

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5278-CQJ9CD

Issue Date: July 30, 2023

GFL Environmental Inc.
100 New Park Place, No. 500
Vaughan, Ontario
L4K 0H9

Site Location: 84 Smelter Road
City of Greater Sudbury, District of Sudbury

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:

- emissions from the transfer and processing of hazardous and non-hazardous waste consisting of the following processes and equipment:
 - eight (8) aboveground liquid waste storage tanks each having a maximum storage capacity of 60,000 litres;
 - one (1) solidification pad having a maximum capacity of 100 tonnes;
 - eight (8) bi-level wastewater tanks each having a maximum storage capacity of 79,494 litres; and
 - four (4) dewatering bins each having a maximum storage capacity of 10,000 litres;
- emissions from a soil processing facility, for the receipt and treatment of non-hazardous Contaminated Soil impacted with petroleum hydrocarbons, comprising of the following processes and associated equipment:
 - screening and bioremediation of Contaminated soil, discharging to the air through one (1) stack, having a maximum volumetric flow rate of 1.18 cubic metres per second, an exit diameter of 0.45 metre, extending 12.1 metres above grade;
 - one (1) screener powered by a diesel engine rated at 82 kilowatts;

- soil treatment biopiles; and
- soil storage piles;

all in accordance with the Environmental Compliance Approval Application submitted by GFL Environmental Inc., dated November 19, 2021 and signed by Damian Rodriguez; and the supporting information including the Emission Summary and Dispersion Modelling Report, submitted by Ausenco Sustainability Inc., dated November 9, 2021 and signed by Lucas Neil; and emails dated April 20, 2023 and July 24, 2023 from Lucas Neil of Ausenco Sustainability Inc.

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

1. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
2. "Best Management Practices Plan for Fugitive Dust" means the document titled "Best Management Practices Plan: Fugitive Dust Emissions", dated October 2021 and prepared by GFL Environmental Inc., which describes measures to minimize dust emissions from the Facility;
3. "Bioaugmentation Compound(s)" means non-pathogenic, non-toxic, specialized microbes used to enhance bioremediation. In this Approval, it means the compound(s) described in the Company's application, this Approval, and in the supporting documentation submitted with the application;
4. "Biopile" means a Contaminated Soil pile undergoing biological treatment with Bioaugmentation Compound(s) and/or Biostimulation Compound(s) and includes active aeration through mechanical mixing or air injection;
5. "Biostimulation Compound(s)" means any chemical amendment, nutrient amendment or pH adjustment chemical, other than a Bioaugmentation Compound used in the Process to enhance bioremediation. In this Approval, it means the compound(s) described in the Company's application, this Approval and in the supporting documentation submitted with the application;
6. "Company" means GFL Environmental Inc., that is responsible for the construction or operation of the Facility and includes any successors and assigns;
7. "Contaminated Soil" means the incoming contaminated soil received at the site and destined for bioremediation at the site or transfer off-site;
8. "Director" means a person appointed for the purpose of section 20.3 of the EPA by the Minister pursuant to section 5 of the EPA;
9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
10. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

11. "Equipment" means the equipment associated with the Process described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
12. "ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by Ausenco Sustainability Inc., dated February 9, 2021, and signed by Lucas Neil, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
13. "Facility" means the entire operation located on the property where the Equipment is located;
14. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
15. "Maximum Acceptable Contaminant Concentration" means the maximum allowable contaminant concentration in the Waste and Contaminated Soil that can be processed at the Facility to ensure compliance with O. Reg. 419/05 and is not likely to cause an adverse effect;
16. "Minister" means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of the EPA under the Executive Council Act;
17. "Ministry" means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf;
18. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended;
19. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated February 2017, as amended;
20. "Process" means the soil bioremediation process as described in the Company's application, this Approval, and in the supporting documentation submitted with the application, to the extent approved by this Approval;
21. "Processed Soil" means the Contaminated Soil processed at the site, where processing is limited to screening and bioremediation of the incoming Contaminated Soil and bulking, mixing or blending of similar soils;
22. "Publication NPC-300" means the Ministry Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended; and
23. "Source Site" means the location of origin of the non-hazardous Contaminated Soil which is received at the site for treatment.

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. OPERATION AND MAINTENANCE

1. The Company shall ensure that the Equipment and Process is properly operated and maintained at all times. The Company shall:
 - a. prepare, not later than thirty (30) days after the date of this Approval, and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Equipment and Process, including:
 - i. major components of the Equipment to be used in the Process;
 - ii. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
 - iii. frequency of inspections and scheduled maintenance for the Equipment and Process;
 - iv. procedures to record the quantity of waste processed at the facility;
 - v. procedures to record the operation of the Process including the quantity of Contaminated Soil and Processed Soil at the Facility;
 - vi. procedures to test, monitor, and record the level of contaminant concentration in the waste and soil at the Facility;
 - vii. procedures to monitor and record the of quantity of Bioaugmentation Compounds and/or Biostimulation Compounds used in the Process;
 - viii. procedures to prevent and/or minimize, monitor, and record odour from the Facility and measures to address odour complaints resulting from the operation of the Facility;
 - ix. procedures to prevent and/or minimize noise, odour, and fugitive dust emissions;
 - x. contingency measures to address upset conditions; and
 - xi. procedures to record and respond to environmental complaints;
 - b. implement the recommendations of the Manual.
2. The Company shall ensure that total quantity of Contaminated Soil stored at the Facility, at any

one time, does not exceed 16,200 tonnes.

3. The Company shall ensure that total quantity of Processed Soil stored at the Facility, at any one time, does not exceed 9,000 tonnes.
4. The Company shall not process waste or screen Contaminated Soil at the Facility with contaminant concentrations which exceed the Maximum Acceptable Contaminant Concentration assessed in the ESDM Report.
5. The Company shall, upon receiving Contaminated Soil at the Facility with contaminant concentrations which exceed the Maximum Acceptable Contaminant Concentration, as measured at the Source Site, immediately apply an initial dose of Biostimulation Compound(s) and/or Bioaugmentation Compound(s) to such Contaminated Soil and immediately place it within a covered Biopile with an impermeable covering until the Contaminated Soil achieves the Maximum Acceptable Contaminant Concentration.

2. FUGITIVE DUST CONTROL

1. The Company shall,
 - a. implement the Best Management Practices Plan for Fugitive Dust for the control of fugitive dust emissions resulting from the operation of the Facility;
 - b. review and update the Best Management Practices Plan for Fugitive Dust annually or at the direction of the District Manager;
 - c. record the results of each review and update the Best Management Practices Plan for Fugitive Dust within thirty (30) days of the completion of the review;
 - d. maintain the updated Best Management Practices Plan for Fugitive Dust at the Facility and provide a copy to the District Manager within forty-five (45) days of the update; and
 - e. implement, at all times, the most recent version of the Best Management Practices Plan for Fugitive Dust.
2. The Company shall record, either electronically or in a log book, each time a specific preventative and control measure described in the Best Management Practices Plan for Fugitive Dust is implemented. The Company shall record, as a minimum:
 - a. the date when each emission control measure is installed, including a description of the control measure;
 - b. the date when each new preventative measure or operating procedure to minimize emissions is implemented, including a description of the preventative measure or operating procedure; and

- c. the date, time of commencement, and time of completion of each periodic activity conducted to minimize emissions, including a description of the preventative measure/procedure and the name of the individual performing the periodic activity.

3. COMPLAINT RESPONSE

1. The Company shall post on a sign in a prominent location at the Facility entrance a 24-hour telephone number to contact a designated representative to receive public complaints regarding emissions resulting from the operations at the Facility.
2. The Company shall respond to complaints according to the following procedure:
 - a. record and number each complaint, either electronically or in a log book, and shall include the following information:
 - i. the nature of the complaint;
 - ii. the name and the telephone number of the complainant (if provided); and
 - iii. the time and date of the complaint;
 - b. the Company shall immediately initiate an investigation of the complaint. The investigation shall include, as a minimum, the following:
 - i. a determination of the activities being undertaken in the Facility at the time of the complaint;
 - ii. meteorological conditions including, but not limited to the ambient temperature, approximate wind speed and its direction;
 - iii. an assessment of all the possible cause(s) of the complaint;
 - iv. remedial action(s) to address the cause(s) of the complaint;
 - v. implementation of remedial action(s) to eliminate the cause(s) of the complaint.
 - c. the Company shall document the response provided to the complainant, if known, and shall make the document(s) available for inspection by staff of the Ministry upon request. The response shall include,
 - i. the results of the investigation of the complaint;
 - ii. the action(s) taken or planned to be taken to address the cause(s) of the complaint; and

- iii. follow-up response(s).
- d. the Company shall, within two (2) business days of the complaint, submit a report to the District Manager which fulfils the requirements of Condition 5.

4. RECORD RETENTION

1. The Company shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this Approval, and make these records available for review by staff of the Ministry upon request. The Company shall retain:
 - a. all records on the operation, maintenance, repair and inspection of the Equipment and Process;
 - b. all records related to waste processing, including:
 - i. quantity of waste received at the site;
 - ii. the concentration of the contaminants measured in the waste at the Facility;
 - iii. total quantity of waste processed at the Facility;
 - iv. all verification sampling and testing of waste;
 - c. all records on the operation of the Process, including:
 - i. quantity of Contaminated Soil received at the site;
 - ii. the concentration of the contaminants measured in the Contaminated Soil at the Source Site;
 - iii. the concentration of the contaminants measured in the Processed Soil; and
 - iv. total quantity of Soils at the Facility;
 - v. all verification sampling and testing of soil;
 - d. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. wind direction at the time of the incident to which the complaint relates; and

- iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

5. NOTIFICATION OF COMPLAINTS

1. The Company shall notify the District Manager in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - a. this Approval number;
 - b. a description of the nature of the complaint;
 - c. the time and date of the incident to which the complaint relates;
 - d. the wind direction at the time of the incident to which the complaint relates; and
 - e. a description of the remedial measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

6. NOISE

1. The Company shall, at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300.

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

1. Condition Nos. 1 and 2 are included to emphasize that the Equipment and Process must be maintained and operated according to a procedure that will result in compliance with the EPA, the Regulations and this Approval.
2. Condition No. 3 is included to require the Company to respond to complaints resulting from the operation of the Facility, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare a written report.
3. Condition No. 4 is included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.
4. Conditions No. 5 is included to require the Company to notify/report to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.
5. Condition No. 6 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 7449-BZ6677 issued on March 29, 2021

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**

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 30th day of July, 2023

Nancy Orpana

Nancy E Orpana, P.Eng.

Director

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

BR/

c: District Manager, MECP Sudbury
Lucas Neil, Hemmera Envirochem Inc.