



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 8303-5WYQLT

Gay Lea Foods Co-operative Limited
100 Clayson Road
Weston, Ontario
M9M 2G7

Site Location: 21, 25 and 43 Speedvale Avenue West
Guelph, Ontario
N1H 1J5

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

- one (1) in-situ bioremediation process to treat soil/groundwater contaminated with petroleum hydrocarbons by the injection of non-hazardous Biostimulation Compound(s) into the contaminated soil/groundwater,

all in accordance with the Application for Approval (Air) signed by James G. Franklin of Gay Lea Foods Co-Operative Limited, dated October 6, 2003, the supporting documentation submitted by XCG Consultants Inc. with the application and the additional information provided by XCG Consultants Inc.

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

- (1) "Act" means the *Environmental Protection Act*.
- (2) "Bioaugmentation" means the use of currently exogenous, specialized microbes or genetically engineered microbes to optimize bioremediation.
- (3) "Biostimulation Compound" means any chemical amendment, nutrient amendment or pH adjustment chemical used in the Process. In this Certificate, it means the oxygen slowly released and diffused from the Waterloo Emitter as described in the Company's application, this Certificate and in the supporting documentation submitted with the application, to the extent approved by this Certificate.
- (4) "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act.
- (5) "Company" means Gay Lea Foods Co-Operative Limited.
- (6) "District Manager" means the District Manager, Guelph District Office, West Central Region of the Ministry.
- (7) "Guideline" means the Ministry publication "Guideline for Use at Contaminated Sites in Ontario" dated February 1997, as amended.
- (8) "Ministry" means Ontario Ministry of the Environment.
- (9) "Process" means the bioremediation process described in the Company's application, this Certificate and in the supporting documentation submitted with the application, to the extent approved by this Certificate.
- (10) "Remedial Work Plan" means the overall plan, developed for each site, that contains as a minimum the remedial objectives, an overview of the extent of contamination at the site and closure conditions to remove the Process from the site.
- (11) "Supporting Documents" means the Ministry publications that accompany the Guideline including "Guidance on

Sampling and Analytical Methods for Use at Contaminated Sites in Ontario” dated May 1996, as amended.

(12) "Target Compounds" means the petroleum hydrocarbons that the Process is designed to treat as part of the Remedial Work Plan.

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

TERMS AND CONDITIONS

Performance Requirements

1. The Company shall, at all times, design and operate the Process so that no Target Compounds or their decomposition compounds are permitted to migrate off the site, in groundwater or soil vapour at concentrations greater than the appropriate criteria provided in the Guideline, appropriate worker health and safety criteria or site specific criteria developed in accordance with the Supporting Documents.
2. Bioaugmentation is not permitted by this Certificate.
3. The Company shall, prior to the injection of any Biostimulation Compound(s) at the site, prepare a Remedial Work Plan for the site.

Operating Procedures and Maintenance Manual

4. The Company shall, prior to the injection of any Biostimulation Compound(s), prepare and implement an operating procedures and maintenance manual for the Process. The manual shall specify, as a minimum:
 - (a) frequency of inspections and scheduled preventative maintenance;
 - (b) procedures to prevent upset conditions and contingency measures to address any off-site migration of contamination;
 - (c) procedures to minimize all fugitive emissions;
 - (d) procedures to prevent and/or minimize odorous emissions;
 - (e) procedures to record the amount of Biostimulation Compound(s) each time material is injected by the Process;
 - (f) procedures to record and respond to any environmental complaints.

Monitoring Plan

5. The Company shall, prior to injection of any Biostimulation Compound(s), design and implement a Monitoring Plan, in accordance with the Supporting Documents, for the soil, soil vapour and groundwater at the site to document that contamination is not migrating off site, the Performance Requirements outlined above are not exceeded and the Remedial Work Plan objectives have been met. The Monitoring Plan shall specify, as a minimum:
 - (a) Monitoring Plan objectives;
 - (b) list of analytical parameters;
 - (c) monitoring locations and frequency;
 - (d) sampling methodology and QA/QC procedures;
 - (e) Remedial Work Plan objectives for discontinuation of the Process.

Notification Requirements

6. The Company shall notify the District Manager in writing, if the Process is not operated in accordance with the

Performance Requirements or the Operating Procedures and Maintenance Manual or the Monitoring Plan outlined above.

Record Keeping Requirements

7. The Company shall retain, for a minimum of two (2) years from the date of their creation, all reports, records and information described in this Certificate, related to or resulting from the operation of the Process and shall include, but not be limited to:

- (a) the Remedial Work Plan;
- (b) records on the type, frequency and quantity of Biostimulation Compound(s) used in the Process;
- (c) records on the inspection, maintenance and repair of the equipment related to the Process;
- (d) all monitoring results including the verification sampling to demonstrate that the Remedial Work Plan objectives are met;
- (e) records on the environmental complaints; including:
 - (1) a description, time and date of the incident,
 - (2) wind direction at the time of the incident,
 - (3) a description of the measure taken to address the cause of the incident.

These records shall be made available, upon request, to Ministry personnel, or Ministry authorized representative(s), upon presentation of credentials.

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

1. Conditions 1, 2 and 3 are included to outline the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Process.
2. Condition 4 is included to emphasize that the Process must be operated according to a procedure that will result in compliance with the Act, the regulations and this Certificate.
3. Condition 5 is included to require the Company to gather accurate information so that the environmental impact and subsequent compliance with the Act, the regulations and this Certificate can be verified.
4. Condition 6 is included to require the Company to notify the Ministry so that the environmental impact and subsequent compliance with the Act, the regulations and this Certificate can be verified.
5. Condition 7 is included to require the Company to retain records and provide information to the Ministry so that the environmental impact and subsequent compliance with the Act, the regulations and this Certificate can be verified.

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
2300 Yonge St., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

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 Environment and Energy
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**

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, 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 11th day of March, 2004

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

KW/
c: District Manager, MOE Guelph
Rick McGregor, XCG Consultants Ltd.