

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 1667-CPWU3Z

Issue Date: April 12, 2023

117 Disco Road Inc.
117 Disco Rd
Toronto, Ontario
M9W 1M3

Site Location: 117 Disco Rd
Toronto, Ontario
M9W 1M3

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

a waste disposal site

to be used for the transfer of the following types of waste:

solid non-hazardous waste, limited to excess soils and soils containing construction and demolition debris

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

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

" Adverse Effect " as defined in the EPA;

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

"Company" and **" Owner"** means 117 Disco Road Inc., and includes its officers, employees, agents, contractors, successors and assigns in accordance with section 19 of the EPA;

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

"Debris" means solid non-hazardous material present in an incoming soil mixture that is not soil;

"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;

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

"District Manager" means the District Manager for the Toronto District Office of the Ministry;

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

"Excess Soil" is as defined in O. Regulation 406/19, and within the context of this Approval is the incoming non-hazardous Dry Soil and Dry Soil/Rock/Debris mixture accepted at the Site to be managed in accordance with this Approval and transferred from the Site in compliance with the requirements set out in O. Regulation 406/19;

"Excess Soil Standards" means Tables 1, 2.1 and 3.1 of the generic Excess Soil quality standards set out in Appendix 1 of Section A of the Soil Rules;

"Hazardous Waste" is as defined in Regulation 347;

"m³" means cubic metres;

"Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA 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" or **"O. Reg. 153/04"** means Ontario Regulation 153 (Records of Site Condition - Part XV.1 of the EPA), as amended;

"Operator" means any person, other than the Owner's employees, authorized by the Owner as having the charge, management or control of any aspect of the Site;

"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;

"Phase I ESA" means Phase I Environmental Site Assessment, as defined in O. Reg. 153/04, as amended;

"Phase II ESA" means Phase II Environmental Site Assessment, as defined in O. Reg. 153/04, as amended;

"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;

"Putrescible Waste" means organic waste that decomposes rapidly, such as food waste;

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

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

"Rejected Waste" means the incoming load inadvertently received at the Site and deemed by the Owner to be waste that does not meet the incoming Excess Soil quality criteria set out in this Approval;

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

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

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

"Similar Contaminants" within the context of this Approval mean Excess Soil loads containing contaminant(s) that exceed Table 1 of the Excess Soil Standards and that are identified to be within one or more of the same contaminant groups below:

- Group 1: Metals;
- Group 2: Organic compounds such as Petroleum Hydrocarbons (PHCs), Benzene, Toluene, Ethylbenzene and Xylene (BTEX), Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (sVOCs), Polycyclic Aromatic Hydrocarbons (PAHs), etc.;
- Group 3: Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR);

" Similar Contaminant Concentrations" within the context of this Approval mean

Excess Soil loads that are characterized to be within the same table of the Excess Soil Standards;

"Similar Soils" within context of this Approval mean the incoming Excess Soil tested to show that the soils have both:

1. Similar Contaminants (e.g., soil loads containing Group 1 contaminants shall only be mixed with soil loads containing Group 1 contaminants, soil loads containing Group 1 and 2 contaminants shall only be mixed with soil loads containing Group 1 and 2 contaminants, etc.); **AND**

2. Similar Contaminant Concentrations (e.g., characterized soil loads that meet Table 2.1 of the Excess Soil Standards shall only be mixed with other Table 2.1 soil loads, characterized soil loads that meet Table 3.1 of the Excess Soil Standards shall only be mixed with other Table 3.1 soil loads, etc.);

and comply with the Excess Soil criteria required for transfer from the Site to the same waste disposal site;

"Site" means the waste disposal site approved under this Approval, located at 117 Disco Rd, Toronto, Ontario;

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

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

"Soil Rules" has 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";

"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 location of origin of the non-hazardous Excess Soil which is received at the Site for temporary storage and transfer;

"Spill" is as defined in the EPA;

"TCLP" means Toxicity Characteristic Leaching Procedure as defined in Regulation 347; and

"Trained Personnel" means an employee trained in accordance with the requirements of Condition 18.3 and 18.4, and is knowledgeable through instruction and/or practice

and able to carry out any necessary duties;

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

Compliance

1.1 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.

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

Build, etc. in Accordance

1.3 (1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval received on March 24, 2022 and signed by Gordon Whalen, Vice President, 117 Disco Road Inc., and the supporting documentation listed in the attached Schedule "A".

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

(a) the date this Approval is issued; or

(b) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.

2. 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 1.3(1) above.

1.4 The Owner shall maintain a copy of each supporting document listed in Schedule "A" at the Site to be made available to any Provincial Officer upon request.

Interpretation

1.5 Where there is a conflict between a provision of any document, including the

application referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.

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

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

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

Other Legal Obligations

1.9 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; 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.

Adverse Effects

1.10 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.

1.11 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.

1.12 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.

Change of Owner

1.13 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.

1.14 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.

2.0 Other Approvals

2.1 All wastewater must be discharged in accordance with the OWRA and any applicable Municipal Sewer Use By-Law(s).

2.2 The Owner shall ensure that all equipment discharging to air operating at the Site are approved under Section 9 of the EPA.

3.0 Inspections by the Ministry

3.1 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.

4.0 Information and Record Retention

4.1 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 required to be kept by this Approval shall be provided to the Ministry, upon request. Records shall be retained for seven (7) years except as otherwise authorized in writing by the Director.

4.2 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.

5.0 Financial Assurance

5.1 No later than thirty (30) days from the date of issuance of this Approval, the Owner shall submit Financial Assurance, as defined in Section 131 of the EPA, in the amount of \$110,500 (CAN) to the Director. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis and transportation off-site of all permitted waste, Site clean-up, and the long-term monitoring and maintenance of the Site.

5.2 Commencing on March 31, 2028 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 5.1. 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 thirty (30) days of written acceptance of the re-evaluation by the Director.

5.3 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.

6.0 Waste Types and Service Area

6.1 The Site shall only receive solid, non-hazardous Excess Soil originating in the Province of Ontario. Excess Soil includes soil that contains PHCs, PAHs, metals, inorganics, VOCs, sVOCs, and/or contains construction & demolition Debris. No free-phase liquid (non-aqueous phase liquid), excluding water, shall be present in the Excess Soil.

6.2 The Owner shall ensure that Excess Soil that is classified as a hazardous waste, as defined in Regulation 347, is not received at the Site.

6.3 The Owner shall ensure that Excess Soil that meets Table 1 of the Excess Soil Standards is not received at the Site unless it contains significant quantities of Rock and/or Debris.

7.0 Waste Limits, Capacity and Handling

7.1 The amount of Excess Soil that may be received at the Site is limited to 2,000 tonnes per day.

7.2 The maximum amount of Excess Soil stored at the Site at any one time is limited to 2,000 tonnes.

7.3 In the event that the Site is at its approved waste storage capacity, the Owner shall cease accepting additional waste. Receipt of waste may be resumed when the quantity of waste at the Site complies with the waste storage limitations approved in this Approval.

7.4 All incoming soil shall be forthwith unloaded within designated building. Excess Soil shall not be stored outdoors in trucks.

7.5 In the event that the Excess Soil that is not approved under this Approval is inadvertently accepted at the Site, the Owner shall ensure that this Rejected Waste:

- a. is stored indoors and segregated from all other waste at the Site; and
- b. is immediately handled and removed from the Site in accordance with Regulation 347 and the EPA, and that a record is made in the daily log book of the reason why the Excess Soil was refused and the origin of the waste, if known.

8.0 Site Security and Signage

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

8.2 The Owner shall ensure that a sign readable twenty four (24) hours per day is posted at the entrance to the Site stating the following information:

- a. name of the Owner;
- b. this Approval number;
- c. normal hours of operation;
- d. telephone number to which complaints may be directed;
- e. twenty-four hour emergency telephone number (if different from above);
- f. a warning against unauthorized access; and
- g. a warning against dumping at the Site.

8.3 The Owner shall ensure that the Site is secured and that all entrances are secured by lockable gates to prevent unauthorized access when the Site is not open.

8.4 The Owner shall ensure that the Site is operated in a safe and secure manner, and that all waste is properly handled, contained, stored and labelled so as not to pose any threat to the general public and the Site personnel.

9.0 Hours of Operation

9.1 Excess Soil may be received, handled and transferred at the Site 24 hours per day, 7 days per week, unless otherwise restricted by municipal bylaws.

10.0 Waste Management Activities

10.1 The following waste management activities may be carried out at the Site:

- a. the receipt, temporary storage and transfer of Excess Soil; and
- b. the mixing, bulking and blending of Excess Soil.

10.2 Excess Soil shall not be accepted at the Site for direct transfer to a Reuse Site.

10.3 The Excess Soil intended for transfer at the Site:

- a. shall be transferred from the Site only to a Ministry approved waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction;
- b. shall not exceed the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or the other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction; and
- c. shall be subject to compliance with the applicable quality criteria and restrictions in O. Regulation 406/19.

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

11.0 Incoming Excess Soil Receipt

11.1 Prior to accepting any Excess Soil at the Site, the Owner shall acquire from the Source Site owner/generator, the documentation that contains information on the Source Site and the characterization information of the incoming Excess Soil.

11.2 The documentation from Condition 11.1 shall be reviewed and deemed acceptable by Trained Personnel.

11.3 The documentation required in Condition 11.1 shall include the following Source Site information:

- a. the generator's name and/or company name, address and contact information;
- b. the Source Site location;
- c. current Source Site's activities and land use;
- d. past Source Site's activities and land use, if known; and
- e. estimated quantity of the Excess Soil to be received at the Site from that Source Site.

11.4 The documentation required in Condition 11.1 shall be for the Excess Soil from each Source Site.

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

11.6 The documentation required in Condition 11.1 shall also include sampling and testing protocols, methods and analytical results to demonstrate that the Excess Soil is a solid non-hazardous waste. As a minimum, the characterization documentation shall include:

- 1. the results of any Phase I Environmental Site Assessment (ESA) and Phase II ESA

undertaken for the Source Site in accordance with the Ministry's requirements under O. Regulation 153/04; and

2. the following characterization results:

- a. slump from the Slump Test, if the Excess Soil has a high moisture content;
- b. characterization to demonstrate that the Excess Soil is a non-hazardous waste which was done in accordance with the following:
 - i. sampling and testing results to demonstrate that the Excess Soil 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 information contained in the general documentation required in Condition 11.1 and analyzed with methods in accordance with the Ministry-published methods and as recommended by the accredited laboratory service provider; and
 - ii. if included, sampling and testing results to demonstrate that the Excess Soil is suitable for acceptance at the intended waste disposal site, as required by the:
 - 1. intended waste disposal site's Environmental Compliance Approval; or
 - 2. as instructed by the owner of the intended waste disposal site IF the intended waste disposal site's Environmental Compliance Approval does not have criteria for acceptance.

11.7 All sampling/analytical documentation for the loads of Excess Soil entering the Site shall be reviewed by Trained Personnel prior to Excess Soil being accepted at the Site to ensure that the Excess Soil is of a type approved for acceptance under this

Approval.

11.8 (1) The Owner shall ensure all incoming loads are inspected by Trained Personnel to ensure only waste approved under this Approval is received at this Site, including the visual inspection of the incoming Excess Soil prior to unloading and during unloading.

(2) If any incoming waste load is known to, or is discovered to, contain unapproved waste, that load shall not be accepted at the Site.

(3) If any unapproved waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.

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

11.10 All Excess Soil receipt, unloading, temporary storage and loading shall be undertaken indoors within the designated building at the Site.

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

12.0 Storage Requirements

12.1 All Excess Soil shall be stored within the confines of the 4.5 m high x 15 m wide x 35 m long concrete storage bunker located indoors within the designated receiving and storage building in accordance with Schedule "A", with a minimum of two (2) separated compartments.

12.2 Notwithstanding Condition 12.1, additional compartments may be added to the storage bunker via solid separators (concrete, brick, block or other ridged material able to contain excess soil in place) to allow for the segregation of soils, provided that a minimum total storage volume of 1,400 cubic metres is maintained within the bunkers.

12.3 Excess Soil loads shall be segregated via separated compartments in the storage bunker by:

- i. Source Site, if the soil quality is consistent across the Source Site; or
- ii. Similar Soils, if the soil quality is known.

12.4 The quality of a mixture of Excess Soil loads from different Source Sites, where each soil load forming a part of the mixture has accompanying analytical data, shall be deemed to be the quality based on the maximum concentration of each contaminant present in any of the soil loads that form part of the mixture.

12.5 At no time shall any Excess Soil be mixed with any soil if the principal purpose of

the mixing is to reduce contaminant concentrations in the Excess Soil.

12.6 Any Excess Soil load that does not have accompanying test data to determine the soil quality shall be kept segregated from all other soil at the Site via separated compartments in the storage bunker for:

- a. transfer off-site for final disposal or further processing at a Ministry approved waste disposal site; or
- b. until the Owner has:
 - i. conducted sampling in accordance with the sampling/testing protocols set out in Condition 14.0 and the testing criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or the other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction; and
 - ii. confirmed the soil quality via the analytical results from the testing in Condition 12.6(b)(i) prior to any mixing in accordance with Conditions 12.3 and 12.4.
 - iii.

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

- a. soil quality;
- b. whether the bunker contains a mixture of Similar Soils;
- c. the Source Site(s) of the soil in the bunker; and
- d. the intended waste disposal site that the soil will be hauled to.

13.0 Outgoing Excess Soil Criteria

13.1 For Excess Soil destined for final disposal at a non-hazardous waste landfill site, the Owner shall ensure that the Excess Soil has been tested for the parameters required to verify that the incoming Excess Soil is a non-hazardous waste, including the relevant parameters set out in Schedule 4 entitled "Leachate Quality Criteria" of Regulation 347.

13.2 For Excess Soil destined for transfer to an approved waste disposal site, the Owner shall ensure that the Excess Soil has been adequately tested to demonstrate compliance with the criteria set out in the Environmental Compliance Approval issued by the Ministry for the receiving waste disposal site or the other site approved to accept

such waste by an appropriate government agency of equivalent jurisdiction.

13.3 Any incoming Excess Soil that requires further testing by Conditions 13.1 and 13.2 shall be carried out in accordance with the sampling/testing protocols set out in Condition 14.0.

14.0 General Requirements for Characterization

14.1 For any sampling of the Excess Soil required based on the requirements of the receiving waste disposal site, the Owner shall ensure that the soils are tested using 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

14.2 For testing of the Excess 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 Excess Soil in accordance with the Ministry's document entitled "Principles of Sampling and Analysis of Waste for TCLP under Reg. 347", as amended;
- c. for determination if Excess Soil is a solid or a liquid, use the Slump Test;
- d. to demonstrate that the Excess 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
- e. submit samples to an accredited laboratory service provider no later than instructed for the required analysis.

15.0 Site Inspections

15.1 The Owner shall maintain at the Site a comprehensive written Inspection Program which includes procedures for inspections of all aspects of the Site's operations including the following:

- a. Excess Soil and any other waste loading/unloading/storage/handling areas;
- b. condition of all major pieces of the Equipment;
- c. condition of all instruments for monitoring required under this Approval;
- d. presence of excessive fugitive dust emissions from the operation of the Site;
- e. presence of on and off-site litter; and
- f. presence of off-site odours.

15.2 The Inspection Program required in Condition 15.1 shall be up-dated, as required, shall be retained at the Site and be made available for inspection by a Provincial Officer, upon request.

15.3 The inspections described in the Inspections Program noted in Condition 15.1 shall be undertaken daily by Trained Personnel in accordance with the inspection program 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.

16.0 Housekeeping and Nuisance Impact Control

16.1 The Owner shall implement necessary housekeeping procedures to eliminate potential sources of attraction for vermin and vectors.

Dust

16.2 The Owner shall implement best management practices to minimize the generation of dust such that it does not result in an off-site nuisance.

16.3 To prevent dust impacts off-Site and mud-track out onto public roads, the Owner shall ensure that all on-site roads are wetted with potable water and cleaned via street sweepers on an as-needed basis.

16.4 If at any time dust becomes a nuisance, the Owner shall develop a dust control plan, satisfactory to the District Manager, which shall detail all practical steps that the Owner shall implement to control dust at the Site.

Litter

16.5 The Owner shall pick up the litter at the Site, as required to prevent its escape from the Site.

Vehicles and Traffic

16.6 The Owner shall ensure that vehicles leaving the Site do not drag waste onto the public roadways.

16.7 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.

16.8 The Company 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.

17.0 Complaints Response Procedure

17.1 A designated representative of the Owner shall be available to receive public complaints caused by the operations at the Site twenty-four (24) hours per day, seven (7) days per week.

17.2 If at any time, the Owner receives a complaint regarding the operation of the Site, the Owner shall respond to the complaint 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 the wind direction and other weather conditions, the name, address and the telephone number of the complainant, if available, and the time and date of the complaint;
- b. the Owner, upon notification 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 notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. Notification shall include a description of what actions, if any, were taken to identify and remediate the cause of the complaint, the name(s) of Owner personnel responsible for handling the incident and a description of the measures taken to prevent a similar occurrence in the future.
- d.

18.0 Operations Manual and Staff Training

Operations Manual

18.1 The Owner shall maintain an Operations Manual for the Site. As a minimum, the Operations Manual must contain the following:

- a. outline of the responsibilities of the Site personnel;
- b. personnel training protocols;
- c. Site operating procedures including but not limited to Excess Soil and soil amendment receiving, unloading/loading, screening, handling and storage procedures
- d. sampling, testing, monitoring and recording procedures as required by this Approval;
- e. required data recording procedures;
- f. emergency response procedures including an outline of the responsibilities of Site personnel including roles and responsibilities during emergency situations, exit locations and evacuation routing, and locations of relevant Equipment available for handling of the emergency situations;
- g. the contingency plans for the Site;
- h. Equipment and Site inspection procedures, as required by this Approval;
- i. nuisance impact control & housekeeping procedures, as required by this Approval; and
- j. the procedures for handling and recording complaints as described in this Approval.

18.2 A copy of this Operations Manual shall be kept at the Site, shall be accessible to Site personnel at all times and shall be updated as required.

Training

18.3 Site employees shall be trained with respect to the following:

- a. operation and management of the Site, or area(s) within the Site, as per the specific job requirements of each individual employee in accordance with the Operations Manual required by Condition 18.1, above;
- b. terms and conditions of this Approval, relevant to the specific job requirements of each individual employee in accordance with the Operations Manual required by Condition 18.1, above;
- c. environmental, and occupational health and safety concerns pertaining to the

wastes to be handled;

- d. emergency first-aid information and the use of the Equipment and materials outlined in the Emergency Response Plan;
- e. relevant waste management legislation and regulations, including the EPA and Regulation 347; and
- f. for those employees involved in the sampling/testing of Excess Soil, sampling/testing protocols required for the characterization of the incoming the Excess Soil.

18.4 The Owner shall ensure that all employees at the Site are trained in the requirements of this Approval relevant to the employee's position:

- a. upon commencing employment at the Site in a particular position; and
- b. whenever items listed in Condition 18.3. are changed or during planned refresher training.

18.5 All activities approved under this Approval shall only be carried out by the Trained Personnel.

19.0 Contingency Plan:

19.1 The Owner shall maintain an up-to date Contingency Plan for the Site. The Contingency Plan shall be revised, as required, in consultation with the District Manager. The Contingency Plan, as a minimum must include the following:

- a. procedures and actions to be taken should the incoming Excess Soil not meet the quality criteria set out in this Approval;
- b. procedures and actions to be taken should the outgoing Excess Soil destined for transfer off-Site not meet the quality criteria set out in the receiving waste disposal site's Environmental Compliance Approval;
- c. procedures and actions to be taken should the temporary storage of the Excess Soil or of any other waste at the Site result in occurrence of complaints;
- d. procedures and actions to be taken should the receipt of any incoming Excess Soil be likely to cause the storage limits for the Site to be exceeded, including ceasing the receipt of all Excess Soil at the Site until sufficient material can be moved off-site and reporting to the District Manager in the event that such contingency measures need to be implemented;
- e. procedures and actions to be taken should the occurrence of complaints require the Owner to implement additional environmental impact control measures; and

- f. procedures and actions to be taken should the occurrence of complaints require the Owner to suspend the Excess Soil handling activities at the Site.

19.2 An up-to-date version of the Contingency Plan shall be kept at the Site, in a central location known and available to all Site personnel. A copy shall be made available to Ministry staff upon request.

19.3 The Contingency Plan shall be reviewed on an annual basis and updated, if necessary. Revised versions of the Contingency Plan shall be provided to the District Manager upon request.

20.0 Emergency Situations Response and Reporting:

20.1 The Owner shall maintain an up-to date Emergency Response Plan for the Site. The Emergency Response Plan shall be revised, as required, in consultation with the District Manager. The Owner shall also invite the local municipality and the local Fire Department to provide input and/or comments into revisions of the Emergency Response Plan. The Emergency Response Plan, as a minimum must include the following:

- a. emergency response procedures to be undertaken in the event of a spill, process upset, power failure, fire or any other emergency situation, including specific clean up methods for wastes expected to be generated from the emergency situation;
- b. a list of Equipment and clean up materials available for dealing with the emergency situations and their locations on the Site plan;
- c. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the Site, the Ministry's District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response;

20.2 The Owner shall immediately take all necessary measures, as set out in the Emergency Response Plan, to handle the emergency situations occurring at the Site.

20.3 The Owner shall ensure that the Equipment and materials outlined in the Emergency Response Plan are immediately available at the Site at all times and are in a good state of repair and fully operational.

20.4 The Owner shall ensure that all Site employees are fully trained in the use of the Equipment and materials outlined in the Emergency Response Plan, and in the procedures to be employed in the event of an emergency.

20.5 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.

20.6 Should a Spill occur at the Site, in addition to fulfilling the requirements from the EPA, the Owner shall submit to the District Manager a written report within three (3) calendar days outlining the nature of the Spill, remedial measure taken and the measures taken to prevent future occurrences at the Site.

21.0 Record Keeping

Daily Activities

21.1 The Owner shall maintain a written or digital record of daily activities undertaken at the Site. All measurements shall be recorded in consistent metric units of measurement. The record shall include, as a minimum, the following information:

- a. date of receipt and the name of the original Excess Soil generator, Source Site location, land/use of the Source Site, and the quantity (tonnage and number of trucks) of the Excess Soil received;
- b. results of the required characterization of the incoming Excess Soil;
- c. the Excess Soil mixing/bulking/blending activities undertaken at the Site;
- d. date, quantity, type, quality (including the analytical data from any compliance testing) and the destination of the Excess Soil destined for transfer off-site;
- e. date, quantity, type, quality (including the analytical data from any compliance testing, if applicable) and the destination of the Rejected Waste transferred off-site and the reason for rejection;
- f. a running total of the amount of Excess Soil at the Site, and its characterization results, if characterization has been completed;
- g. copies of the signed confirmations for each of the receiving sites and the confirmation of the credentials for the Qualified Person, as applicable;
- h. the date when each new preventative measure or operating procedure to minimize emissions to the atmosphere is implemented, including a description of the preventative measure or operating procedure; and
- i. the date, time of commencement, and time of completion of housekeeping and other periodic activities conducted to minimize emissions to the atmosphere, including a description of the preventative measure/procedure and the name of the individual performing the activity.

Emergency Situations

21.2 The Owner shall maintain a written or digital record of the emergency situations. The record shall include, as a minimum, the following:

- a. the type of an emergency situation;
- b. description of how the emergency situation was handled;
- c. the type and amount of material spilled, if applicable;
- d. a description of how the spilled material was cleaned up and waste stored, if generated; and
- e. the location and time of final disposal, if applicable.

Inspections and Maintenance

21.3 The Owner shall maintain a written or digital record of inspections and maintenance as required by Condition 15.0. The record shall include, as a minimum, 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 any deficiencies discovered;
- d. the recommendations for remedial action;
- e. the date, time and description of actions taken; and
- f. all records on the maintenance, repair and inspection of the Equipment.

Training

21.4 The Owner shall maintain a written or digital record of training as required by Conditions 18.3 and 18.4. The record shall include, as a minimum, the following:

- a. date of training;
- b. name and signature of person who has been trained; and
- c. description of the training provided.

Sampling & Testing Records

21.5 The Owner shall establish and maintain a written or digital record of all sampling and testing activities at the Site as required by Conditions 13.0 and 14.0 above. This record shall include, as a minimum, the following information:

- a. Excess Soil type sampled, 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.

Complaints Response Records

21.6 The Owner shall establish and maintain a written or digital record of all complaints and the responses as required by Condition 17.0 above.

22.0 Annual Report:

22.1 By March 31st following the end of each operating year, the Owner shall prepare an Annual Report, in a format acceptable to the District Manager, summarizing the operation of the Site covering the previous calendar year. This Annual Report shall be maintained on-site for a minimum of seven (7) years from the date of creation, to be made available to the Ministry upon request, and shall include as a minimum the following information:

- a. annual amount of Excess Soil received at the Site;
- b. a summary of the amount of Excess Soil transferred from the Site and their final destinations;
- c. a summary describing any Rejected Waste including quantity, type, reasons for rejection, its origin and its final destination;
- d. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site or identified during the Site inspections and any mitigative actions taken;
- e. details of any implementation of the Contingency Plan;
- f. any changes to the Emergency Response Plan, the Operations Manual or the Closure Plan that have been approved by the Director or the District Manager since the last Annual Report;
- g. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
- h. a summary of any complaints received and the responses made, as required by

this Approval;

- i. a descriptive summary of any spills, incidents or other emergency situations which have occurred at this Site, any remedial measures taken, and the measures taken to prevent future occurrences; and
- j. an annual summary of any deficiencies, items of non-compliance or process aberrations that occurred at this Site and any remedial/mitigative action taken to correct them.

22.2 The Owner shall keep a copy of the latest Annual Report at the Site at all times.

23.0 Additional District Manager Notification:

23.1 The District Manager shall be notified in writing of the receipt of Rejected Waste within four (4) business days of its receipt. The following information shall be included in the notification to the District Manager:

- a. quantity and type of the Rejected Waste;
- b. source of the Rejected Waste, if known;
- c. reason for the rejection;
- d. final destination of the Rejected Waste; and
- e. date of receipt and time and date of removal from the Site.

23.2 Should the Owner become aware that a vehicle delivering Excess Soil 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.

24.0 Site Closure:

24.1 The Owner shall submit, for approval by the Director, a written Closure Plan for the Site at least nine (9) months prior to closure of the Site. This Closure Plan shall include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.

24.2 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 "A"

This Schedule "A" forms part of this Approval.

1. Environmental Compliance Approval application dated March 9, 2022 and received on March 24, 2022, signed by Gordon Whalen, Vice President, 117 Disco Road Inc.,

including all supporting documentation.

2. Email dated March 23, 2023 from John Nicholson, P.Eng., Environmental Business Consultants, to Nick Zambito, P.Eng., Ministry, with additional information on the site, including the revised Design and Operations Report dated March 2022.

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

1. Conditions 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 4.1 and 4.2 are included to clarify the legal rights and responsibilities of the Owner.

2. Condition 1.3 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.

3. Condition 1.13 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.

4. Condition 1.14 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.

5. Conditions 2.0, 12.0, 18.1 and 18.2 are included to ensure that waste handling and storage are undertaken in done in a way which does not result in an adverse environmental effect or a hazard to the environment or any person and 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.

6. Condition 3.0 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.

7. Condition 5.0 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.

8. Conditions 6.0, 7.0, and 10.0 are included to specify the approved Waste types, the approved receiving and storage limits, waste management activities and the service area from which the Waste may be accepted at the Site based on the Owner's application and supporting documentation.

9. Condition 8.0 is included to ensure that the Site's users, operators and the public are fully aware of important information and restrictions related to the operation of the Site.

Condition 8.0 is also included to ensure that the Site is sufficiently secured to prevent unauthorized access when the Site is closed.

10. Condition 9.0 is included to specify the hours of operation for the Site.

11. Conditions 11.0 are included to ensure that only the approved Waste types are accepted and handled/processed at the Site.

12. Condition 13.0 is included to allowable end-uses for the Excess Soil and to identify the soil quality criteria that must be met before the Excess Soil can be removed off-site for final disposal or further processing at an approved waste disposal site.

13. Condition 14.0 is included to that sampling and testing of Excess Soil is carried out in accordance with prescribed standards and accepted practice.

14. Condition 15.0 is included to require the Site to be inspected thoroughly and on a regular basis to ensure that the operations at the Site are undertaken in a manner which does not result in an adverse environmental effect or a hazard to the health and safety of the environment or any person.

15. Condition 16.0 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.

16. Condition 17.0 is included to require the Owner to appropriately respond to any environmental complaints resulting from the waste management operations at the Site.

17. Conditions 18.3, 18.4 and 18.5 are 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.

18. Conditions 19.0 and 20.0 are included to ensure that the Owner is prepared and properly equipped to take action in the event of an emergency situation and to require further spill notification to the Ministry in addition to the requirements already listed in Part X of the *EPA*.

19. Conditions 21.0 and 22.0 are included to ensure that detailed records of Site activities, inspections, monitoring and upsets are recorded and maintained for inspection and information purposes.

20. Condition 23.0 is included to ensure that the District Manager is notified in the event of waste rejection or spills.

21. Condition 24.0 is included to ensure that final closure of the Site is completed in accordance with Ministry's standards.

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land Tribunal and in accordance with Section 47 of the *Environmental Bill of Rights*, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

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

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

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

This Notice must be served upon:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

and

The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment, Conservation
and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.gov.on.ca**

This instrument is subject to Section 38 of the *Environmental Bill of Rights*, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

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

DATED AT TORONTO this 12th day of April, 2023

Mohsen Keyvani, P.Eng.

Director

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

NZ/

c: District Manager, MECP Toronto - District

John Nicholson P. Eng., Environmental Business Consultants