

## Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19,  
sections 168.6 (CPU), 132 (Financial Assurance) and 197 (Order)

Certificate of Property Use number 8730-CGFJVL  
Risk Assessment number 8874-75AP4T

**Owner:** **Burlington (777 Walkers Line) Holdings Inc.** (Registered Owner)  
2 St. Clair Avenue East, Suite 1204  
Toronto, Ontario M4T 2T5

**Harlo (777 Walkers Line) GP Inc.,** (Beneficial Owner)  
**as general partner for and on behalf of**  
**Burlington (777 Walkers Line) Limited Partnership**  
2 St. Clair Avenue East, Suite 1204  
Toronto, Ontario M4T 2T5

**Site:** **777 Walkers Line, Burlington**

with a legal description as follows:

**PT LT 10, CON 3 SOUTH OF DUNDAS STREET, PART 1, 20R10262, T/W  
313101; S/T 773878 BURLINGTON. S/T EASEMENT HR544761 OVER PTS 4 & 5,  
20R10301 IN FAV OF PTS 2 & 3, 20R16288,**

**being all of PIN 07034-0004 (LT)**

This Certificate of Property Use and section 197 Order set out the requirements regarding the above-noted Property and the Risk Assessment carried out in relation to the Property which was assigned the number noted above and is described in more detail in Part 1 below.

**Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.**

### Part 1: Interpretation

In this CPU, the following capitalized terms have the meanings described below. These terms are also defined in the Approved Model. Not all of these terms may be used in this CPU.

"Act" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19.

“Active SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of one or more electrical fan powered vents drawing air from below the Building.

“Active SVIMs for the Existing Building” means the soil vapour intrusion mitigation system installed within the Existing Building in December 2022 as documented in Geosyntec Consultants report “Vapour Intrusion Mitigation System Installation and Monitoring Report”, dated February 2023.

“Adverse Effect” has the same meaning as in the Act; namely,

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment of normal use of property, and
- (h) interference with the normal conduct of business.

“ASTM” means the American Society for Testing and Materials.

“Barrier” means a Shallow Cap Barrier, Hard Cap Barrier or Existing Cap Barrier.

“Building” means an enclosed structure occupying an area greater than ten square metres consisting of a wall or walls, roof and floor.

“Building Area” means the horizontal area of a Building at Grade within the outside surface of the exterior wall or walls.

“Building Code” means Ontario Regulation 332/12 (Building Code) as amended to January 1, 2015, made under the *Building Code Act, 1992*, S.O. 1992, c.23.

“Capping Soil” means,

- (a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
- (b) soil that meets the applicable site condition standards for the Property, as specified in Item 3.2 of the CPU, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 8730-CGFJVL issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

“Competent Person” has the same meaning as in the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1.

“Contaminants of Concern” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the

applicable site condition standards for the Property, as specified in section 7 of the Risk Assessment report and in Schedule A of the CPU.

“Director” means a person in the Ministry appointed as a director for the purpose of issuing a certificate of property use under section 168.6 of the Act.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28.

“Existing Cap Barrier” means the existing cover above the Contaminants of Concern within the transformer area of the Property as specified in Section 7.2.6 of the Risk Assessment and shown in Drawing 1 consisting of asphalt, concrete or Granular “A” aggregate or equivalent material that is at least 150 millimetres thick.

“Existing Building” means the concrete block, slab-on-grade industrial use building that existed on the Property at the time of acceptance of the Risk Assessment.

“First Storey” has the same meaning as in the Building Code.

“Grade” has the same meaning as in the Building Code.

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern, that is at least 225 millimetres thick, and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material and includes a Building slab or Building foundation and floor slab meeting these specifications.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or ground water, which may disturb or expose Contaminants of Concern at the Property.

“LNAPL” means Light Nonaqueous Phase Liquid and refers to petroleum hydrocarbon liquids that are lighter than water (e.g., gasoline, diesel).

“Licensed Professional Engineer” means a person who means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28 and has obtained the appropriate education and training and has demonstrated experience and expertise in the areas related to the work required to be carried out in this CPU.

“Minister” means the minister of the Ministry.

“Ministry” means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04 (Record of Site Condition – Part XV.1 of the Act), made under the Act.

“O. Reg. 406/19” means Ontario Regulation 406/19 (On-Site and Excess Soil Management), made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any subsequent owner of the Property.

“Property” means the property that is the subject of the Risk Assessment and is described in the property “Site” section on page 1 above.

“Property Specific Standards” means the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as specified in section 6 of the Risk Assessment report and in Schedule A of the CPU.

“Provincial Officer” has the same meaning as in the Act, namely, a person who is designated by the Minister as a provincial officer for the purposes of the Act and the regulations.

“Qualified Person” means a person who meets the qualifications set out in subsection 5(2) of O. Reg. 153/04.

“Risk Assessment” means the Risk Assessment Number 8874-75AP4T submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on July 18, 2022 and set out in the following documents.

- Risk Assessment of 777 Walkers Line, Burlington, Ontario, by Geosyntec Consultants, dated July 24, 2012
- Risk Assessment of 777 Walkers Line, Burlington, Ontario, report prepared by Geosyntec Consultants, dated July 10, 2017
- Risk Assessment of 777 Walkers Line, Burlington, Ontario, report prepared by Geosyntec Consultants, dated July 8, 2019
- Risk Assessment of 777 Walkers Line, Burlington, Ontario, report prepared by Geosyntec Consultants, dated June 15, 2021
- 777 Walkers Line RA Addendum - MECP RA ref no. 8874-75AP4T PSF 1971-07C, email from Meggen Janes, Geosyntec Consultants, received by TASDB on August 27, 2021, with the following documents attached:
  - *777WalkersLine RA Addendum Submittal Ltr.pdf*
  - *777WalkersLine\_Appendix N addendum.pdf*
  - *777WalkersLine\_Appendix Q\_revised.pdf*
  - *777WalkersLine\_AppQ\_tracked changes.pdf*
  - *777WalkersLine\_PSF for QPra change.pdf*
- RE: MECP RA ref no. 8874-75AP4T, email from Meggen Janes, Geosyntec Consultants, received by TASDB on August 31, 2021, with the following documents attached:
  - *777Walker\_Page2\_Signatures.pdf*
  - *777Walkers LineMandatory Cert\_JANES.pdf*
  - *Meggen Janes\_QPRA\_submission\_combined.pdf*
- Risk Assessment of 777 Walkers Line Burlington, Ontario, report prepared by Geosyntec Consultants, dated February 21, 2022
- RE: Request for additional information for 777 Walkers Line, Burlington, Ontario; RA971-07e; IDS#8874-75AP4T, email from Meggen Janes, Geosyntec Consultants, received by TASDB on July 5, 2022, with the following documents attached:
  - *RA5 - 777 Walkers Line, Burlington - IDS 8874-75AP4T RA5 July 5, 2022.pdf*

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

“Shallow Soil Cap Barrier” means cover, above the Contaminants of Concern, that is at least 0.5 metres thick, and consists of Capping Soil and/or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

“SVIMS” means soil vapour intrusion mitigation system.

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

## **Part 2: Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- (a) the performance of any action specified in the certificate of property use;
  - (b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
  - (c) measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6(1) of the Act states that if a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- 1. Take any action specified in the certificate and that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  - 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate of property use has been

issued under subsection 168.6(1),

- (a) alter any terms and conditions in the certificate or impose new terms and conditions; or
  - (b) revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- (a) the owner of the property shall ensure that a copy of the provision is given to every occupant of the property; and
  - (b) the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - (c) the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

### **Part 3: Background**

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: "Commercial Use", and/or "Industrial Use", as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above Table 2 standards of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental***

**Protection Act** published by the Ministry and dated April 15, 2011 for medium to fine textured soils are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU. Also attached to and forming part of the CPU are the following figures:

- Plan of Survey of Part of Lot 10, Concession 3, South of Dundas Street (Township of Nelson), City of Burlington, Regional Municipality of Halton, prepared by Mackay, Mackay & Peters Limited, prepared on November 19, 2002 (Annotated).
- Drawing 1, Transformer Area Existing Conditions, Risk Assessment, Soil Barrier, prepared by Geosyntec Consultants, dated February 18, 2022.
- Figure 1, Building Details and Target Area for the Vapour Mitigation System, 777 Walkers Line, Burlington, prepared by Geosyntec Consultants, dated February 2023.
- Drawing G-1, Cover & Drawing Index, Vapour Mitigation System Design, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023.
- Drawing G-2, General Notes and System Specifications, Vapour Mitigation System Design, 777 Walkers Line, Burlington, Ontario, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023.
- Drawing G-3, Extraction Point Locations, Vapour Mitigation System Design, 777 Walkers Line, Burlington, Ontario, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023.
- Drawing G-4, Details I, Vapour Mitigation System Design, 777 Walkers Line, Burlington, Ontario, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023.
- Drawing G-5, Details II, Vapour Mitigation System Design, 777 Walkers Line, Burlington, Ontario, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023.
- Drawing F-01, Layout Plan, Conceptual Design of Vapour Mitigation System, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated May 2021 and sealed June 7, 2021.
- Drawing F-02 – Typical Details, Conceptual Design of Vapour Mitigation System, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated May 2021 and sealed June 7, 2021.
- Figure L-1, Monitoring Well Locations, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated January 2022.
- Figure M-1, Existing Building Indoor Air Sampling Locations, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated May 2021.

- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.

- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

**Part 4: CPU Risk Management Measures and Requirements Relating to the Risk Assessment and the Property**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)1 of the Act:

- 4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.9 and 5.2 as applicable.

**4.1 Hard Cap Barrier, Shallow Cap Barrier, or Existing Cap Barrier Risk Management Measure:**

- a. Cover the areas of the Property where Contaminants of Concern are present at or within 0.5 metre(s) below the soil surface at concentrations that exceed the risk based concentration protective of plants and soil dwelling organisms that were developed in the Risk Assessment, such that a Hard Cap Barrier, Shallow Cap Barrier, or the Existing Cap Barrier is installed within the transformer area as shown in Drawing 1, "Transformer Area Existing Conditions, Risk Assessment, Soil Barrier" so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any other existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface; and
- b. Install and maintain fencing, surrounding the Existing Cap Barrier so as to further prevent exposure to the Contaminants of Concern at the Property. If at any time soils are exposed such that Contaminants of Concern are present at or within 0.5 metre(s) below the soil surface fencing and dust control measures shall be installed and maintained until such time as a Hard Cap Barrier or Shallow Cap Barrier are installed.

**4.2 Inspection, maintenance and reporting requirements for all Barriers:**

- a. Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each Barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:
  - i. procedures and timing for implementing the program;
  - ii. semi-annual inspections, in spring and fall, of each Barrier;
  - iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
  - iv. repairing promptly any such deficiencies, to the original design specifications, with



- v. written confirmation that the Barrier has been properly repaired; contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- vii. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
  - viii. updated and delivered to the Owner within 30 days following making any alteration to the program.
- b. Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent;

and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
  - ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the Barrier, or other relevant feature shown on the site plan.
- c. Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the Barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

### 4.3 Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure for the Existing Building

Refrain from using the Existing Building unless the Active SVIMS for the Existing Building is installed, operated and maintained in a manner that is consistent with the conceptual design outlined within Appendix K-1 of the Risk Management Plan, the details provided within the Vapour Intrusion Mitigation System Installation and Monitoring Report prepared by Geosyntec Consultants, dated February 2023, including Figure 1, Building Details and Target Area for the Vapour Mitigation System, and as-built drawings Drawing G-1, Cover & Drawing Index, Vapour Mitigation System, Drawing G-2, General Notes and System Specifications, Vapour Mitigation System, Drawing G-3, Extraction Point Locations, Vapour Mitigation System Design, Drawing G-4, Details I, Vapour Mitigation System Design, and Drawing G-5, Details II, Vapour Mitigation System Design, and that meets the following requirements:

#### 4.3.1 Design, Installation and Operation

Design, install and operate an Active SVIMS for the Existing Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Existing Building and prevent soil vapour containing the Property Specific Contaminants of Concern from entering the Existing Building air, including the following requirements and components for the Active SVIMS for the Existing Building:

##### System Requirements

- a. the Active SVIMS for the Existing Building is to:
  - i. be installed and be operational prior to renewed occupancy of the Existing Building;
  - ii. be designed, installed and operated with the objective of achieving during all seasons at least 1 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Existing Building, across the target area identified in Figure 1, Building Details and Target Area for the Vapour Mitigation System;
  - iii. designed, installed and operated with the objective of extracting soil vapour beneath the foundation floor slab at a flow rate of at least 32 cubic metres of soil vapour per day from below Unit 4 and 34 cubic metres of soil vapour per day below Unit 7 sufficient to maintain a minimum velocity of 1 metre per day beneath the foundation floor slab across the target area; and
  - iv. have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998, to prevent potential depressurization induced back drafting and spillage of combustion products from vented combustion appliances that may be in the Existing Building, due to the use of electrical fan powered vents; and

### Soil Vapour Extraction

- b. six vapour extraction points are to be installed throughout the target area of the Existing Building at locations within Unit 4 and Unit 7 as shown in Drawing G-3, Extraction Point Locations, Vapour Mitigation System Design, each consisting of an open sump that is approximately 450 millimeters in diameter and that extends approximately 305 millimeters below the concrete floor that are designed for the collection and venting of soil vapour from the granular material below the existing floor slab to vent risers for venting to the outdoor air;

### Vent Risers

- c. vent risers consisting of 75 millimeter diameter Schedule 40 PVC pipe, from each vapour extraction point that are sealed to the floor slab to promote efficient venting and that terminate above the roof of the Existing Building, to convey soil vapour from below the slab within the target area to the outdoor air above the roof of the Existing Building and that discharge at an appropriate distance, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Existing Building, from Existing Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Existing Building air, including:
  - 1. vent risers located within Unit 4 and Unit 7 of the Existing Building, where appropriate, to promote temperature induced convective venting during colder weather; and
  - 2. vent risers within Unit 4 and Unit 7 to be connected by separate header pipes, one per unit, of sufficient size or diameter, with a ball valve installed on each riser to balance the flow rates between the extraction points,
  - 3. an electrical powered fan header, and an automated monitoring system of fan operation which will be monitored by an alarm system that will have an audible alarm indicating system malfunctions;

### Monitoring Devices

- d. monitoring devices must be installed including:
  - i. below the foundation floor slab across the target area of the Existing Building as shown in Drawing G-3, Extraction Point Locations, Vapour Mitigation System Design for measurement of the (lower) air pressure differential, relative to the indoor air pressure within the Existing Building; and
  - ii. at each vent riser pipe referred to in paragraph c. of Section 4.3.1, above to measure the induced vacuum and inferred flow velocity from the venting layer;

#### Labeling Of Equipment

- e. equipment for the Active SVIMS for the Existing Building, must be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and the Existing Building; and

#### Floor Slab and Utility Sealing

- f. as outlined in the Risk Assessment where cracks, breaches or other deficiencies in the floor slab, utilities or subsurface penetrations within Unit 4 and Unit 7 of the Existing Building are a potential conduit for soil vapour migration,
  - 1. inspect visible areas including the foundation floor slab or subsurface walls in contact with soil and repair and seal any expansion joints, cracks, breaches or other deficiencies that may allow soil vapour to enter the Existing Building;
  - 2. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material at the termination of all utility conduits and at subsurface Existing Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Existing Building.

#### 4.3.2 Quality Assurance / Quality Control

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the Active SVIMS for the Existing Building is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- b. daily inspections of the installation of the Active SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- c. noting any deficiencies in the materials or installation of the Active SVIMS;
- d. ensuring the prompt repair of any deficiencies, to the design specifications;
- e. prepare a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- f. delivered to the Owner before installation of the Active SVIMS begins; and
- g. updated and delivered to the Owner within 30 days of making any alteration to the program.

#### 4.3.3 As Constructed Plans

As constructed plans of the Active SVIMs for the Existing Building, prepared by a Licensed Professional Engineer are to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Existing Building and the location and specifications of the installed Active SVIMS for the Existing Building, including cross-sectional drawings specifying the design and the vertical and lateral extent of the Active SVIMS relative to the Existing Building and the ground surface, and which are to be updated and delivered to the Owner within 30 days following making any alteration to the Active SVIMS for the Existing Building, or other relevant feature shown on the plans.

#### 4.3.4 Inspection and Maintenance

Under the supervision of a Licensed Professional Engineer, implement the inspection and maintenance program as outlined within the Operation and Maintenance and Monitoring Plan, provided as Appendix F of the Vapour Intrusion Mitigation System Installation and Monitoring Report to ensure the continued integrity and effectiveness of the Active SVIMs for the Existing Building. The inspection and maintenance plan shall include, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate;
- iii. inspections of the Active SVIMs for the Existing Building under the supervision of a Professional Engineer, including:
  - 1. semi-annual inspections of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Existing Building;
  - 2. semi-annual inspections, the visible components of the Active SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Existing Building;
  - 3. additional inspections, on a more frequent basis as appropriate, of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and

- 4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;
- iv. noting any deficiencies with the floor slab and Active SVIMs for the Existing Building identified during any inspection, or at any other time;
- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii. (2);
- vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;
- vii. a contingency plan as conceptually described within Section 5, of the Operation and Maintenance and Monitoring Plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence, including indoor air quality monitoring required by Item 4.6, suggest that soil vapour intrusion into the Existing Building may occur, as determined by a Licensed Professional Engineer; and
- viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- ix. updated and delivered to the Owner within 30 days following making any alteration to the program.

#### 4.3.5 Operational Monitoring

Under the supervision of a Licensed Professional Engineer, implement the operational monitoring program as outlined within the Operation and Maintenance and Monitoring Plan, provided as Appendix F of the Vapour Intrusion Mitigation System Installation and Monitoring Report to ensure the continued integrity and effectiveness of the Active SVIMs for the Existing Building. The operational monitoring shall include, include, at a minimum:

- i. procedures and timing for implementing the program, by a person-meeting the qualifications as set out in the program;
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event;
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;

- iv. undertaking operational performance monitoring, including recording of the monitoring results, in accordance with the following:
  - 1. during system commissioning, the Active SVIMs for the Existing Building will operate temporarily under the direction of a Licensed Professional Engineer to perform diagnostic testing including the measuring of the differential pressure, vacuum and velocity from each vent pipe at the monitoring devices referred to in paragraph d. of Section 4.3.1, to confirm that the Active SVIMs for the Existing Building is able to achieve at least a 1 Pascal lower air pressure differential below the foundation floor slab of the Existing Building relative to the indoor air pressure within the Existing Building;
  - 2. the air pressure differential below the foundation floor slab relative to the indoor air of the Existing Building at the monitoring devices referred to in paragraph d. (i.) of Section 4.3.1 to be monitored monthly for the first three months and then on a quarterly frequency for a minimum period of two years coinciding with the indoor air testing as required by Item 4.6, and then semi-annually thereafter, or until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether; and
  - 3. before occupancy and then continuously thereafter, the induced vacuum and flow at each vent pipe of the Active SVIMS for the Existing Building will be monitored by an alarm system including those referred to in paragraph d. (ii) of Section 4.3.1. The alarm system will have an audible alarm indicating a system failure and either
    - i) provide posted instructions at the location of the alarm of the responsible personnel that should be contacted, or
    - ii) uses a telemetry-based system to automatically send a notification to the responsible personnel.
- v. The results of the operational performance monitoring shall be compared to the system performance objectives referred to in paragraph a. of Section 4.3.1. If the performance objectives are not met the Active SVIMs for the Existing Building shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a Licensed Professional Engineer. If repairs to the Active SVIMS cannot be completed in a timely manner, the Owner shall promptly notify the Director in writing and shall arrange for a Qualified Person and/or Licensed Professional Engineer to develop a detailed contingency plan and submit it to the Director within 30 days; and
- vi. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed

Active SVIMs for the Existing Building, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:

1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections;
2. changes to the frequency or nature of the monitoring;
3. the need to make repairs or changes to the design or operation of the Active SVIMS; and
4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the Active SVIMs for the Existing Building cannot be made promptly, including notification of the Ministry if the operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;

and which is,

- vii. delivered to the Owner within 90 days following completion of installation of the Active SVIMs for the Existing Building; and
- viii. updated and delivered to the Owner within 30 days of following making any alteration to the program.

#### 4.3.6 Intrusive Activities Caution

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed Active SVIMs for the Existing Building, so as to ensure the persons are made aware of the presence and significance of the Active SVIMs for the Existing Building and the Property Specific Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Active SVIMs for the Existing Building when undertaking the Intrusive Activities, and if damaged, to ensure the Active SVIMs for the Existing Building is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.



#### 4.3.7 Building Code

Ensure that the Existing Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

- i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;
- ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
- iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

#### 4.4 Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure for New Buildings

Refrain from constructing any new Buildings on the Property unless the Building is of slab-on-grade construction and an Active Soil Vapour Intrusion Mitigation System (Active SVIMS) Risk Management Measures for New Buildings has been constructed in a manner that is consistent with the conceptual design outlined within Appendix K-2 of the Risk Management Plan, "Vapour Mitigation System Design and Implementation Plan for New Buildings" and as further illustrated within Drawing F-01, "Layout Plan, Conceptual Design of Vapour Mitigation System" and Drawing F-02, "Typical Details, Conceptual Design of Vapour Mitigation System", and that meets the following requirements:

##### 4.4.1 Design, Installation and Operation

Design, install and operate an Active SVIMS for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the SVIMS:

##### System Requirements

- a. the Active SVIMS is to be;
  - i. designed, installed and operated as a sub slab venting system providing for the passive introduction of fresh inlet air below the slab and the active extraction of soil vapour from below the foundation slab;
  - ii. designed, installed and operated with the objective of achieving during all seasons at a slight vacuum of at least 1 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area;

- iii. designed, installed and operated with the objective of extracting soil vapour from beneath the foundation floor slab at a rate of at least 9 cubic metres of soil vapour per day per 100 square metres of Building Area sufficient to maintain a minimum velocity of 1 metre per day beneath the foundation floor slab; and
- iv. have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

#### Sub-slab Foundation Layer

- b. throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Contaminants of Concern, designed by a Licensed Professional Engineer for the Building constructor in consultation with the Licensed Professional Engineer for the SVIMS;

#### Soil Vapour Venting Layer

- c. throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer, designed for the passive introduction of fresh air below the floor slab and the collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:
  - i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;  
  
or,  
  
other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;
  - ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes for passive air inlet and active vapour extraction to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation;
  - iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table;

#### Soil Vapour Barrier Membrane

- d. throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab

and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

- i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable;
- ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer;

#### Vent Risers

- e. vent risers must be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:
  - i. at least one extraction vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of extraction vent risers is required;
  - ii. extraction vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;
  - iii. extraction vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather;
  - iv. an electrical powered fan on each extraction vent risers, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions;

#### Monitoring Devices

- f. monitoring devices must be installed including:
  - i. below the foundation floor slab across the Building Area to measure the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licensed Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation; and

- ii. at each vent riser pipe referred to in paragraph c. of Section 4.4.1, above to measure the induced vacuum and flow velocity from the venting layer;

#### Labeling Equipment

- g. equipment for the SVIMS must be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building;

#### Utility Sealing

- h. where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,
  - i. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill;
  - ii. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building;

#### 4.4.2 Quality Assurance / Quality Control

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the SVIMS is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- b. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- c. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
  - i. daily inspection reports noting any deficiencies and corrective actions taken;
  - ii. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;

- iii. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;
  - iv. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means;
  - v. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;
- d. noting any deficiencies in the materials or installation of the SVIMS;
- e. ensuring the prompt repair of any deficiencies, to the design specifications;
- f. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- g. delivered to the Owner before installation of the SVIMS begins; and
- h. updated and delivered to the Owner within 30 days of making any alteration to the program.

#### 4.4.3 As Constructed Plans

Prepare as constructed plans of the SVIMS, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface,

and which are:

- i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans;

#### 4.4.4 Inspection and Maintenance

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate;
- iii. inspections of the SVIMS including:
  1. semi-annual inspections, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;
  2. semi-annual inspections, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;
  3. additional inspections, on a more frequent basis as appropriate, of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
  4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;
- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in subparagraph iii above;
- vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;
- vii. a contingency plan report to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;
- viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
- x. updated and delivered to the Owner within 30 days following making any alteration to the program.

#### 4.4.5 Operational Monitoring

Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
  - 1. during system commissioning, the Active SVIMS will operate temporarily, under the direction of a Licensed Professional Engineer to perform diagnostic testing including the measuring of the differential pressure, vacuum and velocity from each vent pipe at the monitoring devices referred to in paragraph f. of Section 4.4.1, to confirm that the Active SVIMS is able to achieve at least a 1 Pascal lower air pressure differential below the foundation floor slab of the Building relative to the indoor air pressure within the Building;
  - 2. the air pressure differential below the foundation floor slab relative to the indoor air of the Building at the monitoring devices referred to in paragraph f. (i.) of Section 4.4.1 to be monitored monthly for the first three months and then on a quarterly frequency for a minimum period of two years coinciding with the indoor air testing as required by Item 4.6, and then semi-annually thereafter, or until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether; and
  - 3. before occupancy and then continuously thereafter, the induced vacuum and inferred flow at each vent pipe of the Active SVIMS will be monitored remotely

and connected to an alarm system, including those referred to in paragraph f. (ii) of Section 4.4.1.

- v. The results of the operational performance monitoring shall be compared to the system performance objectives referred to in paragraph a. of Section 4.4.1. If the Active SVIMS performance objectives are not met the Active SVIMS shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a Licensed Professional Engineer. If repairs to the Active SVIMS cannot be completed in a timely manner, the Owner shall promptly notify the Director in writing and shall arrange for a Qualified Person and/or Licensed Professional Engineer to develop a detailed contingency plan and submit it to the Director within 30 days; and
- vi. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed Active SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:
  - 1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections;
  - 2. changes to the frequency or nature of the monitoring;
  - 3. the need to make repairs or changes to the design or operation of the Active SVIMS; and
  - 4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the Active SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;

and which is,

- vii. delivered to the Owner within 90 days following completion of installation of the Active SVIMS; and
- viii. updated and delivered to the Owner within 30 days of following making any alteration to the program.

#### 4.4.6 Intrusive Activities Caution

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed SVIMS, so as to ensure the persons are made aware of the presence and



significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program; and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

#### 4.4.7 Building Code

The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

- i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;
- ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
- iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

#### 4.5 Ground Water Monitoring Program

Under the supervision of a Qualified Person implement the ground water monitoring program described in Section 7.4.1 and Appendix L of the Risk Assessment, as follows:

- a. the ground water monitoring program shall commence within 90 days from issuance of the CPU and shall consist of the collection of ground water samples to be analysed for the specified Contaminants of Concern as identified in Schedule A, the measurement of the depth to ground water and the inspection for the presence of NAPL at the following locations as shown on in Figure L-1, Monitoring Well Locations:
  - i. on-site monitoring locations: MW26-08, MW28-08 and MW48-18 for each of the Contaminants of Concern,
  - ii. on-site monitoring locations: MMW26-08, MW28-08 and MW48-18 for NAPL,
  - iii. on-site near boundary monitoring locations: MW06-02, MW06I-02, MW08-02, MW11-03 and MW45-14 for the volatile organic compound Contaminants of Concern, and
  - iv. off-site monitoring locations: MW47-14 and MW49-21 for the volatile organic compound Contaminants of Concern;
- b. ground water monitoring shall be completed on a semi-annual frequency (every six months) for a period of two years and on an annual frequency thereafter at the on-site monitoring

locations, and on an annual frequency at the off-site monitoring locations for a minimum period of two years, monitoring shall continue until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether;

- c. in addition to the ground water monitoring described above, a one-time monitoring event consisting of the collection of ground water samples, measurement of the depth to ground water and inspection for the presence of NAPL shall be carried out at the following on-site monitoring locations as shown on in Figure L and analysed for the specified Contaminants of Concern: MW50-22 (volatile organic compounds), MW51-22 (1,4-dioxane), MW29I-22 (1,4-dioxane), and MW43I-22 (1,4-dioxane);
- d. ground water samples collected shall be sent to an accredited laboratory;
- e. The results of ground water samples collected from all on-site monitoring well locations shall be compared against the established Property Specific Standards. The results of the off-site monitoring wells and the on-site near boundary monitoring locations shall be compared to the Threshold Concentrations as identified in Schedule B;
  - i. if the concentrations of any Contaminants of Concern in ground water are identified to exceed a respective standard for the Contaminant of Concern in any of the on-site or off-site monitoring wells then the Director shall be promptly notified in writing and the ground water monitoring shall be repeated within 10 business days of receipt of the analytical results;
  - ii. if the concentration for any Contaminants of Concern is verified in the second ground water sample to exceed a respective standard the Owner shall within 10 calendar days notify the Director in writing of the exceedance. The written notification shall be prepared by a Qualified Person and shall include the ground water data and laboratory certificates of analyses;
  - iii. within 30 calendar days of the Owner receiving the laboratory analysis of the second sample, the Owner shall submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Qualified Person and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations for any additional investigation and/or monitoring as may be required and or recommendations for the implementation of additional risk management and/or remediation measures as may be necessary;
  - iv. upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan; and
  - v. Within 30 calendar days of approval of the contingency plan by the Director, the Owner shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented;

- f. the Owner shall keep a copy of all ground water sampling data available for inspection by a Provincial Officer upon request;
- g. any changes to the ground water monitoring program, including changes to the any of the selected ground water monitoring wells, must be requested in writing by the Qualified Person and these changes can only be implemented upon receiving approval from the Director in writing; and
- h. in the event that any monitoring well is destroyed during construction or site activities the monitoring well shall be replaced with a similarly constructed well proximate to the same location as the destroyed well.

#### **4.6 Indoor Air Quality Monitoring Program**

Under the supervision of a Qualified Person implement the indoor air quality monitoring program described in Section 7.4.2 and Appendix M of the Risk Assessment, as follows:

- a.
  - i. For the Existing Building, the indoor air quality monitoring program shall commence prior to occupancy and shall consist of the collection of an indoor air quality sample at locations IA-1 and IA-2 (located within Unit 4), IA-3 and IA-4 (located within Unit 7) and IA-HVS-06 (located within Unit 1) as shown on Figure M-1, "Existing Building Indoor Air Sampling Locations". An outdoor (ambient background) sample shall also be collected.
  - ii. For any New Building constructed in accordance with Item 4.4 of the CPU, the indoor air quality monitoring program shall commence prior to occupancy of the Building. The sampling locations for the indoor air quality monitoring program shall be located at the lowest occupied level of the Building and shall be identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the Buildings on the Property. The minimum number of indoor air sample locations is two for Buildings up to 500 square metres of Building Area, three for Buildings that are 500 to 1000 square metres of Building Area with one additional sampling location for each additional 1000 square metres of Building Area. An outdoor (ambient background) sample shall also be collected;
- b. All indoor air quality monitoring shall be in accordance with USEPA Method TO-15 for the Contaminants of Concerns listed in Schedule C of the CPU with a summa canister, using an 8 hour regulator. The outdoor air sample shall be in accordance with The Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008. The results of the indoor air quality samples shall be compared to the respective I/C/C Indoor Air Target Levels identified in Schedule C;
- c. Indoor air quality monitoring shall be carried on a quarterly frequency for a minimum period of two years until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The Owner shall ensure that for each calendar year one monitoring event is conducted in either January or February and is representative of worst-case conditions;

- d. If the indoor air concentration for the Contaminants of Concern exceeds a respective I/C/C Indoor Air Target Level identified in Schedule C then the Director shall be notified in writing and the indoor air monitoring shall be repeated for all Contaminants of Concern within 10 business days of receipt of the analytical results. The Owner shall provide written notification to the Director within 10 business days of receiving the results from the follow-up sampling event;
- e. If the concentration for any Contaminants of Concern is verified to exceed a respective target concentration identified in Schedule B within the follow-up sampling event then the Owner shall within 30 days of receiving the laboratory analysis submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion;
- f. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan; and
- g. Within 30 calendar days of approval of the contingency plan by the Director, the Owner shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented.

#### **4.7 NO GROUND WATER USE RISK MANAGEMENT MEASURE**

Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of ground water in or under the Property as a water source. The Owner shall,

- a. Refrain from using ground water in or under the Property as a source of potable water; and
- b. Except, as may be required for continued use as a monitoring well, as defined in the Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA):
  - i. properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
  - ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

#### **4.8 HEALTH AND SAFETY PLAN REQUIREMENT**

In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, and including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact with groundwater, ground water incidental ingestion and/or inhalation of vapour that may be present at the Property including information in the Risk Assessment;
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;
- d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;
- e. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident;
- f. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- g. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- h. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### **4.9 SOIL AND GROUND WATER MANAGEMENT PLAN REQUIREMENT**

Prepare and implement in accordance with the details described in Section 7.2.4 and Appendix P of the Risk Assessment, a written soil and ground water management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil or soil brought to the Property, and, if any, ground water from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or ground water at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;

- c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil meets the requirements for Capping Soil;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    - 1. used as Capping Soil at the Property;
    - 2. otherwise used below the Capping Soil as fill at the Property;
    - 3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    - 4. removed from the Property for off-site use as fill or disposal; and
  - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
    - 1. reflect the distinctions described in subparagraphs (c) i and ii;
    - 2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern;
    - 3. have been bermed or fenced, as appropriate, to restrict access by persons; and
    - 4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, O. Reg. 406/19 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
  - i. dates and duration of the Intrusive Activities being undertaken;
  - ii. weather and site conditions during the Intrusive Activities;
  - iii. the location and depth of excavation activities, and dewatering activities, if any;
  - iv. dust control and soil tracking control measures such as hauling records;
  - v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;

- vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
- vii. management activities for any ground water from dewatering;
- viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- ix. names and contact information for any haulers and owners or operators of receiving sites for soil and any ground water removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

- xi. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- xii. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### **4.10 ANNUAL REPORTS REQUIREMENT**

Prepare each year on or before March 31, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:

- a. a copy of all records relating to the requirements for the Hard Cap Barrier, Fill Cap Barrier or Existing Cap Barrier, as outlined in Items 4.1 and 4.2, if applicable;
- b. a copy of all records relating to the Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure for the Existing Building, as outlined in Item 4.3, if applicable;
- c. a copy of all records relating to the Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure for the New Buildings, as outlined in Item 4.4, if applicable;
- d. a copy of all records relating to the Ground Water Monitoring Program, as outlined in Item 4.5, if applicable;
- e. a copy of all records relating to the Indoor Air Quality Monitoring Program, as outlined in Item 4.6, if applicable;
- f. a copy of all records relating to the health and safety plan as outlined in Item 4.8; if applicable;
- g. a copy of all records relating to the soil and ground water management plan as outlined in Item 4.9; if applicable; and
- h. a copy of documentation relating to the financial assurance requirement as outlined in Items 6.5 and 6.6, if applicable.

## **Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

### **5.1 Property Use Restriction**

Refrain from using the Property for any of the following use(s): “Residential Use” or “Agricultural or Other Use”, as specified in O. Reg. 153/04.

### **5.2 Building Construction Restrictions**

Refrain from constructing the following Building(s): Any Building except as may be permitted in the CPU including by implementing on any particular Building, the Risk Management Measures as may be applicable.

### **5.3 Notice of Restrictions**

Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2, except where noted N/A, and that every occupant complies with such provisions. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

## **Part 6: Additional Requirements**

I hereby require the Owner to do or cause to be done the following things under the authority of paragraph 168.6(1)1 of the Act:

### **6.1 Site Changes Affecting Risk Management Measures**

In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future changes that the Director considers necessary in the circumstances.



## **6.2 Report Retention Requirements**

The Owner shall retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

## **6.3 Owner Change Notification**

While the CPU is in effect, the Owner shall, forthwith report in writing to the Director any changes of ownership of the Property except that while the Property is registered under the *Condominium Act*, 1998, S.O.1998 c.19 no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

## **Part 6: Financial Assurance**

**6.4** Within fifteen (15) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of two hundred and ninety thousand dollars (\$290,000.00) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.

**6.5** Commencing on March 31, 2026 and at intervals of every three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Item 6.4. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans.

**6.6** Commencing on March 31, 2024, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Item 6.5. The re-evaluation shall be made available to the Ministry, upon request. If the re-evaluation is for an amount greater than the amount as set out in Item 6.4 the Owner shall submit to the Director a copy of the re-evaluation.

## **Part 7: Section 197 Order (Property Notice and Certificate of Requirement Registration) Requirements**

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and 197(2) of the Act:

### **7.1 Property Notice Requirement**

For the reasons set out in the CPU and pursuant to the authority vested in me by subsection 197(1) of the Act I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of

the dealing,

## **7.2 Certificate of Requirement Registration**

Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act completed as outlined in Schedule D register the certificate of requirement on title to the Property, in the appropriate land registry office.

## **7.3 Verification**

Within five (5) days after registering the certificate of requirement provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

## **Part 8: General Requirements**

- 8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 Failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
  - a. natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b. strikes, lockouts or other labour disturbances,
  - c. inability to obtain materials or equipment for reasons beyond your control, or
  - d. any other cause whether similar to or different from the foregoing beyond your control, the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement

shall continue each day thereafter.

- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

#### **Part 9: Information regarding a Hearing before the Ontario Land Tribunal**

With respect to those provisions relating to my authority in issuing a certificate of property use under section 168.6 and an order under section 197 of the Act:

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.
- 9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. The contact information for the Director and the Tribunal is the following:

Registrar  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON, M5G 1E5  
Email: [OLT.Registrar@ontario.ca](mailto:OLT.Registrar@ontario.ca)

and

Halton-Peel District Manager, Central Region  
Ministry of the Environment, Conservation and Parks  
4145 North Service Road, Suite 300  
Burlington, Ontario L7L 6A3  
Fax: 905-319-9902  
Email: [environment.haltonpeel@ontario.ca](mailto:environment.haltonpeel@ontario.ca)

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or Toll Free 1 (866) 448-2248 or [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

Further information regarding service can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws). Please note where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any timelines.

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the "EBR"), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:

- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
- (b) fifteen (15) days after service on you of a copy of the CPU.

- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
  - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Further information on the requirements of the Tribunal regarding an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349

Fax: (416) 326-5370

<https://olt.gov.on.ca>

Issued on this 20<sup>th</sup> day of March, 2023

*Original signed by Dan Panko on March 20, 2023*

Dan Panko  
Director, section 168.6 of the Act

## Schedule A

### Contaminants of Concern and Property Specific Standards

Contaminants of Concern (COC)	Units	Property Specific Standards
<b>MEDIA - SOIL</b>		
1,1,1-Trichloroethane	µg/g	98
Tetrachloroethylene	µg/g	260
Trichloroethylene	µg/g	11
Ethylbenzene	µg/g	17
Toluene	µg/g	99
Xylenes (total)	µg/g	66
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)	µg/g	8.8
Petroleum Hydrocarbons Fraction 1 (PHC F1)	µg/g	84
Petroleum Hydrocarbons Fraction 2 (PHC F2)	µg/g	1,200
Petroleum Hydrocarbons Fraction 3 (PHC F3)	µg/g	36,000
<b>MEDIA – GROUND WATER</b>		
Petroleum Hydrocarbons Fraction 1 (PHC F1)	µg/L	3,300
Petroleum Hydrocarbons Fraction 2 (PHC F2)	µg/L	520
Petroleum Hydrocarbons Fraction 3 (PHC F3)	µg/L	4,500
Petroleum Hydrocarbons Fraction 4 (PHC F4)	µg/L	2,000
1,1,1-Trichloroethane	µg/L	4,800
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC 113)	µg/L	210
1,1-Dichloroethane	µg/L	2,300
1,1-Dichloroethylene	µg/L	530
1,2-Dichloroethane	µg/L	2.4
Benzene	µg/L	4.4
Chloroethane	µg/L	740
cis-1,2-Dichloroethylene	µg/L	4,500
cis-1,3-Dichloropropene	µg/L	1.9
Ethylbenzene	µg/L	130
Tetrachloroethylene	µg/L	1,900

<b>Contaminants of Concern (COC)</b>	<b>Units</b>	<b>Property Specific Standards</b>
Toluene	µg/L	960
trans-1,2-Dichloroethylene	µg/L	64
Trichloroethylene	µg/L	2,900
Vinyl chloride	µg/L	590
Xylenes (total)	µg/L	570
1,4-Dioxane	µg/L	340

## Schedule B

### Ground Water Monitoring Program Threshold Concentrations

Contaminant Of Concern	On-Site Threshold Concentration at Down-Gradient Property Boundary <sup>(1)</sup>  (µg/L)	Off-Site Threshold Concentration <sup>(2)</sup>  (µg/L)
1,1-Dichloroethane	10.8	5
Cis-1,2-Dichloroethene	150	23.2
Tetrachloroethene	17.4	3.0
Trichloroethene	29.5	5.4
Vinyl Chloride	2.7	0.6
1,2,2-Trichloro-1,2,2-trifluorethane	2.94	0.6

(1) Concentration set at the maximum measured concentration observed between 2019 and 2021 at the on-site monitoring locations located near the down-gradient Property boundary.

(2) Concentration set at the highest of the maximum concentration observed in the off-site monitoring wells + 20% or the Table 6 standards of the *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* published by the Ministry and dated April 15, 2011.

## Schedule C

### Indoor Air Trigger Levels

<b>Contaminant Of Concern</b>	<b>I/C/C Indoor Air Target Level  (µg/m3)</b>
1,1,1-Trichloroethane	715
1,1-Dichloroethane	118
1,1-Dichloroethylene	50
Tetrachloroethylene	14
Trichloroethylene	0.40
Vinyl chloride	0.41



## SCHEDULE D

### CERTIFICATE OF REQUIREMENT

s.197(2)

#### *Environmental Protection Act*

This is to certify that pursuant to item 7.1 of Certificate of Property Use number 8730-CGFJVL issued by Dan Panko, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on March 20, 2023, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as 777 Walkers Line, Burlington, ON, being all of Property Identifier Number 07034-0004 (LT), (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

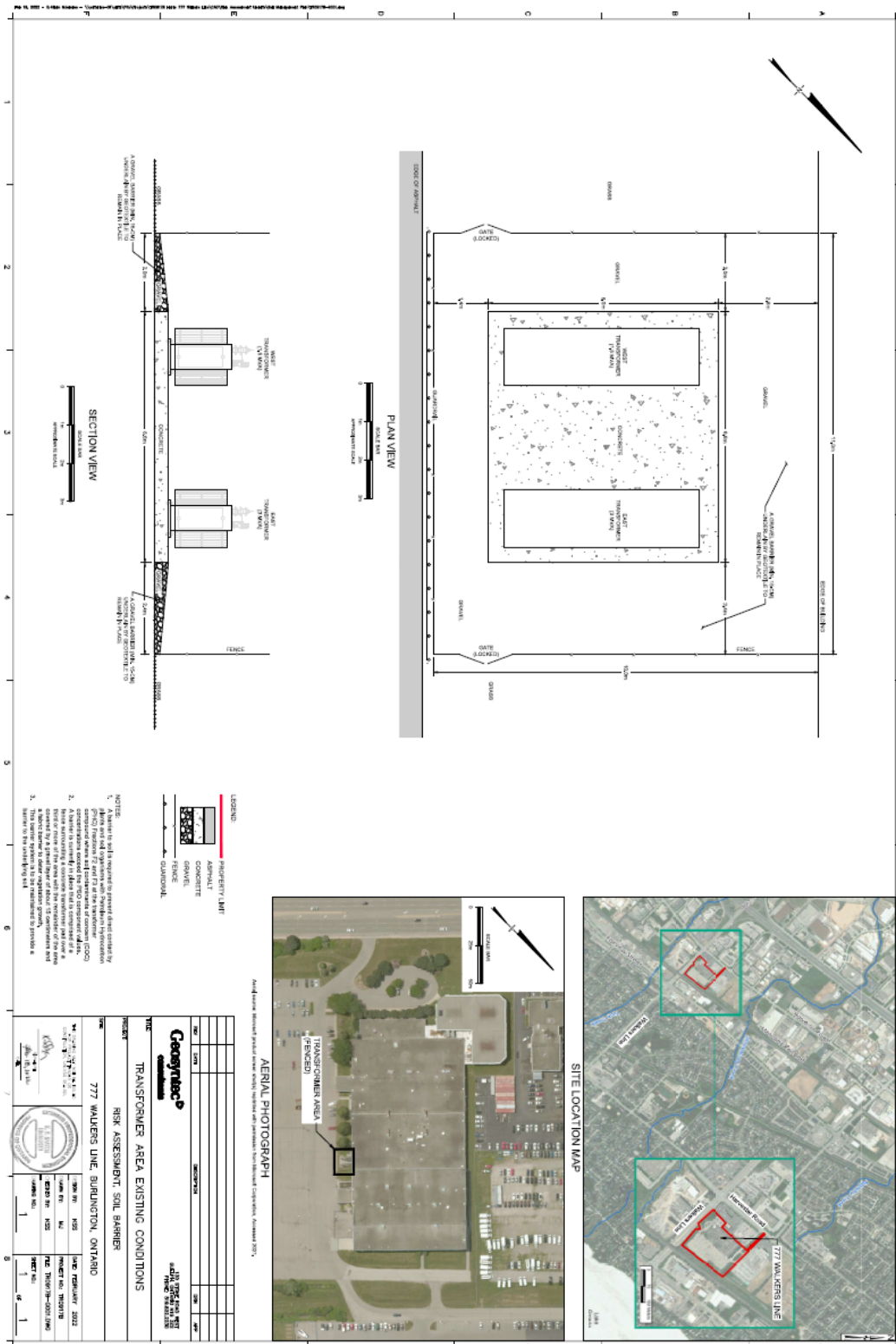
#### **BURLINGTON (777 WALKERS LINE) HOLDINGS INC.**

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

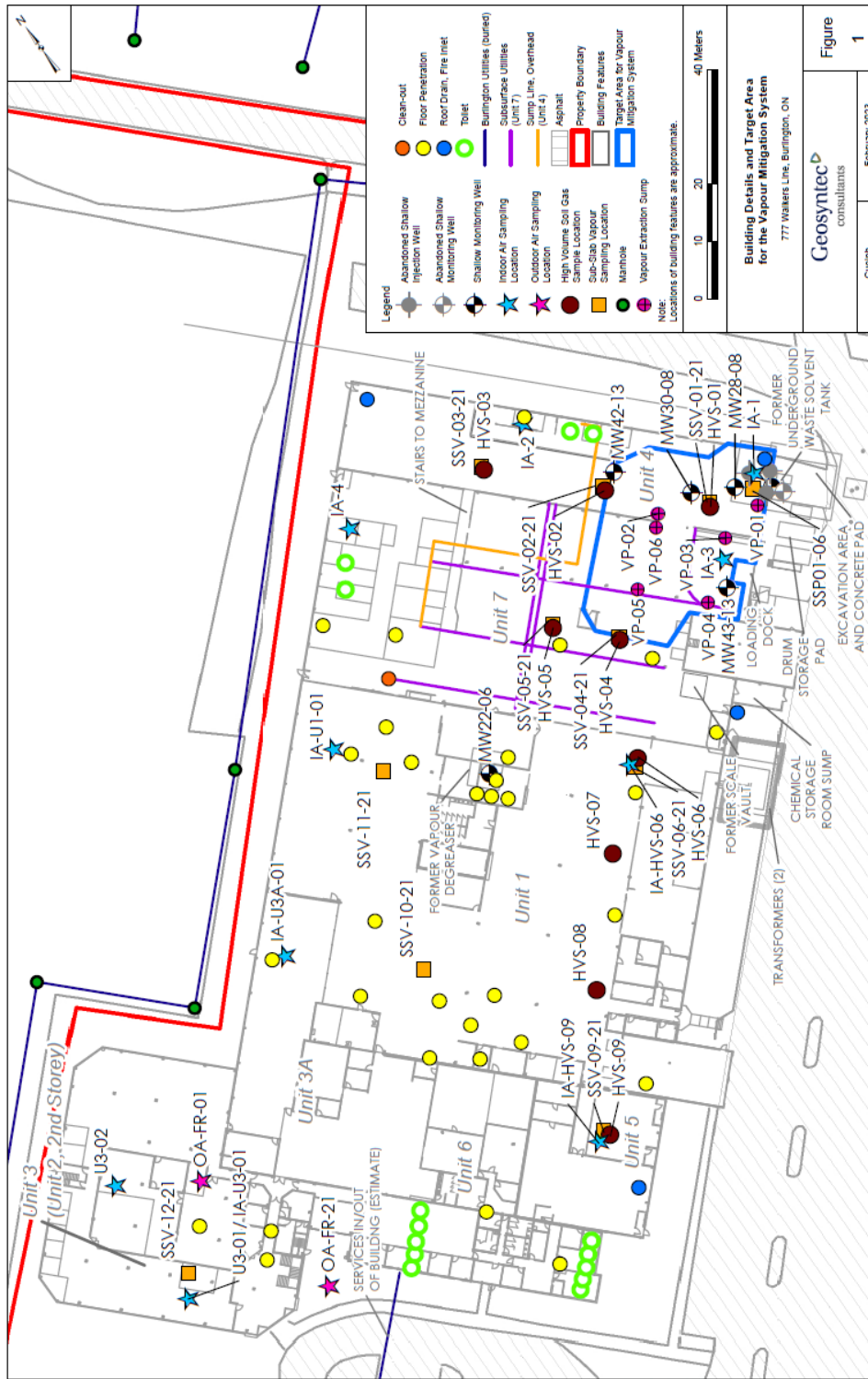
Under subsection 197(3) of the *Environmental Protection Act*, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.



# Drawing 1 - Transformer Area Existing Conditions, Risk Assessment, Soil Barrier, prepared by Geosyntec Consultants, dated February 18, 2022



**Figure 2 - Building Details and Target Area for the Vapour Mitigation System, 777 Walkers Line, Burlington, prepared by Geosyntec Consultants, dated February 2023**



**Drawing G-1 - Cover & Drawing Index, Vapour Mitigation System Design, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023**

**VAPOUR MITIGATION SYSTEM DESIGN**

**777 WALKERS LINE  
BURLINGTON, ONTARIO  
NOVEMBER 2022**



SITE LOCATION MAP

LIST OF DRAWINGS	
DRAWING NUMBER	DRAWING TITLE
GENERAL	
G-1	COVER & DRAWING INDEX
G-2	GENERAL NOTES AND SYSTEM SPECIFICATIONS
G-3	VAPOUR MITIGATION SYSTEM EXTRACTION POINT LOCATIONS
G-4	DETAILS I
G-5	DETAILS II

COVER & DRAWING INDEX VAPOUR MITIGATION SYSTEM DESIGN 777 WALKERS LINE, BURLINGTON, ONTARIO	
PREPARED BY: D.J. MALI CHECKED BY: M.J.L. DATE: NOVEMBER 2022	PROJECT NO.: 2000-078 CONTRACT NO.: S.S. DRAWING NO.: G-1
SHEET NO. 1 OF 5	DATE: 11/16/2022

PREPARED BY:  
  
 255 HURON BOULEVARD SUITE 250  
 WINDY CREEK, ONTARIO L0R 2G0  
 TELEPHONE 515-514-2230





Drawing G-3, Vapour Mitigation System Extraction Point Location, Vapour Mitigation System Design, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated November 2022 and sealed February 16, 2023



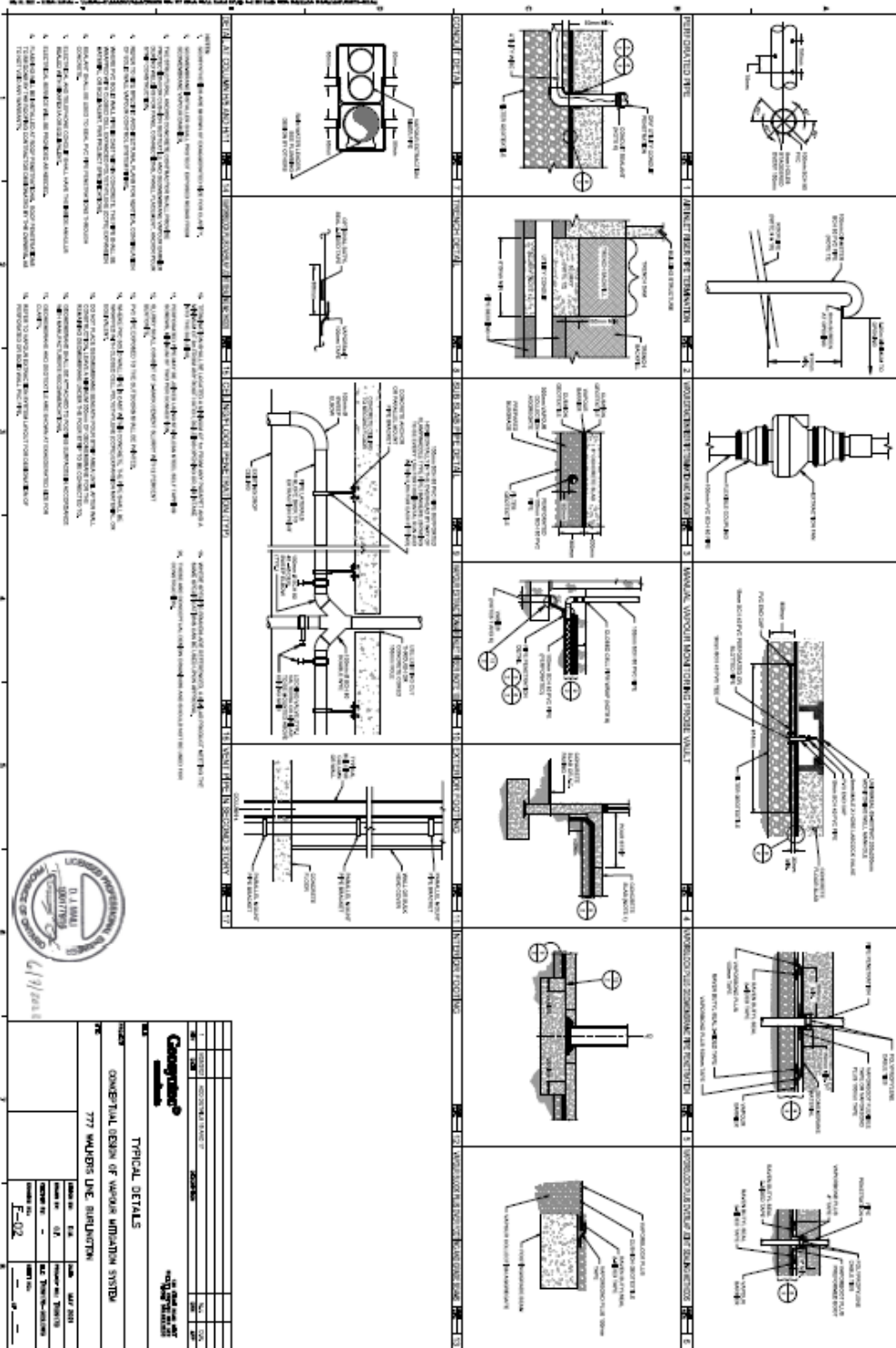








**Drawing F-02 – Typical Details, Conceptual Design of Vapour Mitigation System, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated May 2021 and sealed June 7, 2021**



**Figure L-1 - Monitoring Well Locations, 777 Walkers Line, Burlington, prepared by D.J. Mali, P.Eng., Geosyntec Consultants, dated January 2022**

