


**CERTIFICATE OF APPROVAL**
**AIR**

NUMBER 9075-88NJ9W

Issue Date: August 30, 2010

Stuyvesant Environmental Contracting Inc.  
 Subsidiary of Boskalis Dolman B.V.  
 1209 Orange Street  
 Wilmington, Delaware  
 USA 19801

Site Location: Waterfront Toronto Soil Management Facility  
 294, 320, 348 & 348R Unwin Avenue  
 Toronto, Ontario  
 M5A 1A3

*You have applied in accordance with Section 9 of the Environmental Protection Act for approval of:*

A soil washing plant (SWP) to treat the Contaminated Soil, stockpiled at the soil management facility (SMF) and approved under Certificate of Approval (Air) Number 9610-84YLE3 dated June 18, 2010, at a maximum rate of 700 tonnes per day, consisting of the following processes and support units:

- receiving of Contaminated Soil from the SMF;
- temporary stockpiling of Contaminated Soil on the SWP;
- pre-screening, pre-thickening and mechanical dewatering of Contaminated Soil as follows:
  - . rotating sieve drum for separation and washing of coarse fraction,
  - . vibrating shaker screen for sieving medium to coarse fraction,
  - . sand separation, using hydro-cyclones and a counter current washer, followed by a vibrating sand dewatering screen,
  - . pre-thickener/clarifier for separating silt/clay fraction from the process water,
  - . mechanical dewatering of silt/clay fraction using one or more belt filter presses;
- temporary stockpiling of screen-out and compressed wet solids from belt filter press,
- temporary storage of process wastewater for future treatment;
- one (1) diesel generator, rated at 300 kilowatts, exhausting into the atmosphere through a stack extending approximately 2.4 metres above grade;
- one (1) diesel generator, rated at 300 kilowatts, exhausting into the atmosphere through a stack extending approximately 2.4 metres above grade;

all in accordance with the Application for Approval (Air & Noise) signed by Neil Geever of Boskalis Dolman B.V., dated June 28, 2010, the supporting documentation submitted by Wardrop Engineering Inc. with the application and the additional information provided by Wardrop Engineering Inc.

*For the purpose of this Certificate of Approval and the terms and conditions specified below, the following definitions apply:*

1. "Certificate" means this entire certificate of approval document, issued in accordance with section 9 of the EPA.
2. "Company" means Stuyvesant Environmental Contracting Inc., Subsidiary of Boskalis Dolman B.V., that is responsible for the construction or operation of the Facility and includes any successors and assigns.

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3. "Contaminated Soil" means the soil that is contaminated with non-hazardous levels of hydrocarbons, polycyclic aromatic hydrocarbons, volatile organic compounds and metals, that is not a "hazardous waste" defined by O. Reg. 347 and that does not meet the Table 3: Full Depth Generic Site Conditions in a Non-Potable Ground Water Condition in Ministry publication "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act", as amended.
4. "Director" means any person appointed in writing by the Minister of the Environment pursuant to section 5 of the EPA as a Director for the purposes of section 9 of the EPA.
5. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located.
6. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19.
7. "Equipment" means equipment or processes described in the ESDM Report, this Certificate and in the supporting documentation referred to herein and any other equipment or processes.
8. "ESDM Report" means the Emission Summary and Dispersion Modelling Report prepared in accordance with the Procedure Document by Wardrop Engineering Inc. and dated July 6, 2010 submitted in support of the application, and includes all additional information associated with the application.
9. "Facility" means the entire operation located on the property where the Equipment is located.
10. "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.
11. "O. Reg. 347" means R.R.O. 1990, Regulation 347, General - Waste Management.
12. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution - Local Air Quality.
13. "PLC" means the Public Liaison Committee as described in Certificate of Approval (Air) Number 9610-84YLE3 dated June 18, 2010 and this Certificate, to the extent approved by this Certificate.
14. "Publication NPC-205" means the Ministry Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995 as amended.
15. "Publication NPC-207" means the Ministry draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the Ministry.

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

### TERMS AND CONDITIONS

#### **1. GENERAL**

- 1.1 Except as otherwise provided by this Certificate, the Facility shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this Certificate and in accordance with the application, the ESDM Report, plans, specifications and supporting documentation submitted to support the application.
- 1.2 This Certificate shall be read in conjunction with the Certificates of Approval issued under Section 27 of EPA and Section 34 under the Ontario Water Resources Act.

#### **2. PERFORMANCE LIMITS**

- 2.1 The Company shall, at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-205.

2.2 The Company shall, at all times, ensure that the vibration emissions from the Facility comply with the limits set out in Ministry Publication NPC-207.

### 3. OPERATION AND MAINTENANCE

3.1 The Company shall prepare and implement, prior to start of operations, operating procedures and maintenance programs for the Equipment. The Company shall ensure that all Equipment are operated and maintained at all times in accordance with this Certificate, the operating procedures and maintenance programs. The operating procedures and maintenance programs shall specify as a minimum:

- (a) frequency of inspections and scheduled preventative maintenance;
- (b) procedures to prevent upset conditions;
- (c) procedures to minimize all fugitive odour and dust emissions; and
- (d) procedures for record keeping activities relating to the operation and maintenance programs.

3.2 The Company shall prepare and implement, not later than three (3) weeks from the date of this Certificate, a Best Management Practices Plan (BMPP) for the control of fugitive odour and dust emissions. The BMPP shall include, but not be limited to, the follow:

- (a) identification of the main sources of fugitive odour and dust emissions such as:
  - (i) on-site traffic;
  - (ii) paved/unpaved roads/areas;
  - (iii) material stock piles;
  - (iv) loading/unloading areas and loading/unloading techniques;
  - (v) material conveyance systems;
  - (vi) exposed areas in process; and
  - (vii) general work areas;
- (b) potential causes for high odour and dust emissions from these sources;
- (c) preventative and control measures in place or under development to minimize the likelihood of high odour and dust emissions from the sources of fugitive odour and dust emissions identified above. Details of the preventative and control measures shall include:
  - (i) a description of the control equipment;
  - (ii) a description of the preventative and control measure procedures; and/or
  - (iii) the frequency of occurrence of periodic preventative and control measure activities;
- (d) an implementation schedule for the BMPP, including training of facility personnel; and
- (e) inspection and maintenance procedures and monitoring initiatives to ensure effective implementation of the preventative and control measures.

3.3 The Company shall install and operate a dust suppression system such as a water spraying system to minimize dust emissions when the Contaminated Soil is first dropped onto the hopper before treatment.

### 4. COMPLAINTS RECORDING PROCEDURE AND NOTIFICATION REQUIREMENTS

4.1 If at any time, the Company receives any environmental complaints from the public regarding the operation of the Equipment approved by this Certificate, the Company shall respond to these complaints according to the following procedure:

- (a) the Company shall record and number each complaint, either electronically or in a log book, and shall include the following information: the time and date of the complaint and incident to which the complaint relates, the nature of the

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complaint, wind direction at the time and date of the incident to which the complaint relates and the address of the complainant, if known;

(b) the Company, upon notification of a complaint, shall immediately initiate appropriate steps to determine all possible causes of the complaint, and shall forthwith proceed to take the necessary actions to appropriately deal with the cause of the subject matter of the complaint; and

(c) the Company shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to appropriately deal with the cause of the subject matter of the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

4.2 The Company shall notify the District Manager and the PLC, in writing, not later than three (3) business days following an environmental complaint received by the Company. The notification shall include:

(a) the time the complaint was received by the Company;

(b) the details and/or nature of the complaint;

(c) a description of the process and process conditions that most likely resulted in the complaint, including the date and time of occurrence;

(d) the wind direction at the time and date of the complaint; and

(e) description of the measures taken, if relevant, to address the cause of the complaint and to prevent a similar occurrence in the future.

### 5. RECORD KEEPING REQUIREMENTS

5.1 Any information requested by the Ministry concerning the Facility and its operation under this Certificate, including, but not limited to, any records required to be kept by this Certificate, shall be provided to the Ministry, upon request, in a timely manner.

5.2 The Company shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording and monitoring activities required by this Certificate. These records shall be made available to staff of the Ministry upon request. The Company shall retain:

(a) all records on the maintenance, repair and inspection of the Equipment;

(b) all records on the upset conditions associated with the operation of the Equipment and the remedial action taken;

(c) all records on the environmental complaints; including:

(i) a description, time and date of each incident to which the complaint relates,

(ii) wind direction at the time of the incident to which the complaint relates, and

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

### 6. PUBLIC LIAISON COMMITTEE

6.1 The Company shall participate in the Public Liaison Committee (PLC), if requested by any member of the PLC, which serves as a forum for dissemination, consultation, review and exchange of information regarding the operation of the SWP, including frequency of meeting, environmental monitoring, maintenance, complaint resolution, and new approvals or amendments to existing approvals related to the operation of this SWP.

6.2 The PLC includes the following members:

- (a) City of Toronto;
- (b) Toronto District Office of the Ministry;
- (c) interested parties;
- (d) home/business owners within 2,000 metres of the SWP.

6.3 The Company shall prepare a written report on the minutes of each meeting. These reports shall be made available for inspection at the Facility by any interested member of the public during office hours.

## **7. TIME RESTRICTION**

7.1. The Company shall ensure that the Equipment is not operated beyond sixty (60) days from the date of issue of the Certificate, except with the prior written consent of the District Manager.

**This Certificate shall expire on December 31, 2010.**

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

### **1. GENERAL**

Condition No. 1 is included to require the Certificate holder to build, operate and maintain the Facility in accordance with the information and documentation considered by the Director in issuing this Certificate.

### **2. PERFORMANCE LIMITS**

Condition No. 2 is included to outline the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

### **3. OPERATION AND MAINTENANCE**

Condition No. 3 is included to require the Company to properly operate and maintain the Equipment to minimize the impact to the environment from the operation of the Equipment.

### **4. COMPLAINTS RECORDING PROCEDURE AND NOTIFICATION REQUIREMENTS**

Condition No. 4 is included to require the Company to respond to any environmental complaints and notify the Ministry regarding the operation of the Equipment, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

### **5. RECORD KEEPING REQUIREMENTS**

Condition No. 5 is included to require the Company to retain all documentation related to this Certificate and provide access to Ministry staff, upon request, so that the Ministry can determine if a more detailed review of compliance with the Performance Limits is necessary.

### **6. PUBLIC LIAISON COMMITTEE**

Condition No. 6 is included to require the Company to establish a forum for the exchange of information and public dialogue on activities carried out at the Facility. Open communication with the public and local authorities is important in helping to maintain high standards for the operation of the Facility and protection of the natural environment.

## 7. TIME RESTRICTION

Condition No. 7 is included to indicate the temporary nature of the Certificate.

*In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, S.O. 1993, Chapter 28, the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:*

1. The portions of the approval or each term or condition in the approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*The Notice should also include:*

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

*And the Notice should be signed and dated by the appellant.*

*This Notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto, Ontario  
M5G 1E5

AND

The Environmental Commissioner  
1075 Bay Street, 6th Floor  
Suite 605  
Toronto, Ontario  
M5S 2B1

AND

The Director  
Section 9, *Environmental Protection Act*  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*This instrument is subject to Section 38 of the Environmental Bill of Rights, 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 [www.ene.gov.on.ca](http://www.ene.gov.on.ca), you can determine when the leave to appeal period ends.*

*The above noted works are approved under Section 9 of the Environmental Protection Act.*

DATED AT TORONTO this 30th day of August, 2010

Victor Low, P.Eng.  
Director  
Section 9, *Environmental Protection Act*

KW/

c: District Manager, MOE Toronto - District  
Ramesh Chander Sharma, Wardrop Engineering Inc