificate of property use as may be altered from time to time and bearing the number 2362-BV7PE9 issued for the Property by the Director under section 168.6 of the Act, including all attached schedules.

“Competent Person” has the same meaning as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

“Contaminants of Concern” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property, as specified in section 7 of the Risk Assessment report and in Schedule A of the CPU.

“Director” means a person in the Ministry appointed as a director for the purpose of issuing a certificate of property use under section 168.6 of the Act.

“Grade” has the same meaning as in the Building Code.

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern, that is at least 225 millimetres thick, and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material and includes a Building slab or Building foundation and floor slab meeting these specifications, as shown in Figure 7.2.

“Health Based Indoor Air Criteria” means those published by the Ministry in the Approved Model.

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

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

“Minister” means the minister of the Ministry.

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

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

“O. Reg. 406/19” means Ontario Regulation 406/19 (On-Site and Excess Soil Management), made under the Act.

“Operations Manual for Air Quality Monitoring in Ontario” means that published by the Ministry to provide technical guidance and direction to emitters and station operators in Ontario.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any subsequent owner of the Property.

“Passive SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of natural forces or one or more wind turbines, or solar powered wind turbine operated vents drawing air from below the Building, in general accordance with the conceptual design shown in Figure 7.3.

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

“Property Specific Standards” means the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as specified in section 6 of the Risk Assessment report and in Schedule A of the CPU.

“Provincial Officer” has the same meaning as in the Act, namely, a person who is designated by the Minister as a provincial officer for the purposes of the Act and the regulations.

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

“Qualified Person for Risk Assessment” means a person who meets the qualifications set out in subsection 6(1) of O. Reg. 153/04.

“Risk Assessment” means the Risk Assessment Number 7525-9TMQH5 submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on March 31, 2020, and set out in the following documents:

- Human Health and Ecological Risk Assessment, 266 Broadwood Avenue, New Liskeard, Ontario, report prepared by Arcadis Canada Inc., dated August 10, 2015

- Re: Missing Tables for RA1454, 266 Broadwood Avenue, New Liskeard, IDS# 7525-9TMQH5, e-mail from Tony Windsor, Arcadis, received by SDB on October 1, 2015, with the following document attached:
  - 2015-08-17 - HHRA Tables.pdf
- Human Health and Ecological Risk Assessment, 266 Broadwood Avenue New Liskeard, Ontario, report prepared by Arcadis Canada Inc., dated May 2018
- Human Health and Ecological Risk Assessment, 266 Broadwood Avenue, New Liskeard, Ontario, report prepared by Arcadis Canada Inc., dated January 2019
- Revised Risk Assessment Report, 266 Broadwood Avenue, New Liskeard, Ontario, report prepared by Arcadis Canada Inc., dated July 19, 2019
- RE: Request for additional information for 266 Broadwood Avenue, New Liskeard, Ontario; RA1454-15d; IDS#7525-9TMQH5, email from Tony Windsor, Arcadis Canada Inc., received by TASDB on February 18, 2020, with the following document attached:
  - 2020-02-11\_100781 266 Broadwood Ave HHERA.pdf

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

"Shallow Soil Cap Barrier" means cover, above the Contaminants of Concern, that is at least 0.5 metres thick and consists of Capping Soil immediately on top of a geotextile liner, as shown in Figure 7.1.

"SVIMS" means soil vapour intrusion mitigation system.

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

## **Part 2      Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 168.6(1) of the Act states that if a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
  - a. Take any action specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  - b. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.3 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the

concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.

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

## Part 3 Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: "Commercial Use", as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above Table 2 standards of the **Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act** published by the Ministry and dated April 15, 2011, for medium and fine textured soils are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The standards for these Contaminants of Concern are also set out in Schedule A, which is attached to and forms part of the CPU.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

## Part 4 Director's Requirements

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)1 of the Act:

- 4.1 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.10 and in Part 5, as applicable.
- 4.2 **Passive Soil Vapour Mitigation System (SVIMS)**
  - 4.2.1 **PASSIVE SVIMS CONSTRUCTION**
    - a. The construction of any new Building(s) on, in or under the Property is prohibited with the following exceptions:

- i. any new Building(s) is(are) constructed with a vapour mitigation system in accordance with Section 7.1.2.4 and Appendix G, Section 1.1.2.4 of the RA and Section 4.2.1b of this CPU.
- b. As specified in Section 4.2.1a.i, any new Building(s) constructed on the Property shall be constructed in accordance with Section 7.1.2.4 and Appendix G, Section 1.1.2.4 of the RA. The vapour mitigation system shall be designed by an appropriately qualified Licensed Professional Engineer in consultation with a Qualified Person in accordance with the applicable conceptual design as detailed in Section 7.1.2.4 and Appendix G, Section 1.1.2.4 of the RA and Figure 7.3 provided in Schedule C of this CPU, and shall include the following components:
  - i. The Owner shall obtain an Environmental Compliance Approval, as necessary, and any other permits or approvals as may be required;
  - ii. The installation of the vapour mitigation system shall be completed under the supervision of a qualified Licensed Professional Engineer and a Qualified Person;
  - iii. In the event that a passive vapour mitigation system design has been selected, the passive system shall be designed and installed such that it can easily be converted to an active system; and,
  - iv. A quality assurance/quality control (QA/QC) program shall be undertaken during the installation of the vapour mitigation system and shall be completed by, and clearly documented in a report prepared by, a qualified contractor and overseen by a qualified Licensed Professional Engineer and Qualified Person.
- c. Within 90 calendar days of the installation of the vapour mitigation system as detailed in this section in any new Building(s) on the Property, the Owner shall submit to the Director as-built drawings and detailed design specifications of the vapour mitigation system, including any verification and QA/QC reports, prepared by the qualified Licensed Professional Engineer along with a statement from the qualified Licensed Professional Engineer that the vapour mitigation system has been installed in accordance with the original design specifications and that it has been designed to meet the requirements and objectives of Section 7.1.2.4 and Appendix G, Section 1.1.2.4 of the RA and Section 4.2.1b of this CPU.
- d. The vapour mitigation system detailed in this section shall be operated, monitored and maintained by the Owner for as long as the Contaminants of Concern are present on the Property. As detailed in Section 7.1.5.3 and Appendix G, Section 1.1.5.3 of the RA, the qualified Licensed Professional Engineer that designed the vapour mitigation system shall prepare an operation, monitoring, and maintenance program, including a contingency plan, that is to be implemented by the Owner, prior to first occupancy, and shall be made available by the Owner to the Ministry upon request.
- e. An inspection, monitoring and maintenance program, as specified in Section 7.1.5.3 and Appendix G, Section 1.1.5.3 of the RA and Section 4.2.1d of this CPU, shall be implemented to ensure the continued integrity of the building floor slab and vapour mitigation system for as long as the Contaminants of Concern are present on the



Property. The inspection program will be conducted semi-annually for the first year and annually thereafter. The inspection program shall include, at minimum, inspections of the integrity of the building floor slab and monitoring of the vapour mitigation system in accordance with the monitoring and maintenance program specified in Section 4.2.1d of this CPU.

- f. Any cracks, breaches or loss of integrity observed in the building floor slab or any observed deficiencies or necessary maintenance requirements with the vapour mitigation system shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary. If repairs to the building floor slab or the vapour mitigation system cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Professional Engineer, as specified in Section 4.2.1d of this CPU, are implemented. All repairs are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owner that states that the repairs meet the original design specifications, at minimum. The Owner shall submit to the Director the written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the vapour mitigation system has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 calendar days of the completion of any repairs to the vapour mitigation system. The Owner shall keep records of the inspections, monitoring and maintenance program, along with documentation of all repairs that were required to be undertaken and these records shall be made available by the Owner to the Ministry for review upon request.
- g. The Owner shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the vapour mitigation referred to in this section are made aware of the presence of the vapour mitigation system and the need to take appropriate precautions to ensure the integrity of the vapour mitigation system at all times.
- h. If the vapour mitigation system is damaged at any time, the Owner shall ensure that it is repaired forthwith by a qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary, to the original design specifications, at minimum. If repairs to the vapour mitigation system cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Professional Engineer, as specified in Section 4.2.1d of this CPU are implemented. All repairs to the vapour mitigation system are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owner that states that the repairs meet the original design specifications, at minimum. The Owner shall submit to the Director the written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the vapour mitigation system has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 calendar days of the completion of any repairs to the vapour mitigation system. The Owner shall maintain records of all activities and repairs in

relation to the vapour mitigation system and these records shall be made available by the Owner to the Ministry for review upon request.

#### 4.2.2 PASSIVE SVIMS PERFORMANCE MONITORING

- a. Once the final design of the vapour mitigation system is completed as specified in Section 4.2.1b of this CPU, the Owner shall submit to the Director, for review and approval, a performance monitoring program. The performance monitoring program shall be prepared and overseen by a qualified Licensed Professional Engineer in consultation with an appropriately Qualified Person as detailed in Section 7.1.5.3 and Appendix G, Section 1.1.5.3 of the RA. Specifically, the performance monitoring program shall include the following key components:
  - i. Procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
  - ii. Locations and description of the devices and equipment used, or tested, for each monitoring event;
  - iii. Procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;
  - iv. Undertaking operational monitoring, including the recording of the monitoring results, in accordance with the following:
    1. At least once before occupancy and as considered appropriate by the Licenced Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve, in the event conversion to operation as an Active SVIMS is necessary, a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and
    2. At least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter, measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices;
  - v. For each year, undertaking an assessment and preparing a written monitoring report, by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed Passive SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:
    1. The need to repeat or undertake additional or follow-up operational monitoring, and assessment, or additional inspections;

2. Changes to the frequency or nature of the monitoring;
  3. The need to make repairs or changes to the design or operation of the Passive SVIMS; and
  4. If necessary, implementation of the contingency plan, including if the Passive SVIMS needs to be converted to operation as an Active SVIMS, in the event needed repairs or changes to the Passive SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer; and which is,
    - vi. Delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Passive SVIMS, whichever is earlier; and
    - vii. Updated and delivered to the Owner within 30 days of following making any alteration to the program.
- b. Upon completion of the installation of the vapour mitigation system as specified in Section 4.2.1b of this CPU, and prior to first occupancy, the Owner shall implement the performance monitoring program as required by Section 4.2.2a of this CPU and detailed in Section 7.4.2 and Appendix J, Section 1.4.2 of the RA. Any changes to the performance monitoring program that have been approved by the Director, as required by Section 4.2.2a of this CPU, (e.g., monitoring frequency, locations, methodology, etc.) must be requested in writing by an appropriately qualified Licensed Professional Engineer and these changes shall only be implemented upon the Owner receiving written approval from the Director.

#### 4.2.3 INDOOR AIR QUALITY MONITORING

- a. For any new Building constructed at the RA property with a vapour barrier, a written indoor air quality (IAQ) monitoring program must be developed and implemented as specified in Section 7.1.2.5 and Appendix G, Section 1.1.2.5 of the RA to demonstrate that the new Building construction or Building modifications do not represent unacceptable risks associated with indoor inhalation of volatile contaminants. The IAQ monitoring program must be designed by a competent Licensed Professional Engineer and assessed by a Qualified Person for Risk Assessment. A report completed by a Licensed Professional Engineer and providing information on the plans for a new Building and the proposed IAQ monitoring program must be provided to the Director prior to any new Building being constructed. The IAQ monitoring program shall analyse for the presence of volatile Contaminants of Concern. The IAQ monitoring program shall be completed in accordance with Ministry technical guidance documents on soil vapour intrusion assessment and include, at minimum, the following key components, as specified in Section 7.1.5.4 and Appendix G, Section 1.1.5.4 of the RA:
  - i. Prepare the IAQ sampling program such that influences from external sources are minimized (i.e., avoid false positives from materials in the building, etc.).

- ii. Identify three indoor air sampling locations within the future Building.
- iii. Obtain representative indoor air samples and perform laboratory analysis by a suitable method (e.g., USEPA Method TO-15) with a suitable method detection limit for the parameters of concern. Samples will be collected with a 6 Litre summa canister over an 8-hour period.
- iv. Collection of an outdoor air sample contemporaneously with indoor air samples in accordance with the Ministry's Operations Manual for Air Quality Monitoring in Ontario.
- v. Indoor and outdoor air samples shall be sent to an accredited laboratory and analyzed for the target analytes listed in Schedule B of this CPU.
- vi. Compare the measured indoor air concentrations to the concentrations listed in Schedule B of this CPU and appropriate threshold levels for methane.
- vii. The first IAQ monitoring event shall occur prior to occupancy.
- viii. For each new Building, an IAQ monitoring report shall be prepared by a Licenced Professional Engineer in consultation with a Qualified Person and be submitted to the Director. The report shall describe the IAQ monitoring undertaken and its results and findings with respect to the potential risks associated with inhalation of indoor air, and provide recommendations and any follow-up actions to be taken.

#### **4.3 Hard Cap Barrier or Shallow Soil Cap Barrier**

##### **4.3.1 BARRIER CONSTRUCTION**

- a. All areas of the Property where Contaminants of Concern are present at or within 0.5 metres below the soil surface shall be covered by a Barrier to site soils to prevent exposure to the Contaminants of Concern. Shallow Soil Cap Barrier(s) shall be designed, installed and maintained in accordance with the specifications provided in Figure 7.1 of this CPU. Hard Cap Barrier(s) shall be designed, installed and maintained in accordance with Section 7.1.2.2 and Appendix G, Section 1.1.2.2 of the Risk Assessment and Figure 7.2 of this CPU.
- b. Before commencing development of all or any part of the Property or carrying out any activities on the Property that could result in significant soil disturbances, install fencing and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing and dust control measures shall be maintained until such time as the Hard Cap Barrier(s) or Shallow Soil Cap Barrier(s) are installed.

##### **4.3.2 INSPECTION, MAINTENANCE AND REPORTING REQUIREMENTS FOR ALL BARRIERS**

- a. Prepare and implement a written inspection and maintenance program in accordance with Sections 7.1.5.1 and 7.1.5.2 and Appendix G, Sections 1.1.5.1 and

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

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

and which is,

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

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

and which are,

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

- c. Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a

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

and which are,

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

#### **4.4 Existing Buildings**

- a. The existing buildings must remain as above grade structures and the existing air space between the ground surface and the building must be maintained in its current state or with increased ventilation so as to prevent potential vapour containing the Contaminants of Concern from entering the building air. Increased ventilation of the air space may be achieved via means such as the addition of screened vents/louvers;
- b. The existing heating and cooling system (electric baseboards and wall mounted air conditioning units) must also be maintained. If changes to the building heating/cooling system is required (i.e., installation of forced air heating), a Qualified Person must verify that the current air exchange rate within the building is maintained or enhanced and that the air intake is not placed beneath the building; and
- c. No new subsurface utilities can be connected to the existing building via a conduit (or other method for creating a preferential pathway) from the subsurface to the building.

#### **4.5 Prohibition on Deep Rooting Vegetation**

- a. Planting of deep rooting vegetation is prohibited at the Property.

#### **4.6 Groundwater Monitoring Program**

- a. Under the supervision of a Qualified Person, implement the groundwater monitoring program described in the Risk Assessment for a minimum period of two (2) years and until such time that the Director, upon application by the Owner following evaluation by a Qualified Person, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The groundwater monitoring program shall include, but not be limited to, the following requirements:

- i. twice annual (spring and fall) measurement of groundwater elevations, presence/absence of free phase contaminants and collection of groundwater samples from BH1B, BH2B, BH15B, BH18B, BH104, BH112, BH116, MW-202, MW-205, and MW-207 as shown in Figure 6.1 of the CPU;
- ii. groundwater samples shall be sent to an accredited laboratory and analysed for the Contaminants of Concern in groundwater as identified in Schedule A of the CPU;
- iii. the groundwater monitoring results shall be compared against the established Property Specific Standards for the Property for the Contaminants of Concern as identified in Schedule A of the CPU:
  1. if the concentrations of any Contaminants of Concern in groundwater are identified to exceed the Property Specific Standard for the Contaminant of Concern in any of the monitoring wells then the Director shall be promptly notified in writing and the groundwater monitoring shall be repeated within 30 calendar days of receipt of the analytical results;
  2. if the concentration for any Contaminants of Concern is verified in the second groundwater sample to exceed a respective Property Specific Standard the Owner shall immediately notify the Director in writing of the exceedance. The written notification shall be prepared by a Qualified Person and shall include the groundwater data and laboratory certificates of analyses;
  3. within 30 calendar days of the Owner receiving the laboratory analysis of the second sample, the Owner shall submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Qualified Person and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations for any additional investigation and/or monitoring as may be required and or recommendations for the implementation of additional risk management and/or remediation measures as may be necessary;
  4. upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan; and
  5. within 30 calendar days of approval of the contingency plan by the Director, the Owner shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented;
- iv. the Owner shall keep a copy of all groundwater sampling data available for inspection by a Provincial Officer upon request;
- v. any changes to the groundwater monitoring program, including changes to the any of the selected groundwater monitoring wells, must be requested in writing by the Qualified Person and these changes can only be implemented upon receiving approval from the Director in writing; and

- vi. in the event that any monitoring well is destroyed during construction or site activities the monitoring well shall be replaced with a similarly constructed well proximate to the same location as the destroyed well.

#### **4.7 Prohibition on Groundwater Use**

- a. Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of groundwater in or under the Property as a water source, including:
  - i. properly abandon according to applicable law all wells at the Property which are or can be used as a water source except those that are to be maintained and utilized as part of a groundwater monitoring program; and
  - ii. refrain from constructing on the Property any well which can be used as a water source.

#### **4.8 Health and Safety Plan**

- a. In addition to any requirements under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:
  - i. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
  - ii. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or groundwater ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment;
  - iii. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;
  - iv. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;



- v. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident;
- vi. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

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

#### 4.9 **Soil and Groundwater Management Plan**

Prepare and implement a written soil and groundwater management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil or soil brought to the Property, and, if any, groundwater from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or groundwater at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
    - 1. is Capping Soil;
    - 2. meets the standards; or
    - 3. exceeds the standards;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    - 1. used as Capping Soil at the Property;
    - 2. otherwise used as fill at the Property;

3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
  4. removed from the Property for off-site use as fill or disposal; and
- iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
1. reflect the distinctions described in subparagraphs (c) i and ii;
  2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern;
  3. have been bermed or fenced, as appropriate, to restrict access by persons; and
  4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
- iv. measures to manage storm water and any groundwater from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed;
- v. recording, in writing, the soil, storm water and any groundwater management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, O. Reg. 406/19 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
1. dates and duration of the Intrusive Activities being undertaken;
  2. weather and site conditions during the Intrusive Activities;
  3. the location and depth of excavation activities, and dewatering activities, if any;
  4. dust control and soil tracking control measures such as hauling records;
  5. characterization results for excavated soil and any soil brought to or removed from the Property, and for any groundwater from dewatering;
  6. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
  7. management activities for any groundwater from dewatering;

8. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
9. names and contact information for any haulers and owners or operators of receiving sites for soil and any groundwater removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
10. any complaints received relating to the Intrusive Activities, including the soil, storm water and any groundwater management activities;  
  
and which is,
11. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
12. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### 4.10 Annual Reports Requirement

- a. Prepare each year on or before March 31, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:
  - i. a copy of all records relating to the Passive SVIMS, as outlined in Item 4.2;
  - ii. a copy of all records relating to the Hard Cap or Shallow Soil Cap Barrier, as outlined in Item 4.3;
  - iii. a copy of all records relating to the Existing Buildings, as outlined in Item 4.4;
  - iv. a copy of all records relating to the Groundwater Monitoring Program, as outlined in Item 4.6;
  - v. a copy of all records relating to the Health and Safety Plan as outlined in Item 4.8; and
  - vi. a copy of all records relating to the Soil and Groundwater Management Plan as outlined in Item 4.9.

## **Part 5 CPU Restrictions on Property Use, Building Construction and Notice Requirements**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

### 5.1 **Property Use Restriction**

Refrain from using the Property for any of the following use(s): any type of property use specified in O. Reg. 153/04 which is more sensitive than: "Industrial Use", and/or "Commercial Use", as specified in O. Reg. 153/04.

### 5.2 **Building Construction Restrictions**

Refrain from constructing the following Building(s): Any Building except as may be permitted in the CPU including by implementing on any particular Building, the Risk Management Measures as may be applicable.

### 5.3 **Notice Restrictions**

Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2 and that every occupant complies with such provisions. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

## **Part 6 Additional Requirements**

I hereby require the Owner to do or cause to be done the following things under the authority of paragraph 168.6(1)1 of the Act:

### 6.1 **Site Changes Affecting Risk Management Measures**

In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future changes that the Director considers necessary in the circumstances.

### 6.2 **Report Retention Requirements**

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

### **6.3 Owner Change Notification**

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

## **Part 7 Section 197 Order (Property Notice and Certificate of Requirement Registration)**

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and 197 (2) of the Act:

### **7.1 Property Notice Requirement**

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

### **7.2 Certificate of Requirement Registration**

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

### **7.3 Verification**

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

## **Part 8 General Requirements**

8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.

8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.

- 8.3 Failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b. strikes, lockouts or other labour disturbances,
  - c. inability to obtain materials or equipment for reasons beyond your control, or
  - d. any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the Condominium Act, 1998, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

## Part 9 Appeal to the Ontario Land Tribunal Information

### REQUEST FOR HEARING

You may require a hearing before the Ontario Land Tribunal if, within 15 days of service of this Certificate of Property Use, you serve written notice of your appeal on the Ontario Land Tribunal and the Director. Your notice of appeal must state the portions of this Certificate of Property Use for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive permission (leave) from the Ontario Land Tribunal, you are not entitled to appeal a portion of this Certificate of Property Use or to rely on grounds of appeal that are not stated in the notice of appeal. Unless stayed by the Ontario Land Tribunal, this Certificate of Property Use is effective from the date of service.

### CONTACT INFORMATION

The contact information for the Director and the Ontario Land Tribunal is the following:

Registrar	Director
Ontario Land Tribunal	Ministry of the Environment, Conservation and Parks
655 BAY STREET, SUITE 1500	Timmins District Office
TORONTO, ON, M5G 1E5	5520 HWY 101 E, PO BAG 3080
Email: <a href="mailto:OLT.Registrar@ontario.ca">OLT.Registrar@ontario.ca</a>	SOUTH PORCUPINE, ON, P0N 1H0
	Email: <a href="mailto:MECP.Timmins@ontario.ca">MECP.Timmins@ontario.ca</a>
	Fax: 705-497-6866

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at:

Tel: (416) 212-6349      Toll Free: 1-866-448-2248      [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

### SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax (in the case of the Director only), by commercial courier or by email in accordance with the legislation under which this Certificate of Property Use is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

### ADDITIONAL INFORMATION

Failure to comply with a requirement of this Certificate of Property Use constitutes an offence.

The requirements of this Certificate of Property Use are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
- any applicable provincial requirements that are not addressed in this Certificate of Property Use; and
- any applicable municipal law.

The requirements of this Certificate of Property Use are severable. If any requirement of this Certificate of Property Use, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Certificate of Property Use.

Further orders may be issued in accordance with the legislation as circumstances require.

**The procedures to request a hearing and an appeal of this Certificate of Property Use and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws).**

Issued at North Bay this [DAY] day of [MONTH], [YEAR]

Director, section 168.6 of the Act  
Greg Ault



SCHEDULE A

**CONTAMINANTS OF CONCERN AND PROPERTY SPECIFIC STANDARDS FOR SOIL**

Contaminant of Concern (COC)	Property Specific Standard (PSS)	Units
<b>BTEX/F1</b>		
Benzene	121.2	mg/kg
Toluene	468	mg/kg
Ethylbenzene	248.4	mg/kg
Total Xylenes	2574	mg/kg
Methyl tert butyl ether	3	mg/kg
PHC F1	5160	mg/kg
<b>Petroleum Hydrocarbons (PHCs)</b>		
PHC F2	19200	mg/kg
PHC F3	5520	mg/kg
<b>Polycyclic Aromatic Hydrocarbons (PAHs)</b>		
Acenaphthylene	0.336	mg/kg
Dibenzo(a,h)anthracene	0.3	mg/kg
<b>Metals</b>		
Lead	3240	mg/kg
Zinc	444	mg/kg
<b>Volatile Organic Compounds (VOCs)</b>		
Bromoform	3	mg/kg
Carbon Tetrachloride	3	mg/kg
Chloroform	3	mg/kg
Dichlorobenzene, 1,2-	3	mg/kg
Dichlorobenzene, 1,4-	3	mg/kg
Dichloroethane, 1,1-	3	mg/kg
Dichloroethane, 1,2-	3	mg/kg
Dichloropropane, 1,2-	3	mg/kg
Ethylene Dibromide	3	mg/kg
Methylene Chloride	3	mg/kg
Tetrachloroethane, 1,1,1,2-	3	mg/kg
Tetrachloroethane, 1,1,2,2-	3	mg/kg
Trichloroethylene	3	mg/kg
Vinyl Chloride	1.2	mg/kg

**CONTAMINANTS OF CONCERN AND PROPERTY SPECIFIC STANDARDS FOR  
GROUNDWATER**

Contaminant of Concern (COC)	Property Specific Standard (PSS)	Units
<b>BTEX/F1</b>		
Benzene	16440	µg/L
Toluene	3792	µg/L
Ethylbenzene	1800	µg/L
Total Xylenes	10416	µg/L
Methyl tert butyl ether	240	µg/L
PHC F1	24000	µg/L
<b>Petroleum Hydrocarbons (PHCs)</b>		
PHC F2	88800	µg/L
PHC F3	19200	µg/L
PHC F4	1680	µg/L
<b>Polycyclic Aromatic Hydrocarbons (PAHs)</b>		
Acenaphthene	13.2	µg/L
Acenaphthylene	6	µg/L
Anthracene	6	µg/L
Benzo(a)anthracene	6	µg/L
Benzo(a)pyrene	1.2	µg/L
Benzo(b/j)fluoranthene	6	µg/L
Benzo(g,h,i)perylene	6	µg/L
Benzo(k)fluoranthene	6	µg/L
Chrysene	6	µg/L
Dibenzo(a,h)anthracene	6	µg/L
Fluoranthene	6	µg/L
Indeno(1,2,3-cd)pyrene	6	µg/L
1+2-Methylnaphthalenes	540	µg/L
Naphthalene	456	µg/L
Phenanthrene	26.4	µg/L
Pyrene	6	µg/L
<b>Metals</b>		
Lead	14.4	µg/L

Contaminant of Concern (COC)	Property Specific Standard (PSS)	Units
<b>Volatile Organic Compounds (VOCs)</b>		
Acetone	12000	µg/L
Bromoform	240	µg/L
Carbon Tetrachloride	120	µg/L
Chlorobenzene	120	µg/L
Chloroform	120	µg/L
Dibromochloromethane	240	µg/L
Dichlorobenzene, 1,2-	240	µg/L
Dichlorobenzene, 1,4-	240	µg/L
Dichloroethane, 1,1-	120	µg/L
Dichloroethane, 1,2-	600	µg/L
Dichloroethylene, Cis-1,2-	120	µg/L
Dichloroethylene, Trans-1,2-	120	µg/L
Dichloropropane, 1,2-	120	µg/L
Ethylene Dibromide	240	µg/L
Hexane	600	µg/L
Methylene Chloride	600	µg/L
Tetrachloroethane, 1,1,1,2-	240	µg/L
Tetrachloroethane, 1,1,2,2-	240	µg/L
Tetrachloroethylene	120	µg/L
Trichloroethylene	120	µg/L
Vinyl Chloride	288.096	µg/L

SCHEDULE B

**TARGET INDOOR AIR CONCENTRATIONS**

Parameter	Target Indoor Air	Units
Benzene	1.63	µg/m <sup>3</sup>
Ethylbenzene	715	µg/m <sup>3</sup>
Xylene	501	µg/m <sup>3</sup>
PHC F1	8,540	µg/m <sup>3</sup>
Aliphatic C6-C8	32,900	µg/m <sup>3</sup>
Aliphatic >C8-C10	1,790	µg/m <sup>3</sup>
Aromatic >C8-C10	358	µg/m <sup>3</sup>
PHC F2	1,610	µg/m <sup>3</sup>
Aliphatic >C10-C12	1790	µg/m <sup>3</sup>
Aliphatic >C12-C16	1790	µg/m <sup>3</sup>
Aromatic >C10-C12	358	µg/m <sup>3</sup>
Aromatic >C12-C16	358	µg/m <sup>3</sup>
Naphthalene	2.65	µg/m <sup>3</sup>
Carbon Tetrachloride	1.43	µg/m <sup>3</sup>
Dichlorobenzene, 1,4-	0.894	µg/m <sup>3</sup>
Dichloroethane, 1,2-	0.138	µg/m <sup>3</sup>
Dichloroethylene, Cis-1,2-	107	µg/m <sup>3</sup>
Dichloroethylene, Trans-1,2-	42.9	µg/m <sup>3</sup>
Dichloropropane, 1,2-	2.86	µg/m <sup>3</sup>
Ethylene Dibromide	0.00596	µg/m <sup>3</sup>
Hexane	1790	µg/m <sup>3</sup>
Methyl Tert-Butyl Ether	13.8	µg/m <sup>3</sup>
Methylene Chloride	155	µg/m <sup>3</sup>
Tetrachloroethane, 1,1,1,2-	0.483	µg/m <sup>3</sup>
Tetrachloroethane, 1,1,2,2-	0.0616	µg/m <sup>3</sup>
Tetrachloroethylene	13.8	µg/m <sup>3</sup>
Trichloroethylene	0.401	µg/m <sup>3</sup>
Vinyl Chloride	0.406	µg/m <sup>3</sup>

## SCHEDULE C

### **FIGURES**

Figure 1: Plan of Survey prepared by Surveyors on Site Inc., Ontario Land Surveyor, dated August 17, 2021

Figure 6.1: Borehole and Monitoring Well Locations, prepared by Arcadis, updated October 19, 2017

Figure 7.1: Shallow Soil Cap Specification, prepared by Arcadis, updated February 5, 2021

Figure 7.2: Hard Cap Design Specifications, prepared by Arcadis, updated July 31, 2015

Figure 7.3: Vapour Barrier and Pressure Equalization System, prepared by Arcadis, updated July 31, 2015

SCHEDULE				
PART	LOT	PLAN	PIN	AREA (Ha)
1	ALL OF LOT 140 & PART OF LOT 155	REGISTERED PLAN M-34 NB	ALL OF PIN 61339-0579 (LT)	0.104
2	ALL OF LOTS 138, 139 & 156 & PART OF LOT 137		PART OF PIN 61339-0578 (LT)	0.171
3	ALL OF LOT 157 & PART OF LOT 158		PART OF PIN 61339-0608 (LT)	0.067

PART 1 COMPRISES ALL OF PIN 61339-0579 (LT).  
 PART 2 COMPRISES PART OF PIN 61339-0578 (LT).  
 PART 3 COMPRISES PART OF PIN 61339-0608 (LT).

**PLAN 54R-6219**

Received and deposited

August 18<sup>th</sup>, 2021

Guy Noel Nkurunziza

Representative for the  
 Land Registrar for the  
 Land Titles Division of  
 Timiskaming (No.54)

OBSERVED REFERENCE POINTS (ORPs) ARE DERIVED FROM RTK MEASUREMENTS ON SCPs AND ARE REFERRED TO UTM ZONE 17, NAD83(ORIGINAL).

COORDINATES SHOWN HEREON HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF AN URBAN AREA AT A 95% CONFIDENCE LEVEL AS PER SEC. 14(2) OF O.REG. 216/10 UNDER THE SURVEYS ACT.

POINT ID	NORTHING	EASTING
ORP A	5262203.78	599256.79
ORP B	5262202.62	599184.90
ORP C	5262130.83	599205.43

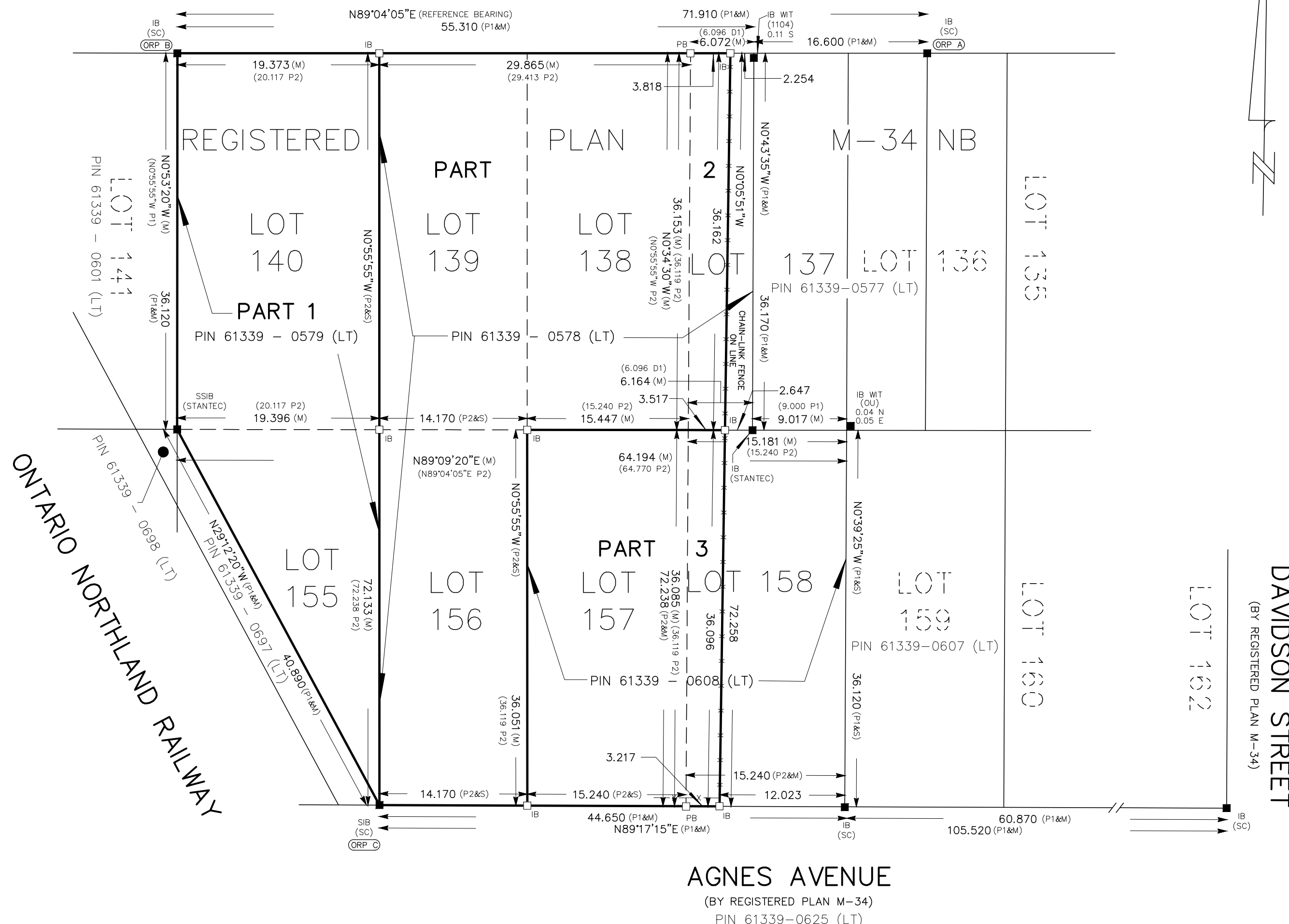
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

INTEGRATION COORDINATE TABLES		
SPECIFIED CONTROL POINTS (SCPs)		
MONUMENT	NORTHING	EASTING
00819740135	5261369.86	598036.73
00819740140	5268147.24	599714.79

UTM ZONE 17, NAD83(ORIGINAL)

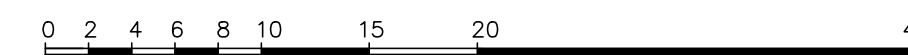
**BROADWOOD AVENUE**

(BY REGISTERED PLAN M-34)  
 PIN 61339-0620 (LT)



PLAN OF SURVEY OF  
 ALL OF LOTS 138, 139, 140, 156 & 157  
 AND  
 PART OF LOTS 137, 155 & 158  
 REGISTERED PLAN M-34 NB  
 GEOGRAPHIC TOWNSHIP OF DYMOND  
**CITY OF TEMISKAMING SHORES**  
 DISTRICT OF TIMISKAMING

SCALE 1 : 350 METRES



SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:350 METRES.

**LEGEND**

□	MONUMENT PLANTED
■	MONUMENT FOUND
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
PB	PLASTIC BAR
M	MEASURED
S	SET
WIT	WITNESS
P1	SURVEYOR'S REAL PROPERTY REPORT BY STANTEC GEOMATICS LIMITED, JOB NUMBER 122130099-201, DATED FEBRUARY 25, 2013.
P2	REGISTERED PLAN M-34 NB
D1	PIN SHEET 61339-0578 (LT)
SC	H: SUTCLIFFE LTD.
STANTEC	STANTEC GEOMATICS LTD.
1104	P.A. BLACKBURN, O.L.S.
OU	ORIGIN UNKNOWN

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 23<sup>rd</sup> DAY OF JUNE, 2021.

AUGUST 17, 2021

*Ryan W. Seguin*  
 RYAN W. SEGUIN  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-14954.

**NOTES**

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

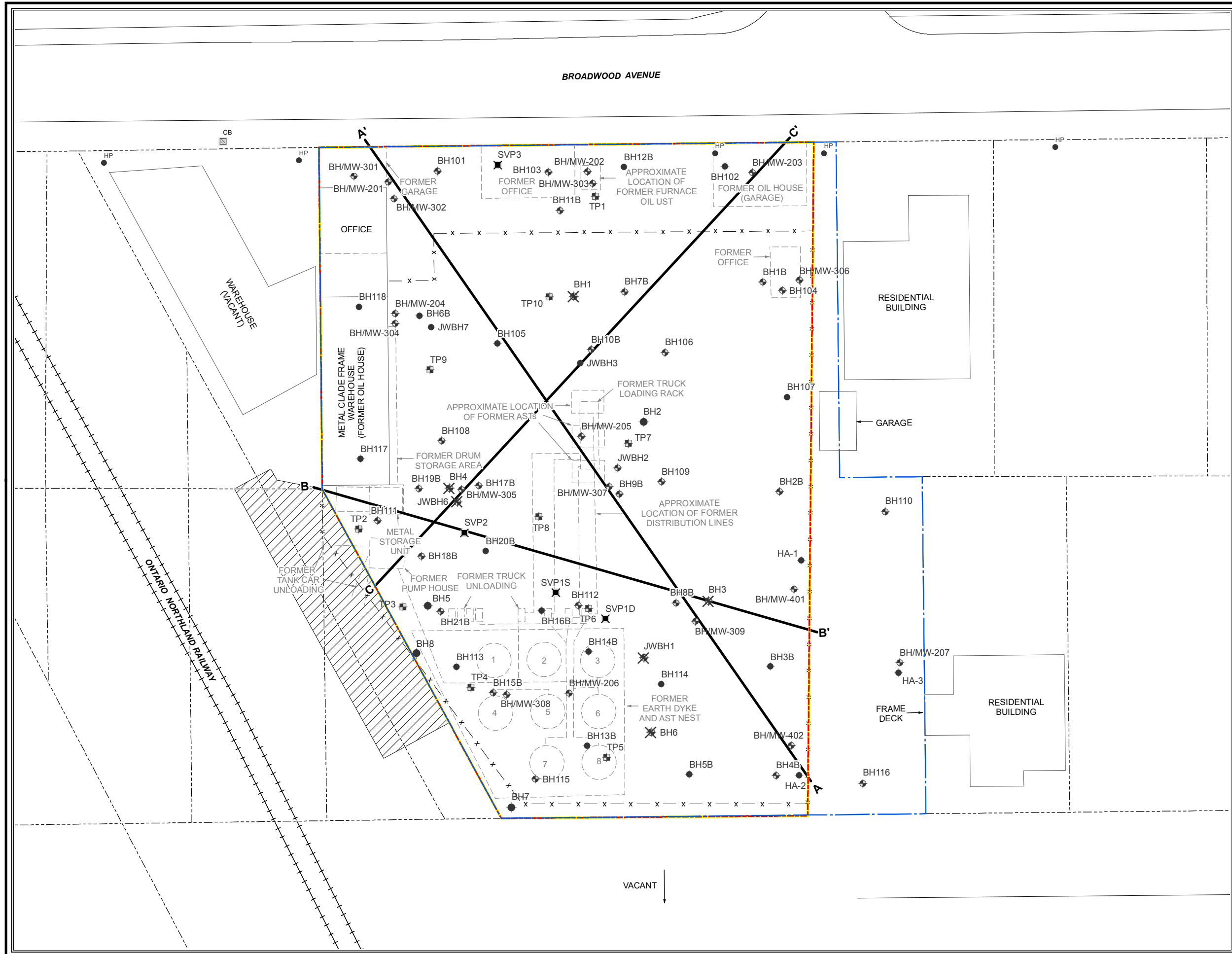
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.9996923065.

BEARINGS ARE UTM GRID, AND ARE DERIVED FROM SCPs, COSINE MONUMENTS HCM00819740135 & HCM00819740140 AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) NAD83(ORIGINAL).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:  
 P2 - 0°55'55" COUNTER CLOCKWISE.



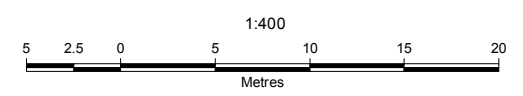
17 WELLINGTON STREET  
 NEW LISKEARD, ONTARIO  
 POJ 1P0  
 705-622-0872  
 www.surveyorsonsite.com



**LEGEND**

- SITE PROPERTY BOUNDARY
- PHASE TWO PROPERTY BOUNDARY
- PROPERTY LINE
- RAILWAY
- FORMER INFRASTRUCTURE
- LAND LEASED BY SHELL IN 2009
- HP - HYDRO POLE
- - BOREHOLE
- - CATCH BASIN
- ◊ - MONITORING WELL
- ⊗ - VAPOUR PROBE
- ⊗ - DECOMMISSIONED/DESTROYED MONITORING WELL
- A — A'** - CROSS SECTION LINE

- NOTES:**
1. BOREHOLE/MONITORING WELL JWBH1, JWBH2, JWBH3, JWBH6 AND JWBH7 BY JWEL 1996
  2. BOREHOLE/MONITORING WELL BH1 TO BH8 BY JWEL 2000
  3. TEST PIT TP1 TO TP10 BY JWEL 2001
  4. BOREHOLE/MONITORING WELL BH1B TO BH21B BY STANTEC 2007
  5. MONITORING WELL BH4 DECOMMISSIONED BY JWEL 2009
  6. MONITORING WELL JWBH1, JWBH6, BH1, BH2 AND BH6 DESTROYED
  7. BOREHOLE/MONITORING WELL BH101 TO BH118 BY STANTEC 2012
  8. VAPOUR PROBE SVP1S, SVP1D, SVP2 AND SVP3 BY STANTEC 2012
  9. BOREHOLE/MONITORING WELL BH/MW-201 TO BH/MW-207 BY FRANZ 2014
  10. BOREHOLE/MONITORING WELL BH/MW-301 TO BH/MW-309 AND HAND AUGER HOLE HA-1 TO HA-3 BY ARCADIS 2016
  11. BOREHOLE/MONITORING WELL BH/MW-401 TO BH/MW-402 BY ARCADIS 2017



**Title:** BOREHOLE AND MONITORING WELL LOCATIONS

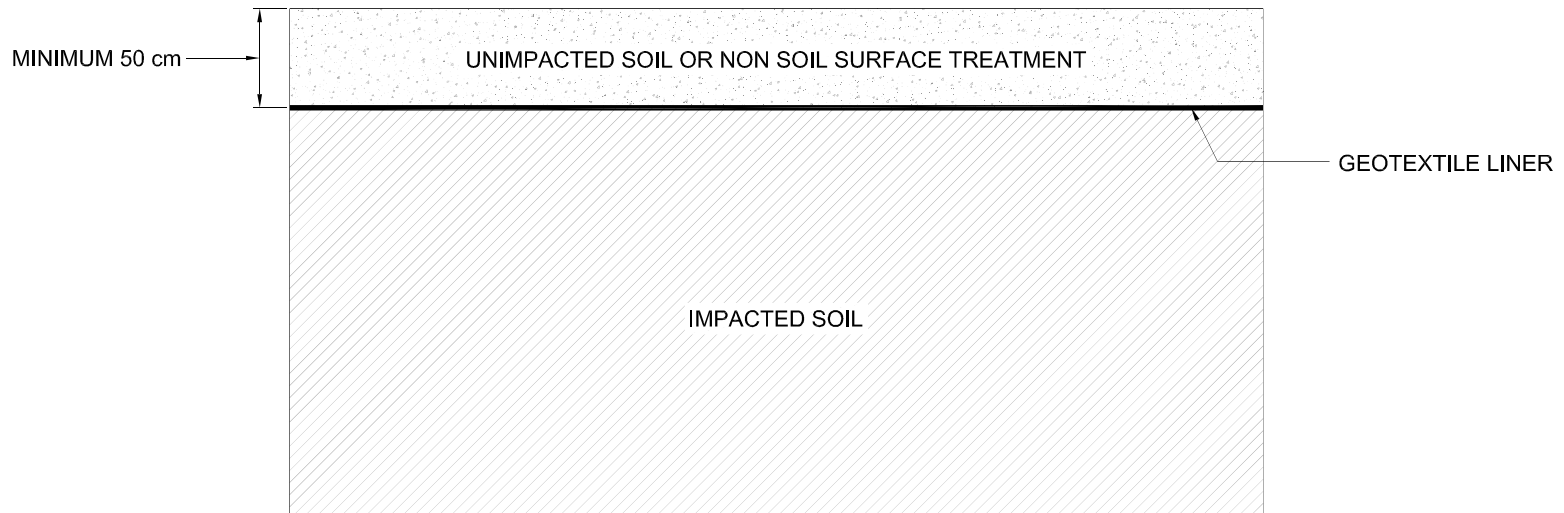
**Project:** PHASE TWO ENVIRONMENTAL SITE ASSESSMENT 266 BROADWOOD AVENUE NEW LISKEARD, ONTARIO

**Client:** ENVIROANALYTICS GROUP, LLC (EAG)

**Date:** October 2014

**Updated:** Oct. 19, 2017

**FIGURE 6.1**

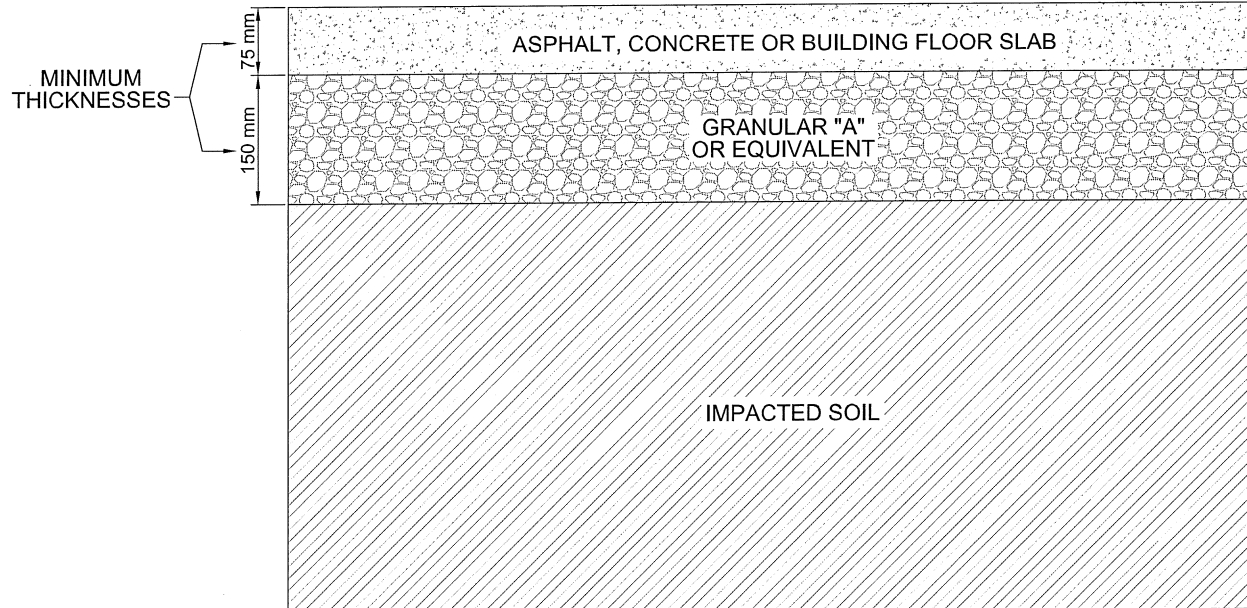



Notes:  
 UNIMPACTED SOIL = SOIL WHICH MEETS THE APPLICABLE TABLE 2 SCS  
 NON-SOIL SURFACE TREATMENT = AGGREGATE MATERIAL



Title: SHALLOW SOIL CAP SPECIFICATION	
	Project: HUMAN HEALTH AND ECOLOGICAL RISK ASSESSMENT 266 BROADWOOD AVENUE NEW LISKEARD, ONTARIO
	Date: October 2014 Updated: Feb 05, 2021
Client: ENVIROANALYTICS GROUP, LLC (EAG)	
NOT TO SCALE	FIGURE 7.1

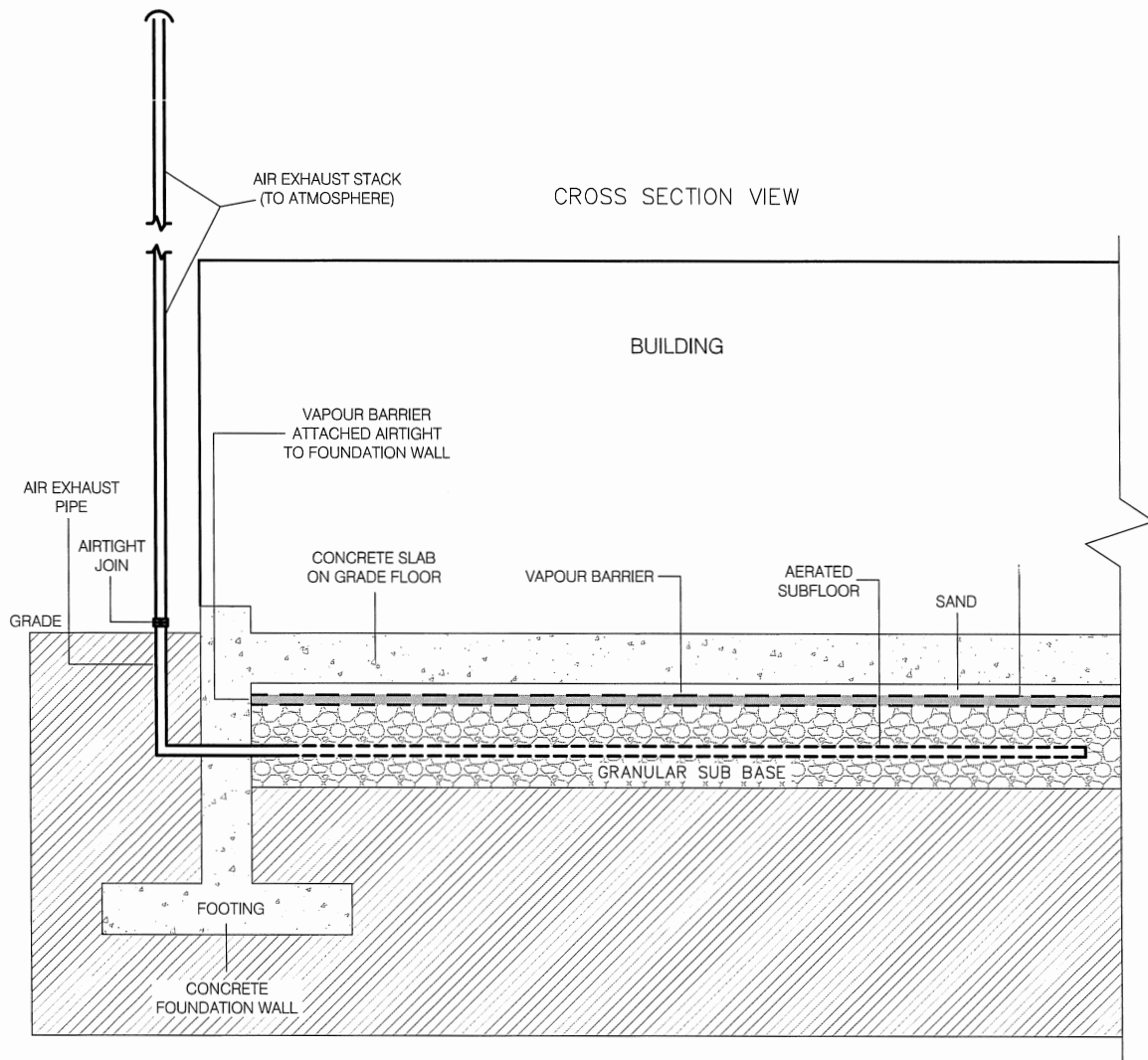




Title: HARD CAP DESIGN SPECIFICATIONS	
 Infrastructure · Water · Environment · Buildings	Project: HUMAN HEALTH AND ECOLOGICAL RISK ASSESSMENT 266 BROADWOOD AVENUE NEW LISKEARD, ONTARIO
	Client: ENVIROANALYTICS GROUP, LLC (EAG)
Date: October 2014	
Updated: July 31, 2015	

NOT TO SCALE


FIGURE 7.2



Note: The figure shown provides conceptual engineering controls to be included in the overall design of the risk mitigation measure. The figure does not and should not be the basis for determination of the specific location of the vapour barrier, off sets, spacing, thicknesses and other distance specifications that must be specified by the engineer as a result of the design process. Leak testing of the vapour barrier must be included in the design. Material specification must also be determined by the engineer. Designs other than what is shown above may also be acceptable.

Note:  
 1) Drawing is not to scale  
 2) Use diagram in conjunction with section 7



Title:	VAPOUR BARRIER & PRESSURE EQUALIZATION SYSTEM	
Project:	HUMAN HEALTH AND ECOLOGICAL RISK ASSESSMENT 266 BROADWOOD AVENUE NEW LISKEARD, ONTARIO	
Client:	ENVIROANALYTICS GROUP, LLC (EAG)	
 Infrastructure · Water · Environment · Buildings	Date:	October 2014
	Last Updated:	July 31, 2015
FIGURE 7.3		

SCHEDULE D

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

***Environmental Protection Act***

This is to certify that pursuant to Item 7.1 of Certificate of Property Use number 2362-BV7PE9 issued by Greg Ault, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of *the Environmental Protection Act*, on [INSERT DATE], being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 266 Broadwood Ave., New Liskeard, ON, P0J 1P0, being all of Property Identifier Numbers (PINs) 61339-0579, 61339-0578 and 61339-0608 (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

**2395662 ONTARIO INC.**

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

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