

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), 132 (Financial Assurance) and 197 (Order)

Certificate of Property Use number: 3153-BV3SD3
Risk Assessment number: 7072-9U5LDL

Owner: UCANCO General Partners Inc.,
as General Partner,
by and on behalf of
Canure Limited Partnership

Address: Suite 1500, 222 3rd Avenue SW
Calgary, Alberta T2P 0B4

Site: 311-104th Avenue (Property)
McKellar Island
Thunder Bay, Ontario

with a Legal Description of:

Part of Lot 6 Concession F Neebing Additional, Part 1 and 2, 55R-14744 Thunder Bay; City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

Including Part 1 (Parcel A):
Part of Lot 6 Concession F Neebing Additional, Part 1, 55R-14744 Thunder Bay;
City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

And including Part 2 (Parcels B and C):
Part of Lot 6 Concession F Neebing Additional, Part 2, 44R-14744 Thunder Bay;
City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

Property Identification Number: 62248-0024(LT)

This Certificate of Property Use and section 197 Order set out the requirements regarding the above-noted Property and the Risk Assessment carried out in relation to the Property which was assigned the number noted above and is described in more detail in Part 1 below.

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

Part 1: Interpretation

In this CPU, the following capitalized terms have the meanings described below. These terms are also defined in the Approved Model. Not all of these terms may be used in this CPU.

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

“Active 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 one or more electrical fan powered vents drawing air from below the Building.

“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.

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

“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.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number **3153-BV3SD3** issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

“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.

“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.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28.

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

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

“Licensed Professional Engineer” means a person who 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.

“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.

“Parcel A” means that part of the Property as identified in Appendix G of the RA and attached to this CPU in Figure 1 of Schedule D, with the legal description Part of Lot 6 Concession F Neebing Additional, Part 1, 55R-14744 Thunder Bay; City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

“Parcel B” means that part of the Property as identified in Appendix G of the RA and attached to this CPU in Figure 2 of Schedule D, with the legal description Part of Lot 6 Concession F Neebing Additional, Part 2, 44R-14744 Thunder Bay: City of Thunder Bay, Being Part of PIN 62248-0024 (LT).

“Parcel C” means that part of the Property as identified in Appendix G of the RA and attached to this CPU in Figure 2 of Schedule D with the legal description Part of Lot 6 Concession F Neebing Additional, Part 2, 44R-14744 Thunder Bay: City of Thunder Bay, Being Part of PIN 62248-0024 (LT).

“Property” means the property that is the subject of the Risk Assessment and is described in the “Site” section on page 1 above, and illustrated in Figures 1 and 2 of Schedule D which is attached and forms part of this CPU.

“Property Specific Standards” means the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as set out in Tables 1 to 5 of 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.

“Risk Assessment” and “RA” means the Risk Assessment Number **7072-9U5LDL** submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on October 22, 2020 and set out in the following documents:

- **“A Risk Assessment of 311 104th Avenue, McKellar Island, Thunder Bay, Ontario”, by Intrinsic Corp., dated January 2017**
- **“Revised Risk Assessment of 311 104th Avenue, McKellar Island, Thunder Bay, Ontario report prepared by Intrinsic Corp., dated May 2019**
- **“A Revised Risk Assessment of 311 104th Avenue, McKellar Island, Thunder Bay, Ontario”, report prepared by Intrinsic Corp., dated January 2020**
- **“RE: 311 104th Avenue, McKellar Island, Thunder Bay; RA1451-15” e-mail from Adam Safruk, Intrinsic Corp., received by TASDB on March 23, 2020, with the following document attached:**
 - *Phase Two CSM - Parcel B_C, 2020-01-17 (re-issued).pdf*
- **“A Revised Risk Assessment of 311 104th Avenue, McKellar Island, Thunder Bay, Ontario report prepared by Intrinsic Corp., dated June 30, 2020**
- **“RE: 311 104th Avenue, McKellar Island, Thunder Bay; RA1451-15d; IDS#7072-9U5LDL” email from Adam Safruk, Intrinsic Corp., received by TASDB on October 12, 2020, with the following document attached:**
 - *Revised Table 5-34.pdf*

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

“Risk Management Plan” and “RMP” means the Risk Management Plan prepared by Intrinsic Corp. and contained in Section 7 and Appendix K of the RA.

“Tribunal” has the same meaning as in the Act; namely, the Ontario Lands 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 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- (a) the performance of any action specified in the certificate of property use;
 - (b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - (c) measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 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:
- 1. 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.
 - 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate 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.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- (a) the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - (b) the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - (c) the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants 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: "Industrial Use", as defined in O. Reg. 153/04.
- 3.2 For Parcel A, the contaminants on, in or under the Property that are present either above the soil and groundwater criteria for course textured soil on Residential/Parkland/ Institutional/Industrial/Commercial/Community Property Use in **Table 1: Full Depth Background Site Condition 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, or for which there are no such standards are set out in the Risk Assessment. The Property Specific Standards for these Contaminants of Concern are also set out in **Tables 1, 3 and 5 of Schedule A** which is attached to and forms part of the CPU.

For Parcels B and C, the contaminants on, in or under the Property that are present either above the soil, groundwater and sediment criteria for course textured soil on Residential/ Parkland/Institutional/Industrial/Commercial/Community Property Use in **Table 1: Full Depth Background Site Condition 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, or for which there are no such standards are set out in the Risk Assessment. The Property Specific Standards for these Contaminants of Concern are also set out in **Tables 2 and 4 of 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: CPU Risk Management Measures and Requirements Relating to the Risk Assessment and the Property

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:

4.0 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 4.8 and 5.2 as applicable

4.1 RISK MANAGEMENT BARRIER

The Property shall be covered by a physical barrier where there is less than 0.5 m of Unimpacted Soil between the ground surface and Impacted Soil. The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence as specified below:

- a. Covering of all areas of the Property where Property Specific Contaminants of Concern are present at or within 0.5 m below the soil surface such that Hard Caps or Fill Cap are in place in these areas, so as to prevent exposure to the Property Specific Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Property Specific Contaminants of Concern are present below the soil surface;
- b. Before commencing development of all or any part of the Property, installing fencing and implementing dust control measures for any part of the Property requiring covering but which has not been covered, as deemed necessary by a Qualified Person, so as to restrict access to the part fenced and prevent exposure to the Property Specific Contaminants of Concern at the Property, with the fencing and dust control measures to be maintained until covering of the part fenced is complete;
- c. A site plan, prepared and signed by a qualified person, retained by the Owner and made available for review by a Provincial Officer upon request, as amended from time to time following the completion of any alteration to the capping, shoreline protection or any fencing, which describes:
 - i. The Property; and
 - ii. The placement of the capping, shoreline protection and any fencing on the Property;

and which includes:

- iii. Cross-sectional drawings specifying the vertical and lateral extent of the capping and shoreline protection, and the location of any fencing.
- d. Preparing and implementing written procedures, prepared by 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 Property Specific 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;
- e. The Hard Cap shall meet the following minimum requirements, as illustrated in Figure 3 of Schedule D:
 - i. Asphalt, concrete, a building slab, or a building foundation and floor slab, consisting of at least 150 millimetres of granular sub-base or equivalent material overlain by at least 75 millimetres of hot mix asphalt or concrete; or Alternative Hard Cap consisting of at least 150 mm of hot mix asphalt, concrete, or equivalent;
- f. The Fill Cap shall meet the following minimum requirements, as illustrated in Figure 3 of Schedule D:
 - i. 500mm of soil of appropriate environmental quality (existing or imported) which shall correspond to the MECP generic Site Condition Standards applicable to the Parcel, in accordance with the Risk Management Plan provided in the RA, which includes a site-specific exception for vanadium concentrations;
- g. Alternative Barriers in the Vicinity of Existing Trees for the purpose of preserving existing mature, healthy trees on the Property, as illustrated in Figure 3 of Schedule D, shall meet the following minimum requirements:
 - i. Where single mature, healthy trees are present on the Property, capping of the area within the trees' drip lines with at least 150 millimetres of mulch, wood bark or similar matter;
- h. Prohibition, Deep Rooting Vegetation – Parcels B and C
Deeper rooted vegetation (e.g. trees or similar species that are expected to have significant root mass at greater depths than 500 millimeters below ground surface) shall not be established on Parcels B and/or C;
- i. Where suitable existing shoreline that provides adequate protection from waves,

ice and debris is not present, appropriate riprap, or equivalent material, will be installed to protect the shoreline and physical barrier as deemed necessary by a Qualified Person;

4.1.1 Inspection and Maintenance

- a. Preparing and implementing a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and to 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 Property Specific 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/winter when there is no snow cover, 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 by a Licensed Professional Engineer that the Barrier has been properly repaired, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;
 - 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 Property Specific Contaminants of Concern in that area of the Property; and
 - vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

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

4.2 **PASSIVE SOIL VAPOUR INTRUSION MITIGATION SYSTEM (SVIMS)**

Refrain from constructing any enclosed buildings or structures on, in or under the Property unless the Building includes a passive SVIMS comprising either a ventilated storage (parking) garage or sub-slab ventilation system and meets the following requirements:

4.2.1 BUILDING WITH STORAGE GARAGE

Design and install a ventilated storage garage, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the ventilated storage garage:

- a. The Storage Garage is constructed at or below the Grade of the Building; and
- b. The Storage Garage area covers the entire Building Area at Grade; and
- c. The Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:
 - i. design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3. (Ventilation of Storage and Repair Garages) of the Building Code; and
 - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and
 - iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- d. The mechanical ventilation system for the Storage Garage will be designed to provide, and provides at all times, a continuous supply of outdoor air at a rate appropriate to the design of any future parking facility proposed for the site, subject to concurrence of the Thunder Bay District office.

4.2.2 SUB-SLAB VENTILATION SYSTEM

4.2.2.1 DESIGN, INSTALLATION AND OPERATION

Design, install and operate a Sub-Slab Ventilation System for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the sub-slab ventilation system:

SYSTEM REQUIREMENTS

- a. the Passive SVIMS is to;
 - i. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, including making provision to readily allow installation and operation of an electrical powered fan on each vent riser, with the objective of achieving during all seasons a lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building,

and making provision for an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and

- ii. have in place or be able to readily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998, to prevent potential depressurization induced back drafting and spillage of combustion products from vented combustion appliances that may be in the Building, in the event conversion to an Active SVIMS is necessary;

SUB-SLAB FOUNDATION LAYER

- b. Install throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Contaminants of Concern, designed by a Licensed Professional Engineer for the Building constructor in consultation with the Licensed Professional Engineer for the SVIMS;

SOIL VAPOUR VENTING LAYER

- c. Install throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:
 - i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth; or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;
 - ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation;
 - iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table;

SOIL VAPOUR BARRIER MEMBRANE

- d. Install throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, or equivalent as approved by a Licensed Professional Engineer, below the

foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

- i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable;
- ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer;

VENT RISERS

- e. Installation of vent risers that are of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, as considered appropriate by a Licensed Professional Engineer, including:
 - i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
 - ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;
 - iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather;
 - iv. a wind turbine or solar powered wind turbine, or equivalent as determined by a Licensed Professional Engineer, on each vent riser.

LABELING OF EQUIPMENT

- f. Equipment for the SVIMS must be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building;

UTILITY SEALING

- g. Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration the owner shall install,
 - i. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to

migrate beneath the Building through relatively permeable trench backfill;

- ii. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building;

4.2.3 QUALITY ASSURANCE / QUALITY CONTROL PROGRAM

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

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- ii. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
 - 1. daily inspection reports noting any deficiencies and corrective actions taken;
 - 2. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;
 - 3. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, to be conducted according to, in a manner and at a frequency that meets or exceeds manufacturer's recommendations;
 - 4. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means;
 - 5. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;
- iv. noting any deficiencies in the materials or installation of the SVIMS;
- v. ensuring the prompt repair of any deficiencies, to the design specifications;

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

4.2.4 AS CONSTRUCTED PLANS

Prepare as constructed plans of the SVIMS, 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 location of the Building and the location and specifications of the installed SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface, and which are:

- i. 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 SVIMS, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans;

4.2.5 INSPECTION AND MAINTENANCE PROGRAM

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate
- iii. inspections of the SVIMS including:
 - 1. semi-annual inspections, in spring and fall/winter, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;
 - 2. semi-annual inspections, in spring and fall/winter, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;
 - 3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) (or equivalent), to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
 - 4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;

- iv. Documenting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;
- v. List factors and considerations for determining if additional inspections or monitoring should be undertaken;
- vi. Include a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;
- vii. The owner shall prepare a written report of all inspections, deficiencies, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

4.2.6 REPAIRS AND MAINTENANCE

- i. The owner shall repair any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in subparagraph iii above;
- ii. The owner shall prepare a written report of repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

4.2.7 OPERATIONAL MONITORING

Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licensed 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, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- 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 recording of the monitoring results, in accordance with the following:
 - 1. before occupancy, and thereafter at the frequency of the Indoor Air Quality / Sub-Slab Vapour Monitoring Program (Section 4.3) 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;

- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed 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 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 SVIMS;
4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the 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 Licensed Professional Engineer;

4.2.8 INTRUSIVE ACTIVITIES CAUTION

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 an installed SVIMS, so as to ensure the persons are made aware of the presence and significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

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

4.2.9 BUILDING CODE

The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

- i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;

- ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
- iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

4.3 INDOOR AIR QUALITY / SUB-SLAB VAPOUR QUALITY MONITORING PROGRAM

Implement an indoor air quality monitoring program or sub-slab vapour monitoring program for any enclosed Building that is constructed on the Property. The indoor air quality monitoring requirements on the Property shall occur at least once prior to occupancy. All indoor air quality monitoring shall be in accordance to USEPA Method TO-15 (modified as appropriate) for the Contaminants of Concerns listed in Schedule A, Table 2 of the CPU with a summa canister, using an 8 hour regulator and the outdoor air sample shall be in accordance of The Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008 for the Contaminants of Concerns listed in Schedule A, Table 2. The monitoring program shall be carried out as follows:

- i. The indoor air quality or sub-slab vapor monitoring shall be carried out on a quarterly basis (every three months) for the first year, then semi-annually for the second year and continue thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The Owner shall ensure that for each calendar year one monitoring event is conducted under frozen ground conditions.
- ii. Sampling locations for the indoor air quality/ sub-slab vapour monitoring program shall be located at the lowest occupied level of the building and shall be identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the buildings on the Property.

4.3.1 ASSESSMENT OF MONITORING DATA

- i. The Owner shall keep a copy of all sampling data available for inspection by a Provincial Officer upon request.
- ii. If the sub-slab vapour concentration for the Contaminants of Concern exceeds a respective target concentration identified in Schedule A, Table 2 then the sub-slab vapour monitoring shall be repeated for all Contaminants of Concern within 15 days of receipt of the analytical results and be carried out as follows:
 - a. If none of the concentrations of the Contaminants of Concern exceed the target levels identified in Schedule A, Table 2 on the resampled monitoring event, then the monitoring shall continue on a quarterly basis (every three months) for a minimum of four additional monitoring events,
 - b. If any of the concentrations of the Contaminants of Concern exceeds the sub-slab vapour target levels identified in Schedule A, Table 2 on the

resampled sub-slab vapour monitoring event then quarterly indoor air quality monitoring program shall be implemented within 30 days, or

- iii. If any of the concentrations of the Contaminants of Concern exceeds the indoor air target levels identified in Schedule A, Table 2, on a scheduled indoor air sampling event or a resampled indoor air quality monitoring event, then a professional engineer shall, within 60 days of the receipt of the analytical results, either
 - a. develop and submit a detailed contingency plan to the Director (as outlined in the RMP); or
 - b. develop and submit a report to the Director that details these indoor air exceedances are due to background sources.
 - c. The indoor air quality monitoring shall continue on a monthly basis (every month) until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU. However, if, during this time, concentrations are below the target levels for three consecutive months of sampling, the sampling frequency shall revert to quarterly until such time as the Director directs otherwise.

4.4 SOIL AND GROUND WATER MANAGEMENT PLAN REQUIREMENT

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

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- 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. 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;
- d. Include measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed;
- e. Record, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, 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:
- i. dates and duration of the Intrusive Activities being undertaken;
 - ii. weather and site conditions during the Intrusive Activities;
 - iii. the location and depth of excavation activities, and dewatering activities, if any;
 - iv. dust control and soil tracking control measures such as hauling records;
 - v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
 - vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
 - vii. management activities for any ground water from dewatering;
 - viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
 - ix. names and contact information for any haulers and owners or operators of receiving sites for soil and any ground water 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;

- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

4.5 NO GROUND WATER USE RISK MANAGEMENT MEASURE

Implement the following requirements to restrict the use of ground water at the Property:

- i. The owner shall not use ground water in or under the Property as a source of water;
- ii. properly abandon any wells on the Property, as defined in the Ontario Water Resources Act, R.S.O. 1990, c. O.40, according to R.R.O. 1990, Regulation 903 (Wells) made under the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40; and
- iii. refrain from constructing on the Property any wells as defined in the Ontario Water Resources Act, R.S.O. 1990, c. O.40.

4.6 HEALTH AND SAFETY PLAN REQUIREMENT

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

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment;
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;
- d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;

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

4.7 GROUNDWATER MONITORING REQUIREMENT

Implement a groundwater monitoring program for the purpose of mitigating potential risk associated with the potential for groundwater contaminants migrating from Parcel B to Parcel A and exceeding the Parcel A Property Specific Standards. Monitoring is to commence upon filing of the Record of Site Condition, and will consist of one sampling event in the first year, and one event every five years thereafter, until such time as the ministry agrees to remove or alter this groundwater monitoring requirement. The groundwater monitoring program shall be overseen by a Qualified Person as per Section 5(2) of O.Reg. 153/04 (i.e. a "QPESA") with collection and analyses completed in accordance with the MECP guidelines/protocols, as well as the requirements outlined below:

- a. Groundwater samples will be collected from Monitoring Wells MW12-44, MW-31, MW-203 and MW-302 as illustrated on Figure 4 of Schedule D.
- b. Should a monitoring well be damaged or destroyed, a suitable replacement monitoring well shall be established prior to the next monitoring event. Replacement of the well should be reviewed with the MECP district office.
- c. Each groundwater sample is to be analyzed for the parameters of potential concern regarding exposure of off-site ecological receptors to groundwater migrating from Parcel B to Parcel A

4.8 ANNUAL REPORTS REQUIREMENT

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:

- a. a copy of all records relating to the SVIMS, as outlined in Item 4.2, if applicable;
- b. a copy of all records relating to the sub-slab vapour monitoring program, as outlined in Item 4.3, if applicable;
- c. a copy of all records relating to the soil and ground water management plan, as outlined in Item 4.4, if applicable;
- d. a copy of all records relating to the health and safety plan as outlined in Item 4.6, if

applicable;

- e. a copy of all records relating to the ground water monitoring program as outlined in Item 4.7; if applicable; and
- f. A copy of documentation to justify the financial assurance calculation and to meet the record keeping requirements as outlined in Items 6.4, 6.5 and 6.6.

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, 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 of 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, except where noted N/A, 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.

Financial Assurance

6.4 Within fifteen (15) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of five thousand eight hundred and thirty dollars (\$5,830.00) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.

6.5 Commencing on March 31, 2023 and at intervals of every three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Item 6.4. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans.

6.6 Commencing when redevelopment of the site occurs, the Owner shall prepare and provide on request an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Item 6.5. The re-evaluation shall be made available to the Ministry, upon request. If the re-evaluation is for an amount greater than the amount as set out in Item 6.4 the Owner shall submit to the Director a copy of the re-evaluation.

6.7 Prior to the submission of a Building Permit for any new Building constructed under Item 4.1, the Owner shall submit to the Director, an updated re-evaluation of the amount of financial assurance that includes costs relating to the performance of the Passive SVIMS and any monitoring that may be required under Item 4.2 associated with the new Building.

Part 7: Section 197 Order (Property Notice and Certificate of Requirement Registration) Requirements

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 C 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: Information regarding a Hearing before the Ontario Land Tribunal

With respect to those provisions relating to my authority in issuing a certificate of property use under section 168.6 and an order under section 197 of the Act:

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.

- 9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. The contact information for the Director and the Tribunal is the following:

Registrar
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5
Email: OLT.Registrar@ontario.ca

and

Glen Niznowski
Thunder Bay District Manager(A), Northern Region
Ministry of the Environment, Conservation and Parks
435 James Street South, Suite 331
Thunder Bay, Ontario
P7E 6S7
Fax: 807-475-1754
Email: glen.niznowski@ontario.ca

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 or Toll Free 1 (866) 448-2248 or <https://olt.gov.on.ca>.

[Further information regarding service can be obtained from e-Laws at www.ontario.ca/laws. 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 timelines.](https://www.ontario.ca/laws)

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993* (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:

- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and

- (b) fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- (a) fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and
 - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Item 9 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.

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

Director, section 168.6 of the Act
Glen Niznowski

SCHEDULE A

CONTAMINANTS OF CONCERN AND PROPERTY SPECIFIC STANDARDS

Table 1 - Parcel A: Final Property Specific Soil Standards (ug/g)

Contaminant of Concern	Property Specific Standard
Acenaphthene	0.12
Anthracene	0.23
Benzene	7
Ethylbenzene	1.4
Fluorene	0.37
Hexane (n)	.61
Methylnaphthalene, 2-(1-)	5.3
Naphthalene	1.9
PHC F1 (C6-C10)	420
PHC F2 (>C10-C16)	3,000
PHC F3 (>C16-C34)	1,100
PHC F4 (>C34)	1,100
Sodium Adsorption Ratio (SAR)	10
Toluene	1.3
Xylene Mixture	8.4

Table 2 - Parcel B/C: Final Property Specific Soil Standards (ug/g)

Contaminant of Concern	Property Specific Standard
Benzene	32
Dichloroethane, 1,2-	0.17
Ethylbenzene	230
Fluoranthene	0.72
Hexane (n)	4.9
Methylnaphthalene, 2-(1-)	1.8
Naphthalene	0.31
PHC F1 (C6-C10)	8,500
PHC F2 (>C10-C16)	19,000
PHC F3 (>C16-C34)	4,100
PHC F4 (>C34)	1,600
Toluene	180
Xylene Mixture	1,100

Table 3 - Parcel A: Final Property Specific Groundwater Standards (ug/L)

Contaminant of Concern	Property Specific Standard
Arsenic	25
Benzene	4,900
Cobalt	9.5
Copper	16
Ethylbenzene	290
Hexane (n)	85
Mehtyl-naphthalene, 2-(1-)	26
Naphthalene	73
Nickel	49
PHC F1 (C6-C10)	4,300
PHC F2 (>C10-C16)	1,400
Phenanthrene	0.76
Toluene	22
Vanadium	6.7
Xylene Mixture	670

Table 4 - Parcel B/C: Final Property Specific Groundwater Standards (ug/L)

Contaminant of Concern	Property Specific Standard
Arsenic	74
Benzene	8,600
Chromium	17
Cobalt	20
Dichlorobenzene, 1,4-	19
Dichloroethane, 1,2-	1.4
Ethylbenzene	1,800
Hexane (n)	140
Lead	4.1
Mehtyl-naphthalene, 2-(1-)	76
Molybdenum	37
Naphthalene	67
Nickel	62
PHC F1 (C6-C10)	13,000
PHC F2 (>C10-C16)	6,500
Phenanthrene	0.78
Toluene	2,900
Vanadium	61
Xylene Mixture	10,000

Table 5 - Parcel A: Final Property Specific Sediment Standards (ug/g)

Contaminant of Concern	Property Specific Standard
Acenaphthene	0.0067
Antimony	0.68
Arsenic	7.8
Barium	130
Benzene	0.034
Benzo(b)fluoranthene	0.086
Beryllium	0.64
Boron	8.0
Cadmium	0.73
Chromium	53
Copper	60
Dioxins/Furans TEQ	0.00000062
Ethylbenzene	0.012
Mehtylnaphthalene	0.048
Molybdenum	0.97
Naphthalene	0.032
Nickel	46
PHC F2	14
PHC F3	110
PHC F4	62
Thallium	0.32
Tin	18
Toluene	0.050
Uranium	1.3
Vanadium	310
Xylene	0.049

SCHEDULE B

Table B1: Sub-Slab Vapour and Indoor Air Trigger Levels

Contaminant of Concern	Sub-Slab Vapour Target Levels ($\mu\text{g}/\text{m}^3$)	Indoor Air Target Levels ($\mu\text{g}/\text{m}^3$)
Benzene	4.07×10^2	1.63×10^0
Dichloroethane, 1,2-	3.45×10^1	1.38×10^{-1}
Dichlorobenzene, 1,4-	2.23×10^2	8.94×10^{-1}
Ethylbenzene	1.79×10^5	7.15×10^2
Hexane (n)	4.47×10^5	1.79×10^3
PHC F1 Aliphatic C ₆ -C ₈	8.22×10^6	3.29×10^4
PHC F1 Aliphatic C _{>8} -C ₁₀	4.47×10^5	1.79×10^3
PHC F1 Aromatic C _{>8} -C ₁₀	8.95×10^4	3.58×10^2
PHC F2 Aliphatic C _{>10} -C ₁₂	4.47×10^5	1.79×10^3
PHC F2 Aliphatic C _{>12} -C ₁₆	4.47×10^5	1.79×10^3
PHC F2 Aromatic C _{>10} -C ₁₂	8.95×10^4	3.58×10^2
PHC F2 Aromatic C _{>12} -C ₁₆	8.95×10^4	3.58×10^2
Toluenes	8.95×10^5	3.58×10^3
Xylenes	1.25×10^5	5.01×10^2

SCHEDULE C

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 3153-BV3SD3 issued by Trina Rawn, 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:

311-104th Avenue, McKellar Island, Thunder Bay, Ontario (the "Property") with a Legal Description of:

Part of Lot 6 Concession F Neebing Additional, Part 1 and 2, 55R-14744 Thunder Bay; City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

Including Part 1 (Parcel A):

Part of Lot 6 Concession F Neebing Additional, Part 1, 55R-14744 Thunder Bay; City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

And including Part 2 (Parcels B and C):

Part of Lot 6 Concession F Neebing Additional, Part 2, 44R-14744 Thunder Bay; City of Thunder Bay, Being Part of PIN 62248-0024 (LT)

Property Identification Number: 62248-0024(LT)

with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

UCANCO General Partners Inc.

Canure Limited Partnership

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.

SCHEDULE D

FIGURES

Figure 1: Plan of Survey for Parcel A prepared by J.D. Barnes Limited, Ontario Land Surveyor, dated November 10, 2020

Figure 2: Plan of Survey for Parcels B and C prepared by J.D. Barnes Limited, Ontario Land Surveyor, dated November 10, 2020

Figure 3: Risk Management Measures – Barriers to Site Soils (taken from Fig2 of Appendix K of the RA)

Figure 4: Risk Management Measures – Locations Where Capping is Required (taken from Fig3 of Appendix K of the RA)

Figure 5: Monitoring Well Locations (taken from Figure 7-8 of the Risk Assessment)

FIGURE 1



TABLE OF WATER'S EDGE COORDINATES
POINTS DERIVED FROM REAL TIME KINEMATIC (RTK) OBSERVATIONS AND ARE REFERRED TO UTM ZONE 16, NAD83 (CSRS) (2010.0)

STATION	EASTING	NORTHING
1	334069.1	5361063.2
2	334086.6	5361103.1
3	334101.2	5361136.5
4	334117.2	5361173.9
5	334139.4	5361186.8
6	334165.4	5361212.7
7	334195.3	5361244.2
8	334233.2	5361279.4
9	334259.4	5361302.9
10	334286.8	5361332.5
11	334316.1	5361352.1
12	334350.6	5361381.4

TABLE OF COORDINATES BETWEEN PARTS 1 & 2
POINTS DERIVED FROM REAL TIME KINEMATIC (RTK) OBSERVATIONS AND ARE REFERRED TO UTM ZONE 16, NAD83 (CSRS) (2010.0)

STATION	EASTING	NORTHING
13	334184.7	5361158.4
14	334188.0	5361165.5
15	334202.1	5361178.1
16	334203.6	5361181.5
17	334212.4	5361188.2
18	334321.1	5361293.3
19	334329.2	5361298.0

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 6	F	ALL OF 62248-0024 (LT)	2.484 Ha.
2				3.132 Ha.

PLAN 55R-14744
Received and deposited
November 17th, 2020
Nora Borga
Representative for the
Land Registrar for the
Land Titles Division of
Thunder Bay (No.55)

PLAN OF SURVEY OF
PART OF LOT 6
CONCESSION F
GEOGRAPHIC TOWNSHIP OF NEEBING ADDITIONAL
CITY OF THUNDER BAY
DISTRICT OF THUNDER BAY

SCALE 1 : 750

J.D. BARNES LIMITED

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750.

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471.

NOTES
BEARINGS ARE UTM GRID, DERIVED BY REAL TIME KINEMATIC (RTK) OBSERVATIONS FROM A LOCAL BASE STATION (N 5 363 184.62, E 332 982.99), ESTABLISHED USING THE PRECISE POINT POSITIONING (PPP) SERVICE, TO OBSERVED REFERENCE POINTS (ORPs) A AND B, UTM ZONE 16, NAD83 (CSRS) (2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999912.
FOR BEARING COMPARISONS, A ROTATION OF 1°40'41" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN P1 TO CONVERT TO GRID BEARINGS.

INTEGRATION DATA

POINT ID	EASTING	NORTHING
ORP (A)	334 343.56	5 361 095.64
ORP (B)	334 350.47	5 361 373.32

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 277.78 N 1°26'05" E.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
RIB	DENOTES	ROUND IRON BAR
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIPE
WIT	DENOTES	WITNESS
MEAS	DENOTES	MEASURED
JDB	DENOTES	J.D. BARNES LIMITED, O.L.S.
PWM	DENOTES	PARSONS, WILSON & MILTON, LIMITED, O.L.S.
STANTEC	DENOTES	STANTEC GEOMATICS LTD.
1759	DENOTES	PETER DE HAAN, O.L.S.
OU	DENOTES	ORIGIN UNKNOWN
FNC	DENOTES	FENCE
CLF	DENOTES	CHAIN LINK FENCE
CONC	DENOTES	CONCRETE
P1	DENOTES	PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED DECEMBER 17, 2015

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 28TH DAY OF OCTOBER, 2020.

NOVEMBER 10, 2020
DATE
SHAHIC HABEBUR RAHMAN
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2130468.

J.D. BARNES SURVEYING MAPPING LIMITED GIS
LAND INFORMATION SPECIALISTS
1158 RUSSELL STREET, THUNDER BAY, ON P7B 5N2
T: (807) 622-6277 F: (807) 626-8040 www.jdbarnes.com

DRAWN BY: KJ CHECKED BY: SR REFERENCE NO.: 15-32-699-01
PLOTTED: 11/13/2020 DATED: 11/10/20
FILE: G:\15-32-699\01\Drawing\699-01-RPLAN.dgn

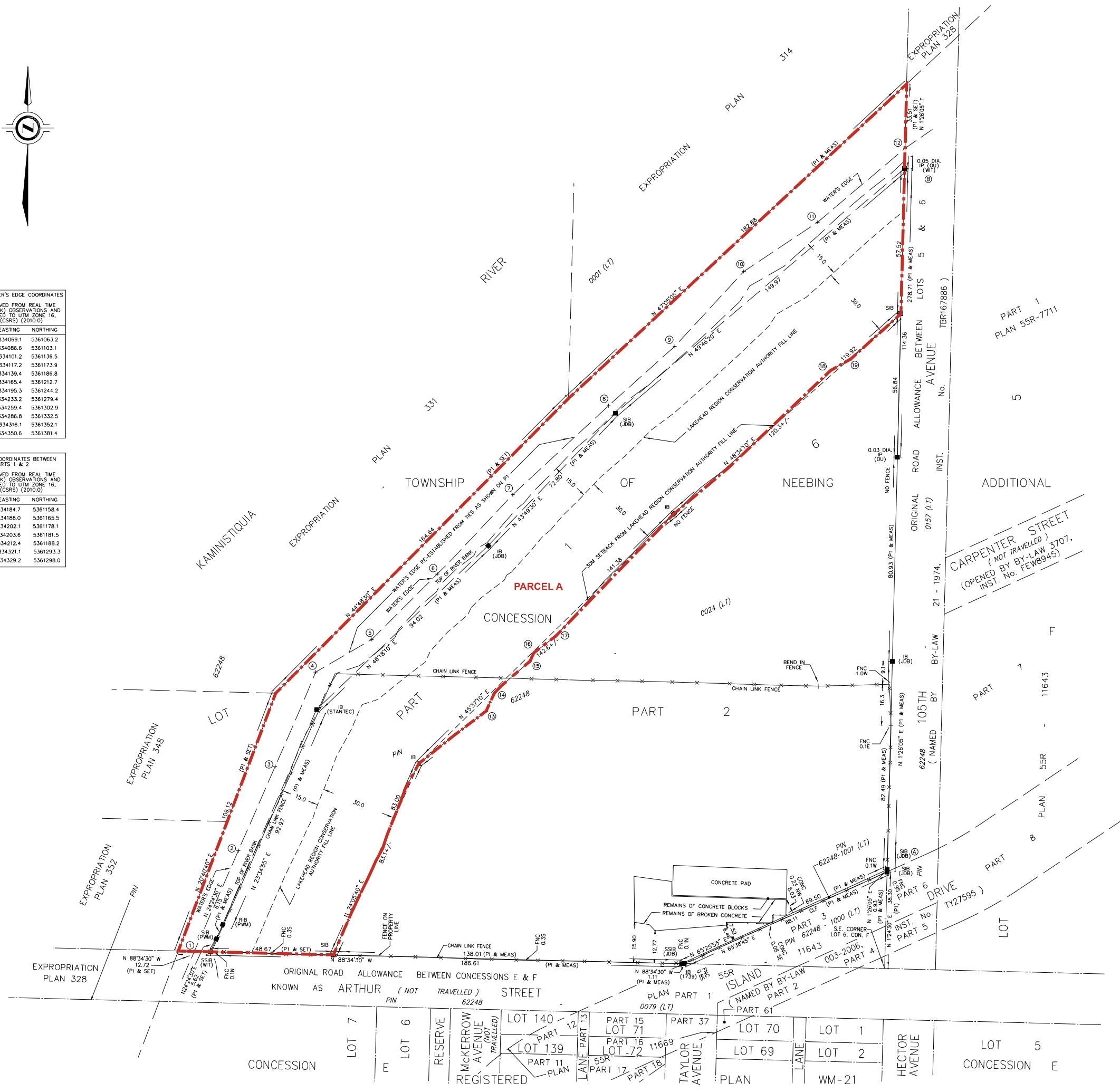


FIGURE 2

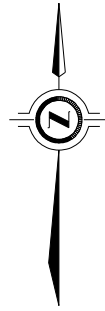


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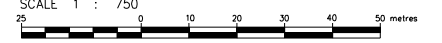
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PLAN 55R-14744
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Nora Borga
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PART OF LOT 6
CONCESSION F
GEOGRAPHIC TOWNSHIP OF NEEBING ADDITIONAL
CITY OF THUNDER BAY
DISTRICT OF THUNDER BAY
SCALE 1 : 750



J.D. BARNES LIMITED
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INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 16, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.

POINT ID	EASTING	NORTHING
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ORP (B)	334 350.47	5 361 373.32

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P1	DENOTES	PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED DECEMBER 17, 2015

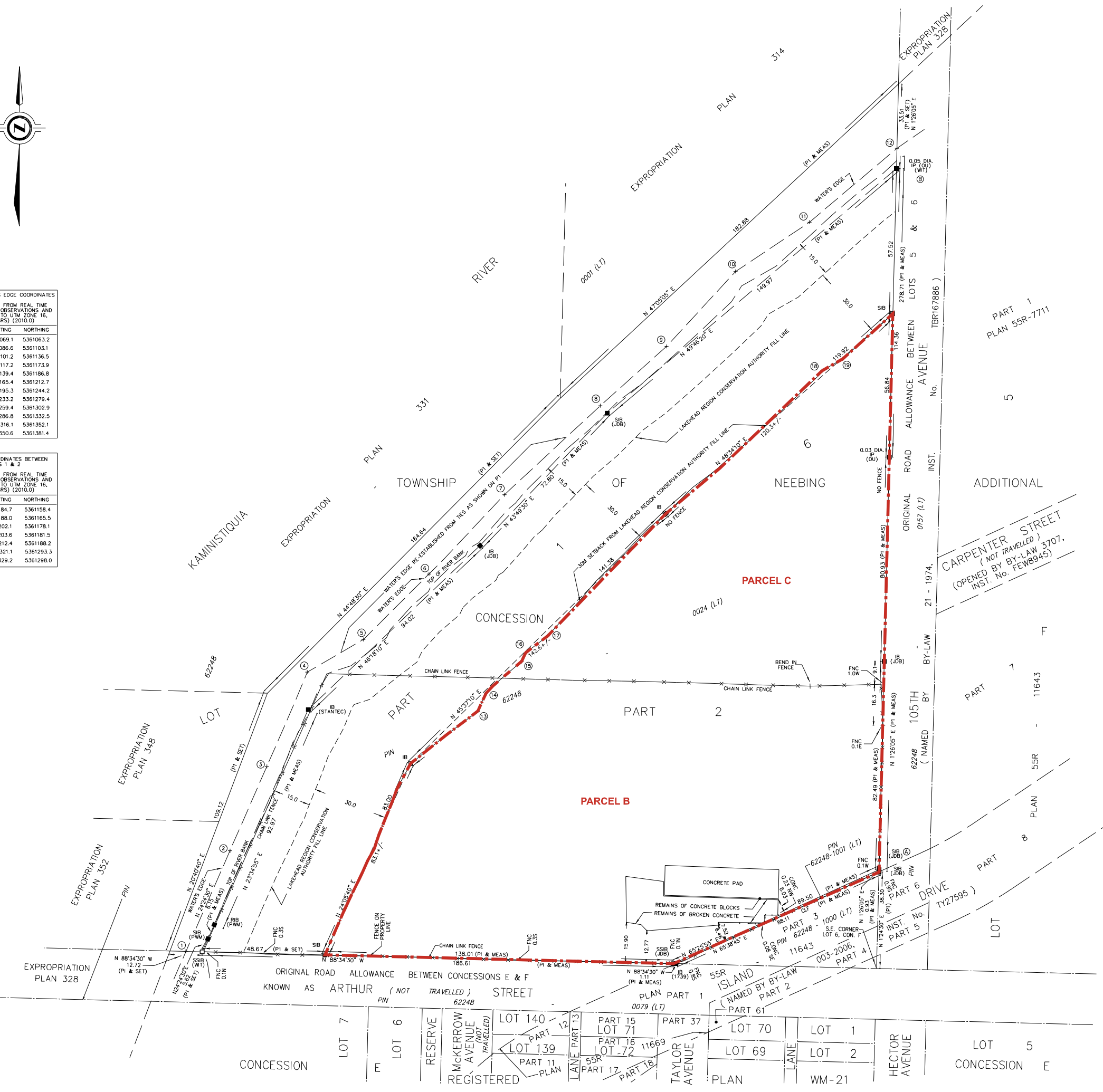
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I CERTIFY THAT:
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FILE: G:\15-32-699\01\Drawing\699-01-RPLAN.dgn



CONCESSION F
LOT 7
LOT 6
RESERVE
MCKERROW AVENUE (NOT TRAVELLED)
LOT 140
PART 15
LOT 71
PART 16
LOT 72
PART 17
PART 18
LANE PART 13
LANE PART 14
LANE PART 15
LANE PART 16
LANE PART 17
LANE PART 18
TAYLOR AVENUE
LOT 69
LOT 70
LOT 1
LOT 2
HECTOR AVENUE
CONCESSION E



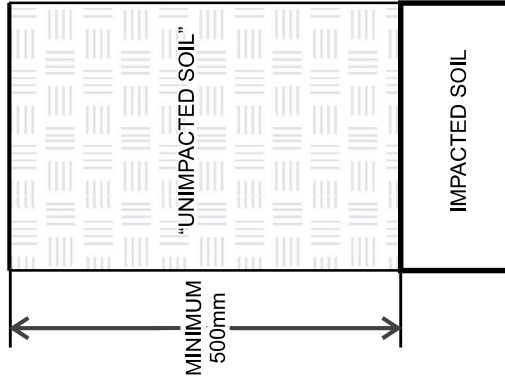
TERRAPEX

**RISK MANAGEMENT MEASURES -
BARRIERS TO SITE SOILS**
311 104th AVENUE - MCKELLAR ISLAND
THUNDER BAY, ONTARIO

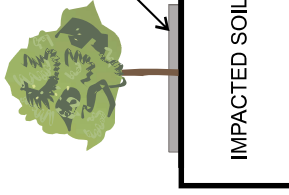
CLIENT

EAG-CANADA ULC

FILL CAP

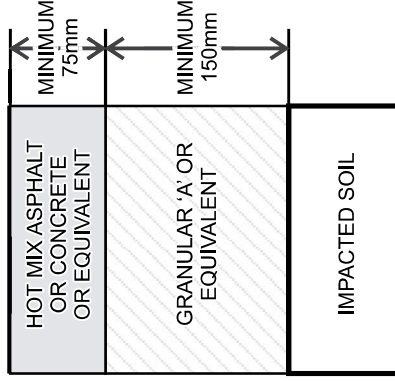


**ALTERNATIVE
BARRIER
(TREES)**

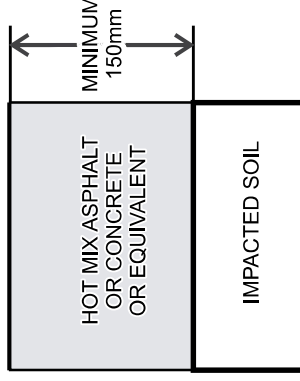


150mm MULCH, WOOD
BARK OR SIMILAR TO
DRIP LINE OF TREE

HARD CAP



**ALTERNATIVE
HARD CAP**



NOTES:

1. "Unimpacted soil" includes surface layer of topsoil or planting media as required for landscaping purposes.
2. All imported soil for Parcel A must meet Table 1 Site Condition Standards (SCS) for non-agricultural land use.
3. All imported soil for Parcel B must meet Table 7 Site Condition Standards (SCS) for industrial/commercial/community land use.
4. Barrier installation must also adhere to geotechnical and other engineering / design requirements.
5. This Figure to be read in conjunction with accompanying Risk Management Plan.

PROJECT # CT2089.01

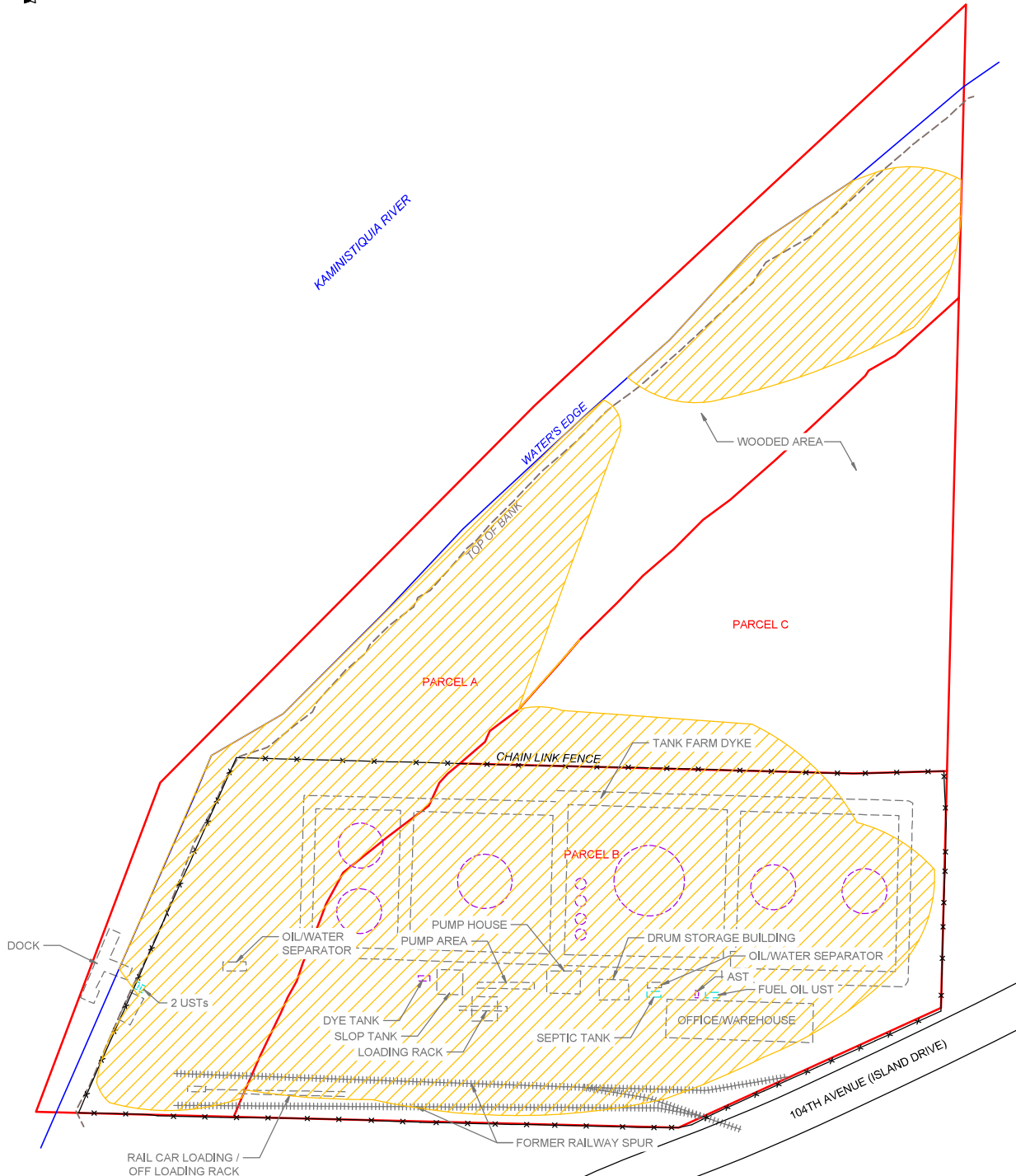
SCALE N.T.S.

DATE DECEMBER 2019

DRAWN SF/ECV/SW CHECKED JOG

DRAWING #

FIGURE 2



NOTE: THE CAPPING REQUIREMENT APPLIES TO THE AREAS SHOWN; HOWEVER THE EXISTING CAP MAY BE ADEQUATE IN SOME AREAS.

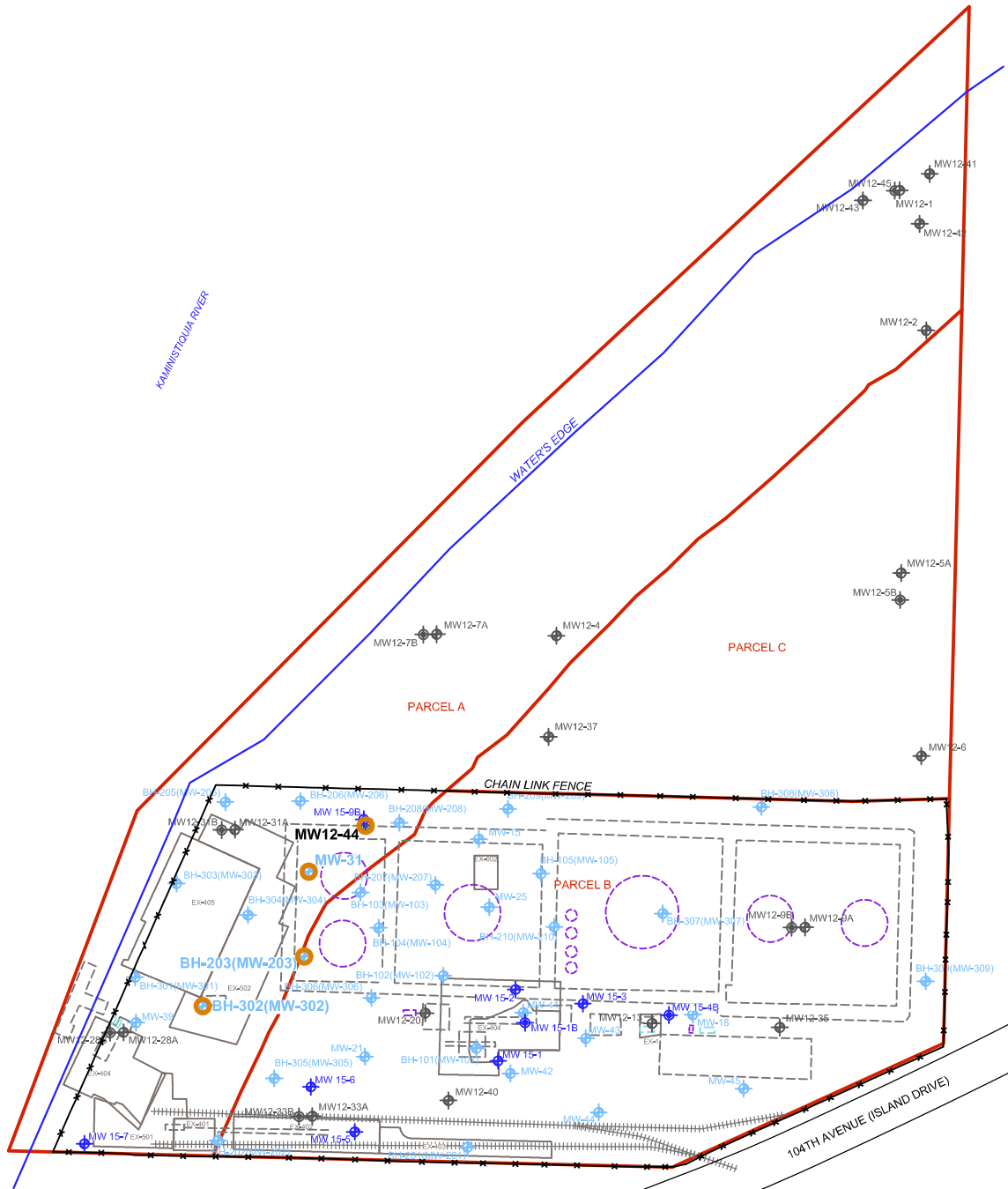
LEGEND

- CAPPING REQUIRED
- FORMER INFRASTRUCTURE / BUILDING
- PARCEL BOUNDARY
- FORMER ABOVE GROUND STORAGE TANK (AST)
- FORMER UNDERGROUND STORAGE TANK (UST)



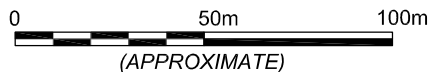
SOURCE: BASE FROM J.D. BARNES LTD. PLAN OF SURVEY DEC. 17 2015 AND STANTEC SUPPLEMENTAL PHASE II ESA, FIGURE 2, FEB. 2013. HISTORICAL FEATURES FROM AQUA-TERRA SOLUTIONS INC., VARIOUS REPORTS.

PROJECT #	CT2089.01
SCALE	AS SHOWN
DATE	DECEMBER 2019
DRAWN	SF/SW
CHECKED	JOG
FIGURE 3	



LEGEND

- WELL TO BE MONITORED / SAMPLED
- MONITORING WELL (TERRAPEX)
- DEEP MONITORING WELL (TERRAPEX)
- MONITORING WELL (CPG / AQUA TERRE)
- SHALLOW MONITORING WELL (STANTEC)
- DEEP MONITORING WELL (STANTEC)
- FORMER INFRASTRUCTURE / BUILDING
- EXCAVATED AREA (AQUA TERRE)
- PARCEL BOUNDARY



SOURCE: BASE AND MONITORING WELL SAMPLING LOCATIONS FROM J.D. BARNES LTD. PLAN OF SURVEY DEC. 17 2015 AND STANTEC AND STANTEC SUPPLEMENTAL PHASE II ESA, FIGURE 2, FEB. 2013. TERRAPEX TEST PIT, BOREHOLE AND SEDIMENT LOCATIONS FROM FIELD MEASUREMENTS OR GPS.

PROJECT #	CT2089.01	
SCALE	AS SHOWN	
DATE	MAY 2019	
DRAWN	SF	CHECKED JOG
DRAWING #	FIGURE 7-8	

SCHEDULE E

TABLE OF GROUNDWATER MONITORING PARAMETERS

**Table E1: Groundwater Monitoring Parameters and Alert Criteria
(Taken From Table 7-8 of the Risk Assessment)**

Parameter	Units	Alert Criteria^a
Benzene	ug/L	4,900
Ethylbenzene	ug/L	1,800
PHC F1	ug/L	4,320
PHC F2	ug/L	1,440
Toluene	ug/L	14,000
Xylenes	ug/L	3,300

^aAlert criteria are set at the higher of the effects-based concentration protective of on-site aquatic life or Parcel A PSS.