

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2586-CF9HBP

Issue Date: October 31, 2022

ReSoil Solutions Inc.  
14 Cedar Ave  
Markham, Ontario  
L3T 3V9

Site Location: 14 Cedar Avenue  
Markham City, Regional Municipality of York  
L3T 3V9

*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 waste disposal site

to be used for the processing of the following types of waste:

liquid soil

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

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

"Approval" means this entire provisional Environmental Compliance Approval document, issued in accordance with Part II.1 of the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A, as amended from time to time;

"Design and Operations Report" means the document describing all on-site operations, procedures and environmental protection measures, further described in the conditions of this Approval (item 3 of Schedule "A");

"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 in which the Site is geographically located;

"EPA" means Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

"Excess Soil" has the same meaning as in O. Reg 406/19;

"Financial Assurance" is as defined in Section 131 of the EPA;

"Inert Fill" means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances but does not include Excess Soil;

"Liquid Soil" has the same meaning as in O. Reg. 406/19 and means a soil that has a slump of more than 150 millimetres using the Test Method for the Determination of "Liquid Waste" (slump test) set out in Schedule 9 to Regulation 347;

"Ministry" 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;

"O. Reg. 406/19" means Ontario Regulation 406/19 - On-Site and Excess Soil Management, made under the EPA, as amended from time to time;

"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, and includes its successors or assigns;

"Owner" means ReSoil Solutions Inc. that is responsible for the establishment and operation of the Site being approved by this Approval, and includes any 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;

"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;

"Regional Director" means the Regional Director of the local regional office of the Ministry in which the Site is located;

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

"Rock" has the same meaning as in O. Reg. 406/19;

"Site" means the waste disposal site located at 14 Cedar Avenue, Markham City authorized by this Approval;

"soil" has the same meaning as in O. Reg. 406/19;

"Soil Rules" means the Ministry's "Rules for Soil Management and Excess Soil Quality Standards" document;

“Trained Personnel” means one or more Site personnel trained in accordance with the requirements of condition 32 including an employee trained or knowledgeable through instruction and/or practice and able to carry out any necessary duties related to management of the waste as approved in 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**

### **GENERAL**

#### **Compliance**

1. The Owner and Operator shall ensure compliance with all the conditions of this Approval and 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.
2. Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

#### **Build, etc. in Accordance**

3. (1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval, November 26, 2021, and the supporting documentation listed in Schedule “A”.
- (2) The Site shall be constructed and the approved equipment shall be installed and must commence operation, within five (5) years of issuance of this Approval, after which time the Approval ceases to apply in respect of any portions of the Site not in operation. In the event that the construction, installation and/or operation of any portion of the Site is anticipated to be delayed beyond the time period stipulated, the Owner shall submit to the Director an application to amend the Approval to extend this time period, at least six (6) months prior to the end of the period. The amendment application shall include the reason(s) for the delay and whether there is any design change(s).

#### **Interpretation**

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.
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.

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.
7. The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

### **Other Legal Obligations**

8. The issuance of, and compliance with the conditions of, 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 and Operator to furnish any further information related to compliance with this Approval.

### **Adverse Effects**

9. The Owner and Operator shall take steps to minimize and ameliorate any adverse effect (as defined in the EPA) or impairment of air quality or water quality resulting from operations at the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
10. Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval 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 (as defined in the EPA) or impairment of water quality.

### **Change of Owner**

11. 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 of the following changes:
  - a. the ownership of the Site
  - b. the Owner or Operator of the Site;
  - c. the name or address of the Owner or Operator;
  - d. the partners, where the Owner or Operator is or at any time becomes a partnership and a copy of the most recent declaration filed under the Partnerships Act, R.S.O. 1990, c. P.5 shall be included in the notification; or
  - e. the directors, where the Owner of the Operator is or at any time becomes a corporation, and a copy of the most current information filed as required by the Corporations Information Act, R.S.O. 1990, c. C.39 shall be included in the notification.

12. 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.

### **Inspections**

13. No person shall hinder or obstruct a Provincial Officer in the performance of their duties, including any and all inspections authorized by the OWRA, the EPA or the PA of any place to which this Approval relates, and without limiting the foregoing to:
  - a. enter upon the premises where the Site is located, or the location where the records required by the conditions of this Approval are kept;
  - b. have access to, inspect, and copy any records required by the conditions of this Approval;
  - c. inspect the practices, procedures, or operations required by the terms and conditions of this Approval; and
  - d. sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the OWRA or the PA.

### **Financial Assurance**

14. Within thirty (30) days from the date of this Approval, the Owner shall submit to the Director, Financial Assurance, as defined in Section 131 of the EPA in the amount of \$400,864.00. 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.
15. Commencing on September 30, 2027 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under condition 14. 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 must be submitted to the Director within thirty (30) calendar days of written acceptance of the re-evaluation by the Director.
16. The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion.
17. 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.

### **Information and Record Retention**

18. 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 in a timely manner to the Ministry, upon request. Records shall be retained for 7 years unless otherwise authorized in writing by the Director.
19. 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.

## **OPERATIONS**

### **Hours of Operation**

20. The Site may operate from 6:00 am to 7:00 pm, 7 days per week, unless otherwise restricted by municipal by-laws.

### **Service Area**

21. Only waste generated in the province of Ontario shall be accepted at the Site.

### **Acceptable Materials**

22. (1) No waste other than Excess Soil, limited to non-hazardous, clean Liquid Soil generated from hydrovac drilling and daylighting activities, shall be accepted at the Site.
- (2) The following wastes are prohibited from being accepted at the site: catch basin clean-out waste, contaminated soil, spill clean-up waste and wastewater.

### **On-Site Management**

23. The Site is approved for the following waste management activities:
  - (1) The receipt, temporary storage and transfer of Liquid Soil, dewatered liquid soil and process water.
  - (2) The processing of Liquid Soil using the equipment described in Schedule "A", including the screening of Liquid Soils using grates and shakers to remove rock and debris, the use of coagulants and polymers to assist in the dewatering of Liquid Soils, the use of a tank and a centrifuge to dewater Liquid Soils, and bunkers and tanks for the storage of stockpiled dewatered soils and process water.

## Receiving and Storage Limits

24. (1) The amount of Liquid Soil received at the Site shall not exceed 375 tonnes per day.
- (2) The amount of waste present at the Site at any one time shall not exceed 2,834 tonnes at any one time, subject to the following limitations:
1. 75 cubic metres of Liquid Soil in the 75 cubic metre working capacity steel dump tank;
  2. 52 cubic metres of aggregate in the 88 cubic metre working capacity steel shale sloop tank;
  3. 42 cubic metres of Liquid Soil in the 43 cubic metre working capacity polyethylene syfer tank;
  4. 50 cubic metres of process water in the 70 cubic metre working capacity steel discharge dewatering tank;
  5. 94 tonnes of wastewater in the two (2) 47 cubic metre working capacity steel water storage tanks, equipped with high level audible/visual alarms;
  6. 40 cubic metres of residual waste in a 40 cubic metre bin;
  7. 1,350 cubic metres of dewatered soil in two (2) 675 cubic metre 3-sided concrete bunkers equipped with covers and impermeable liners; and
  8. 1,350 cubic metres of aggregate in two (2) 675 cubic metre 3-sided concrete bunkers equipped with covers and impermeable liners.
- (3) The Owner shall refuse any load if the receipt of that load could reasonably be expected to cause non-compliance with this Approval, including the receipt and storage limitations set out above.

## Soil Receipt and Handling

25. (1) 1. Trained Personnel shall supervise all shipments of waste received at the Site. Prior to any shipment being unloaded, Trained Personnel shall review the accompanying information for that shipment, screen for volatiles in the head space of the incoming truck using a gas analyser, and examine the contents of the truck where possible, to ensure the waste matches the description provided and that the waste is permitted to be received further to the conditions of this Approval. If any shipment is suspected of containing unapproved waste, that shipment shall be refused and shall not be unloaded at the Site.
2. Trained Personnel shall examine all shipments of waste while they are being unloaded. If at any time a shipment is discovered to contain unapproved material, the shipment shall be refused and all portions of the shipment that can be recovered shall be removed from the Site.
- (2) In the event that a shipment of waste is rejected from the Site, the Owner shall forthwith notify the District Office of the following in writing:
1. the name of the company that brought the rejected load to the Site;

2. the license plate number of the vehicle that brought the rejected load to the Site;
  3. a description of the rejected waste and the reason for rejecting the shipment;
  4. the destination of the rejected waste if the driver provides that information.
- (3) The Owner shall establish and implement a tracking system for all waste received, stored and transferred from the Site.
  - (4) The Owner shall check to ensure that sufficient storage capacity is available in the storage tanks prior to unloading of the waste from the transport vehicles into the storage tanks.
  - (5) All Liquid Soil shall be unloaded into the dump tank in a manner that prevents spills during transfer.
  - (6) Unloading of Liquid Soil and loading of the wastewater shall be carried out on an impermeable concrete pad that shall be sloped at a minimum of 0.5% to a sump to provide secondary spill containment.
  - (7) The Owner shall ensure that all wastewater is transferred from the storage tanks via cam-lock connections to minimize and prevent spills.
  - (8) The Owner shall ensure that:
    1. no process water is discharged directly to a storm sewer, to any waterbody or any other part of the natural environment, or otherwise in a manner that requires approval under Section 53 of the OWRA, unless such an approval is in effect for the Site; and
    2. all process water is otherwise managed in accordance with applicable municipal, provincial and federal requirements, which may include discharge to sanitary sewer as permitted by the local municipality or disposal off-site in a facility permitted to receive such material.
  - (9) Process water may be reused on trucks provided the Owner has conducted a visual and olfactory inspection of the water and the water does not exhibit excessive turbidity, any oily sheen, unusual odours or other signs of contamination.
  - (10) Further to Item 1 in Schedule "A", the following polymers and coagulants may be used to process Liquid Soil in accordance with manufacturer's recommendations:
    1. polyacrylamide; and
    2. poly(diallyldimethylammonium chloride).
  - (11) Soil and aggregate recovered from processing of Liquid Soil shall be stored outdoors in the 4 x 675 cubic metre 3-sided concrete bunkers (two bunkers for aggregate and two bunkers for soil), equipped with impermeable liners and covers. The bunker shall be positioned with the walls facing the predominant wind direction, and the height of the stockpiles shall not exceed the height of the storage bunker.



- (12) The Owner shall adhere to the Best Management Practices Plan appended to the Design and Operations Report (Item 3 of Schedule "A") to control dust.
- (13) The residual waste (e.g., the debris, rock, etc.) from the process shall be stored in a bin.
- (14) All storage bins shall be:
  1. maintained in good condition to prevent leakage. The Owner shall immediately remove from service any leaking container/bin; and
  2. covered at all times using either tarps or equivalent covering that prevents contact between stormwater and the contents of the bin.
- (15) Soils that have been tested shall remain segregated from all other soils on-site.
- (16) The Owner shall ensure that all process water is stored in accordance with the Ministry's "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities" document dated May 2007, specifically Sections 2, 3, 7, 8, 9 and 10 of that document.
- (17) The Owner shall ensure that the Site and related waste management equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained in accordance with the manufacturer's requirements.
- (18) All waste shall be received and processed indoors within the designated process building set out in Schedule "A".

### **Soil Sampling, Analysis and Reuse**

26. No processed soil shall leave the Site for reuse unless it has been sampled, analysed and managed in accordance with the following:
  - (1) The Owner shall ensure that sampling, analysis and the number of samples collected for each stockpile is in accordance with O. Reg. 406/19 and the Soil Rules.
  - (2)
    1. The Owner shall ensure that discrete samples are taken and analysed for:
      - i. metals;
      - ii. hydride-forming metals;
      - iii. petroleum hydrocarbons (PHCs);
      - iv. benzene, toluene, ethylbenzene, xylene (BTEX);
      - v. volatile organic compounds (VOCs);
      - vi. polycyclic aromatic hydrocarbons (PAHs);
      - vii. acid/base/neutral compounds (ABNs);
      - viii. chlorophenols (CPs).
    2. The Owner shall ensure that each processed soil load leaving the Site is testing in accordance with Schedule 9 in Reg. 347 ("slump test") to ensure the processed soil is solid.

3. The Owner shall ensure that any additional sampling and analysis specific to the receiving site shall be carried out as required by the local municipality, the local conservation authority and any applicable federal/provincial legislation.
  4. Should the receiving site be subject to the requirements set out in Ontario Regulation 153/04, the Owner shall ensure that any additional sampling and analysis specific to the receiving site shall be carried out as recommended by the Qualified Person for the receiving site.
- (3)
    1. When determining bulk concentrations of contaminants in the processed soil to verify compliance with the Soil Standards, the testing shall be in compliance with the “Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act”, dated July 1, 2011, as amended and in accordance with the industry standards.
    2. The Owner shall submit the samples to an accredited laboratory for the required analysis. All samples shall be handled in accordance with the instructions of the accredited laboratory carrying out the analytical testing.
  - (4) Processed soil to be sent off-site for beneficial reuse as described Section 5(1)3 in Ontario Regulation 406/19 shall only be sent off-site for reuse in accordance with Section 3 of Ontario Regulation 406/19 and the Soil Rules. All other processed soil shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.
  - (5) Rock that does not meet the definition of Inert Fill shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.

## **Signage and Security**

27. A sign shall be posted and maintained at the entrance to the Site in a manner that is clear and legible, and shall include the following information:
  1. the name of the Site and Owner;
  2. this Approval number;
  3. the name of the Operator;
  4. the hours of operation;
  5. the allowed materials that may be accepted at the Site, and any materials explicitly prohibited by conditions of this Approval;
  6. a telephone number to which complaints may be directed; and
  7. a twenty-four (24) hour emergency telephone number (if different from above).

28. The Site shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the Site. During non-operating hours, the Site shall be locked and secured against access by unauthorized persons.
29. The Owner shall ensure that appropriate and visible signs are installed and maintained at the Site to direct vehicles to the waste receiving areas and waste removal areas.

### **Operations Manual**

30. Prior to the first receipt of waste at the Site, the Owner shall prepare an Operations Manual for use by the Site personnel. As a minimum, the Operations Manual shall contain the following:
  - a. outline the responsibilities of Site personnel;
  - b. personnel training protocols;
  - c. waste receiving and screening procedures;
  - d. waste unloading, handling, and storage procedures;
  - e. process monitoring procedures;
  - f. sampling and testing procedures;
  - g. Site inspections, spill, fire, upset and leakage recording procedures under the ;
  - h. procedure for handling complaints as described in this Approval.
31. A copy of the Operations Manual shall be kept at the Site, must be accessible to personnel at all times and must be updated, as required.

### **Staff Training**

32. All operators of the Site shall be trained with respect to the following:
  - a. relevant air, noise, wastewater and waste management legislation, regulations and guidelines, including but not limited to the EPA and Reg. 347;
  - b. environmental and occupational health and safety concerns pertaining to the wastes to be handled at the Site;
  - c. the operation, inspection, and maintenance of the Site;
  - d. records keeping procedures;
  - e. emergency response plan in case of fire, spills, off-site impacts and any other emergency situations;
  - f. specific written procedures for the control of adverse effects from the Site;
  - g. specific written procedures for refusal of unacceptable incoming waste loads; and
  - h. terms, conditions and operating requirements of this Approval, relevant to the specific job requirements of each individual operator in accordance with the Operations Manual.
33. The training of the operators of the Site shall be undertaken:
  - a. upon commencing employment at the Site;
  - b. whenever the Operations Manual or training program are changed or during the planned three (3)-year refresher training.
34. The Owner shall ensure that Trained Personnel are available at all times during the hours of

operation of this Site, and that Trained Personnel supervise all management and handling of Liquid Soils, aggregate, processed soils and process water at the Site.

### **Site Inspection**

35. An inspection of the entire Site and all equipment on the Site shall be conducted each day the Site is in operation to ensure that: the Site is secure; that the operation of the Site is not causing any nuisances; that the operation of the Site is not causing any adverse effects on the environment; and that the Site is being operated in compliance with this Approval. Any deficiencies discovered as a result of the inspection shall be remedied immediately or as soon as practicable, which may require temporarily ceasing operations at the Site if needed.
36. A record of the inspections, including the following information, shall be kept in the daily log book:
  - a. the name and signature of person that conducted the inspection;
  - b. the date and time of the inspection;
  - c. a list of any deficiencies discovered;
  - d. any recommendations for remedial action; and
  - e. the date, time and description of actions taken.

### **Nuisances**

37. The Site shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance. The Owner shall implement nuisance control measures as required to address any nuisances.
38. The Owner shall visually inspect the vehicles delivering waste to and from the Site for evidence of leaking or dripping waste. The Owner of the vehicles that leak shall be given a written notice of the presence of the leak. The notice shall include the vehicle owner's name, the vehicle Environmental Compliance Approval number, the type of waste delivered to the Site and the date of the delivery. A copy of the notice shall be provided to the Ministry within one (1) week.
39. The Owner shall ensure that reasonable efforts are made to keep the access road used by vehicles to leave the Site, free of mud, dirt and waste.
40. The Owner shall ensure that there is no queuing or parking of vehicles that are waiting to enter the Site on any roadway that is not a distinct part of the Site.
41. The Owner shall prevent the escape of litter from the Site and pick up litter around the Site on a daily basis, or more frequently if necessary.

### **Complaint Response**

42. If at any time the Owner receives a complaint regarding an adverse effect (as defined in the EPA) due to operation of the Site, the Owner shall respond to the complaint according to the following

procedure:

- (1) The Owner shall record and number each complaint, either electronically or in a separate log book, along with the following information:
  1. the nature of the complaint;
  2. the name, address and telephone number of the complainant (if provided);
  3. the date and time the complaint was received;
  4. a description of the weather conditions at the time of the complaint;
  5. a description of the Liquid Soils, processed soils and process water handling activities taking place at the time of the complaint; and
  6. a description of the known or suspected activity causing the complaint.
  
- (2) The Owner shall:
  1. initiate appropriate steps to determine all possible causes of the complaint;
  2. proceed to take the necessary actions to eliminate the cause of the complaint;
  3. notify the District Manager of the complaint within 24 hours of receiving the complaint;
  4. forward a written response to the District Manager within 5 business days of receiving the complaint, with a copy to the complainant if they have identified themselves, that describes the actions taken to address the complaint; and
  5. forward daily updates to the District Manager, if requested, until the complaint is resolved.
  
- (3) The Owner shall complete and retain on-site a report written within 10 business days of the complaint date, including:
  1. the information required in conditions 42(1) and 42(2) above;
  2. a list of the actions taken to resolve the complaint; and
  3. recommendations for any remedial measures, managerial changes or operational changes that would reasonably avoid the recurrence of similar incidents in the future.

### **Emergency Response Plan**

43. The Owner shall prepare and provide copies of an emergency response plan to the Fire Department within 30 days of the issuance of this Approval, and shall inform the District Manager in writing within 10 days of receiving acceptance of the plan by the Fire Department.
44. The emergency response plan shall be kept up to date, and a copy shall be retained and accessible to all staff at all times.
45. The equipment, materials and personnel requirements outlined in the emergency response plan shall be immediately available on the Site at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.
46. Each staff member that operates the Site shall be fully trained in the use of the equipment they

are required to operate under the emergency response plan and in the procedures to be employed in the event of an emergency.

47. The Owner shall immediately take all measures necessary to contain and clean up any spill (as defined in the EPA) which may result from the operation of this Site and immediately implement the emergency response plan if required.
48. All Spills shall be immediately reported to the **Ministry's Spills Action Centre at 1-800-268-6060** and shall be recorded in the log book as to the nature and cause of the Spill, and the action taken for clean-up, correction and prevention of similar future occurrences.
49. Should a Spill occur at the Site, in addition to fulfilling the requirements from the EPA, the Owner shall submit to the District Manager a written report within three (3) calendar days outlining the nature of the Spill, remedial measure taken and the measures taken to prevent future occurrences at the Site.

### **Closure Plan**

50. A Closure Plan shall be submitted to the Director for approval, with a copy to the District Manager, no later than six (6) months before the planned closure date of the Site. The Closure Plan shall include, at a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.
51. When the Site is closed it shall be closed in accordance with the approved Closure Plan.
52. No more than 10 days after closure of the Site, the Owner shall notify the District Manager in writing that the Site is closed and shall confirm that the approved Closure Plan has been implemented.

### **Daily Log Book**

53. A daily log shall be maintained at the Site, either electronically or in written format, and shall include the following information as a minimum:
  1. the date;
  2. quantities and sources of all waste received at the Site;
  3. estimated quantities of all waste and recovered materials on-site at the end of the operating day;
  4. quantities and destinations of all waste and recovered materials shipped from the Site;
  5. a record of all sampling and analysis carried out further to the conditions of this Approval; and
  6. a record of any refusals, including the types and amounts of waste refused, reasons for refusal and actions taken.
54. The Owner shall maintain an on-Site written or digital record of the emergency situations. The record shall include, as a minimum, the following:
  1. the type of an emergency situation;

2. description of how the emergency situation was handled;
  3. the type and amount of material spilled, if applicable;
  4. a description of how the material was cleaned up and stored, if generated; and
  5. the location and time of final disposal, if applicable.
55. The Owner shall maintain an on-Site written or digital record of inspections as required by this Approval. The record shall include, as a minimum, the following:
- i. the name and signature of person that conducted the inspection;
  - ii. the date and time of the inspection;
  - iii. the list of any deficiencies discovered;
  - iv. the recommendations for remedial action; and
  - v. the date, time and description of actions taken.
56. The Owner shall maintain an on-Site written or digital record of training as required by this Approval. The record shall include, as a minimum, the following:
- i. date of training;
  - ii. name and signature of person who has been trained; and
  - iii. description of the training provided.
57. The Owner shall establish and maintain a written or digital record of complaints received and the responses made as required by this Approval.

## **Reporting**

58. By March 31, 2023, and on an annual basis thereafter, the Owner shall prepare a written report for the previous calendar year that shall be kept on-site and made available to any Provincial Officer upon request. The report shall include, at a minimum, the following information:
1. a detailed monthly summary of the type and quantity of all incoming and outgoing Liquid Soils, processed soils, process water, rock and debris and the destination of all outgoing Liquid Soils, processed soils, process water, rock and debris along with a summary of all sampling and analysis for outgoing materials;
  2. any environmental and operational problems, that could negatively impact the natural environment (as defined in the EPA), encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
  3. any changes to the emergency response plan or the Design and Operations Report since the last Annual Report;
  4. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
  5. a summary of any complaints received and the responses made;
  6. a summary of all inspections and maintenance carried out at the Site;
  7. a written statement that the Site was in compliance with the Approval; and
  8. any other information the District Manager requires from time to time.

## **Other Approvals**

59. Prior to the receipt of waste at the Site, the Owner shall obtain an approval under Section 53 of the OWRA for the management of stormwater at the Site.

### **Process Water Monitoring**

60. The Owner shall sample and test the process water in the two (2) steel storage tanks in accordance with the following protocol:
- (1) Sampling Frequency:
    - (a) The Owner shall collect one (1) composite sample consisting of sub-samples from each storage tank every two (2) weeks; and
    - (b) immediately whenever the dewatered soil is found unacceptable for reuse under condition 26(4). This sample can be used to satisfy the the biweekly sampling required under paragraph (a);
  - (2) Sampling Procedures:
    - (a) The samples shall be collected in accordance with sampling procedures set out in the Ministry's document entitled "Guidance on Sampling and Analytical Methods for Use at Contaminated Sites in Ontario", revised December 1997, and as amended; and
    - (b) Samples shall be handled in accordance with the instructions of the accredited laboratory carrying out the analytical testing.
  - (3) Testing:

The analysis shall be undertaken in compliance with the "Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act", dated July 1, 2011, as amended, at an accredited laboratory and in accordance with the industry standards.
61. The Owner shall ensure that the samples required by condition 60 are tested for the following parameters:
- (a) Metals;
  - (b) PHCs;
  - (c) PAHs;
  - (d) VOCs;
  - (e) Inorganics, including chloride and sodium;
  - (f) acid/base/neutral compounds (ABNs) and
  - (g) Any other contaminants based on the source site uses and history.
62. Depsite condition 25(9), any process water that exceeds the groundwater site condition standards provided in "Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition" of the Ministry document entitled "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act", dated April 15, 2011 must be:
- (i) tracked by the Owner to confirm the total associated volume of impacted water in the process and/or incoming/outgoing trucks; and
  - (ii) the total volume of impacted process water identified under paragraph (i) shall be



immediately removed from the Site and disposed of in accordance with the EPA, OWRA, and Regulation 347.

63. After six (6) months of sampling in accordance with condition 60, the Owner may:
  - (a) discontinue the sampling required under condition 60 if all of the sampling results were confirmed to be less than the standards provided in condition 62; or
  - (b) apply for an amendment to this Approval to obtain a reduced sampling frequency or limit, including the supporting rationale and a copy of all sampling results.

## Schedule "A"

### **This Schedule forms a part of this Approval:**

1. Environmental Compliance Approval application dated November 26, 2021 signed by Philip Gaggi, Manager, including all supporting documentation.
2. Emails dated August 10, 2022, September 7, 2022, September 12, 2022, October 13, 2022, and October 27, 2022 from John Smith, EXP Services Inc., to Nick Zambito, P.Eng., MECP, including all attachments, with additional information on operations at the Site.
3. Design and Operations Report dated September 2021 and Revised August 2022, prepared by EXP Services Inc., including all appendices.

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

1. The reason for the definitions section is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.
2. The reason for Conditions 1, 2, 4, 5, 6, 7, 8, 9, 10 and 13 is to clarify the legal rights and responsibilities of the Owner and Operator.
3. The reason for Condition 3 is to ensure that the Site is operated 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.
4. The reasons for Condition 11 are 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.
5. The reasons for Condition 12 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.
6. The reason for Conditions 14, 15, 16 and 17 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.
7. The reason for Conditions 18 and 19 are 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, OWRA and PA.
8. The reason for Condition 19 is to specify the hours of operation for the Site.

9. The reason for Condition 20 is to specify the approved service area from which waste may be accepted at the Site.
10. The reasons for Conditions 21, 22, 23 and 24 are to specify the types of materials that may be accepted at the Site, the maximum amounts of waste that may be stored at the Site, the maximum rate at which the Site may receive and ship waste and the allowable methods of processing based on the Owner's application and supporting documentation.
11. The reason for Condition 25 is to ensure that all wastes received at the Site are properly identified and classified to ensure they are managed in a manner that protects the health and safety of people and the environment.
12. The reasons for Condition 26 is to ensure that all processed material is testing and to ensure that any processed material is only sent off-site for reuse to an appropriate receiving facility.
13. The reason for Conditions 27 and 29 are to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Approval.
14. The reason for Condition 28 is to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.
15. The reason for Conditions 30, 31, 37, 38, 39, 40, 41, 60, 61, 62 and 63 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 people and the environment.
16. The reason for Conditions 32, 33 and 34 is to ensure that the Site is operated by properly Trained staff in a manner which does not result in a hazard or nuisance to people or the environment.
17. The reason for Conditions 35 and 36 is to ensure that inspections of all Site grounds and infrastructure are carried out on a regular basis, and that detailed records of Site inspections are recorded and maintained for compliance and information purposes.
18. The reason for Condition 42 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
19. The reasons for Conditions 43 to 49 is to ensure that an Emergency Response Plan and a Fire Safety Plan are developed and maintained at the Site, and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.
20. The reason for Conditions 50, 51 and 52 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.
21. The reason for Conditions 53 to 57 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to

determine compliance with this Approval, the EPA and its regulations.

22. The reason for Condition 58 is to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.
23. The reason for Condition 59 is to ensure that the Site is operated in accordance with an approval issued under Section 9 of the EPA so that air and noise emissions from the Site do not result in a nuisance or a hazard to the public or the environment.

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](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 31st day of October, 2022



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Mohsen Keyvani, P.Eng.

Director

appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

NZ/

c: District Manager, MECP York-Durham  
Ron Taylor, exp Services Inc.