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 A740193

Issue Date: April 30, 2022

Canadian Pacific Railway Company
2025 McCowan Rd
Scarborough, Ontario
M1S 5K3

Site Location: Chapleau Yard Soils Management Facility
Part Of The Cpr Block
Chapleau Township, District of Sudbury

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:

The use and operation of a Waste Disposal Site (Processing), to be used for the following:

> temporary storage, screening and bioremediation of excess soil limited to dry soil;

Note: Use of the site for additional categories of wastes requires a new application and amendments to the Environmental Compliance Approval.

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

" **Adverse Effect** " as defined in the EPA;

"**Approval**" or "**ECA**" means this entire Environmental Compliance Approval document, issued in accordance with the EPA, and includes any schedules to it, the application and the supporting documentation listed in Schedule 1;

"**Biopile**" means the Bioremediation treatment cell, for Dry Soil undergoing Bioremediation without air injection, covered and lined with a tarp during the treatment process;

"**Bioremediation**" means biodegradation conducted under controlled engineered conditions designed to reduce petroleum hydrocarbon concentrations in the Dry Soil in the Biopiles;

"**Composite Sample**s" 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 Concern" have the same meaning as in O. Regulation 153/04;

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

"**Discrete Samples**" within the context of this Approval, mean individually separate grab samples collected for analysis when creation and analysis of a composite sample is not appropriate;

"**District Manager**" means the District Manager of the local district office of the Ministry for the geographic area in which the Site is located;

"Dry Soil" is as defined in O. Regulation 406/19 and within the context of this Approval also means a solid non-hazardous waste, limited to petroleum contaminated soil, which contains Contaminants of Concern and 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;

"EASR" means the Environmental Activity and Sector Registry;

"**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. If destined for transfer without any screening, Excess Soil also means the incoming Dry Soil which does not contain more Rock than allowed for a particular Reuse Site;

"**Grab Samples**" within the context of this Approval, means independent sets of representative samples taken from different locations within the volume being sampled, using a systematic method of selecting random, unbiased locations and based on scientific and statistical principles applicable to sampling;

" **Hazardous Waste** " as defined in Regulation 347;

"**Inert Fill**" as defined in Regulation 347;

"**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;

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

"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;

"**Owner**" means the Canadian Pacific Railway Company, and includes its officers, employees, agents and contractors and includes any successors and assigns in accordance with section 19 of the EPA;

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

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

"**Processed Soil**" means the Dry Soil processed at the Site, where processing is limited to screening and Bioremediation of the incoming Dry Soil as set out in this Approval;

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

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

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

"**Rock**" as defined in O. Regulation 406/19;

"SAR" means sodium adsorption ratio;

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

"**Site**" means the waste disposal site to undertake Excess Soil processing authorized under this Approval, located at Chapleau Yard Soils Management Facility, Part Of CPR Block, Lot 27, Chapleau Township, District of Sudbury, Ontario;

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

"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";

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

"**Solid Non-hazardous Waste**" means a waste that is not a liquid waste and not a hazardous waste as defined in Regulation 347;

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

"**Spill**" as defined in the EPA;

"**Standards Document**" means the Ministry's document entitled "*Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act*", revised version April 15, 2011, as amended;

"**SVOCs**" means semi-volatile organic compounds;

"**TCLP**" means the Toxicity Characteristic Leaching Procedure set out in Regulation 347;

"**Tested Soil**" means the Bioremediated Dry Soil that has been tested by the Owner in accordance with this Approval to demonstrate compliance with the appropriate Excess Soil Criteria for deposition at the Reuse Site from which the Dry Soils were originally obtained or transfer to a waste disposal site;

" **Trained Person** " means an employee trained in accordance with the requirements of Condition 10.0 and is knowledgeable through instruction and/or practice and able to carry out any necessary duties; and

"**VOCs**" means volatile organic compounds. VOC means any organic compound having, at 20 degrees Celsius (°C), a vapour pressure of 0.01 kilopascal or more or having a corresponding volatility under the particular conditions of use, which is released into the atmosphere; and

"**Waste**" and **"waste**" within the context of this Approval, it means any material defined as a waste or designated to be a waste under any provincial Act or regulation or any other discarded, unwanted, unsuitable for its original use or purpose (for example off-specification or expired) post-consumer goods, items, materials and including Excess Soil destined for receipt at the Site. Waste outputs from processing/treatment of waste continue to be considered waste.

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

TERMS AND CONDITIONS

1.0 GENERAL

1.1 Compliance

(1) The Owner 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.

1.2 Build, etc. in Accordance

(1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval, dated July 13, 1998, signed by Brent Laing, Manager, Environmental Affairs, Canadian Pacific Railway Company, plans, specifications and the supporting documentation listed in the attached Schedule 1.

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

1.3 Interpretation

(1) Where there is a conflict between a provision of any document, including the application referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.

(2) Where there is a conflict between the application and a provision in any documents listed in Schedule 1, the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.

(3) Where there is a conflict between any two documents listed in Schedule 1, other than the application, the document bearing the most recent date shall take precedence.

(4) The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

1.4 Other Legal Obligations

(1) The issuance of, and compliance with the conditions of, 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, local municipal authority; or

b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.

1.5 Adverse Effects

(1) The Site shall be constructed, operated and maintained in an environmentally safe manner which ensures the health and safety of all persons and minimizes adverse

effects on the natural environment.

(2) The Owner 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.

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

1.6 Other Approvals

(1) (a) The Company shall ensure that the Site is not operated unless all air approvals under Section 9 of the EPA, where applicable, have been obtained;

(b) All wastewater shall be discharged in accordance with the OWRA and any applicable Municipal Sewer Use By-Law(s); and

(b) At no time is burning or incineration of any materials allowed on the Site.

1.7 Change of Owner

(1) 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:

a. the ownership of the Site;
b. the operator of the Site;
c. the address of the Owner;
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, as amended, shall be included in the notification;
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, as amended, shall be included in the notification.

(2) No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance and sufficient financial assurance is deposited with the Ministry to ensure that these conditions will be carried out. 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 .

1.8 Inspections by the Ministry

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

a. to enter upon the premises where the approved processing is undertaken, 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 EPA, the OWRA, the PA, the SDWA or the NMA.

1.9 Information and Record Retention

(1) Any information requested by the Ministry, concerning the operation of the Site and its operation under this Approval, including but not limited to any records and monitoring data required by the conditions of this Approval shall be provided to the Ministry, upon request**.** All records required by this Approval shall be retained for a minimum period of two (2) years from the date of their creation.

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

a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
b. acceptance by the Ministry of the information's completeness or accuracy.

1.10 Financial Assurance

(1) The Owner shall maintain Financial Assurance, as defined in Section 131 of the EPA, for the amount of CND$327,843.00. 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, maintenance of the Site, and disposal of all quantities of waste permitted on Site at any one time.

(2) Commencing on March 31, 2026 and at intervals of four (4) 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 1.10(1). 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.

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

2.0 SITE SECURITY

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

(2) The Owner shall ensure that the Site is operated in a safe and secure manner, and that all Waste and the processing materials are properly handled, contained, stored and labelled so as not to pose any threat to the general public and the Site personnel.

(3) The Owner shall ensure that all Waste management activities, including Waste and

processing materials unloading and loading, processing, and transfer to or from vehicles or containers at the Site are supervised at all times by Trained Personnel.

3.0 APPROVED WASTE TYPE

(1) The Owner shall cease the receipt of waste at the Site.

4.0 SITE OPERATIONS

4.1 Hours of Operation

(1) Shipping of wastes from the Site may be undertaken twenty four (24) hours per day, three hundred sixty five (365) days a year, unless otherwise limited by municipal by-laws.

4.2 Waste Storage

(1) The maximum amount of Waste to be stored at the Site shall not exceed 2,000 m^3, at any one time.

(2) The Owner shall remove any waste remaining at the Site by no later than September 1, 2022.

(3) All waste stockpiles shall be located on an impermeable liner or asphalt surface.

(4) Unless monitoring or shipping activities are being carried out, the waste stockpiles shall be covered at all times.

(5) The Owner shall ensure that no waste handling activities, including screening, transfer to storage locations/vehicles are undertaken during high wind events.

(6) All waste stockpiles shall be managed in a manner that minimizes dust emissions, including wetting piles as required.

4.3 Approved Waste Management Activities

(1) The Owner is approved for the temporary storage and processing of the Dry Soil via Bioremediation in Biopiles.

4.4 Mixing, Bulking or Blending of Dry Soils

(1) At no time, shall any Dry Soil or Processed Soil intended for re-use at a Reuse Site, be mixed or blended with any waste that is subject to the requirements under section

20.2 of Part II.1 of the EPA.

(2) At no time, shall any Dry Soil or Processed Soil intended for re-use at a Reuse Site be mixed, bulked or blended with any other Dry Soil or Processed Soil if the principal purpose of the mixing, bulking or blending is to reduce the Contaminant of Concern concentrations in the Dry Soil.

5.0 INSPECTIONS

(1) The Owner shall conduct 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, noise and traffic, result from the operation of the Site:

a. waste loading, unloading, storage and handling areas;
b. condition of all major pieces of the equipment, including any covers, liners or asphalt pads;
c. security fence and property line;
d. presence of fugitive dust emissions from the operation of the Site; and
e. presence of on and off-Site litter.

(2) The inspections required in Condition 5.0(1) shall be undertaken daily by Trained Personnel when the Site is loading, unloading or handling waste or otherwise, at least monthly, to ensure that all equipment and facilities at the Site are maintained in good working order at all times and that no off Site impacts are occurring. Any deficiencies detected during these regular inspections must be promptly corrected.

6.0 CHARACTERIZATION REQUIREMENTS

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

6.1 Characterization of Excess Soil

(1) The Owner shall sample and characterize the outgoing Excess Soil in accordance with the requirements of O. Regulation 406/19 and the Soil Rules.

(2) Notwithstanding provisions of Condition 6.1(1), the Owner also shall comply with the

general requirements set out in Condition 6.2.

6.2 General Requirements for Characterization

(1) Discrete Samples shall be taken when analysing for:

a. petroleum hydrocarbon fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34) and F4 (>C34);
b. VOCs including Benzene, Toluene, Ethyl Benzene and Xylene;
c. SVOCs, which include the SVOCs with the Henry's Law constant greater than 1x10-5 atmosphere m^3/mol and/or vapour pressure greater than 0.05 mm Hg and which, for example, are Acenaphthene, Acenaphthylene, Anthracene, Benz(a)anthracene, Cresol (m&p-), Cresol(o-), Fluoranthene, Fluorene, Methlynapththalene (2-(1-)), Naphthalene, and Phenanthrenre; and
d. polycyclic aromatic hydrocarbons / acid/base/neutral compounds (PAHs/ABNs).

(2) Composite Samples shall be taken when analysing for SVOCs with the Henry's Law constant less than 1x10-5 atmosphere m^3 /mol and/or vapour pressure less than 0.05 mm Hg.

(3) For sampling of the Dry Soil or the Processed Soil, the Owner shall use sampling procedures, including methods, equipment and techniques, for collection of representative samples and for handling of the samples as set out in the Section B of Part I of the Soil Rules or as recommended by the accredited laboratory service provider carrying out the analytical testing.

Analytical methods

(4) For testing of the Dry Soil or the Processed Soil, the Owner shall,

a. for determining bulk concentrations of contaminants, use the analytical methods as set out in 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 **or** in Section B of Part I of the Soil Rules;

b. for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, sample the Dry Soil in accordance with the Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended;
c. to demonstrate that the Dry Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, including TCLP analysis, use the Ministry-published methods and if unavailable, use methods recommended by the accredited laboratory service provider; and
d. submit samples to an accredited laboratory service provider no later as instructed, for the required analysis.

6.3 Testing of Waste to be Transferred to Waste Disposal Site

(1) For Dry Soil or Processed Soil destined for transfer to an approved non-hazardous waste disposal site, the required Waste characterization sampling and testing protocols/methods shall be in accordance with the following:

a. if the Waste has a high moisture content, determine the slump; and
b. sample and test the Waste in accordance with one of the following:

A. sampling and testing results to demonstrate that the Waste does not trigger any criteria from the hazardous waste definition from Regulation 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 Concern determined from the Source Site and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider; and

B. sampling and testing results to demonstrate that the Waste is suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site Environmental Compliance Approval **or** sampling and testing results to demonstrate that the Waste is suitable for acceptance at the receiving waste disposal site, as instructed by the owner of the waste disposal site.

6.4 Testing of Processed Soil

(1) Prior to its shipment from the Site to a Re-use Site, the Owner shall characterize the Processed Soil in accordance with the following:

a. sampling frequency shall be as set out in the Section B of Part I of the Soil Rules **or** as follows:
    i. for stockpile volume of less than 220 m^3, a minimum of 2 samples shall be collected;
    ii. for stockpile volume between 221 m^3 and 430 m^3, a minimum of 3 samples shall be collected;
    iii. for stockpile volume between 431 m^3 and 670 m^3, a minimum of 4 samples shall be collected;
    iv. for stockpile volume between 671 m^3 and 950 m^3, a minimum of 5 samples shall be collected;
    v. for stockpile volume between 951 m^3 and 1,250 m^3, a minimum of 6 samples shall be collected;
    vi. for stockpile volume between 1,251 m^3 and 1,550 m^3, a minimum of 7 samples shall be collected;
    vii. for stockpile volume between 1,551 m^3 and 1,850 m^3, a minimum of 8 samples shall be collected;
    viii. for stockpile volume between 1,851 m^3 and 2,200 m^3, a minimum of 9 samples shall be collected;

b. sampling of the Processed Soil for determination of the leachate concentrations of Contaminants of Concern listed in Schedule 4 of Regulation 347, shall be in accordance with the Ministry’s document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347*", as amended or in accordance with Condition 6.4(1)a., whichever generates more samples;

c. sampling methods used and procedures for handling of the samples shall be in accordance with the requirements set out in the Section B of Part I of the Soil Rules and in accordance with the instructions of the accredited laboratory service provider carrying out the analytical testing;

d. applicable criteria from the hazardous waste definition from Regulation 347, including leachate concentrations for the Contaminants of Concern listed in Schedule 4 of Regulation 347, shall be determined from the information contained in the general documentation from the Source Site and tested for;

e. bulk concentrations of the following shall be determined:

    i. petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);
    ii. heavy metals;
    iii. Benzene, Toluene, Ethyl Benzene and Xylene; and
    iv. other applicable potential Contaminants of Concern listed in Section B of Part I of the Soil Rules, including any other VOCs and SVOCs or inorganics, determined from the information contained in the general documentation from the Source Site and tested for;

f. analytical methods listed in Condition 6.2 shall be used.

7.0 TESTED SOIL QUALITY CRITERIA, SOIL DISPOSAL and RE-USE REQUIREMENTS

7.1 Tested Soil Quality Criteria

(1) The Tested Soil shall meet the applicable Excess Soil Criteria for the Reuse Site.

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

7.2 Dry Soil as Excess Soil Destined for a Reuse Site

(1) The Tested Soil shall only:

a. leave the Site as Excess Soil to the Reuse Site from which the Excess Soil was originally obtained, only if tested in accordance with the requirements set out in O. Regulation 406/19 and the Soil Rules to show compliance with the Excess Soil Criteria; or
b. be transferred to a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction subject to compliance with the applicable quality criteria and restrictions in O. Regulation 406/19.

7.3 Disposal of Non-Reusable Soil-like Waste

(1) Except for the Processed Soil intended for deposition at a Reuse Site, the Owner shall ensure that,

a. all Rock that does not meet the definition of an Inert Fill;
b. all Excess Soil that contains more Rock than allowed in Excess Soil and which does not meet the definition of an Inert Fill;
c. all Excess Soil that contains more than an insignificant amount of incidental construction and/or demolition waste or other non-hazardous waste debris; and
d. all Excess Soil that contains foundry sands, slag, emission control dusts or treatment residues;

are only transferred to:

i. a waste disposal site approved to accept that type of waste to be further processed, used or disposed of in accordance with the Environmental Compliance Approval for that site; or
ii. a location not required to obtain an Environmental Compliance Approval but having an appropriate jurisdictional approval or a license, if required.

7.4 Hazardous Waste

(1) The Owner shall ensure that any waste that triggers any of the criteria from the definition of "hazardous waste" set out in Regulation 347, is handled and disposed of in accordance with the Land Disposal Restrictions requirements set out in the EPA and

Regulation 347.

8.0 VEHICLES AND TRAFFIC

(1) The Owner shall ensure that all vehicles leaving the Site are not leaking or dripping wastes or wastewater when leaving the Site.

(2) Should the Owner become aware that a vehicle delivering Waste to the Site has leaked waste and/or wastewater on the municipal roadways, the Owner shall immediately report the violation to the owner of the vehicle(s) and to the District Manager.

(3) The Owner shall ensure that vehicles leaving the Site do not drag mud or waste onto the public roadways.

(5) The Owner shall ensure that there is no queuing or parking of vehicles that are waiting to enter the Site on any roadway that is not a distinct part of the Site.

(6) The Owner shall ensure that the vehicles transporting any wastes from the Site are appropriately covered as they depart from the Site, so that fugitive dust or odour emissions are minimized during the transit to their destination.

(7) Only haulers approved by the Ministry or registered on the EASR, as required, shall be used to transport any waste from the Site.

9.0 COMPLAINT MANAGEMENT

(1) If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:

a. The Owner shall record each complaint on a formal complaint form entered in a computerized tracking system. The information recorded shall include the nature of the complaint, circumstances of the complaint including weather conditions, the name, address and the telephone number of the complainant and the time and date of the complaint;
b. the Owner, upon receipt of the complaint 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

c. the Owner shall immediately notify the Ministry of the complaint, followed with the submission of a written report within one (1) week of the complaint detailing what actions were taken to identify and remediate the cause of the complaint, what remedial action would be taken, and any managerial or operational changes to reasonably avoid the reoccurrence of similar incidents.

10.0 PERSONNEL TRAINING

(1) All operators of the Site shall be trained with respect to the following areas:

a. terms, conditions and operating requirements of this Approval;
b. operation and management of the Site;
c. environmental concerns pertaining to the wastes to be managed at the Site;
d. occupational health and safety concerns pertaining to the processes and wastes to be managed at the Site;
e. relevant waste management legislation, regulations and guidelines; and
f. operation of equipment and procedures to be followed in the event of an emergency situation.

11.0 EMERGENCY SITUATIONS RESPONSE and REPORTING

(1) The Owner shall immediately take all necessary measures to handle the emergency situations occurring at the Site.

(2) The Owner shall ensure that the equipment and materials outlined in the Operations Manual are immediately available at the Site at all times and are in a good state of repair and fully operational.

(3) The Owner shall ensure that all Site employees are fully trained in the use of the equipment and materials outlined in the Operations Manual, and in the procedures to be employed in the event of an emergency.

(4) All Spills shall be immediately reported to the **Ministry's Spills Action Centre at 1-800-268-6060** and to the local municipality and shall be recorded in the log book as to the nature and cause of the Spill, and the action taken for clean-up, correction and

prevention of similar future occurrences.

12.0 RECORDS KEEPING

(1) All records generated as required by this Approval shall include a date of record and the name and signature of the person completing the report.

(2) All measurements shall be recorded in consistent metric units of measurement.

(3) The Owner shall maintain a written or digital record of daily activities undertaken at the Site. The record shall include, as a minimum, the following information:

a. date, quantity, type, quality and the destination of the waste leaving the Site;
b. housekeeping activities, including wetting of the Biopiles and/or storage stockpiles for dust control and the type of material used;
c. emergency situations, including a description of the emergency situation that was handled and cleaned-up;
d. quantities and types of waste stored on the Site
e. results of the inspection required under Condition 5.0, including the name and signature of the person conducting the inspection.

(7) The Owner shall establish and maintain a written or digital record of all sampling and testing activities at the Site as required under this Approval. This record shall include, as a minimum, the following information:

a. Waste type sampled, number of samples, sample collection locations and volume collected;
b. day and time of collection;
c. sample handling procedures;
d. name of the person undertaking the sampling;
e. parameters tested for and the results;
f. name of the laboratory facility conducting the testing, if applicable; and
g. conclusions drawn with respect to the results of the testing.

13.0 SITE CLOSURE

(1) The Owner shall ensure that the Site is closed in accordance with the Closure Plan (Item #6 of Schedule 1).

(2) Within ten (10) days after closure of the Site, the Owner shall notify the Director, in writing, that the Site is closed and that the Closure Plan has been implemented.

Schedule 1

This Schedule 1 forms part of this Environmental Compliance Approval:

1. Application for Approval of a Waste Disposal Site signed by Brent Laing, Manager, Environmental Affairs, Canadian Pacific Railway Company and dated July 13, 1998.
2. EBR Registry No. IA8E1231. Expiry date October 2, 1998.
3. Financial Assurance Re-evaluation dated November 2, 2010, prepared for Canadian Pacific Railway Company and by Tom Grimminck, P. Eng., Dillon Consulting Limited including all attached supporting information.
4. Financial Assurance Re-evaluation dated March 26, 2014, prepared for Canadian Pacific and by Andrew Henderson, Environmental Engineer and Chris Ludwig, Principal, Franz Environmental Inc.including all attached supporting information.
5. Financial Assurance Re-evaluation Rev. 2 dated July 31, 2020 and prepared by Dillon Consulting Limited, including all attached supporting information.
6. Closure Plan dated April 21, 2022 and prepared by Dillon Consulting Limited, including all attached supporting information.

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

Conditions 1.1, 1.3, 1.4, 1.5, 1.8 and 1.9 are included to clarify the legal rights and responsibilities of the Owner.

Condition 1.2 is included to ensure that the Site is build and 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.

Condition 1.6 is included to ensure that the appropriate Ministry staff has 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, the PA, the NMA and the SDWA.

Condition 1.7(1) is included 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. Condition 1.7(2) is included 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.

Condition 1.10 is included 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.

SITE SECURITY

Condition 2.0 is included to ensure that the Site is sufficiently secured, supervised and operated by properly Trained Personnel and to ensure controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no Site personnel is on duty.

APPROVED WASTE TYPES

Condition 3.0 is included to specify that waste is no longer permitted to be received at the Site.

SITE OPERATIONS

Condition 4.1 is included to specify the hours of operation for the Site to ensure that the hours of Site's operation do not result in an Adverse Effect or a hazard to the natural environment or any person.

Condition 4.2 is also included to identify the amounts of Waste approved to be present at the Site at any one time for the purpose of calculating the Financial Assurance requirements for the Site.

Conditions 4.2 through 4.4 are included to ensure that all Waste, including Dry Soil management including receipt, storage, processing, treatment and transfer, management of run-off and the discharges to the atmosphere are undertaken in done in a way which does not result in an Adverse Effect or a hazard to the environment or any person.

INSPECTIONS

Condition 5.0 is included to require the Site to be inspected on a regular basis to ensure that the operations at the Site are undertaken in a manner which does not result in an Adverse Effect or a hazard to the health and safety of the environment or any person.

REQUIREMENT to CHARACTERIZE at the SITE

Condition 6.0 is included to set out the testing requirements when the Owner is required to carry out testing at the Site to characterize the incoming or outgoing Waste for its compatibility with the proposed off-Site destination.

TESTED SOIL QUALITY CRITERIA, SOIL DISPOSAL and RE-USE REQUIREMENTS

Condition 7.0 is included to ensure that all Tested Soil is properly managed, processed and disposed of in accordance with the Ministry's regulatory requirements and in a manner that protects the health and safety of the public and the environment.

VEHICLES AND TRAFFIC

Condition 8.0 is included to ensure that the Site is operated and maintained in an environmentally acceptable manner which does not result in a negative impact on the natural environment or any person.

COMPLAINT MANAGEMENT

Condition 9.0 is included to require the Owner to respond to any environmental complaints resulting from the operations at the Site appropriately and in a timely manner and that appropriate actions are taken to prevent any further incidents that may cause complaints in the future.

PERSONNEL TRAINING

Condition 10.0 is included to ensure that personnel employed at the Site are fully aware and properly trained on the requirements and restrictions related to Site operations under this Approval.

EMERGENCY SITUATIONS RESPONSE and REPORTING

Condition 11.0 is included to require further spill notification to the Ministry, in addition to the requirements already listed in Part X of the EPA.

RECORDS KEEPING

Condition 12.0 is included to ensure that detailed records of Site activities, inspections, monitoring and upsets are recorded and maintained for inspection and information purposes.

SITE CLOSURE

Condition 13.0 is included to ensure that final closure of the Site is completed in accordance with Ministry's standards.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A740193 issued on October 5, 1998

In accordance with Section 139 of the *Environmental Protection Act,* you may by written notice served upon me and the Ontario Land Tribunal within 15 days after receipt of this notice, require a hearing by the Tribunal. 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 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.oltt.gov.on.ca

The above noted activity is approved under s.20.3 of Part II.1 of the *Environmental Protection Act.*

DATED AT TORONTO this 30th day of April, 2022

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

NZ/
c: Area Manager, MECP Sault Ste. Marie
c: District Manager, MECP Sudbury
Jeffrey Peister, Canadian Pacific Railway Company