

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 6207-698LV7

Issue Date: August 29, 2023

EACOM Timber Corporation  
361 Sawmill Rd  
Ear Falls, Ontario  
P0V 1T0

Site Location: Ear Falls Sawmill  
361 Sawmill Rd PO Box 250  
Ear Falls Township, District of Kenora  
P0V 1T0

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

the use and operation of 7.2 hectare waste disposal/transfer site within a total site area of 79.7 hectares.

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

“Approval” means this Environmental Compliance Approval and any Schedules to it;

“Contaminating Life Span” means contaminating life span as defined in Ontario Regulation 232/98;

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

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

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

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

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

“O. Reg. 232/98” means Ontario Regulation 232/98: (Landfilling Sites), made under the EPA, as amended;

“Operator” means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site and includes its successors or assigns;

“Owner” means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes the EACOM Timber Corporation and its successors and assigns;

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

“PA” means the *Pesticides Act*, R.S.O. (1990), c. P.11, as amended;

“Provincial Officer” means any person designated in writing by the Minister as a provincial officer pursuant to Section 5 of the OWRA, Section 5 of the EPA, Section 17 of the PA, Section 4 of the NMA, or Section 8 of the SDWA;

“Regional Director” means the Regional Director of the local Regional Office of the Ministry in which the Site is located;

“Reg. 347” means R.R.O. 1990, Reg. 347: (General - Waste Management), made under the EPA, as amended;

“Reg. 903” means R.R.O. 1990, Reg. 903: (Wells), made under the OWRA, as amended;

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

"Schedules" means the following schedules attached to this Approval and forming part of this Approval namely:

- o Schedule 1 - Supporting Documentation; and
- o Schedule 2 - Groundwater and Leachate Quality Monitoring Program;

“Site” means the entire waste disposal site, including the buffer lands, and contaminant attenuation zone at Ear Falls Sawmill, 361 Sawmill Rd, Ear Falls Township, District of Kenora; and

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

- o relevant waste management legislation, regulations and guidelines;
- o major environmental concerns pertaining to the waste to be handled;
- o occupational health and safety concerns pertaining to the processes and wastes to be handled;
- o management procedures including the use and operation of equipment for the processes and wastes to be handled;
- o emergency response procedures;

- specific written procedures for the control of nuisance conditions;
- specific written procedures for refusal of unacceptable waste loads; and
- the requirements of this Approval.

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

## **TERMS AND CONDITIONS**

### **1. GENERAL**

#### **Compliance**

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

#### **In Accordance**

3. Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the documentation listed in the attached Schedule 1.

#### **Interpretation**

4. Where there is a conflict between a provision of any document listed in Schedule 1 in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
5. Where there is a conflict between the application and a provision in any document listed in Schedule 1, the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.
6. Where there is a conflict between any two documents listed in Schedule 1, the document bearing the most recent date shall take precedence.
7. The conditions of this Approval are severable. If any condition of this Approval, or the application of any condition of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

### **Other Legal Obligations**

8. The issuance of, and compliance with, this Approval does not:
  - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
  - b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner and Operator to furnish any further information related to compliance with this Approval.

### **Adverse Effect**

9. 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 Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
10. Despite the Owner, Operator or any other person fulfilling any obligations imposed by this Approval the person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

### **Change of Ownership**

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

## **Registration on Title Requirement**

14. Prior to dealing with the property in any way, the Owner shall provide a copy of this Approval and any amendments, to any person who will acquire an interest in the property as a result of the dealing.
15.
  - a. Within one (1) year from the date of issuance of this Approval, the Owner shall submit to the Director a completed Certificate of Requirement which shall include:
    - i. a plan of survey prepared, signed and sealed by an Ontario Land Surveyor, which shows the area of the Site where waste has been or is to be deposited at the Site;
    - ii. proof of ownership of the Site;
    - iii. a letter signed by a member of the Law Society of Upper Canada or other qualified legal practitioner acceptable to the Director, verifying the legal description provided in the Certificate of Requirement;
    - iv. the legal abstract of the property; and
    - v. any supporting documents including a registerable description of the Site.
  - b. Within thirty (30) calendar days of receiving a Certificate of Requirement authorized by the Director, the Owner shall:
    - i. register the Certificate of Requirement in the appropriate Land Registry Office on the title to the property; and
    - ii. submit to the Director and the District Manager, written verification that the Certificate of Requirement has been registered on title.

## **Inspections by the Ministry**

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

## **Information and Record Retention**

17.
  - a. Except as authorized in writing by the Director, all records required by this

Approval shall be retained at the Site for contaminating life span of the Site.

- b. The Owner shall retain all documentation listed in Schedule 1 for as long as this Approval is valid.
  - c. All monthly summary reports of waste records collected are to be kept at the Site until they are included in the Annual Report.
  - d. The Owner shall retain employee training records as long as the employee is working at the Site.
  - e. The Owner shall make all of the above documents available for inspection upon request of Ministry staff.
18. 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.
19. The Owner shall ensure that a copy of this Approval, in its entirety and including all its Notices of Amendment, and documentation listed in Schedule 1, are retained at the Site at all times.
20. Any information related 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, RSO 1990, CF-31.

### **Financial Assurance**

- 21. a. Within thirty (30) days of issuance of this Notice, the Owner shall submit to the Director, Financial Assurance as defined in Section 131 of the Environmental Protection Act, in the amount of \$ 971,466. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the post-closure care and monitoring of the landfill during the contaminating lifespan.
- b. Commencing on July 31, 2028 and on a five year basis thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the Financial Assurance to facilitate the actions required under Condition 21.a. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of alternative measures required by the Director upon review of

the annual reports. The Financial Assurance must be submitted to the Director within thirty (30) days of written acceptance of the re-evaluation by the Director; and

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

## **2. SITE OPERATION**

### **Operation**

1. The Site 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.

### **Signs**

2. The Owner shall install and maintain a sign at the entrance to the Site. The sign shall be visible and readable from the main road leading to the Site. The following information shall be included on the sign:
  - a. the name of the Site, Owner and Operator;
  - b. the number of the Approval;
  - c. the allowable and prohibited waste types;
  - d. the telephone number to which complaints may be directed;
  - e. a twenty-four (24) hour emergency telephone number (if different from above); and
  - f. a warning against dumping outside the Site.

### **Vermin, Vectors, Dust, Litter, Odour, Noise and Traffic**

3. The Site shall be operated and maintained such that the vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance.

### **Burning Waste Prohibited**

4. Burning of waste including wood waste for the purpose of disposal at the Site is prohibited.

### **Hours of Operation**

5. Unless the Director or the District Manager ordered otherwise, the Site is allowed to operate 24 hours a day and 7 days a week, as necessary.

### **Site Security**

6. No waste shall be received, landfilled or removed from the Site unless a site supervisor or attendant is present and supervises the operations during operating hours. The Site shall be closed when a site supervisor or site attendant is not present to supervise landfilling operations.
7. The Site shall be operated and maintained in a secure manner. During non-operating hours, the Site shall be secured against access by unauthorized persons.

### **Site Access**

8. Access to and exit from the Site shall only be permitted from Sawmill Road off Highway 105.

## **3. EMPLOYEE TRAINING**

1. A training plan for all employees that operate any aspect of the Site shall be developed and implemented by the Owner or the Operator. Only Trained Personnel shall operate any aspect of the Site or carry out any activity required under this Approval.

## **4. COMPLAINTS RESPONSE PROCEDURE**

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



## **5. EMERGENCY RESPONSE**

1. All Spills as defined in the EPA shall be immediately reported to the **Ministry's Spills Action Centre at 1-800-268-6060** and shall be recorded in the log book as to the nature of the emergency situation, and the action taken for clean-up, correction and prevention of future occurrences.
2. In addition, the Owner shall submit, to the District Manager a written report within three (3) business days of the emergency situation, outlining the nature of the incident, remedial measures taken, handling of waste generated as a result of the emergency situation and the measures taken to prevent future occurrences at the Site.
3. All wastes resulting from an emergency situation shall be managed and disposed of in accordance with Reg. 347.
4. All equipment and materials required to handle the emergency situations shall be:
  - a. kept on hand at all times that waste landfilling and/or handling is undertaken at the Site; and
  - b. adequately maintained and kept in good repair.
5. The Owner shall ensure that the emergency response personnel are familiar with the use of such equipment and its location(s).

## **6. INSPECTIONS, RECORD KEEPING AND REPORTING**

### **Daily Log Book**

1. When the Site is in operation, a daily log shall be maintained in written or electronic format and shall include the following information:
  - a. the type and quantity (tonnes or volume) of all waste and cover material received at the Site;
  - b. the area of the Site in which waste disposal operations are taking place;
  - c. a record of application of any dust suppressants; and
  - d. a record of the daily inspections.
2. Any information requested, by the Director or a Provincial Officer, concerning the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall be provided to the Ministry, upon request.

### **Daily Inspections and Log Book**

3. An inspection of the entire Site and all equipment on the Site shall be conducted each day

the Site is in operation to ensure that: the Site is secure; that the operation of the Site is not causing any nuisances; that the operation of the Site is not causing any adverse effects on the environment and that the Site is being operated in compliance with this Approval. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the Site if needed.

4. A record of the inspections shall be kept in a daily log book that includes:
  - a. the name and signature of person that conducted the inspection;
  - b. the date and time of the inspection;
  - c. the list of any deficiencies discovered;
  - d. the recommendations for remedial action; and
  - e. the date, time and description of actions taken.
5. A record shall be kept in the daily log book of all refusals of waste shipments, the reason(s) for refusal, and the origin of the waste, if known.

### **Annual Report**

6. A written report on the development, operation and monitoring of the Site, shall be completed annually (Annual Report). The Annual Report shall be submitted to the District Manager, by April 30 of the year following the period being reported upon.
7. The Annual Report shall include but are not be limited to the following information:
  - a. site plans showing areas of landfilling operation during the reporting period; areas of intended operation during the next reporting period; the progress of final cover, vegetative cover, and any intermediate cover application; and site preparations planned for the next reporting period;
  - b. calculations of the volume of waste and final cover deposited or placed at the Site during the reporting period and a calculation of the total volume of Site capacity used during the reporting period;
  - c. a calculation of the remaining capacity of the Site and an estimate of the remaining Site life;
  - d. volume of waste existing in each storage area;
  - e. volume of waste removed from the landfill for the use at the mill;
  - f. volume of waste removed from the storage areas and landfill for use outside the mill including the type of beneficial use and the location;
  - g. estimated volumes of waste to be received and removed for the use at the mill during the next reporting period;
  - h. planned volume for beneficial uses outside the mill during the next reporting period;
  - i. the results and an interpretive analysis of the results of all groundwater monitoring and sampling, and for leachate and landfill gas monitoring if required at some future date, including an assessment of the need to amend the monitoring programs;
  - j. a scale site plan or plans of the entire site illustrating significant site features such

- as berms, ponds, ditches, roadways, as well as sampling locations;
- k. a scale location map illustrating the site relative to nearby potentially sensitive groundwater/surface water features (lakes, streams, wells, etc.);
- l. a groundwater elevation contour map;
- m. stratigraphic cross sections which clearly illustrate the subsurface distribution of geological materials;
- n. borehole logs for all monitoring wells;
- o. a summary of the past three years of monitoring and sampling data in a tabular format;
- p. tables illustrating historical water chemistry and water level data;
- q. graphs illustrating historical water quality trends with time for the key analytical parameters;
- r. an assessment of the monitoring data to evaluate the impact on offsite groundwater and receiving water bodies (as applicable);
- s. assessment of the monitoring criteria with respect to the trigger criteria and discussion related to requirement for contingency measures to be implemented; and
- t. a section detailing the field sampling protocols and QA/QC measures.

## **7. LANDFILL DESIGN AND DEVELOPMENT**

### **Approved Waste Types**

1. Only solid non-hazardous waste limited to wood residuals and wood ash generated as a by-product from the manufacturing of stud lumber shall be accepted at the Site for landfilling.
2. The Owner shall develop and implement a program to inspect waste to ensure that the waste received at the Site is of a type approved for acceptance under this Approval.
3. The Owner shall ensure that all loads of waste are properly inspected by Trained personnel prior to acceptance at the Site and that the waste vehicles are directed to the appropriate areas for disposal or transfer of the waste.

### **Capacity**

4. Volume of wood waste that is approved for storing in areas A, B and C for transfer shall not exceed 75,000 cubic meters.
5. This approval is for the design, operation and use of 270,330 cubic meters the Site as described in Item 15 of Schedule 1. This volume includes the historical waste already deposited at the site.

### **Service Area**

6. Only wood residuals that is generated within Owner's Ear Falls Saw Mill shall be accepted at the Site.

### **Cover**

7. As final contours are reached with each developed landfill cell, the final cover shall be progressively placed.
8. Final Cover material shall be applied as follows:
  - a. a minimum 600 millimetre thick layer of a mixture of wood residuals, wood ash, and locally available sand and gravel; and
  - b. 50 millimetres of top soil (vegetative cover) shall be placed.

### **Landfill Reclamation**

9. The Owner shall inform the District Manager thirty (30) days prior to removing wood waste from the landfill and provide a plan of the activities and health and safety procedure that will be followed during the excavation of material.

## **8. LANDFILL MONITORING**

### **Compliance**

1. The Site shall be operated in such a way as to ensure compliance with the following:
  - a. Reasonable Use Guideline B-7 for the protection of the groundwater at the Site;
  - b. Provincial Water Quality Objectives included in the July 1994 publication entitled Water Management Policies, Guidelines, Provincial Water Quality Objectives, as amended from time to time or limits set by the Regional Director, for the protection of the surface water at and off the Site in the event surface water monitoring is performed in the future; and
  - c. Ontario Drinking Water Quality Standards.

### **Groundwater**

2. The Owner shall monitor groundwater in accordance with the monitoring program in the attached Schedule 2.
3. A certified Professional Geoscientist or Engineer possessing appropriate hydrogeologic training and experience shall execute or directly supervise the execution of the

groundwater monitoring and reporting program.

### **Groundwater Wells and Monitors**

4. The Owner shall ensure that all groundwater monitoring wells which form part of the monitoring program are properly capped, locked and protected from damage.
5. Where landfilling is to proceed around monitoring wells, suitable extensions shall be added to the wells and the wells shall be properly re-secured.
6. Any groundwater monitoring well included in the on-going monitoring program that is damaged shall be assessed, repaired, replaced or decommissioned by the Owner, as required.
  - a. The Owner shall repair or replace any monitoring well which is destroyed or in any way made to be inoperable for sampling such that no more than one regular sampling event is missed.
  - b. All monitoring wells which are no longer required as part of the groundwater monitoring program, and have been approved by the Director for abandonment, shall be decommissioned by the Owner, as required, in accordance with Reg. 903, to prevent contamination through the abandoned well. A report on the decommissioning of the well shall be included in the Annual Report for the period during which the well was decommissioned.

### **Trigger Mechanisms and Contingency Plans**

7.
  - a. Trigger mechanisms shall be in accordance with Items Item 8, Schedule 1 (Document entitled "Ground Water and Surface Water Compliance and Predictive Trigger Level Monitoring Program") in subject to the following sub-conditions:
    - i. The trigger parameters for the groundwater monitoring programs shall include: chloride, nitrate, sulphate, arsenic, barium, boron, cadmium and chromium; and
    - ii. Groundwater trigger criteria shall be calculated based on the Ontario Drinking Water Quality Standards and the Ministry's Reasonable Use Concept (Guideline B-7 and Procedure B-7-1).
  - b. Contingency plan in the event of a confirmed exceedance of a site-specific trigger level relating to leachate mounding or groundwater impacts due to leachate shall be in accordance with the documents in Schedule 1.
8. Should an exceedance of trigger levels be discovered, the Owner shall:

- a. conduct an investigation into the cause of the adverse result and submit a report to the District Manager that includes an assessment of whether contingency measures need to be carried out;
  - b. if contingency measures are needed, submit detailed plans, specifications and descriptions for the design, operation and maintenance of the contingency measures, and a schedule as to when these measures will be implemented, to the Director and notify District Manager; and
  - c. implement the required contingency measures upon approval by the Director.
9. The Owner shall ensure that any proposed changes to the site-specific trigger levels for leachate impacts to groundwater are approved in advance by the Director via an amendment to this Approval.

#### **Changes to the Monitoring Programs, Trigger Mechanisms and Contingency Plans**

10. The Owner may request to make changes to the monitoring program(s), trigger mechanisms and/or contingency plan to the District Manager in accordance with the recommendations of the annual report. The Owner shall make clear reference to the proposed changes in a separate letter that shall accompany the annual report.
11. Within fourteen (14) days of receiving the written correspondence from the District Manager confirming that the District Manager is in agreement with the proposed changes to the environmental monitoring program, trigger mechanisms and/or contingency plans, the Owner shall forward a letter identifying the proposed changes and a copy of the correspondences from the District Manager and all other correspondences and responses related to the changes, to the Director requesting the Approval be amended to approve the proposed changes to the environmental monitoring plan prior to implementation.

### **9. CLOSURE PLAN**

1. At least two (2) years prior to closure, the Owner shall submit to the Director for approval, with copies to the District Manager, a detailed Site closure plan pertaining to the termination of landfilling operations at this Site, post-closure inspection, maintenance and monitoring, and end use. The plan shall include the following as a minimum but are not limited to:
  - a. a plan showing Site appearance after closure;
  - b. a description of the proposed end use of the Site, that shall include a discussion on the Environmental Assessment commitments (if applicable) to dedicate portion of the lands within the Site that are not required for site post-closure operations and monitoring, to be used for community recreational purpose;
  - c. a description of how pollinator friendly plants were considered in the final

- d. vegetative cover for the landfill and/or in the landscaping within the Site;
  - d. a description of the procedures for closure of the Site:
    - i. completion, inspection and maintenance of the final cover and landscaping;
    - ii. site security;
    - iii. removal of unnecessary landfill-related structures, buildings and facilities; and
    - iv. final construction of any control, treatment, disposal and monitoring facilities for leachate, groundwater, surface water and landfill gas;
  - e. a schedule indicating the time-period for implementing sub-conditions i to vi above.
  - f. descriptions of the procedures for post-closure care of the Site, including:
    - i. operation, inspection and maintenance of the control, treatment, disposal and monitoring facilities for leachate, groundwater, surface water and landfill gas as required;
    - ii. record keeping and reporting; and
    - iii. complaint contact and response procedures;
  - g. an assessment of the adequacy of and need to implement the contingency plans for leachate and methane gas; and
  - h. an updated estimate of the Contaminating Life Span of the Site, based on the results of the monitoring programs to date.
2. The Site shall be closed in accordance with the closure plan as approved by the Director.

## Schedule 1

1. A revised May 2005 report by AMEC Earth & Environmental Limited titled "Application for Certificate of Approval, Wood debris Berm, Design, Operations & Closure Plan, Weyerhaeuser Company Limited, Ear Fall Sawmill, Ear Falls, Ontario", and associated drawings.
2. Letter dated April 19, 2004, from AMEC to MOE re application for approval of a waste disposal site.
3. Letter dated December 13, 2004, from AMEC to Tes Gebrezghi, P. Eng., MOE re Financial Assurance.
4. Letter dated December 16, 2004, from Tes Gebrezghi to Weyerhaeuser Company limited re MOE comments on application.
5. Letter dated January 26, 2005, from AMEC to Tes Gebrezghi re response to MOE comments.
6. Letter dated April 05, 2005 from AMEC to Tes Gebrezghi re revision to final cover design.
7. Undated 11 pages fax regarding a case study for the geotechnical properties of woodwaste from Dave Matchet of AMEC to Tes Gebrezghi.
8. Report entitled "Ground Water and Surface Water Compliance and Predictive Trigger Level Monitoring Program Wood Debris Berm, Weyerhaeuser Company Limited, Ear Falls Sawmill, Ear Falls, Ontario" dated November 2005, prepared by AMEC Earth and Environmental Limited.
9. Financial Assurance Re-evaluation dated November 4, 2010, prepared by Mark Somers, M. Eng., P. Eng., WESA Envir-Eau including all attached tables, appendices and supporting information.
10. Letter dated November 23, 2010 to Mark Somers, WESA Envir-Eau and Don Drouin, EACOM Timber Corporation from David Lee, P. Eng., Ministry of the Environment, in response to Item (8) of Schedule "A".
11. Financial Assurance Re-submission dated December 20, 2010, prepared by Mark Somers, M. Eng., P. Eng., WESA Envir-Eau including all attached tables, appendices and supporting information.
12. Report entitled "Closure Plan and Voluntary Abatement Plan: Ear Falls Sawmill , Eacom Timber Products" dated April 2011 and prepared by WESA Envir-Eau including all attached drawings, appendices and figures.
13. Document entitled "Addendum to Closure and Voluntary Abatement Plan" dated May 3, 2013 to Matt Hoffmeister, Ministry of the Environment submitted by Michael Melaney and Mark Somers at Envir-Eau/Blumetric Environmental Inc. including all attached drawings, appendices and



drawings.

14. Document entitled "Addendum #1: Closure and Voluntary Abatement Plan" dated December 2014 submitted by Francois Richard, Hydrogeologist/Project Manager at Envir-Eau/Blumetric Environmental Inc. including all attached drawings, appendices and drawings.
15. Environmental Compliance Approval Application dated October 18, 2022 and signed by Lorne McDonald, General Manager, EACOM Timber Corporation, including the attached supporting documentation.
16. Report titled "Revised Design and Operations Report, Wood Residuals Landfill Site, Ear Falls, Ontario" dated July 5, 2023 and prepared by Alana Valle, Keri Bernard and Tim McBride, Pinchin Ltd.

**Schedule 2**  
**Groundwater and Leachate Quality Monitoring Program**

Wells to be sampled	Comprehensive List for Groundwater <sup>1</sup>
<p>Upgradient: MW-02-02, MW-02-03, MW-02-05, MW-05-07 &amp; MW-05-10</p> <p style="text-align: center;">Source: MW-05-09 &amp; MW-05-06</p> <p style="text-align: center;">Downgradient: MW-05-08</p> <p>Proposed: MW-22-12, MW-22-11, MW-22-13</p>	<p>Alkalinity, Aluminium, Arsenic, Barium, Boron, Cadmium, Cobalt, Chloride, Chromium, Conductivity, Copper, Iron, Manganese, Nitrate, pH, Total Dissolved Solids (TDS), Total Phenols (phenolic scan if total phenols &gt; 5 ppm), Sulphate, Zinc, Vanadium, Biological Oxygen Demand (BOD<sub>5</sub>), Chemical Oxygen Demand (COD), Dissolved Organic Carbon (DOC).</p> <p><u>Field Parameters:</u> pH, Conductivity, Temperature, Groundwater Elevation</p>

NOTE: <sup>1</sup> Sampling of Comprehensive List shall be done twice annually during the spring freshet and summer (May/June and August/September).

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

**GENERAL**

- The reason for conditions 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.17, 1.18 and 1.19 is to clarify the legal rights and responsibilities of the Owner and Operator under this Approval.
- The reasons for condition 1.3 are to ensure that the Site is designed, operated, monitored and maintained in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.
- The reasons for condition 1.11 are to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.
- The reasons for condition 1.12 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.
- The reason for condition 1.13 is to ensure that the successor is aware of its legal responsibilities.
- The reasons for conditions 1.14 and 1.15 are that the Part II.1 Director is an individual with authority pursuant to Section 197 of the Environmental Protection Act to require registration on title and provide any person with an interest in property before dealing with the property in any

way to give a copy of the Approval to any person who will acquire an interest in the property as a result of the dealing.

- The reason for condition 1.16 is to ensure that appropriate Ministry staff has ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the Act, the OWRA, the PA, the NMA and the SDWA.
- Condition 1.20 has been included in order to clarify what information may be subject to the Freedom of Information Act.
- The reason for condition 21 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner and/or any future Owners are unable or unwilling to do so.

### **SITE OPERATION**

- The reasons for conditions 2.1, 2.3 and 6.3 are to ensure that the Site is operated, inspected and maintained in an environmentally acceptable manner and does not result in a hazard or nuisance to the natural environment or any person.
- The reason for condition 2.2 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Approval.
- The reasons for condition 2.4 are burning of wood waste is unacceptable for the purpose of waste disposal because of concerns with air emissions, smoke and other nuisance effects.
- The reasons for condition 2.5 are to specify the hours of operation for the landfill site and a mechanism for amendment of the hours of operation, as required.
- The reasons for condition 2.6, 2.7 and 2.8 are to ensure that the Site is supervised by properly trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person and to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.

### **EMPLOYEE TRAINING**

- The reason for condition 3.1 is to ensure that the Site is supervised and operated by properly trained staff in a manner which does not result in a hazard or nuisance to the natural environment or any person.

### **COMPLAINTS RESPONSE PROCEDURE**

- The reason for condition 4.1 is to ensure that any complaints regarding landfill operations at this Site are responded to in a timely and efficient manner.

## **EMERGENCY RESPONSE**

- Conditions 5.1 and 5.2 are included to ensure that emergency situations are reported to the Ministry to ensure public health and safety and environmental protection.
- Conditions 5.3, 5.4 and 5.5 are included to ensure that emergency situations are handled in a manner to minimize the likelihood of an adverse effect and to ensure public health and safety and environmental protection.

## **INSPECTIONS, RECORD KEEPING AND REPORTING**

- The reason for conditions 6.1 and 6.2 is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Approval (such as fill rate, site capacity, record keeping, annual reporting, and financial assurance requirements), the EPA and its regulations.
- The reason for conditions 6.4 and 6.5 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.
- The reasons for conditions 6.6 and 6.7 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

## **LANDFILL DESIGN AND DEVELOPMENT**

- The reason for conditions 7.1 to 7.6 is to specify the approved service area from which waste may be accepted at the Site and the types and amounts of waste that may be accepted for disposal at the Site, based on the Owner's application and supporting documentation.
- The reasons for condition 7.7 and 7.8 are to ensure that proper closure of a landfill site requires the application of a final cover which is aesthetically pleasing, controls infiltration, and is suitable for the end use planned for the Site.
- The reason for condition 7.9 is to ensure the Owner has a plan when removing waste from the landfill.

## **LANDFILL MONITORING**

- Condition 8.1 is included to provide the groundwater and surface water limits to prevent water pollution at the Site.
- Conditions 8.2 and 8.3 are included to require the Owner to demonstrate that the Site is performing as designed and the impacts on the natural environment are acceptable. Regular monitoring allows for the analysis of trends over time and ensures that there is an early warning

of potential problems so that any necessary remedial/contingency action can be taken.

- Conditions 8.4, 8.5 and 8.6 are included to ensure the integrity of the groundwater monitoring network so that accurate monitoring results are achieved, and the natural environment is protected.
- Conditions 8.7 to 8.9 inclusive are added to ensure the Owner has a plan with an organized set of procedures for identifying and responding to potential issues relating to groundwater and surface water contamination at the Site's compliance point.
- Conditions 8.10 and 8.11 are included to streamline the approval of the changes to the monitoring plans and trigger mechanisms and contingency plans.

### **CLOSURE PLAN**

- The reasons for conditions 9.1 and 9.2 are to ensure that final closure of the Site is completed in an aesthetically pleasing manner, in accordance with Ministry standards, and to ensure the long-term protection of the health and safety of the public and the environment

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 6207-698LV7 issued on May 20, 2005 as amended.**

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land Tribunal and in accordance with Section 47 of the *Environmental Bill of Rights*, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

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

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

The Notice should also include:

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

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

This Notice must be served upon:

Registrar\*  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5  
OLT.Registrar@ontario.ca

and

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

and

The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

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

This instrument is subject to Section 38 of the *Environmental Bill of Rights, 1993*, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

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

DATED AT TORONTO this 29th day of August, 2023



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Mohsen Keyvani, P.Eng.

Director

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

RM/

c: Area Manager, MECP Kenora

c: District Manager, MECP Thunder Bay - District  
Keri Bernard, Pinchin Ltd.