Ontario

Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement, de la Protection de la nature et des Parcs

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL
NUMBER 2678-BYY2PW
Issue Date: May 7, 2025

2386843 Ontario Ltd.
3650 Langstaff Rd, No. 14
Woodbridge, Ontario
L4L 9A8

Site Location: Lot 10, Concession 4 (CN MacMillian Yard)
(CN MacMillian Yard - Langstaff Road and Creditstone Road entrance)
Lot 10, Concession 4 west of Yonge Street
Vaughan City, Regional Municipality of York, ON
L4L 9A8

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

Excess Soil (including non-hazardous solid from residential, commercial and industrial sources) which meets Table 2 or 3 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 2.1 or Table 3.1 of Excess Soil Quality Standards for residential , institution and parkland, and commercial, industrial and community land uses ;

Non-hazardous Liquid Soil or Wet Soil originated from hydrovac operations from residential, commercial and industrial sources; and

Asbestos waste from asphalt road grindings that may contain asbestos.

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

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

"Asbestos waste" as defined in Regulation 347;

"Composite Samples" means samples that are made up of a number of laboratory grab samples from a single sample container that have been thoroughly mixed together;

"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 Act as a Director for the purposes of Part V of the Act;

“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;

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

"Excess Soil Quality Standards" means the Excess Soil Standards set out in Appendix 1 of Part II of the Soil Rules;

"Site Excess Soil Quality Standards" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming Excess Soil that meets Table 2 or 3 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 2.1 or Table 3.1 of Excess Soil Quality Standards for residential, institution and parkland, and commercial, industrial and community land uses and does not contain free -phase liquids 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 .

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

"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;

"Liquid Soil or Wet 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;

“Ministry” and “MECP” means the Ontario Ministry of the Environment, Conservation and Parks;

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

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

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

"O. Regulation 153/04" means Ontario Regulation 153/04: Records of Site Condition - Part XV.1 of the EPA, as amended;

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

“Operator” means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site and in the context of this approval, the Operator is Phantom Disposal ;

“Owner" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes 2386843 Ontario Ltd.. and, its successors and assigns;

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

"Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act" means the Ministry's document entitled "Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act" dated March 9, 2004, amended July 1, 2011, and as further amended at any 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 Act or section 17 of PA or Section 4 of the NMA or Section 8 of the SDWA;

"putrescible waste" means waste of vegetable or animal origin, or of a similar nature and characteristic, that is liable to become putrid, rotten or decayed;

"Qualified Person" means a person who meets the qualifications to be a qualified person for conducting a Phase I ESA and a Phase II ESA and for completing certifications in a record of site condition, as set out in Section 5 of O. Regulation 153/04 made under the EPA. Qualified Person also means a person as defined in O.

Regulation 406/19;

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

"Rock" 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 CN MacMillan Yard property located at (CN MacMillian Yard - Langstaff Road and Credit Road entrance), Lot 10, Concession 4 west of Yonge Street, Vaughan City, Regional Municipality of York, ON, L4L 9A8;

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

"Soil" as defined in O. Regulation 406/19;"

Soil Rules" means the Ministry's "Rules for Soil Management and Excess Soil Quality Standards" document, 2020;

"Source Site" means the source of the incoming Excess Soil;

"TCLP" means the Toxicity Characteristic Leaching Procedure which is defined in Reg. 347 as the Toxicity Characteristic Leaching Procedure;

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

(i) relevant waste management legislation, regulation, and guidelines;

(ii) major environmental concerns pertaining to the waste to be handled;

(iii) occupational health and safety concerns pertaining to the processes and wastes to be handled;

(iv) management procedures including the use and operation of equipment for the processes and wastes to be handled;

(v) emergency response procedures and the equipment used for spill containment, fire, uncontrolled chemical reaction and other environmental emergencies;

(vi) specific written procedures for the control of nuisance conditions

(vii) specific written procedures for the refusal of unacceptable waste loads;

(viii) specific written procedures for the maintenance, calibration, and operation of all equipment associated with the operation of the Owner;

(ix) the requirements of this Approval.

"Transfer" means the receipt, temporary storage and subsequent transport off-Site to a Reuse Site, to a waste disposal site or to any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction.

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. GENERAL

Compliance

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

2. Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

Design, Develop, Build, Operate, Modify and Maintain in Accordance

3. (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 August 19, 2020 and May 28, 2024 and the supporting documentation listed in the attached Schedule “A”.

(2) Construction and installation of the aspects of the Site described in the application dated August 19, 2020 must be completed within 5 years of the date of issuance of the Approval dated January 22, 2022.

(3) Construction and installation of the aspects of the Site described in the application dated May 28, 2024 must be completed within 5 years of the later of

(a) the date this Approval was originally 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.

4. 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 3(2) and 3(3) above.

Interpretation

5. 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.

6. 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.

7. 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.

8. 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.

Other Legal Obligations

9. 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, or local municipal authority.

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.

10. All wastes at the Site shall be managed and disposed in accordance with the Act and Reg. 347.

11. The Owner and Operator shall implement "Dust Mitigation Plan" provided in Appendix 6 of the Design and Operations Report included as Item 6 in Schedule "A" for managing and preventing potential dust emissions associated with Site waste management operations.

Adverse Effect

12. The Owner and Operator shall take steps to minimize and ameliorate any adverse effect on the natural environment or impairment of water quality resulting from the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

13. Despite an Owner, Operator or any other person fulfilling any obligations imposed by this Approval the Owner, Operator or any other person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

Change of Owner

14. The Owner shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any changes to:

(a) the ownership of the Site;

(b) the Operator of the Site;

(c) the address of the Owner or Operator;

(d) the partners, where the Owner is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c. B-17 shall be included in the notification; and

(e) the name of the corporation where the Owner is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C-39 shall be included in the notification.

15. 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. In the event of any change in ownership of the Site, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director.

Inspections

16. No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections authorized by the OWRA, the EPA, or the PA, or the NMA or the SDWA of any place to which this Approval relates, and without limiting the foregoing:

a. to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this Approval are kept;

b. to have access to, inspect, and copy any records required to be kept by the conditions of this Approval;

c. to inspect the Site, related equipment and appurtenances;

d. to inspect the practices, procedures, or operations required by the conditions of this Approval; and

e. to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Approval or the OWRA, the EPA, or the PA, or the NMA or the SDWA.

Information and Record Retention

17. 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 to the Ministry, upon request, in a timely manner.

18. The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:

(a) an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or

(b) acceptance by the Ministry of the information's completeness or accuracy.

19. All records required by the conditions of this Approval must be retained on Site for a minimum period of two (2) years from the date of their creation.

20. 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.

Stormwater Management

21. The Site shall be graded and/or constructed and maintained in good order such that the Site surface remains free of any accumulation of water from rain and snow.

22. The Owner shall manage all discharges from this Site, including storm water run-off in accordance with appropriate municipal, provincial and/or federal legislation, regulation and by-laws.

23. The Owner shall ensure that stormwater run-off from the Site is not contaminated with waste stored outdoor on the Site.

SITE OPERATIONS

Incoming Waste Receipt and Handling

24. Trained Personnel shall supervise all shipments of all 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 as per conditions of this Approval. If any shipment is suspected of containing unapproved waste, that shipment shall be refused and shall not be unloaded at the Site.

25. 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.

26. In the event that a shipment of waste is rejected from the Site, the Owner shall forthwith (within 3-5 business days) notify the District Office of the following in writing:

a. the name of the Owner 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.

27. The Owner shall weigh all incoming and outgoing truck loads and record the results.

Service Area and Hours of Operation

28. Only waste generated within the geographical boundaries of the province of Ontario shall be accepted at the Site.

29. Waste receiving, management and shipping may be carried out 24 hours per day, 7 days per week, unless otherwise restricted by municipal by-laws.

Signage and Security

30. The Owner shall install a sign at the main entrance/exit to the Site on which is legibly displayed the following information:

(a) the name of the Site and Owner;

(b) the number of this Approval;

(c) the telephone number for the Ministry's Spills Action Centre;

(d) the operating hours of the Site;

(e) a twenty-four (24) hour telephone number that can be used to reach the Owner in the event of a complaint or an emergency; and

(f) the type of waste that is approved for receipt at the Site.

31. The Owner shall operate and maintain the Site in a secure manner, with access to the Site regulated and secured against access by unauthorized persons.

Approved Waste Types

32. No waste other than the following wastes shall be received at the Site:

(a) Excess Soil (including non-hazardous solid from residential, commercial and industrial sources) which meets Site Excess Soil Quality Standards;

(b) Non-hazardous Liquid Soil or Wet Soil originated from hydrovac operations from residential, commercial and industrial sources; and

(c) Asbestos waste from asbestos-containing road grinding materials.

Approved Waste Quantities

33. The amount of waste received at the Site per day shall not exceed the following:

(a) Excess Soil = 4,900 tonnes

(b) Non-hazardous Liquid Soil or Wet Soil originated from hydrovac operations = 100 tonnes

(c) Asbestos waste from asphalt road grindings that may contain asbestos = 1,000 tonnes

(d) Notwithstanding Condition 33(a), Excess Soil received at the Site can increase up to 5,000 tonnes per day but the combined daily amount of Excess Soil and non-hazardous Liquid Soil or Wet Soil originated from hydrovac operations shall not exceed 5,000 tonnes.

34. The amount of waste present at the Site at any one time shall not exceed 10,000 tonnes with the following breakdown:

(a) Excess Soil and Liquid Soil or Wet Soil from hydrovac operations = 9,000 tonnes

(b) Asbestos waste from asphalt road grindings that may contain asbestos = 1,000 tonnes

Incoming Waste Documentation - Excess Soil

35. Prior to accepting any Excess 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 Soil which shall:

a. be reviewed and deemed acceptable by Trained Person;

b. be for the Excess 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 Potentially Contaminating Activity; and
>
> v. estimated quantity of the Excess Soil to be received at the Site from that Source Site.

d. Excess Soil may be received at the Site with incomplete characterization documentation or without the required characterization documentation, provided that the Excess Soil is expected to be a solid non-hazardous waste, if one of the following requirements is complied with:

> i. the incoming dry Excess Soil shall be segregated from all other dry Excess Soil, wastes, reagents and materials, until the complete documentation is promptly provided by the Source Site owner/generator, received by the Owner and deemed acceptable by the Trained Person; or
>
> ii. the incoming dry Excess Soil shall be segregated from all other dry Excess Soils, wastes, reagents and materials, until the dry Excess Soil is characterized at the Site in accordance with Condition 37 of this Approval.

36. All applicable analytical results shall be from a laboratory service provider accredited by a Canadian Association for Laboratory Accreditation or equivalent.

37. The documentation required in Condition 35 shall also include sampling and testing protocols, methods and analytical results to demonstrate that the Excess 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 in accordance with sections 1 to 3 and 4 of Section B of Part 1 of Soil Rules; and

b. the following characterization results:

> i. slump from the Slump Test, if the Excess Soil has a high moisture content;
>
> ii. characterization to demonstrate that the Excess Soil is a non-hazardous waste which was done in accordance with the following:
>
> > a. sampling and testing results to demonstrate that the Excess Soil does not trigger any criteria from the hazardous waste definition from Reg. 347, including TCLP analysis results, from samples,
> >
> > > 1. 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
> > >
> > > 2. tested for Contaminants of Potential Concern determined from the information contained in the general documentation required in Condition 35 and analyzed with methods in accordance

with the Ministry-published methods and as recommended by the accredited laboratory service provider as noted in Condition 36.

38. Any Excess Soil characterized at the Site that is found to be unacceptable for receipt at the Site shall be deemed as rejected waste, and shall be transferred from the Site in accordance with the requirements of this Approval.

39. All Excess Soil receipt, unloading, temporary storage and loading shall be undertaken outdoors within the designated area as outlined in the Design and Operations Report included as Item 6 in Schedule "A" .

Incoming Waste Documentation - Liquid Soil or Wet Soil

40. Prior to accepting any Excess Soil at the site where the Excess Soil is liquid or wet, 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 or Wet Soil if the Liquid Soil or Wet Soil is from an emergency response location; and

e. the estimated quantity of Liquid Soil or Wet Soil to be received at the Site.

Incoming Waste Documentation - Asbestos waste from asphalt road grindings that may contain asbestos:

41. Prior to accepting any asbestos waste (road grinding) at the Site, the Owner shall ensure that documents are obtained from each source site/generator delivering waste to the Site that contains the following information at a minimum:

a. the waste generator's name and/or company name,

b. site address, and contact information;

c. the estimated quantity of asbestos waste being shipped;

d. Asbestos content in the waste; and

e. confirmation that the waste has been characterized in accordance with the Registration Guidance Manual.

Waste Processing, Storage and Handling

42. The following waste management activities are permitted at the Site:

(a) the receipt, temporary storage and transfer of waste;

(c) the transfer of solid Excess Soil off-site for reuse;

(d) the bulking of Excess Soil of similar chemical quality; and

(e) the passive dewatering/drying of Liquid/wet Soil.

(f) the receipt, temporary storage and transfer of Asbestos containing road grinding;

43. (1) Excess Soil shall be stored in dedicated outdoor storage bunkers as shown in the Design and Operations Report included as Item 6 in Schedule "A". Additional bunkers may be constructed on-Site and utilized as necessary, provided the total amount of waste stored on-Site does not exceed the limits set out in this Approval.

(2) All bunkers at the Site shall be constructed and maintained as follows:

a. The walls of each bunker shall be constructed of brick, block, concrete, or other rigid inert material(s) able to contain the waste placed in it.

b. The floor of each bunker shall be graded to promote the drainage of liquid from the waste towards the front of the bunker.

c. The floor of each bunker shall be constructed of impermeable materials so as to prevent exfiltration into the subsurface.

d. The front of each bunker shall employ a berm approximately 8 inches in height that is placed to prevent the uncontrolled run-off of liquid from the waste contained in the bunker.

e. Bunkers constructed to contain and/or dewater Liquid Soil or Wet Soil shall employ impermeable base and any other required sealants to prevent exfiltration through the ground or through the walls of the bunker.

f. Each bunker shall have a sign attached that indicates the floor space of the bunker, measured after construction and type of waste stored in each bunker.

e. Standing water collected at the front of each bunker, in excess of that required for dust management, shall be removed as necessary for off-site disposal.

44. Excess Soil shall otherwise be managed on-Site in accordance with the following:

(1) Excess Soil loads shall be segregated by source site or by soil quality and stored in separate concrete bunkers.

(2) 1. 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:

a. the quality based on the maximum concentration of each contaminant present in any of the soil loads that form part of the mixture; or

b. the quality based on testing carried out in accordance with Condition 37 above.

(3) Each bunker containing Excess Soil shall be clearly marked with a sign indicating the contents of the bunker directly or a reference to records indicating the contents of the bunker. In either case, the contents of the bunker shall be described in terms of the following:

a. soil quality;

b. whether the bunker contains a mixture or not; and

c. the source site(s) of the soil in the bunker.

(4) The Owner shall ensure that all liquid from Excess Soil piles, including contact water and liquid from passive dewatering, is collected in the bunker that the soil pile is contained in and is not allowed to run off the Site.

(5) Liquid collected from an Excess Soil pile may only be used as dust suppressant for that pile, and shall not be mixed with any other pile on-Site.

45. All Liquid Soil or Wet Soil shall be unloaded directly into a Liquid Soil or Wet Soil dedicated storage bunker in a manner that prevents spills during transfer.

46. 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, O. Reg. 153/04, 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.

c. Dry Excess Soil or processed soil shall not be stored (stockpiled) within 30 m of waterbody and 10 m of the property boundary.

Outgoing Excess Soil Criteria

47. The following applies to the soil received at site as Excess Soil or Liquid Soil/Wet 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 Soil shall leave the Site for reuse unless accompanying documentation has been prepared as follows:

i. For Excess Soil from a single source site that was not processed on-Site or mixed or contaminated with any other soil or material on-Site, the accompanying documentation may consist of the documentation required for that Excess Soil during receipt.

ii. For Excess Soil consisting of soil from more than one source site that was mixed together on-Site, provided it was not otherwise processed on-Site or contaminated with any other material on-Site, the accompanying documentation may consist of:

a. the maximum concentration for each contaminant present in the accompanying documentation for all source sites forming a part of the mixture; and

b. the information identified in Condition 35 through 40 above for each source site forming part of the mixture.

iii. For all other Excess Soils, the documentation shall be prepared further to sampling and analysis of the soil as set out in Condition 47.b. below.

b. For Excess Soil and Liquid/Wet 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 dry 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;

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

c. The following applies to soil received at the site as hazardous waste:

i. All processed soil from processing of hazardous soil shall be characterized in accordance with the Registration Guidance Manual, including mandatory TCLP prior to being considered for reuse.

Off-Site Reuse of Excess Soil

48. The Excess Soil intended for Transfer other than beneficial reuse:

a. shall be transferred from the Site only to a Ministry approved waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;

b. shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or the other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction; and

c. shall be subject to compliance with the applicable quality criteria and restrictions in O. Regulation 406/19.

49. The quantity of Excess Soil sent to a waste disposal site for final disposal shall be limited to less than 1,000 tonnes per day based on annual average.

50. Before shipping any soil from the Site to a receiving property for beneficial reuse (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 set out in Condition 50.b.ii above; 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.

51. The Owner shall ensure that all written records for each load of soil, including but not limited to Qualified Person statements, analytical results and receiving site written confirmation, shall be maintained on Site for a minimum of five (5) years, and shall be made available to a Provincial Officer upon request.

Asbestos Waste Management

52. The Company shall not store asbestos waste in excess of 1,000 tonnes at any time.

53. The Company shall separate or isolate, with secure wall(s) or fence(s), the asbestos storage area from the other storage and processing areas at the Site.

54. The asbestos containing road grindings and non-asbestos containing road grindings shall be stored in separate dedicated storage areas. Mixing, bulking or blending of asbestos containing road grindings with non-asbestos containing road grindings is not permitted.

55. The Company shall ensure that the asbestos storage area is locked except to add and/or remove asbestos from the Site and clearly labelled.

56. The Company shall maintain a legible sign at all times in the area of the gate or entrance to the asbestos containing road grindings area.

57. Upon receipt of asbestos waste for storage, the Company shall immediately transfer the asbestos waste into the asbestos storage area. The Company shall not remove the asbestos waste from the storage area until such time that it is loaded onto a vehicle for transportation to a certified waste disposal site. Asbestos containing road grindings in any amount shall not be used on-Site.

58. The Company shall not store individual receipts of asbestos waste on-Site in excess of 90 calendar days from the date of original receipt.

59. Prior to shipping asbestos containing road grindings off-site for reuse or further processing, the Company shall notify the receiver that the asbestos containing road grindings are considered asbestos waste.

Spill Prevention, Emergency Response and Fire Safety

60. The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation.

61. All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060 and shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and action taken for clean-up, correction and prevention of future occurrences.

62. Within 60 days of the date of issuance of this Approval, the Owner shall prepare an emergency response plan for the Site to be retained on-Site. The Plan shall include, but

is not limited to:

(a) emergency response procedures to be undertaken in the event of a spill, process upset, fire, explosion or other incident;

(b) a list of contingency equipment (e.g. fire suppression equipment, spill clean up kits, etc.) available in the event of a spill, process upset, fire, explosion or other incident;

(c) a list of names and telephone numbers of resources available for emergency response; and

(d) a notification protocol with names and telephone numbers of persons to be contacted, including company personnel, the Ministry's Spills Action Centre and District Office, the local Municipality and Fire Department and local medical resources.

63. A copy of the emergency response plan shall be kept in a prominent, central location available to staff at all times.

64. The Owner shall ensure that:

(a) the equipment and materials outlined in the emergency response plan are in a good state of repair, fully operational and immediately available; and

(b) all staff are fully trained in the equipment and materials' use and in the procedures to be employed in the event of an emergency.

65. The Owner shall review the emergency response plan on an annual basis and ensure that, as a minimum, the contact names and numbers required by Condition 62.(c) are up-to-date.

66. The Owner shall have in place a written contingency plan which specifies, as a minimum, the procedures to be followed in the event of a labour disruption, transportation disruption, inability of receiving sites to accept waste or other business disruption to the operation.

Nuisance

67. The Owner shall operate and maintain the Site such that dust, odours, vectors, vermin, birds, litter, noise and traffic do not create a nuisance.

68. If at any time problems such as odours, vectors, vermin, birds, litter, noise, traffic or other nuisances are generated at the Site, the Owner shall take appropriate, immediate action to eliminate the problem.

Training

69. Within 60 days of the date of issuance of this Approval, a training plan specific to the Site shall be developed and implemented to ensure that all employees that operate the Site or carry out any activity required under this Approval are trained in its operation.

70. The training plan shall require and ensure through proper written records that all persons directly involved with activities relating to the Site have been trained with respect to:

(a) relevant waste management legislation, regulations and guidelines;

(b) environmental concerns pertaining to the waste to be handled;

(c) occupational health and safety concerns pertaining to the wastes to be handled;

(d) management procedures including the use and operation of equipment for the wastes to be handled;

(e) specific written procedures for refusal of unacceptable waste loads;

(f) contingency, emergency response and fire safety procedures;

(g) specific written procedures for the control of nuisance conditions; and

(h) the requirements of this Approval.

71. The Owner shall maintain a written record of training at the Site which includes:

(a) date of training;

(b) the name and signature of the person who has been trained; and

(c) a description of the training provided.

72. The Owner shall ensure that Trained Personnel are on duty at all times when the Site is open to carry out any activity required under this Approval.

Site Inspection and Record Keeping

73. Trained Personnel shall carry out a visual inspection of the Site each day the Site is in operation to ensure that:

(a) the Site is secure;

(b) that the operation of the Site is not causing any nuisances including those from dust, odours, vectors, vermin, birds, litter, noise and traffic;

(c) that the operation of the Site is not causing any adverse effects; and

(d) that the Site is being operated in compliance with this Approval.

74. Any deficiencies discovered as a result of an inspection carried out under Condition 73 shall be remedied immediately, with actions taken to include temporarily ceasing operations at the Site if needed.

75 A record of the inspections shall be kept that includes the following information:

(a) the name and signature of person that conducted the inspection;

(b) the date and time of the inspection;

(c) a list of any deficiencies discovered;

(d) any recommendations for action; and

(e) the date, time and description of actions taken to remedy deficiency.

76. The Owner shall maintain a daily record, either electronically or in a log book, for the purposes of tracking on-Site daily tonnages received and stored on-Site, which shall include the following information:

(a) the date, type and quantity of waste received;

(b) quantity of all unprocessed and processed waste at the Site;

(c) the date, type, quantity and destination of each type of waste shipped from the Site;

(d) the date, quantity and destination of all Excess Soil shipped from the Site for beneficial reuse in accordance with O. Reg. 406/19;

(e) a record of any waste refusals which shall include: amounts, reasons for refusal and actions taken; and

(f) a record of the daily inspections required by the Condition 75 of this Approval.

Complaints

77. If at any time the Owner receives complaints about the operation of the Site regarding impacts to the environment or the health and safety of the public, the Owner shall respond to these complaints according to the following procedure:

(a) The Owner shall record and number each complaint, either electronically or in a log book, and shall include the following information:

(i) the nature of the complaint; and

(ii) the name, address and the telephone number of the complainant (if provided); and

(iii) the time and date of the complaint.

(b) The Owner, upon notification of the complaint:

(i) shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and

(ii) in writing, notify the District Manager of the complaint within two (2) business days.

(c) The Owner shall complete and retain on-Site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

Annual Report

78. By March 31, 2026, and on an annual basis thereafter, the Owner shall prepare and maintain on-Site a written report with a copy to be provided to the District Office. The report shall include, at a minimum, the following information:

(a) a detailed monthly summary of the type and quantity of all incoming and outgoing wastes and the destination of all outgoing wastes and any Excess Soil leaving the Site for beneficial reuse in accordance with O. Reg. 406/19;

(b) any environmental and operational problems, that are likely to negatively impact the environment, encountered during the operation of the Site and during the Site inspections and any mitigative actions taken;

(c) a summary of complaints received and the actions taken to mitigate the issue associated with the complaint;

(d) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations; and

(e) any changes to the emergency response plan, the Design and Operations Report and the Closure Plan that have been approved by the Director since the last Annual Report.

Design and Operations Report

79. The Company shall maintain an up-to-date Design and Operations Report for the Site, which shall contain at a minimum the information required by the Ministry's "Guide to applying for an Environmental Compliance Approval" as it applies to the Site.

80. The Design and Operations Report shall be:

a. kept up-to-date at all times so that it accurately reflects the ongoing Site activities as approved under this Approval;

b. retained at the Site;

c. available for inspection by a Provincial Officer upon request; and

d. updated and submitted with all future Environmental Compliance Approval applications for the Site, including a revisions tracking log.

81. Changes to the Site's operations that 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.

Groundwater Impact Assessment

82 Within 6 months of the issuance of the Approval, the Owner shall conduct groundwater impact assessment conforming to the Guideline B-7 requirements and submit the groundwater impact assessment report to the District Manager for review and approval. Pursuant to the findings of the groundwater impact assessment, the Approval shall be amended within one month of the receiving of the approval from the District Manager.

Financial Assurance

83. By May 30th, 2025, the Owner shall provide additional Financial Assurance, as

defined in Section 131 of the EPA, to the Director in the amount of $297,700.0 to bring the total Financial Assurance to $438,750.0. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation and disposal of all quantities of waste permitted on the Site at any one time, Site clean-up and monitoring.

84. Commencing on May 30, 2030 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 83. 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 twenty (20) days of written acceptance of the re-evaluation by the Director.

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

Closure Plan

86. No less than three (3) months prior to the permanent closure of the Site, the Owner shall submit to the District Manager written notification of the decision to cease waste management activities at the Site and a schedule for the cessation of activities. In the event of an unplanned permanent closure of the Site or indefinite cessation of Site activities, the Owner shall submit the above noted information to the District Manager forthwith.

87. Within ten (10) days after closure of the Site, the Owner shall notify the Director and the District Manager, in writing, that the Site is closed and that the decommissioning activities have been completed.

Schedule "A"

This Schedule "A" forms part of this Environmental Compliance Approval:

1. Environmental Compliance Approval application dated August 19, 2020 including all supporting documentation.

2. Email dated April 13, 2021 from Rod Adams on behalf of 2386843 Ontario Ltd. to Andrew Neill, P.Eng., MECP, with additional information on the building and site

operations.

3. Email dated July 6, 2021 from Rod Adams on behalf of 2386843 Ontario Ltd. to Andrew Neill, P.Eng., MECP, with additional information on the construction of on-Site bunkers.

4. Email dated July 31, 2021 from Rod Adams on behalf of 2386843 Ontario Ltd. to Andrew Neill, P.Eng., MECP, with additional information on bunker construction and water management at the site.

5. Environmental Compliance Approval Application dated May 28, 2024.

6. Design and Operations Report, dated June 3, 2024, revised on February 2025, and re-revised April 29, 2025.

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

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

The reason for Conditions 1, 2, 5 to 13, 17 to 20 is to clarify the legal rights and responsibilities of the Owner and Operator.

The reason for Condition 3 & 4 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 reason for Condition 14 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 15 is 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 16 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 and OWRA.

The reason for Conditions 21 to 27 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 28 is to specify the approved service area from which waste may be accepted at the Site and to prevent or minimize nuisance or a hazard to the health and safety of the environment or people. .

The reason for Condition 29 is to specify the hours of operation for the Site.

The reason for Condition 30 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 31 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 reasons for Conditions 32, 33 and 34 are to specify the types of waste that may be accepted at the Site, the amounts of waste that may be received and stored at the Site based on the Owner's application and supporting documentation.

The reason for Conditions 35 to 41 is to ensure that all waste received at the facility have appropriate accompanying documentation.

The reasons for Conditions 42 to 46 are to list the approved processes that may be carried out on-Site, and 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 the environment or the public.

The reason for Condition 47 to 51 is to ensure that all Excess Soils and associated materials leaving the facility are tested or characterized as necessary so that they may be beneficially reused at appropriate receiving sites or disposed of at appropriate waste disposal sites.

Conditions 52 through 59 are included to ensure that asbestos waste is managed in accordance with Regulation 347 requirements.

The reasons for Conditions 60 to 66 is to ensure that a Spill Prevention, Emergency Response and Fire Safety Plan is 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 the conditions in 67 and 68 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 the *environment or people.*

The reason for Conditions 69 to 72 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 the natural environment or any person.

The reasons for Conditions 73 to 76 are to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.

The reason for Condition 77 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.

The reasons for Condition 78 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

The reason for Conditions 79 to 81 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 82 is to ensure that the Site is operated in a manner which is not causing or likely to cause adverse impact on the natural environment.

The reason for Conditions 83 to 85 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 86 and 87 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). 2678-BYY2PW issued on January 22, 2022

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 7th day of May, 2025

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

AQ/
c: District Manager, MECP York-Durham
Rod Adams