

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 5473-CCDM4N
Risk Assessment number 1317-9UJRXQ

Owner: UCANCO General Partners Inc., the general partner for Canure Limited Partnership
1500, 222 3rd Avenue SW, Calgary, Alberta, Canada, T2P 0B4

Site: 425 Rea Street South, Timmins, Ontario, P4N 3S4

with a legal description as set out below:

PART OF LOT 1, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF MOUNTJOY, CITY OF TIMMINS, DISTRICT OF COCHRANE

Being all of Property Identification Number (PIN) 65422-0982 (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
 - b. Monitoring any contaminant
 - c. Refraining from constructing any building specified
 - d. Refraining from using the Property for any use specified
 - e. Other: maintaining a barrier to site soils, preparing and implementing a soil and groundwater management plan for the Property, preparing and implementing a health and safety plan for the Property, and restricting deep rooting vegetation.

- 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 indefinitely 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 indefinitely 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.

“Applicable Site Condition Standards” means the soil and groundwater criteria for coarse textured soils for Industrial/Commercial/Community Property Use from **Table 3** 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.

“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.

“Barrier” means a Hard Cap Barrier or Fill 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, 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” and “CPU” mean this certificate of property use as may be altered from time to time and bearing the number 5473-CCDM4N 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.

“Contaminant” has the same meaning as in the Act; namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” has the same meaning as set out in Section 3.2 of this 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.

“Fill Cap Barrier” means cover, above the Contaminants of Concern, that is at least 0.5 metres thick and consists of aggregate or Capping Soil.

“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.

“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 who 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: Records 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 UCANCO General Partners Inc., the general partner for Canure Limited Partnership, the current owner of the Property, and any subsequent Property owner(s).

“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 J1.

“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” and “PSSs” mean the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as specified in the Risk Assessment report and in SCHEDULE A of this 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 prescribed in subsection 5(2) of O. Reg. 153/04, namely a person who:

- (a) Holds a licence, limited licence or temporary licence under the *Professional Engineer Act*, or
- (b) Holds a certificate of registration under the *Professional Geoscientists Act, 2000*, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

“Risk Assessment” and “RA” mean the Risk Assessment Number 1317-9UJRXQ submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on April 12, 2021, and set out in the following documents:

- Risk Assessment Report for 425 Rea Street South, Timmins, Ontario report prepared by Premier Environmental Services Inc., dated December 1, 2017
- Revised Risk Assessment Report for 425 Rea Street South, Timmins, Ontario, report prepared by Premier Environmental Services Inc., dated June 20, 2019
- Revised Risk Assessment Report for 425 Rea Street South, Timmins, Ontario, report prepared by Premier Environmental Services Inc., dated January 31, 2020
- Human Health and Ecological Risk Assessment, 424 Rea Street South, Timmins, Ontario, report prepared by NovaTox Inc., dated October 2020
- “Re: RA resubmission for 425 Rea Street South, Timmins, ON”, e-mail from Mark Chappel, Novatox Inc., received by TASDB on November 23, 2020 with the following document attached:

- *18-433_Response Table 19Oct2020.pdf*
- “RE: Risk Assessment for 425 Rea Street South, Timmins, Ontario [RA1457-15d, IDS 1317- 9UJRXQ]”, email from David Wade, Premier Environmental Services, received by TASDB on March 9, 2021 with the following document attached:
 - *18-433 Timmins RA4 (13Nov2020)R1.pdf*

“Risk Management Measures” and “RMMs” mean the risk management measures specific to the Property described in the Risk Assessment and Part 4 of the CPU. In the event of a conflict between the requirements in Part 4 of the CPU and the Risk Assessment, the conditions of the CPU take precedence.

“Soil and Groundwater Management Plan” and “SGMP” mean the plan titled “Soil and Groundwater Management Plan – 425 Rea Street South, Timmins, ON”, prepared for EAG Canada, Premier Project 614035.CE, dated October 2020, included in Appendix J of the Risk Assessment and provided in SCHEDULE F of this CPU.

“SVIMS” means soil vapour intrusion mitigation system.

“Tribunal” has the same meaning as in the Act; namely, the Ontario Land 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:

- 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.
- 2.4 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: "Commercial/Industrial Use", as defined in O. Reg. 153/04.
- 3.2 The Contaminants of Concern on, in or under the Property that are present above the Applicable Site Condition Standards are set out in the Risk Assessment and in SCHEDULE A (Contaminants of Concern) of this CPU. The standards for these Contaminants of Concern are also set out in SCHEDULE A.
- 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

Pursuant to the authority vested in me under subsection 168.6(1) and section 197 of the Act, I hereby require the Owner to do or cause to be done the following:

4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.

4.2 Without restricting the generality of the foregoing in item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

4.3 Hard Cap Barrier or Fill 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 shall be covered by a barrier to site soils designed, installed and maintained in accordance with Section 7.2.1 and Appendix J, Section 1.2.1 of the Risk Assessment, so as to prevent exposure to the Contaminants of Concern.
- b. In all areas where a Hard Cap Barrier or Fill Cap Barrier is installed, a geotextile demarcation layer shall be placed above the contaminated soils in accordance with Section 7.2.1 and Appendix J, Section 1.2.1 of the Risk Assessment.
- c. 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 Fill 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 Section 7.4.1 and Appendix J, Section 1.4.1 of the Risk Assessment, 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 in accordance with Section 7.5, Appendix J, Section 1.4.3 and Appendix J, Section 1.4.4 of the Risk Assessment, 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 Passive Soil Vapour Mitigation System (SVIMS)

4.4.1 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 7.2.2 and Appendix J, Section 1.2.2 of the RA and Section 4.4.1b of this CPU.
- b. As specified in Section 4.4.1a.i, any new Building(s) constructed on the Property shall be constructed in accordance with Section 7.2.2 and Appendix J, Section 1.2.2 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 7.2.2 and Appendix J, Section 1.2.2 of the RA and Figure J1 provided in SCHEDULE E 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 7.2.2 and Appendix J, Section 1.2.2 of the RA and Section 4.4.1b 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 7.4.2 and Appendix J, Section 1.4.2 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 7.4.2 and Appendix J, Section 1.4.2 of the RA and Section 4.4.1d 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 4.4.1d 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 4.4.1d 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 4.4.1d 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.

4.4.2 PASSIVE SVIMS PERFORMANCE MONITORING

- a. Once the final design of the vapour mitigation system is completed as specified in Section 4.4.1b 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 by a qualified Licensed Professional Engineer in consultation with an appropriately Qualified Person, that consists of sub-slab vapour monitoring, as detailed in Section 7.4.2 and Appendix J, Section 1.4.2 of the RA. Specifically, the performance monitoring program shall include the following key components:
 - i. Be overseen by a qualified Licensed Professional Engineer.
 - ii. The collection of sub-slab vapour samples from an appropriate number of representative locations, including QA/QC samples, that is adequate for the size and configuration of any new Building(s) as determined appropriate by the qualified Licensed Professional Engineer at the following frequency:
 1. Prior to first occupancy;
 2. Quarterly (spring, summer, fall and winter) for the first year; and

3. Semi-annually (summer and winter) until written approval to discontinue the performance monitoring program by the Director is received by the Owner.
 - iii. The sub-slab vapour samples shall be sent to an accredited laboratory and analyzed for the target analytes listed in SCHEDULE B, which is attached to and forms part of this CPU.
 - iv. An annual report documenting the performance monitoring program shall be prepared by a qualified Licensed Professional Engineer and submitted to the Director on or before March 31st following each year of monitoring for a minimum of two years and until written approval to discontinue the program is received by the Owner from the Director. The annual report shall include, but not be limited to:
 1. Laboratory results and laboratory certificates of analysis;
 2. Field logs, leak testing and documentation of QA/QC;
 3. Discussion and interpretation of the results in comparison to the respective Target Air Concentrations as listed in SCHEDULE B of this CPU; and,
 4. Conclusions and recommendations with respect to the need for additional and/or continued monitoring as may be warranted.
 - v. A contingency plan as outlined in Section 7.5 and Appendix J, Section 1.4.4 of the RA.
- b. Upon completion of the installation of the vapour mitigation system as specified in Section 4.4.1b of this CPU, and prior to first occupancy, the Owner shall implement the performance monitoring program as required by Section 4.4.2a 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 4.4.2a of this CPU, (e.g., sampling 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.
- c. In the event that the performance monitoring program detailed in Section 4.4.2a of this CPU identifies one or more of the target analytes at concentrations above the Target Sub-Slab concentrations specified in SCHEDULE B of this CPU, the Owner shall implement the contingency plan detailed in Section 7.5 and Appendix J, Section 1.4.4 of the RA and Section 4.4.2a.v of this CPU.
- 4.5 Soil and Groundwater Management Plan (SGMP)

Implement the Soil and Groundwater Management Plan as described within Section 7.2.3 and detailed in Appendix J of the Risk Assessment and provided in SCHEDULE F, which is attached to and forms part of the CPU, 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. The SGMP shall also include, at a minimum:

- i. 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.

4.6 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.

4.7 Existing Buildings

- a. The existing buildings are expected to be demolished. Until such time as the existing buildings are demolished:
 - i. the existing buildings must be maintained in their current state or with increased ventilation so as to prevent potential vapour containing the Contaminants of Concern from entering the building air;
 - ii. the existing heating and cooling systems in any existing building must also be maintained. If changes to the building heating and/or cooling system is required, 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
 - iii. no 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 without appropriate soil vapour migration mitigation as determined by a Qualified Person.

4.8 Deep Rooting Vegetation

- a. In accordance with Section 7.2 and Appendix J, Section 1.2 of the Risk Assessment:
 - i. in areas where deep-rooting plants are placed, a non-woven geotextile shall underlay the Fill Cap Barrier to prevent exposure of deep rooting plants to the Contaminants of Concern; and
 - ii. a non-woven geotextile is to underlay the 1 metre (minimum) Fill Cap Barrier within the drip line of all deep-rooting plants at maturity.

4.9 Groundwater Monitoring Program

- a. Under the supervision of a Qualified Person, implement the groundwater monitoring program and contingency plan as described in Section 7.2 and Appendix J, Section 1.2 of the Risk Assessment and summarized in SCHEDULE C of this CPU 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 (early spring and late fall) measurement of groundwater elevations, presence/absence of free phase contaminants from BH101, BH102, BH103, BH104, BH105, BH108, , BH117, BH118, BH2D, MW14-01, MW14-02, MW14-03, MW14-04, MW16-01, MW16-02, MW16-02D, MW16-03, MW16-04, MW16-05, MW16-06, MW16-07, MW16-07D, MW16-08, MW16-08D, MW16-09,

MW16-10, MW18-01, MW18-02, BH1A, BH1C, BH3A, BH3B, BH6B and MW18-1B as shown in Figure J2 of this CPU;

- ii. twice annual (early spring and late fall) collection of groundwater samples from BH104, BH105, BH108, BH118, MW16-01, MW16-02, MW16-02D, MW16-07D, MW16-08D, MW16-10, BH1A, BH1C, BH3A, BH3B, BH6B, and MW18-1B;
- iii. groundwater samples shall be sent to an accredited laboratory and analysed for the Contaminants of Concern in groundwater as identified in SCHEDULE A of this CPU;
- iv. 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 this CPU:
 1. if the concentrations of any Contaminant of Concern in groundwater are identified to exceed the Property Specific Standard for one or more of the Contaminants of Concern in any of the monitoring wells then the groundwater monitoring shall be repeated within 15 business days of receipt of the analytical results;
 2. if the repeat groundwater monitoring required by item 4.9a.iv.1 above confirms the exceedance, then the Owner shall notify the Director in writing of the exceedance within 1 week of receiving the certificates of analysis. 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 repeat 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;
- v. the Owner shall keep a copy of all groundwater sampling data available for inspection by a Provincial Officer upon request;

- vi. any changes to the groundwater monitoring program, including changes to the any of the selected groundwater monitoring wells, must be requested in writing by a Qualified Person and these changes can only be implemented upon receiving approval from the Director in writing; and
- vii. 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.

4.10 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.

4.11 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 Hard Cap or Fill Cap Barrier, as outlined in Item 4.3;
 - ii. a copy of all records relating to the Passive SVIMS, as outlined in Item 4.4;
 - iii. a copy of all records relating to the Soil and Groundwater Management Plan as outlined in Item 4.5
 - iv. a copy of all records relating to the Health and Safety Plan as outlined in Item 4.6;
 - v. a copy of all records relating to the Existing Buildings, as outlined in Item 4.7, as may be warranted;
 - vi. a copy of all records relating to the Deep Rooting Vegetation, as outlined in Item 4.8, as may be warranted;
 - vii. a copy of all records relating to the Groundwater Monitoring Program, as outlined in Item 4.9;

- viii. a copy of all records relating to the Prohibition on Groundwater Use, as outlined in Item 4.10, as may be warranted;
- ix. an evaluation and interpretation of the results of the monitoring programs;
- x. any recommendations on changes to the monitoring programs and risk management measures; and
- xi. an updated financial assurance cost estimate in accordance with Section 4.12 of this CPU, if applicable.

4.12 Financial Assurance

- a. In the event that Commercial and/or Industrial Use Building(s) are constructed on the Property or portions of the Property and the enclosed Building(s) is(are) constructed as detailed in Section 4.4 of this CPU (i.e., a vapour mitigation system has been incorporated into the design the Building(s)), prior to occupancy and prior to the implementation of the performance monitoring program as required by Section 4.4.2 of this CPU, the Owner shall submit to the Director a detailed written cost estimate, prepared by a Qualified Person, to complete the approved performance monitoring program as required by Section 4.4.2 for a period of two years.
- b. Within 15 days of the Owner's receipt of written approval from the Director of the acceptance of the cost estimate amount specified in Section 4.12a of this CPU, the Owner shall provide financial assurance to the Crown in the right of Ontario in the same amount that was approved by the Director. The financial assurance shall be in the form of a certified cheque payable to the Ontario Minister of Finance or an irrevocable letter of credit issued by a Canadian Chartered Bank as outlined in the Ministry's *Financial Assurance Guideline F-15*. This amount is to cover the costs associated with the performance monitoring program as detailed in Section 7.4.2 and Appendix J, Section 1.4.2 of the RA and in Section 4.4.2a of this CPU.
- c. The amount of financial assurance required in Section 4.12b of this CPU shall be reviewed every two years, for as long as the performance monitoring program is required, by a Qualified Person, for the Owner, and an updated cost estimate shall be included in the annual monitoring report as required by Section 4.4.2a.iv of this CPU.

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.

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

Director, section 168.6 of the Act
Greg Ault

Draft

APPEAL TO THE ONTARIO LAND TRIBUNAL INFORMATION

REQUEST FOR HEARING

8.11 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

8.12 The contact information for the Ontario Land Tribunal and the Director is as follows:

Registrar
Ontario Land Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON, M5G 1E5
Email: OLT.Registrar@ontario.ca

Director
Ministry of the Environment, Conservation and Parks
Timmins District Office
5520 HWY 101 E, PO BAG 3080
SOUTH PORCUPINE, ON, P0N 1H0
Email: MECP.Timmins@ontario.ca
Fax: 705-497-6866

8.13 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

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.

SCHEDULE A

CONTAMINANTS OF CONCERN AND PROPERTY SPECIFIC STANDARDS – SOIL

Contaminant of Concern (COC)	Property Specific Standard (PSS)	Units
Naphthalene	12	µg/g
Benzene	118	µg/g
Ethylbenzene	1,450	µg/g
Toluene	1,030	µg/g
Total Xylenes	2,160	µg/g
PHC F1	11,000	µg/g
PHC F2	19,200	µg/g
PHC F3	3,480	µg/g
<i>n</i> -Hexane	216	µg/g

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

Contaminant of Concern (COC)	Property Specific Standard (PSS)	Units
Lead	25.2	µg/L
Naphthalene	16.8	µg/L
Benzene	2,160	µg/L
Ethylbenzene	2,640	µg/L
Toluene	15,600	µg/L
Total Xylenes	15,600	µg/L
PHC F1	15,600	µg/L
PHC F2	51,600	µg/L
PHC F3	15,600	µg/L
PHC F34	1,030	µg/L
<i>n</i> -Hexane	52.8	µg/L

SCHEDULE B

TARGET AIR CONCENTRATIONS

Parameter	Target Indoor Air (µg/m3)	Target Sub-Slab (µg/m3)
Benzene	1.63	408
Ethylbenzene	715	178,750
Toluene	3,580	895,000
Xylenes, total	501	125,250
PHC F1 Aliphatic C6-C8	32,900	8,225,000
PHC F1 Aliphatic >C8-C10	1,790	447,500
PHC F1 Aromatic >C8-C10	358	89,500
PHC F2 Aliphatic >C10-C12	1790	447,500
PHC F2 Aliphatic >C12-C16	1790	447,500
PHC F2 Aromatic >C10-C12	358	89,500
PHC F2 Aromatic >C12-C16	358	89,500
Naphthalene	2.65	663
Hexane	1790	447,500

SCHEDULE C

PROCEDURES AND CONTINGENCY – GROUNDWATER QUALITY

Step	Results	Procedure/Contingency
1a	Groundwater monitoring and sampling results do not indicate exceedance(s) of PSSs.	Groundwater monitoring and sampling is conducted on a semi-annual basis (early spring and late fall) for a period of two years. Continue with Step 1.
1b	Groundwater monitoring and sampling results indicate exceedance(s) of PSSs.	<p>The owner shall notify the Director within 1 week of receiving laboratory certificates of analysis and interpretation of the exceedances by the Qualified Person.</p> <p>Groundwater monitoring and sampling is conducted within 15 business days of receipt of analytical results at selected monitoring well locations. Proceed to Step 2.</p>
2a	Groundwater monitoring and sampling results do not indicate exceedance(s) of PSSs.	Groundwater monitoring and sampling shall be conducted on a semi-annual basis (early spring and late fall) for an additional one-year period (2 additional monitoring events). Continue with Step 1, with additional sampling events.
2b	Groundwater monitoring and sampling results indicate exceedance(s) of PSSs for re-sampling event.	<p>A qualified person (QP_{ESA} and/or QP_{RA}, as defined in O. Reg. 153/04) will develop a detailed contingency plan within 30 days of receipt of the analytical results and will submit this contingency plan to the Director.</p> <p>The “contingency plan” may include:</p> <ul style="list-style-type: none"> • Analysis of on-Property and off-Property activities to determine if potential sources of contamination have changed; • Conduct inspection of monitoring wells and repair any damage noted to eliminate the possibility of direct contamination pathways from the surface; and/or • Design of a remediation program to reduce concentrations of Contaminants of Concern in groundwater to below PSSs.

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 5473-CCDM4N issued by Greg Ault Guindon, 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 425 Rea Street South, Timmins, Ontario, P4N 3S4, being all of Property Identifier Number (PIN) 65422-0982 (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

**UCANCO GENERAL PARTNERS INC., THE GENERAL PARTNER FOR 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 E

FIGURES

Figure 3: Legal Survey of Site prepared by Premier Environmental Services, dated October 2020.

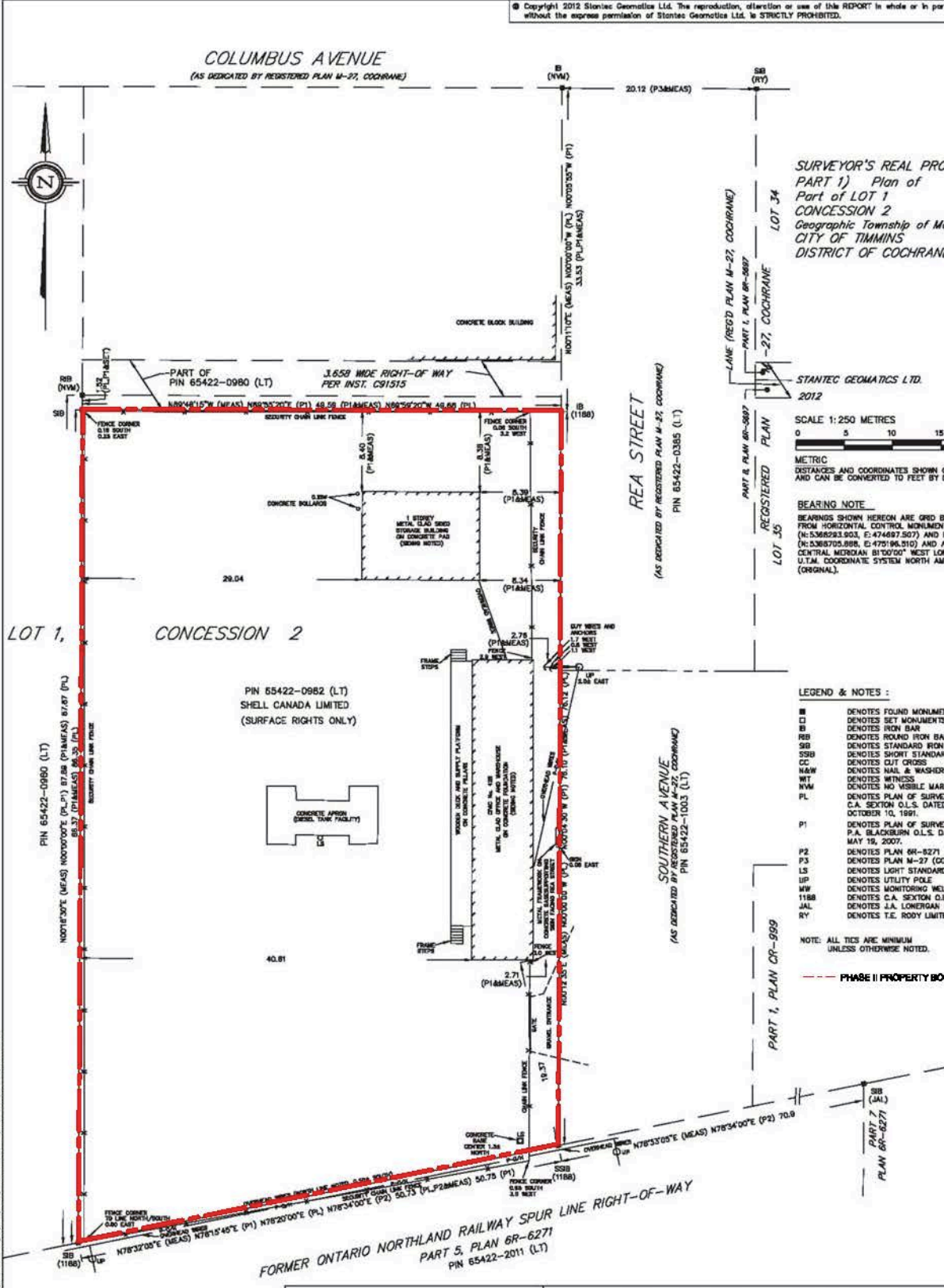
Figure J1: Typical Vapour Mitigation System, prepared by Premier Environmental Services, dated Oct. 2020.

Figure J2: Site Plan Showing Sampling Locations, prepared by Premier Environmental Services, dated Oct. 2020.



COLUMBUS AVENUE
(AS DEDICATED BY REGISTERED PLAN M-27, COCHRANE)

SURVEYOR'S REAL PROPERTY REPORT
PART 1) Plan of
Part of LOT 1
CONCESSION 2
Geographic Township of Mountjoy
CITY OF TIMMINS
DISTRICT OF COCHRANE



STANTEC GEOMATICS LTD.
2012

SCALE 1:250 METRES

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

BEARING NOTE
BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM HORIZONTAL CONTROL MONUMENTS No. 07319751067 (N: 5366293.903, E: 474697.507) AND No. 07319751065 (N: 5366705.888, E: 475196.510) AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°50'57" WEST LONGITUDE, ZONE 17 OF THE U.T.M. COORDINATE SYSTEM NORTH AMERICAN DATUM 1983 (ORIGINAL).

- LEGEND & NOTES :**
- DENOTES FOUND MONUMENTS
 - DENOTES SET MONUMENTS
 - DENOTES IRON BAR
 - DENOTES ROUND IRON BAR
 - ⊕ DENOTES STANDARD IRON BAR
 - ⊗ DENOTES SHORT STANDARD IRON BAR
 - ⊕ DENOTES CUT CROSS
 - ⊗ DENOTES NAIL & WASHER
 - ⊕ DENOTES WITNESS
 - ⊗ DENOTES NO VISIBLE MARKINGS
 - PL DENOTES PLAN OF SURVEY BY C.A. SEXTON O.L.S. DATED OCTOBER 10, 1991.
 - P1 DENOTES PLAN OF SURVEY BY P.A. BLACKBURN O.L.S. DATED MAY 19, 2007.
 - P2 DENOTES PLAN 6R-5271
 - P3 DENOTES PLAN M-27 (COCHRANE)
 - LS DENOTES LIGHT STANDARD
 - UP DENOTES UTILITY POLE
 - MW DENOTES MONITORING WELL
 - 1188 DENOTES C.A. SECTION O.L.S.
 - JAL DENOTES J.A. LONGERMAN O.L.S.
 - RY DENOTES T.E. RODY LIMITED O.L.S.
- NOTE: ALL TIES ARE MINIMUM UNLESS OTHERWISE NOTED.
- PHASE II PROPERTY BOUNDARY

NOTE: LOCATIONS OF BUILDINGS, UNDERGROUND UTILITIES, ETC. ARE FOR REFERENCE ONLY AND SHOULD NOT BE RELIED UPON FOR DETAILED DESIGN, EXCAVATION, OR CONSTRUCTION PURPOSES

PART 2) Report Summary

This Report was prepared for SHELL CANADA LIMITED and the undersigned accepts no responsibility for the use by other parties.

- REGISTERED RIGHTS-OF-WAY/EASEMENTS - NONE
- PROPERTY IMPROVEMENTS

PLEASE REFER TO THE FACE OF THIS PLAN FOR DISCLOSURE OF THE LOCATION OF IMPROVEMENTS AND BOUNDARY INFORMATION.

- COMPLIANCE WITH MUNICIPAL ZONING BYLAWS

COMPLIANCE IS NOT CERTIFIED BY THIS REPORT.

NOTE: This PLAN OF SURVEY to be READ in conjunction with The Report Summary noted as Part 2 hereon. This REPORT can be updated only by this office, however NO ADDITIONAL PRINTS of this ORIGINAL REPORT will be issued subsequent to the DATE of CERTIFICATION.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- This Survey and Plan are correct and in accordance with the Survey Act and the Surveyors Act and the regulations made under them.
- The Survey was completed on the 1st day of May, 2012.

Date: _____

JAMIE LESLIE
Ontario Land Surveyor

STANTEC GEOMATICS LTD.
Ontario Land Surveyors
OTTAWA - ONTARIO
(613)722-4420 FAX (613)722-0789
TC-MAL: jleslie@stantec.com
REGD OFF: www.stantec.com
(Not for Registration Purposes)

DRAWING: 122-2006-201_Shell Canada-Timmins OLVing PLAN: 2 FIELD BOOK: 1 NO DRAWN BY: JLE CHECKED BY: JLE REV: 001 JOB: 122-2006-201

PREMIER ENVIRONMENTAL SERVICES

244 Montrose St. N
Unit 1 Upper
Cambridge, ON
N3H 2H7
Bus: (519)-653-7140
Fax: (519)-653-8907

Client:
EAG-CANADA

Site:
425 REA STREET SOUTH,
TIMMINS, ONTARIO

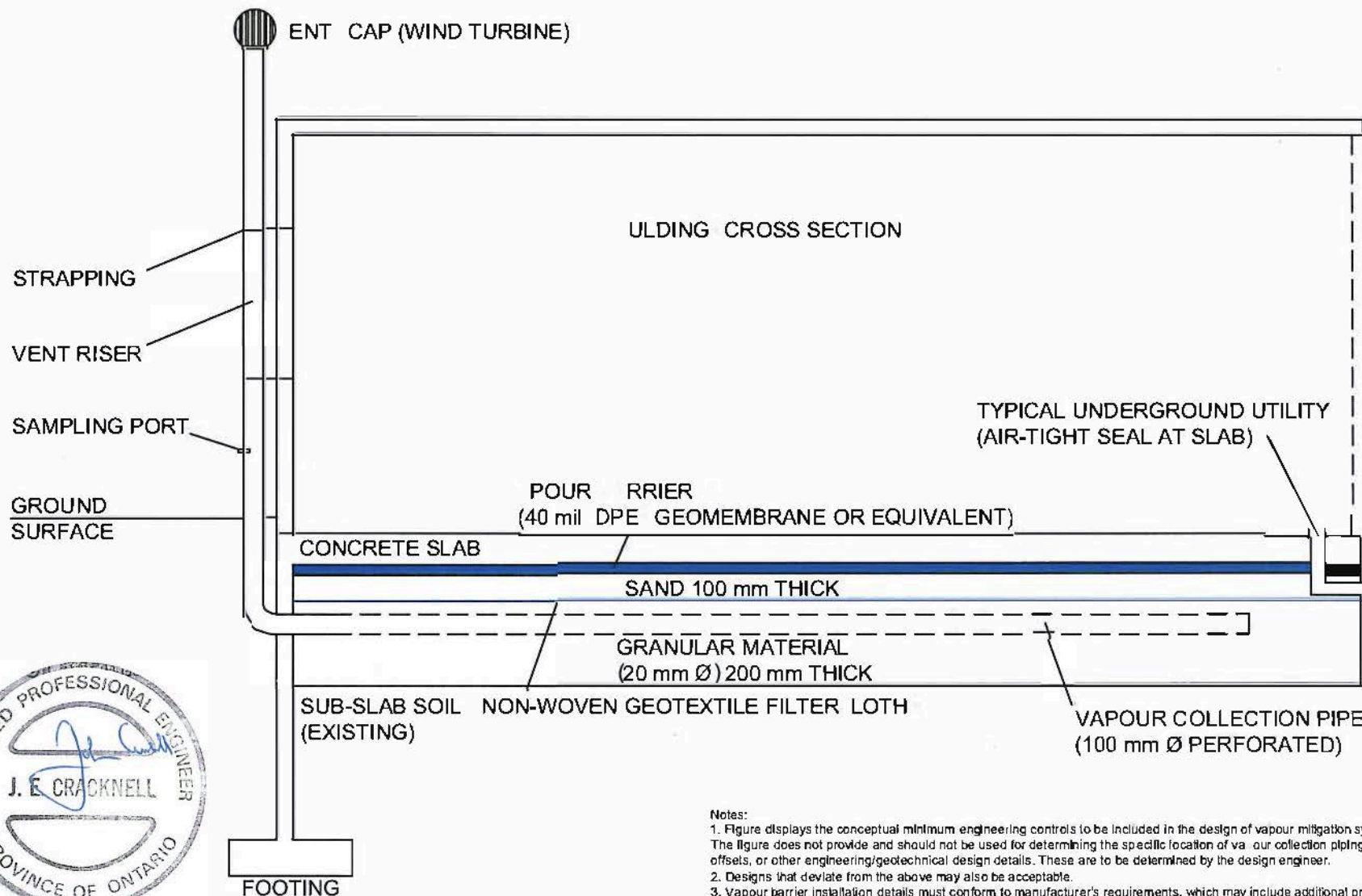
Title:
LEGAL SURVEY OF SITE

Date:
OCT 2020

Scale:
AS SHOWN

Project:
614035.CE

Figure:
3



Notes:

1. Figure displays the conceptual minimum engineering controls to be included in the design of vapour mitigation systems for new buildings. The figure does not provide and should not be used for determining the specific location of vapour collection piping, vapour barrier, spacing, offsets, or other engineering/geotechnical design details. These are to be determined by the design engineer.
2. Designs that deviate from the above may also be acceptable.
3. Vapour barrier installation details must conform to manufacturer's requirements, which may include additional protective layers and provisions for sealing around building penetrations and footings.
4. All imported soil must meet the MECP Table 3 SCS for industrial/commercial/community land use.
5. This figure is to be read in conjunction with the accompanying Risk Management Plan.
6. Not for construction purposes.
7. This design depicts passive operation. Conversion to an active system may be required based on on-going monitoring and sampling.



244 Montrose St. N
Unit 1 Upper
Cambridge, ON
N1H 1H7
Bus: (519)-653-740
Fax: (519)-653-8907

NOTE: LOCATIONS OF BUILDINGS, UNDERGROUND UTILITIES, TC, ARE FOR REFERENCE ONLY AND SHOULD NOT BE RELIED UPON OR DETAILED DESIGN, EXCAVATION, OR CONSTRUCTION PURPOSES

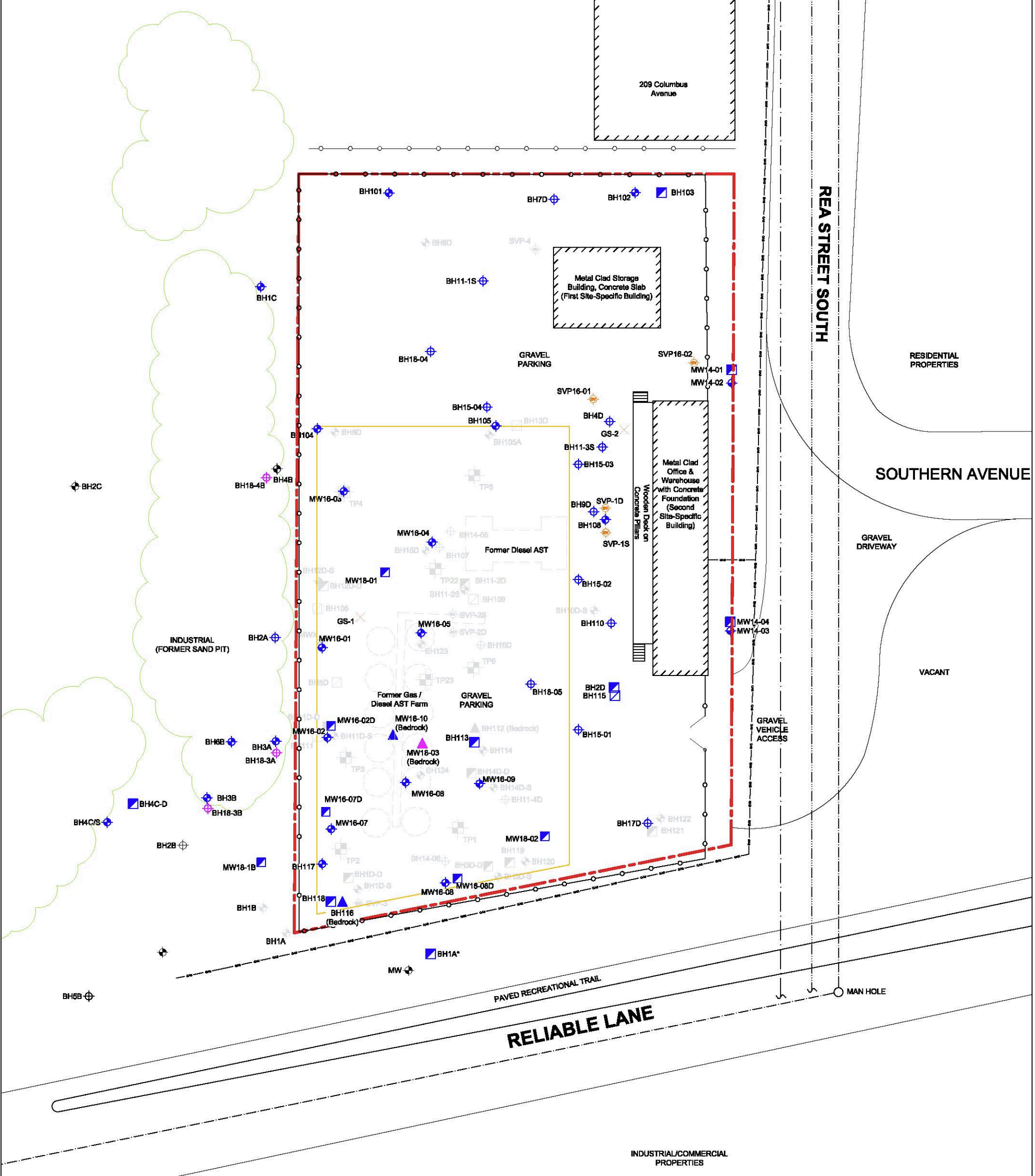
Client:
EAG-CANADA
Site:
425 REA STREET SOUTH,
TIMMINS, ONTARIO

Title:
TYPICAL VAPOUR MITIGATION DESIGN

Date:
OCT 020
Scale:
N.T.S.

Project:
614035.CE
Figure:
J1

LEGEND		
APPROXIMATE PROPERTY BOUNDARY	OFF-SITE MONITORING WELL WITH NO AVAILABLE DATA	TEST PIT LOCATION
FENCELINE	SHALLOW BOREHOLE LOCATION	EXTENT OF 2015 REMEDIAL EXCAVATION
SHALLOW MONITORING WELL	DEEP BOREHOLE LOCATION	
DEEP MONITORING WELL	OFF-SITE BOREHOLE LOCATION WITH NO AVAILABLE DATA	
BEDROCK MONITORING WELL	SOIL VAPOUR POINT LOCATION	
DECOMMISSIONED MONITORING WELL	SOIL GRAB SAMPLE	
WATER MAIN		
GAS		
GAS LINE		
STORM		
SANITARY		



NOTE: LOCATIONS OF BUILDINGS, UNDERGROUND UTILITIES, ETC. ARE FOR REFERENCE ONLY AND SHOULD NOT BE RELIED UPON FOR DETAILED DESIGN, EXCAVATION, OR CONSTRUCTION PURPOSES



<p>244 Montrose St. N Unit 1 Upper Cambridge, ON N3H 2H7 Bus: (519)-653-7140 Fax: (519)-653-8907</p>	<p>Client: EAG-CANADA</p> <p>Site: 425 REA STREET SOUTH, TIMMINS, ONTARIO</p>	<p>Title: SITE PLAN SHOWING SAMPLING LOCATIONS</p>	<p>Date: OCT 2020</p> <p>Scale: AS SHOWN</p>	<p>Project: 614035.CE</p> <p>Figure: J2</p>
	<p>PREMIER ENVIRONMENTAL SERVICES</p>			

SCHEDULE F

SOIL AND GROUNDWATER MANAGEMENT PLAN

Notes:

To reduce the size of this CPU, Appendix B of the Soil and Groundwater Management Plan was intentionally omitted as Appendix B was limited to the Ministry's Excess Soil Management Policy Framework and the Rules for Soil Management and Excess Soil Quality Standards.

During the public comment period, this schedule, representing pages 35 through 56 of the CPU, is available for viewing at the Timmins District Office, located in the Ontario Government Complex at 5520 Hwy 101 E, South Porcupine, Ontario.