

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A022108

Issue Date: February 8, 2022

Environmental Services Inc.
22153 King & Whittle Rd
Rural Route, No. 3
Tilbury, Ontario
N0P 2L0

Site Location: Environmental Services Inc. Waste Processing and Transfer
22153 King & Whittle Road
Chatham-Kent Municipality,
N0P 2L0

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 4.5 hectare Waste Disposal Site (Transfer and Processing) used for the following types of waste generated in Canada, the United States of America and countries party to the Basel Convention:

- (a) the receipt, transfer, solidification, stabilization and/or filtration of non-hazardous liquid industrial, hazardous liquid and solid waste classes 111-114, 121-123, 131-135, 141-150, 211-213, 221-222, 231-233, 241-242, 251-254, 261-270, 281-282, 311 and 331, as described in the New Ontario Waste Classes, January 1986 or as amended, and
- (b) bioremediation of solid, non-hazardous waste limited to soil contaminated with waste classes 211, 212, 213, 221, 222, 251, 252 and 253 as described in the New Ontario Waste Classes, January 1986 or as amended.
- (c) transfer of Biosolids from sewage treatment plants

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

"Approval" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

"Compatible" means the ability of two materials to be stored together, so that in the event of accidental mixture of the two materials, a violent reaction or explosion would not occur

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

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

"Dry Soil" is as defined in O. Regulation 406/19 and within the context of this Approval also means a waste which contains Contaminants of Concern and/or does not contain more than insignificant amounts of incidental debris or other non-hazardous waste, handling of which is subject to the Environmental Compliance Approval requirements under the EPA. Dry Soil is a solid waste that is received at the Site for Bioremediation;

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

"Excess Soil Criteria" means the Excess Soil Quality Standards set out in the Soil Rules required for a Reuse Site and also includes the site-specific criteria as set out in Section D of the Soil Rules;

"Excess Soil Standards" means the Excess Soil quality criteria set out in the Soil Rules required for a Reuse Site;

"Excess Soil" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming Dry Soil accepted at the Site to be managed in accordance with this Approval and the Processed Soil transferred from the Site in compliance with the requirements set out in O. Regulation 406/19;

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

"Regulation 347" means Regulation 347, R.R.O. 1990, General - Waste Management, made under the EPA, as amended from time to time;

"Regulation 903" means R.R.O. 1990, Regulation 903 - Wells, made under the OWRA, 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;

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

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

"Owner" means any person that is responsible for the establishment or operation of the Site which is the subject of this Approval, and includes Environmental Services Inc., its successors and assigns;

"PA" means the Pesticides Act, R.S.O. 1990, c. P-11, as amended from time to time;

"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 PA;

"Rejected Waste" means the incoming load inadvertently received at the Site and deemed by the Owner to be a waste that does not meet the incoming Waste quality

criteria set out in this Approval or that cannot be processed in accordance with this Approval;

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

"Site" means the operation being approved under this Approval, located at North West 1/2 of Lot 18, Concession 10, Chatham-Kent Municipality (formerly Township of Tilbury East).

"Soil Rules" have the same meaning as in O. Regulation 406/19 and 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".

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

TERMS AND CONDITIONS

A. Revoke and Replace

(1) This Approval revokes Environmental Compliance Approval No. A022108 issued on May 16, 2014, Notices of Amendment issued July 4, 2018 and Environmental Compliance Approval No. A022108 issued on March 18, 2020. The approval given herein, including the terms and conditions set out, replaces all previously issued approvals and related terms and conditions under Part V of the EPA for this Site.

B. General

(2) (a) Except as otherwise provided by these Conditions, the Site shall be designed, developed, used, maintained and operated in accordance with the plans, specifications and information listed in the attached Schedule "A".

(b) Use of the Site for any other type of waste, or other waste management activity, is not approved under this Approval, and requires obtaining a separate approval amending this Approval; and

(c) Applications to amend this Approval, for reasons other than administrative amendments, shall include submission of a revised Design and Operations Report.

(3) (a) 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.

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

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

(4) Requirements specified in this Approval are the requirements under the EPA.

Issuance of this Approval in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of the EPA and other legislation and regulations and to obtain any other approvals required by legislation.

(5) 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, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

(6) The Owner must ensure compliance with all terms and Conditions of this Approval.

Any non-compliance constitutes a violation of the EPA and is grounds for enforcement.

(7) The Owner shall ensure that all communications/correspondence made pursuant to this Approval shall reference the Environmental Compliance Approval No. A022108.

(8) (a) The Owner shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:

(i) change in ownership or change in or appointment of an Operator of the Site or both;

(ii) change of address or address of the new Owner or Operator;

(iii) change of 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, 1991 shall be included in the notification to the Director;

(iv) any change of name of the corporation where the Owner or Operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of Ontario Regulation 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the Corporations Information Act shall be included in the notification to the Director; and

(v) change in directors or officers of the corporation where the Owner or Operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 7(a)(iv), supra.

(b) In the event of any change in ownership of the Site, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the Director.

(9) The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:

(a) carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, Section 15, 16, or 17 of the OWRA, or Section 19 or 20 of the PA of any place to which this Approval relates; and,

(b) without restricting the generality of the foregoing to:

(i) enter upon the premises where the records required by the Conditions of this Approval are kept;

(ii) have access to and copy, at any reasonable time, any records required by the Conditions of this Approval;

(iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the Conditions of this Approval; and

(iv) sample and monitor at reasonable times for the purposes of assuring compliance with the Conditions of this Approval.

(10) (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer, furnish any information requested by such persons with respect to compliance with this Approval, including but not limited to, any records required to be kept under this Approval; and

(b) In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this Approval (for the purposes of this Condition referred to as "Information"),

(i) the receipt of Information by the Ministry;

(ii) the acceptance by the Ministry of the Information's completeness or accuracy; or

(iii) the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this Approval or any statute or regulation in relation to the Information shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.

(11) All records and monitoring data required by the Conditions of this Approval must be kept on the Site for a minimum period of at least five (5) years.

(12) All wastes must be managed at the Site and transported to and from the Site in accordance with Regulation 347.

(13) This Approval does not relieve the Owner from the prohibitions against pollution in the statutes and does not permit an emission into the environment that contains concentrations of contaminants that have, or are likely to have, an adverse effect on the environment.

(14) 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.

C.1 Conditional Approval

(15) (a) The Owner shall not use Tank Farm 2, as identified in the supporting documentation, until the Director has received and approved a detailed specification, segregation, operation and management plan for Tank Farm 2; and

(b) As part of the operation and management plan, the Owner shall submit the construction drawings for Tank Farm 2, and an updated Site Plan; and

(c) The detailed construction drawings shall show, in plan and profile, the waste storage areas, all services, building, containment area, processing units, loading and/or unloading areas and fencing; and

(d) The submission shall include a re-evaluation of the financial assurance; and

(e) The addition of Tank Farm 2 shall not increase the maximum amount of non-hazardous liquid industrial, hazardous liquid and hazardous solid waste stored on Site beyond a combined total of 1,000,000 litres.

(f) Notwithstanding Condition 16(d), the biosolids storage capacity shall be limited to 500 tonnes or less at any given time until the Director has received and approved a detailed specification, construction, operation and management plan for odour control

from biosolids storage facility/building.

C.2 Site Operations

(16) The Owner shall ensure that:

- (a) the maximum amount of non-hazardous liquid industrial, hazardous liquid and hazardous solids waste stored on the Site shall not exceed, at any one time, 443,700 litres; and
- (b) the maximum amount of domestic, commercial and industrial non-hazardous solid or sludge waste, including biosolids, contaminated soil and other spill clean-up waste, stored on the Site shall not exceed, at any one time, 3,000 tonnes;
- (c) the maximum amount of sewage stored on Site shall not exceed, at any one time, 10,000 gallons;
- (d) the maximum amount of biosolids stored on Site shall not exceed, at any one time, 1,500 tonnes; and
- (e) all storage areas shall meet secondary containment requirements in accordance with the Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities and any revisions.

(17) In the event that waste cannot be transferred or removed from the Site, the Owner must cease accepting waste and must ensure the total maximum amount of waste permitted at this Site does not exceed the maximum allowable amount as approved, in this Approval.

(18) The Owner shall ensure:

- (a) all discharges from the Site, including stormwater run-off, are in accordance with the OWRA and any applicable Municipal By-law(s); and
- (b) the Site is not operated unless all air approvals under Section 9 of the EPA, where applicable, have been obtained.

(19) (a) The total amount of waste from the transfer operations and residual waste arising out of the processing operations leaving the Site for final disposal, shall not exceed 599 tonnes per day; and

(b) The total amount of residual waste resulting from processing at the Site, leaving the Site for final disposal shall not exceed 399 tonnes per day.

(20) (a) The Owner is allowed to solidify sludge, waste class numbers 111-114 inclusive, 121-123 inclusive, 131-135 inclusive, 141-150 inclusive, 211-213 inclusive, 221, 222, 231-233 inclusive, 241, 242, 251-254 inclusive, 261-270 inclusive, 281, 282 and 311, as described in the New Ontario Waste Classes, January 1986 or as amended.

(b) Sawdust, fly ash, disposal, limedust, kilndust and portland cement shall be used as binders for solidification.

(c) The use of any other type of solidification reagents shall be used only after written notification to the District Manager.

(21) (a) The Owner is permitted to crush empty metal and/or plastic drums for the purpose of transportation to a metal recovery and/or plastics recycling facility or to an approved waste disposal site.

(b) The Owner shall maintain for a period of two years a record available for inspection

tracking the path of drums received at the Site. The list shall include at minimum:

- (i) the generator of the drum; and
- (ii) the receivers of the crushed drums.

(22) Hazardous Industrial Waste (Schedule 1, Regulation 347), Acute Hazardous Waste Chemical (Schedule 2(A), Regulation 347) and Hazardous Waste Chemical (Schedule 2(B), Regulation 347) may not be treated or processed at this Site, unless as specified in this Condition:

(a) Hazardous Industrial Waste, Acute Hazardous Waste Chemical and Hazardous Waste Chemicals may not be mixed, bulked or blended, nor put into a common container, with any other waste or material unless the following procedures are followed.

- (i) only compatible wastes may be mixed, bulked or blended;
- (ii) a mixture of an Acute Hazardous Waste Chemical and any other waste(s) is an Acute Hazardous Waste Chemical;
- (iii) a mixture of a Hazardous Waste Chemical and any other waste(s) except an Acute Hazardous Waste Chemical is a Hazardous Waste Chemical;
- (iv) a mixture of a Hazardous Industrial Waste and any other waste(s) except an Acute Hazardous Waste Chemical or a Hazardous Waste Chemical is a Hazardous Industrial Waste; and

(v) the Owner shall maintain for a period of two years a record available for inspection tracking the path of waste movement through the Site for Hazardous Industrial Waste, Acute Hazardous Waste Chemical and Hazardous Waste Chemicals, including as a minimum;

- (1) receipt of the waste, including manifest number;
- (2) process and location of processing of the waste batch/mixture;
- (3) contents (waste classes and their quantities) of the waste batch/mixture;
- (4) on-site storage location of the waste batch/mixture; and
- (5) disposal of the waste batch/mixture, including manifest number. The information referred to in Condition 22(a)(v)(3) shall be added to copy 5 of the manifest.

(b) Hazardous Industrial Waste, Acute Hazardous Waste Chemical and Hazardous Waste Chemicals limited to waste classes 251-254 may be received at the oil/oily water/oily waste process area for the purpose of phase separation or bulking provided that all resultant materials follow the procedures listed in Condition 22(a); and

(c) Hazardous Industrial Waste, Acute Hazardous Waste Chemical and Hazardous Waste Chemicals, limited to waste classes listed in Condition 20 may be received at this Site for the purpose of stabilization, solidification or bulking, provided that all resultant materials from a mixture including one or more of these wastes follow the procedures listed in Condition 22(a).

(23) The Owner shall ensure all containers used to store wastes are maintained in good condition to prevent leakage. The Owner shall immediately remove from service any leaking containers.

(24) (a) The Owner shall ensure the Site is operated and maintained in a manner, which ensures the health and safety of all persons and the protection of the

environment; and

(b) If at any time odours, pests, litter, dust, noise or other such nuisances are generated at the Site, resulting in complaints received by the Ministry and validated by a Provincial Officer, the Owner shall upon request of the Ministry, take appropriate remedial action immediately. The Owner shall submit, within the thirty (30) days of the occurrence, a written report to the District Manager, identifying the source(s) of the validated complaint and detail what action was taken to ameliorate the problem and prevent a recurrence.

(25) All wastes must be stored in an appropriate storage area which is designed and constructed in such a manner that they are capable of retaining any spill or leak of waste that may occur therein.

(26) The Owner must provide an area of containment around the storage tanks. The containment area must provide sufficient storage in accordance with the Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities.

(27) At no time is burning or incineration of any materials at the Site permitted under this Approval.

(28) The Owner must take immediate measures to clean up all spills and leaks of any waste material and the spill clean-up material shall be stored at the Site in sealed barrels or in the appropriate solid waste container until such time as it is removed to a facility approved to receive such waste.

(29) (a) The Owner shall have in place an Emergency Response Plan. The Emergency Response Plan shall be kept up to date, and a copy shall be retained at the Site in a location accessible to all staff at all times.

(b) 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.

(c) Copies of the Emergency Response Plan shall be sent to the District Manager, the local municipality and the local Fire Department within thirty (30) days of a revision to the document.

(30) All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition (45,) of this Approval, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

(31) The Owner shall ensure that all operators at the Site have been trained with respect to:

(a) the terms, Conditions and operating requirements of this Approval;

(b) the operation and management of all transfer, storage and contingency measures equipment;

(c) any environmental concerns pertaining to the Site and wastes to be transferred; and

(d) relevant waste management legislation and Regulations under the EPA and OWRA.

(32) Incoming waste shall be inspected by a qualified employee of the Owner, prior to being received at the Site, to ensure that approval has been granted under this

Approval to accept that type of waste.

(33) The Site must be maintained in a secure manner, such that unauthorized persons cannot enter the Site.

(34) The Owner shall ensure that the Site is operated in a manner which minimizes the impacts of vermin, vectors, litter, dust, odour, noise and traffic on the environment and the public.

(35) The Owner shall ensure that regular inspections of the equipment and facilities, by a qualified employee, is conducted, to ensure that all equipment and facilities at the Site are operated in a manner that will not cause an adverse effect on the environment.

Any deficiencies, that might negatively impact the environment, detected during these regular inspections, shall be promptly corrected. A written record must be maintained at the Site, which includes the following:

- (a) name and signature of qualified personnel conducting the inspection;
- (b) date and time of the inspection;
- (c) list of equipment inspected and all observed deficiencies that might cause an adverse effect to the environment;
- (d) recommendations for remedial action and actions undertaken, including a schedule for action to be undertaken in the future;
- (e) date and time of maintenance activity; and
- (f) a detailed description of the maintenance activity.

(36) The Owner must ensure that a qualified employee conducts, on each operating day, a visual inspection of the following areas to ensure the Site is secure and that no off-site impacts such as vermin, vectors, odour, dust, litter and noise, result from the operation of the facility:

- (a) loading/unloading area;
- (b) storage/transfer area; and
- (c) security fence or barriers and property line.

(37) The Owner shall ensure that all tanks and containers stored at the Site are labelled in accordance with Regulation 347, WHMIS, Transportation of Dangerous Goods Act as applicable and other pertinent labelling requirements.

C3. Soil Treatment Facility:

(38) The Owner is approved to conduct ex-situ bioremediation on the 30 metre by 60 metre asphalt pad, as described in Document Number: DMP-102, Soil Treatment Facility Design and Operations Report, subject to the following:

- (a) only solid, non-hazardous Dry Soil contaminated with waste classes 211, 212, 213, 221, 222, 251, 252 and 253 shall be treated at the soil treatment facility;
- (b) the total amount of Dry Soil being treated or awaiting treatment shall not exceed 3000 tonnes at any one time. This amount shall be included and form part of the total amount of waste approved under Condition (16)(b);
- (c) the contaminated Dry Soil to be processed shall be analyzed and characterized in accordance with Document Number: FOP-202, Soil Treatment Facility Ex-Situ Bioremediation Operations Manual prior to being received at the Site;
- (d) the Owner shall not process contaminated soil containing free liquid, other than

- water, and shall not mix or dilute contaminated soil with uncontaminated soil;
- (e) the Owner may add Oppenheimer Formula, or an equivalent inoculant, at a dosage level recommended by the manufacturer, to bioremediate organic contaminants in the soil, on an as required basis,
- (f) whenever possible, contaminated soil shall be placed on the asphalt pad for immediate processing. Contaminated soil that can not be immediately processed shall be stored in roll-off containers, or stockpiled on an impermeable liner, adjacent to the asphalt pad. The contaminated soil awaiting processing shall be covered with a tarpaulin to prevent contact with precipitation;
- (g) the Owner shall ensure that after ex-situ bioremediation processing is complete, the equipment used in handling the soil is cleaned of any residual waste. The waste resulting from the cleaning activities shall be handled in accordance with Regulation 347 and the EPA.
- (39) The Owner shall contain, collect, recirculate or dispose of properly any leachate generated during the bioremediation of the contaminated soil.
- (40) (a) Dry Soil shall be considered fully bioremediated when analysis indicates that contaminants in the soil do not exceed the Direct Disposal threshold in accordance with Ontario EPA Soil, Groundwater Sediment Standard, Table 2, based on Industrial Coarse Ground Soil.
- (b) Dry Soil that has been successfully bioremediated may be used as backfill on the source property, or equivalently zoned property.
- (c) Dry Soil which has not been successfully bioremediated may be re-treated. If contaminated soil can not be successfully bioremediated, it shall be removed from the Site, within 14 days of analysis, and disposed in accordance with Regulation 347.

Documentation for Incoming Dry Soil

- (41) Prior to accepting any Dry Soil at the Site, the Owner shall acquire for each Source Site from the Source Site owner/generator, the documentation that contains information on the Source Site and the characterization information of the incoming Dry Soil.
- (42) Unless the incoming Excess Soil has been already adequately characterized at the Source Site or at the spill site as required by this Approval, the Owner shall sample and characterize the incoming Excess Soil at the Site in accordance with O. Reg. 406/19 requirements and the Soil Rules. Until the incoming Excess Soils have been characterized in accordance with the O. Reg. 406/19 requirements by the Owner, any Dry Soil received at the Site with incomplete Dry Soil characterization documentation or without the required Dry Soil characterization documentation, shall remain segregated from all other Dry Soils, wastes and materials and shall be covered.
- (43) The Owner shall sample and characterize the outgoing Excess Soil, including the Processed Soil at the Site, in accordance with the requirements of O. Regulation 406/19 and the Soil Rules.

Excess Soil General Documentation

- (44) Regardless whether the Excess Soil is characterized by the Source Site owner/generator or the Owner, the documentation required in Condition 41 shall

include the following Source Site information for each Source Site:

- a. the generator's name and/or Owner name, address and contact information;
- b. the Source Site location;
- c. current Source Site's activities and land use;
- d. past Source Site's activities and land use, if known; and
- e. estimated quantity of the Excess Soil to be received at the Site.

Unacceptable/Rejected Waste

(45) Any Dry Soil characterized at the Site that is found to be unacceptable for Bioremediation but is acceptable for receipt and transfer, shall be transferred from the Site in accordance with the EPA and O. Regulation 406/19.

(46) The Rejected Waste shall be removed from the Site within (7) business days of its receipt or receipt of the laboratory report from the analysis of the Excess Soil deemed as the Rejected Waste, as applicable, or as acceptable to the District Manager.

(47) The Owner shall ensure that all Rejected Waste at the Site is managed and disposed of in accordance with the EPA and Regulation 347.

(48) The Dry Soil intended for transfer to a waste disposal site shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.

(49) Transfer of the Dry Soil to a Reuse Site shall be done in accordance with this Approval and O. Regulation 406/19.

D. Monitoring and Reporting:

(50) Surface water:

(a) The Owner must identify two surface water sampling stations in the King and Whittle Drain approximately at the southerly property boundary, within 50 metres upstream and downstream of the Site's surface water outlet. The two stations shall be sampled after a significant rainfall event (25 mm of rain in a 24 hour period) or when flowing water conditions exist in the drain and analyzed for the following parameters:

(1) Metal scan excluding mercury;

(2) Chloride (IC scan);

(3) BTEX

(4) pH.

(b) In the event that a visible sheen to surface water is identified during monitoring events, the surface water sampling stations shall be sampled and analyzed for the following parameters:

(1) Metal scan including mercury

(2) Anions: Chloride, Sulphate, Phosphate, Nitrate, Bromide, Fluoride (IC scan)

(3) Cyanide

(4) Ammonia

(5) Volatile Organic;

(6) Petroleum Fraction Testing (F1 to F4)

(7) BOD

(8) Phenols

(9) pH

(c) The Owner shall install a rain gauge on site and record precipitation on a daily basis. Records shall be made available for inspections as required.

(51) Groundwater:

(a) The Owner shall maintain three (3) groundwater monitoring wells at the locations shown on the Water Monitoring Site Plan, Sheet ID SP-5, amended August 21, 2006.

These wells shall be screened over a 3 m (10 feet) interval straddling the fractured - nonfractured zones in the clay soils. The wells shall be sampled annually and analyzed for the following parameters:

(1) Metal scan excluding mercury;

(2) Chloride (IC scan);

(3) BTEX

(4) pH.

(b) In the event that a visible sheen to ground water is identified during monitoring events, the wells shall be sampled and analyzed for the following parameters:

(1) Metal scan including mercury;

(2) Anions: Chloride, Sulphate, Phosphate, Nitrate, Bromide, Fluoride (IC scan);

(3) Volatile Organic;

(4) Petroleum Fraction Testing (F1 to F4)

(5) pH.

(c) All monitoring wells which form part of any monitoring program shall be protected from damage. Any groundwater monitoring wells that are damaged shall be repaired or replaced forthwith or properly abandoned in accordance with Regulation 903;

(d) Any monitoring wells which are no longer required for monitoring or which need to be closed due to operational changes on the Site, shall be abandoned in accordance with Regulation 903;

(e) The District Manager may, from time to time, alter the frequency, sampling locations, or parameters for analysis required if the District Manager considers it necessary for proper assessment of the operation of the Site and its impact on the environment; and

(f) Upon written correspondence from the District Manager authorizing a change in the groundwater monitoring program, the Owner shall submit to the Director a request for an amendment of this Approval, along with a copy of the correspondence from the District Manager.

E. Complaint Response:

(52) If at any time the Owner received complaints regarding the operations on the Site, the Owner shall respond to these complaints according to the following procedure:

(a) a written record shall be made of each complaint received, that includes the following information at a minimum:

(i) date and time complaint received;

(ii) date and time of complaint occurrence;

- (iii) the nature of the complaint;
 - (iv) weather conditions and wind direction on the date of complaint occurrence;
 - (v) the name, address and telephone number of the complainant (if provided);
 - (b) an investigation shall be undertaken to determine all possible causes of the complaint;
 - (c) the necessary actions to eliminate the cause of the complaint shall be taken; and
 - (d) a formal reply shall be forwarded to the complainant;
- (53) (a) Within 72 hours of its receipt, the Owner shall notify the District Manager, in writing, that a complaint regarding the Site has been received and the actions taken to eliminate the complaint.
- (b) The Owner shall continue to provide written updates to the District Manager until such time as the causes of the complaint are resolved.

F. Record Keeping:

- (54) The Owner shall maintain, at the Site for a minimum of five (5) years, a log book or electronic file format which records daily the following information:
- (a) date of record;
 - (b) volume, date, document or manifest number, types and source of waste received;
 - (c) volume, date, document or outgoing manifest number and destination of each type of waste shipped from the Site; and
 - (d) description of any spill including the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

G. Manuals:

- (55) The Owner shall maintain an up-to-date Design and Operations Report(s) that accurately describes the Site infrastructure and the operations that take place on the Site. The Design and Operations Report(s) shall be:
- (a) reviewed whenever an operational change occurs or annually and revised as required. Revisions made shall be tracked and documented;
 - (b) available for review by a Provincial Officer;
 - (c) submitted to the Director in support of any applications to amend this Approval.
- (56) (a) The Owner shall maintain an up-to-date Operation Manual(s) which shall include, but not be limited to the following:
- (i) waste screening procedures to ensure that only approved waste is received at the Site and is directed towards the appropriate processing activity;
 - (ii) for each processing activity, handling and processing procedures for the waste, the processed waste and any by-product wastes generated by the processing activities;
 - (iii) operating parameters for each processing activity;
 - (iv) maintenance and inspection protocols;
 - (v) record keeping requirements;
 - (vi) outline of the responsibilities of the operators;
 - (vii) training requirements for each processing activity;
 - (viii) emergency response, spill clean-up and contingency plans for each processing activity.
- (b) The Operation Manual(s) shall be:

- (i) reviewed whenever an operational change occurs or annually and revised as required. Revisions made shall be tracked and documented;
- (ii) located in an area accessible to staff at all times;
- (iii) available for review by a Provincial Officer upon request.

H. Annual Report:

(57) By March 31st of each year, the Owner shall submit to the District Manager, an Annual Report, for the previous calendar year. Each report shall include, as a minimum, the following information:

- (a) weekly summary of the type and quantities of waste that was received, stored and transferred from the Site;
- (b) annual amount and quality of the Dry Soil intended for Bioremediation;
- (c) annual amount and quality of the Tested Soil transferred from the Site and its final destination(s);
- (d) summary describing any Rejected Waste including quantity, type, reasons for rejection, its origin and its final destination;
- (e) annual amount of the Residual Waste transferred from the Site for final disposal and its destination;
- (f) amount of unprocessed the Dry Soil temporarily stored at the Site at the end of the operating year;
- (g) a summary table for the soil remediation data including, but not limited to, the amount of soil treated and analytical results;
- (h) any environmental and operational problems, that might negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- (i) the analytical results of the surface water and groundwater sampling program;
- (j) an analysis of the results of the monitoring programs conducted at the Site to date;
- (k) recommendations for any alterations to the monitoring or operation of the Site;
- (l) a detailed map showing the sampling station locations, as well as labelled pictures of each sampling station. Pictures should show normal flows and flows after a major storm event;
- (m) a description of local weather conditions during and in the days leading up to the sampling date;
- (n) a statement as to compliance with the terms and conditions of the Approval; and
- (o) a summary of complaints regarding the operation of the Site and the Owner's response to those complaints.

I. Financial Assurance:

(58) (a) Within thirty (30) days of the issuance of the Approval, the Owner shall maintain and provide Financial Assurance, as defined in Section 131 of the Act, in the amount of **\$313,500.00**. This financial assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.

(b) The Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Condition (49) (a) after every three

years and the next Financial Assurance is due by March 31, 2025. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The financial assurance must be submitted to the Director within thirty (30) days of written acceptance of the re-evaluation by the Director.

(c) Commencing on March 31, 2023, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Condition (49) (a) for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition (49) (b). The re-evaluation shall be made available to the Ministry, upon request .

(d) The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion.

J. Closure Plan:

(59) (a) The Owner must submit, for approval by the Director, a written Closure Plan for the Site four (4) months prior to closure of the Site. This plan must include, as 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; and

(b) Within ten (10) days after closure of the Site, the Owner must notify the Director, in writing, that the Site has been closed in accordance with the approved Closure Plan.

SCHEDULE "A"

This Schedule "A" forms part of Environmental Compliance Approval No. A022108.

1. Application for a Certificate of Approval for a Waste Disposal Site dated July 29, 1993.
2. A copy of a letter dated August 12, 1993 from George M. Darnley, Clerk Treasurer Township of Tilbury East to Mr. and Mrs. Todd Davidson, Environmental Services.
3. Letter dated September 13, 1993 from Todd Davidson, Environmental Services to Todd Fleet, Ministry of the Environment.
4. Application for Approval of a Waste Disposal Site dated November 14, 1995 and signed by Mr. R. T. Davidson, President, Environmental Services Inc..
5. Two letters dated January 17, 1996, addressed to Mr. T. Fleet, Ministry of the Environment, and a Site Plan, from Mr. R. T. Davidson, President, Environmental Services Inc..
6. Application for a Provisional Certificate of Approval for a Waste Disposal Site, dated June 26, 2001, and signed by Todd Davidson, President, Environmental Services Inc..
7. Supporting document and attached site plans, entitled "Environmental Services Inc., Tilbury, Ontario, Application to Expand Waste Management and Waste Disposal Operations, Prepared by: David A. McLean and Associates Inc., Chatham, Ontario, June 2001".
8. Letter from Mohsen Keyvani, Ministry of the Environment to Al Davidson, David A. McLean and Associates, dated November 16, 2001, Re: Application for Approval Waste Disposal Site, Amendment to CofA No. 022108, Chatham-Kent Municipality,

Ministry Reference Number 4642-4YSKD3.

9. Letter and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated December 7, 2001, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001, Response to Items #1 through #7.
10. Facsimile and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Monday, December 10, 2001.
11. Letter and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated December 11, 2001, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001, Response to Item #8.
12. Letter and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated December 11, 2001, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001, Response to Item #9.
13. Letter from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated December 11, 2001, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001, Response to Item #10.
14. Facsimile and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Wednesday, December 12, 2001.
15. Table C.1, Waste Quantity Summary (revised 01.12.07).
16. Memorandum and its attachment from Al Davidson to Mohsen Keyvani, Ministry of the Environment, dated Friday, January 4, 2002, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001, Response to Item #24.
17. Facsimile and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of Environment, dated Monday, January 7, 2002, Re: Responses to Items 11-24.
18. Water Monitoring Site Plan, Sheet ID SP-5, dated June 19, 2001, received January 8, 2002.
19. Letter from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated April 1, 2002, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001.
20. Letter from Mohsen Keyvani, Ministry of the Environment to Al Davidson, David A. McLean & Associates Inc., dated May 21, 2002, Re: Application for Approval Waste Disposal Site, Amendment to CofA No. A022108, Chatham-Kent Municipality.
21. Letter and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Thursday, June 6, 2002, Re: Environmental Services Inc., CofA No. A022108, DMA File D99.065, Technical Review dated November 16, 2001 & Supplementary Review dated May 21, 2002, Response to Item #1.
22. Facsimile and its attachment from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Friday, June 7, 2002.
23. Letter from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Friday, August 30, 2002, Re: Tank Farm #2.

24. Letter from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Friday, August 30, 2002, Re: (Draft) Provisional Certificate of Approval No. A022108.
25. Letter from Al Davidson, DMA to Mohsen Keyvani, Ministry of the Environment, dated Tuesday, September 17, 2002.
26. Letter from Mohsen Keyvani, Ministry of Environment to Al Davidson, David A. McLean & Associates Inc., dated September 5, 2003, Re: Application for Approval Waste Disposal Site, Amendment to CofA No. A022108, Chatham-Kent Municipality.
27. Letter from Brad Ross, Ministry of the Environment to Marilyn Lyons, Bank of Montreal, dated October 29, 2003, Re: Application for Approval of Waste Disposal Sites, Amendment to CofA No. A022108, Chatham-Kent Municipality, Ministry Reference Number 4642-4YSKD3.
28. Letter from Ian Parrott, Ministry of the Environment to Environmental Services Inc., dated December 11, 2003, Re: Financial Assurance for Certificate of Approval: Waste Disposal Sites No. A022108, Compliance With Condition No. 41, Submission of Financial Assurance.
29. Application for a Certificate of Approval for a Waste Disposal Site dated October 5, 2006.
30. Update Application for a Certificate of Approval for a Waste Disposal Site dated January 2008.
31. Letter to R. Todd Davidson, President Environmental Services Inc. dated September 5, 2007 from Anne Maria Pennanen of the Ministry of the Environment, Environmental Assessment and Approvals Branch.
32. Responses to letter of September 5, 2007 dated February 20, 2008.
33. Letter received from Environmental Services Inc. on July 2, 2008 dated January 19, 1996 to Mr. R. Todd Davidson, President from Kathy McConnell Petroleum Resources Inspector, Ministry of Natural Resources Subject: Storage Facility for Oilfield Brine.
34. Letter received from Environmental Services Inc. on July 2, 2008 dated February 1, 1996 to Environmental Services Inc. from Geral A. Pillon, Supervisor Windsor District Office Re: Oilfield Brine Storage Facility, Lot 14 Conc. 10, Tilbury East, Your Letter Dated Jan 17. 1996.
35. Letter received from Mark Harris P.Geo, Hydrogeologist, Southwest Region, Ministry of the Environment to Yosh Imahori, P.Eng., Senior Review Engineer, Environmental Assessment and Approvals Branch, dated September 3, 2008, Re: Certificate of Approval amendment - review of impacts to groundwater, Reference Number 6307-72DJXT.
36. Appendix 1 of 2008 Annual Report dated March 2009, DMA Technical Services Inc.
37. Environmental Compliance Approval application signed by Mr. Todd Davidson, President, Environmental Services Inc., dated March 31, 2014.
38. Documents submitted in support of the Environmental Compliance Approval application:

Detailed Project Description

Document No: DMP-101, Waste Disposal Site Design & Operations Report
Document No: DMP-501 Engineering Report
Document No: FOP-101 Facility Operations Report
Document No: DMP-102 Soil Treatment Facility Design and Operations Report
Document No: FOP-201 Soil Treatment Facility Equipment Maintenance Manual
Document No: FOP-202 Soil Treatment Facility Ex-Situ bioremediation Operations Manual
Document No: ADM-802 Soil Treatment Facility Record Keeping and Reporting
Document No: SMS-414 Personnel Qualifications & Training
Document No: ERP-103 Soil Treatment Facility Emergency Response Plan
Document No: FOP-600 Waste Analysis Plan / Land Disposal Restrictions Compliance Plan

39. Environmental Compliance Approval Amendment Application, dated July 7, 2017 and signed by Jeff Parker, General Manager, Environmental Services Inc, including all supporting information.
40. Memorandum dated January 31, 2018, from Cheryl Robinson, Change Energy Services Inc., to Alan Tan, Senior Waste Engineer, MECP, providing additional information to support the application.
41. Environmental Compliance Approval Amendment Application, dated April 25, 2019 and signed by Jason Bright, General Manager, Environmental Services Inc, including all supporting information.
42. Letter dated October 9, 2019, from Al Davidson, Partner, Change Energy Services, to Alan Tan, Senior Waste Engineer, MECP, providing additional information to support the application.
43. Application for Environmental Compliance Approval of Waste Disposal Site dated June 07, 2021, including all technical supporting documents attached to the application including updated Design and Operations Reports for Waste Disposal Site and Soil Treatment Facility dated February 01, 2021.
44. Letter dated January 20, 2022, from Al Davidson, Technical Contact for ESI / US Ecology, Change Energy Services, to Abdul Quyum, Senior Waste Engineer, MECP, providing additional information to support the application.

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

The reason for Condition (1) is to clarify that the previously issued Certificate of Approval No. A022108 issued on March 8, 1994 and subsequent Notices of amendment are no longer in effect and has been replaced and superseded by the Terms and Conditions stated in this Approval.

The reason for Conditions (2), (4), (5), (6), (7), (12), (13) and (14) is to clarify the legal

rights and responsibilities of the Owner.

The reason for Condition (3) is to clarify how to interpret this Approval in relation to the application and supporting documentation submitted by the Owner.

The reasons for Conditions (8) is 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 reason for Condition (9) is to ensure that the appropriate Ministry staff have ready access to the operations of the Site which are approved under this Approval. The Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA, the OWRA and the PA.

The reason for Condition (11) is to ensure the availability of records and drawings for inspection and information purposes.

The reason for Condition (15) is to make clear that the Site is not approved to store 1,000,000 litres of waste and more than 500 tonnes of biosolids until such time as a Director approved operational plans for Tank Farm 2 and biosolids storage facility.

The reason for Condition (16) is to reflect the current maximum capacity of the Site (without Tank Farm 2).

The reason for Condition (17) is to ensure that wastes are handled in an environmentally acceptable manner and to ensure that the Site is operated in accordance with the application and supporting documentation submitted for this Approval, and not in any manner which the Director has not been asked to consider.

The reason for Conditions (18), (21), (23), (24), (25) and (34) 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 or the environment.

The reason for Conditions (19) and (32) is to ensure that the type of waste received, stored and transferred at the Site is in accordance with that approved by this Approval.

The reason for Condition (20) is to allow the Owner to solidify waste sludge, for the specified waste classes using specified wastes and materials as solidification agents.

The reason for Condition (22) is to ensure that following the processing, listed hazardous waste retains the same characteristics and waste classes.

The reason for Condition (26) is to ensure that in the event of a spill there is sufficient containment in place.

The reason for Condition (27) is that open burning of municipal waste is unacceptable because of concerns with air emissions, smoke and other nuisance affects, and the potential fire hazard.

The reason for Condition (29) is to ensure that the Owner follows a plan with an organized set of procedures for identifying and responding to unexpected but possible problems at the Site.

The reason for Condition (30) is to ensure that staff promptly report spills and to minimize the possibility of off-site impacts and to ensure staff deal promptly and effectively with any spills that do occur.

The reason for Condition (31) is to ensure that staff are properly trained in the operation

of the Site's equipment and emergency response procedures. This will minimize the possibility of spills occurring and will enable staff to deal promptly and effectively with any spills that do occur.

The reason for Condition (33) is to minimize the risk of unauthorized entry and to ensure the Site is only operated in the presence of trained personnel and to ensure proper management of waste.

The reason for Conditions (35) and (36) is to ensure that all equipment and facilities are maintained in good working order.

The reason for Condition (37) is to ensure that all wastes stored on Site are placed in properly labelled tanks so that appropriate measures may be taken to protect health and safety of people and the environment. in case of spills or emergencies.

The reason for Conditions (38) through (40) is to ensure that ex-situ soil bioremediation is conducted on approved waste streams and in a manner which does not result in a nuisance or hazard to the health and safety of people or the environment.

Conditions (41) through (44) are included to ensure that all Dry Soil waste, including receipt, storage, processing, treatment and transfer is done in accordance with the applicable standards/guidelines and does not result in an Adverse Effect or a hazard to the environment.

Conditions (45) to (49) is included to set out the requirements for characterizing, managing and disposal of Dry Soil waste which is not compatible with the Site approval requirements.

The reason for Conditions (50) and (51) is to demonstrate that 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 Conditions (52) and (53) is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

The reason for Condition (54) is to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Approval, the EPA and its regulations.

The reason for Conditions (55) and (56) is to ensure that the Owner prepares a concise and up-to-date document describing the design and operating procedures of the Site.

The reason for Condition (57) is to maintain at the Site an annual record of the Site operation and a summary of the quantities and types of the wastes handled at the Site.

The reason for Condition (58) is to ensure that if for any reason the Owner should cease operations or abandon the Site sufficient funds will be available for the Site to be closed down and the wastes disposed of in an acceptable manner.

The reason for Condition (59) 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A022108 issued on March 18, 2020

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 8th day of February,
2022



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

AQ/
c: Area Manager, MECP Windsor
c: District Manager, MECP Sarnia
Al Davidson, Change Energy Services