

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A340616

Issue Date: July 12, 2024

Covia Canada Ltd./Covia Canada Ltée
260 Unimin Rd
Havelock-Belmont-Methuen, Ontario
K0L 1Z0

Site Location: 4795 County Road 6

Lot 13, 14 and 15, Concession 9

Havelock-Belmont-Methuen Township, County of Peterborough, ON

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:

for the use and operation of a 2.2 hectare landfilling site within a total buffer area of 3.28 hectares all within a 50.46 hectare attenuation area.

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

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

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

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

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

"Landfill" means the portion of the Site designated for the permanent deposition of waste;

"Ministry" means the Ontario Ministry of the Environment, Conservation and Parks;

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

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

"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;

"RUG" means the Reasonable Use Guideline (Guideline B-7) of the Ministry;

"Regional Director" means the Regional Director of the local Regional Office of the Ministry in which the Site is located;

"Regulation 232" means Ontario Regulation 232/98 (Landfilling Sites) made under the EPA, as amended;

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

"Regulation 406" means Ontario Regulation 406/19, R.S.O. 1990, On-site and Excess Soil Management, made under the EPA, as amended;

"Regulation 463/10" means Ontario Regulation 463/10, Ozone Depleting Substances and Other Halocarbons, made under the EPA;

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

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

"Site" means the location in which the operations being approved under this Approval are performed, namely 4795 County Road 6, Lot 13, 14 and 15, Concession 9, Havelock-Belmont-Methuen Township, County of Peterborough, Ontario; and

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

- a. relevant waste management legislation, regulations and guidelines;
- b. major environmental concerns pertaining to the waste to be handled;
- c. occupational health and safety concerns pertaining to the processes and wastes to be handled;

- d. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- e. emergency response procedures;
- f. specific written procedures for the control of nuisance conditions;
- g. specific written procedures for refusal of unacceptable waste loads;
- h. the requirements of this Approval.

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

TERMS AND CONDITIONS

PART 1 - GENERAL

Compliance

1.1 This Approval revokes Environmental Compliance Approval No. A340616 issued February 23, 2021. The approval given herein, including the terms and conditions set out, replaces all previously issued approvals and related terms and conditions under Part V of the EPA for this Site.

1.2 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.

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

In Accordance

1.4 Except as otherwise specified in the ECA, the Owner shall carry out , operation, development, closure (phased and final), existing and additional monitoring and contingency programs described in items 3, 4, 8, 10, 11 and 13 in Schedule "A" and as summarized in Schedule "B" of this ECA. Final closure requirements shall be determined from the ongoing monitoring.

1.5 (a) Construction and installation of aspects described in Schedule "A" must be completed within 5 years of the later of:

1. the date of Approval that was issued on February 23, 2021;
or
2. 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.

(b) 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 1.5(a).

(c) Amendments to Site operation, preparation, development, phased and final closures and monitoring programs shall not be carried out without amendment to this ECA.

Interpretation

1.6 Where there is a conflict between a provision of any document listed in Schedule "A" in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.

1.7 Where there is a conflict between the application and a provision in any document 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 the Ministry approved the amendment.

1.8 Where there is a conflict between any two documents listed in Schedule "A", the document bearing the most recent date shall take precedence.

1.9 The conditions of this Approval are severable. If any condition of this Approval, or the application of any condition of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

Other Legal Obligations

1.10 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; and

(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.

Adverse Effect

1.11 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 present and historical operations at the Site. Such steps may include accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

1.12 Despite an Owner, Operator, 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.

1.13 At no time shall the Owner or Operator allow the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.

Change of Ownership

1.14 The Owner shall notify the Director, in writing, and forward a copy of the notification to the District Manager, within 30 days of the occurrence of any changes in the following information:

(a) the ownership of the Site;

(b) the Operator of the Site;

(c) the address of the Owner or Operator; and

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

1.15 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 to ensure that these conditions will be carried out.

1.16 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 by the Ministry

1.17 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 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 EPA, the OWRA, the PA, the SDWA or the NMA.

Information and Record Retention

1.18 (1) Except as authorized in writing by the Director, all records required by this Approval shall be retained at the Owner's Office for a minimum of five (5) years from their date of creation.

(2) The Owner shall retain all documentation listed in Schedule "A" for as long as this Approval is valid.

(3) All information and logs required in Conditions 7.1, 7.4, and 7.5 shall be kept at the Site or the Owner's Office (written or electronic form) until they are included in the Annual Report.

(4) The Owner shall retain employee training records as long as the employee is working at the Site.

(5) The Owner shall make all of the above documents available for inspection upon request of Ministry staff.

1.19 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; and

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

1.20 The Owner shall ensure that a copy of this Approval, in its entirety and including all documentation listed in Schedule "A", are retained at the Site or the Owner's Office at all times.

1.21 Any information related 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, RSO 1990, CF-31.

Registration on Title Requirement

1.22 Prior to dealing with the property in any way, the Owner shall provide a copy of this Approval and any amendments, to any person who acquires an interest in the property as a result of the dealing.

1.23 (a) If not already completed, within one hundred eighty (180) calendar days from the date of issuance of this Approval, the Owner shall submit to the Director a completed Certificate of Requirement which shall include:

(i) a plan of survey prepared, signed and sealed by an Ontario Land Surveyor, which shows the area of the Site where waste has been and is to be deposited at the Site;

(ii) proof of ownership of the Site;

(iii) a letter signed by a member of the Law Society of Upper Canada or other qualified legal practitioner acceptable to the Director, verifying the legal description provided in the Certificate of Requirement;

(iv) the legal abstract of the property; and

(v) any supporting documents including a registerable

description of the Site.

(b) If not already completed, within thirty (30) calendar days of receiving a Certificate of Requirement authorized by the Director, the Owner shall:

(i) register the Certificate of Requirement in the appropriate Land Registry Office on the title to the property; and

(ii) submit to the Director and the District Manager, written verification that the Certificate of Requirement has been registered on title.

Registration on Title Requirement - Contaminant Attenuation Zone (CAZ)

1.24 If not already completed, within ninety (90) calendar days from the date of establishing a contaminant attenuation zone (CAZ) (overburden and/or bedrock aquifers) in either fee simple or by way of a groundwater easement, the Owner shall submit to the Director a completed Certificate of Requirement which shall include:

(a) If rights are obtained in fee simple, the Owner shall provide:

(i) documentation evidencing ownership of the CAZ obtained in compliance with Regulation 232, as amended;

(ii) a completed Certificate of Requirement and supporting documents containing a registerable description of the CAZ; and

(iii) a letter signed by a member of the Law Society of Upper Canada; or other qualified legal practitioner acceptable to the Director, verifying the legal description of the CAZ.

(b) within fifteen (15) calendar days of receiving a Certificate of Requirement signed or authorized by the Director, the Owner shall:

(i) register the Certificate of Requirement in the appropriate

Land Registry Office on the title to the property; and

(ii) submit to the Director and the District Manager, a written verification that the Certificate of Requirement has been registered on title.

(c) If rights are obtained by way of a groundwater easement, the Applicant shall:

(i) provide a copy of the agreement for the easement;

(ii) provide a plan of survey signed and sealed by an Ontario Land Surveyor for the CAZ; and

(iii) submit proof of registration on title of the groundwater easement to the Director and District Manager;

(d) The Owner shall not amend, or remove, or consent to the removal of the easement or CAZ from title without the prior written consent of the Director.

Certificate of Withdrawal of Requirement

1.25 If the Applicant wants to withdraw the Certificate of Requirement, the Applicant shall:

(a) submit to the Director, a request for a Certificate of Withdrawal of Requirement; and its supporting documents, outlining the reasons for the Withdrawal of the Requirement.

(b) submit to the Director:

(i) a plan of survey of the area where waste was deposited signed and sealed by an Ontario Land Surveyor and for the Site or CAZ;

(ii) the legal abstract of the Site or CAZ – or area where waste was deposited;

(iii) completed Certificate of Withdrawal of Requirement

containing a registerable description of the Site or CAZ or area where waste was deposited; and

(iv) a letter signed by a member of the Law Society of Upper Canada or other qualified legal practitioner acceptable to the Director verifying the legal description of the Certificate of Withdrawal of Requirement.

(c) within fifteen (15) calendar days of receiving a Certificate of Withdrawal of Requirement authorized by the Director, the Applicant shall:

(i) register the Certificate of Withdrawal of Requirement in the appropriate Land Registry Office on the title to the Site or CAZ or area where waste was deposited; and

(ii) submit to the Director and District Manager a copy of the registered document together with a copy of the PIN Abstract confirming the registration.

Financial Assurance

1.26 By September 30th, 2024 and each year thereafter, the Owner shall maintain with the Ministry the Financial Assurance, as defined in Section 131 of the Act, as per payment schedule noted below. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the closure of the landfill and post-closure care during the contaminating lifespan and implementation of contingency plans, if required.

\$1,367,029 in 2024

\$1,412,098 in 2025

\$1,457,166 in 2026

\$1,502,235 in 2027

\$1,547,303 in 2028.

1.27 Commencing on May 31st., 2029 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance for the actions required under Condition 1.26. 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 annual reports. The Financial Assurance must be submitted to the Director within thirty (30) business days of written acceptance of the re-evaluation by the Director.

1.28 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 Owner shall forthwith replace the Financial Assurance with cash.

PART 2 - LANDFILL OPERATIONS

Operation

2.1 The Site shall be operated and maintained at all times including management and disposal of all waste, in accordance with the EPA, Regulation 347, Regulation 232, and the conditions of this Approval.

2.2 The District Manager may at any time request changes to site operation, preparation, development, closure, monitoring, contingency planning or other conditions to protect the public and the environment, and before implementation of these requested changes, this ECA shall be presented for amendment by the Director.

Service Area

2.3 Only wastes generated from the Nepheline Syenite Operations may be received and disposed of at the Site.

Approved Waste Types and Capacity

2.4 The operation of this Site is limited to the disposal of domestic and non-hazardous solid industrial wastes, as described in item 3 in Schedule "A", from the Owner's Nepheline Syenite Operations. Subject waste, as defined in Reg. 347, is not approved for disposal at this Site.

2.5 The total volume of waste disposed at the Site shall not exceed 78,850 m³.

2.6 Despite Condition 2.4, no additional materials may be received at the Site, if the site monitoring, as described in Schedule "B", reveals that the continued operation of the Site may or will result in injury to the public or the environment.

Waste Placement

2.7 (1) The Owner shall ensure that no waste is disposed of outside the limits of the 2.2 hectare fill area and not exceed the maximum elevation of 321 metres above mean sea level as shown in Figure 5, Item #2 of Schedule "A". Final contours for the side slopes of the fill area shall not exceed 4H:1V and contours for the top of the fill area shall not be less than 20H:1V;

(2) The boundaries of the landfill footprint shall be marked with permanent stakes to ensure landfilling does not occur beyond the approved area; and

(3) The Owner shall ensure that waste is deposited in a manner that minimizes the size of the Landfill working face and that the waste is compacted before cover material is applied.

Daily, Alternative, and Interim Cover

2.8 Daily and interim cover material shall be applied as follows:

(a) as required, the active working face shall be covered with a minimum thickness of 150 mm of daily cover;

(b) the daily cover thickness requirements and the application frequency specified in subsection (a) are the minimum requirements and may have to be increased to alleviate adverse environmental effects occurring at the Site;

(c) daily cover can include alternative cover;

(d) the Owner shall ensure that a supply of soil cover material equal to at least two weeks is maintained at the Site.

Interim Cover

(e) In areas where landfilling has been temporarily discontinued for six (6) months or more, a minimum thickness of 300 mm of intermediate cover shall be placed;

(f) In areas e.g. side slopes, where it is known landfilling of waste will not occur for six (6) months or more, a minimum of 300 mm of cover material shall be applied forthwith.

Alternative Cover

(g) Alternative materials to soil may be used as weekly and interim cover material, based on an application with supporting information and applicable fee for a trial use or permanent use, submitted by the Owner to the Director, copied to the District Manager and as approved by the Director via an amendment to this Approval. The alternative material shall be non-hazardous according to Regulation 347 and will be expected to perform at least as well as soil in relation to the following functions:

- (i) control of blowing litter, odours, dust, landfill gas, gulls, vectors, vermin and fires;
- (ii) provision for an aesthetic condition of the landfill during the active life of the Site;
- (iii) provision for vehicle access to the active tipping face; and
- (iv) compatibility with the design of the Site for groundwater protection, leachate management and landfill gas management.

Final Cover

2.9 In areas where landfilling has been completed to final contours, a minimum 600 mm thick layer of final cover soil shall be placed followed by 150 mm of topsoil. Fill areas shall be progressively completed and rehabilitated as landfill development reaches final contours. The permeability of the final cover shall be determined with consideration given to leachate strength, leachate generation rates, and the protection of groundwater.

2.10 A vegetative cover consisting of vegetation that is suited to local conditions, is considered to be pollinator friendly, and that is capable with minimal care of providing vigorous, plentiful cover no later than its third growing season shall be established over all completed areas to control erosion and minimize evapotranspiration. The Owner shall complete planting as soon as possible after reaching final contours.

2.11 If weather conditions do not allow timely placement of final and vegetative cover, silt curtains shall be employed to minimize silt loading to surface water bodies.

2.12 Where final waste contours have been reached, cover application shall be completed no later than sixty (60) days in areas where final contours have been reached between the months of March and October, and no later than the end of April in areas where final contours have been reached between the months of November

and February. These areas shall be seeded as soon as practical, but not later than eight (8) months from cover application.

2.13 All on-site and excess soil used for daily, interim, and final cover shall be managed in accordance with Regulation 406.

Signage and Security

2.14 A sign shall be posted at the entrance gate of the Site with the following information:

- (a) name of the Site and Owner
- (b) Environmental Compliance Approval No. for the Site
- (c) days and hours of operation of each area of the Site;
- (d) allowable and prohibited waste types for the Landfill;
- (e) contact telephone number(s); and
- (f) warning against unauthorized access and against dumping outside the Site.

2.15 The Owner shall ensure that:

- (a) access to the Site is restricted by fencing and/or natural features;
- (b) fencing and lockable gate are kept in good repair;
- (c) the Site is screened from public view on all sides;
- (d) access roads and on-site roads shall be provided and maintained in a manner that vehicles requiring access to the Site may travel readily and safely;
- (e) during the winter months the roads must be maintained to ensure safe access to the landfill; and
- (f) The access roads must be clear of mud, snow, ice, debris and other obstructions which may create hazardous conditions.

Operating Hours

2.16 The Owner is permitted to landfill waste from 6:00 am to 10:00 pm, 7 days per

week.

2.17 Notwithstanding Condition 2.16, the Owner is permitted to landfill waste outside of the regularly stated hours provided that:

- (a) the Design and Operations Manual required by Condition 7.8 includes a protocol for after hours landfilling;
- (b) lighting is used to illuminate the working face.
- (c) the working face is clearly marked;
- (d) trained personnel are present to ensure only authorized vehicles are admitted and only acceptable waste types are received; and
- (e) prior notification is sent to the District Manager that landfilling will occur outside the regularly scheduled hours and the period for which it will occur.

2.18 The Owner shall ensure that during non-operating hours, the Site entrance and exit gates, or areas of the Site which are not open, are locked or otherwise secured against access by unauthorized persons.

2.19 During non-operating hours when waste disposal is not permitted, the Owner may conduct equipment maintenance, administrative functions, and on-site activities including waste compaction and application of cover material, as required.

Nuisance Control

2.20 If at any time problems such as odours, dust, litter, noise, vectors, vermin, rodents, or other nuisances are found at the Site, the Owner shall take appropriate, immediate remedial action to address the problem.

2.21 The Owner shall implement a litter control plan which shall include:

- (a) taking all practical steps to prevent the escape of litter from the Site;
- (b) appropriate litter control, and regular site clean-up shall be provided in the manner described in Item 3, Schedule "A" of this ECA, to ensure that all waste remains within the landfill footprint;
- (c) vermin and vector control shall be provided for the Site in the manner described in Item 3, Schedule "A" of this ECA;

(d) private property adjacent to the Landfill shall be inspected as required and litter shall be collected if necessary, with permission from the property owner; and

(e) litter fencing shall be erected around the working area of the landfill as required.

Dust Control

2.22 The Owner shall control fugitive dust emissions from the on-site sources including, but not be limited to the on-site roads, stockpiled cover material and closed landfill areas. If necessary, the major sources of dust shall be treated with water and/or dust suppression materials to minimize the overall dust emissions from the Site.

Burning Waste Prohibited

2.23 The burning of waste at the Site is prohibited.

Landfill Gas

2.24 The Owner shall ensure that any existing or future construction of buildings and structures on the Site shall be situated, constructed and monitored in a manner which minimizes the potential for explosive hazards due to landfill gas. Methane detection and alarm equipment, with active venting or with an effective passive venting system to relieve any possible landfill gas accumulation, shall be installed and maintained for all enclosed buildings on the Site which at times are occupied by people. Routine monitoring for explosive methane gas levels shall be conducted in all buildings on the Site, especially enclosed structures which at times are occupied by people.

Scavenging

2.25 Scavenging, as defined in Reg. 347, of deposited and/or stockpiled waste is prohibited at the Site.

Fire Break

2.26 The Owner shall construct and maintain a firebreak, 30 metres in width, around the landfill area.

Municipal By-Laws

2.27 This Site shall be operated in compliance with all municipal by-laws and regulations.

PART 3 - LANDFILL MONITORING

Surface Water and Groundwater Compliance

3.1 The Site shall be maintained in such a way as to ensure compliance with the following:

(a) RUG B-7 for the protection of the groundwater at the Site;

(b) Provincial Water Quality Objectives included in the July 1994 publication entitled Water Management Policies, Guidelines, Provincial Water Quality Objectives, as amended from time to time, or limits set by the Regional Director, or the Canadian Water Quality Guidelines published by the Canadian Council of Ministers of the Environment, 1999 for the protection of surface water both on and off the Site; and

Surface Water and Groundwater Monitoring

3.2 The Owner shall monitor surface water and ground water in accordance with the environmental monitoring program outlined in Schedule "B".

3.3 A certified Professional Geoscientist or Professional Engineer possessing appropriate hydrogeologic training and experience shall execute or directly supervise the execution of the groundwater monitoring and reporting program.

3.4 If not already been completed, by no later than December 31, 2024, the Owner shall construct and install at least two (2) additional groundwater monitoring wells to be incorporated into the environmental monitoring program, downgradient of wells N-MW6 and N-MW12, with the exact location to be determined in consultation with the Ministry.

(a) Notwithstanding Condition 3.4, prior to installation of the groundwater monitoring wells, concurrence from the District Manager shall be obtained on the final locations.

Trigger Mechanisms and Contingency Plans

3.5 The Owner shall comply with the site-specific trigger mechanism program and contingency measures outlined in Section 7, Item #15 of Schedule "A".

Groundwater Wells and Monitors

3.6 The Owner shall ensure that all groundwater monitoring wells which form part of the monitoring program are properly capped, locked and protected from damage.

3.7 Any groundwater monitoring well included in the on-going monitoring program that is damaged shall be assessed, repaired, replaced or decommissioned by the Owner, as required.

(a) The Owner shall repair or replace any monitoring well which is destroyed or in any way made to be inoperable for sampling such that no more than one regular sampling event is missed.

(b) All monitoring wells which are no longer required as part of the groundwater monitoring program, and have been approved by the Director for abandonment, shall be decommissioned by the Owner, as required, in accordance with Reg. 903, to prevent contamination through the abandoned well. A report on the decommissioning of the well shall be included in the Annual Report for the period during which the well was decommissioned.

Changes to the Surface Water, Groundwater Monitoring and Trigger Mechanism and Contingency Plans

3.8 The Owner may request to make changes to the monitoring programs to the District Manager in accordance with the recommendations of the annual report. The Owner shall make clear reference to the proposed changes in a separate letter that shall accompany the annual report.

3.9 Within fourteen (14) days of receiving the written correspondence from the District Manager confirming that the District Manager is in agreement with the proposed changes to the environmental monitoring program, the Owner shall forward a letter identifying the proposed changes and a copy of the correspondences from the District Manager and all other correspondences and responses related to the changes to the monitoring program, to the Director requesting the Approval be amended to approve the proposed changes to the environmental monitoring plan prior to implementation.

3.10 In the event any other changes to the environmental monitoring program are proposed outside of the recommendation of the annual report, the Owner shall follow current Ministry procedures for seeking approval for amending the Approval.

PART 4 - EMPLOYEE TRAINING

4.1 A training plan for all employees that operate any aspect of the Site shall be developed and implemented by the Owner or the Operator. Only Trained Personnel shall operate any aspect of the Site or carry out any activity required under this Approval.

4.2 The Owner shall develop and maintain a training plan for current and new Site employees and shall ensure that all Site employees have been adequately trained and receive on-going training with respect to the following:

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

- (b) an outline of the responsibilities of employees for each waste management activity undertaken at the Site;
- (c) operation and management of the Site, or area(s) within the Site, in accordance with the specific job requirements of each individual employee, including but not limited to procedures for receiving, screening and identifying waste, refusals, handling and temporarily storing wastes;
- (d) the operation, inspection, and maintenance of the Site, or area(s) within the Site, with respect to the approved design and operations documents listed in Schedule "A";
- (e) record keeping requirements specific to each area / waste management activity;
- (f) procedures for responding to public complaints;
- (g) environmental concerns related to the type of waste handled in each area of the Site;
- (h) occupational health and safety concerns related to waste management at the Site;
- (i) emergency procedures and contingency plans in cases of fire, spills, off-site impacts and any other emergency situations; and
- (k) a record of the active employees who have completed the training plan.

PART 5 - COMPLAINTS RESPONSE PROCEDURE

5.1 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 and number each complaint, either electronically or in a log book, and shall include the following information: the nature of the complaint, the name, address and the telephone number of the complainant if the complainant will provide this information and the time and date of the complaint;
- (b) The Owner, upon notification of the complaint, shall initiate appropriate steps to determine 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 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.

(d) All complaints associated with this Site shall be dealt with in a forthright manner and shall be summarized yearly in the annual report required pursuant to Condition 7.6.

(e) The District Manager shall be advised forthwith of any complaints received by the Owner for this Site.

PART 6 - EMERGENCY RESPONSE

6.1 All Spills as defined in the EPA shall be immediately reported to the Ministry's Spills Action Centre at 1-800-268-6060 and shall be recorded in the log book as to the nature of the emergency situation, and the action taken for clean-up, correction and prevention of future occurrences.

6.2 In addition, the Owner shall submit to the District Manager a written report within five (5) business days of the emergency situation, outlining the nature of the incident, remedial measures taken, handling of waste generated as a result of the emergency situation and the measures taken to prevent future occurrences at the Site.

6.3 All wastes resulting from an emergency situation shall be managed and disposed of in accordance with Reg. 347.

6.4 All equipment and materials required to handle the emergency situations shall be:

(a) kept readily accessible at all times that landfill operations are occurring at the Site; and

(b) adequately maintained and kept in good repair.

6.5 The Owner shall ensure that the emergency response personnel are familiar with the use of such equipment and its location(s).

PART 7 - INSPECTIONS, RECORD KEEPING AND REPORTING

Log Book

7.1 A log shall be maintained in written or electronic format and shall include the following information:

(a) date and time that landfill activities occurred at the Site;

(b) the area of the Site in which landfill activities occurred; and

(c) a record of inspections or monitoring events that were conducted;

7.2 Any information requested, by the Director or a Provincial Officer, 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.

Inspections

7.3 The Owner shall ensure that monthly Site inspections, are undertaken by Trained Personnel and the areas to be inspected shall include, but not be limited to the following to ensure that:

- (a) the Site is secure;
- (b) the operation of the Site is not causing any nuisances;
- (c) the operation of the Site is not causing any adverse effects on the environment or impairing water quality;
- (d) the Site is being operated in compliance with this Approval.
- (e) condition of the active disposal areas, the recyclable bins, the tire pile and the scrap metal pile;
- (f) condition of the surface water drainage works;
- (g) presence of any ponded water at the Site;
- (h) condition of the on-site roads for evidence of excessive erosion and fugitive dust emissions;
- (i) presence of litter at the Site's perimeter and litter fences;
- (j) condition of the intermediate cover and of the final cover;
- (k) presence of vector, vermin and animals;
- (l) condition of the on-site facilities, the gate and its lock and the signs required by this Approval;
- (m) the amount of the cover material to ensure that sufficient daily cover is available at all times that the Site is in operation; and
- (n) presence of leachate seeps and landfill gas.

7.4 Any deficiencies discovered as a result of the inspections shall be remedied immediately.

7.5 An electronic or written record of the inspections shall be maintained and shall include the following:

- (a) the name and signature of person that conducted the inspection;
- (b) the date and time of the inspection;
- (c) the list of all deficiencies discovered during the inspections required by Condition 7.3;
- (d) the recommendations for remedial action to address the identified deficiencies; and
- (e) the date, time and description of the remedial actions taken.

Annual Report

7.6 A written report (the "Annual Report") on the development, operation and post-closure monitoring of the Site, shall be completed annually. The Annual Report shall be submitted to the District Manager, by June 30th of the year following the period being reported upon.

7.7 The Annual Report shall include, but not be limited to, the following information:

- (a) the results and an interpretive analysis of the results of all leachate, groundwater and surface water monitoring, including an assessment of the need to amend the monitoring programs;
- (b) an assessment of the operation and performance of all engineered facilities, the need to amend the design or operation of the Site, and the adequacy of and need to implement the contingency plans;
- (c) site plans showing the areas of landfilling operation during the reporting period; areas of intended for operation during the next reporting period; areas of excavation during the reporting period; the progress of final cover, vegetative cover, and any intermediate cover application; previously existing site facilities; facilities installed during the reporting period; and site preparations and facilities planned for installation during the next reporting period;
- (d) calculations of the volume of waste, daily and intermediate cover, and final cover deposited or placed at the Site during the reporting period and a calculation of the total

volume of Site capacity used during the reporting period;

(e) a calculation of the remaining capacity of the Site and an estimate of the remaining Site life;

(f) a summary of any complaints received and the responses made;

(g) a discussion of any operational problems encountered at the Site and corrective action taken;

(h) any changes, approved by the Ministry, to the Site's design, operation, monitoring or closure plans since the last annual report submission;

(i) a report on the status of all monitoring wells and a statement as to compliance with Reg. 903; and

(j) any other information with respect to the Site which the District Manager may require from time to time.

Design and Operations Manual (D&O Manual)

7.8 The Owner shall operate the Site in accordance with the D&O Manual in Item # 15 of Schedule "A" and ensure it is kept updated as required. The D&O Manual shall include, but not be limited to:

(a) approved landfill design including the footprint, final contours, capacity and an estimate of the amount of existing waste which is based on a site plan;

(b) an estimate of waste types and quantities to be landfilled at the site and recycling and resource recovering activities at the Site;

(c) location and description of the access road and the on-site roads at the Site;

(d) description and location of the fencing and the gate(s);

(e) screening of the Site from the public, both visual and the protection from the noise impact;

(f) details of the clean surface water drainage from the Site and any works required to prevent extraneous surface water from contacting the active working face;

(g) description of the fill method, the equipment used at the Site, the areas used for various fill methods of landfilling, and timelines for various phases of the Site

development;

(h) the operating hours of the Site and the hours for the various activities to be undertaken at the Site, including waste compaction, waste coverage and other activities within the Site;

(i) details on winter operations;

(j) the equipment used and the procedures used for waste deposition, spreading and covering;

(k) details on supervision and monitoring of the activities at the Site;

(l) details on handling of other wastes, including the types and amounts of wastes handled, storage locations, storage facility design/description and the frequency of removal from the Site;

(m) details on housekeeping practices undertaken to control noise, dust, litter, odour, rodents, insects and other disease vectors, scavenging birds or animals;

(n) details on the closure of the Site, including the description of the final cover and its estimated permeability, its thickness, the source of the final cover material, the thickness of the top soil and the vegetation proposed for the closed waste mound, as well as the time frame for the progressive waste coverage;

(o) monitoring program for surface water and ground water;

(p) site-specific trigger mechanism program for the implementation of the groundwater and surface water, contingency measures and a description of such measures;

(q) landfill gas control or management required at the Site;

(r) maintenance activities proposed for the Site and for the monitoring well network, including the type of the activities, the frequency of the activities and the personnel responsible for them;

(s) inspection activities proposed for the Site, including the frequency of the activities and the personnel responsible for them;

(t) details of training provided for the personnel responsible for the activities at the Site;

(u) contingency plans for the emergency situations that may occur at the Site;

(v) storm water management, including the location and the design of any works required; and

(w) any other information relevant to the design and operation of the Site or the information required by the District Manager.

7.9 The Owner shall and provide a current copy of the D&O Manual with any application to amend this Approval.

PART 8 - CLOSURE PLAN

8.1 At least three (3) years prior to the anticipated date of closure of the landfill at this Site or the date when 90 per cent of the total waste disposal volume is reached, whichever occurs first, the Owner shall submit to the Director for approval, with a copy to the District Manager, a detailed Site Closure Plan pertaining to the termination of the landfilling operations at the Site, post-closure inspection, maintenance and monitoring and the end use. The plan shall include, but not be limited to the following::

(a) a plan showing existing Site appearance after closure;

(b) a description of the approved end use for the Site;

(c) descriptions of the procedures for closure of the Site, including but not be limited to, the following:

(i) completion, inspection and maintenance of the final cover and landscaping;

(ii) site security during closure;

(iii) removal of unnecessary landfill-related structures, buildings and facilities; and

(iv) any necessary control, treatment, disposal and monitoring facilities for ground and surface water and for landfill gas.

(d) description of the procedures for post-closure care of the Site, including:

(i) operation, inspection and maintenance of the control, treatment, disposal and monitoring facilities for leachate,

groundwater, surface water and landfill gas;

(ii) record keeping and reporting; and

(iii) complaint contact and response procedures.

(e) an assessment of the adequacy of and need to implement the contingency plans; and

(f) an estimate of the contaminating life span of the Site, based on the results of the monitoring programs to-date.

8.2 The Site shall be closed in accordance with the closure plan as approved by the Director.

SCHEDULE "A"

This Schedule "A" forms part of Environmental Compliance Approval No. A340616:

1. Letter and amendment Application for Approval of a Waste Disposal Site, dated March 18, 1996, noting revisions to the landfill footprint and the purchase of additional land for buffering and attenuation.

2. Report entitled, "Unimin Canada Ltd., Nephton Landfill, Surface Water Monitoring Programme, Final Report", March 1996.

3. Report entitled, "Unimin Canada Ltd. , Nephton Waste Disposal Site Expansion, Provisional Certificate of Approval No. A 340616, Site Development Plan and Operations Report", April 1994 (includes "Appendix VII, Terraspec, Phase II: Hydrogeological Assessment Report", April 1994).

4. Letter from Unimin Canada Ltd. to the Ministry of the Environment, dated February 7, 1997, providing additional information on ground and surface water monitoring.

5. Letter from the Ministry of Natural Resources to Unimin Canada Ltd., dated December 20, 1996, providing agreement to the purchase of additional Crown land for site attenuation.

6. Letter from Unimin Canada Ltd. to the Ministry of the Environment, dated June 13, 1997, regarding lands to be purchased.

7. Adapted draft plan 45R, dated December 30, 1994, showing the leachate plume, the attenuation zone, the 30 metre buffer zone and the Landfill encroachment in Part 1, and

the site right-of-way in Part 2.

8. Letter from Unimin to the Ministry of the Environment, dated July 4, 1997, providing additional information on the Site including a table for surface and groundwater monitoring.

9. Letter from Unimin to the Ministry of the Environment, dated July 11, 1997, providing zoning information.

10. Letter from the Ministry of the Environment to the Clerk of Belmont-Methuen Township (now Havelock, Belmont and Methuen Township) regarding post closure monitoring of the Site.

11. Letter from Unimin to the Ministry of the Environment, dated November 18, 1997, with enclosed revised "Surface Waste and Groundwater Monitoring Schedule, revised November 18, 1997", providing additional post-closure monitoring requirements.

12. Letter from Unimin to the Ministry of the Environment, dated January 30, 1998 and attached letter from the Ministry of Municipal Affairs and Housing to the Township of Belmont and Methuen (now Havelock, Belmont and Methuen Township), providing information on zoning approval for the landfill expansion.

13. Letter from Unimin to the Ministry of the Environment, dated March 3, 1998, providing table "Surface Water and Groundwater Monitoring Schedule", revised March 3, 1998 referred to as Schedule "B" in this ECA.

14. Financial Assurance re-evaluation dated November 28, 2019, prepared by Cambium Inc, and submitted by Covia Canada Ltd.

15. Application for a Environmental Compliance Approval for a Waste Disposal Site dated January 22, 2020 signed by Douglas Losee, Vice President Environmental, Covia Canada Ltd. with all attached supporting information including, but not limited to:

- Report titled "Development and Operations Plan, Nephton Landfill, Covia Canada Ltd." Ref No.:8059-001. Prepared by Cambium, dated January 6, 2020.
- Report titled "Nephton Landfill Expansion Assessment and feasibility Report" Ref No.:8059-001. Prepared by Cambium, dated April 5, 2019.

- Letter from Gary Muloin, MECP to Michele Oxlade, Covia Corp. "Technical Support Section Comments - Groundwater, Covia Nephton Mine Landfill Expansion Assessment ECA# A340616". July 4, 2019.
- Letter from Gary Muloin, MECP to Michele Oxlade, Covia Corp. "Technical Support Section Comments - Surface Water, Covia Nephton Mine Landfill Expansion Assessment ECA# A340616" June 14, 2019.

16. Covia Canada Ltd. letter dated March 28, 2024 (via email), Subject: Covia Canada Ltd. - Nephton Landfill, ECA A340616 - Financial Assurance Re-evaluation including Financial Assurance re-evaluation dated January 29, 2021, revised on June 27, 2024 and July 8, 2024, prepared by Cambium Inc. and submitted by Covia Canada Ltd.

SCHEDULE "B"

This Schedule "B" forms part of Environmental Compliance Approval No. A340616:
ENVIRONMENTAL MONITORING PROGRAM

	Frequency	Sampling Locations	Parameters
Groundwater	Annually in the Spring (May) with an alternative sample in the Fall (Oct) of the same year if sample is unobtainable	N-MW20, N-TW4, N-MW12, N-MW6, plus the additional wells required under Condition 3.4	Column 1 of Schedule 5 of the Ministry's publication, Landfill standards: A guideline on the regulatory and approval requirements for new or expanding landfilling sites Guideline
Surface Water	Twice annually (Spring/May and Fall/October)	SW6, SW7, SW8	Column 3 of Schedule 5 of the Ministry's publication, Landfill standards: A guideline on the regulatory and approval requirements for new or expanding landfilling sites Guideline, plus the following: Calcium, Magnesium, Manganese, Potassium and Sodium

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

Condition 1.1 is to clarify that the previously issued Certificate of Approval No. A340616 issued on April 14, 2020 is no longer in effect and have been replaced and superseded

by the Terms and Conditions stated in this Approval.

Conditions 1.2, 1.3, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.14, 1.15, 1.18, 1.19, 1.20, 2.1, and 2.27, are to clarify the legal rights and responsibilities of the Owner and Operator under this Approval.

Conditions 1.4 and 1.5 are to ensure that the Site is designed, operated, monitored and maintained 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 1.12 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.

Condition 1.14 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.

Conditions 1.15 and 1.16 are to ensure that the successor is aware of its legal responsibilities.

Condition 1.17 is to ensure that appropriate Ministry staff has 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 Act, the OWRA, the PA, the NMA and the SDWA.

Condition 1.21 clarifies what information may be subject to the Freedom of Information Act.

Conditions 1.22, 1.23, 1.24, and 1.25 clarify that the Part II.1 Director is an individual with authority pursuant to Section 197 of the Environmental Protection Act to require registration on title and provide any person with an interest in property before dealing with the property in any way to give a copy of the Approval to any person who will acquire an interest in the property as a result of the dealing.

Conditions 1.26, 1.27, and 1.28 are to ensure that sufficient funds are available to the Ministry to close the landfill, and to carry out all expected post-closure care activities and any contingencies. Failure to include requirements for financial assurance would not be in the public interest and may result in a hazard or nuisance to the natural environment or any person.

Conditions 2.2, 2.3, 2.4, 2.5, and 2.6 2.7 are to state the operational requirements and approved area which waste may be accepted at the Site, the amounts and types of

waste that may be accepted, based on the application and the supporting documentation.

Condition 2.7 is to ensure that waste disposal remains within the approved limits.

Conditions 2.8, 2.9, 2.10, 2.11, 2.12, and 2.13 are included to ensure that the waste is covered with a suitable daily, interim and final cover material in a timely manner, to minimize the environmental impacts from the disposal of waste.

Conditions 2.14 and 2.15 are to ensure that the Site is operated in a manner which does not result in a hazard or nuisance to the natural environment or any person and to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed.

Condition 2.16, 2.17, 2.18, and 2.19 are to ensure that users of the Site are informed of the hours and services available as well as given contact information in the event of a complaint or emergency.

Conditions 2.20, 2.21, 2.22, and 2.23 are 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.

Condition 2.24 is to ensure that the landfill gas generated at the Site is managed in a safe and environmentally acceptable manner.

Condition 2.25 is to ensure that uncontrolled removal of material from waste at the Site is avoided. Scavenging of deposited waste can be detrimental to the public health and safety and cause damage to the natural environment.

Condition 2.26 is to decrease the potential for the spread of fire.

Condition 3.1 is to provide the groundwater and surface water limits to prevent water pollution at the Site

Conditions 3.2, 3.3, and 3.4 are included to require the Owner to demonstrate that the Site is performing as designed and the impacts on the natural environment are acceptable. Regular monitoring allows for the analysis of trends over time and ensures that there is an early warning of potential problems so that any necessary remedial/contingency action can be taken.

Condition 3.5 is added to ensure the Owner has a plan with an organized set of procedures for identifying and responding to potential issues relating to groundwater and surface water contamination at the Site's compliance point.

Conditions 3.6 and 3.7 are to ensure the integrity of the groundwater monitoring network so that accurate monitoring results are achieved and the natural environment is protected.

Conditions 3.8, 3.9, and 3.10 are to streamline the approval of the changes to the monitoring plan.

Conditions 4.1 and 4.2 are added 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.

Condition 5.1 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

Condition 6.1 is to ensure the Owner immediately responds to a spill.

Conditions 6.2, 6.3, 6.4, and 6.5 are to ensure that the Owner notifies the Ministry forthwith of any spills so that an appropriate response can be determined.

Conditions 7.1 and 7.2 are to ensure that accurate waste records are maintained to ensure compliance with the conditions in this Approval (such as fill rate, site capacity, record keeping, annual reporting), the EPA and its regulations.

Conditions 7.3, 7.4, and 7.5 are to ensure that the Site is operated, inspected and maintained in an environmentally acceptable manner and does not result in a hazard or nuisance to the natural environment or any person.

Conditions 7.6, and 7.7 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.

Conditions 7.8 and 7.9 are to outline the design and operation of the landfill that is acceptable to the Ministry and prevent impacts to the environment.

Conditions 8.1 and 8.2 are to ensure that final closure of the Site is completed in an aesthetically pleasing manner, in accordance with Ministry standards, and to ensure the long-term protection of the health and safety of the public and the environment.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A340616 issued on February 23, 2021

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 12th day of July, 2024

Mohsen Keyvani, P.Eng.
Director

appointed for the purposes of Part II.1 of the
Environmental Protection Act

AQ/

c: District Manager, MECP Peterborough

Michele Oxlade, Covia Canada Ltd./Covia Canada Ltée