

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-7240887892

Version: 1.0

Issue Date: May 26, 2025

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

R. W. TOMLINSON LIMITED

100 CITIGATE DR
NEPEAN ONTARIO
K2J6K7

For the following site:

2870 Rideau Road
Ottawa, Ontario
K1X 1A1

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

a 17.86 hectare (ha) waste disposal site to be used for processing and transfer of the following types of waste:

- Non-hazardous Excess Dry Soil which meets Table 2 to 9 of chemical quality standards prescribed in the "Soil, ground water and sediment standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011" or Table 2 to 9 and 2.1 to 9.1 of Excess Soil Standards; and
- Non-hazardous Liquid Soil originated from hydrovac operations.

DEFINITIONS

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

1. Definitions

"Approval" means this entire provisional Environmental Compliance Approval document,

issued in accordance with Part II.1 of the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule "1", as amended from time to time;

"Contaminants of Potential Concern" is as defined in the Soil Rules;

"Design and Operations Report" means the document describing all on-site operations, procedures and environmental protection measures, further described in the conditions of this Approval;

"Director" means any Ministry employee appointed in writing by the Minister pursuant to section 5 of the EPA as a Director for the purposes of Part V of the EPA;

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

"Dry Soils" is as defined in O. Regulation 406/19 and within the context of this Approval also means a waste which does not contain more than insignificant amounts of incidental debris or other non-hazardous waste;

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

"Excess Dry Soil" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming Dry Soils which meets Table 2 to 9 of chemical quality standards prescribed in the "Soil, ground water and sediment standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011" or Table 2 to 9 and 2.1 to 9.1 of Excess Soil Standards and does not contain free-phase liquid, and is accepted at the Site to be managed in accordance with this Approval and transferred from the Site in compliance with the requirements set out in O. Regulation 406/19. Excess Dry Soil is a solid waste that is received at the Site for grade separation;

"Excess Soil Standards" means the document entitled "Part II: Excess Soil Quality Standards", published by the Ministry and dated February 19, 2024, available on a website of the Government of Ontario as Part II of the document entitled "Rules for Soil Management and Excess Soil Quality Standards";

"free-phase liquid" also known as nonaqueous phase liquid, are organic liquid contaminants, characterized as being relatively immiscible with water;

"Liquid Soil" has the same meaning as in O. Reg. 406/19 and means a soil that has a slump of more than 150 millimetres using the Test Method for the Determination of "Liquid Waste" (slump test) set out in Schedule 9 to Regulation 347;

"Leachate Screening Levels" means values that are listed in the tables of Leachate Screening Levels within Part II – Excess Soil Quality Standards, contained in Appendix 2 of the Soil Rules;

"Hydrovac Slurry" means Liquid Soil generated by the use of high water pressure and vacuum extraction technology;

"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 and OWRA under the *Executive Council Act*, R.S.O. 1990 c. E.25;

"Ministry" and "MECP" 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;

"MNR" means the Ministry of Natural Resources and Forestry;

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

"Ontario Regulation 153/04" means Ontario Regulation 153/04, Records of Site Condition - Part XV.1 of 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 assignees;

"O. Reg. 406/19" means Ontario Regulation 406/19 - On-Site and Excess Soil Management, made under the EPA, as amended from time to time;

"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;

"Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes R. W. TOMLINSON LIMITED., its successors and assignees;

"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;

"Processed Excess Soil" means dry excess soils generated after processing (decanting and

drying of Liquid Soil and grade separation) of Excess Dry Soil and Liquid Soil;

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

"Qualified Person" means a person who meets the qualifications to be a qualified person for conducting a phase one and a phase two environmental site assessment and for completing certifications in a record of site condition, as set out in Section 5 of Ontario Regulation 153/04 made under the EPA;

"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, Regulation 347: General - Waste Management, made under the EPA, as amended from time to time;

"residual waste" means waste that is destined for final disposal;

"Reuse Site" is as defined in O. Regulation 406/19;

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

"Site" means the facility located at 2870 Rideau Road, Ottawa, Ontario, authorized by this Approval;

"Slump Test" means the Test Method for the Determination of "Liquid Waste" (Slump Test) set out in Schedule 9 to Regulation 347;

"Source Site" means the source of the incoming Excess Dry Soil or Liquid Soil;

"Soil Rules" means the document entitled "Part I: Rules for Soil Management", published by the Ministry and as amended from time to time, available on a website of the Government of Ontario as Part I of the document entitled "Rules for Soil Management and Excess Soil Quality Standards";

"TCLP" means the Toxicity Characteristic Leaching Procedure which is defined in Regulation 347 as the Toxicity Characteristic Leaching Procedure; and

"Trained Personnel" means persons knowledgeable in the following through instruction and/or practice:

- a. relevant waste management legislation, regulations and guidelines;

- b. major environmental concerns pertaining to the material being handled;
- c. occupational health and safety concerns pertaining to the processes and materials being handled;
- d. site management procedures, including the use and operation of the equipment that person is required to operate for the processes and materials being handled by that person;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for management of unacceptable loads;
- h. the requirements of this Approval.

TERMS AND CONDITIONS

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 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.

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 application for this Approval, dated September 01, 2023, and the supporting documentation listed in Schedule "1".
2. Construction and installation of the aspects of the Site described in the application for this Approval must be completed within 5 years of the later of:
 - a. the date this Approval is issued; 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.

3. Interpretation

1. Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
2. Where there is a conflict between the application and a provision in any documents 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.
3. Where there is a conflict between any two documents listed in Schedule "1", other than the application, the document bearing the most recent date shall take precedence.
4. The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

4. Other Legal Obligations

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 including, but not limited to:
 - i. obtaining site plan approval from the local municipal authority;
 - ii. obtaining all necessary building permits from the local municipal authority Building Services Division;
 - iii. obtaining approval from the Chief Fire Prevention Officer.
 - 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.
2. The Site shall not receive or process waste until a Site-specific s. 53, OWRA, approval is obtained from the Ministry.

5. Adverse Effects

1. The Owner and Operator shall take steps to minimize and ameliorate any adverse effect (as defined in the EPA) or impairment of air quality or water quality resulting

from operations at 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 (as defined in the EPA) or impairment of water quality.

6. Change of Owner

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 of the following changes:
 - a. the ownership of the Site;
 - b. the Owner or Operator of the Site;
 - c. the name or address of the Owner or Operator;
 - 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 Partnerships Act, R.S.O. 1990, c. P.5 shall be included in the notification; or
 - e. the directors, where the Owner of the Operator is or at any time becomes a corporation, and a copy of the most current information filed as required by the *Corporations Information Act*, R.S.O. 1990, c. C.39 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.

7. Inspections

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 to:
 - a. enter upon the premises where the Site is located, or the location where the records required by the conditions of this Approval are kept;
 - b. have access to, inspect, and copy any records required by the conditions of this Approval;
 - c. inspect the practices, procedures, or operations required by the terms and conditions of this Approval; and

- d. sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the OWRA or the PA.

8. Financial Assurance

1. By June 30th, 2025, the Owner shall submit financial assurance as defined in Section 131 of the EPA to the Director in the amount of \$690,158.00. This financial assurance shall be in a form and amount acceptable to the Director and shall provide sufficient funds to pay for compliance with and performance of any action specified in this Approval, including Site clean-up, monitoring and the disposal of all quantities of waste on-site, closure and post-closure care of the Site and contingency plans for the Site.
2. Commencing on June 30, 2030, and every 5 years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the financial assurance required to facilitate the actions described under condition 8(1) above.
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 60 days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

9. Information and Record Retention

1. Any information requested by the Ministry 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 in a timely manner to the Ministry, upon request. Records shall be retained for 5 years unless otherwise authorized in writing by the Director.
2. The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
 - a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
 - b. acceptance by the Ministry of the information's completeness or accuracy.
3. Any information relating to this Approval and contained in Ministry files may be made available to the public in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. F-31.

4. All records and monitoring data required by the conditions of this Approval must be kept on the Owner's premises for a minimum period of two (2) years from the date of their creation.

10. Hours of Operations

1. Outside loading and unloading of waste (Liquid Soil and Excess Dry Soil) and Processed Excess Soil may be carried out between the hours of 6:00am and 5:30 pm, Sunday through Saturday, unless otherwise restricted by municipal by-laws.
2. Notwithstanding Condition 10(1) above, Processed Excess Soil may be hauled and transported from the site 24 hours per day, 7 days per week, unless otherwise restricted by municipal by-laws.
3. No waste shall be received at the Site except when the Site is under the supervision of a Trained Personnel.

11. Service Area

1. Only waste generated in the province of Ontario and Province of Quebec shall be accepted at the Site.

12. Approved Waste Types

1. This Site is approved to receive the following waste:
 - a. Excess Soil which meets Table 2 to 9 of chemical quality standards prescribed in the "Soil, ground water and sediment standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011" or Table 2 to 9 and 2.1 to 9.1 of Excess Soil Standards; and
 - b. Non-hazardous Liquid Soil originated from hydrovac operations.

13. Processing Activities

1. The Site is approved for the following waste management activities:
 - a. The receipt, decanting and processing (grade separation) of Liquid Soil;
 - b. The receipt and processing (grade separation using screening equipment) of Excess Dry Soil.

14. Receiving Limits and Storage

1. The amount of Excess Dry Soil received at the Site shall not exceed 10,000 tonnes per day and the maximum amount of Excess Dry Soil of 500,000 tonnes per year.
2. Liquid Soil received at the Site shall not exceed 300 cubic metres per day.
3. The amount of waste (processed and unprocessed) present at the Site at any one time shall not exceed 100,000 cubic meter including 8,570 cubic meter of

unprocessed Liquid Soil.

4. The Owner shall refuse any load if the receipt of that load could reasonably be expected to cause non-compliance with this Approval, including the receipt and storage limitations set out above.
5. Storage piles shall be maintained in a manner which allows access for emergency and inspection purposes.
6. Processed or unprocessed soil shall not be stored (stockpiled) within 30 m of waterbody and/or 10 m of the property boundary.
7. Excess Dry Soil that does not meet Table 2, 5, 7 and 9 chemical quality standards prescribed in the "Soil, ground water and sediment standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011" or Table 2, 5, 7 and 9 and Table 2.1, 5.1, 7.1 and 9.1 of Excess Soil Standards shall only be stored on an impermeable base and the run-off from these Excess Dry Soil storage area(s) shall be managed in a manner to prevent off-site discharge.
8. Soil and aggregate recovered from processing of Excess Dry Soil and Liquid Soil shall be stored in designated areas as shown on Figure 3 of the Design and Operations Report included as Item 2 in Schedule "1". The height of processed and unprocessed soil stockpiles shall not exceed the individual stockpile height outlined on Figure 3 of the Design and Operations Report which is included as Item 2 in Schedule "1".
9. Notwithstanding Condition 14.8. above, storage areas shown on Figure 3 of the Design and Operations Report included as Item 2 in Schedule "1" can be revised as per quality of the incoming soils. However, Excess Dry Soil that does not meet Condition 14.7. requirements shall only be stored on the impermeable base.
10. Excess Soil shall otherwise be managed on-Site in accordance with the following:
 - a. Excess Soil loads shall be segregated by source site or by soil quality and stored in separate piles.
 - b. The quality of a mixture of Excess Soil loads from different source sites, where each soil load forming a part of the mixture has accompanying analytical data, shall be deemed to be either:
 - i. the quality based on the maximum concentration of each contaminant present in any of the soil loads that form part of the mixture; or
 - ii. the quality based on testing carried out in accordance with Condition 15.
 - c. Each Excess Soil stockpile shall be clearly marked with a sign indicating the contents of the stockpile. The contents of the stockpile shall be described in terms of the following:
 - i. a. soil quality;

- ii. whether the stockpile contains a mixture or not; and
 - iii. the source site(s) of the soil.
- d. All Liquid Soil shall be unloaded directly into a Liquid Soil decanting bay in a manner that prevents spills during transfer.

11. The Owner shall ensure that:

- a. no process water (decanted effluent)) is loaded onto hydrovac trucks for reuse unless dewatering/decanted effluent is tested for metals, VOCs, PHC and PAHs and meets Table 3 of the "Soil, ground water and sediment standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011", as amended;
- b. no process water (decanted effluent) is permitted to be used for dust suppression or discharged directly to any waterbody or any other part of the natural environment, or otherwise in a manner that requires approval under Section 53 of the OWRA, unless such an approval is in effect for the Site.

12. The Owner shall ensure the following to minimize impacts from wind-blown dust:

- a. cloth barrier material is attached to all perimeter fencing, or other barriers such as concrete blocks or acoustic barriers are employed in a manner that prevents off-site impacts from wind-blown dust;
- b. stockpiles are wetted as necessary, using on-site water supply source;
- c. water from on-site water supply source is used as necessary during any outdoor loading or unloading operation;
- d. the site is regularly wet-swept clean using water from the municipal or on-site water supply source.

15. Incoming Waste Documentation - Excess Dry Soil

- 1. Prior to accepting any Excess Dry Soil at the Site, the Owner shall acquire from the Source Site owner/generator, the documentation that contains information on the Source Site and the characterization information of the incoming Excess Dry Soil which shall:
 - a. be reviewed and deemed acceptable by Trained Person;
 - b. be for the Excess Dry Soil from each Source Site;
 - c. include the following Source Site information:
 - i. the generator's name and/or Owner name, address and contact information;

- ii. the Source Site location;
 - iii. current Source Site's activities and land use;
 - iv. past Source Site's activities and land use, if known. Including identifying any certain or likely Contaminants of Potential Concern; and
 - v. estimated quantity of the Excess Dry Soil to be received at the Site from that Source Site.
2. Excess Dry Soil may be received at the Site with incomplete characterization documentation or without the required characterization documentation, provided that the Excess Dry Soil is expected to be a solid non-hazardous waste, if one of the following requirements is complied with:
- a. the incoming Excess Dry Soil shall be segregated from all other Excess Dry Soils, wastes, reagents and materials, until the complete documentation is promptly (within 72 hours) provided by the Source Site owner/generator, received by the Owner and deemed acceptable by the Trained Person; or
 - b. the incoming Excess Dry Soil shall be segregated from all other Excess Dry Soils, wastes, reagents and materials, until the Excess Dry Soil is characterized within 10 business days at the Site in accordance with Condition 15.4. of this Approval.
3. All applicable analytical results shall be from a laboratory service provider accredited by a Canadian Association for Laboratory Accreditation or equivalent.
4. The documentation required in Conditions 15(1) shall also include sampling and testing protocols, methods and analytical results to demonstrate that the Excess Dry Soil is a solid non-hazardous waste. As a minimum, the characterization documentation shall include:
- a. the results of any Phase I Environmental Site Assessment (ESA) and Phase II ESA undertaken for the Source Site in accordance with the Ministry's requirements under O. Regulation 153/04 and/or and/or in accordance with sections 1 to 3 and 4 of Section B of Part 1 of Soil Rules or its equivalent if waste is sourced from outside the Province of Ontario; and
 - b. following characterization results:
 - i. slump from the Slump Test, if the Excess Dry Soil has a high moisture content;
 - ii. characterization to demonstrate that the Excess Dry Soil is a non-hazardous waste which was done in accordance with the following:
 - A. sampling and testing results to demonstrate that the Excess Dry Soil

does not trigger any criteria from the hazardous waste definition from Reg. 347, including TCLP analysis results, from samples,

- i. collected in accordance with the procedures set out in the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Reg. 347", as amended; and
- ii. tested for Contaminants of Potential Concern determined from the information contained in the general documentation required in Condition 15(1) and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider.

5. Trained Personnel shall supervise all shipments of waste received at the Site. Prior to any shipment being unloaded, Trained Personnel shall review the accompanying information for that shipment, and examine the contents of the truck where possible, to ensure the waste matches the description provided and that the waste is permitted to be received further to the conditions of this Approval. If any shipment is suspected of containing unapproved waste, that shipment shall be refused and shall not unloaded at the Site.
6. Trained Personnel shall examine all shipments of waste while they are being unloaded. If at any time a shipment is discovered to contain unapproved material, the shipment shall be refused and all portions of the shipment that can be recovered shall be removed from the Site.
7. In the event that a shipment of waste is rejected from the Site, the Owner shall forthwith notify the District Office of the following in writing:
 - a. the name of the company that brought the rejected load to the Site;
 - b. the license plate number of the vehicle that brought the rejected load to the Site;
 - c. a description of the rejected waste and the reason for rejecting the shipment; and
 - d. the destination of the rejected waste if the driver provides that information.
8. Soils that have been tested shall remain segregated from all other soils on-Site.

16. Incoming Waste Documentation - Liquid Soil

1. Prior to accepting any Liquid Soil at the Site, the Owner shall ensure that documents are obtained from each source site/generator delivering waste to the Site that contains following information at a minimum:

- a. the generator's name and/or the company's name, address and contact information;
- b. the source site/generator location; current source site/generator activities and land use, including details of any certain or likely potentially contaminating activity;
- c. past source site/generator activities and land use, including details of any certain or likely potentially contaminating activity;
- d. a list of all certain or likely spilled materials and clean-up materials present in the Liquid Soil if the Liquid Soil is from an emergency response location; and
- e. the estimated quantity of Liquid Soil to be received at the Site.

17. Outgoing Excess Soil Criteria

1. The following applies to the soil received at site as Excess Dry Soil or Liquid Soil that have been characterized at the source in accordance sections 1 to 3 and 5, Section B of Part 1 of Soil Rules for the contaminants listed in paragraph 2(3)14 of Section B of Part I of the Soil Rules:
 - a. No soil that was received as, and remains, Excess Dry Soil shall leave the Site for reuse unless accompanying documentation has been prepared as follows:
 - i. For Excess Dry Soil from a single source site that was processed on-Site but not mixed or contaminated with any other soil or material on-Site, the accompanying documentation may consist of the documentation required for that Excess Dry Soil during receipt.
 - ii. For Excess Dry Soil consisting of soil from more than one source site that was mixed together on-Site, provided it was not contaminated with any other material on-Site, the accompanying documentation shall be the quality based on the maximum concentration of each contaminant present in any of the soil loads that form part of the mixture.
 - iii. For all other Excess Dry Soil or processed Liquid Soil, the documentation shall be prepared further to sampling and analysis of the soil as set out in Condition 17.b. below.
 - b. For Excess Dry Soil and processed Liquid Soil which have not been characterized at the source as per sections 1 to 3 and 5, Section B of Part 1 of Soil Rules for the contaminants listed in paragraph 2(3)14 of Section B of Part I of the Soil Rules, the Owner shall complete the following prior to shipping the Processed Excess Soil off-site for reuse from the Site:
 - i. the soil characterization is carried out by, or under the supervision of, a Qualified Person, and all characterization documentation is prepared by a

Qualified Person;

ii. the soil is tested using the TCLP test, and any other analytical results required to confirm that the soil is not a hazardous waste as defined in Regulation 347;

iii. the soil is tested using the Slump Test;

iv. the soil is sampled in accordance with the stockpile sampling frequency set out in paragraph 2(3)16 of Section B of Part I of the Soil Rules for the contaminants listed in paragraph 2(3)14 of Section B of Part I of the Soil Rules, and that the samples are handled, stored and analyzed in accordance with subsection 2(4) in Section B of Part I of the Soil Rules;

v. all analysis of soil samples is carried out by an accredited laboratory (Canadian Association for Laboratory Accreditation or equivalent).

2. For the purpose of compliance with Condition 17.1., discrete samples of Excess Dry Soil or processed Liquid Soil (Processed Excess Soil) shall be collected and analysed, at minimum, for the following parameters:

a. metals;

b. hydride-forming metals;

c. petroleum hydrocarbons (PHCs) [F1 to F4];

d. Benzene, toluene, ethylbenzene, xylene (BTEX);

e. Sodium adsorption ratio (SR) and electrical conductivity (EC);

f. Volatile organic compounds (VOC); and

g. Semi-volatile organic compounds (SVOC) including polychlorinated biphenyls (PCB); and

h. leachate analysis for certain contaminants as outlined in subsection 2 (5) in Section B of PART I of Soil Rules.

3. The Owner shall maintain a Quality Assurance/Quality Control (QA/QC) program for sampling and analysis of wastes, as required by this Approval, and shall make the results of the QA/QC program, including all analyses carried out by an accredited laboratory service provider, available for inspection upon request by the District Manager, the Director and any Provincial Officer.

18. Processed Soil Reuse

1. The Owner shall ensure that no Processed Excess Soil is transferred from the Site

except to be deposited at a property or a site in accordance with one of the following criteria:

- a. to an approved waste disposal facility permitted to accept soil under Part V of the EPA;
 - b. to an approved waste disposal site for use as daily cover or intermediate cover in accordance with the requirements of the Environmental Compliance Approval for the receiving site;
 - c. to a receiving property that has been assessed by a Qualified Person who confirms that the receiving site has a fill management plan and that the soil quantity and quality is acceptable for the intended receiving property such that it will not cause an adverse effect to human health or the environment;
 - d. to a receiving property that has site specific standards developed in a risk assessment as outlined in Ontario Regulation 153/04 made under the EPA, and which the soil meets; and
 - e. the Owner shall ensure that for any soil that is to be transferred to a receiving property to be used as clean fill, a copy of the analytical results are forwarded to the receiving property.
2. Processed Excess Soil to be sent off-site for beneficial reuse as described Section 5(1)3 in Ontario Regulation 406/19 shall only be sent off-site for reuse in accordance with Section 3 of Ontario Regulation 406/19 and the Soil Rules. All other Processed Excess Soil shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.
3. Rock (having a same meaning as in Ontario Regulation 406/19) that does not meet the definition of inert fill set out in Reg. 347 shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.
4. Before shipping any Processed Excess Soil from the Site to a receiving property (that is, a property other than a waste disposal site approved under Part V of the EPA), the Owner shall require the following:
- a. a record of the receiving property owner's name and/or Owner name, contact information, receiving site address, any correspondence with the receiving property, and the quantity of soil or soil-like waste being sent to the receiving property;
 - b. written confirmation from the Qualified Person that they:

- i. have assessed the receiving property;
 - ii. have identified the applicable soil quality standards for the receiving property as required by the local municipality, the local Conservation Authority, any applicable provincial/federal legislation, or (in the absence of such requirements) as recommended by the Qualified Person;
 - iii. have reviewed the test results for the soil and agree that the testing is sufficient to establish compatibility of the waste with the receiving property and that the waste meets the criteria for the receiving waste; and
 - iv. agree that the soil quantity and quality meet the requirements of the fill management plan for the receiving property.
 - c. written confirmation from the receiving property owner that the soil quality and quantity to be provided is appropriate to the receiving property based on the recommendation of the Qualified Person, and that the receiving property agrees to accept it.
5. Processed Excess Soil can only be transferred to a pit or quarry for pit rehabilitation under the Aggregate Resources Act, R.S.O. 1990, c.A.8 only if:
- a. a Qualified Person has confirmed, in writing, that the concentrations of constituent contaminants of the soil, and the deposition of the soil at the pit or quarry, are in accordance with the Aggregate Resources Act, R.S.O. 1990, c.A.8 and the regulations, the site plan and the conditions of the licence or permit under the Aggregate Resources Act , R.S.O. 1990, c.A.8; and
 - b. a Qualified Person has determined it is appropriate to bring the soil to the pit or quarry, and this determination was done with consideration given to the contaminant volumes and loadings, the impacts on the existing conditions at the pit or quarry, and the introduction of new contaminants to the pit or quarry.
6. In addition to Condition 18.5., Processed Excess Soil is not permitted to be stored for reuse on a MNRF licenced pit owned or leased or operated by the Owner for future pit rehabilitation unless such a storage is approved by the MNRF. The MNRF approval shall clearly include the following:
- a. quantity of the Processed Excess Soil required for pit rehabilitation;
 - b. quality of the Processed Excess Soil suitable for pit rehabilitation;
 - c. duration for which Processed Excess Soil will be stored on a licenced pit prior to its placement; and
 - d. storage location at the approved pit site.

7. The MNRF's approval required under Condition 18.6 for Processed Excess Soil storage on a licenced pit shall be provided to the District Manager at least two weeks before commencing Processed Excess Soil transfer from the Site to a licenced pit.
8. The total amount of waste leaving the Site for final disposal, comprised of waste from transfer operations and residual waste arising from the processing operations, shall not exceed 1,000 tonnes (on annual average basis) per day.

19. Signage and Security

1. A sign shall be posted and maintained at the entrance to the Site in a manner that is clear and legible, and shall include the following information:
 - a. the name of the Site and Owner;
 - b. this Approval number;
 - c. the name of the Operator;
 - d. the normal hours of operation as described in Condition 10(1) above;
 - e. the allowed materials that may be accepted at the Site, and any materials explicitly prohibited by conditions of this Approval;
 - f. a telephone number to which complaints may be directed; and
 - g. a twenty-four (24) hour emergency telephone number (if different from above).
2. The Site shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the Site.

20. Design and Operations Report

1. The Design and Operations Report shall be kept up-to-date, with any changes to the Design and Operations Report requiring approval being submitted to the Director for approval prior to implementation.
2. Changes to the Site's operations that:
 - a. do not require an amendment to this Approval under Section 27 of the EPA shall be recorded in a revisions tracking log in the Design and Operations Report and submitted to the District Manager for record keeping; and
 - b. require an amendment to this Approval under Section 27 of the EPA shall not be implemented on-site or included in the Design and Operations Report until they have been approved by the Director.
3. An updated Design and Operations Report, including the revisions tracking log noted above, shall be submitted with all future Environmental Compliance Approval applications for the Site.

4. The Design and Operations Report shall be retained at the Site and available for inspection by a Provincial Officer upon request.

21. Staff Training

1. Within 60 days of the issuance of this Approval, the Owner shall prepare and maintain a training plan to be used to train all employees that operate the Site.
2. The Owner shall ensure that Trained Personnel are available at all times during the hours of operation of this Site, and that Trained Personnel supervise all management of dry excess soils, liquid soils, aggregate, processed soils and process water at the Site.
3. The Owner shall ensure that Site personnel are trained, and receive annual refresher training, on the operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual, including but not limited to:
 - a. receiving and recording procedures (including recording procedures for wastes which are the use and operation of equipment for the processes and wastes to be handled;
 - b. storage, handling, sorting and shipping procedures;
 - c. operation of equipment and procedures to be followed in the event of a process upset or an emergency situation;
 - d. procedures for the control of nuisance conditions;
 - e. housekeeping, inspection and maintenance procedures; and
 - f. procedures for recording and responding to public complaints.

22. Site Inspection

1. 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:
 - a. the Site is secure;
 - b. the operation of the Site is not causing any nuisances;
 - c. the operation of the Site is not causing any adverse effects on the environment; and
 - d. the Site is being operated in compliance with this Approval.
2. Any deficiencies discovered as a result of the inspection shall be remedied immediately or as soon as practicable, which may require temporarily ceasing operations at the Site if needed.

23. Nuisances

1. The Owner shall operate and maintain the Site in a manner which ensures the health and safety of all persons and the protection of the environment, through active prevention of any possible environmental adverse effects, including but not be limited to odours, dust, litter, vectors, vermin, rodents and noise.

24. Complaint Response

1. If at any time the Owner receives a complaint regarding an adverse effect (as defined in the EPA) due to operation of the Site, the Owner shall respond to the complaint according to the following procedure:
 - a. The Owner shall record and number each complaint, either electronically or in a separate log book, along with the following information:
 - i. the nature of the complaint;
 - ii. the name, address and telephone number of the complainant (if provided);
 - iii. the date and time the complaint was received;
 - iv. a description of the weather conditions at the time of the complaint;
 - v. a description of the Liquid Soil, Processed Excess Soil, and process water handling activities taking place at the time of the complaint; and
 - vi. a description of the known or suspected activity causing the complaint.
 - b. The Owner shall:
 - i. initiate appropriate steps to determine all possible causes of the complaint;
 - ii. proceed to take the necessary actions to eliminate the cause of the complaint;
 - iii. notify the District Manager of the complaint within one business day of receiving the complaint;
 - iv. forward a written response to the District Manager within 5 business days of receiving the complaint, with a copy to the complainant if they have identified themselves, that describes the actions taken to address the complaint; and
 - v. forward daily updates to the District Manager, if requested, until the complaint is resolved.
 - c. The Owner shall complete and retain on-site a report written within 10 business days of the complaint date, including:

- i. the information required in conditions 24.1.a and 24.1.b above;
- ii. a list of the actions taken to resolve the complaint; and
- iii. recommendations for any remedial measures, managerial changes or operational changes that would reasonably avoid the recurrence of similar incidents in the future.

25. Spill and Emergency Response Plan

1. Within 60 days of the issuance of this Approval, the Owner shall prepare spill and emergency response plan and provide a copy of the emergency response plan to the District Manager. At minimum, the spill and emergency response plan shall include the following:
 - a. a drawing which accurately reflects the final Site plan layout and clearly indicates all storage areas and the location of emergency equipment;
 - b. emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods;
 - c. a list of equipment and clean up materials available for use in emergencies;
 - d. a list of names and telephone numbers of clean up companies available for emergency response; and
 - e. notification protocol, with names and telephone numbers of persons to be contacted, including Owner personnel, the Ministry's Spills Action Centre and District Office, the local Fire and Police Departments, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour.
2. The spill and emergency response plan shall be kept up to date, and a copy shall be retained and accessible to all staff at all times.
3. The equipment, materials and personnel requirements outlined in the emergency response plan shall be immediately available on the Site at all times. The equipment shall be kept in a good state of repair and in a fully operational condition.
4. Each staff member that operates the Site shall be fully trained in the use of the equipment they are required to operate under the emergency response plan and in the procedures to be employed in the event of an emergency.
5. The Owner shall immediately take all measures necessary to contain and clean up any spill (as defined in the EPA) which may result from the operation of this Site and immediately implement the emergency response plan if required.
6. All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill

26. Log Book/Record Keeping

1. A daily log shall be maintained at the Site, either electronically or in written format, and shall include the following information as a minimum:
 - a. the date;
 - b. quantities and sources of all waste received at the Site;
 - c. estimated quantities of all stockpiled soil on-site at the end of each operating day;
 - d. quantities and destinations of all Excess Dry Soil, Liquid Soil, Processed Excess Soil, process water, rock and debris shipped from the Site;
 - e. a record of all sampling and analysis carried out further to the conditions of this Approval;
 - f. a record of daily inspections required by this Approval;
 - g. a record of any process upsets or spills with the potential to enter the natural environment, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, 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.
 - h. a record of any refusals, including the types and amounts of waste refused, reasons for refusal and actions taken;
 - i. a record of all complaints received regarding operations at the Site.

27. Environmental Monitoring Plan

1. Within 60 days of the issuance of s. 53, OWRA, approval, the Owner shall apply to the Director for amending this Approval in order to incorporate into this Approval the groundwater and surface water monitoring program, and trigger mechanism and contingency plan and that have been reviewed and approved by District Manager/local district office.

28. Reporting

1. A written report on the development, operation and monitoring of the Site, shall be completed annually (the "Annual Report"). The Annual Report shall be submitted to the District Manager, by April 30th of the year following the period being reported upon and the first such report is due on April 30th, 2027. The Annual Report shall include but not be limited to the following information:
 - a. a detailed monthly summary of the type and quantity of all incoming and

- outgoing Liquid Soil, Excess Dry Soil, Processed Excess Soil, process water, rock and debris and the destination of all outgoing Liquid Soil, Excess Dry Soil, Processed Excess Soil, process water, rock and debris along with a summary of all sampling and analysis for outgoing materials;
- b. any environmental and operational problems, that could negatively impact the natural environment (as defined in the EPA), encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
 - c. any changes to the emergency response plan or the Design and Operations Report since the last Annual Report;
 - d. Any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.
 - e. any changes in operations, equipment, or procedures used at the Site, any operating problems encountered and corrective actions taken;
 - f. details on the monitoring program undertaken, outlining monitor locations, analytical parameters sampled, and frequency of sampling;
 - g. an analysis and interpretation of the surface water and groundwater chemical quality data, a review of the adequacy of the monitoring program, conclusions of the monitoring data, and recommendations for any changes that may be necessary (after approval of the environmental monitoring plan as per Condition 27);
 - h. summary of inspections undertaken at the Site;
 - i. summary of any public complaints received and the responses made;
 - j. a statement as to compliance with all conditions of this Approval and the other relevant Ministry's groundwater and surface water requirements.

29. Closure Plan

1. A Closure Plan shall be submitted to the Director for approval, with a copy to the District Manager, no later than six (6) months before the planned closure date of the Site. The Closure Plan shall include, at a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.
2. The Site shall be closed in accordance with the approved Closure Plan.
3. No more than 10 days after closure of the Site, the Owner shall notify the Director, in writing, that the Site is closed and that the approved Closure Plan has been implemented.

REASONS

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

1. Definitions

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

Terms and Conditions

The reason for Conditions 1, 3, 4, 5, and 9 to clarify the legal rights and responsibilities of the Owner and Operator.

The reason for Condition 2 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 7 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 8 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 10 is to specify the hours of operation for the Site.

The reason for Condition 11 is to specify the approved service area from which waste may be accepted at the Site.

The reasons for Conditions 12, 13 and 14 are to specify the types of materials that may be accepted at the Site, the maximum amounts of waste that may be stored at the Site, the maximum rate at which the Site may receive and ship waste and the allowable methods of processing based on the Owner's application and supporting documentation.

The reason for Conditions 15 and 16 is to ensure that all wastes received at the Site are properly identified and classified to ensure they are managed in a manner that protects the health and safety of people and the environment.

The reasons for Conditions 17 and 18 are to ensure that all processed material is testing and to ensure that any processed material is only sent off-site for reuse to an appropriate receiving facility.

The reason for Condition 19.1 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 reason for Condition 19.2 is 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.

The reason for Conditions 20 is to ensure that the Design and Operations Report is maintained, up-to-date and available at the Site at all times and to ensure that any changes to the Report are done with prior approval from the Ministry.

The reason for Conditions 21 is to ensure that the Site is operated by properly Trained staff in a manner which does not result in a hazard or nuisance to people or the environment.

The reason for Condition 22 is to ensure that inspections of all Site grounds and infrastructure 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 23 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 reason for Condition 24 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.

The reasons for Condition 25 is to ensure that an Spill and Emergency Response Plan are developed and maintained at the Site, and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.

The reason for Conditions 26 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.

Condition 27 is included to require the Owner to incorporate the approved environmental monitoring plan into the approval in order 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.

The reason for Condition 28 is 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 29 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights*, 1993 who 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:

1. 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;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

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 [Ontario Land Tribunal's](#)

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 [Environmental Registry of Ontario](#), 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 26th day of May, 2025



Mohsen Keyvani

Director

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

c: Rob Pierce, R. W. TOMLINSON LIMITED
Robert McDonald, WSP Canada Inc.

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

SCHEDULE 1

1. Environmental Compliance Approval application dated September 1, 2023.
2. Design and Operations Report, WSP Canada Inc., dated August 2023, revised on October 2024, July 2024, March 2025, and revised on May 2025.
3. Hydrogeological Assessment Report, WSP Canada Inc., dated August 2023 and revised August 2024.
4. Email dated November 13, 2024, from Nick Mariani, Environmental Project Coordinator, R. W. Tomlinson Ltd, Re.: ECA Information Request - (Reference Number 1000240886), including 8 attachments.
5. 2025 Financial Assurance Evaluation, R.W. Tomlinson Ltd., WSP Canada Inc., dated March 11, 2025.
6. 2025 Financial Assurance Evaluation (Revision 1), R.W. Tomlinson Ltd., WSP Canada Inc., dated May 7, 2025, revised on May 16, 2025 (submitted via email).