

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3394-CC4KYC
Issue Date: June 27, 2022

GFL Environmental Inc.
100 New Park Pl, No. 500
Vaughan, Ontario
K0C 1W0

Site Location: Mobile Facility

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

- one (1) mobile ex-situ soil remediation facility, for the treatment of the Excess Soil contaminated with petroleum hydrocarbons via mechanical aeration;

all in accordance with the Environmental Compliance Approval Application dated May 10, 2021, and signed by Damian Rodriguez, GFL Environmental Inc., and all supporting information associated with the application including ESDM Report.

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

1. "Acoustic Assessment Report" means the report, prepared in accordance with Publication NPC-233 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Plant. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Hemmera Envirochem Inc., dated November 12, 2021 and signed by Mark Milner, P.Eng.;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Equipment and the noise sensitive Points of Reception continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metres;
3. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. "Best Management Practices Plan" means the document titled "Mobile - Excess Soil, Best Management Practices Plan: Fugitive Dust Emissions & Odour Control", dated December 2020 and

prepared by GFL Environmental Inc., which describes measures to minimize dust and odour emissions from the Facility and/or Equipment;

5. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
6. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 2. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
7. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:
 1. a small community;
 2. agricultural area;
 3. a rural recreational area such as a cottage or a resort area; or
 4. a wilderness area;
8. "Clean Soil" means any Excess Soil that meets the applicable quality criteria outlined in Tables 1.1, 2.1 and 3.1 of Soil Rules;
9. "Company" means GFL Environmental Inc. that is responsible for the construction or operation of the Facility and includes any successors and assigns in accordance with section 19 of the EPA;
10. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
11. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
12. "Equipment" means the equipment associated with the ex-situ remediation described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
13. "ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by Hemmera Envirochem Inc., dated March 7, 2022 and signed by Lucas Neil, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
14. "Excess Soil" means the soil that is defined as excess soil in O. Reg 406/19;

15. "Facility" means the entire operation located on the property where the Equipment is located;
16. "Ministry" means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf;
17. "Noise Control Measures" means measures to reduce the noise emissions from the Equipment including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers, described in the Company's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval;
18. "Operations and Maintenance Manual" means the written operating procedures and maintenance manual developed for the Company as described in Condition 2;
19. "O. Reg. 406/19" means Ontario Regulation 406/19: On-Site and Excess Soil Management, made under the EPA;
20. "Point of Reception" means a Point of Reception as defined in Publication NPC-300;
21. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2018, as amended;
22. "Process" means the ex-situ remediation processes as described in the Company's application, this Approval, and in the supporting documentation submitted with the application, to the extent approved by this Approval;
23. "Publication NPC-233" means the Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995, as amended;
24. "Publication NPC-300" means the Ministry Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August, 2013, as amended;
25. "Rural Land Use" means the land use characterization as determined by the "Air Dispersion Modelling Guide for Ontario", Version 3.0, February 2017, as amended;
26. "Soil Rules" means the document that is defined as Soil Rules in O.Reg 406/19;
27. "Schedule" means the schedules attached to, and forming part of, this Approval, namely:
 - Schedule A - Form 1: Soil Remediation Process Notice of Intended Location; and
 - Schedule B - Minimum Required Separation Distances; and
 - Schedule C - Maximum Acceptable Concentration
28. "Sensitive Receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the Equipment/Process to

the atmosphere, including one or a combination of:

- a. as private residences or public facilities where people sleep (eg: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.);
 - b. institutional facilities (eg: schools, churches, community centres, day care centres, recreational centres, etc.);
 - c. outdoor public recreational areas (eg: trailer parks, play grounds, picnic areas, etc.); and
 - d. other outdoor public areas where there are continuous human activities (eg: commercial plazas and office buildings);
29. "Site" means any property or properties described in a completed Schedule A at which the Process is operated;
30. "Soil Storage Pile" means a storage pile of Clean Soil undergoing treatment with active aeration through mechanical mixing; and
31. "Urban Land Use" means the land use characterization as determined by the "Air Dispersion Modelling Guide for Ontario", Version 3.0, February 2017, as amended.

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

TERMS AND CONDITIONS

1. General

1. The issuance of, and compliance with the conditions of, this Approval does not relieve the Company of any obligations to comply with any provision of Section 27 of EPA.

2. OPERATION AND MAINTENANCE

1. The Company shall ensure that the Equipment and Process are properly operated and maintained at all times. The Company shall, before commencement of the operation of the Process at each Site, prepare and implement a Site specific Operations and Maintenance Manual for the Equipment and Process that specifies, as a minimum:
 - a. major components of the Equipment to be used in the Process;
 - b. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;

- c. the frequency of inspections and scheduled maintenance for the Equipment and Process;
 - d. procedures to record the operation of the Process including the quantity of Clean Soil received and treated at the Facility and the quantity of Clean Soil in each Soil Storage Pile;
 - e. procedures to test, monitor, and record the degree of hydrocarbon contamination of the soil delivered to and treated at the Facility;
 - f. procedures to prevent and/or minimize odour, noise and fugitive dust emissions from the Facility;
 - g. contingency measures to address upset conditions;
 - h. procedures to record and respond to environmental complaints; and
 - i. procedures for any record keeping activities relating to operation and maintenance of the Equipment and Process;
2. implement the recommendations of the Operations and Maintenance Manual;
 3. the Company, at each Site, shall not treat Clean Soils that contain Dioxin/Furan and shall send soils with Dioxin/Furan to an alternate site;
 4. the Company, at each Site, shall not treat Clean Soils with a concentration of contaminant that exceeds the respective concentration in dry soil as outlined in Schedule C; and shall send these soils to an alternate site;
 5. the Company shall ensure that Clean Soil stored at any Site, at any one time, does not exceed 30,000 tonnes; and
 6. the Company shall ensure that Soil Storage Piles at each Site are constructed and configured in accordance with the ESDM Report.

3. ODOUR CONTROL

1. The Company shall operate the Facility in a manner that minimizes odour emissions, and in accordance with the odour control procedures described in the Best Management Practices Plan.

4. FUGITIVE DUST CONTROL

1. The Company shall operate the Facility in a manner that minimizes fugitive dust emissions, and in accordance with the fugitive dust control procedures described in the Best Management Practices Plan.

5. RECORD RETENTION

1. The Company shall, for each Site, retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the operation of the Process at the Site and the recording activities required by this Approval; and make these records available for review by staff of the Ministry upon request. The Company shall retain:
 - a. all records about the inspection, maintenance, and repair of the major components of the Equipment related to the Process;
 - b. all records about the test, monitor, and record the degree of hydrocarbon contamination of the soil delivered to and treated at the Facility; and
 - c. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. wind direction at the time of the incident to which the complaint relates; and
 - iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

6. NOTIFICATION REQUIREMENTS

1. The Company shall notify the District Manager at least ten (10) calendar days, or at such other time as may be agreed to in writing by the District Manager, before commencement of operation of the Process at any Site, by submitting a completed Form 1, set out in Schedule A of this Approval, with attachments, to the District Manager.
2. The Company shall notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - a. a description of the nature of the complaint; and
 - b. the time and date of the incident to which the complaint relates.

7. NOISE EMISSIONS

1. The Company shall, at all times, ensure that the noise emissions from the Equipment comply with the limits determined in accordance with Ministry Publication NPC-300.

8. TIME RESTRICTIONS

1. The Company shall ensure that the Facility is not operated more than sixty (60) calendar days per year at any one Site;
2. The Company shall restrict the operation of the Equipment to the daytime hours from 7 a.m. to 7 p.m.
3. The Company shall ensure that the Acoustic Barrier, when required, is erected within 7 working days of start-up of the Equipment and until that time, the Equipment operations shall be restricted to the daytime hours of 7 a.m. to 7 p.m., Monday to Friday.

9. MINIMUM SEPARATION DISTANCE(S)

1. The company shall ensure, based on the numbers of the Soil Storage Piles constructed at the Facility, a minimum separation distance between the Facility and the nearest Sensitive Receptor as specified in Schedule B.
2. The Company shall ensure a minimum separation distance between the Equipment and the nearest Point of Reception as specified in Schedule B.

10. NOISE CONTROL MEASURES

1. The Company shall ensure that the Acoustic Barrier, when required, is implemented at all times during the operation of the Equipment.
2. The Company shall ensure that the Acoustic Barrier, when required, is a minimum 6 metres high, 15.6 metres long, continuous without holes, gaps or other penetrations, and having a surface mass density of at least 20 kilograms per square metre, and that it will be positioned in between the Equipment and the Points of Reception that require shielding in such a way that the distance from the Acoustic Barrier to the Equipment is not greater than 9 metres as specified in Schedule B.
3. The Company shall ensure that the Acoustic Barrier, when required, is properly maintained and continues to provide the acoustical performance outlined in the Acoustic Assessment Report.

SCHEDULE A

Form 1

Soil Remediation Process Notice of Intended Location

1. Owner and/or Operator
 - a. Company name:
 - b. Environmental Compliance Approval (Air) number:
 - c. Contact person:
 - d. Telephone number:
2. Proposed Location
 - a. Municipality/Township:
 - b. Site information (complete as applicable):
 - i. Civic address:
 - ii. Lot/Concession:
 - iii. Geo Reference (UTM):
3. Land use in the immediate vicinity:
4. Operating schedule:
 - a. Date of commencement:
 - b. Estimated duration:
 - c. Hours of operation:

Please attach the following:

- a. A plan showing the area(s) within the Site where the Process is going to be operated;
- b. An overview of the Process to be used at the Site, including a description of the technology (or technologies) and delivery method(s) to be used; and
- c. An overview of the Operations and Maintenance Manual that have been drafted and will be finalized before commencement of operation of the Process at the Site and will be implemented at the Site as required by this Approval.

SCHEDULE B

Minimum Required Separation Distances

Minimum Required Separation Distance from Sensitive Receptor

All distances are measured in metres and from the nearest Sensitive Receptor to the closest point of the Facility.

	Rural Land Use	Urban Land Use
One Soil Storage Pile	22	2
Two Soil Storage Piles	85	11
Three Soil Storage Piles	158	32

Minimum Required Separation Distances from the Equipment to the Points of Reception

Table 1: Operating Scenario 1 – Mobile Excavator - without Acoustic Barrier

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	202
Class 2	Day (7 a.m. to 7 p.m.)	50	202
Class 3	Day (7 a.m. to 7 p.m.)	45	362

Table 2: Operating Scenario 2 - Mobile Excavator - with Acoustic Barrier 6 metres high

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	75
Class 2	Day (7 a.m. to 7 p.m.)	50	75
Class 3	Day (7 a.m. to 7 p.m.)	45	140

Notes

The Acoustic Barrier shall have a height of not less than 6 metres above local grade and a length of not less than 15.6 metres such that it will break the line-of-sight between the Equipment and all Points of Reception. The Acoustic Barrier must be located at a distance of not more than 9 metres from the mobile excavator.

SCHEDULE C

Maximum Acceptable Concentration

Contaminant	CAS Number	Concentration (ug/g)	Site Condition ^a
Bis(2-Chloroethyl)ether	111-44-4	0.5	Table 3.1
Chloroform	67-66-3	0.097	Table 3.1
Dibromochloromethane	124-48-1	0.05	Table 3.1
Dinitrophenol, 2,4-	51-28-5	2	Table 3.1
Vinyl Chloride	75-01-4	0.01	Tables 1.1, 2.1 and 3.1

a: Site Conditions as defined in Soil Rules

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

1. Condition No. 1 is included to clarify the legal rights and responsibilities of the Company.
2. Condition Nos. 2, 3 and 4 are included to emphasize that the Equipment and Process must be maintained and operated according to a procedure that will result in compliance with the EPA, the Regulations and this Approval.
3. Condition No. 5 is included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the EPA, the Regulations and this Approval can be verified.
4. Condition No. 6 is included to require the Company to notify staff of the Ministry so as to assist the Ministry with the review of the site's compliance.
5. Conditions No. 7 to 10 inclusive, are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Equipment and to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the EPA, the regulations and this Approval.

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land Tribunal and in accordance with Section 47 of the *Environmental Bill of Rights*, 1993,

the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

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

and

The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

and

The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.gov.on.ca

This instrument is subject to Section 38 of the *Environmental Bill of Rights*, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the *Environmental Protection Act*.

DATED AT TORONTO this 27th day of June, 2022



Nancy E Orpana, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

AA/

c: District Manager, MECP Toronto District Office
Lucas Neil, Hemmera Envirochem Inc.