

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER A-500-1115114371

Version: 1.0

Issue Date: March 21, 2022

*Pursuant to section 20.3 of the Environmental Protection Act, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:*

TERRA NOVA ENVIRONMENTAL SERVICES INC.

3512 MAINWAY  
BURLINGTON ONTARIO  
L7M 1A8

*For the following site:*

3512 Mainway , Burlington, BURLINGTON, ONTARIO, CANADA, L7M 1A8

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

a mobile unit to be used for the processing of excavated soil, serving the Province of Ontario

## DEFINITIONS

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

1. **"Approval"** or **"ECA"** means this entire Environmental Compliance Approval document, issued in accordance with the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "A".
2. **"Contaminants of Concern"** have the same meaning as in O. Reg. 153/04.
3. **"Director"** means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA.
4. **"District Manager"** means the District Manager of the local district office of the Ministry in which the Site is geographically located.
5. **"EPA"** means the Environmental Protection Act, R.S.O. 1990, C.E-19, as amended.
6. **"Ministry"** means the Ontario Ministry of the Environment, Conservation and Parks.
7. **"Mobile Unit"** means the mobile waste management systems listed in Schedule "B" that are approved to operate pursuant to this Approval.
8. **"Non-hazardous Soil"** means Soil or Soil Mix that is solid non-hazardous waste, and contains Contaminants of Concern.
9. **"Operator"** means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Mobile Unit, and includes its successors or assigns.
10. **"Owner"** means means any person that is responsible for the establishment or operation of the Mobile Unit being approved by this Approval, and includes Terra Nova Environmental Services Inc., its successors and assigns.

11. **"OWRA"** means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended.
12. **"PA"** means the Pesticides Act, R.S.O. 1990, c. P-11, as amended.
13. **"Processed Soil"** means Non-hazardous Soil that has undergone the Mobile Unit's operations to meet the compliance requirements set out in Condition 35.1 of this Approval.
14. **"Provincial Officer"** means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the OWRA or section 5 of the EPA or section 17 of the PA.
15. **"Qualified Person"** means a person within the meaning of section 5 of O. Reg. 153/04.
16. **"Reg. 347"** means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended.
17. **"Residual Waste"** means waste generated from Mobile Unit operations, other than Processed Soil, that is destined for further management on-site or off-site under the EPA or OWRA.
18. **"Site"** means any property or properties at which the Mobile Unit is approved to operate as described in a completed notification to the District Manager set out in Condition 36.2.
19. **"Soil"** means "soil" as defined in O. Reg. 406/19 that has been excavated for processing at the Site.
20. **"Soil Mix"** means Soil mixed with rocks, gravel or debris, and other naturally occurring mineral that is similar to Soil.
21. **"Trained Personnel"** means competent personnel that have been trained through instruction and/or practice in accordance with the following:
  - a. relevant waste management legislation, regulations and guidelines;
  - b. major environmental concerns pertaining to the waste to be handled;
  - c. occupational health and safety concerns pertaining to the processes and wastes to be handled;
  - d. management procedures including the use and operation of equipment for the processes and wastes to be handled;
  - e. emergency response procedures;
  - f. specific written procedures for the control of nuisance conditions;
  - g. specific written procedures for refusal of unacceptable wastes; and
  - h. the requirements of this Approval.

## TERMS AND CONDITIONS

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

### 1. Compliance

1.1 The Owner and Operator shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Mobile Unit is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

1.2 Any person authorized to carry out work on or operate any aspect of the Mobile Unit shall comply with the conditions of this Approval.

1.3 The Mobile Unit shall be operated and maintained at all times including management and disposal of all waste in accordance with the EPA, Reg. 347 and the conditions of this Approval. At no time shall the discharge of a contaminant

that causes or is likely to cause an adverse effect be permitted.

## **2. Build in Accordance**

2.1 Except as otherwise provided for in this Approval, the Mobile Unit shall be designed, operated, modified and maintained in accordance with the application for this Approval, dated January 26, 2020, the Design and Operations Report as updated from time to time, and other supporting documentation listed in Schedule "A".

2.2 Only the Mobile Units listed in Schedule "B" shall be in operation at a Site at any given time. In the event that the Owner proposes to operate additional Mobile Units or equipment different than approved in this Approval, the Owner shall apply to the Director for an amendment to this Approval.

## **3. Interpretation**

3.1 Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.

3.2 Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.

3.3 Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.

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

## **4. Other Legal Obligations**

4.1 The issuance of, and compliance with, this Approval does not:

- a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; and
- b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner and Operator to furnish any further information related to compliance with this Approval.

## **5. Adverse Effect**

5.1 The Owner and Operator shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the Mobile Unit, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

5.2 Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval the Owner, Operator or any other person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

## **6. Change of Owner**

6.1 The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any changes to:

- a. the ownership;
- b. the Operator;

- c. the address of the Owner or Operator;
- d. the partners, where the Owner is or at any time becomes a partnership and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B-17 shall be included in the notification; and
- e. the name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C-39 shall be included in the notification.

## **7. Inspections**

7.1 No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, or the PA, of any place to which this Approval relates, and without limiting the foregoing to:

- a. enter upon the premises where the approved Mobile Unit is located, or the location where the records required by the conditions of this Approval are kept;
- b. have access to, inspect, and copy any records required to be kept by the conditions of this Approval;
- c. inspect the practices, procedures, or operations required by the conditions of this Approval; and
- d. sample and monitor for the purposes of assessing compliance with the terms and conditions of this Approval or the EPA, the OWRA or the PA.

## **8. Information and Record Retention**

8.1 Any information requested, by the Ministry, concerning the Mobile Unit and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.

8.2 The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

- a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
- b. acceptance by the Ministry of the information's completeness or accuracy.

8.3 All records required by the conditions of this Approval must be retained by the Owner for a minimum period of five (5) years from the date of their creation.

8.4 Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C. F-31.

## **9. Financial Assurance**

9.1 Within 20 days of issuance of this Approval, the Owner shall submit to the Ministry, financial assurance, as defined in Section 131 of the EPA, Financial Assurance in the amount of \$5,000 for one Mobile Unit. This Financial Assurance shall be in a form and amount acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Mobile Unit clean-up, monitoring and disposal of all quantities of waste at any one time.

9.2 The Owner can only operate the number of Mobile Units for which adequate financial assurance has been provided. The Approval number shall be included on any correspondence related to the financial assurance that is to be submitted to the Director.

9.3 The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any financial assurance is scheduled to expire or notice is received, indicating that it will not be renewed, and satisfactory methods have not been made to replace the financial assurance at least sixty (60) days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

## 10. Service Area and Hours of Operation

10.1 The service area for the Mobile Unit is the Province of Ontario.

10.2 The Mobile Unit may operate 24 hours per day, 7 days per week when located at a Site, unless otherwise restricted by municipal by-laws.

## 11. Scope

11.1 The Owner shall ensure that the Mobile Unit is not located at any one Site for more than ninety (90) calendar days per year, except with written concurrence of the District Manager.

11.2 The Mobile Unit shall only be operated at a Site:

- a. where the Soil is generated; or
- b. that has an environmental compliance approval under section 27 of the EPA.

11.3 The Mobile Unit shall be operated in accordance with the following:

- a. If the Mobile Unit is operated at a Site that has an environmental compliance approval under section 27 of the EPA, the environmental compliance approval for the Site must approve the type of waste processing permitted by this Approval.
- b. When the Mobile Unit is operated at a waste disposal site that has an environmental compliance approval under section 27 of the EPA for the operation of such a unit, the conditions in sections 36.0, 37.0 and 43.0 of this Approval do not apply, and the Owner shall comply with all conditions of the environmental compliance approval issued for the Site as they relate to the operation of the Mobile Unit.
- c. Should there be discrepancies between the conditions of this Approval and those of the environmental compliance approval for the Site, the terms and conditions of the Site environmental compliance approval shall take precedence.

## 12. Identification, Signage and Security

12.1 The Mobile Unit shall be clearly marked on both sides, in easily legible display, with the following information:

- a. the name of the Owner; and
- b. the number of this Approval.

12.2 The Owner shall ensure that a copy of this Approval is present with the Mobile Unit at all times that the Mobile Unit is operated at a Site.

12.3 The Owner shall install a temporary sign for the duration of processing at the Site, which shall be posted at the main entrance/exit to the Site and on which is legibly displayed the following information:

- a. the name of the Owner;
- b. the number of this Approval;
- c. the hours of operation of the Mobile Unit;
- d. a brief description of the nature of the operation;
- e. a twenty-four (24) hour telephone number that can be used to reach the Owner in the event of a complaint or an emergency; and
- f. the length of time the Owner intends to operate the Mobile Unit at the location.

12.4 The Owner shall operate and maintain the Mobile Unit in a secure manner, such that unauthorized persons cannot access the Mobile Unit and equipment.

### **13. Nuisance Control**

13.1 The Mobile Unit shall be operated and maintained such that vermin, vectors, dust, litter, odour, and noise do not create a nuisance.

### **14. Other Approvals**

14.1 No sewage resulting from Site operations or the operation of the Mobile Unit shall be discharged except in accordance with the OWRA, any approval issued under Section 20.3 of the EPA for activities under Section 53 of the OWRA, and any applicable Municipal Sewer Use By-Law(s).

14.2 The Owner shall not operate the Mobile Unit unless any necessary approvals under Section 9 of the EPA have been obtained as required.

14.3 For clarity, nothing in Condition 14.2 above prevents the Mobile Unit from being used for an activity if that activity does not require approval under Section 9 of the EPA.

### **15. Approved Waste Types**

15.1 Only Non-hazardous Soil impacted with petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, pesticides and herbicides may be processed by the Mobile Unit.

15.2 For clarity, no Soil may be processed by the Mobile Unit if that Soil contains levels of metal contamination and/or other chemical contamination that the Mobile Unit cannot reduce through normal processing and the level of contamination exceeds the applicable standards set out in the Soil Rules based on the specific end-use of the site, other site-specific requirements determined in accordance with O. Reg. 153/04, or other applicable standards imposed by the local municipality.

### **16. Prohibitions**

16.1 The Owner shall not mix Soils, wastes or materials if the purpose of the mixing is to increase or dilute the concentrations of contaminants present in the Soil.

16.2 Processing of liquid waste, as defined in Reg. 347, is not approved under this Approval.

## **17. Processing**

17.1 Processing undertaken by the Mobile Unit is limited to the ex-situ treatment of Soil impacted with the contaminants noted in Condition 15.1 above using equipment identified in Section 1.1.5.4 of Item 1 in Schedule "A" to screen, mix, turn and apply process amendments to the Soil as described in the supporting documentation included in Schedule "A".

17.2 Process amendments noted in Item 2 in Schedule "A", and chelating agents or other agents that encapsulate but do not remove contamination in the Soil, shall not be used to treat Soil further to this Approval. All process amendments shall be used in accordance with manufacturer's recommendations.

## **18. Soil Storage**

18.1 Excavated Soil and Processed Soil shall be stored at the Site in accordance with subsection 1(1) of Section C of Part I of the Soil Rules.

18.2 The Owner may deviate from the requirements of Condition 18.1 in accordance with written concurrence from the District Manager, or when operating at a site with an environmental compliance approval under section 27 of the EPA where the conditions of that approval require it.

## **19. Stockpile Tracking**

19.1 All stockpiles of excavated Soil and Processed Soil shall be marked by a sign or label indicating the contents of the stockpile. The sign or label shall be legible and clearly visible for the purpose of tracking, inspection and record keeping.

## **20. Residual Waste Management**

20.1 The Owner shall ensure that all Residual Waste is segregated and stored separately from excavated Soil and Processed Soil.

20.2 All Residual Waste shall be handled, characterized and disposed of in accordance with the OWRA, EPA and Reg. 347.

20.3 No liquid waste shall be discharged to the natural environment except in accordance with any required approvals under the OWRA.

## **21. Equipment Clean-up**

21.1 The Owner shall ensure that after the processing of waste is completed, the Mobile Unit is cleaned of waste prior to removal off-Site.

21.2 Any waste resulting from the cleaning activities shall be handled in accordance with Reg. 347.

## **22. Transportation of Waste**

22.1 No waste shall be transported in the Mobile Unit.

## **23. Waste Inspections**

23.1 All waste shall be inspected by Trained Personnel, prior to being accepted by the Owner for processing by the Mobile Unit. The Mobile Unit shall only be operated under the supervision of Trained Personnel.

## **24. Liners and Covers**

24.1 The Owner shall ensure that:

- a. excavated Soil, Processed Soil and solid Residual Waste is placed on top of an impermeable surface and within an area designed to provide sufficient liquid containment;
- b. all liquid Residual Waste stored on-site is stored in accordance with the Ministry's guideline entitled "Guideline for environmental protection measures at chemical and waste storage facilities" dated May 2007, and that double-walled tanks and/or single walled tanks with additional spill protection measures are employed as necessary to ensure compliance with Section 3 of the guideline.

24.2 If a liner is used as the impermeable surface at the Site, the Owner shall ensure that:

- a. the construction of the liner is done in accordance with manufacturer specifications and QA/QC procedures; and
- b. processing activities or equipment at the Site do not damage the integrity of the liner.

24.3 All Soil stockpiles shall be covered to prevent contact with stormwater and to prevent off-site impacts due to dust.

24.4 The Owner shall isolate and cover any open drains to prevent any spilled waste, run-off or leachate from entering any sewer system or the natural environment.

## **25. Sampling and Testing Provisions**

25.1 The Owner shall ensure that all testing, sampling and analysis required in this Approval is carried out by a Qualified Person.

25.2 The Owner shall ensure that:

- a. all samples are sent to an accredited laboratory for the required analysis; and
- b. samples are handled in accordance with the instructions of the accredited laboratory carrying out the analytical testing.

## **26. Testing for Contaminated Soil accepted by the Mobile Unit for processing**



26.1 Prior to any processing of Soil in the Mobile Unit, the Owner shall request documentation from the Site owner to confirm the nature of the Soil and its characteristics and constituents. As a minimum, the documentation shall include the following:

- a. current Site activities and land use;
- b. past Site activities and land use, if known;
- c. estimated quantity of Soil to be processed at the Site; and
- d. either:
  - i. the results of any Phase One and Phase Two environmental site assessments undertaken for the Site, either required under O. Reg. 153/04 or otherwise carried out in accordance with the Ministry's requirements under O. Reg. 153/04; or
  - ii. the following sampling and analytical results data:
    1. sampling protocols, including the number of samples taken and their locations, the sampling methods used and a description of the handling of the samples;
    2. analytical results for Reg. 347 Schedule 9 slump test if the Soil has a high moisture content;
    3. analytical results for demonstrating that Soil is non-hazardous, including TCLP analysis;
    4. parameters listed in subsection 2(3)14 of Section B of Part I of the Soil Rules, unless otherwise revised by the Qualified Person who conducted the assessment for the site who has provided a rationale as to why one or more of the parameters listed above is not required to be tested for.

26.2 If documentation from the Site owner identified in Condition 26.1 is not received, the Owner shall carry out characterization of the Soil prior to processing to determine its nature, constituents and characteristics, in accordance with the following:

- a. sampling of Soil shall be carried out prior to any pre-treatment or processing activities;
- b. samples shall be submitted to an accredited laboratory immediately after collection or on the next business day, whichever comes first, for the required analysis;
- c. the following shall be tested for:
  1. parameters required to determine if the Soil is non-hazardous Soil, including relevant parameters set out in Schedule 4 entitled "Leachate Quality Criteria" of Reg. 347;
  2. Reg. 347 Schedule 9 slump test if the Soil has a high moisture content;
  3. representative pH of the Soil; and
  4. parameters listed in subsection 2(3)14 of Section B of Part I of the Soil Rules;
- d. in-situ and ex-situ sampling shall follow the characterization requirements set out in Condition 26.3; and
- e. characterization of Soil shall follow the requirements set out in subsection 2(4) and 2(5)4 of Section B of Part I of the Soil Rules.

26.3 All bulk concentrations noted above shall be determined from samples collected in accordance with the following, all supported by any applicable analytical results from an accredited laboratory:

- a. when carrying out an in-situ and ex-situ characterization from residential source Sites, sampling frequency shall be as follows:
  1. a minimum of one (1) Soil sample shall be collected for each 500 m<sup>3</sup> of the Soil to be excavated, for testing of VOCs and SVOCs; and

2. a minimum of one (1) Soil sample shall be collected for each 300 m<sup>3</sup> of the Soil to be excavated for all other testing, including testing for petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);

b. when carrying out in-situ characterization of Soil from industrial, commercial and institutional source Sites, sampling frequency shall be in accordance with subsection 2(3)15 of Section B of Part I of the Soil Rules; and

c. when carrying out ex-situ characterization of Soil from industrial, commercial and institutional source Sites, sampling frequency shall be in accordance with subsection 2(3)16 of Section B of Part I of the Soil Rules.

26.4 Notwithstanding Condition 26.3 above, where a qualified person determines based on limited sampling and analysis that soil within an area of potential environmental concern (APEC) contains concentrations of contaminants exceeding the Table 3 small volume excess soil quality standards for Residential/Parkland/Institutional property uses, then the qualified person may depart from the sampling and analysis requirements set out above provided the contamination is the result of a known spill or impact and the soil is non-hazardous.

## 27. Compliance Testing for Processed Soil

### Sampling Frequency

27.1 The Owner shall collect samples of Processed Soil at or above the applicable minimum frequencies in accordance with:

a. subsection 2(3)16 of Section B of Part I of the Soil Rules; and

b. subsections 2(5)2 and 2(5)4 of Section B of Part I of the Soil Rules if testing for metal leachability.

### Sampling Methodology and Testing

27.2 The Owner shall follow the following sampling and analytical methodology for Processed Soil:

a. subsection 2(4) of Section B of Part I of the Soil Rules; and

b. the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Regulation 347" dated February, 2002, as amended.

### Parameters

27.3 The Owner shall ensure that, at a minimum, Processed Soil samples are analyzed for parameters identified as relevant in the initial Site characterization, and that TCLP analysis is carried out.

## 28. Soil Quality Criteria and Backfilling Provisions

28.1 Prior to backfilling at the Site, the Owner shall ensure that Processed Soil complies with the following:

a. applicable standards determined in accordance with the Soil Rules based on the contaminants identified further to Condition 26 above and the specific end-use of the Site; or

b. any other applicable quality criteria for the Site as required under O. Reg. 153/04, the local municipality, the local conservation authority and any applicable provincial/federal legislation.

28.2 If testing and analysis of Processed Soil shows the criteria above have not been met, the Owner shall provide written notification to the Site owner that the quality criteria for the end-use of the Site exceed those listed above.

28.3 Following completion of the operation of the Mobile Unit, the Owner shall provide written notification to the Site owner that the transportation and re-use of Processed Soil at any off-Site location is subject to the restrictions of O. Reg. 406/19.

## 29. Notification to District Manager

29.1 The Owner shall notify the District Manager, in writing, of its intent to operate the Mobile Unit at a Site in the District Manager's area of jurisdiction. The notification shall be submitted at least ten (10) calendar days, or at such other time as may be agreed to in writing by the District Manager, prior to the date of commencement of the operation of the Mobile Unit.

29.2 The notification shall include the following information:

- a. name, address, telephone number, and location of the Site;
- b. description of the Mobile Unit, including equipment to be used;
- c. the proposed handling, treatment and storage procedures for Soil, Processed Soil and Residual Waste, including details on liners and covers to be employed at the Site;
- d. the following:
  1. Site plan for the location where the Owner intends to operate, including:
  2. property boundaries, buildings, land use (including proposed end-use);
  3. placement of the Mobile Unit at the Site;
  4. location of overnight storage of equipment;
  5. location of equipment including all temporary storage tanks;
  6. approximate location of Soil to be processed, Processed Soil and Residual Waste to be left on-Site; and
  7. Site access control;
- e. land use of properties adjacent to the Site where the Owner intends to operate the Mobile Unit;
- f. proposed volume of Soil to be processed;
- g. details of any environmental site assessments undertaken for the Site;
- h. sampling and testing protocols proposed to characterize Soil, Processed Soil and Residual Waste;
- i. a description of the waste to be processed, and the details of the testing laboratory utilized for the required characterization;
- j. description of the Mobile Unit's operating plan and emergency plan for the operation;
- k. proposed final destination of Processed Soil and Residual Waste;
- l. anticipated date of commencement and completion of the operation;
- m. hours of operation for the Mobile Unit;  
reference to this Approval and notices of amendment (if any);
- n. details of the Director's acceptance of the financial assurance for the Mobile Unit; and
- o. confirmation of municipal notification.

29.3 The Owner shall carry out all operations approved for the Mobile Unit as proposed in the required pre-operation

notification identified in Condition 36.2 above, unless otherwise agreed in writing by the District Manager.

29.4 In the event that the District Manager informs the Owner that any information provided as part of the notification set out in Condition 29.2 is unacceptable, the Owner shall not commence operation of the Mobile Unit until the District Manager's concerns are addressed.

29.5 The District Manager may delete any of the items required in the notification list included in Condition 29.2.

### **30. Municipal and Fire Department Notification**

30.1 A copy of the notification referred to in section 29.0 of this Approval shall also be submitted to the clerk of the municipality in which the Owner intends to operate or to such other municipal officer that the clerk designates in writing. The notification shall be submitted a minimum of ten (10) calendar days, or at such other time as may be agreed to in writing by the municipality, prior to the date of commencement of the operation. Should the services of the Mobile Unit be provided to a municipality, this notification is not required.

30.2 The Owner shall:

- a. notify, in writing, the local fire department in the area of jurisdiction in which the Owner intends to operate, where this notification shall include a description of the Mobile Unit, a description of the waste to be processed and the location of the Site where the Mobile Unit is to operate; and
- b. provide any additional information, in writing, that the local fire department may require and request.

### **31. Training Plan**

31.1 A training plan shall be developed and maintained for all employees that operate the Mobile Unit. Only Trained Personnel may operate the Mobile Unit or carry out any activity required under this Approval.

### **32. Operations Manual**

32.1 Prior to the commencement of operations by the Mobile Unit, the Owner shall prepare an operations manual for use by the Operator(s) and shall contain as a minimum the following information:

- a. waste screening procedures to ensure that only approved waste is processed by the Mobile Unit;
- b. handling and processing procedures for Soil, Processed Soil and Residual Waste;
- c. operating parameters for the Mobile Unit;
- d. monitoring and required sampling and testing methods;
- e. Mobile Unit maintenance and inspection protocols;
- f. record keeping requirements;
- g. outline of the responsibilities of the Operator(s);
- h. personnel training protocols as required by this Approval;
- i. emergency response plans and spill clean-up procedures, and
- j. complaints handling procedures.

32.2 The operations manual shall be maintained and kept up-to-date, and shall be made available for inspection by Ministry staff upon request.

### **33. Emergency Response and Contingency Measures**

33.1 The Owner shall:

- a. promptly take all necessary steps to handle an emergency situation to minimize its impact on the natural environment;
- b. ensure all wastes resulting from an emergency situation are managed and disposed of in accordance with Reg. 347; and
- c. record in a log book the nature of the emergency situation and the measures taken to contain the environmental impact of the emergency situation and to prevent its recurrence.

33.2 All equipment and materials required to handle the emergency situations shall be:

- a. kept on hand at all times that the Mobile Unit is in operation; and
- b. adequately maintained and kept in a state of good working order.

33.3 The Owner shall promptly take necessary steps to contain and clean up any spills of waste which have resulted from the operation of this Mobile Unit. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at 1-800-268-6060 and shall be recorded in a written log or an electronic file as to the nature of the spill or upset and the mitigative action(s) taken.

#### **34. Complaint Response**

34.1 If at any time, the Owner receives complaints regarding the operation of the Mobile Unit, the Owner shall respond to these complaints according to the following procedure:

- a. Within seventy two (72) hours of its receipt, the Owner shall notify the District Manager, in writing, that a complaint regarding the operation of the Mobile Unit has been received. The notification shall contain the following information:
  - 1. a description of the time and date of the complaint and of the incident to which the complaint relates;
  - 2. the nature of the complaint and the address of the complainant, if known;
  - 3. weather conditions at the time of the incident to which the complaint relates;
  - 4. a description of the measures taken to determine the possible causes of the complaint and the steps taken to investigate and deal with the cause of the incident to which the complaint relates and the steps taken and/or to be taken to prevent a similar occurrence in the future; and
  - 5. a written response to the complainant, if known.
- b. The Owner shall record and number each complaint, either electronically or in a written log book, and shall include the information mentioned in part (a) above.
- c. The Owner, upon notification of the complaint, shall initiate appropriate steps to determine all possible causes of the complaint; proceed to take the necessary actions to eliminate the cause of the complaint; and send a formal reply to the complainant within one (1) week of the complaint.

#### **35. Daily Logbook**

35.1 A daily log shall be maintained for each day that the Mobile Unit is operated actively and shall include the following information:

- a. date;
- b. quantities of Soil excavated and Processed Soil and Residual Waste generated;
- c. results of any sampling and analysis undertaken or commissioned;
- d. a record of any spills, process upsets or emergency situations resulting from the operation of the Mobile Unit, the nature of the spill, process upset and the action taken for the clean up or correction of the spill, the time and date

of the spill or process upset, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA; and

e. the signature of the Trained Personnel conducting the inspection and completing the daily log.

### 36. Reporting

36.1 Within thirty (30) days of the completion of the operation of the Mobile Unit at the Site, the Owner shall prepare a report and submit to the District Manager.

36.2 The report shall include, at a minimum, the following information:

- a. reference to the notification referred to in sections 29.0 and 30.0 of this Approval;
- b. total volume of Soil that was processed by the Mobile Unit;
- c. total amount of Processed Soil and Residual Waste generated at the Site;
- d. description of the Processed Soil and Residual Waste storage arrangements at the Site;
- e. final destination of the Processed Soil and Residual Waste (if known);
- f. results of all compliance testing conducted on Processed Soil and Residual Waste;
- g. a comparison to the applicable quality criteria set out in section 28.0;
- h. a copy of the notification to the Site's owner regarding characterization of Processed Soil and Residual Waste;
- i. handling procedures of wastes resulting from cleaning activities;
- j. records of any spills, upsets or emergency situations that occurred during the operation of the Mobile Unit;
- k. dates and hours of operation at the Site including the actual date when the processing commenced and the date when the processing was completed; and
- l. records of complaints.

## REASONS

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

1. The reason for the definitions is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.

The reason for the conditions in sections 1, 3, 4, 5 and 8 is to clarify the legal rights and responsibilities of the Owner.

The reason for the conditions in section 2 is to ensure that the Mobile Unit is operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

The reasons for conditions in section 6 are to ensure that the Mobile Unit is operated under the corporate name which appears on the application form submitted for this approval, and to ensure that the Director is informed of any changes.

The reason for the conditions in section 7 is to ensure that appropriate Ministry staff have ready access to the Mobile Unit for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This section is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.

The reason for the conditions in section 9 is to ensure that sufficient funds are available to the Ministry to clean up of any discharges of contaminants to the environment in the event that the Owner is unable or unwilling to do so.

The reason for condition 10.1 is to specify the approved service area for the operation of the Mobile Unit.

The reason for condition 10.2 is to specify the hours of operation of the Mobile Unit based on the Owner's application and supporting documentation.

The reason for condition 11.1 is to ensure that the location of the operation of the Mobile Unit does not become a permanent waste disposal site as such operation would not be consistent with an approval for a mobile unit.

The reason for condition 11.2 and 11.3 is to clearly state where the Mobile Unit is approved to operate.

The reason for condition 12.1 is included to require the Owner to provide visible identification for the Mobile Unit as an authorized waste management facility and for inspection purposes.

The reason for condition 12.2 is to provide easy access to the listing of the terms, conditions and operating requirements to Operators and personnel working on the Mobile Unit as well as to Ministry staff who may be inspecting the Mobile Unit.

The reason for condition 12.3 is to ensure that the public and emergency responders are informed about the Mobile Unit operations and are able to contact the Owner in the event of a complaint or emergency.

The reason for condition 12.4 is to prevent unauthorized access to the Mobile Unit's equipment and operations.

The reason for condition 13.1 is to ensure that Mobile Unit is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment.

The reason for the conditions in section 14 is to ensure that any discharges from the Site are managed in accordance with Ontario legislation and regulations.

The reasons for conditions in sections 15, 17, 18, 19, 23 and 24 are to specify the types of waste that may be processed and the approved waste processing and handling activities that were considered by the Director under this Approval based on the Owner's application and supporting documentation.

The reasons for Conditions 16.1 and 16.2 are to ensure that approved wastes are processed pertinent to the contamination shown by the characterization documentation to achieve the required results, and to prohibit processing of waste types that were not considered by the Director under this Approval.

The reason for the conditions in section 20 is to ensure that the waste and leachate generated by the operation of the Mobile Unit at a Site is handled according to the requirements set out in the EPA, the OWRA and the relevant regulations.

The reason for the conditions in section 21 is to ensure that the Mobile Unit is cleaned after processing of waste to avoid cross contamination of any waste that will be processed in the future.

The reason for Condition 22.1 is to prohibit transport of waste in the Mobile Unit since that was not considered by the Director under this Approval.

The reason for the conditions in section 25 is to clarify Ministry requirements for sampling and testing of soil, and of Processed Soil and Processed Waste to ensure valid characterization results.

The reason for the conditions in section 26 is to ensure that the soil to be treated has been adequately characterized prior to handling at the Site and to ensure that Contaminated Soil accepted for processing by the Mobile Unit is handled through the appropriate approved activity as included in this Approval.

The reason for the conditions in section 27 is to specify Processed Soil and Processed Waste compliance testing requirements to ensure that reliable testing results are obtained to determine compatibility with the proposed final re-use or disposal of the Processed Soil and Processed Waste.

The reason for Conditions 28.1 and 28.2 is to specify Processed Soil and Processed Waste quality criteria for applicable re-uses or disposal to ensure that the effectiveness of processing activities results in the restoration of the natural environment, and does not result in an adverse effect or a hazard to the health and safety of the environment or people.

The reason for Condition 28.3 is to require the Owner to notify the Site owner of the Site owner's legal responsibility of backfilling, re-use and transportation of Processed Soil and Processed Waste to ensure that any future handling of Processed Soil or Processed Waste is in compliance with the EPA and relevant regulations.

The reasons for the conditions in sections 29 and 30 are to require notification of the District Manager and the local municipal officials of the Owner's intent to operate the Mobile Unit in their area of jurisdiction, and to allow for additional requirements to be placed on the Owner in order to address concerns specific to the proposed operation of the Mobile Unit.

The reason for condition 31.1 is to require all Operators of the Mobile Unit to be properly trained so that the Mobile Unit is operated in an environmentally acceptable manner and does not pose a threat to the health and safety of any persons or the natural environment.

The reasons for the conditions in section 32 are to require the Owner to prepare a concise and easy up-to-date document describing the operation of the Mobile Unit and including the original design and operating procedures of the Mobile Unit.

The reasons for the conditions in section 33 are to ensure that an emergency response plan is developed and maintained at the Mobile Unit and that staff are properly trained in the operation of the equipment used at the Mobile Unit and emergency response procedures.

The reason for condition 34.1 is to ensure that any complaints regarding Mobile Unit operations at the Site are responded to in a timely manner.

The reason for the conditions in sections 35 and 36 is to require the Owner to create records so that the environmental



impact and subsequent compliance with the EPA, its regulations and this Approval can be verified.

## APPEAL PROVISIONS

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In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal within 15 days after receipt of this notice, require a hearing by the Tribunal. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

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

The Notice should also include:

- I. The name of the appellant;
- II. The address of the appellant;
- III. The environmental compliance approval number;
- IV. The date of the environmental compliance approval;
- V. The name of the Director, and;
- VI. The municipality or municipalities within which the project is to be engaged in.

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

This Notice must be served upon:

Registrar*		The Director appointed for the purposes of Part II.1 of the <i>Environmental Protection Act</i>
Ontario Land Tribunal		Ministry of the Environment, Conservation and Parks
655 Bay Street, Suite 1500		135 St. Clair Avenue West, 1st Floor
Toronto, Ontario	and	Toronto, Ontario
M5G 1E5		M4V 1P5
OLT.Registrar@ontario.ca		

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

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

Dated at Toronto this 21st day of March, 2022



Mohsen Keyvani

Director

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

c: J.P. Marini

The following schedules are a part of this environmental compliance approval:

# SCHEDULE 1

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Documents relied on during the review of this Approval:

1. ECA application dated January 26, 2021 signed by J.P. Marini, including all attachments and supporting documentation.
2. Email dated December 13, 2021 from J.P. Marini to Andrew Neill, P.Eng., MECP, with a list of process amendments that will not be used.

## SCHEDULE 2

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The Mobile Unit described in Item 1 of Schedule "A" may be used to process excavated soil pursuant to this Approval. For clarity, this Mobile Unit may consist of the following:

- excavators
- skidsteers
- tractors
- electric and compresses air pumps
- storage tanks
- Allu mixing head attachment (or equivalent)
- Magnum screening bucket attachment (or equivalent)
- roto tillers