

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7442-6YTJTD

Issue Date: January 21, 2024

The Recycling Depot GP Inc. as general partner for and on behalf of The Recycling Depot LP
5090 Commerce Boulevard, Suite 200
Mississauga, Ontario
L4W 5M4

Site Location: 156 Disco Road
156 Disco Rd Survey Address- Lot 26,27 Concession 4 Part 1 and Part 1 RP64R8875 & RP66R1733
Toronto City,
M9W 1M4

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 (transfer/processing) serving the Province of Ontario, to be used for the transfer and processing of the following types of waste:

solid non-hazardous waste limited to institutional, commercial and industrial sources and the addition of a picking station all in accordance with Item 7 of Schedule "A".

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

"Adverse Effect" as defined in the EPA;

"Approval" means this entire Environmental Compliance Approval document issued in accordance with section 20.3 of the EPA, and includes any schedules to it, the application and the 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 V 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;

"excess soil" means soil, or mixed with rock, that has been excavated as part of a project and removed from the project area for the project as defined in O.Regulation 406/19;

"Inert Fill" as defined in the EPA;

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

"Operator" means 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 and includes 1869773 Ontario Inc, its successors or assigns;

"Owner" means means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and includes The Recycling Depot GP Inc., and its successors and assigns;

"OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O-40, as amended from time to time;

"O. Regulation 406/19" means Ontario Regulation 406/19: ON-SITE AND EXCESS SOIL MANAGEMENT made under the EPA, as amended;

"PA" means the Pesticides Act, R.S.O. 1990, c. P-11, as amend from time to time;

"Permit" means a fill permit issued for the receiving site under a municipal by-law enacted under section 142 of the Municipal Act, S.O. 2001, c.25, as amended, or a development permit for the receiving site granted under a Regulation made pursuant to section 28 of the Conservation Authorities Act, R.S.O. 1990. c. C.27, as amended;

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

"Phase II ESA" means Phase II Environmental Site Assessment, as defined in Regulation 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 PA;

"Qualified Person" means a person who meets the qualifications to be a qualified person for conducting a phase one and a phase two environmental site assessment and for completing certifications in a record of site condition, as set out in Section 5 of Regulation 153/04 made under the EPA;

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

"Reg. 347" and "Regulation 347" means Ontario Regulation 347, R.R.O. 1990, made under the EPA, as amended from time to time;

"Regulation 153/04" means Ontario Regulation 153 (Records of Site Condition - Part XV.1 of the EPA), as amended;

"Residual Waste" means waste that is destined for final disposal;

"RSC" means the record of site condition;

"Site" means the entire waste processing and transfer site, located at 156 Disco Rd, Toronto, Ontario as approved by this Approval;

"Soil" means, except for the purposes of shallow soil property as defined in Section 43.1 (in Regulation 154/04), unconsolidated naturally occurring mineral particles and other naturally occurring material resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes that are smaller than 2 millimetres in size or that pass the US #10 sieve as defined in Regulation 153/04;

"Soil-Like Waste" means wastes with physical attributes similar to soil and including but not limited to foundry sands, slag, emission control dusts or treatment residues;

"Soil Standards" means the standards in the Standards Document;

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

"Table 2 Soil Standards" means the full depth generic site condition standards for non-potable ground water site conditions for industrial/commercial/community property use listed in Table 2 of the Standards Document;

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

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

- i.. relevant waste management legislation, regulations and guidelines;
- ii. major environmental concerns pertaining to the waste to be handled;
- iii. occupational health and safety concerns pertaining to the processes and wastes to be handled;
- iv. management procedures including the use and operation of equipment for the processes and wastes to be handled;
- v. emergency response procedures;
- vi. specific written procedures for the control of nuisance conditions;
- vii. specific written procedures for refusal of unacceptable waste loads;

viii. the requirements of this Approval.

"Waste" means pre-processed waste, processed waste, residual waste and recyclable material that is allowed to be received, transfer and processed in accordance with this Approval and Reg. 347.

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

TERMS AND CONDITIONS

GENERAL

1.0 Compliance

- 1.1. 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.
- 1.2. Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

2.0 Build, etc. in Accordance

- 2.1.
 - a. Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Approval, dated May 23, 2013, and all supporting documentation listed in Schedule "A".
 - b. Use of the Site for any other type of waste, or other waste management activity, is not permitted under this Approval, and requires obtaining an amendment to this Approval.
 - c. Applications to amend this Approval shall include submission of a revised Design and Operations Report.

3.0 Interpretation

- 3.1. Where there is a conflict between a provision of any document, including the application, referred to in this Approval, and the conditions of this Approval, the conditions in this Approval shall take precedence.
- 3.2. 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.
- 3.3. 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.

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

4.0 Other Legal Obligations

- 4.1. The issuance of, and compliance with the conditions of, this Approval does not:
- a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
 - 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.

5.0 Adverse Effects

- 5.1. The Owner and Operator shall take steps to minimize and ameliorate immediately 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.
- 5.2. 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.

6.0 Change of Owner

- 6.1. 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:
- a. the ownership of the Site;
 - b. the Operator of the Site;
 - c. the address of the Owner or Operator;
 - 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 shall be included in the notification; and
 - 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-39 shall be included in the notification.

- 6.2. No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance and sufficient financial assurance is deposited with the Ministry to ensure that these conditions will be carried out. In the event of any change in Ownership of the Site, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director.

7.0 Financial Assurance

- 7.1. a. No later than 20 days from the date of issuance of this Approval, the Owner shall submit additional Financial Assurance, as defined in Section 131 of the EPA, to the Director such that the amount held by the Ministry is \$188,722.60. This Financial Assurance shall be in a form acceptable to the Director, and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on-Site at any one time.
- b. Commencing on January 6, 2028 and every 5 years thereafter, the Owner shall provide to the Director a re-evaluation of the amount of the Financial Assurance to facilitate the actions required under Condition 7.1(a). 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 alternative measures required by the Director upon review of the annual reports. The Financial Assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director;
- c. 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.

8.0 Inspections

- 8.1. No person shall hinder or obstruct a Provincial Officer in the performance of their duties, including any and all inspections authorized by the OWRA, the EPA or the PA of any place to which this Approval relates, and without limiting the foregoing to:
- a. enter upon the premises where the Site are located, or the location where the records required by the conditions of this Approval are kept;
- b. have access to, inspect, and copy any records required by the conditions of this Approval;
- c. inspect the practices, procedures, or operations required by the terms conditions of this Approval; and
- d. sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the OWRA or the PA.

9.0 Information and Record Retention

- 9.1. Any information requested, by the Ministry, 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. Records shall be retained for 5 years except for as otherwise authorized in writing by the Director.
- 9.2. 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.

OPERATION and MAINTENANCE

10.0 Operation

- 10.1.
 - a. The Site shall be operated and maintained at all time including management and disposal of all waste in accordance with the EPA, Reg. 347 and the conditions of this Approval.
 - b. At no time shall the discharge of a contaminant that causes or is likely to cause an adverse effect be permitted.
- 10.2. The Owner shall ensure that the Site is operated in a safe manner, and that all waste is properly received, processed, and contained so as not to pose any threat or nuisance to the general public and site personnel.
- 10.3. The Owner shall manage all direct discharges from this Site in accordance with appropriate Municipal, Provincial and/or Federal Legislation, Regulations and By-laws.

11.0 Maintenance

- 11.1.
 - a. Prior to receiving any waste at the Site, and on an ongoing basis, the Owner shall complete, install, and maintain all doors for the transfer and processing facility.
 - b. The doors to the transfer and processing facility shall remain closed between loads during low-frequency receiving periods.
 - c. The Owner shall ensure that the building exterior is maintained at all times.
 - d. The tipping floor shall be cleaned and disinfected as necessary and recorded in the daily log.

12.0 Vermin, etc.

- 12.1.
 - a. The Owner shall ensure that all on-site driveways and parking areas are managed to prevent the excessive generation of dust.

- b. The Site shall be operated and maintained such that vermin, vectors, dust, litter, odour, noise and traffic do not create an adverse effect.
- 12.2. The Owner shall implement an odour control program including an overhead spray odour suppression system in the waste storage and processing facility prior to receiving any waste on site. The system shall consist of a unit which is able to spray an odour suppressant over all processing and storage areas within the facility. No waste shall be received at this Site until the system has been implemented.
- 12.3 In the event that vermin or vectors become a nuisance at the Site, the Owner shall retain the services of a qualified pest control company to implement a pest control program at the Site.

13.0 Waste Type

- 13.1. The Owner and Operator shall ensure that the Site receives only solid, non-hazardous waste from residential, institutional, commercial and industrial sources limited to:
- a. waste generated from construction and demolition activities including, but not limited to, wood, concrete, drywall, steel/metal, cardboard, plastic, glass, shingles, insulation and styrofoam, received either as source separated, single stream waste or co-mingled waste;
 - b. inert waste including, but not limited to, concrete, brick, asphalt;
 - c. Soil from residential sites, brownfield sites, underground storage tank removal sites etc.;
 - d. industrial process waste that is soil-like including, but not limited to, foundry sands, slag, emission control dusts, treatment residues;
 - e. dewatered sediment from dredging operations;
 - f. finished compost that does not meet the Ministry's Ontario Compost Quality Standards as a Category AA, A or B compost;
 - g. municipal Blue Box recyclable waste.
- 13.2.
- a. The Owner and Operator shall ensure that the Site does not accept any putrescible waste with the exception of an incidental amount of putrescible waste that may not be separated out of the waste stream. If a load of waste containing an incidental amount of putrescible waste is received at the Site, it shall be removed from the Site as soon as possible and not stored longer than twenty-four (24) hours on-site.
 - b. The Owner and Operator shall ensure that the Site does not accept any liquid waste including any waste which can not meet the requirements of Schedule 9 of Regulation 347 - "Test Method for the Determination of 'Liquid Waste'".
 - c. The Owner and Operator shall ensure that the Site does not accept any hazardous waste as defined by Regulation 347.
 - d. The Owner and Operator shall ensure that the Site does not accept any organic waste, or waste which is odourous, or can become odourous.

14.0 Waste Limits and Storage

- 14.1. a. No more than 4,000 tonnes of waste per day shall be accepted at the Site;
- b. No more than 4,000 tonnes of waste shall be stored or be present on-site at any time. If for any reason waste cannot be transferred from the Site, the Site must cease accepting waste;
- c. No more than 999 tonnes of waste shall be transferred from the Site for final disposal per day, based on an annualized average; and
- d. No more than 4,000 tonnes of soil shall be transferred from the Site per day, based on an annualized average.
- 14.2. The Owner and Operator shall ensure that waste storage is done in the following manner:
- a. waste storage piles are not more than 1.2 metres in height for wood waste and not more than 6 metres in height for all other types of waste;
- b. the waste storage piles are separated by a minimum distance of 3 metres between piles and 1 metre between the exterior building walls and the piles;
- c. the waste storage piles shall be arranged such that there is a 3 metre separation aisle running the length of the building or other equivalent configuration which offers easy access to all waste storage piles in the event of a fire; and
- d. no waste shall be stored outdoors, other than brick, block and concrete stored in the designated inert material storage area shown in Item 13 in Schedule "A" which shall be tarped during high wind conditions. Enclosed trailers or covered/tarped roll off bins of waste destined for transfer off site may be temporarily staged outside for no greater than 48 hours in the event of inclement weather, mechanical issues or similar operational upset only.

15.0 Service Area

- 15.1. The Owner and Operator shall ensure that only waste that is generated within the Province of Ontario is accepted at the Site.

16.0 Hours of Operation

- 16.1. Waste may be received at the Site 24 hours per day, 7 days per week, unless otherwise restricted by municipal by-laws.
- 16.2. With the prior written approval of the District Manager, the time periods may be extended to accommodate seasonal or unusual quantities of waste.

17.0 Site Security

- 17.1. The Site shall be operated and maintained in a secure manner, such that unauthorized persons cannot enter the Site.

18.0 Waste Inspection

- 18.1. a. 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.
 - b. If any incoming waste load is known to, or is discovered to, contain unapproved waste, that load shall not be accepted at the Site.
 - c. If any unapproved waste is discovered on-site, that waste shall be immediately disposed of in accordance with the EPA and Reg. 347.
 - d. The refusal shall be documented in the daily log book required by Condition 29.1.
 - e. The Owner and Operator shall ensure that incoming Waste remains separated until it is determined that it is acceptable for receipt at the Site under the terms of this Approval.
- 18.2. In the event that a load of waste is refused, a record shall be made in the daily log book (or electronic log) of the reason the waste was refused and the origin of the waste, if known.

19.0 Site Inspection

- 19.1. An inspection of the entire Site and all equipment on the Site shall be conducted each day the Site is in operation to ensure that: the Site is secure; that the operation of the Site is not causing any nuisances; that the operation of the Site is not causing any adverse effects on the environment and that the Site is being operated in compliance with this Approval. Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the Site if needed.
- 19.2. A record of all inspections shall be kept in the daily log book (or electronic log) that includes the following information:
- a. the name and signature of person that conducted the inspection;
 - b. the date and time of the inspection;
 - c. a list of any deficiencies discovered;
 - d. any recommendations for remedial action; and
 - e. the date, time and description of actions taken.

20.0 Training Plan

- 20.1. A training plan shall be developed and maintained for all employees that operate the Site. Only trained personnel may operate the Site or carry out any activity required under this Approval.
- 20.2. The Owner shall ensure that trained personnel are available at all times during the hours of operation of this Site. Trained personnel shall supervise all transfer or processing of waste at the Site.

21.0 Complaint Response

- 21.1. 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. record and number each complaint, either electronically or in a separate log book, and shall include the following information;
 - b. the nature of the complaint,
 - c. if complaint is odour or nuisance related, the weather conditions and wind direction at the time of the complaint;
 - d. the name, address and the telephone number of the complainant (if provided) and the time and date of the complaint;
 - e. the Owner, upon notification of the complaint, shall take appropriate steps to determine all possible causes of the complaint, and take all action necessary to eliminate the cause of the complaint and forward a formal reply to the complainant within 48 hours; and
 - f. the Owner shall complete and retain on-site a report with a copy given to the District Manager 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 avoid the recurrence of similar incidents; and
 - g. In the event that complaints are received as a result of the waste stored on Site, the Owner shall identify and remove sufficient quantities of waste to mitigate off site impacts.

22.0 Emergency Response Plan

- 22.1 The Owner shall promptly take all necessary steps to contain and clean up any spills or upsets which result from this operation.
- 22.2 All spills, as defined in the EPA, shall be immediately reported to the Ministry's Spill Action Centre at 1-800-268-6060 and shall be recorded in a written log or an electronic file format, as to the nature of the spill or upset, and action taken for clean-up, correction and prevention of future occurrences.
- 22.3 Within 60 days of the date of issuance of this Approval, the Owner shall prepare an emergency response plan for the Site to be retained on-site. The Plan shall include, but is not limited to:
- a. emergency response procedures to be undertaken in the event of a spill, process upset, fire, explosion or other incident;
 - b. a list of contingency equipment (e.g. fire suppression equipment, spill clean up kits, etc.) available in the event of a spill, process upset, fire, explosion or other incident;
 - c. a list of names and telephone numbers of resources available for emergency response; and

- d. a notification protocol with names and telephone numbers of persons to be contacted, including company personnel, the Ministry's Spills Action Centre and District Office, the local Municipality and Fire Department and local medical resources.
- 22.4 A copy of the emergency response plan shall be kept in a prominent, central location available to staff at all times.
- 22.5 The Owner shall ensure that:
- a. the equipment and materials outlined in the emergency response plan are in a good state of repair, fully operational and immediately available; and
 - b. all staff are fully trained in the equipment and materials' use and in the procedures to be employed in the event of an emergency.
- 22.6 The Owner shall review the emergency response plan on an annual basis and ensure that, as a minimum, the contact names and numbers required by Condition 22.3(c) are up-to-date.
- 22.7 The Owner shall have in place a written contingency plan which specifies, as a minimum, the procedures to be followed in the event of a labour disruption, transportation disruption, inability of receiving sites to accept waste or other business disruption to the operation.

23.0 Closure Plan

- 23.1.
- a. Six (6) months prior to the planned closure of this Site, the Owner shall provide to the Director, for written approval, a written Closure Plan for the Site. This plan must 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;
 - b. The Owner shall implement the Closure Plan, after it has been approved, in writing, by the Director.
- 23.2. Within 10 days after closure of the Site, the Owner shall submit a written report, confirming that the Site has been closed in accordance with the approved plan, and shall request that the Approval be revoked.

24.0 Design and Operations Report

- 24.1. The Design and Operations Report shall be retained at the Site; kept up to date through periodic revisions; and be available for inspection by Ministry staff. Changes to the Design and Operations Report shall be submitted to the Director for approval.

25.0 Signs

- 25.1. The Owner and Operator shall ensure that a sign is posted and maintained at the main entrance/exit to the Site displaying in a manner that is clear, legible and contains the following information:
- a. the name of the Owner;
 - b. the number of this Approval;
 - c. the name of the Operator;
 - d. a 24 hour telephone number that can be used to reach the Owner and Operator in the event of an emergency or compliant.

26.0 Incoming/Outgoing Waste

- 26.1. All activities related to the loading/unloading, processing, transfer and storage of waste shall be conducted indoors at all times.
- 26.2. During the unloading/loading of waste materials, all vehicles shall be positioned such that the waste and waste material are unloaded/loaded within the confines of the building.

27.0 Processing

- 27.1. a. Waste management approved to be carried out at the Site is limited to processing: screening and sorting of waste excluding Soil, transfer of waste from the Site, and Soil bulking, mixing or blending, all as described in Schedule "A" which forms part of this Approval.
- b. Soil bulking, mixing or blending shall be carried out as follows:
- i. only Soils with characteristics that comply with the quality criteria required for the same re-use site set out in Condition 31.8. may be mixed, bulked or blended;
 - ii. at no time shall any Soil be mixed with any other Soil or material if the principal purpose of the mixing is to reduce contaminant concentrations in the Soil;
 - iii. Soil may be mixed with soil-like material, if soil-like material is an Inert Fill; and
 - iv. at no time shall any Soil be mixed with any other waste.
- c. The Owner and Operator shall prepare and retain at the Site, a written justification for the bulking, mixing or blending of Soil including confirmation that the bulking, mixing or blending will not affect the ability of that the Soil to be used as fill at the proposed receiving site.
- 27.2. No scavenging of waste is permitted at the Site.
- 27.3. No burning or incineration of materials is permitted at the Site.

28.0 Labelling

28.1. All waste storage containers and areas at the Site, shall have a label or sign with the following information: tank number (if applicable), volume, waste class(es), waste characteristic (such as WHMIS and TDGA classification if applicable) and any other appropriate warnings. The label or sign shall be clearly visible for inspection and record keeping.

29.0 Daily Log Book (or electronic log)

29.1. A daily log shall be maintained and shall include the following information:

- a. date;
- b. types (class and primary characteristic), quantities and source of waste received;
- c. quantity of unprocessed, processed and residual waste on the Site;
- d. quantities and destination of each type of waste shipped from the Site;
- e. a record of daily inspections required by this Approval;
- f. a record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill, the time and date of the spill or process upset, and for spills, the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA;
- g. a record of any waste refusals which shall include; amounts, reasons for refusal and actions taken;
- h. a continuous running total of the waste entering the facility and this shall be balanced with waste leaving the facility for recycling and disposal; and
- i. the signature of the trained personnel conducting the inspection and completing the report.

30.0 Annual Report

30.1. By March 31, 2008 and on an annual basis thereafter, a written report shall be prepared for the previous calendar year ("Annual Report"). The Annual Report shall be retained on Site with a copy submitted to the District Manager on March 31 of each year. The report shall include, at a minimum, the following information:

- a. a detailed monthly summary of the type and quantity of all incoming and outgoing wastes and the destination of all outgoing wastes;
- b. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site and during the facility inspections and any mitigative actions taken;
- c. any changes to the Emergency Response (Contingency) Plans;
- d. any changes to the Design and Operations Report that have been approved by the Director since the last Annual Report; and
- e. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard.

31.0 Waste Receiving

31.1. No excess soil load shall be received at the Site without the following information:

- (1) For all soil loads, the following:
 - a. the generator's name and/or company name, address and contact information;
 - b. the location of the source site;
 - c. current source site activities and land use;
 - d. past source site activities and land use, if known; and
 - e. the estimated quantity of excess soil in the soil load as well as the total amount expected to be received at the Site from that source site.
- (2) For solid soil loads to be transferred directly from the Site to another location for beneficial reuse in accordance with O. Reg. 406/19:
 - a. all sampling protocols, testing protocols and characterization results determined in accordance with the requirements set out in O. Reg. 406/19 and the Soil Rules.
- (3) For solid soil loads to be transferred directly from the Site to another location for purposes other than beneficial reuse in accordance with O. Reg. 406/19, including to a waste disposal site approved to manage that waste:
 1. the results of any Phase I ESA and Phase II ESA undertaken for the source site in accordance with the Ministry's requirements under O. Regulation 153/04; or
 2. the following characterization results:
 - a. results of the Slump Test carried out in accordance with Schedule 9 of Reg. 347 if the excess soil has a high moisture content; and
 - b. characterization to demonstrate that the excess soil is non-hazardous waste, including as a minimum the results of TCLP analysis.

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

31.3. The Owner and Operator shall assign a unique tracking number to waste received under each contract with the waste generator as described in Item 10 of Schedule "A".

31.4. The Owner and Operator shall ensure that all written records for each load of Soil or soil-like waste, including but not limited to Soil Profile Sheets, Qualified Person statements, analytical results and receiving site written confirmations, and any other documentation required by this Approval, are retained at the Site for a minimum of five (5) years from the date of their creation, and are made available to a Provincial Officer upon request.

32.0 Soil Sampling, Analysis and Reuse

32.1. Sample the incoming Dry Soil from the same Source Site;

- i. within twenty four (24) hours from its receipt, or on the next business day, whichever comes first; or
- ii. when receiving Dry Soil over several days, within twenty four (24) hours from last load receipt, or on the next business day, whichever comes first.

32.2 Sample the Processed Soil from the same Source Site within twenty four (24) hours from completion of processing or on the next business day, whichever comes first.

32.3. Dewatered soil, mixed soil described in Condition 13.1(e) and 27.1 (a),(b) above, or any other soil that does not have accompanying test data, shall not leave the Site for reuse unless it has been sampled and analysed in accordance with the following:

- (1) The Owner shall ensure that the number of samples collected for each stockpile is in accordance with Table 2 of Schedule E in Ontario Regulation 153/04.
- (2) 1. The Owner shall ensure that discrete samples are taken and analysed for:
 - i. Metals;
 - ii. PHCs;
 - iii. BTEX;
 - iv. VOCs;
 - iv. PAHs;
 - v. ABNs.
2. The Owner may take composite samples of SVOCs with the Henry's Law constant less than 1×10^{-5} atmosphere m^3/mol and/or vapour pressure less than 0.05 mm Hg.
3. If the Excess Soil has a high moisture content, slump shall be determined to confirm the Excess Soil is a solid in accordance with Schedule 9 in Reg 347. ("Slump test").
4. The Owner shall ensure that any additional sampling and analysis specific to the receiving site shall be carried out as required by the local municipality, the

local conservation authority and any applicable federal/provincial legislation.

5. Should the receiving site be subject to the requirements set out in O. Regulation 153/04, the Owner shall ensure that any additional sampling and analysis specific to the receiving site shall be carried out as recommended by the Qualified Person for the receiving site.

- (3)
 1. When determining bulk concentrations of contaminants in the processed soil to verify compliance with the Soil Standards, the testing shall be in compliance with the “Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act”, dated July 1, 2011, as amended and in accordance with the industry standards.
 2. The Owner shall submit the samples to an accredited laboratory for the required analysis. All samples shall be handled in accordance with the instructions of the accredited laboratory carrying out the analytical testing.

32.4. Excess soil to be sent off-site for beneficial reuse as described Section 5(1)3 in Ontario Regulation 406/19 shall only be sent off-site for reuse in accordance with Section 3 of Ontario Regulation 406/19 and the Soil Rules. All other excess soil shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.

32.5. Rock (having a same meaning as in Ontario Regulation 406/19) or debris that does not meet the definition of inert fill set out in Reg. 347 shall only be transferred off-site to a waste disposal site that is approved to accept that type of material in accordance with the Environmental Compliance Approval for that site, or to a location not required to obtain an Environmental Compliance Approval to manage that material.

33.0 Other Legal Obligations

- 33.1. The Owner and Operator shall ensure that all Soil that contains waste debris or a soil-like waste that is not an Inert Fill, is transferred to:
 - a. a waste disposal site approved to accept that type of waste to be further processed, used or disposed off in accordance with the Environmental Compliance Approval for that site; or
 - b. a location not required to obtain an Environmental Compliance Approval but having an appropriate jurisdictional approval or a license, if required.

Schedule "A"

This Schedule "A" forms part of this Approval:

1. An Application for an Approval (formerly Provisional Certificate of Approval) for a Waste Disposal Site signed by Mr. Colin Rutledge, Owner, dated August 11, 2006.
2. Report entitled "Design and Operations Report, Application for an Approval (formerly Provisional Certificate of Approval) for a Waste Disposal Site, 156 Disco Road, Toronto, Ontario" dated October 2006, prepared by Conestoga-Rovers & Associates (CRA).
3. Email dated January 4, 2007 to Richard Saunders (MOE) from Fred Taylor (CRA) regarding details and changes of the operations, an updated financial assurance and updated report entitled "Design and Operations Report: Amendment No. 1, Application for an Approval (formerly Provisional Certificate of Approval) for a Waste Disposal Site, 156 Disco Road, Toronto, Ontario" dated January 2007, prepared by Conestoga-Rovers & Associates (CRA).
4. Letter dated February 2, 2007 to Richard Saunders (MOE) from Fred Taylor (CRA) regarding City's Fire Department comments, and emergency response plan.
5. Email dated February 16, 2007 to Richard Saunders (MOE) from Fred Taylor (CRA) regarding the reduction of storage capacity to 900 tonnes and responses to the District Office comments.
6. Email dated February 27, 2007 to Richard Saunders (MOE) from Fred Taylor (CRA) regarding updated financial assurance based on a maximum storage capacity of 900 tonnes.
7. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated November 11, 2008 and signed by Colin Rutledge, Owner, 2069458 Ontario Limited, and all supporting information submitted including the Design and Operations Report Amendment No. 2 submitted by Conestoga-Rovers & Associates dated November 26, 2008 and signed by Fred K. Taylor, P.Eng.
8. Memorandum dated October 26, 2010, prepared by Fred K. Taylor, Conestoga-Rovers & Associates on behalf of 2069458 Ontario Limited/Superior Waste Recovery, to Director, MOE, providing financial assurance verification.
9. Environmental Compliance Approval application, signed by Sid Jelinek, dated May 23, 2013.
10. Design and Operations Report, Amendment No. 4, dated May 2013.
11. Letter dated January 14, 2014 to Sanja Jankovic, MOECC, from Sid Jelinek, President, 1869773 Ontario Inc., responding to a non-compliance stub for the review of the Financial Assurance.
12. Environmental Compliance Approval application dated May 13, 2022 signed by George Kirchmair, P.Eng., Vice-President, Environmental Services, including all supporting documentation.

13. Letter dated December 9, 2022 from George Kirchmair, P.Eng., Vice-President, Environmental Services, to Andrew Neill, P.Eng., MECP, with a revised site plan and additional information on waste storage and nuisance abatement.

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

1. The reason for Conditions 1.1, 1.2, 3.1, 3.2, 3.3, 3.4, 4.1, 5.1 and 5.2 are to clarify the legal right and responsibilities of the Owner and Operator.
2. The reasons for Conditions 2.1, and 24.1 are to ensure that the Site is 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. The reasons for Condition 6.1 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.
4. The reasons for Condition 6.2 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.
5. The reason for Condition 7.1, is 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.
6. The reason for Condition 8.1 is to ensure that appropriate Ministry staff have 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 EPA and OWRA.
7. Conditions 9.1, 9.2 and 31.3 are to ensure the appropriate records are prepared and maintained at the Site.
8. The reason for Conditions 10.1, 10.2, 10.3, 11.1, 12.1, 12.2, 19.1, 22.0, 26.1, 26.2 and 28.1 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.
9. The reasons for Conditions 13.1, 13.2, 14.1, 14.2 and 15.1 are to specify the approved service area from which waste may be accepted at the Site, the types of waste that may be accepted at the Site, the amounts of waste that may be stored on Site, the maximum rate at which the Site may receive waste and the height limits of the waste piles based on the Owner's application and supporting documentation.

10. The reasons for Conditions 16.1 and 16.2 are to specify the hours of operation for the Site and a mechanism for amendment of the hours of operation, as required.
11. The reasons for Condition 17.1 is to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no site attendant is on duty.
12. The reason for Conditions 18.1, and 18.2 are to ensure that all wastes are properly classified to ensure that they are managed, processed and disposed in accordance with O. Reg. 347, R.R.O. 1990 and in a manner that protects the health and safety of people and the public.
13. The reason for Condition 19.2 is to ensure that detailed records of Site inspections are recorded and maintained for inspection and information purposes.
14. The reason for Conditions 20.1 and 20.2 are 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.
15. The reason for Condition 21.1 is to ensure that any complaints regarding Site operations at the Site are responded to in a timely manner.
16. The reasons for Condition 18.0 is to ensure that a Spill Prevention, Emergency Response and Fire Safety Plan is developed and maintained at the Site and that staff are properly trained in the operation of the equipment used at the Site and emergency response procedures.
17. The reasons for Conditions 23.1 and 23.2 are to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.
18. The reason for Condition 25.1 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations and access under this Approval.
19. The reason for Conditions 27.1, 27.2 and 27.3 is to identify the processes approved and prohibited under this Approval.
20. The reasons for Condition 29.1 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.
21. The reasons for Condition 30.1 is 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.

22. The reason for Conditions 31.1, 31.2 and 31.4 is to ensure that all excess soil loads received at the facility have appropriate accompanying documentation.
23. The reason for Condition 31.3. is included to ensure that Soil received at the Site and transferred off-Site can be tracked from the point of origin to its final destination.
24. The reason for Condition 32.0 is included to set out the testing requirements when the Owner is required to carry out testing at the Site to characterize the incoming or outgoing Waste for its compatibility with the proposed off-Site destination.
25. Condition 33.0. is included to specify the allowable destinations for the soil-like waste considered by the Director.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).
7442-6YTJTD issued on February 13, 2022**

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.

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

and

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

and

The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks

M5G 1E5
OLT.Registrar@ontario.ca

M7A 2J3

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 21st day of January, 2024



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

AN/

c: District Manager, MECP Toronto - District
George Kirchmair P. Eng., York1 Environmental Ltd.