

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 6469-ADXJVG  
Issue Date: June 30, 2022

Norris Construction Management Inc.  
200 Maple Creek Court  
Ottawa, Ontario  
K0A 1L0

Site Location: 200 Maple Creek Court  
Ottawa City,  
K0A 1L0

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

a 1.75 hectare Waste Disposal Site (Processing) for the processing and transfer of municipal solid non-hazardous waste (inert construction and demolition), liquid industrial waste, liquid industrial waste (petroleum contaminated Waste Class 221 and 251 and cement slurry Waste Class 150) and Hydrovac slurry waste (Liquid Soil).

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

“Approval” means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

"construction and demolition waste" means waste produced from the construction, renovation or demolition of an industrial, commercial, institutional or residential building.

“Director” means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part II.1 of the EPA;

“District Manager” means the District Manager of the local district office of the Ministry for the geographic area in which the Site is located;

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

"Excess Soil Standards" means the document entitled “Part II: Excess Soil Quality Standards”, published by the Ministry and dated November 19, 2019, available on a website of the Government of Ontario as Part II of the document entitled “Rules for Soil Management and Excess Soil Quality Standards”;

"Hydrovac Slurry" means Liquid Soil generated by the use of high water pressure and vacuum extraction technology;

"Liquid Soil" as defined in Ontario Regulation 406/19 of the EPA, as amended;

"Ministry" and "MECP" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;

"NMA" means the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended;

"Ontario Regulation 153/04" means Ontario Regulation 153/04, Records of Site Condition - Part XV.1 of the EPA, as amended;

"Operator" means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site;

"Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes Norris Construction Management Inc., its successors and assigns;

"OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;

"PA" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;

"Provincial Officer" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the OWRA or section 5 of the EPA or section 17 of PA;

"Qualified Person" means a person who meets the qualifications to be a qualified person for conducting a phase one and a phase two environmental site assessment and for completing certifications in a record of site condition, as set out in Section 5 of Ontario Regulation 153/04 made under the EPA;

"Regulation 347" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

"residual waste" means waste that is destined for final disposal;

"SDWA" means the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, as amended;

"Site" means the 1.75 hectare property located at 200 Maple Creek Court, in Carp, Ottawa City, Ontario;

"Soil Quality Criteria" means the Excess Soil Standards set out in the Soil Rules required for a Reuse Site and also includes the site-specific criteria as set out in Section D of the Soil Rules;

"Soil Rules" means the document entitled "Part I: Rules for Soil Management", published by the Ministry and as amended from time to time, available on a website of the Government of Ontario as Part I of the document entitled "Rules for Soil Management and Excess Soil Quality Standards"; and

“Trained Personnel” means personnel knowledgeable in the following through instruction and/or practice:

- a. relevant waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the waste to be handled;
- c. occupational health and safety concerns pertaining to the processes and wastes to be handled;
- d. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for refusal of unacceptable waste loads; and
- h. the requirements of this Approval.

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

## TERMS AND CONDITIONS

### **PART 1 - GENERAL**

#### **Compliance**

- 1.1 The Owner shall ensure compliance with all the conditions of this Approval. Furthermore, the Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval, and the conditions herein, and shall take all reasonable measures to ensure any such person complies with the same.
- 1.2 Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

#### **In Accordance**

- 1.3 Except as otherwise provided for in this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the Environmental Compliance Approval applications, dated April 8, 2016 and April 05, 2021, and the supporting documentation listed in Schedule “A”.
- 1.4
  - a. Use of the Site for any other type of waste, or other waste management activity, is not approved under this Approval, and requires obtaining a separate approval amending this Approval; and
  - b. Applications to amend this Approval, for reasons other than administrative amendments, shall include submission of a revised Design and Operations Report.

#### **Interpretation**

- 1.4 Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
- 1.5 Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.
- 1.6 Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.
- 1.7 The conditions of this Approval are severable. If any condition of this Approval, or the application of any condition of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

### **Other Legal Obligations**

- 1.8 The issuance of, and compliance with, this Approval does not:
  - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
  - b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.
- 1.9 All wastes at the Site shall be managed and disposed in accordance with the EPA and Regulation 347.
- 1.10 The Owner shall ensure that:
  - a. all equipment discharging to air operating at the Site are approved under Section 9 of the EPA; and
  - b. all effluent and stormwater is discharged in accordance with section 53 of the OWRA.

### **Adverse Effect**

- 1.11 The Owner shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
- 1.12 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this certificate the person remains responsible for any contravention of any other condition of this Approval, or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

### **Change of Owner**

- 1.13 The Owner shall notify the Director, in writing, and forward a copy of the notification to the District Manager, within 30 days of the occurrence of any changes in the following information:
- a. the ownership of the Site;
  - b. appointment of, or a change in, the Operator of the Site;
  - c. the name or address of the Owner;
  - d. the partners, where the Owner is or at any time becomes a partnership and a copy of the most recent declaration filed under the Business Names Act, R. S. O. 1990, c. B.17, shall be included in the notification.
- 1.14 No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance and sufficient financial assurance is deposited with the Ministry to ensure that these conditions will be carried out.
- 1.15 In the event of any change in ownership of the Site, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director.

### **Financial Assurance**

- 1.16 Within twenty (20) days of issuance of this Approval, the Owner shall submit to the Director, financial assurance, as defined in Section 131 of the EPA, in the amount of \$21,129.00 This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.
- 1.17 By July 30, 2023, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Condition 1.16. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The financial assurance assessment due on July 30, 2022 shall be supported by at least three quotations obtained from third party vendors for removal, transportation and disposal of residual solid and liquid wastes. The financial assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.
- 1.18 The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion.
- 1.19 If any financial assurance is scheduled to expire or notice is received, indicating financial assurance will not be renewed, and satisfactory methods have not been made to replace the financial assurance at least sixty (60) days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

### **Inspections**

- 1.20 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, the PA, the SDWA or the NMA of any place to which this Approval relates, and without limiting the foregoing:
- a. to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this Approval are kept;
  - b. to have access to, inspect, and copy any records required to be kept by the conditions of this Approval;
  - c. to inspect the Site, related equipment and appurtenances;
  - d. to inspect the practices, procedures, or operations required by the conditions of this Approval; and
  - e. to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Approval or the EPA, the OWRA or the PA.

### **Information and Record Retention**

- 1.21 Any information requested, by the Ministry, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.
- 1.22 The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
- a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
  - b. acceptance by the Ministry of the information's completeness or accuracy.
- 1.23 Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.
- 1.24 All records and monitoring data required by the conditions of this Approval must be kept on the Owner's premises for a minimum period of two (2) years from the date of their creation.

## **PART 2 - OPERATIONS**

### **Hours of Operation**

- 2.1 This Site is approved to operate Monday through Saturday from 8:00 a.m. to 5:00 p.m.
- 2.2 No waste shall be received at the Site except when the Site is under the supervision of a Trained Person.
- 2.3 At all times, the Site shall be maintained in a secure manner, so that unauthorized persons cannot enter the Site.

- 2.4 A sign shall be installed and maintained at the main entrance/exit to the Site on which is legibly displayed the following information:
- a. the name of the Site and Owner;
  - b. the Approval number; and
  - c. a twenty-four (24) hour telephone number that can be used to reach the Owner in the event of an emergency or complaint.

### **Approved Waste Types and Processes**

- 2.5 This Site is approved to receive waste generated in eastern Ontario as follows:
- a. municipal solid non-hazardous waste (inert construction and demolition waste) excluding soil;
  - b. liquid industrial waste generated from the clean out of water supply lines, storm sewers and sanitary sewers and other similar activities, but excluding the clean out of grease traps and oil/water separators.
  - c. Liquid Industrial Waste (petroleum contaminated liquids - Waste Class 221L and 251L and cemented slurry Waste Class 150).
  - d. Hydrovac slurry Waste- uncontaminated Liquid Soil.
- 2.6
- a. Prior to being accepted at the Site, all incoming waste shall be verified (visual and olfactory inspection) by a competent employee(s) and shall only be permitted to enter the Site if the Site is approved to accept that type of waste.
  - b. If any incoming waste load is known to, or is discovered to, contain unacceptable waste, that load shall not be accepted at the Site; and
  - c. If any unacceptable waste is discovered on Site, that waste shall be segregated and immediately disposed of in accordance with the EPA and Regulation 347.
- 2.7 Notwithstanding Condition 2.5, the Site shall not receive and/or process Hydrovac slurry waste (uncontaminated Liquid Soil) until the requirements outlined in Condition 3.9 are met and the report is approved by the Director.

### **Approved Quantities**

- 2.8 The Owner shall ensure that the amount of waste received on the Site does not exceed and shall be weighed by use of scale at the Site entrance:
- a. Inert construction and demolition waste: 80 tonnes per day;
  - b. Liquid Industrial waste: 20 cubic meter per day;
  - c. Liquid Industrial Waste (petroleum contaminated and cemented slurry waste): 35 cubic meter per day; and
  - d. Hydrovac slurry (Liquid Soils - uncontaminated): 300 cubic meter per day.

- 2.9 Further to Condition 2.8, the Owner shall ensure that the maximum amount of waste present at any given time on Site does not exceed:
- a. Inert construction and demolition waste: 160 tonnes;
  - b. Liquid Industrial waste: 60 cubic meter;
  - c. Liquid Industrial Waste (petroleum contaminated and cemented slurry waste): 120 cubic meter; and
  - d. Hydrovac slurry (Liquid Soil - uncontaminated): 1,230.0 cubic meter.
- 2.10 In the event that waste or recyclable materials cannot be removed from the Site and the total approved storage capacity is reached, the Owner:
- a. must cease accepting additional waste to ensure the total approved storage capacity does not exceed the maximum amount approved by Condition 2.9; and
  - b. submit to the District Manager, a schedule for removal of the stored waste, within five (5) days of reaching the storage capacity; and
  - c. remove stored waste in accordance with the schedule required in subcondition 2.10 (b).

### **Processing Activities**

- 2.11 The Owner shall ensure that:
- a. all inert construction and demolition waste, Liquid Industrial waste and Liquid Industrial Waste (petroleum contaminated and cemented slurry waste) are received and processed in the coverall building/structure; and
  - b. the recyclable materials shall be stored outside in covered roll-off bins.
- 2.12 Processing activities approved at this Site are limited to:
- a. sorting of construction and demolition waste for the purpose of recycling individual waste streams;
  - b. dewatering of liquid industrial waste into separate liquid and soil streams using a dewatering bin (Flo Trend or equivalent);
  - c. drying of the dewatered soil recovered from hydrovac slurry (Liquid Soil) on a drying pad; and
  - d. Solidification of petroleum contaminated and cement slurry waste by mixing with sawdust in a concrete structure in-side the building.

### **Storage**

- 2.13 The Owner shall ensure that:
- a. waste stored indoors shall be in storage piles not exceeding 300 m<sup>2</sup>; and
  - b. piles shall be maintained in a manner which allows access for emergency and inspection purposes.



- 2.14 a. The Owner shall ensure that outdoor storage of waste is limited to the storage of individual waste streams destined for recycling which are inert (e.g. metal, concrete, brick, wood).
- b. Outdoor storage areas shall be either dedicated bunkers or dedicated storage bins with lids. All bunkers/storage bins shall be clearly labelled.
- c. Outdoor pile storage heights shall not exceed six (6) metres; and
- d. Bunkers and/or roll-off bins shall be covered with lid and located in a manner to allow easy access in the event of an emergency.
- 2.15 The solids recovered from the processing of liquid industrial waste shall be stored in 15 cubic meter dewatering bins and the residual liquid recovered from the processing of liquid industrial waste shall be stored only in one (1) 14,000 litre storage tank.
- 2.16 Solidified blended Waste Class 254 generated as a result of solidification of petroleum contaminated and cement slurry waste shall be kept in a dedicated roll-off bins and shall be kept inside the coverall building.
- 2.17 The sawdust or woodchips materials to be used for dewatering or solidifying liquid industrial waste (petroleum contaminated and cement slurry) shall not be a pressure-treated wood product.
- 2.18 The processed soils resulting from dewatering of hydrovac slurry (Liquid Soil) or processed recyclable materials from construction & demolition waste shall not be stored within 10 m of the fence line.

## **Testing - Processed Soils**

### Sampling Frequency

- 2.19 The Owner shall collect samples of processed soils from Hydrovac slurry and solidified petroleum contaminated and cement slurry soils (Waste Class 254) at minimum frequencies in accordance with:
- a. subsection 2(3)16 of Section B of Part I of the Soil Rules; and
- b. subsections 2(5)2 and 2(5)4 of Section B of Part I of the Soil Rules when testing for leachability.

### Sampling and Testing Methodology

- 2.20 The Owner shall follow the following sampling and analytical methodology for blended Waste Class 254 generated as a result of solidification of liquid industrial waste - petroleum contaminated and cement slurry:
- a. subsection 2(4) of Section B of Part I of the Soil Rules; and Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Regulation 347" dated February, 2002, as amended.;

- b. A slump test on the solidified petroleum contaminated and cement slurry processed waste shall be completed as per "Test Method for the Determination of Liquid Waste" (SLUMP TEST) of Schedule 9 of Regulation 347, as amended.

### Parameters

- 2.21 The Owner shall ensure that, at a minimum, the processed soils (dried hydrovac -Liquid Soil) shall be analyzed for the following parameters:
  - a. petroleum hydrocarbons (F1 through F4) including benzene, toluene, ethylbenzene, xylenes;
  - b. metals and hydride-forming metals (antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, uranium, vanadium and zinc);
  - c. sodium adsorption ratio (SAR) and electrical conductivity (EC)
  - d. volatile organic compound (VOC) and semi-volatile organic compounds (SVOC) including poly-aromatic hydrocarbon (PAH); and
  - e. leachate analysis for certain contaminants as outlined in subsection 2 (5) in Section B of PART I of Soil Rules.
  - f. slump testing on processed or dewatered or solidified soils of waste Class 254 as per Condition 2.18(b) to ensure the blended waste is a solid waste.

### **Waste Removal**

- 2.22 The Owner shall ensure that all waste, including waste destined for recycling and/or re-use, is transported and disposed of in accordance with Regulation 347, the EPA or the OWRA.
- 2.23 Further to Condition 2.22, the Owner shall ensure that soil, generated as a result of the dewatering of liquid industrial waste (catch basin, sewer and storm sewer clean out) and Hydrovac slurry waste (uncontaminated Liquid Soil), is transferred from the Site only as follows:
  - a. to an approved waste disposal facility permitted to accept the soil under Part II.1 of the EPA;
  - b. to an approved waste disposal facility for use as daily, intermediate or final cover in accordance with the requirements set out in the Environmental Compliance Approval for the receiving waste disposal facility;
  - c. to a receiving property that is being cleaned-up in accordance with Ontario Regulation 153/04, provided that the soil deposited on, in, or under the receiving property complies with the requirements set out in Ontario Regulation 153/04;
  - d. to a pit or quarry under the Aggregate Resources Act, R.S.O. 1990, c.A.8 only if:
    - i. a Qualified Person has confirmed, in writing, that the concentrations of constituent contaminants of the soil, and the deposition of the soil at the pit or quarry, are in accordance with the Aggregate Resources Act, R.S.O. 1990, c.A.8 and the regulations, the site plan and the conditions of the licence or permit under the Aggregate Resources Act, R.S.O. 1990, c.A.8; and

- ii. a Qualified Person has determined it is appropriate to bring the soil to the pit or quarry, and this determination was done with consideration given to the contaminant volumes and loadings, the impacts on the existing conditions at the pit or quarry, and the introduction of new contaminants to the pit or quarry;
- e. to a receiving property that is not listed in paragraphs (a) through (d) above, provided that the receiving property has been assessed by a Qualified Person, and the Qualified Person has confirmed, in writing, that the maximum concentrations of constituent contaminants of the soil do not exceed the following quality criteria:
  - i. the receiving property's existing average concentrations of said constituents in the horizon in which the soil is to be deposited, or in the horizon of equivalent depth immediately below the fill if the soil is to be applied to the surface of the receiving property; or
  - ii. the appropriate generic Soils Standards for the current land use of the receiving property, if the said generic Soil Standards are lower than the receiving property's existing average concentrations referred to in (i) above; or
  - iii. the appropriate generic Soil Standards for the current land use of the receiving property, provided that a Qualified Person has confirmed, in writing, that this generic approach is reasonable, after having considered the Standard, including a consideration of the factors used in setting the generic Soil Standards.

2.24 Prior to transferring processed soils in accordance with Condition 2.23, the Owner shall obtain from the receiving property's owner, written confirmation, as certified by a Qualified Person, that:

- a. the soil quality and quantity is appropriate for the receiving property; and
- b. the receiving property's owner agrees to accept the soil; and
- c. the deposition of the soil at the receiving property will not cause an adverse effect, as defined in the EPA.

2.25 The Qualified Person shall certify that the confirmation required in Conditions 2.19 and 2.20 above, have been based on engineering or scientific opinions made in accordance with generally accepted principles and practices, as recognized by members of the environmental engineering or science profession or discipline, practising at the same time and in the same or similar location.

2.26 Prior to the removal and disposal of blended Waste Class 254 generated as a result of solidification of the liquid industrial waste - petroleum contaminated and cement slurry, the results of the leachate toxicity testing completed as per condition 2.19 shall be compared with Schedule 4 - Leachate Quality Criteria of Regulation 347.

2.27 The blended Waste Class 254 generated as a result of solidification of the liquid industrial waste - petroleum contaminated and cement slurry shall be transported and disposed of at a facility which is approved to accept such waste class after confirming that the solidified waste Class 254 is non-hazardous solid waste, based on the leachate toxicity and slump testing.

## **Nuisance Control**

- 2.28 The Owner shall operate and maintain the Site in a manner which ensures the health and safety of all persons and the protection of the environment, through active prevention of any possible environmental adverse effects, including but not be limited to odours, dust, litter, vectors, vermin, rodents and noise.
- 2.29 Within one (1) year of the issuance of the Approval, the Owner shall construct a fence along the property to ensure site security and implement measures to provide visual screening to the site to avoid visual nuisance.

## **Site Inspections and Maintenance**

- 2.30 The Owner shall conduct daily inspections to ensure that all equipment and facilities are in good working condition and operated in a manner that will not negatively impact the environment. Any deficiencies, that might negatively impact the environment, detected during these regular inspections, shall be promptly corrected.
- 2.31 The Owner shall, on a quarterly basis, conduct an inspection of the equipment and supplies referenced in the spill and emergency response plan to ensure that the supplies are not depleted, the equipment is in good working order and that both are immediately available.
- 2.32 The Owner shall, every five (5) years at a minimum, examine or test the storage tank, according to the manufacturer's recommendations and/or good engineering practice, to ensure there are no leaks. Any deficiencies noted as a result of the test/examination shall be promptly corrected. Results of these examinations/tests shall be made available to a Provincial Officer upon request; and
- 2.33 The Owner shall develop and implement a preventative maintenance program for all equipment associated with the processing and managing of waste and/or processed materials. The preventative maintenance program shall be available on Site for inspection by a Provincial Officer upon request.

## **Spills and Emergency Response and Reporting**

- 2.34 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation.
- 2.35 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060.
- 2.36 a. The Owner shall have in place a spill and emergency response plan. This plan shall include, but is not limited to the following:
- i. a drawing which accurately reflects the final Site plan layout and clearly indicates all storage areas and the location of emergency equipment;
  - ii. emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods;

- iii. a list of equipment and clean up materials available for use in emergencies;
  - iv. a list of names and telephone numbers of clean up companies available for emergency response; and
  - v. a notification protocol, with names and telephone numbers of persons to be contacted, including Owner personnel, the Ministry's Spills Action Centre and District Office, the local Fire and Police Departments, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour.
- b. A copy of the spill and emergency response plan shall be kept on the Site at all times, in a prominent location available to all staff.
  - c. The Owner shall ensure that the contingency equipment and materials outlined in the spill and emergency response plan are immediately available on the Site at all times, in a good state of repair, and fully operational.
  - d. The Owner shall review the spill and emergency response plan on an annual basis at a minimum and update as required. Specifically the Owner shall ensure that the names and telephone numbers of the persons to be contacted as required under Condition 2.33 are up-to-date.

### **Contingency Planning**

2.37 The Owner shall have in place a written contingency plan which details how waste will be stored or disposed of in the event of a labour disruption, transportation disruption, inability of receiving sites to accept waste, or such other business disruption that prevents waste from being removed from the Site in the usual manner.

### **Training**

- 2.38 a. The Owner shall ensure that Site personnel are trained, and receive annual refresher training, on the operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual, including but not limited to:
- i. receiving and recording procedures (including recording procedures for wastes which are refused at the Site);
  - ii. the use and operation of equipment for the processes and wastes to be handled;
  - iii. storage, handling, sorting and shipping procedures;
  - iv. operation of equipment and procedures to be followed in the event of a process upset or an emergency situation;
  - v. procedures for the control of nuisance conditions;
  - vi. housekeeping, inspection and maintenance procedures; and
  - vii. procedures for recording and responding to public complaints.
- b. The Owner shall ensure that Site personnel who oversee operations at the Site are trained, and receive annual refresher training in:
- i. relevant waste management legislation, including but not limited to Regulation 347;
  - ii. terms, conditions and operating requirements of this Approval.

### **Complaints**

- 2.39 If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:
- a. the Owner shall record and number each complaint, either electronically or in a log book, and shall include the following information:
    - i. the nature of the complaint,
    - ii. the name, address and the telephone number of the complainant, if the complainant will provide this information and
    - iii. the time and date of the complaint;
  - b. the Owner, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
  - c. the Owner shall verbally notify the District Manager of the complaint within one (1) business day of the complaint date; and
  - d. the Owner shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint, and any recommendations for remedial measures, including managerial or operational changes, made to reasonably avoid the recurrence of similar incidents.

### **Surface Water Management**

- 2.40 Surface water runoff from the outside storage of recovered stockpiled recycling material shall be collected and directed to the on-site stormwater management pond, and shall not be directly discharged off-Site.

## **PART 3 - ADMINISTRATIVE**

### **Record Keeping**

- 3.1 Any information requested, by the Director or a Provincial Officer, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval, shall be provided to the Ministry upon request.
- 3.2 The Owner shall maintain, in written or electronic format, a log which will include at a minimum:
- a. the date;
  - b. the source, type and amount of waste received;
  - c. the source, type and amount of waste refused and the reason for the refusal; and
  - d. the type, amount and destination of all waste transferred from the Site.
  - e. testing results required by Conditions 2.19 through 2.21.
  - f. record of incoming waste quantity using on-site weigh scale.
- 3.3 The Owner shall maintain a written record of the daily inspection performed at the Site as required by Condition 2.30. The record shall include, at a minimum:

- a. the date;
  - b. the name and signature of the person conducting the inspection;
  - c. list of items inspected;
  - d. any deficiencies noted during the inspection and the corrective action taken.; and
  - e. the storage tank level.
- 3.4 The Owner shall maintain a record of periodic inspections conducted on Site as required by Conditions 2.31 and 2.32. The records shall include, at a minimum:
- a. the date;
  - b. the name, signature and organization (if other than the Owner) of the person conducting the inspection;
  - c. the item/areas inspected and any tests performed;
  - d. any deficiencies noted and the correction action taken.
- 3.5 The Owner shall maintain a record of all maintenance conducted at the Site in accordance with Condition 2.33. The record shall include, at a minimum:
- a. the date;
  - b. the name, signature and organization (if other than the Owner) of the person conducting the maintenance;
  - c. the equipment or part of equipment that was serviced; and
  - d. the type of service performed.
- 3.6 The Owner shall require a competent person to record all spills and upsets which occur at the Site. The information recorded shall include:
- a. the nature of the spill or upset;
  - b. the action taken for clean-up; and
  - c. corrective action taken to prevent future occurrences.
- 3.7 The Owner shall maintain a written record of employee training at the Site. This record shall include:
- a. date of training;
  - b. name and signature of person who has been trained;
  - c. training organization and/or name of trainer; and
  - d. description of the training provided.

### **Design and Operations Report**

- 3.8 Within 180 days of the issuance of the Approval, an updated Design and Operations Report shall be prepared, retained at the Site, and kept up to date and be available for inspection by Ministry staff. It shall contain, at a minimum, the following information:
- a. details of all on-site operations, including drawings showing designated liquid soils, processed soils and process water management areas at the Site;

- b drawings and written descriptions of all liquid soils, processed soils and process water management infrastructure in use at the Site, and written descriptions of all liquid soils, processed soils and process water management activities taking place on-site;
- b. details of all environmental protection measures required by the conditions of this Approval, including drawings and written descriptions of infrastructure and written descriptions of procedures; and
- c. details of all procedures required by the conditions of this Approval, including written descriptions of staff training procedures, site security procedures, site inspection procedures, complaint response procedures, emergency response procedures and record keeping procedures.

3.9 Within one year of the issuance of the Approval, the Owner shall undertake and submit a groundwater and surface water impact assessment to the Director for approval. The assessment report shall include, at minimum, the following:

- a. existing groundwater and surface water features and conditions;
- b. potential leaching of contaminants into the groundwater from Hydrovac Liquid Soil drying pits;
- c. site drainage, grading (slope), swales and stormwater management;
- d. hydraulic interaction of the on-site pond with local groundwater;
- f. nature of the pond (lined or unlined) and potential leakage from the base of the pond to the groundwater;
- g. site plan showing location and dimensions of Hydrovac Liquid Soil receiving pits, location and size of drying pads, location of soil storage stockpile, location of roll-off storage bins, location of underground storage tank;
- h. construction, sizing and location of drying pads;
- i. recommendations for environmental monitoring program and its scope including frequency; and
- j. an assessment as to the need of a section 53, OWRA, approval for discharge to the natural environment from the on-site storage pond.

## **Annual Report**

4.1 On March 31<sup>st</sup> of each year, the Owner shall prepare and submit to the District Manager a written report which covers the operations conducted in the previous calendar year. This report shall include, at a minimum, the following information:

- a. a detailed monthly summary of the information required by Condition 3.2 including an annualized reconciliation between all wastes received and processed at the Site and all residual wastes and processed wastes transferred from the Site;
- b. a summary of waste loads refused including the generator of the load, the date of refusal, reason for refusal of the load and the destination of the load after refusal;
- c. any environmental and operational problems, that are likely to negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- d. a summary of complaints received and the actions taken to mitigate the issue associated with the complaint; and



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

## **PART 4 - SITE CLOSURE**

### **Closure Plan**

- 4.2 a. Six (6) months prior to the closure of the Site, the Owner shall notify the District Manager of the impending Site closure and provide a Closure Plan which sets out the tasks to be undertaken to close the Site in a secure manner and a schedule for carrying out these tasks.
- b. Within ten (10) days of the closure of the Site, the Owner shall notify the Director and District Manager, in writing, that the activities in the Closure Plan have been completed, and that the Site is now closed.

## SCHEDULE "A"

*This Schedule "A" forms part of Environmental Compliance Approval No. 6469-ADXJVG.*

1. Environmental Compliance Approval application dated May 12, 2016, signed by K. Norris, Norris Construction Management Inc.
2. Design and Operations Report, Maple Creek Processing and Transfer Facility, dated March 2016.
3. Email dated September 15, 2016, from Mr. Martin Zimmer, providing additional information to supplement the Environmental Compliance Approval application including a site plan and a building layout.
4. Environmental Compliance Approval Application dated April 04, 2021, including Proposed Amendment Application - Consultations Report prepared by Earth Concerns Environmental Consulting Inc., including Amendment Application - Financial Assurance (FA) Report.
5. Design and Operations Report, Maple Creek Processing and Transfer Facility, Norris Construction Management Inc., March 2020.
6. Email dated June 17th, 2022 from Martin Zimmer to Abdul Quyum, P. Eng., Re.: Maple Creek Processing and Transfer Facility (ECA#6469-ADXJVG, Amendment Application - Financial Assurance (FA) report, revised June 16th, 2022.

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

The reason for Conditions 1.1, 1.2, 1.8, 1.9, 1.10, 1.11, 1.12, 1.22 and 1.23 is to clarify the legal rights and responsibilities of the Owner under this Approval.

The reasons for Conditions 1.3 and 1.4 is to ensure that the Site is designed, operated, monitored and maintained in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

The reason for Conditions 1.4, 1.5, 1.6 and 1.7 is to clarify how to interpret this Approval in relation to the application and supporting documentation submitted by the Owner.

The reasons for Condition 1.13 is to ensure that the Site is operated under the corporate name which appears on the application form submitted for this Approval, and to ensure that the Director is informed of any changes.

The reason for Condition 1.14 is to restrict potential transfer or encumbrance of the Site without the approval of the Director. Transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

The reason for Condition 1.15 is to ensure that subsequent owners of the Site are informed of the terms and conditions of this Approval. This also applies to all supporting documentation listed in Schedule "A".

The reasons for Conditions 1.16 to 1.19 inclusive are to ensure that sufficient funds are available to the Ministry to clean up and close the Site, and to carry out all expected post-closure care activities and any contingencies. Failure to include requirements for financial assurance would not be in the public interest and may result in a hazard or nuisance to the natural environment or any person.

The reason for Condition 1.20 is to ensure that appropriate Ministry staff have ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

The reason for Conditions 1.21 and 1.24 is to ensure the availability of records and drawings for inspection and information purposes.

The reason for Condition 2.1 is to specify the hours of operation in accordance with the Owner's application and supporting documentation.

The reason for Condition 2.2 is to ensure that the Site is supervised by properly trained staff.

The reason for Condition 2.3 is to ensure the controlled access and integrity of the Site by preventing unauthorized access.

The reason for Condition 2.4 is to ensure that emergency responders and the public have the necessary contact information in the event of an emergency or complaint.

The reason for Condition 2.5 is to specify the approved areas from which waste may be accepted, and the types of waste that may be accepted at the Site, based on the Owner's application and supporting documentation.

The reason for Condition 2.6 is to ensure that only waste approved under this Approval are received at the Site.

Conditions 2.7 and 3.9 are included to ensure proper evaluation and characterization of the local groundwater and surface water features and potential impact associated with the site operations.

The reason for Condition 2.8, 2.9 and 2.10 is to ensure that the quantities of waste received and stored at the Site do not exceed what can safely be accommodated at the Site.

The reason for Conditions 2.11, 2.12, 2.25 and 2.26 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

Conditions 2.13, 2.14, 2.15, 2.16, 2.17 and 2.18 are included to ensure that waste storage is done in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

Conditions 2.19 through 2.21 are included to specify the sampling and testing requirements of the processed soils for reuse and off-site transfer in accordance with the EPA.

The reason for Conditions 2.22 through 2.25 and 2.27 is to ensure that waste is transferred to locations where it will not create an adverse effect.

The reason for Condition 2.26 is to ensure that processed solidified soils are non-hazardous.

The reason for Conditions 2.30 through 2.33 is to ensure that all equipment and facilities are maintained in good working order.

The reason for Condition 2.34 is to ensure that the Owner immediately responds to a spill.

The reason for Condition 2.35 is to ensure that the Owner notifies the Ministry forthwith of any spills as required in Part X of the EPA so that appropriate spills response can be determined.

The reason for Condition 2.36 is to ensure that the Owner is prepared and properly equipped to take action in the event of a spill, fire or other operation upset.

The reason for Condition 2.37 is to ensure that the Owner follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site.

The reason for Condition 2.38 is to ensure that the Owner's staff are properly trained in the operation of the equipment used at the Site and in emergency response procedures.

The reason for Condition 2.39 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

The reason for Conditions 2.40 is to ensure that surface water from the Site is properly managed and does not pose an impact to the environment.

The reason for Conditions 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7 is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Approval, the EPA and its regulations.

The reason for Condition 3.8 is to ensure that the operating procedures for the Site are kept current and reflect any physical or procedural changes that have been made over time.

The reason for Condition 4.1 is to demonstrate compliance with this Approval, the EPA and Regulation 347.

The reason for Condition 4.2 is to ensure that the Site is closed in accordance with MECP standards and to protect the health and safety of the environment.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s) 6469-ADXJVG issued on October 7, 2016**

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.

Pursuant to subsection 139(3) of the *Environmental Protection Act*, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

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

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

This Notice must be served upon:

Registrar\*  
Ontario Land Tribunal  
655 Bay Street, Suite 1500

and

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor

and

The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks

Toronto, Ontario  
M5G 1E5  
OLT.Registrar@ontario.ca

Toronto, Ontario  
M7A 2J3

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](http://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 30th day of June, 2022



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Mohsen Keyvani, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

AQ/

c: District Manager, MECP Ottawa  
Martin Zimmer, Earth Concerns Environmental Contracting Inc.