

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9443-7RYJ7W  
Issue Date: January 5, 2023

ACES Waste Management (Muskoka) Ltd.  
1244 Rosewarne Dr  
Bracebridge, Ontario  
P1L 0A1

Site Location: Danny Andrews & Co. [Aces Waste Management (Muskoka) Limited]  
1232 and 1244 Rosewarne Drive  
Bracebridge Town, District Municipality of Muskoka, Ontario  
P1L 0H7

*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:*

the establishment and operation of a 7.89 ha (residential portion included) hectares Waste Disposal Site (Processing and Transfer) to be used for the receipt, processing, temporary storage and transfer of solid non-hazardous waste from residential, commercial, industrial, institution and construction sites generated within the Province of Ontario.

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

"Approval or Environmental Compliance Approval (ECA)" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

"C & D 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;

"Dry Soil" is as defined in O. Regulation 406/19 and within the context of this Approval also means

a waste which contains Contaminants of Concern and/or does not contain more than insignificant amounts of incidental debris or other non-hazardous waste, handling of which is subject to the Environmental Compliance Approval requirements under the EPA;

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

"Excess Soil Criteria" means the Excess Soil Quality 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;

"Excess Soil" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming Dry Soil and Dry Soil/Rock mixture accepted at the Site to be managed in accordance with this Approval and the Processed Soil transferred from the Site in compliance with the requirements set out in O. Regulation 406/19;

"Ministry" or "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;

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

"Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes Danny Andrews & Co. [Aces Waste Management (Muskoka) Limited], its successors and assigns;

"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;

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

"Processed Soil" means the Dry Soil processed at the Site, where processing is limited to screening and sorting for the purpose of removing debris from the incoming Dry Soil and bulking, mixing or blending of Similar Soils and the mixing is not carried out for the purpose of diluting the concentration of contaminants in the soil;

"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, Section 5 of the EPA, Section 17 of the PA, Section 4 of the NMA, or Section 8 of the SDWA;

"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;

"Rejected Waste" means the incoming load inadvertently received at the Site and deemed by the Owner to be a waste that does not meet the incoming waste quality criteria set out in this Approval or that cannot be processed in accordance with this Approval;

"Residual Waste" means waste remaining after processing at the Site and that is destined for final disposal or further processing at another approved waste disposal site;

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

"Site" means the processing facility permitted under this Approval located at 1232 and 1244 Rosewarne Drive, Bracebridge, District of Muskoka, Ontario;

"Slump Test" means the Test Method for the Determination of Liquid Waste set out in Schedule 9 of Regulation 347;

"Soil Rules" have the same meaning as in O. Regulation 406/19 and 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";

"TCLP" means the Toxicity Characteristic Leaching Procedure set out in Regulation 347; and

"Trained Personnel" means 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

### 1.0 GENERAL

#### Compliance

- 1.1 The Owner 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.
- 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 application for this Approval, dated February 9, 2007, and the supporting documentation listed in Schedule "A".
  - (a) Construction and installation aspects of the Site described in the most recent application for this Approval must be completed and must commenced operations within 5 years of the later of:
    - i. the date of this Approval; or
    - ii. if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.
  - (b) This Approval ceases to apply in respect of the aspects of the Site noted above that have not been constructed or installed or commenced operations before the later of the dates identified in Condition 1.3(a).

#### 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
  - 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.

### **Adverse Effect**

- 1.9 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.
- 1.10 Despite an Owner, 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 to the natural environment or impairment of water quality.

### **Change of Owner**

- 1.11 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 changes in the following information:
- a. the ownership of the Site;
  - b. the appointment of, or a change in, the Operator of the Site;
  - c. the address of the Owner; and
  - 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.
- 1.12 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.

1.13 In the event of any change in ownership of the works, 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.

### **Ministry Inspections**

- 1.14 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the Act, or the PA, or the NMA or the SDWA 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 Act, the OWRA or the PA or the NMA or the SDWA.

### **Information and Record Retention**

- 1.15 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.
- 1.16 All records referred to in this Approval shall be retained on Site for a minimum of two (2) years.
- 1.17 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; and
  - b. acceptance by the Ministry of the information's completeness or accuracy.
- 1.18 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.

1.19 With three months of the completion of the construction of the proposed buildings, the final “As-built” drawings for the proposed buildings and facility expansion, including specifications, shall be provided to the District Manger and shall be retained on site and made available to Ministry staff for inspection. Any design optimization or modification that is inconsistent with the conceptual design included in Item 6 of Schedule “A” shall be clearly identified, along with an explanation of the reasons for the change.

## **2. SITE OPERATIONS**

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

2.1 a. This Site is approved to receive non-hazardous waste material, for recycling, from residential, industrial, commercial, institutional and construction sites:

- wood products
- asphalt shingles
- drywall
- metals (aluminum, ferrous metals, copper)
- plastics
- C & D waste
- excess soil for re-use
- source separated organics and
- blue box recyclable materials

b. This Site is approved to receive wastes listed in Condition 2.1(a) from sources located in the Province of Ontario.

2.2 The site can accept and ship the processed/residual waste from Monday to Saturday between the hours of 5:00 a.m and 7:00 p.m. The hours of operations (receiving and shipping waste) can change, subject to a prior notification to the District Manager.

2.3 The processing of waste can occur from Monday to Sunday for 24 hours a day.

### **Site Operations**

2.4 a. The Owner shall ensure that all incoming waste is visually inspected and reconciled with incoming documentation (where applicable) by Trained Personnel to ensure that only approved waste is received at this Site.

b. Waste not approved for receipt at this Site shall be refused and either returned to the generator or re-directed to an appropriate facility.

2.5 The Owner shall ensure that the maximum amount of waste received at the Site per day shall not exceed 3,000 tonnes per day.

- 2.6 The Owner shall ensure that the maximum amount of waste stored indoors at the Site (processed and unprocessed), does not exceed 3,000 tonnes at any one time.
- 2.7 The Owner shall ensure that the maximum amount of waste stored outdoors at the Site does not exceed 3,000 tonnes of recyclable waste materials, consisting of wood waste, drywall, asphalt shingles, metals and Excess soil for Re-Use, at any one time, in designated areas shown on Figure 2 of Item 6 of Schedule A.
- 2.8 The Owner shall maintain a plan identifying the location of each storage area and/or processing equipment and the waste it contains. The Owner shall ensure the plan is a true reflection of the materials stored on-Site and make the plan available for inspection upon request by emergency response personnel and/or Provincial Officers.
- 2.9 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 Conditions 2.5 and 2.6;
  - 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 condition 2.9 (b).
- 2.10 Notwithstanding Condition 2.5, the maximum daily amount of waste received at the Site shall be limited to an average of 150 tonnes at any given time, based on monthly average, until section 53 of the OWRA has been obtained for the collection, management of the surface water run-off and operations of the stormwater management pond.

### **Inspection of Incoming Excess Soils**

- 2.11 The Owner shall ensure that all incoming waste is visually inspected to ensure it is consistent with the Site Approval.
- 2.12 Incoming Excess soils shall be visually inspected at the time of unloading for sheen or olfactory odour to ensure the incoming Excess Soil is not potentially impacted with petroleum hydrocarbons or other organic chemicals.
- 2.13 In the event that incoming waste is an unapproved waste type, the Owner/Operator shall refuse receipt of the waste and re-direct the hauler to a facility approved to receive the waste type.
- 2.14 If refusal of incoming unapproved waste type is not feasible, or if the unapproved waste type is not discovered until after receipt at the Site, the Owner/Operator shall segregate the waste and stored it indoor (inside the building) to prevents contact with precipitation, stormwater runoff, generation of dust or other hazards and nuisances, and the rejected waste shall be removed the from the Site 90 days of its receipt.
- 2.15 The processed Excess Soils shall not be stored within 10 m of the fence line.



## **Control of Discharges to the Atmosphere - Air & Noise**

2.16 Within six months of the date of issuance of this Approval, the Owner shall apply (application with all required supporting documents) and seek air and noise approval under section 9 of the EPA.

## **Surface Water Control**

2.17 The Owner shall store leachate generated during indoor waste processing in an underground storage tank having capacity of 1000 gallons and the content of the underground storage tank shall be pumped out on an as needed basis for off-site treatment and disposal.

2.18 Surface water run-off from the storage of recovered stockpiled recycling materials including processed dry soil shall be collected and directed to an on-site stormwater management pond, and shall not be directly discharged off-Site.

## **Limited Operational Flexibility – Design, Operation and Management**

2.19 The Owner may make modifications to the Site and the Design and Operations Report in accordance with the terms of this condition and the pre-approved limits of the operating envelope as described in the Design and Operations Report which is included as Item 6 of Schedule “A”.

2.20 For greater certainty, the following modifications to the Site are permitted as part of the operating envelope:

- a. the ability to make modifications to the Site’s infrastructure including but not limited to:
  - (i) changes in the Site configuration such as relocation of scales, driveway, office building or outdoor storage areas, modification of lighting or signage, altering stormwater drainage patterns, rearranging parking areas, etc.
- b. the ability to make modifications to the Site’s processing operations and equipment including but not limited to:
  - (i) installation of equipment such as balers, conveyors, separation equipment, grinders, etc. to mechanize the waste processing activities;
  - (ii) installation of a rail siding to allow waste receipt and transfer via rail;
  - (iii) addition of a public drop off area; and
  - (iv) the repurposing or expansion of the waste tipping floor(s) so long as such changes conform to municipal zoning by-law and site plan agreement requirements.

2.21 For greater certainty, the following are not permitted as part of the operating envelope:

- a. extending the Site onto adjacent lands;
- b. changing the function of the approved operations of the Site from a waste disposal site used for the sorting and transfer of solid municipal waste;

- c. accepting any additional waste types not already included in Condition 2.1;
- d. increasing the amount of waste received at this Site;
- e. changes to the Site not identified in the Design and Operations Report;
- f. changes to the Site or the use of the Site that are in contravention of municipal zoning by-laws; or
- g. changes to the Site that have requirements under the Environmental Assessment Act.

2.22 The Owner shall provide a written notification to the District Manager and Director at least fifteen (15) days prior to making modifications to the Site in accordance with Condition 2.20. At a minimum the notification shall include the following:

- a. a description of the change to the operations of the Site including an assessment of the anticipated environmental effects of the modifications;
- b. where the modifications involve increase the amount of waste stored on Site, a revised waste storage calculation and a financial assurance re-evaluation;
- c. updated versions of, or amendments to, all relevant technical documents required by this Approval that are affected by the modification including but not necessarily limited to an updated Site Plan drawing, Design and Operations Report and the spill prevention, control & countermeasures plan including a document control record that tracks all changes that were made to the documents; and
- d. a statement signed by the Owner and an Independent Professional Engineer declaring that the modifications made to the Site are done so in accordance with the operating envelope, are consistent with industry's best management practices and are not likely to result in an adverse effect.

2.23 Notwithstanding Condition 2.22, if the modifications made to the Site require an amendment to the Site's fire safety plan, the Owner shall obtain the authorization of the local fire services authority prior to instituting the modifications. Confirmation of the local fire services' approval for the proposed modifications must be forwarded to the District Manager.

2.24 Within 6 months of the issuance of this Approval, the Owner shall submit a Traffic Impact Study, as required by the Ministry of Transportation of Ontario (MTO), to Operations Division, Northeast Region, MTO, for review and seek appropriate traffic permits as required under the Public Transportation and Highway Improvement Act, R.S.O. 1990, as amended.

#### **Existing Wood Waste at 1232 Rosewarne Drive**

2.25 Within 60 days of the issuance of this Approval, the wood waste that currently present at 1232 Rosewarne Drive, Bracebridge, ON, shall be removed in accordance with the Regulation 347 requirements or the Owner shall submit a waste ECA amendment application for seeking approval for the processing, storing and/or transferring of the processed wood waste that exist on the 1232 Rosewarne Drive, Bracebridge, ON. Within 2 weeks of the completion of the wood waste removal operations or submission of the waste ECA amendment application, the District Manager shall be notified.

### **3. DOCUMENTATION**

#### **Documentation for Incoming Dry Soil**

- 3.1 Prior to accepting any Dry Soil at the Site, the Owner shall acquire from the source site owner/generator, the documentation that contains information on the source site and the characterization information of the incoming Dry Soil, unless the Dry Soil is received in accordance with the following sub-conditions:
- a. provided that the Dry Soil is a solid non-hazardous waste, any Dry Soil received at the Site with incomplete Dry Soil characterization documentation or without the required Dry Soil characterization documentation, shall remain segregated from all other Dry Soils, wastes and materials and be covered, until complete documentation promptly provided by the source site owner/generator, received by the Owner and deemed acceptable by Trained Personnel or the Dry Soil is characterized at the Site in accordance with this Approval;
  - b. Regardless whether the Excess Soil is characterized by the source site owner/generator or the Owner, the documentation required in Condition 3.1(a) shall include the following source site information:
    - i. the generator's name and/or company name, address and contact information;
    - ii. the source site location;
    - iii. current source site's activities and land use;
    - iv. past source site's activities and land use, if known; and
    - v. estimated quantity of the Excess Soil to be received at the Site.
- 3.2 The documentation required in Condition 3.1 shall be for the Excess Soil from each source site.

#### **Characterization Documentation**

- 3.3 All applicable analytical results shall be from a laboratory service provider accredited by a Canadian Association for Laboratory Accreditation or equivalent.

#### **Incoming Dry Soil - Transfer to a Reuse Site**

- 3.4 The documentation required in Condition 3.1 for the incoming Dry Soil for transfer and destined for a Reuse Site, shall include sampling and testing protocols and characterization results done in accordance with the requirements in O. Regulation 406/19 and the Soil Rules.

#### **Incoming Dry Soil - Transfer to a Waste Disposal Site**

- 3.5 The documentation required in Condition 3.1(b) for the incoming Dry Soil destined for transfer to an approved non-hazardous waste disposal site, shall also include sampling and testing protocols, methods and analytical results to demonstrate that the Dry Soil is a solid non-hazardous waste. As a minimum, the characterization documentation shall include the following information:
- a. results of any Phase I ESA and Phase II ESA undertaken for the source site in accordance with the Ministry's requirements under O. Regulation 153/04; or
  - b. the following characterization results:
    - i. slump from the Slump Test, if the Excess Soil has a high moisture content; and
    - ii. characterization to demonstrate that the Dry Soil is a non-hazardous waste which was done in accordance with the following:
      - sampling and testing results to demonstrate that the Dry Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis results, from samples,
      - collected in accordance with the procedures set out in the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Regulation 347", as amended; and
      - tested for Contaminants of Concern determined from the information contained in the general documentation required in Condition 2.16(b) and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider.
  - c. sampling and testing results to demonstrate that the Dry Soil is suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site Environmental Compliance Approval or sampling and testing results to demonstrate that the Dry Soil is suitable for acceptance at the receiving waste disposal site, as instructed by the owner of the waste disposal site.

### **Unacceptable/Rejected Waste**

- 3.6 Any Dry Soil characterized at the Site that is found to be unacceptable for processing but is acceptable for receipt and transfer, shall be transferred from the Site in accordance with the requirements of this Approval.
- 3.7 Waste shall be deemed to be a Rejected Waste if,
- a. waste not approved under this Approval is inadvertently accepted at the Site; or
  - b. any Dry Soil characterized at the Site that is found to be unacceptable for receipt at the Site.
- 3.8 All Rejected Waste shall be stored indoors to ensure isolation from other wastes and

processing materials and from the natural environment.

- 3.9 The Rejected Waste shall be removed from the Site within (3) business days of its receipt or receipt of the laboratory report from the analysis of the Excess Soil deemed as the Rejected Waste, as applicable, or as acceptable to the District Manager.
- 3.10 In the event that the Rejected Waste is inadvertently accepted at the Site, the Owner shall keep a record in accordance with the requirements set out in Condition 12.5, below, and notify the District Manager.
- 3.11 The Owner shall ensure that all Rejected Waste at the Site is managed and disposed of in accordance with the EPA and Regulation 347.

#### **4. STORAGE AND TRANSFER**

##### **Storage Facility**

- 4.1 All storage of the Dry Soil, the Rejected Waste, the Residual Waste, and the Processed Soil, shall be carried out within the designated areas of the Site as set out in supporting documentation included in Item "6" of Schedule "A" and as required below:
  - a. Dry Soil storage stockpiles shall be contained within the dedicated areas referred to as Processing and Storage shown on the "Site Plan, Figure 2" attached as Item 6 of Schedule "A"; and
  - b. Notwithstanding provisions of Condition 3.1, the Owner shall ensure that Dry Soils are kept segregated from all other waste and Dry Soils from different source sites until the testing at the Site is completed and the Dry Soil is ready for transfer to an indoor processing area or off-site for Re-use or disposal.

##### **Transfer of Dry Soil**

- 4.2 The Dry Soil transfer encompasses the following waste management activities:
  - a. weighing all incoming and outgoing truck loads and recording the results;
  - b. receipt;
  - c. temporary storage;
  - d. screening, as required;
  - e. mixing with similar soils; and
  - g. transfer of the Dry Soil intended for transfer to a Reuse Site or a waste disposal site.
- 4.3 The maximum storage duration of the Dry Soil destined for transfer from the Site shall not exceed ninety (90) days from its receipt.
- 4.4 Processed Dry Soil intended for transfer to re-use sites shall be segregated within the concrete base covered storage area and is equipped with a run-off collection sump.

- 4.5 The Dry Soil intended for transfer to a waste disposal site shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.
- 4.6 Transfer of the Dry Soil to a Reuse Site shall be done in accordance with this Approval and O. Regulation 406/19.

## **5. REQUIREMENT TO CHARACTERIZE AT THE SITE**

- 5.1 The Owner shall maintain a Quality Assurance/Quality Control (QA/QC) program for sampling and analysis of the Excess Soil, as required by this Approval, and shall make the results of the QA/QC program, including all analyses carried out by an accredited laboratory service provider, available for inspection upon request by the District Manager, the Director and any Provincial Officer.

### **Characterization of Excess Soil**

- 5.2 Unless the incoming Excess Soil has been already adequately characterized at the source site or at the spill site as required by this Approval, the Owner shall sample and characterize the incoming Excess Soil at the Site in accordance with this Approval.
- 5.3 The Owner shall sample and characterize the outgoing Excess Soil, including the Processed Soil at the Site, in accordance with the requirements of O. Regulation 406/19 and the Soil Rules.
- 5.4 Notwithstanding provisions of Conditions 5.2 and 5.3, the Owner also shall comply with the general requirements set out in Conditions 5.5 and 5.6.

### **General Requirements for Characterization**

- 5.5 The Site shall meet the general characterization requirements:
- a. Unless the incoming Dry Soil has been already adequately characterized at the source site as required by this Approval, the Owner shall upon receipt at the Site characterize the Dry Soil to determine its nature, constituents and characteristics and carry out sampling of the incoming Dry Soil, within 24 to 72 hours from its receipt.
  - b. For the Processed Soil, sampling shall be carried out within twenty four (24) hours from completion of processing or on the next business day, whichever comes first.
  - c. Discrete Samples shall be taken when analysing for:
    - i. metals, including barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, silver, thallium, uranium, vanadium, zinc, antimony,

- arsenic and selenium;
  - ii. petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34) and F4 (>C34);
  - iii. Volatile Organic Compounds (VOC) including Benzene, Toluene, Ethyl Benzene and Xylene;
  - iv. Semi-volatile Organic Compounds (SVOC); and
  - v. polycyclic aromatic hydrocarbons / acid/base/neutral compounds (PAHs/ABNs).
- d. For sampling of the Dry Soil, or the Processed Soil, the Owner shall use sampling procedures, including methods, equipment and techniques, for collection of representative samples and for handling of the samples as set out in the Section B of Part I of the Soil Rules or as recommended by the accredited laboratory service provider carrying out the analytical testing.

### **Analytical methods**

5.6 For testing of the Dry Soil or the Processed Soil, the Owner shall:

- a. for determining bulk concentrations of contaminants, use the analytical methods as set out in the Ministry's document entitled "Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act" dated March 9, 2004, amended July 1, 2011, and as further amended at any time or in Section B of Part I of the Soil Rules;
- b. for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, sample the Dry Soil or the Liquid Soil in accordance with the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Reg. 347", as amended;
- c. for determination if Waste is a solid or a liquid, use the Slump Test;
- d. to demonstrate that the Dry Soil do not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis, use the Ministry-published methods and if unavailable, use methods recommended by the accredited laboratory service provider; and
- e. submit samples to an accredited laboratory service provider no later as instructed, for the required analysis.

### **Testing of Waste to be Transferred to Waste Disposal Site**

5.7 The testing requirements of Condition 5.5 shall apply to the incoming excess soils destined for transfer to an approved non-hazardous waste disposal site, as applicable, in accordance with the requirements of the receiving approved waste disposal site;

### **Testing of Processed Soil**

5.8 The requirements of Condition 5.9 apply to the Processed Soil from a single source site processed at the Site separately.

5.9 Prior to its shipment from the Site to a Re-use Site, the Owner shall characterize the Processed Soil in accordance with the following:

- a. sampling frequency shall be as set out in the Section B of Part I of the Soil Rules;
- b. sampling of the Processed Soil for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, shall be in accordance with the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Regulation 347", as amended or in accordance with Condition 5.9(a), whichever generates more samples;
- c. sampling methods used and procedures for handling of the samples shall be in accordance with the requirements set out in the Section B of Part I of the Soil Rules and in accordance with the instructions of the accredited laboratory service provider carrying out the analytical testing;
- d. slump shall be determined to confirm that the Processed Soil is a solid;
- e. applicable criteria from the hazardous waste definition from Regulation 347, including leachate concentrations for the Contaminants of Concern listed in Schedule 4 of Regulation 347, shall be determined from the information contained in the general documentation required in Condition 3.1(b) and tested for bulk concentrations of the following shall be determined:
  - i. petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);
  - ii. heavy metals;
  - iii. Benzene, Toluene, Ethyl Benzene and Xylene; and
  - iv. other applicable potential Contaminants of Concern listed in Section B of Part I of the Soil Rules, including any other VOCs and SVOCs or inorganics, determined from the information contained in the general documentation required in Condition 3.1(b) and tested for potential contaminants of concerns.
- f. analytical methods listed in Condition 5.5 shall be used.

## **6.0 TESTED SOIL QUALITY CRITERIA FOR RE-USE AND SOIL DISPOSAL REQUIREMENTS**

### **Tested Soil Quality Criteria**

- 6.1 The Tested Soil shall meet the applicable Excess Soil Criteria for the Reuse Site.
- 6.2 The Tested Soil destined for a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction, shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the waste disposal site or the other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.



### **Dry Soil as Excess Soil Destined for a Reuse Site**

- 6.3 The Tested Soil may leave the Site as Excess Soil to a Reuse Site only if tested in accordance with the requirements set out in O. Regulation 406/19 and the Soil Rules to show compliance with the Excess Soil Criteria.

### **Dry Soil Destined to a Waste Disposal Site**

- 6.4 The Tested Soil may be transferred to a waste disposal site subject to compliance with the applicable quality criteria and restrictions in O. Regulation 406/19.

### **Disposal of Non-Reusable Soil-like Waste**

- 6.5 Except for the Processed Soil intended for deposition at a Reuse Site, the Owner shall ensure that,

- a. all Rock that does not meet the definition of an Inert Fill;
- b. all Excess Soil that contains more Rock than allowed in Excess Soil and which does not meet the definition of an Inert Fill;
- c. all Excess Soil that contains more than an insignificant amount of incidental construction and/or demolition waste or other non-hazardous waste debris; and
- d. all Excess Soil that contains foundry sands, slag, emission control dusts or treatment residues;

are only transferred to:

- i. a waste disposal site approved to accept that type of waste to be further processed, used or disposed of in accordance with the Environmental Compliance Approval for that site; or
- ii. a location not required to obtain an Environmental Compliance Approval but having an appropriate jurisdictional approval or a license, if required.

### **Processed Soil Removal**

- 6.6 The Owner shall ensure that processed excess 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.

6.7 Prior to transferring processed soils in accordance with Condition 6.6, 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;
- 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.

6.8 The Qualified Person shall certify that the confirmation required in Conditions 6.7 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.

## **7. SIGNAGE AND SECURITY**

7.1 The Owner shall secure the Site and shall ensure that all storage facilities, processing facilities and loading/unloading facilities are kept secure and access is restricted only to authorized personnel.

7.2 The Owner shall post a sign at the main entrance/exit to the Site displaying, in a manner that is clear and legible, the following information:

- a. the name of the Site and Owner
- b. the number of this Approval
- c. the normal hours of operation
- d. the allowable and prohibited waste types
- e. a twenty-four (24) hour emergency telephone number which can be used to contact the Owner in the event of an emergency or complaint.

## **8. SITE INSPECTION AND MAINTENANCE**

### **Site Inspections**

8.1 The Owner/Operator shall have in place an inspection program that ensures that the Site is secure, that no off-site impacts such as vermin, vectors, odours, dust, litter, noise or traffic result from the operation of the facility, and that emergency equipment is available and in good working order. The inspection program shall consist of the following at a minimum:

- a. a list of all equipment and areas of the Site that require inspection;
- b. a schedule that details the frequency of the inspections; and
- c. checklists and procedures for carrying out the inspections.

8.2 The Owner/Operator shall ensure that all equipment and facilities are inspected by trained personnel in accordance with the inspection program required under Condition 8.1. At a minimum, a visual inspection shall be conducted on each operating day of the following areas:

- a. loading/unloading area(s);
- b. processing area(s);
- c. storage area(s);
- d. security fences and gates; and
- e. stormwater catchbasins.

Any deficiencies detected during these regular inspections must be promptly corrected.

### **Preventative Maintenance**

- 8.3 The Owner/Operator shall have in place a maintenance program that ensures that all equipment and facilities at the Site are maintained in good working order at all times. The maintenance program shall consist of the following at a minimum:
- a. a list of all equipment that requires maintenance;
  - b. a schedule that details the type and frequency of maintenance required, in accordance with manufacturer's recommendations; and
  - c. checklists and procedures for conducting maintenance activities.
- 8.4 The Owner/Operator shall ensure that all equipment is maintained in accordance with the preventative maintenance program required by Condition 8.3.

## **9. SPILLS AND EMERGENCY RESPONSE AND REPORTING**

### **Spill Reporting**

- 9.1 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spills Action Centre at 416-325-3000 or 1-800-268-6060.

### **Spills and Emergency Response**

- 9.2 The Owner/Operator shall promptly take all necessary steps to contain and clean up any spills which result from the operation of the Site.
- 9.3 a. The Owner/Operator shall have in place an emergency response plan. The plan shall include, at a minimum:
- i. a list of emergency equipment available on Site;
  - ii. a site plan showing all storage areas and the type of waste (or product) stored in each area;
  - iii. a notification protocol with the names and telephone numbers of persons to be contacted in the event of an emergency including Municipal personnel, the Ministry's Spills Action Centre and District Office, local fire department and contractors specialized in spill/emergency response;
  - iv. procedures to follow in the event of a fire, spill, medical or other emergency.
- b. A copy of the emergency response plan shall be kept in a central location available to Site employees at all times. A copy shall also be kept at the main entrance accessible to Emergency and Fire Services.
- c. The Owner/Operator shall ensure that the equipment outlined in the emergency response plan is in a state of good repair, fully operational and immediately available at all times.

## **Contingency Plan**

9.4 The Owner/Operator shall have in place a contingency plan which specifies, at a minimum, the procedures to be followed in the event of a labour disruption, transportation disruption, inability of receiving sites to accept processed wastes, power outage or other business disruption to the operation.

## **Fire Safety Plan**

9.5 In addition to the requirements under Condition 9.3, no later than three (3) months from the date of issuance of this Approval, the Owner shall prepare and submit a Fire Safety Plan to the local fire service authority. In addition to any other information required by the local fire service authority, this Fire Safety Plan shall include a plan to deal with contaminated water generated as the result of fire suppression.

9.6 No later than ten (10) days after receiving written concurrence/approval for the Fire Safety Plan from the local fire service authority, the Owner shall submit a copy to the District Manager.

## **10. TRAINING**

10.1 All operators of the Site shall be trained with respect to the following as per the specific job requirements of each individual operator:

- a. relevant air, noise, wastewater and waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the wastes to be handled at the Site;
- c. occupational health and safety concerns pertaining to the processes and wastes to be handled at the Site;
- d. management procedures including the use and operation of equipment for the processes and wastes to be handled at the Site;
- e. dust management procedures in accordance with the Best Management Practices Plan for the Site;
- f. odour management procedures;
- g. records keeping procedures;
- h. contingency plan and emergency response procedures;
- i. specific written procedures for the control of adverse effects from the Site;
- j. specific written procedures for refusal of unacceptable incoming Waste loads; and
- k. the requirements of this Approval.

10.2 The training of the operators of the Site shall also include the procedures contained in the Operations Manual.

10.3 The training of the operators of the Site shall be undertaken:

- a. upon commencing employment at the Site in a particular position;
- b. whenever procedures are updated or during the planned three (3)-year refresher training.

## **11. COMPLAINTS**

11.1 If at any time the Owner/Operator receives complaints regarding the operation of the Site, the Owner/Operator shall respond to these complaints according to the following procedure:

- a. the Owner/Operator shall record each complaint on a formal complaint form entered in a sequentially numbered log book. The information recorded shall include:
  - i. the nature of the complaint;
  - ii. the name, address and telephone number of the complainant (if provided);
  - iii. weather conditions and wind direction;
  - iv. the operations that were occurring during the time period that generated the complaint; and
  - v. the time and date of the complaint.
- b. the Owner/Operator, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint and 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/Operator shall notify the District Office, in writing, within two (2) business days of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the reoccurrence of similar incidents.

## **12. RECORD KEEPING**

### **Record Retention**

12.1 All records required by the conditions of this Approval shall be kept at the Site for a minimum period of two (2) years from the date of their creation.

### **Design and Operations Report**

- 12.2
- a. The Owner shall maintain an up-to-date Design and Operations Report for the facility. The report shall be reviewed annually and amended as required to reflect actual operating conditions.
  - b. Changes made to the Design and Operations Report, that do not require an amendment to this Approval, shall be recorded in the log required by Condition 12.5.
  - c. An updated copy of the Design and Operations Report shall be submitted with future Environmental Compliance Approval applications.
  - d. The Design and Operations Report shall be available for inspection by a Provincial Officer upon request.

## **Operating Procedures**

12.3 The Owner shall have in place operating procedures for each waste related activity undertaken at the Site. Procedures shall be developed, and kept current for the following at a minimum:

- a. equipment or facility inspection, monitoring and testing protocols;
- b. waste receiving/screening and pick-up/shipping procedures;
- c. waste unloading, handling, processing and storage procedures; and
- d. complaint handling and investigation procedures.

12.4 The operating procedures shall be:

- a. kept in locations available to staff performing the required activities; and
- b. reviewed and updated on a regular basis.

## **Record**

12.5 The Owner shall maintain a written or digital record of daily activities undertaken at the Site. All measurements shall be recorded in consistent metric units of measurement. The record shall include, as a minimum, the following:

- a. date of record;
- b. quantities of waste received;
- c. amounts of waste processed;
- d. quantity and destination of processed soil transferred from the Site;
- e. end of day reconciliation of the amount of waste and processed soil present on Site;
- f. date of receipt and the name of the Dry Soil, generator, source site location, land/use of the source site, and the quantity (tonnage and number of trucks) of the Dry Soil received;
- g. date of receipt and the name of the waste, other than the Dry Soil, generator, and the quantity (tonnage and number of trucks);
- h. results of the required characterization of the incoming waste;
- i. the Dry Soil processing activities undertaken at the Site;
- j. date, quantity, type, quality (including the analytical data from any compliance testing) and the destination of the tested soil;
- k. date, quantity, type, quality (including the analytical data from any compliance testing) of the tested soil that was transferred back for re-processing;
- l. date, quantity, type, quality (including the analytical data from any compliance testing) and the destination of the waste destined for transfer off-Site;
- m. date, quantity, type, and the destination of the total Residual Waste, transferred from the Site for final disposal;
- n. date, quantity, type, quality (including the analytical data from any compliance testing, if applicable) and the destination of the Rejected Waste transferred off-Site and the reason for rejection; and
- o. the running total of the Processed Soil and its characterization results, if characterization

has been completed.

12.6 The Owner/Operator shall maintain a record of inspections completed in accordance with Condition 8.2. The record shall include, at a minimum:

- a. name and signature of trained personnel conducting the inspection;
- b. date and time of the inspection;
- c. list of equipment inspected and all deficiencies observed;
- d. recommendations for remedial action to correct deficiencies; and
- e. date deficiencies were addressed.

12.7 The Owner/Operator shall maintain a record of preventative maintenance work completed in accordance with Conditions 8.3 and 8.4. The record shall include, at a minimum:

- a. name and signature of person conducting the maintenance work;
- b. date and time that maintenance work was completed;
- c. equipment or part of equipment on which maintenance work was performed;
- d. the type of maintenance work performed; and
- e. date of next scheduled maintenance work.

12.8 The Owner/Operator shall maintain a record of all spills or upset that occur at the Site. The record shall include, at a minimum:

- a. date and time of spill/upset;
- b. the nature of the spill or upset;
- c. the clean-up action taken;
- d. details of notification of authorities (if necessary); and
- e. action taken to prevent future occurrences.

### **Annual Report**

12.9 By March 31st of every year, the Owner shall prepare and submit to the District Manager, in electronic file format, an annual report for the previous calendar year. This report shall be retained on-site for a minimum of two (2) years. Each report shall include, at a minimum, the following information:

- a. a detailed daily and monthly summary of the type and quantity of all incoming and outgoing wastes;
- b. any environmental and operational problems that could negatively impact the environment encountered during the operation of the Site, or during the facility inspections, and any mitigative actions taken;
- c. a statement as to the Site's compliance with all Conditions of this Approval and with the inspection and reporting requirements of the Conditions herein;
- d. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations in this regard;



- e. 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;
- f. annual amount and quality of the Dry Soil intended for transfer off-Site;
- g. annual amount and quality of the Tested Soil transferred from the Site and its final destination(s);
- h. a summary describing any Rejected Waste including quantity, type, reasons for rejection, its origin and its final destination;
- i. annual amount of the Residual Waste transferred from the Site for final disposal and its destination;
- j. amount of unprocessed the Dry Soil temporarily stored at the Site at the end of the operating year;
- k. any changes to the Emergency Response and Contingency Plan, the Operations Manual or the Closure Plan that have been approved by the Director or the District Manager since the last Annual Report;
- l. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
- m. a summary of any complaints received and the responses made, as required by this Approval; and
- n. an annual summary of any deficiencies, items of non-compliance or process aberrations that occurred at this Site and any remedial/mitigative action taken to correct them.

### **13. CLOSURE PLAN**

- 13.1 The Owner must submit, for approval by the District Manager, a written closure plan for the Site at least four (4) months prior to closure of the Site. This plan must include, as 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.
- 13.2 Within ten (10) days after closure of the Site, the Owner must notify the Director and District Manager, in writing, that the Site is closed and that the Site closure plan has been implemented.

### **14. FINANCIAL ASSURANCE**

- 14.1 By February 28th., 2023, the Owner shall submit to the Ministry Financial Assurance, Financial Assurance as defined in Section 131 of the EPA, in the amount of \$736,732.00. This Financial Assurance shall provide sufficient funds for the loading, transportation and disposal of all quantities of waste on the Site at any one time, as well as any necessary Site clean-up, environmental monitoring, supervision and labour costs.

- 14.2 Commencing on March 31st., 2028 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 14.1. 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 twenty (20) days of written acceptance of the re-evaluation by the Director.
- 14.3 The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. 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.

## **SCHEDULE "A"**

1. Application for a Provisional Approval of Approval for a Waste Disposal Site signed by Danny Andrews, Danny Andrews & Co. Aces Waste Management, dated February 9, 2007.
2. Design and Operations Report - Danny Andrews & Co. Aces Waste Management, February 2007.
3. E-mail dated May 14, 2009 from Katrina Broughton, AECOM to Roman Lysiak, MOE regarding submission of additional information.
4. E-mail dated June 10, 2009 from Katrina Broughton, AECOM to Roman Lysiak, MOE regarding submission of additional information.
5. E-mail dated October 9, 2009 from Katrina Broughton, AECOM to Roman Lysiak, MOE regarding submission of stormwater management plan, including Stormwater Management, Grading and Construction Mitigation Plan, drawing no. SWM-1 as prepared by Pinestone Engineering Ltd.
6. Application for Environmental Compliance Approval of Waste Disposal Site, dated May 13, 2022, including Design and Operations Report, dated December 7th., 2022, updated on January 3, 2023 and prepared by York 1 Environmental Ltd.
7. E-mail dated December 19, 2022 from George Kirchmair, York 1 Environmental Ltd., to Abdul Quayum, MECP, regarding submission of additional information.
8. E-mail dated December 30, 2022 from George Kirchmair, York 1 Environmental Ltd., to Abdul Quayum, MECP, regarding submission of additional information.

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

The reason for Conditions 1.1, 1.2, 1.4 through 1.10, and 1.13 is to clarify the legal rights and responsibilities of the Owner under this Approval.

The reason for Conditions 1.3, 2.11 through 2.14 is to ensure that the Site is designed, operated 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 Condition 1.11 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 1.12 is to restrict potential transfer or encumbrance of the Site without the approval of the Director. Transfer or encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

The reason for Condition 1.13 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 reason for Condition 1.14 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 Act and OWRA.

The reason for Conditions 1.15 through 1.17 is to ensure the availability of records and drawings for inspection and information purposes.

Condition 1.8 has been included in order to clarify what information may be subject to the Freedom of Information Act.

The reason for Condition 1.19 is to ensure that the Site is designed, constructed and operated in an environmentally acceptable manner, based on the conceptual design and operations for the Site.

The reason for Conditions 2.1 is to specify the approved areas from which waste may be accepted at the Site, the types of waste that may be accepted and the waste management activities approved for this Site, based on the Owner's application and supporting documentation.

The reason for Condition 2.2 and 2.3 is to specify the hours of operation for the Site.

Condition 2.4 is to ensure that waste is inspected in manner which does not result in a nuisance or a

hazard to the health and safety of the environment or people.

Conditions 2.5 through 2.6 are included to specify the approved waste receipt rate, the approved and prohibited waste types and the service area from which the waste may be accepted at the Site based on the Owner's application and supporting documentation.

The reasons for Conditions 2.8 and 2.9 are 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 Condition 2.10 is to ensure the proposed stormwater management pond is approved by the Director under section 53, of the OWRA.

Condition 2.15 is included to ensure that the Site is inspected and maintained in an acceptable manner so that the operation of the Site does not result in a hazard or nuisance to the natural environment or any person.

The reason for Conditions 2.16 and 2.24 is to ensure that appropriate air and noise approval and traffic permits are obtained prior to the expansion of the facility operations.

The reason for Condition 2.25 is to ensure existing wood waste at the Site is properly managed in accordance with the Regulation 347 or EPA requirements.

Conditions 2.15, 2.17, 2.18 through 2.23 are included 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.

Conditions 3.1 through 3.19 and 4.1 through 4.5 are included to ensure that all Waste, including Dry Soil and Liquid Soil, management including receipt, storage, processing, treatment and transfer, management of run-off and the discharges to the atmosphere are undertaken in done in a way which does not result in an Adverse Effect or a hazard to the environment or any person and are 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.

Condition 5 is included to set out the testing requirements when the Owner is required to carry out testing at the Site to characterize the incoming or outgoing waste for its compatibility with the proposed off-Site destination.

Condition 6 is included to ensure that all Tested Soil is properly managed, processed and disposed of in accordance with the Ministry's regulatory requirements and in a manner that protects the health and safety of the public and the environment.

The reason for Condition 7 is to ensure that the Site is secure when unattended to prevent vandalism or theft.

The reason for Condition 9 is to ensure that emergency responders, the Owner/Operator forthwith

notifies the Ministry of any spills, as required in Part X of the EPA, so that appropriate spills response can be determine, the Owner/Operator immediately responds to a spill. and the public have the necessary contact information in the event of an emergency or complaint.

The reason for Conditions 10 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 11 is to ensure that any complaints regarding operations at this Site are responded to in a timely and efficient manner.

The reason for Condition 12 is to ensure that detailed records demonstrating compliance with the terms and conditions of this Approval are recorded and maintained for inspection and information purposes.

The reason for Condition 13 is to ensure that the Site is closed in accordance with MOE standards and to protect the health and safety of the environment.

The reason for Condition 14 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).  
9443-7RYJ7W issued on October 19, 2009**

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  
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 5th day of January, 2023



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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 Barrie  
George Kirchmair, York1 Environmental Ltd.