

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A120412

Issue Date: December 27, 2023

King & Benton Canal Bank Regeneration Lands Inc.
65 Canal Bank St
Welland, Ontario
L3B 5R8

Site Location: 65 Canal Bank St.
Specifically parts 1 to 8 on Registered Plan 59R-17302
Welland City, Regional Municipality of Niagara
(further described in the definitions below)

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:

Operation and maintenance of a 10.1 hectare landfill within a total site area of 19.3 hectares approved for the final disposal of solid industrial waste originating from the former Union Carbide Canada and GrafTech International manufacturing facility, including waste reclamation and processing operations approved under the terms and conditions of this Approval.

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

"Adverse Effect" has the same meaning as defined in the EPA;

"Approval" means this entire Environmental Compliance Approval and any Schedules attached to it;

"Contaminant Attenuation Zone" and "CAZ" both mean the contaminant attenuation zone for the Site, which is as described in Schedule "B" of this Approval.

"Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;

"District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Site is geographically located;

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

"Minister" means the Minister of the Ministry or such other member of the Executive Council as may be assigned the administration of the EPA and OWRA under the Executive Council Act, R.S.O. 1990, c. E.25;

"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;

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

"Ontario Drinking Water Quality Standards" means Ontario Regulation 169/03: (Ontario Drinking Water Quality Standards), made under the SDWA;

"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 **King & Benton Canal Bank Regeneration Lands Inc.** and its successors and assigns;

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

"PA" means the Pesticides Act, R.S.O. (1990), c. P.11;

"Project" means the sanitary forcemain construction detailed in the supporting information listed as Items 11 through 14 of Schedule "A" of this Approval;

"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;

"PWQO" means the Provincial Water Quality Objectives included in the Ministry Publication "Water Management Policies, Guidelines, Provincial Water Quality Objectives", dated July 1994, as amended;

"Reg. 347" means Revised Regulations of Ontario 1990, Regulation 347: (General - Waste Management), made under the EPA;

"Reg. 903" means Revised Regulations of Ontario 1990, Regulation 903: (Wells), made under the OWRA;

"Region" means the Regional Municipality of Niagara.

"Resource Recovery Plan" means the document attached to this Approval as Item 19 of Schedule "A".

"RUC" means the Ministry's Guideline B-7 (Incorporation of the Reasonable Use Concept into MOE

Groundwater Management Activities);

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

- (1) Schedule "A" - Supporting Documentation;
- (2) Schedule "B" - Site and Contaminant Attenuation Zone land descriptions; and
- (3) Schedule "C" - Environmental Monitoring Program

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

"Site" means the landfill and buffer lands approved under this Approval, as described in Schedule "B" of this Approval.

"Trained Person(s)" means a person or personnel who has or have been trained in accordance with condition 24 of this Approval.

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

1. Compliance

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

2. In Accordance

- (1) 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 "A".
- (2) Commencement of the resource recovery operations approved in this Approval must be initiated within five (5) years of the later of:
 - (a) the date this Approval; or
 - (b) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.

- (3) This Approval ceases to apply in respect of the aspects of the Site noted above that have not been constructed or installed before the later of the dates identified in condition 2 (2) above.
- (4) For clarification purposes, the construction and design of soil berms proposed in the Resource Recovery Plan outside of the Site, as defined in this Approval, are outside of the scope of this Approval, but are subject to the requirements of O. Reg. 406/19, made under the Act.

3. Interpretation

- (1) Where there is a conflict between a provision of any document listed in Schedule "A" in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
- (2) Where there is a conflict between the application and a provision in any document 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) Where there is a conflict between any two documents listed in Schedule "A", the document bearing the most recent date shall take precedence.
- (4) 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.

4. Other Legal Obligations

- (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; 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.

5. Adverse Effect

- (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 Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

- (2) Despite an 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.

6. Change of Ownership

- (1) 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 and/or CAZ;
 - (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.
- (2) 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.
- (3) In the event of any change in ownership of the Site and/or CAZ, 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.

7. Information and Record Retention

- (1) Except as authorized in writing by the Director, all records required by this Approval shall be retained at the Site for a minimum of two (2) years from their date of creation.
- (2) The Owner shall retain all documentation listed in Schedule "A" for as long as this Approval is valid.
- (3) The Owner shall retain employee training records as long as the employee is working at the Site.
- (4) The Owner shall make all of the above documents available for inspection upon request of Ministry staff.
- (5) 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.
- (6) The Owner shall ensure that a copy of this Approval, in its entirety and including all its Notices of Amendment, if any, and documentation listed in Schedule "A", are retained at the Site at all times.
- (7) 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.

8. Inspections by the Ministry

- (1) 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.

9. Restrictions on the Contaminant Attenuation Zone

- (1) The Owner shall continue to own the property rights for the required Contaminant Attenuation Zone for all of the contaminating life span of the Site.
- (2) The Owner shall ensure that:
- (a) access into the Contaminant Attenuation Zone and onto the surface above the

Contaminant Attenuation Zone for purposes of testing, monitoring, well inspection and repair, intercepting contaminants and carrying out remedial work is maintained;

- (b) the Contaminant Attenuation Zone remains available to install, operate and maintain works, for the purposes mentioned in clause (a), in or above the Contaminant Attenuation Zone, including on the surface above the Contaminant Attenuation Zone; and
- (c) paving, erecting a structure or making any use of land above or in the vicinity of the Contaminant Attenuation Zone that would interfere with the functioning of the Contaminant Attenuation Zone or with the exercise of any of the requirements mentioned in this condition are prohibited.

10. Site Security

- (1) The Site shall be operated and maintained in a safe and secure manner. During non-operating hours, the Site entrance and exit gates shall be locked and the Site shall be secured against access by unauthorized persons.

11. Landfill Status, Capacity and Service Area

- (1) The final volumetric capacity of the landfill, excluding any final cover material to be used, shall not exceed 870 000 cubic metres.
- (2) Only waste generated from the former Union Carbide and Graftech manufacturing operations shall be disposed of at the Site subject to the following conditions:
 - (a) The Site shall not receive any waste for disposal nor be used to dispose of any waste within the landfill with the exception of residual waste material from the resource recovery operation reclaimed from the landfill.
 - (b) Disposal of any other materials in the landfill, including any waste material generated from the Site and/or CAZ as part of other remediation activities is prohibited until such a time as the Owner can demonstrate to the Director, by means of an application to amend this Approval, the amount of volume the landfill has available for disposal of said material.
 - (i) The amount of volume available for waste disposal in the landfill shall be determined using actual volumetric reclamation rates including, but not limited to: the total volume of waste reclaimed, the volume of reclaimed graphite waste stockpiled or sent off-site for re-use or further processing, the volume of reclaimed waste which is not graphite waste, and the volume of reclaimed waste which is residual waste requiring disposal.

12. Waste Reclamation and Resource Recovery

- (1) The Owner may conduct waste reclamation operations in accordance with Items 17 through 19 of Schedule "A" and in accordance with the following sub-conditions:
 - (a) No waste shall be reclaimed from the Site unless a Trained Person is present and supervises the operations during operating hours.
 - (b) Waste reclamation operations including, but not limited to, test-pit drilling, excavation, transport, transfer and stockpiling of reclaimed waste and processing of graphite waste, limited to sorting by size, shall only be conducted at the Site between the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, and only at times when a Trained Person is present to oversee the reclamation operations at the Site.
 - (c) Activities approved as part of the on-site resource recovery operations are limited to the following:
 - (i) test pitting of the landfill in accordance with the drilling plan amended to this Approval as Item 28 of Schedule "A",
 - (ii) excavation, transport, transfer and stockpiling of reclaimed waste within the Site boundaries,
 - (iii) mechanical sorting of reclaimed waste,
 - (iv) crushing and mechanical sorting of graphite waste using Ministry-approved processing equipment in accordance with all necessary ministry approvals (i.e. environmental compliance approvals for Air and Noise, mobile equipment, etc.), and
 - (v) disposal of residual waste material generated from the resource recovery operations within the landfill.
 - (d) All resource recovery operations shall be conducted 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.
 - (e) Waste reclamation operations shall be conducted in a manner such that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance and shall adhere to the best management practices detailed in the Resource Recovery Plan, amended to this Approval as Item 19 of Schedule "A".
 - (f) Test-pit drilling shall be conducted in accordance with Item 28 of Schedule "A" of this Approval.
 - (g) At least two (2) business days prior to test-pit drilling, the Owner shall notify the

District Manager of the date, time and duration of the drilling program and shall confirm that the drilling will be conducted in accordance with the supporting documentation in Schedule "A".

- (h) The reclaimed waste and graphite waste stockpiling and processing locations shall be limited to those detailed in the Resource Recovery Plan, amended to this Approval as Item 19 of Schedule "A";
 - (j) Waste stockpiles shall be limited to the following:
 - (i) five (5) conical piles not exceed four (4) metres in height and 14.45 metres in radius and shall be managed in a manner which minimizes erosion by maintaining appropriate side slopes for the waste.
 - (ii) Waste stockpiles shall be assessed for compliance with the conditions above on a semi-annual basis, during peak storage times, using topographical assessments performed by drone technology, with the results included as part of the Annual Report required under condition 26 of this Approval.
 - (k) Landfill reclamation operations shall be conducted in a manner which minimizes exposure of excavated residual waste to the environment;
 - (l) Appropriate cover material shall be applied to excavated areas of the landfill to minimize the generation of contaminated surface water run-off, as required, and
 - (m) Any leachate that may be generated from reclamation operations as a result of perched groundwater in the landfilling area shall be managed in a manner that does not result in the discharge of contaminated groundwater from the Site.
- (2) Notwithstanding condition 12 (1) above, landfill reclamation and resource recovery activities approved under condition 12 (1) (c) above, with the exception of test-pit drilling, shall not commence until:
- (a) an environmental compliance approval is obtained under s.53 of the OWRA for an industrial sewage works which treats wastewater and surface water run-off generated and captured on the Site such that the treated wastewater and surface water run-off complies with approved effluent criteria prior to discharge;
 - (b) the requirements for characterization and deployment which are prescribed in any environmental compliance approval issued to the above-noted sewage works have been met to the satisfaction of the ministry;
 - (c) an amendment to the property's existing environmental compliance approval for an industrial sewage works (ECA #) is obtained that approves any necessary changes or alterations to the sewage works that may be required;

- (d) site-specific trigger mechanisms for groundwater and surface water monitoring have been accepted by the Ministry; and
 - (e) an environmental compliance approval is obtained under s.9 of the EPA for any waste processing equipment included as part of resource recovery operations.
- (3) Test-pit drilling approved under condition 12 (1) (c) (i) above may commence once the requirements under condition 12 (2) (a) and (b) above have been met to the satisfaction of the Ministry, or if the drilling is conducted in a manner which prevents the process water from drilling being directed to on-site ditches and being discharged off-site as per the test-pit drilling plan amended as Item 28 of Schedule "A" .
 - (4) Waste replacement shall be conducted as detailed in the Resource Recovery Plan with regular compaction and application of suitable daily cover material to any replaced residual waste to minimize the generation of contaminated run-off and any nuisances.
 - (5) Waste replacement shall be conducted in a manner which does not result in waste being placed within thirty metres of any property boundary or at a height exceeding proposed or approved final contours.

13. Surface Water Management

- (1) The Owner shall maintain grading at the Site such that all surface water run-off from the landfilling area and waste processing and stockpiling areas is directed to conveyances and ditches and eventually to the industrial sewage works approved for the Site.
- (2) The Owner shall conduct the monthly inspections of all conveyances and ditches on the Site to ensure proper functioning. If perimeter ditches become plugged or damaged, the Owner shall undertake necessary remediation measures within three days following the day of inspection (weather permitted).
- (3) The Owner shall temporarily cease any resource recovery operations should treatment of surface water run-off at the Site become unavailable.
- (4) The Owner shall ensure contingency plans are established and implemented for additional treatment and/or removal of captured surface water run-off generated at the Site that does not meet the prescribed discharge criteria of the approved sewage works for the property.
- (5) The Owner shall develop a plan, with timelines, for a permanent, long-term sewage works to be established, to ensure continuous conveyance and treatment of surface water run-off generated at the Site (i.e. the landfill and buffer area). Progress on this plan shall be included as part of the Annual Report required by condition 26 of this Approval with a final plan being included as part of the Closure Plan required by condition 27 of this Approval.

14. Nuisances

- (1) Notwithstanding conditions 12 (1) (e) and 12 (4) above, all waste management and disposal activities conducted at the Site shall be done so in a manner that vermin, vectors, dust, litter, odour, noise and traffic do not create a nuisance or adverse effect.
- (2) The Owner shall ensure any machinery or equipment used within the Site for resource recovery operations have obtained all necessary approvals for air and noise emissions.

15. Site Inspections

- (1) The Owner and/or Operator shall continue to inspect the landfilling areas not undergoing reclamation on a semi-annual basis during periods of time when weather will not affect the quality of the inspections, for the following items:
 - (a) the state of all pumps, surface water conveyances and ditching servicing the landfill and buffer areas;
 - (b) condition of any interim or final landfill cover;
 - (c) evidence of vegetative stress;
 - (d) state of perimeter fencing and vegetative buffer;
 - (e) presence of leachate seeps or other evidence of interaction between groundwater and surface water management features;
 - (f) presence of ponded water;
 - (g) condition of groundwater monitoring wells and surface water monitoring stations;
 - (h) evidence of erosion; and
 - (i) evidence of settlement.
- (2) The Owner and/or Operator shall also conduct daily inspections of the waste reclamation and processing operation during days of operation to ensure the following:
 - (a) the reclamation and/or processing operations are secure;
 - (b) the reclamation and/or processing operations are not the cause of any nuisances or adverse effects; and
 - (c) the reclamation and/or processing operations are not causing any adverse effects.

- (3) The Owner and/or Operator shall also conduct daily inspections of the waste stockpiling areas during days of operation to ensure:
 - (a) compliance with the storage requirements of this Approval and the Resource Recovery Plan;
 - (b) the reclamation and/or processing operation is not the cause of any nuisances; and
 - (c) the reclamation and/or processing operation is not causing any adverse effects.
- (4) A record of the inspections shall be kept that includes:
 - (a) the name and signature of person who 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.

16. Environmental Monitoring Program

- (1) Surface water monitoring shall be conducted by the Owner in accordance with Schedule "C" of this Approval.
- (2) Groundwater monitoring shall be conducted by the Owner in accordance with Schedule "C" of this Approval.
- (3) The Owner shall ensure all groundwater monitoring wells listed in Schedule "C" not yet established are constructed and established within sixty (60) days of the issuance of this Approval.
- (4) The list of surface water sampling stations and/or surface water sampling criteria detailed in Schedule "C" of this Approval may be revised and/or expanded by the District Manager, in consultation with the Owner, by means of a written acceptance letter. Any changes to the list of surface water sampling stations or sampling criteria approved by the District Manager shall result in the Owner following the steps detailed in condition 19 below to ensure any changes are reflected in this Approval.
- (5) Air monitoring related to the resource recovery operations shall be conducted as required by the environmental compliance approval issued for air and noise emissions, referenced in condition 12 (2) (d) above.

17. Monitoring Wells and Surface Water Sampling Stations

- (1) The Owner shall ensure that all new monitoring wells and surface water sampling stations proposed for the environmental monitoring program, as detailed in Schedule "C" of this Approval, are constructed and established by no later than sixty (60) days after the issuance of this Approval.
- (2) The Owner shall ensure that all monitoring wells and surface water sampling stations included within the environmental monitoring program approved under condition 16 and Schedule "C" of this Approval are accessible and maintained as part of the program whether located on the Site, adjacent properties, or on the approved Contaminant Attenuation Zone.
- (3) The Owner propose and install, in consultation and with the concurrence of the ministry, additional surface water sampling stations along the western boundary of the Contaminant Attenuation Zone to be established and incorporated into the Site's environmental monitoring program to provide additional monitoring data that will assist in evaluating and detecting potential impacts from surface water contamination and/or any unidentified outfall locations.
- (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 reclamation or any waste management activities are 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.
- (7) 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.
- (8) 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.

18. Trigger Mechanisms and Contingency Plans

- (1) If monitoring results, investigative activities and/or trigger mechanisms indicate the need to implement contingency measures, the Owner shall ensure that the following steps are taken:

- (a) The Owner shall notify the District Manager, in writing of the need to implement contingency measures, no later than thirty (30) days after confirmation of the exceedances;
 - (b) Detailed plans, specifications and descriptions for the design, operation and maintenance of the contingency measures shall be prepared and submitted by the Owner to the District Manager and Director for approval and implementation; and
 - (c) The contingency measures shall be implemented by the Owner upon written concurrence from the District Manager and/or approval from the Director.
- (2) The Owner shall ensure that any proposed changes to the site-specific trigger levels for leachate impacts to the surface water or groundwater, are approved in advance by the Director via an amendment to this Approval.

19. Changes to the Monitoring Programs, Trigger Mechanisms and Contingency Plans

- (1) The Owner may request to make changes to the monitoring program, 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.
- (2) 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.

20. Sanitary Forcemain Construction by the Region

- (1) The sanitary forcemain construction project undertaken by the Municipal Region of Niagara on a portion of the Site shall be undertaken:
 - (a) in a manner which is protective of the health and safety of the environment and the public;
 - (b) in a manner which minimizes potential nuisances due to dust, noise, odour and litter;
 - (c) in a manner which maintains the integrity of the Site's approved groundwater monitoring wells and industrial sewage works; and
 - (d) in accordance with the plans and specifications listed as Items 11 through 14 in

Schedule "A" of this Approval.

- (2)
 - (a) Should any waste be discovered by the Region while undertaking the Project, the Owner shall ensure that it is managed in accordance with the Act and Reg. 347 and the terms and conditions of this Approval, where they may apply.
 - (b) Should the amount of waste discovered be of a significant volume or of an unidentifiable nature, the Owner shall ensure that the contingency plan detailed in Item 13 of Schedule "A" is enacted, and that the waste is properly characterized before shipping off-site for processing or disposal.
 - (c) Any waste generated as a result of the Project shall be managed in accordance with the Act and Reg. 347 and the terms and conditions of this Approval, where they may apply.
- (3) Within seven (7) days of the completion of the Project, the Owner shall notify the District Manager, in writing, or forward correspondence from the Region, confirming the completion of the Project.
- (4) Should environmental monitoring of the Site after completion of the Project indicate that the Project has potentially impacted any wells included as part of the Site's environmental monitoring program, specifically wells L1-I and L1-II, the Owner shall consult with the Ministry to discuss and confirm the cause of the impacts, determine a new well location, and have the impacted wells decommissioned and relocated, if necessary, in accordance with Reg. 903.
- (5) Any wells outside of the Site's approved groundwater monitoring program which require decommissioning as part of the undertaking of the Project (wells P1-D and P1-S) shall be decommissioned in accordance with Reg. 903.

21. Financial Assurance

- (1) Within twenty (20) days issuance of this Approval, the Company shall submit Financial Assurance as defined in Section 131 of the Act, in the amount of four million two hundred eighty nine thousand two hundred and twenty nine dollars and zero cents (CAD 4 289 229.00). This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the emergency closure of the Site, (including post-closure maintenance, environmental monitoring and reporting for the Site), the analysis, transportation, monitoring and disposal of the total approved quantity of reclaimed waste on Site, and any other necessary site decommissioning cost.
- (2) Commencing on March 31, 2025 and at intervals of every two (2) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance, which shall consider site conditions at the time, the progression of resource recovery operations, the condition of the landfill, the value of the reclaimed graphite waste based on the viability of its use as a material to be used for the manufacturing of electric vehicle

batteries or in other products and/or applications. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and market for the graphite waste, and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of any annual reports. The estimate shall be prepared in accordance with either the Ministry's Financial Assurance Guideline (Guideline F-15), updated April 2019, or with O. Reg. 232/98.

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

22. Complaint Response Procedure

- (1) If at any time the Owner or Operator 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:
 - (i) the nature of the complaint;
 - (ii) the name, address and the telephone number of the complainant if the complainant will provide this information;
 - (iii) the time and date of the complaint;
 - (iv) weather conditions at the time of the complaint; and
 - (v) Site operations being carried out at the time of the complaint.
 - (b) The Owner shall inform the District Manager of the complaint forthwith.
 - (c) The Owner 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 forward a formal reply to the complainant.
 - (d) The Owner shall provide the District Manager with a report written within one (1) week of the complaint date, listing the actions taken regarding the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

23. Spills

- (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 and cause of the spill, and the action taken for clean-up, correction and prevention of similar future occurrences.
- (2) Should a Spill, as defined in the EPA, occur at the Site, in addition to fulfilling the requirements from the EPA, the Company shall submit to the District Manager a written report within three (3) calendar days outlining the nature of the Spill, remedial measure taken and the measures taken to prevent future occurrences at the Site.

24. Training

- (1) Within thirty (30) days of the issuance of this Approval, the Owner shall develop and implement a training plan specific to the Site to ensure that all employees that operate the Site or carry out any activity required under this Approval are trained in its operation.
- (2) The training plan shall require and ensure through written records that all persons directly involved with activities relating to the Site have been trained with respect to:
 - (a) relevant waste management legislation, regulations and guidelines;
 - (b) 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 during waste reclamation and processing operations;
 - (g) specific written procedures for waste stockpiling and replacement operations; and
 - (h) the requirements of this Approval including, but not limited to, the type and frequency of site inspections required under Condition 15 of this Approval and the locations of the groundwater monitoring wells and surface water monitoring stations listed in Schedule "C".
- (3) The Owner shall maintain on-site a written record of training which includes:
 - (a) the date of training;

- (b) the name and signature of the person who has been trained; and
 - (c) a description of the training provided.
- (4) The Owner shall ensure that a Trained Person is on duty at all times when the Site is open to carry out any activity permitted under this Approval.

25. Record Keeping

- (1) The Owner shall maintain a daily record on-site, either electronically or in a log book, which shall include the following information:
- (a) the quantity of all waste excavated from the landfill and the locations from which the waste was excavated;
 - (b) the type and quantity of all waste stockpiled at the Site;
 - (c) the quantity of waste processed;
 - (d) the type, quantity and destination of all waste transferred from the Site, including the date and time of transfer;
 - (e) amount of residual waste shipped for off-site disposal;
 - (f) a record of the daily inspections required by this Approval;
 - (g) a record of any complaints received; and
 - (h) a record of any spills or process upsets at the Site, including the nature of the spill or process upset and the action taken for the clean-up or correction of the incident, the time and date of the spill or process upset, and for spills, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA.

26. Annual Report

- (1) By **April 30, 2024**, and on an annual basis thereafter, the Owner shall prepare, submit to the District Manager, and retain on-site an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:

Environmental Monitoring and Analysis:

- (a) a drawing(s) of the Site and Contaminant Attenuation Zone indicating all groundwater and surface water monitoring locations, static groundwater elevations and interpreted groundwater flow direction(s) in each hydrostratigraphic unit for each monitoring event;

- (b) borehole logs for all monitoring wells;
- (c) cross section(s) across the Site showing hydrostratigraphic units;
- (d) tables outlining monitoring locations, analytical parameters sampled, and the frequency of sampling and measurements;
- (e) the results of monitoring well inspections required in condition 15 (1);
- (f) groundwater and surface water monitoring results;
- (g) an analysis and interpretation of the groundwater and surface water monitoring data, a review of the adequacy of the monitoring programs, conclusions of the monitoring data and recommendations for any changes in monitoring programs that may be necessary;
- (h) graphs of key indicator parameters concentrations over time relative to the Provincial Water Quality Objectives ("PWQO"), Guideline B-7/Reasonable Use Criteria ("RUC") and Ontario Drinking Water Quality Standards;
- (i) an assessment of surface water quality in relation to the PWQO and other site-specific trigger criteria developed for the Site;
- (j) an assessment of groundwater quality in relation to appropriate Ministry standards and guidelines, including the RUC, the Ontario Drinking Water Quality Standards and other site-specific trigger criteria developed for the Site;
- (k) an assessment of potential impacts to surface water as a result of shallow or perched groundwater discharging to surface water conveyances and ditches (including a comparison of shallow groundwater quality to appropriate Ministry standards and guidelines including PWQO and surface water site-specific trigger criteria);
- (l) proposed additional surface water sampling stations to be established and incorporated into the Site's environmental monitoring program to provide additional monitoring data that will assist in evaluating and detecting potential impacts from surface water contamination and/or any unidentified outfall locations; and
- (m) proposed changes or revisions to the environmental monitoring program to be considered by the ministry including any changes to the environmental monitoring program, trigger criteria and/or contingency plans.

Resource Recovery Operations:

- (n) a summary of waste reclamation data from the records kept in accordance with condition 25 of this Approval. The summary shall include, but not be limited to:
 - (i) drawings detailing the areas of the landfill which have been excavated and where waste and/or final cover has been (re)placed in accordance with this Approval;
 - (ii) total volume of waste excavated and reclaimed from the landfill;
 - (iii) total volume of waste replaced in the landfill; and
 - (iv) As assessment of current volume of waste remaining in the landfill, waste replacement elevations and estimated volumetric capacity available for waste replacement;
 - (o) total amount of graphite waste transferred from the Site;
 - (p) total amount of graphite waste, and any other waste, which remains stockpiled on Site;
 - (q) an assessment of the market value of the graphite waste;
 - (r) drawings detailing areas of the landfill which the Owner/Operator intends to excavate and apply interim and/or final cover in the forthcoming reporting period;
 - (s) a summary of the Site inspections required under condition 15 of this Approval;
 - (t) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
 - (u) an update on the development of long-term sewage works for the Site; and
 - (v) a summary of complaints made regarding reclamation operations, and the Owner's response and action taken.
- (2) All monitoring and sampling data submitted with the Annual report above shall be provided in an editable electronic format (e.g. .xls or .csv).

27. Updated Site Closure Plan

- (1) Within two (2) years of the anticipated final closure of the landfill or conclusion of the resource recovery activities, or by March 31, 2033, whichever comes first, the Owner shall submit to the Director for approval a complete updated plan for final closure, long term maintenance, long term monitoring, and after-use of the Site, including all buffer and landfilled areas. At a minimum the Closure Plan shall include the following:

- (a) A legal survey for the site;
- (b) An up-to-date plan and description of the Site and an the area within 500 metres of the Site that covers:
 - (i) all property boundaries;
 - (ii) all buildings, roads and utility corridors;
 - (iii) waste fill area and buffer area;
 - (iv) land contours;
 - (v) surface water drainage;
 - (vi) water bodies;
 - (vii) rights-of-way and other easements;
 - (viii) forested areas, if any; and
 - (ix) land uses and land use designations.
- (c) Plans showing the site appearance after closure including final contours and grading plans and storm water control features;
- (d) Calculations verifying the final capacity of the landfill to be within the limits prescribed in this Approval;
- (e) Details of final cover design, including source of cover material, proposed vegetative cover and landscaping plans;
- (f) The quantity of waste materials stockpiled at the Site and a description of the areas of the Site where any material to be replaced will be disposed;
- (g) Details of the schedule to be followed for applying final cover to those areas of the Site that have already reached the final contours;
- (h) Details of the procedures to be followed for completion, inspection and maintenance of the final cover;
- (i) Detailed plans, specifications and descriptions for the continued and post-closure surface water and groundwater monitoring program including any trigger criteria and contingency plans. The post-closure monitoring program shall identify how surface water and groundwater will be monitored at the Site and shall include a Reasonable Use Policy assessment. The Contingency Plan shall address the

measures that will be put in place in the event that off site impacts occur including a strategy to deal with any exceedances of the Reasonable Use Policy and PWQO as well as an assessment of the adequacy of and need to implement such plans. The plans shall be prepared by a Professional Engineer or Professional Geoscientist;

- (j) Detailed design plans for the permanent sewage works to be established to treat surface water run-off generated at the Site; and
- (k) An estimate of the contaminating life span of the Site.

SCHEDULE "A" - Supporting Information

This Schedule "A" forms part of this Approval.

1. Letter dated October 7, 1983 to D. P. Caplice, Assistant Deputy Minister, Regional Operations Division; Ministry of the Environment from G. H. Mills, Director. West Central Region, Ministry of the Environment.
2. Application for a Certificate of Approval for a Waste Disposal Site (Landfill) dated May 16, 1986, including Attachments A and B. .
3. Drawing Number. 802-06-1-A18-2, entitled, Layout of Proposed 60 Acre Dump Site, completed by Union Carbide Canada Limited and revised January 20, 1986.
4. Letter dated May 20. 1986 from T. Villella, Planning Technician, City of Welland to J. Rayner, Environmental Officer, West Central Region, Ministry of the Environment.
5. Letter dated June 12, 1986 to J. Rayner, Environmental Officer. West Central Region, Ministry of the Environment from D. L. Buchanan, Manager Loss Control. Union Carbide Canada Limited.
6. Document entitled "*GrafTech Closure Plan* " revised December 2008, prepared by CH2M Hill Canada Ltd. including all attached appendices, drawings and supporting information.
7. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated May 5, 2009 and signed by Thomas R. Jacques, Director, HSEP and Security, GrafTech Canada ULC, including all supporting documentation.
8. Letter dated May 23, 2012 to Mr. Tesfaye Gebrezghi, Ontario Ministry of the Environment, from Juanita M. Bursley, Sr. Manager, Environmental Risk management, GrafTech International Holdings Inc. including Attachments I and II.
9. Application for approval dated March 31, 2015 and received on April 1, 2015.
10. Supporting documentation submitted with the above application, including a Memo from Juanita M. Bursley, Senior Manager, GrafTech International dated March 31, 2015.
11. Drawing No. 18-020-PPH, entitled "Dain City Forcemain Phase 4, Proposed Forcemain Location", dated January 28, 2021, and prepared by Kerry T. Howe Engineering Ltd.
12. Letter dated May 14, 2021, to Kim Groombridge, District Manager, Niagara District Office, Ministry of the Environment, Conservation and Parks, from Jason Oatley, Manager, Quality and Compliance (Wastewater), Public Works, the Regional Municipality of Niagara, re: Dain City Sewage Pumping Station - Forcemain construction - Phase IV, including all attached appendices,

drawings, figures and supporting information.

13. Letter dated May 17, 2021, to Kim Groombridge, District Manager, Niagara District Office, Ministry of the Environment, Conservation and Parks, from Kerry T. Howe Engineering Limited, re: Dain City Forcemain Construction Project - UCAR Site 65 Canal Bank St. Welland.
14. Letter dated May 20, 2021, to David Lee, Senior Review Engineer, Environmental Permissions Branch, Ministry of the Environment, Conservation and Parks, from Kerry T. Howe Engineering Limited, re: Dain City Forcemain Construction Project - UCAR Site 65 Canal Bank St. Welland, detailing Best Management Practices.
15. Environmental Compliance Approval application dated December 15, 2021, signed by Steve Charest, President, King and Benton Canal Bank Regeneration Lands Inc., including all attached supporting information.
16. Document entitled "65 Canal Bank Street Site, Supporting Information - ECA A120412 Amendment to the Waste Disposal Boundary", prepared by Jacobs, dated December 17, 2021, including all attachments and appendices.
17. Environmental Compliance Approval application dated May 10, 2022, and signed by Steve Charest, President, King & Benton Canal Bank Regeneration Lands Inc., including all attached supporting information, drawings, figures and appendices.
18. Document entitled "65 Canal Bank Street Site, Supporting Information - ECA A120412 Amendment, ECA Condition 38: Resource Recovery", dated May 12, 2022 and prepared by Jacobs including all attachments.
19. Document entitled "ECA A120412 Amendment Application, Supporting Information Attachment 1: Resource Recovery Plan" dated May 12, 2022, and prepared by Jacobs including all attached appendices, tables and figures.
20. Report entitled "ECA A120412 Amendment Application, Application Reference 5439-CDHLEL Supporting Information, Financial Assurance Re-evaluation", dated September 15, 2022, including all attached tables, spreadsheets and appendices.
21. Letter dated December 1, 2022, entitled "Environmental Screening Investigation, Welland Land Acquisition, Ontario Road and Canal Bank Street in Welland, Ontario (65 Canal Bank Street)" completed by GHD consultants.
22. Letter dated February 14, 2023, from Paul Grespan, McCarter Grespan Beynon Weir Professional Corporation, re: Partial release of Certificate of Requirement on the lands located at 65 Canal Bank Street, Welland City, Regional Municipality of Niagara, Ontario, including all attachments and appendices.
23. Letter dated February 28, 2023, entitled "Review of Groundwater Conditions in Proposed Severance Area, Northwest End of 65 Canal Bank Street, Welland, Ontario" completed by WSP

consultants.

24. Report dated March 8, 2023 entitled "Peer Review of Environmental Reports for Proposed Severance Lands, 65 Canal Bank Street, Welland, Ontario" completed by Watters Environment Group Inc.
25. Email dated March 13, 2023, from Kim Groombridge, Ministry of the Environment, Conservation and Parks to Majd Alkatan, King and Benton Canal Bank Regeneration Lands Inc.
26. Email dated September 6, 2023, from David Lee, MECP to Majd Alkatan, King and Benton Regeneration Lands Inc., re: Drilling Plan
27. Email dated September 20, 2023, from Majd Alkatan, King and Benton Regeneration Lands Inc., providing additional requested information on the drilling plan, with attachment entitled "Drilling with Casing" prepared by Regen Resource Recovery Corporation.
28. Email dated December 11, 2023, from Majd Alkatan, King and Benton Regeneration Lands Inc., with attachment entitled "Regen Drilling Plan December 2023" prepared by Regen Resource Recovery Corporation.

SCHEDULE "B" - Site and Contaminant Attenuation Zone descriptions

The **Site** is as described in the Instrument receipted as SN735438, registered on title to the property on July 21, 2022, as Property Identification Number (PIN) 64126-0215 (LT), namely that part of the PIN 64126-0215 (LT) being Parts 1 to 8 on Plan 59R-17302, City of Welland.

The **Contaminant Attenuation Zone** comprises the lands included in PIN 64126-0215 (LT), save and except for Parts 1 to 8 on Plan 59R-17302, and Parts 3 and 4 on Plan 59R-17523, City of Welland.

SCHEDULE "C" - Environmental Monitoring Program

This Schedule "C" forms part of this Approval:

Objectives

- to evaluate groundwater and surface water quality;
- to monitor the groundwater quality at the downgradient landfill boundary and compare this quality with the Ministry's objectives and Policies (Ontario Drinking Water Quality Standards, site-specific trigger criteria);
- to monitor the surface water quality at and around the Site and compare the quality with the PWQO and site-specific trigger criteria;
- to delineate the contaminant attenuation zone required for the Site; and
- to determine the need for implementation of contingency measures.

Program	Monitoring and Sampling Locations	Parameters	Sampling Frequency
Groundwater Monitoring	<p><i>Deep Wells</i> : L1-I, L2-I, L4-I, L5-I, L7-I, L8-I, L9-I, L10-I, L11-I, L12-I, L13-I, L14-I</p> <p><i>Shallow Wells</i> : L1-II, L2-II, L4-II, L5-II, L6-I, L7-II, L8-II, L9-II, L10-II, L11-II, L12-II, L13-II, L14-II</p>	<p><u>Indicator and general chemistry:</u> bicarbonate alkalinity, ammonia, unionized ammonia (lab and field), carbonate alkalinity, total alkalinity, calcium, chloride, conductivity, fluoride, pH, phenols, phosphorous (total), sodium, sulphate, total suspended solids</p> <p><u>Metals:</u> boron, aluminum, barium, beryllium, cadmium, chromium (total), chromium (hexavalent), chromium (trivalent), cobalt, copper, iron, lead, magnesium, manganese, molybdenum, nickel, potassium, silver, strontium, thallium, tin, titanium, vanadium, zinc</p>	<p>Deep wells are to be sampled once per year, in the Spring</p> <p>Shallow wells are to be sampled twice per year, in the Spring and Fall.</p>
Surface Water Monitoring	S-8, S-11, S-12, S-15, S-20, S-21A, S-22 (S-2), S-26, S-34, S-35, S-36, S-37, and any new surface water sampling station(s) to be determined in consultation with the ministry	<p><u>Indicator and general chemistry:</u> bicarbonate alkalinity, carbonate alkalinity, total alkalinity, ammonia, unionized ammonia (lab and field), calcium, chloride, conductivity (lab and field), Dissolved Organic Carbon ("DOC")*, Dissolved Inorganic Carbon ("DIC")*, pH (lab and field), phenols, phosphorous (total), sodium, sulphate, total suspended solids</p>	Twice Annually (In either April, May, or June and in either September, October, or November of each year following a rainfall event greater than 10 mm rain)

	<p><u>Metals**</u>: aluminum, barium, beryllium, boron, cadmium, chromium (total), chromium (hexavalent), chromium (trivalent), cobalt, copper, iron, lead, magnesium, manganese, molybdenum, nickel, potassium, silver, strontium, thallium, tin, titanium, vanadium, zinc</p>	
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NOTES:

- * Samples for DOC and DIC to be collected from S-12, S-21A and S-26 only.
- ** Samples for Metals to be field filtered and unfiltered for S-8, S-12, S-21A, S-22 (S-2), S-11 and any other surface water sampling station the ministry may require during the Spring and Fall sampling events. (Field filtered metals data is to be compared to unfiltered and assessed to determine the effects of suspended sedimentation on surface water tests)

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

The reason for conditions 1, 3, 4, 5, 6 (3), 7, 9 and 23 (1) is to clarify the legal rights and responsibilities of the Owner.

The reason for condition 2, 10, 11 and 12 is to ensure that the Site 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 condition 6 (1) 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 6 (2) 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 8 is to ensure that appropriate Ministry staff have ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this Approval. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA, OWRA and PA.

The reason for condition 13 (1) is to ensure that the Owner shall maintain side grading such that surface water from the landfilling area is directed to perimeter ditches and eventually to the wetland areas along the northern and eastern landfilling area boundaries.

The reason for condition 13 (2) is to ensure that the Owner conducts monthly inspections of perimeter ditches from April until December and, if required, undertake necessary remedial measures to keep ditches clean and undamaged.

The reason for condition 14 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of people and the environment.

The reasons for condition 15 are to ensure that inspections of the landfill and reclamation and processing operations are carried out on a regular basis, and that detailed records of Site inspections are recorded and maintained for compliance and information purposes.

The reason for condition 16 is 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.

Condition 17 is included to ensure the integrity of the groundwater monitoring network so that accurate monitoring results are achieved, and the natural environment is protected.

Condition 18 has been 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 points.

Condition 19 has been included to streamline the approval of the changes to the monitoring plans and trigger mechanisms and contingency plans.

The reason for condition 20 are to ensure the sanitary sewer project is undertaken in a manner which is protective of the health and safety of the environment and public and maintains the integrity of the Site's environmental monitoring network and industrial sewage works and that any waste encountered is managed in accordance with all relevant legislation and regulations.

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 is unable or unwilling to do so.

The reason for condition 22 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.

The reason for condition 23 (2) is to ensure that further notification and reporting to the ministry is conducted in the event of a spill.

The reason for condition 24 is to ensure that the Site is operated by properly trained staff and supervised by a Trained Person so that the operation of the Site does not result in a hazard or nuisance to people or the environment.

The reason for condition 25 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.

The reasons for condition 26 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.

The reason for condition 27 is to ensure that the Site is closed in accordance with Ministry standards in a manner that protects the health and safety of the public and the environment.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A120412 issued on November 4, 1986 and all amending notices.

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 27th day of December, 2023



Mohsen Keyvani, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

DL/

c: District Manager, MECP Niagara
Paul Passalent, Jacobs