

Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19,
sections 168.6 (CPU) and 197 (Order)

Certificate of property use number **4718-D4ZJ92**

Risk assessment number **0168-AZ9P99**

Owner: The Corporation of the Town of Penetanguishene
10 Robert Street West, P.O. Box 5009
Penetanguishene, Ontario
L9M 2G2

Site: 111 Robert Street West,
Penetanguishene, Ontario

with a legal description as follows:

Parts 1, 2, 3, 4, 5, and 6, Plan 51R-41487

Being all of Property Identifier Nos. ("PINs") 58432-0260 (LT), 58432-0263 (LT), and 58432-0135 (LT), and part of PINs 58432-0261 (LT), 58432-0262 (LT), and 58432-0216 (LT).

All as outlined on the Registered Plan 51R-41487, a copy of which is attached hereto in Schedule "B".

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:

a. Installing/maintaining any equipment	Yes
b. Monitoring any contaminant	Yes
c. Refraining from constructing any building specified	Yes
d. Refraining from using the Property for any use specified	Yes
e. Other: Preparing and implementing a soil, ground water, and sediment management plan and health and safety plan for the Property.	Yes
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

- a. The soil, ground water, and sediment management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils, Impacted Ground Water or Impacted Sediment for as long as the Contaminants of Concern are present on the Property.
- b. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

“Act” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19.

“Active SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of one or more electrical fan powered vents drawing air from below the Building.

“Adverse Effect” has the same meaning as in the Act; namely,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

“Building” means an enclosed structure occupying an area greater than ten square metres consisting of a wall or walls, roof and floor.

“Building Area” means the area of the Building requiring a soil vapour mitigation system under Item 4.2.7 or 4.2.8 of the CPU.

“Building Code” means the Ontario Regulation 332/12; ‘Building Code’, made under the *Building Code Act*, 1992, S.O. 1992, c.23.

“Competent Person” has the same meaning as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1

“Contaminant” has the same meaning as in the Act; namely, any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” and “COC” has the meaning as set out in Item 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number **4718-D4ZJ92**.

“Director” means the undersigned Director, or any other person appointed as a Director for the purpose of issuing a certificate of property use.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28.

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 1 “Full Depth Background Site Condition Standards”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Ground Water Standards for All Types of Property Uses within **Table 1 “Full Depth Background Site Condition Standards”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for All Types of Property Use.

“Impacted Sediment” means sediment in which one or more Contaminants are present at concentrations greater than the Sediment Standards for All Types of Property Uses for sediments within **Table 1 “Full Depth Background Site Condition Standards”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil, sediment or ground water, which may disturb or expose Contaminants of Concern at the Property.

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28 and who has obtained the appropriate education and training and has demonstrated experience and expertise in the areas related to the work required to be carried out in this CPU.

“Ministry” means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04, “Record of Site Condition – Part XV.1 of the Act” made under the Act.

“O. Reg. 406/19” means Ontario Regulation 406/19, “On-Site and Excess Soil Management” made under the Act.

“Owner” means the owner(s) of the Property, or part of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any subsequent registered or beneficial owner(s) of the Property.

“OWRA” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

“Passive SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of natural forces or one or more wind turbines, or solar powered wind turbine operated vents drawing air from below the Building.

“Property” means the property that is the subject of the CPU and described in the “Site” section on page 1 above.

“Property Management Oversight” means management, on an ongoing basis, of all structural, mechanical, electrical, ventilation and other Building and Property services that relate to the requirements for the Property as set out in Part 4 of the CPU including oversight of operation, inspection, monitoring, maintenance and repair activities, and of operational and reserve funding for these activities, by a property manager or management company engaged by the Owner or, in the case of collective ownership, by an authorized representative or representatives of the collective ownership of the Building and Property, such as a condominium board.

“Property Specific Standards” or “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Item 3.2 of the CPU and are the same standards specified in the Risk Assessment.

“Provincial Officer” means a person who is designated as a provincial officer for the purposes of the Act.

“Qualified Person” means a person who meets the qualifications prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

- a. Holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, or
- b. Holds a certificate of registration under the *Professional Geoscientists Act, 2000*, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

“Risk Assessment” means the Risk Assessment number **0168-AZ9P99** accepted by the Director on April 11, 2024 and set out in the following documents and information/correspondence:

- The report entitled “Town of Penetanguishene, Risk Assessment Pre-Submission Form, 111 Robert Street West, Penetanguishene, Ontario” by EXP Services Inc. (“EXP”) dated May 23, 2018;
- The report entitled “111 Robert Street West, Penetanguishene, ON, Risk Assessment” by EXP dated March 13, 2020;
- The report entitled “111 Robert Street West, Penetanguishene, ON, Risk Assessment” – Addendum 1 by EXP dated January 19, 2022;
- The report entitled “111 Robert Street West, Penetanguishene, ON, Risk Assessment” – Addendum 2 by EXP dated August 31, 2022;

- The report entitled “111 Robert Street West, Penetanguishene, ON, Risk Assessment” – Addendum 3 by EXP dated October 27, 2023;
- The report entitled “111 Robert Street West, Penetanguishene, ON, Risk Assessment” – Addendum 4 by EXP dated February 28, 2024; and
- The letter report entitled “Risk Assessment Addendum 5, 111 Robert Street West, Penetanguishene, Ontario (RA1688-18e; IDS No. 0168-AZ9P99)” by EXP dated March 28, 2024.

“Risk Management Measures” or “RMM” means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

“Storage Garage” has the same meaning as in the Building Code.

“SVIMS” means soil vapour intrusion mitigation system.

“Tribunal” has the same meaning as in the Act; namely, the Ontario Land Tribunal.

“Unimpacted Soil” means soil in which Contaminants are present at concentrations less than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 1 “Full Depth Background Site Condition Standards”** of the **Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act** published by the Ministry and dated April 15, 2011 for coarse textured soil.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
 - a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6(1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
 1. Take any action that is specified in the certificate and that, in the Director’s opinion,

- is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended mixed use of the property as “Residential”, “Parkland”, and “Commercial” Property Use, as defined in O. Reg. 153/04. The Property was historically used as parkland and for industrial purposes including rail lines/spurs, a sawmill, and a historic waste disposal site. At the time of acceptance of the Risk Assessment, the Site was devoid of permanent structures with the eastern portion of the Site being used as parkland (a recreational park, dog park and associated trails) and the western portion of the Site being vacant. At the time of issuance of the CPU, there were no specific redevelopment plans for the Site.
- 3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils, ground water, and sediment within **Table 1 “Full Depth Background Site Condition Standards”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.
- 3.3 The following Schedules form part of this CPU:

Schedule A – Property Specific Standards

- Table 1-1: Recommended Property Specific Standards in Soil
- Table 1-2: Recommended Property Specific Standards in Groundwater
- Table 1-3: Recommended Property Specific Standards in Sediment

Schedule B – Figures

- Registered Plan 51R-41487 deposited March 29, 2018
- Figure J.1 “Soil Cover System Engineering RMM Details” by EXP dated March 2020
- Figure J.2 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020
- Figure J.3 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020
- Figure J.4 “Above Grade Details for Active and Passive System” by EXP dated March 2020
- Figure J.5 “Soil Vapour Barrier Membrane Engineering RMM Details (Storage Garage)” by EXP dated March 2020
- Figure J.6 “Conceptual Development Plan” by EXP dated October 2023
- Figure J.7 “Ground Water Monitoring Plan” by EXP dated August 2022.

Schedule C – Tables

- Table J-3: Indoor Air Quality Criteria
- Table 7-5: Sediment Criteria
- Table 7-6: Surface Water Criteria
- Table 7-7: Groundwater Monitoring Trigger Value

Schedule D – Certificate of Requirement

- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.
- 3.5 The Risk Assessment indicates the presence of Contaminants of Concern in soil, ground water, and sediment which requires on-going restrictions on land use and pathway elimination. As such, it is necessary to restrict the use of the Property, impose building restrictions, and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in Items 4.8 and 4.9 of this CPU.

Part 4: Director Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner to do or cause to be done the following:

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures. The performance objectives of the Risk Management Measures are as follows:
- block soil, ground water and sediment exposure pathways for human receptors and ecological receptors
 - block soil and ground water vapour pathways for new buildings to be developed at the Site; and
 - establish inspection and monitoring programs to evaluate the effectiveness of the Risk Management Measures.

4.2.1 CAPPING ("Cap")

The Property shall be covered by a physical barrier where there is less than 1.0 m of Unimpacted Soils between the final developed grade and Impacted Soils.

The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence barrier as specified below:

4.2.1.1 Fill Cap - A clean soil cap shall consist of a minimum of 1.0 m of Unimpacted Soils immediately on top of a geotextile material. The material above the Impacted Soil may also include up to 0.5 m of non-soil surface treatment such as asphalt, concrete, concrete pavers, stone pavers, brick, aggregate or other suitable material, all as illustrated in Figure J.1 "Soil Cover System Engineering RMM Details" by EXP dated March 2020 in Schedule "B".

For any plants that are to be planted within, or near, Impacted Soils with root structures that would typically extend to depths greater than 1.0 m, the minimum Fill Cap thickness shall be 1.5 m with consideration for a thicker cap being dependent upon plant type (i.e. specific root system) and landscape specifications. For deep rooting plants requiring a minimum Fill Cap thickness off 1.5 m, the lateral extent of the Fill Cap shall also be a minimum of 0.5 m surrounding the root ball. The final thickness of the cap surrounding the root system for deeper rooted vegetation shall be determined by an arborist in consultation with the Qualified Person and shall consist of Unimpacted Soils overlaying a geotextile marker layer as illustrated in Figure J.1 "Soil Cover System Engineering RMM Details" by EXP dated March 2020 in Schedule "B".

Alternatively, landscaping can be planted in concrete boxes or similar planting container containing growth media or Unimpacted Soils on top of the Cap.

4.2.1.2 Hard Cap - For areas that are not under structures or Buildings, a hard cap shall consist of at least 75 mm of hard surface consisting of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth underlain by at least 150 mm of Granular "A" or other suitable material, all as illustrated in Figure J.1 "Soil Cover System Engineering RMM Details" by EXP dated March 2020 in Schedule "B".

4.2.1.3 Upon issuance of the CPU, for portion(s) of the Property, under re-development or not in use and not Capped, these areas shall have a temporary physical barrier consisting of a fence barrier that will prevent the general public from accessing that part of the Property. The use of fencing shall also include a dust control plan to prevent any Impacted Soil from impacting the adjacent properties. In addition,

erosion control barriers such as silt fencing or retaining walls shall be installed adjacent to any surface water feature and/or the Copeland Creek Provincially Significant Wetland until such time that the final Cap has been installed.

- 4.2.1.4 For naturalized areas as identified in Figure J.6 “Conceptual Development Plan” by EXP dated October 2023 in Schedule ‘B’, no Cap is required, however, a non-disruptive risk management measure is to be applied by maintaining the existing vegetation and ecological communities and including a fence barrier and signage to prohibit entry by unauthorized personnel to the on-Site drainage ditches and the Copeland Creek Provincially Significant Wetland (“Copeland Creek PSW”). The fence barrier is also to be installed in order to provide a 30 m setback from the Copeland Creek PSW.

4.2.2 INSPECTION AND MAINTENANCE PROGRAM

- 4.2.2.1 Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- i. procedures and timing for implementing the program;
- ii. semi-annual inspections (spring and fall) of the Cap;
- iii. noting any deficiencies in the barrier observed during the inspections, or at any other time;
- iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the barrier has been properly repaired;
- v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; and
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- a) delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier;

and

- b) updated and delivered to the Owner within 30 days following making any alteration to the program; and

4.2.2.2 Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the barrier showing its design and vertical and lateral extent;

and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

4.2.2.3 Prior to initiating any Intrusive Activities, prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.2.3 BUILDING RESTRICTIONS

No enclosed structures shall be constructed on the Property unless the building is equipped with a vapour mitigation system as per Item No. 4.2.7 "Soil Vapour Intrusion

Mitigation System (SVIMS) – PASSIVE SVIMS” and/or Item No. 4.2.8 “BUILDING WITH STORAGE GARAGE” of the CPU that covers the entire footprint of the Building.

4.2.4 LAND USE RESTRICTIONS

No vegetable gardens or other gardens to grow edible produce shall be installed at the Property unless placed within a planting container or equivalent structure (i.e. raised beds) isolating the garden from subsurface conditions.

4.2.5 SOIL, GROUND WATER AND SEDIMENT MANAGEMENT PLAN

Upon issuance of the CPU, prior to initiating any Intrusive Activities, prepare and implement a written soil management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil, sediment or soil brought to the Property, and, if any, ground water from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
 - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
 1. is to be used as capping soil,
 2. meets the standards; or
 3. exceeds the standards;
 - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
 1. used as capping soil at the Property;
 2. otherwise used as fill at the Property;
 3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
 4. removed from the Property for off-site use as fill or disposal; and
 - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
 1. reflect the distinctions described in parts (c) i and ii; and
 2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
 3. have been bermed or fenced, as appropriate, to restrict access by persons; and

4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water, ground water, and any water from dewatering at the Property to prevent the movement of Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments including sewer use by-laws, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for pre-treatment of discharges, if needed; and
 - e. measures to manage any activities that may involve the excavation and/or redistribution of Impacted Sediment at the Property to prevent the movement of Contaminants of Concern within and away from the Property including measures to limit erosion and migration of Impacted Sediment; and
 - f. recording, in writing, the soil, sediment, storm water and/or ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
 - i. dates and duration of the Intrusive Activities being undertaken;
 - ii. weather and site conditions during the Intrusive Activities;
 - iii. the location and depth of excavation activities, and dewatering activities, if any;
 - iv. dust control and soil tracking control measures;
 - v. characterization results for excavated soil/sediment and any soil/sediment removed from the Property, and for any water from dewatering;
 - vi. characterization results for any soil brought to the Property;
 - vii. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
 - viii. management activities for any ground water from dewatering;
 - ix. management activities for any sediment dewatering;
 - x. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
 - xi. names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
 - xii. any complaints received relating to the Intrusive Activities, including the soil, sediment, storm water and any ground water management activities;

and which is,

- a) delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- b) updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.2.6 HEALTH AND SAFETY PLAN

Upon issuance of the CPU, in addition to any requirements under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment; and
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations/trenches or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate; and
- d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property; and
- e. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident; and
- f. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

1. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
2. updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.2.7 SOIL VAPOUR INTRUSION MITIGATION SYSTEM (SVIMS) – PASSIVE SVIMS

In accordance with Item 4.2.3 of the CPU, if SVIMS RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a soil vapour mitigation system designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to

the Director prior to implementation, including as-built drawings.

A conceptual design of a generic vapour control system is illustrated in the following figures:

- Figure J.2 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020
- Figure J.3 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020
- Figure J.4 “Above Grade Details for Active and Passive System” by EXP dated March 2020

4.2.7.1 DESIGN, INSTALLATION AND OPERATION

Design, install and operate a SVIMS for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the SVIMS:

4.2.7.1.1 SYSTEM REQUIREMENTS

The Passive SVIMS is to:

- i. be designed, installed and operated with the objective of achieving during all seasons a lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
- ii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, including making provision to readily allow installation and operation of an electrical powered fan on each vent riser, with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area, and making provision for an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and
- iii. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998, to prevent potential depressurization induced back drafting and spillage of combustion products from vented combustion appliances that may be in the Building, in the event conversion to operation as an Active SVIMS is necessary.

4.2.7.1.2 SUB-SLAB FOUNDATION LAYER

Throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Contaminants of Concern, designed by a Licensed Professional Engineer for the Building constructor in consultation with the Licensed Professional Engineer for the SVIMS.

4.2.7.1.3 SOIL VAPOUR VENTING LAYER

Throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:

- i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;

or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls such as the Cupolex system or equivalent, which provides similar or greater air permeability and collection and venting efficiency; and
- ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and
- iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table.

4.2.7.1.4 SOIL VAPOUR BARRIER MEMBRANE

Throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

- i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially

impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and

- ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer; and

4.2.7.1.5 VENT RISERS

Vent risers must be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:

- i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
- ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting; and
- iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and
- iv. a wind turbine or solar powered wind turbine on each vent risers for a Passive SVIMS.

4.2.7.1.6 MONITORING DEVICES

Monitoring devices must be installed below the foundation floor slab across the Building Area to measure the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licensed Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation.

4.2.7.1.7 LABELING OF EQUIPMENT

Equipment for the SVIMS must be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building.

4.2.7.1.8 UTILITY SEALING

Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

- a. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and
- b. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building.

4.2.7.1.9 QUALITY ASSURANCE / QUALITY CONTROL

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the SVIMS is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer; and
- ii. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer; and
- iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
 1. daily inspection reports noting any deficiencies and corrective actions taken; and
 2. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results; and
 3. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations; and
 4. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and
 5. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable

protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage; and

- iv. noting any deficiencies in the materials or installation of the SVIMS; and
- v. ensuring the prompt repair of any deficiencies, to the design specifications; and
- vi. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- a) delivered to the Owner before installation of the SVIMS begins; and
- b) updated and delivered to the Owner within 30 days of making any alteration to the program.

4.2.7.1.10 AS CONSTRUCTED PLANS

Prepare as constructed plans of the SVIMS, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface,

and which are:

- i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans.

4.2.7.1.11 INSPECTION AND MAINTENANCE

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and

- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate; and
 - iii. inspections of the SVIMS including:
 - 1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; and
 - 2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building; and
 - 3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) to determine whether they turn frequently and/or of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
 - 4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal; and
 - iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time; and
 - v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii above; and
 - vi. factors and considerations for determining if additional inspections or monitoring should be undertaken; and
 - vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry of such deficiencies, along with operational monitoring results, any additional lines of evidence that suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and
 - viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- a) delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
 - b) updated and delivered to the Owner within 30 days following making any alteration to the program.

4.2.7.1.12 OPERATIONAL MONITORING

Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate; and
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
 - at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve, in the event conversion to operation as an Active SVIMS is necessary, a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and
 - at least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in Item 4.2.7.1.6 of the CPU; and
- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,

such as:

1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections; and
2. changes to the frequency or nature of the monitoring; and
3. the need to make repairs or changes to the design or operation of the SVIMS; and
4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and

and which are,

- a) delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
- b) updated and delivered to the Owner within 30 days of following making any alteration to the program.

4.2.7.1.13 INTRUSIVE ACTIVITIES CAUTION

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed SVIMS, so as to ensure the persons are made aware of the presence and significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.2.7.1.14 BUILDING CODE

The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

- i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code; and

- ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
- iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

4.2.8 BUILDING WITH STORAGE GARAGE (INTERMITTENT 3.9 LITRES/SECOND OF VENTILATION) RISK MANAGEMENT MEASURE.

In accordance with Item 4.2.3 of the CPU, if the Building with Storage Garage RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a Building with Storage Garage (intermittent 3.9 Litres/second ventilation) designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

- a. The Storage Garage is constructed at or below grade of the Building; and
- b. The Storage Garage area covers the entire Building Area at grade; and
- c. The Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:
 - i. design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3. (Ventilation of Storage and Repair Garages) of the Building Code; and
 - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and
 - iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- d. The mechanical ventilation system for the storage garage is designed to provide, during operating hours a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices as required by the Building Code.
- e. A continuous vapour barrier/membrane is to be installed below the grade slab and walls as outlined in Figure J.5 "Soil Vapour Barrier Membrane Engineering RMM Details (Storage Garage)" by EXP dated March 2020 in Schedule "B".

4.2.8.1 UTILITY SEALING

Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

- c. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and
- d. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building.

4.2.8.2 QUALITY ASSURANCE / QUALITY CONTROL

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the Storage Garage RMM is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer; and
- ii. daily inspections of the installation of the Storage Garage RMM, including of the quality assurance and quality control measures and procedures undertaken by the installer; and
- iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
 1. daily inspection reports noting any deficiencies and corrective actions taken; and
 2. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results; and
 3. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations; and
 4. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and
 5. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if

included in the design, and work practices to prevent post-construction damage; and

- iv. noting any deficiencies in the materials or installation of the Storage Garage RMM; and
- v. ensuring the prompt repair of any deficiencies, to the design specifications; and
- vi. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- vii. delivered to the Owner before installation of the Storage Garage RMM begins; and
- viii. updated and delivered to the Owner within 30 days of making any alteration to the program.

4.2.8.3 AS CONSTRUCTED PLANS

Prepare as constructed plans of the Storage Garage RMM, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed Storage Garage RMM, including cross-sectional drawings specifying the design and the vertical and lateral extent of the Storage Garage RMM relative to the Building and the ground surface,

and which are:

- i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Storage Garage RMM, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the Storage Garage RMM, or other relevant feature shown on the plans.

4.2.8.4 INSPECTION AND MAINTENANCE

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the Storage Garage RMM, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
 - ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate; and
 - iii. inspections of the Storage Garage RMM including:
 - 1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; and
 - 2. additional inspections, on a more frequent basis as appropriate, of the mechanical ventilation systems to determine that the required ventilation rate is achieved (3.9 L/s for each square metre of floor area).
 - iv. noting any deficiencies with the floor slab identified during any inspection, or at any other time; and
 - v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii above; and
 - vi. factors and considerations for determining if additional inspections or monitoring should be undertaken; and
 - vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry of such deficiencies, along with operational monitoring results, any additional lines of evidence that suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and
 - viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- a) delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Storage Garage RMM, whichever is earlier; and
 - b) updated and delivered to the Owner within 30 days following making any alteration to the program.

4.2.8.5 OPERATIONAL MONITORING

Prepare and implement a written program for monitoring of the operation of the installed Storage Garage RMM, prepared by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection

upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate; and
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
 - at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced, confirm that the mechanical ventilation system of the Storage Garage RMM provides a continuous supply of outdoor air at a minimum ventilation rate of 3.9 L/sec for each square metre of floor space.
- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed Storage Garage RMM, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,

such as:

- the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections; and
- changes to the frequency or nature of the monitoring; and
- the need to make repairs or changes to the design or operation of the Storage Garage RMM; and
- if necessary, implementation of the contingency plan in the event needed repairs or changes to the Storage Garage RMM cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and

and which are,

- a) delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Storage Garage RMM, whichever is earlier; and
- b) updated and delivered to the Owner within 30 days of following making any alteration to the program.

4.2.8.6 INTRUSIVE ACTIVITIES CAUTION

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed Storage Garage RMM, so as to ensure the persons are made aware of the presence and significance of the Storage Garage RMM and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Storage Garage RMM when undertaking the Intrusive Activities, and if damaged, to ensure the Storage Garage RMM is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.2.9 INDOOR AIR QUALITY MONITORING

Prior to occupancy of any future Building and following occupancy, an indoor air monitoring program shall be developed and implemented by an appropriately qualified person(s) (Qualified Person or certified hygienist) in order to assess the potential for migration of COC vapours from Impacted Soils and Impacted Ground Water located beneath the Buildings into the indoor air environment. A copy of the monitoring programs shall be provided to the Director for approval prior to implementation. Following the third-year annual indoor air monitoring program, the Owner may make a request to the Director to amend the required monitoring program.

The monitoring program shall include the following:

4.2.9.1 The frequency of the indoor monitoring events shall be as follows:

- Upon completion of construction of the Building but prior to occupancy, one (1) round of indoor air monitoring shall be completed;
- After occupancy, the indoor air monitoring program shall be completed

quarterly for the first year, semi-annual for the second year, with sampling events being completed in the summer and winter, and on an annual basis for the third year and thereafter.

- 4.2.9.2 Indoor air shall be obtained utilizing TO-15 methodology or equivalent (collection of gas into prepared canisters) or TO-17 methodology or equivalent (collection of gas into absorbent tubes) over a 24-hour duration and analyzed for the volatile COCs outlined in Table J-3 "Indoor Air Quality Criteria" in Schedule "C". The monitoring shall be completed during periods that are reflective of seasonal variability (i.e. spring, summer, fall, and winter) with at least one sample being obtained during the winter and the summer periods during the quarterly and semi-annual monitoring events.
- 4.2.9.3 If the indoor air sample concentrations obtained under Item 4.2.9.1 exceed the respective criteria outlined in Table J-3 of Schedule "C", the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and the sample shall be re-sampled within ten (10) business days of receipt of the analytical results.
- 4.2.9.4 If the results of the re-sample of the indoor air and/or sub-slab vapour confirm an exceedance of the respective criteria in Table J-3 of Schedule "C", the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and provide to the Director a mitigation plan within thirty (30) days, which may include one or more of the following: maintenance, confirmatory sampling, additional indoor air/sub-slab monitoring, recommendations for modifying the vapour mitigation systems such as converting to an active system.
- 4.2.9.5 If the results of any monitoring event exceed the criteria outlined in Table J-3, no un-authorized access to the area of the Building with the exceedance is allowed until it is confirmed that the sub-slab vapour and/or indoor air is below the Air Quality Criteria in Table J-3 of Schedule "C".
- 4.2.9.6 Methane monitoring shall also be completed concurrently with the indoor air monitoring program utilizing a multi-gas monitor equipped with an appropriate methane sensor.
- 4.2.9.7 If the results of the methane monitoring exceed 2,500 ppm or 0.25% v/v (i.e. 5% of the lower explosive limit of 50,000 ppm) a confirmatory measurement shall be completed within 30 days. If the confirmatory methane monitoring result continues to show an exceedance, the Owner shall provide written notification of the exceedance to the Director within three (3) business days and provide to the Director an action plan within sixty (60) days, including any proposed mitigation measures to be taken.
- 4.2.9.8 If the results of the methane monitoring exceed 10,000 ppm or 1% v/v (i.e. 20% of the lower explosive limit of 50,000 ppm) immediate action shall be taken to investigate and determine measures required to reduce the methane concentration including limiting access to the area to authorized personnel only until such time as the methane levels are reduced, as well

as, providing written notification to the Director forthwith of the exceedance and any mitigation measures being taken.

- 4.2.9.9 Any proposed changes to the indoor air monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.

4.2.10 VEGETATION MONITORING AND MAINTENANCE PROGRAM

Upon issuance of the CPU, a vegetation monitoring and maintenance program shall be prepared and implemented by a qualified person (i.e. an ecologist) in order to assess the overall survival and health of the naturalized areas along the on-Site surface water drainage ditch features and along the north and northwest Property boundaries adjacent to the Copeland Creek PSW as shown in Figure J.6 "Conceptual Development Plan" by EXP dated October 2023 in Schedule 'B'.

- 4.2.10.1 The vegetation monitoring program shall consist of: two (2) initial Site assessments (spring and late summer) prior to development to confirm baseline data for the vegetation and ecological communities (i.e. species and structure); during construction, the completion of semi-annual Site assessments during the spring and late summer; and post construction, semi-annual Site assessments during the spring and late summer for at least 3 full growing seasons. The vegetation monitoring shall include a photographic log to allow for a visual comparison of vegetative/ecological changes from one year to another.
- 4.2.10.2 Following the third-year post-construction monitoring program, the Owner may submit a request for changes to the vegetation monitoring program, along with appropriate justification, to the Director for approval prior to implementation.
- 4.2.10.3 The maintenance program shall include an assessment of any accumulated Impacted Sediment or Impacted Soil that may be causing distress to the vegetation/ecological communities. The accumulation of Impacted Soil and Impacted Sediment may be measured using a spike depth tool. If it is deemed that accumulated Impacted Soils and/or Impacted Sediment is required to be removed it shall be completed utilizing best management practices with oversight by a qualified person (i.e. an ecologist).

4.2.11 SEDIMENT AND SURFACE WATER MONITORING PROGRAM

Upon issuance of the CPU, a sediment and surface water monitoring program shall be prepared and implemented by a Qualified Person in order to assess any potential changes in the concentrations of Contaminants of Concern in the naturalized areas along the on-Site surface water drainage ditch features on-Site as shown in Figure J.6 "Conceptual Development Plan" by EXP dated October 2023 in Schedule 'B'.

- 4.2.11.1 Sediment and surface water monitoring shall be implemented on an annual basis pre-construction; a semi-annual basis (spring and fall) during construction;

and on a semi-annual basis for a minimum of three (3) years post-construction at the Site.

- 4.2.11.2 During each sampling event, six sediment and surface water samples shall be taken from the same general area as each other, with one from each surface water body on the Site as identified on Figure J.6.
- 4.2.11.3 Sediment and Surface Water samples shall be analyzed for the Sediment COCs as identified in Table 7-5 "Sediment Criteria" and for the Surface Water COCs as identified in Table 7-6 "Surface Water Criteria" in Schedule "C" of the CPU and the analytical results shall be compared to the Criteria Values as identified in Table 7-5 and Table 7-6, respectively.
- 4.2.11.4 If the analytical results for the sediment and surface water monitoring program exceed the Criteria Values as identified in Table 7-5 or Table 7-6, respectively, of Schedule "C", the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and within fourteen (14) days provide to the Director a mitigation/assessment plan which may include confirmatory sampling, an assessment for potential negative effects such as vegetation die off, species loss, erosion, an assessment of risks to receptors, or the need for further investigation.
- 4.2.11.5 Any proposed changes to the sediment and surface water monitoring program shall be submitted to the Director for approval prior to implementation.

4.2.12 GROUND WATER MONITORING PROGRAM

Upon issuance of the CPU, a ground water monitoring program shall be prepared and implemented by a Qualified Person in order to assess any potential changes in the concentrations of Contaminants of Concern and to assess the potential for off-site migration of COCs to cause an off-site adverse effect.

- 4.2.12.1 Ground water monitoring shall be implemented on a quarterly basis for the first year, semi-annual for the second year, and annually thereafter at the following monitoring wells: BH/MW14-03, BH/MW14-08, BHMW17-6, BH/MW17-18S, BH/MW17-18D, BH/MW18-1, and BH/MW18-2 along the northern property boundary, all as shown on Figure J.7 "Groundwater Monitoring Plan" by EXP dated August 2022 in Schedule "B".
- 4.2.12.2 Ground water samples shall be analyzed for the ground water COCs as identified in Table 7-7 "Groundwater Monitoring Trigger Value" in Schedule "C" of the CPU and the analytical results shall be compared to the Trigger Values as identified in Table 7-7.
- 4.2.12.3 If the analytical results for the ground water monitoring program exceed the Trigger Values as identified in Table 7-7 of Schedule "C", the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and a second sample is to be collected and analyzed within fourteen (14) days. If the second

confirmatory sample meets the trigger value, no further action is required. If the second confirmatory sample exceeds the trigger value, the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and within thirty (30) days provide to the Director a mitigation/assessment plan, which may include but not be limited to, confirmatory sampling, evaluation of trends, assessment of risk to receptors, assessment of potential sources or activities that may have affected the ground water, need for additional investigations and/or need for increased monitoring frequency.

- 4.2.12.4 Should any monitoring well listed in Item 4.2.12.1 become damaged or destroyed, that monitoring well will be repaired or replaced by a newly constructed monitoring well in a similar location and of similar construction as the original monitoring well.
- 4.2.12.5 Any proposed changes to the ground water monitoring program shall be submitted to the Director for approval prior to implementation.

4.2.13 PROHIBITION ON GROUND WATER USE

Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of ground water in or under the Property as a water source. The Owner shall,

- 4.2.13.1 Refrain from using ground water in or under the Property as a source of water; and
- 4.2.13.2 Except, as may be required for continued use as a monitoring well, as defined in the OWRA:
 - 4.2.13.2.1 Properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
 - 4.2.13.2.2 Refrain from constructing on the Property any wells as described or defined in the OWRA.

4.2.14 FUTURE SITE DEVELOPMENT

All Impacted Soil, Impacted Sediment and Impacted Ground Water encountered during future site development that was not addressed under the Risk Assessment must be delineated and mitigated/remediated in keeping with the requirements and assumptions of the Risk Assessment. If remediation is required, upon completion, a summary report completed by a Qualified Person shall be retained by the Owner and be available to a Provincial Officer upon request. The summary report shall include the following:

- 4.2.14.1 The dates and duration of work completed;
- 4.2.14.2 A summary of the work completed;
- 4.2.14.3 A site plan showing the location of the work;
- 4.2.14.4 Material characterization results and confirmatory sampling results, including copies of the laboratory certificates of analysis.

4.2.15 SITE PLAN

The Owner shall submit a site plan prepared and signed by a Qualified Person prior to use of any future site development which will describe the Property, the proposed development and the location of the specified Risk Management Measures. This site plan shall be submitted to the Director and the Owner shall retain one copy for inspection upon request by a Provincial Officer. The site plan shall be revised and resubmitted to the Director following the completion of any changes or subsequent phases to the development.

4.2.16 ANNUAL REPORT

Upon issuance of the CPU, the Owner shall prepare by March 31st of each year, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request. The report shall be signed by a Qualified Person and shall include, but not be limited to, the following minimum information requirements:

- 4.2.16.1 A copy of all records relating to the Capping Inspection and Maintenance Program.
- 4.2.16.2 A copy of all records relating to the soil, sediment and ground water management plan.
- 4.2.16.3 A copy of all records relating to the health and safety plan.
- 4.2.16.4 A copy of any signed as constructed plans for the Building with Soil Vapour Intrusion Mitigation System RMM and/or Storage Garage RMM for any Building, including a copy of the sign-off by the professional engineer confirming the suitability of the design and confirmation that these risk management measures cover the entire Building footprint.
- 4.2.16.5 A copy of all records related to the Soil Vapour Intrusion Mitigation System RMM and/or Storage Garage RMM, including pressure monitoring results, inspection and maintenance programs.
- 4.2.16.6 A copy of all records related to the on-going Indoor Air Quality Monitoring Program, Sediment and Surface Water Monitoring Program, and the

Ground Water Monitoring Program, including a summary of all notifications to the Director of any exceedances and any follow up actions.

- 4.2.16.7 An evaluation and interpretation of the results of all monitoring programs.
- 4.2.16.8 A copy of signed site plans as required under Item 4.2.15 of the CPU, including any alterations.
- 4.2.16.9 Any recommendations on changes to the monitoring programs and risk management measures.
- 4.3 Refrain from using the Property for any of the following use(s): "Agriculture or Other" Property Uses as defined in O.Reg. 153/04.
- 4.4 Refrain from constructing the following building(s): No enclosed structures shall be constructed on the Property unless the building is equipped with a vapour mitigation system as per Item No. 4.2.7 "SOIL VAPOUR INTRUSION MITIGATION SYSTEM (SVIMS) – PASSIVE SVIMS" and/or Item No. 4.2.8 "BUILDING WITH STORAGE GARAGE" of the CPU that covers the entire footprint of the Building.
- 4.5 Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Reports

- 4.7 Retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the Director or Provincial Officer.

Property Requirement

- 4.8 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

Certificate of Requirement

- 4.9 Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act, completed as outlined in Schedule “D”, register the certificate of requirement on title to the Property in the appropriate land registry office.

Verification

- 4.10 Immediately after registration of the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing by email, to the Director at Environment.Barrie@Ontario.ca any changes of ownership of the Property, except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

- 4.12 The Director has not included in the CPU a requirement that the Owner provide financial assurance at this time as the Owner of the Property is a municipality.

Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 5.2 An application under sub section 168.6(3) of the Act to,
a. alter any terms and conditions in the CPU or impose new terms and conditions; or
b. revoke the CPU;
shall be made in writing to the Director, with reasons for the request.

- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b. obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
 - b. strikes, lockouts or other labour disturbances,
 - c. inability to obtain materials or equipment for reasons beyond your control, or
 - d. any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers the ownership of the Property to various condominium owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

- 5.10 Where there is more than one Owner of the Property or part of the Property each person is jointly and severally liable to comply with any requirements of the CPU relating to that owned Property unless otherwise indicated.

Part 6: Information regarding a Hearing before the Ontario Land Tribunal

With respect to those provisions relating to my authority in issuing a certificate of property use under section 168.6 and an order under section 197 of the Act:

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the “Tribunal”), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.
- 6.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents*, made under the Act as they may be amended from time to time. The contact information for the Director and the Tribunal is the following:

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

and

Barrie District Manager, Central Region
Ministry of the Environment, Conservation and Parks
54 Cedar Pointe Road, Unit 1201
Barrie, Ontario
L4N 5R7
Fax: 705-739-6440
Email: Environment.Barrie@Ontario.ca

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or Toll Free 1 (866) 448-2248 or www.olt.gov.on.ca

Further information regarding service can be obtained from e-Laws at www.ontario.ca/laws. Please note where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any timelines.

6.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

6.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993* (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Environment, Conservation and Parks at College Park, 5th Floor, 777 Bay Street, Toronto, Ontario M7A 2J3 by the earlier of:

6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and

6.5.2 fifteen (15) days after service on you of a copy of the CPU.

6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

6.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and

6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.

Issued this 29th day of August, 2024.



Chris Hyde
Director, section 168.6 of the
Act

Schedule 'A'
Property Specific Standards

Table 1-1: Recommended Property Specific Standards in Soil

Contaminant of Concern (COC)	Maximum Soil Concentration	MECP Table 1 SCS ⁽¹⁾	Recommended Property Specific Standard ⁽²⁾	Exposure Pathways with Unacceptable Risk ⁽³⁾	Risk Management Required?	Potential for Off-Site Exceedance of SCS?
Petroleum Hydrocarbons						
PHC F1	<100	25	120	Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
PHC F2	89	10	107	Indoor Air Inhalation (Res), Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
PHC F3	1,900	240	2,280	Direct Contact (P&SO, M&B), Garden Produce Ingestion (Res)	Yes	No
PHC F4	13,000	120	15,600	Direct Contact (Res, P&SO), Garden Produce Ingestion (Res)	Yes	No
Volatile Organic Compounds						
Benzene	0.26	0.02	0.31	Indoor Air Inhalation (Res), Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
Hexane	<0.5	0.05	0.60	Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
Toluene	0.39	0.20	0.47	None-Garden Produce Ingestion (Res)	Yes	No
Trichloroethylene	0.056	0.05	0.067	Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
Xylenes (total)	0.11	0.05	0.13	None-Garden Produce Ingestion (Res)	Yes	No
Polycyclic Aromatic Hydrocarbons						
Acenaphthene	0.22	0.07	0.26	None-Garden Produce Ingestion (Res)	Yes	No
Acenaphthylene	0.21	0.09	0.25	None-Garden Produce Ingestion (Res)	Yes	No
Anthracene	0.49	0.16	0.59	Direct Contact (AO)-Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Benzo(a)anthracene	0.58	0.36	0.70	Direct Contact (P&SO-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Benzo(a)pyrene	0.63	0.30	0.76	Direct Contact (Res-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Benzo(b)fluoranthene	0.80	0.47	0.96	None-Garden Produce Ingestion (Res)	Yes	No
Fluoranthene	1.3	0.56	1.56	Direct Contact (AO)-Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Fluorene	0.27	0.12	0.32	Direct Contact (AO)-Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Indeno(1,2,3-cd)pyrene	0.51	0.23	0.61	Direct Contact (P&SO-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
1&2-Methylnaphthalene	1.7	0.59	2.04	Indoor Air Inhalation (Res), Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
Naphthalene	0.98	0.09	1.18	Direct Contact (P&SO), Indoor Air Inhalation (Res), Trench Air Inhalation (SW), Garden Produce Ingestion (Res)	Yes	No
Phenanthrene	0.99	0.69	1.19	Direct Contact (AO)-Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Metals & Inorganics						
Antimony	4.5	1.3	5.4	None-Garden Produce Ingestion (Res)	Yes	No
Boron (HWS)	1.2	NV	1.4	None-Garden Produce Ingestion (Res)	Yes	No
Cadmium	1.5	1.2	1.8	Direct Contact (Res-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Lead	230	120	276	Direct Contact (Res, OW, SW, P&SO, M&B, BS-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Mercury	0.65	0.27	0.78	Indoor Air Inhalation (Res), Trench Air Inhalation (SW), Direct Contact (AO)-Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Molybdenum	2.8	2	3.4	None-Garden Produce Ingestion (Res)	Yes	No
Selenium	2.7	1.5	3.2	Direct Contact (M&B), Garden Produce Ingestion (Res)	Yes	No
Silver	10	0.5	12	Direct Contact (M&B-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No
Uranium	33	2.5	39.6	Direct Contact (Res, M&B), Garden Produce Ingestion (Res)	Yes	No
Zinc	820	290	984	Direct Contact (P&SO, M&B, BS-AO), Garden Produce Ingestion (Res), Surface Soil Runoff and Sedimentation (AO)	Yes	No

Notes:

(1) MECP (2011) Table 1 - Full Depth Background SCS for residential/parkland/institutional/industrial/commercial/community property use.

(2) PSS = Maximum COC concentration (or reported detection limit) plus 20% uncertainty factor, unless otherwise noted.

(3) Res = resident, IW = indoor worker, OW = outdoor worker, SW = subsurface worker, P&SO = plants and soil organisms, M&B = mammals and birds, AO = aquatic & semi-aquatic organisms, BS = Bank Swallow

NV = No value

All concentrations in units of µg/g.

Table 1-2: Recommended Property Specific Standards in Groundwater

Contaminant of Concern (COC)	Maximum Groundwater Concentration	MECP Table 1 SCS ⁽¹⁾	Recommended Property Specific Standard ⁽²⁾	Exposure Pathways with Unacceptable Risk ⁽³⁾	Risk Management Required?	Potential for Off-Site Exceedance of SCS?
Petroleum Hydrocarbons						
PHC-F1	1,800	420	2,160	Direct Contact (Res, IW), Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW)	Yes	No
PHC-F2	1,700	450	2,040	Direct Contact (Res, IW), Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW)	Yes	No
Volatile Organic Compounds						
Benzene	20	0.5	35	Direct Contact (Res, IW), Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW)	Yes	No
cis-1,2-Dichloroethylene	6.1	1.6	7.3	Indoor Air Inhalation (Res)	Yes	Yes
Ethylbenzene	90	0.5	110	Direct Contact (Res, IW), Indoor Air Inhalation (Res)	Yes	No
Toluene	1.9	0.8	2.3	None	No	No
Trichloroethylene	100	0.5	120	Direct Contact (Res, IW, OW, SW), Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW)	Yes	Yes
Vinyl Chloride*	10.9*	0.5	13.1	Direct Contact (Res, IW, OW), Indoor Air Inhalation (Res, IW)	Yes	Yes
Xylenes (total)	430	72	516	Direct Contact (Res, IW), Indoor Air Inhalation (Res, IW), Trench Air Inhalation (SW)	Yes	No
Polycyclic Aromatic Hydrocarbons						
Anthracene	0.12	0.1	0.14	None	No	Yes
Benzo(a)pyrene	0.068	0.01	0.08	Direct Contact (Res, IW, OW)	Yes	No
1&2-Methylnaphthalene	13	2	15.6	Direct Contact (Res, IW), Indoor Air Inhalation (Res), Trench Air Inhalation (SW)	Yes	No
Naphthalene	14	7	16.8	Indoor Air Inhalation (Res), Trench Air Inhalation (SW)	Yes	No
Phenanthrene	0.89	0.1	1.1	Direct Contact (Res, IW)	Yes	Yes
Pyrene	2.1	0.2	2.5	None	No	Yes
Metals & Inorganics						
Vanadium	5.8	3.9	7.0	Direct Contact (Res, IW)	Yes	No

Notes:

(1) MECP (2011) Table 1 - Full Depth Background SCS for all property uses.

(2) PSS = Maximum COC concentration (or reported detection limit) plus 20% uncertainty factor, unless otherwise noted.

(3) Res = resident; IW = indoor worker; OW = outdoor worker; SW = subsurface worker

* PSS for vinyl chloride based on degradation of parent compounds (1,1-DCE, cis-1,2-DCE, trans-1,2-DCE, PCE and TCE) plus 20% uncertainty factor. Refer to Section 3.3 for details.

All concentrations in units of µg/L.

Table 1-3: Recommended Property Specific Standards in Sediment

Contaminant of Concern (COC)	Maximum Sediment Concentration	Sediment Quality Guidelines ¹	Recommended Property Specific Standard ²	Exposure Pathways with Unacceptable Risk ³	Risk Management Required?	Potential for Off-Site Exceedance of SCS?
Polycyclic Aromatic Hydrocarbons						
Acenaphthene	<0.25	NV	0.30	Direct Contact (AO)	Yes	No
Acenaphthylene	<0.25	NV	0.30	Direct Contact (AO)	Yes	No
Anthracene	<0.25	0.22	0.30	Direct Contact (AO)	Yes	No
Benzo(a)anthracene	0.58	0.32	0.70	Direct Contact (AO)	Yes	No
Benzo(a)pyrene	0.64	0.37	0.77	Direct Contact (Res, OW, AO)	Yes	No
Benzo(b)fluoranthene	0.93	NV	1.12	Direct Contact (AO)	Yes	No
Benzo(g,h,i)perylene	0.46	0.17	0.55	Direct Contact (AO)	Yes	No
Benzo(k)fluoranthene	0.32	0.24	0.38	Direct Contact (AO)	Yes	No
Chrysene	0.70	0.34	0.84	Direct Contact (AO)	Yes	No
Dibenzo(a,h)anthracene	<0.25	0.06	0.30	Direct Contact (Res, AO)	Yes	No
Fluoranthene	2.20	0.75	2.64	Direct Contact (AO)	Yes	No
Fluorene	<0.25	0.19	0.30	Direct Contact (AO)	Yes	No
Indeno(1,2,3-cd)pyrene	0.5	0.20	0.60	Direct Contact (AO)	Yes	No
1&2-Methylnaphthalene	<0.35	NV	0.42	Direct Contact (AO)	Yes	No
Naphthalene	<0.25	NV	0.30	Direct Contact (AO)	Yes	No
Phenanthrene	1.3	0.56	1.56	Direct Contact (AO)	Yes	No
Pyrene	1.6	0.49	1.92	Direct Contact (AO)	Yes	No
Metals & Inorganics						
Antimony	0.43	NV	0.52	None	No	No
Arsenic	4-5	6	4-3	Direct Contact (Res, OW)	Yes	No
Barium	130	NV	156	Direct Contact (AO)	Yes	No
Beryllium	0.35	NV	0.42	None	No	No
Boron (total)	13	NV	15.6	Direct Contact (AO)	Yes	No
Cadmium	0.65	0.6	0.78	Direct Contact (Res, AO)	Yes	No
Chromium (Total)	36	26	43.2	Direct Contact (AO)	Yes	No
Copper	33	16	39.6	Direct Contact (AO)	Yes	No
Lead	51	31	61.2	Direct Contact (AO)	Yes	No
Molybdenum	2.2	NV	2.6	Direct Contact (AO)	Yes	No
Selenium	2.8	NV	3.4	Direct Contact (AO)	Yes	No
Thallium	0.16	NV	0.19	None	No	No
Uranium	8	NV	9.6	Direct Contact (AO)	Yes	No
Vanadium	60	NV	72	Direct Contact (Res, OW, SW, AO)	Yes	No
Zinc	170	120	204	Direct Contact (AO)	Yes	No

Notes:

(1) The Table 1 Standards for sediment are the same as the sediment Components for Table 8 - Within 30 M of a water body, Potable Water Scenario for All Land Uses (MECP, 2016)

(2) In the absence of Table 8 sediment Standards, the Table 1 Background Site Condition Standards for Soil were used as a benchmark to determine whether a parameter required further evaluation.

(3) MECP (2016) Table 2 S1 Component Value - Direct contact with soil (ingestion and dermal contact) for a resident.

(4) PSS = maximum COC concentration (or reported detection limit) plus 20% uncertainty factor, unless otherwise noted.

(5) Res = resident; IW = indoor worker; OW = outdoor worker; SW = subsurface worker; P&SO = plants and soil organisms; M&B = mammals and birds; AO = aquatic & semi-aquatic organisms

NV - No value

All values are in units of µg/g, unless otherwise noted.

Schedule 'B'

FIGURES

- Registered Plan 51R-41487 deposited March 29, 2018
- Figure J.1 "Soil Cover System Engineering RMM Details" by EXP dated March 2020
- Figure J.2 "Vapour Mitigation System Details (Soil Vapour Collection System)" by EXP dated March 2020
- Figure J.3 "Vapour Mitigation System Details (Soil Vapour Collection System)" by EXP dated March 2020
- Figure J.4 "Above Grade Details for Active and Passive System" by EXP dated March 2020
- Figure J.5 "Soil Vapour Barrier Membrane Engineering RMM Details (Storage Garage)" by EXP dated March 2020
- Figure J.6 "Conceptual Development Plan" by EXP dated October 2023
- Figure J.7 "Ground Water Monitoring Plan" by EXP dated August 2022

Registered Plan 51R-41487 deposited March 29, 2018

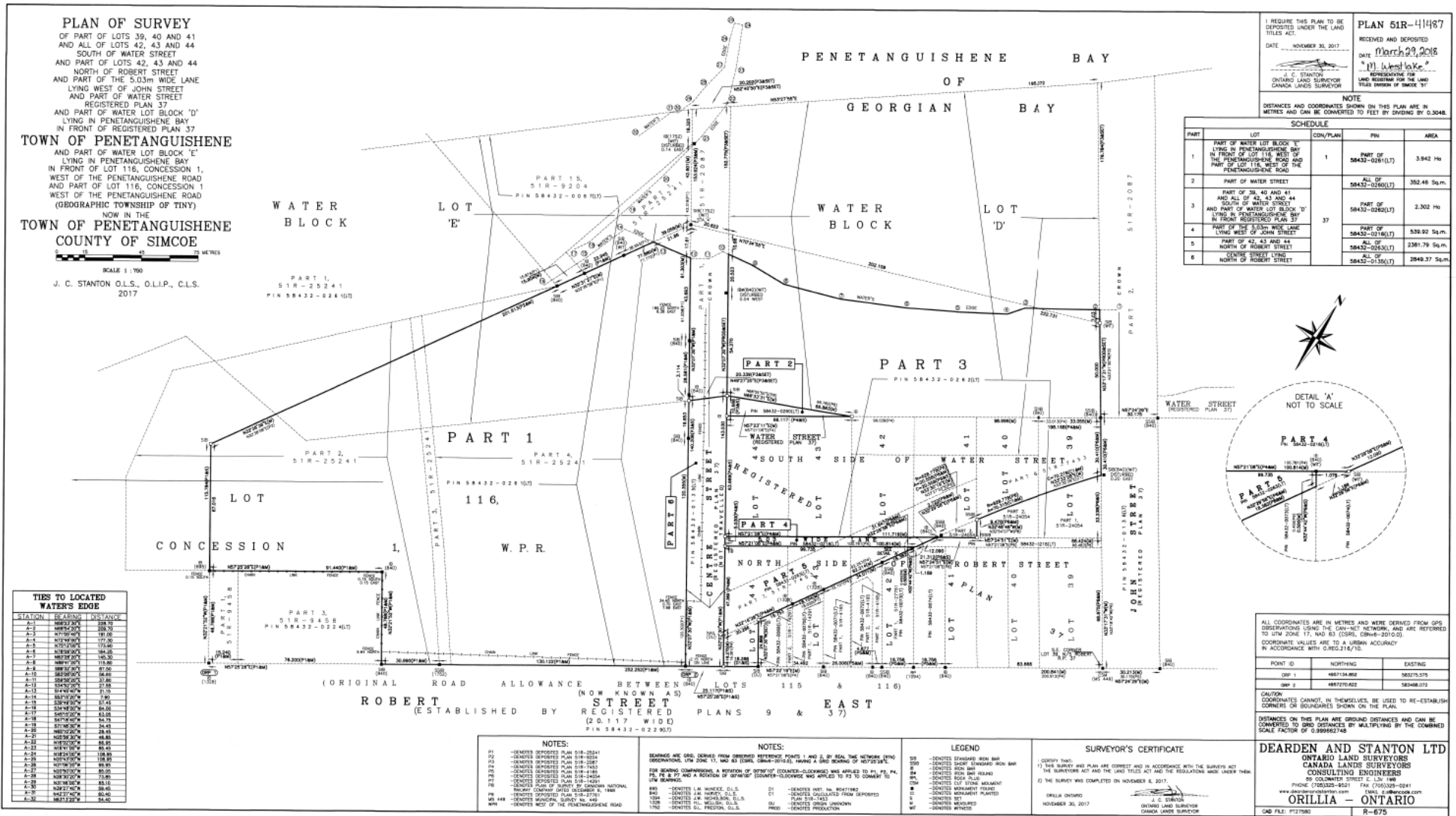


Figure J.1 "Soil Cover System Engineering RMM Details" by EXP dated March 2020

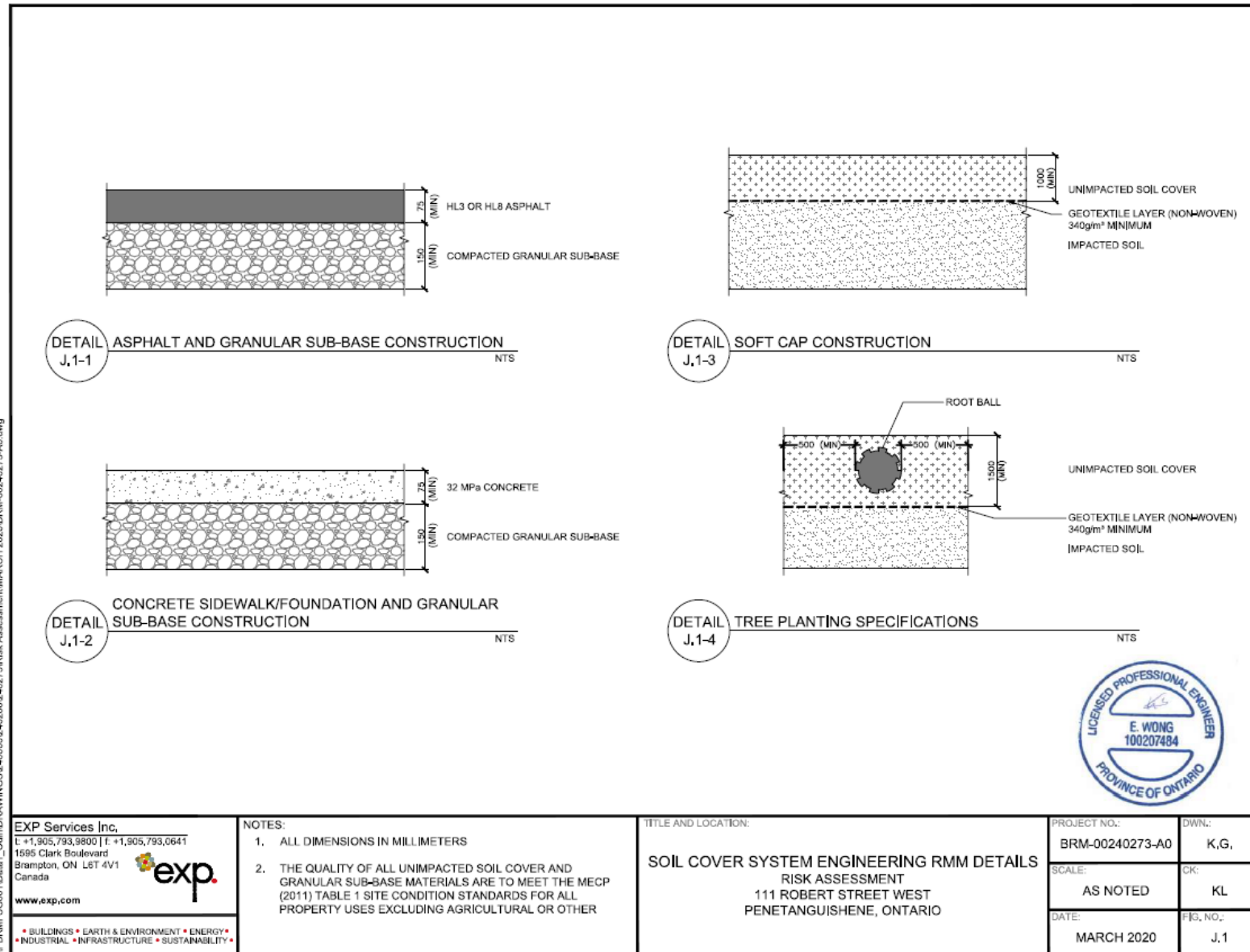


Figure J.2 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020

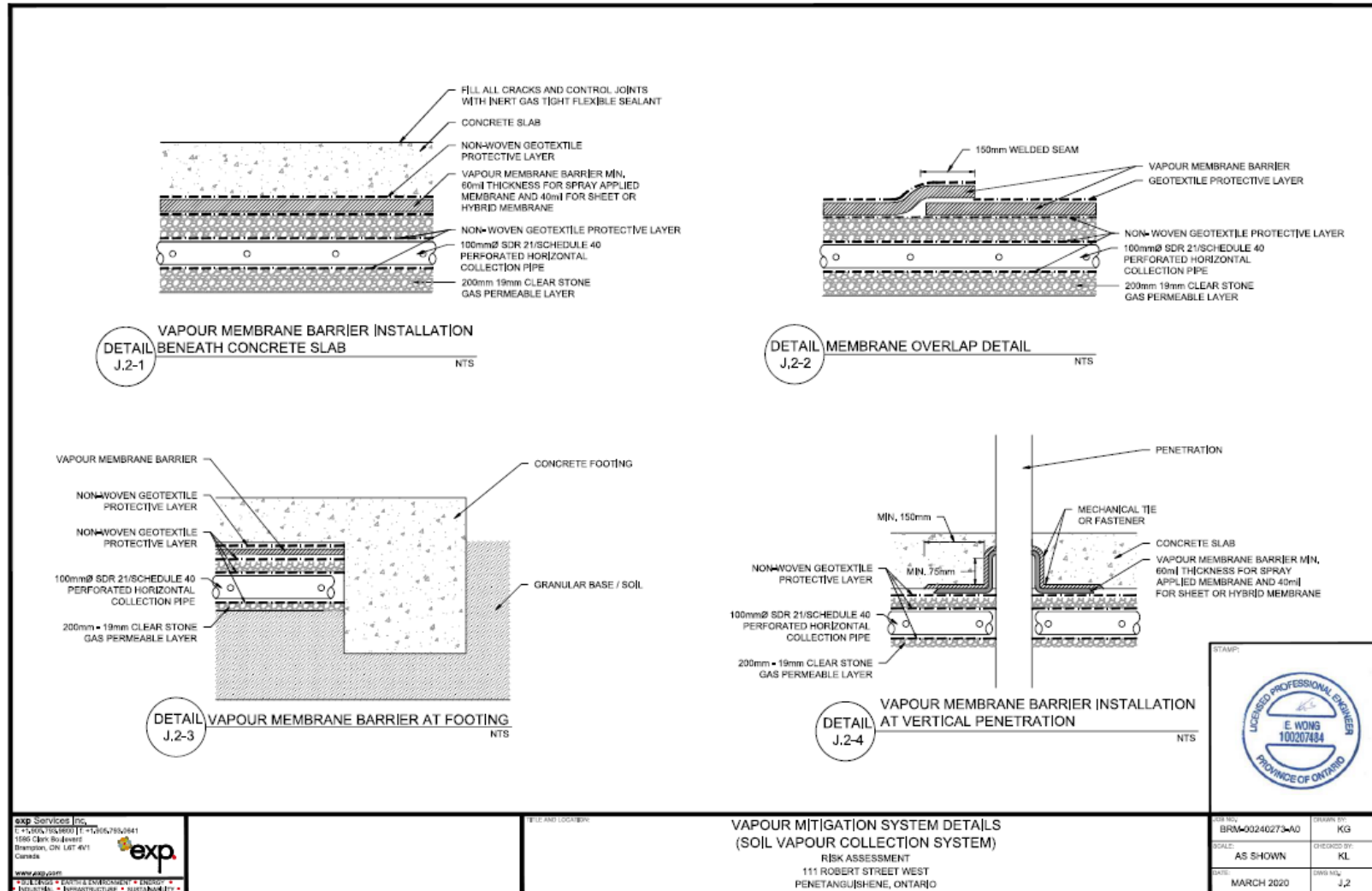


Figure J.3 “Vapour Mitigation System Details (Soil Vapour Collection System)” by EXP dated March 2020

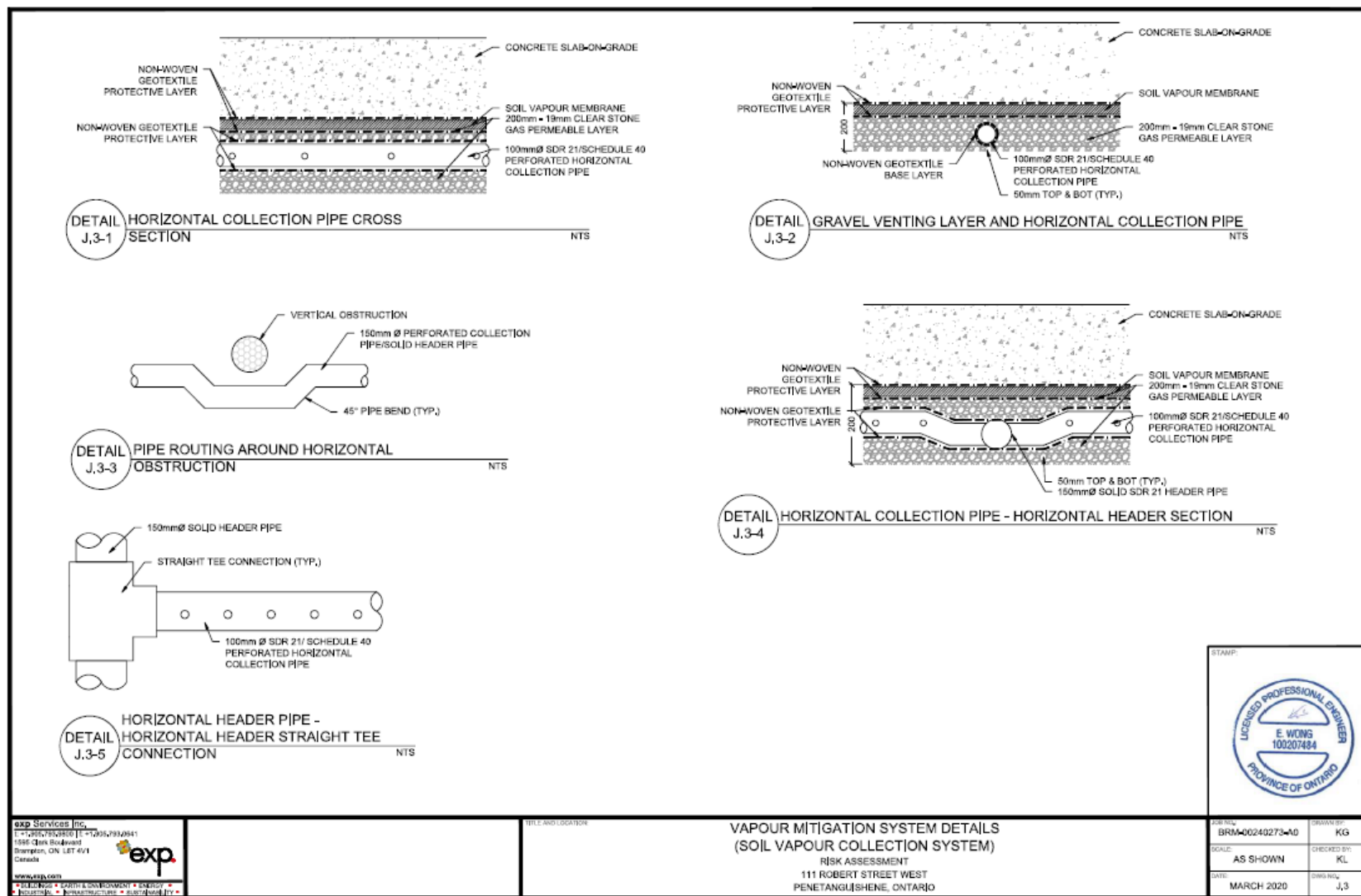


Figure J.4 "Above Grade Details for Active and Passive System" by EXP dated March 2020

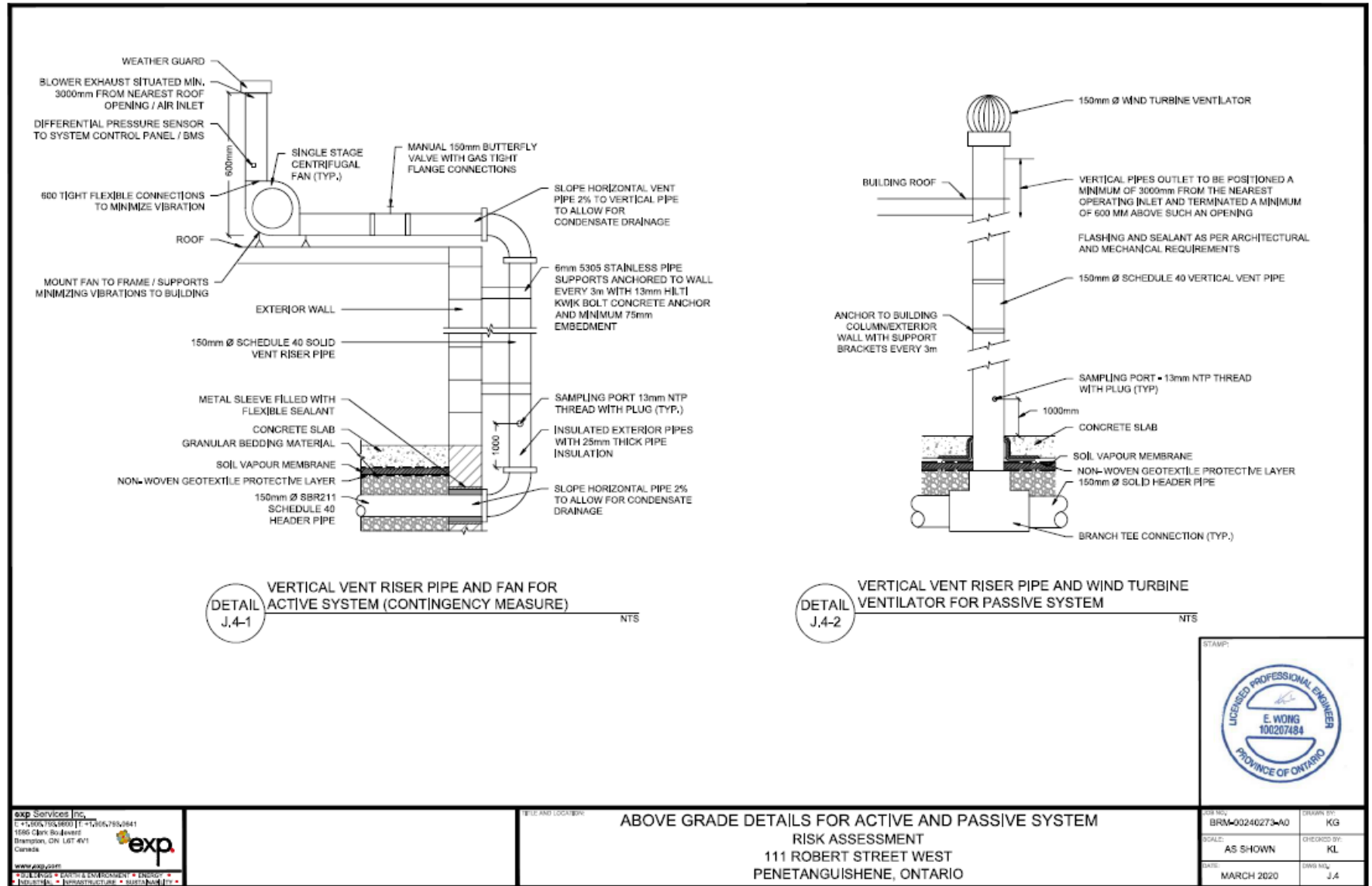


Figure J.5 “Soil Vapour Barrier Membrane Engineering RMM Details (Storage Garage)” by EXP dated March 2020

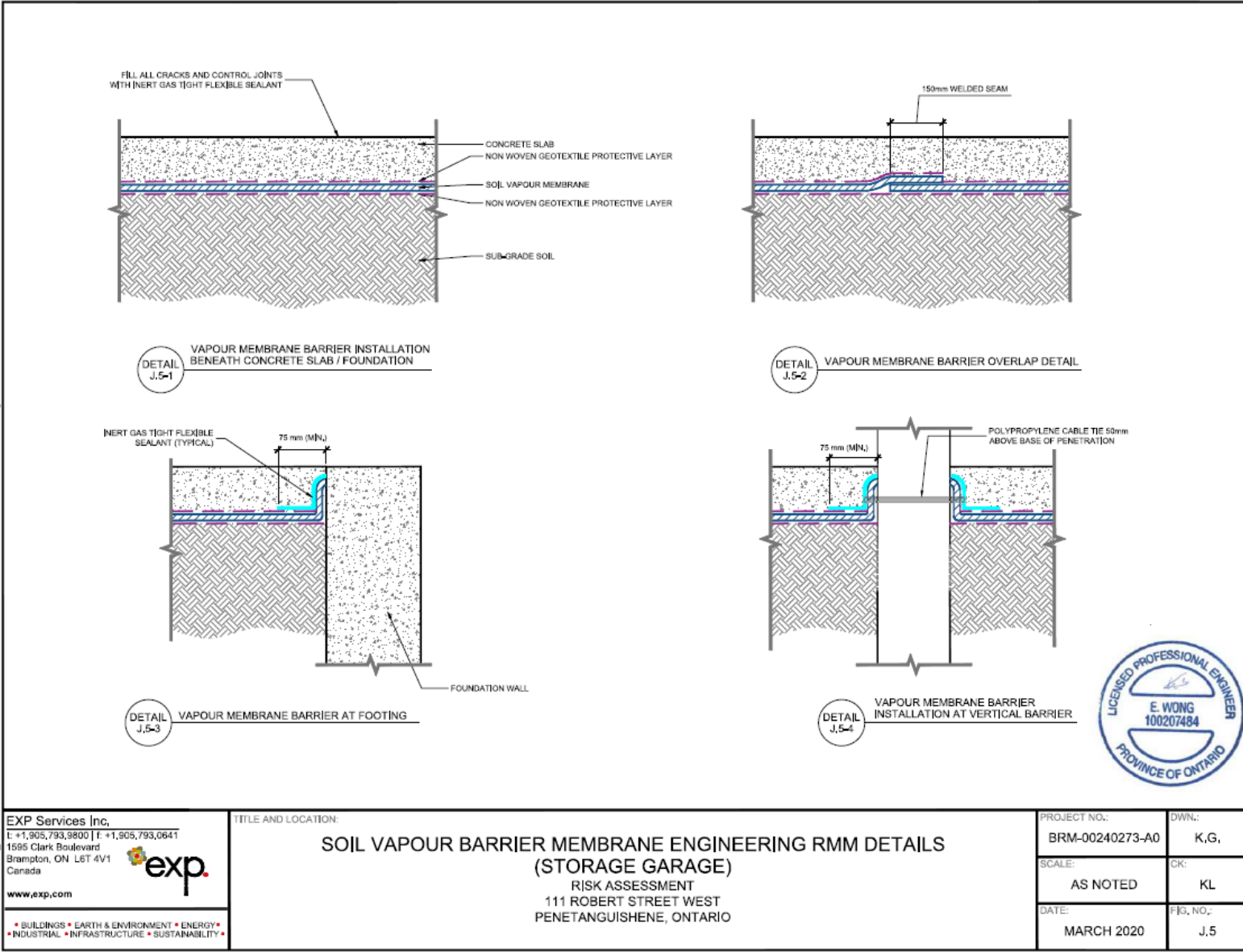


Figure J.6 "Conceptual Development Plan" by EXP dated October 2023

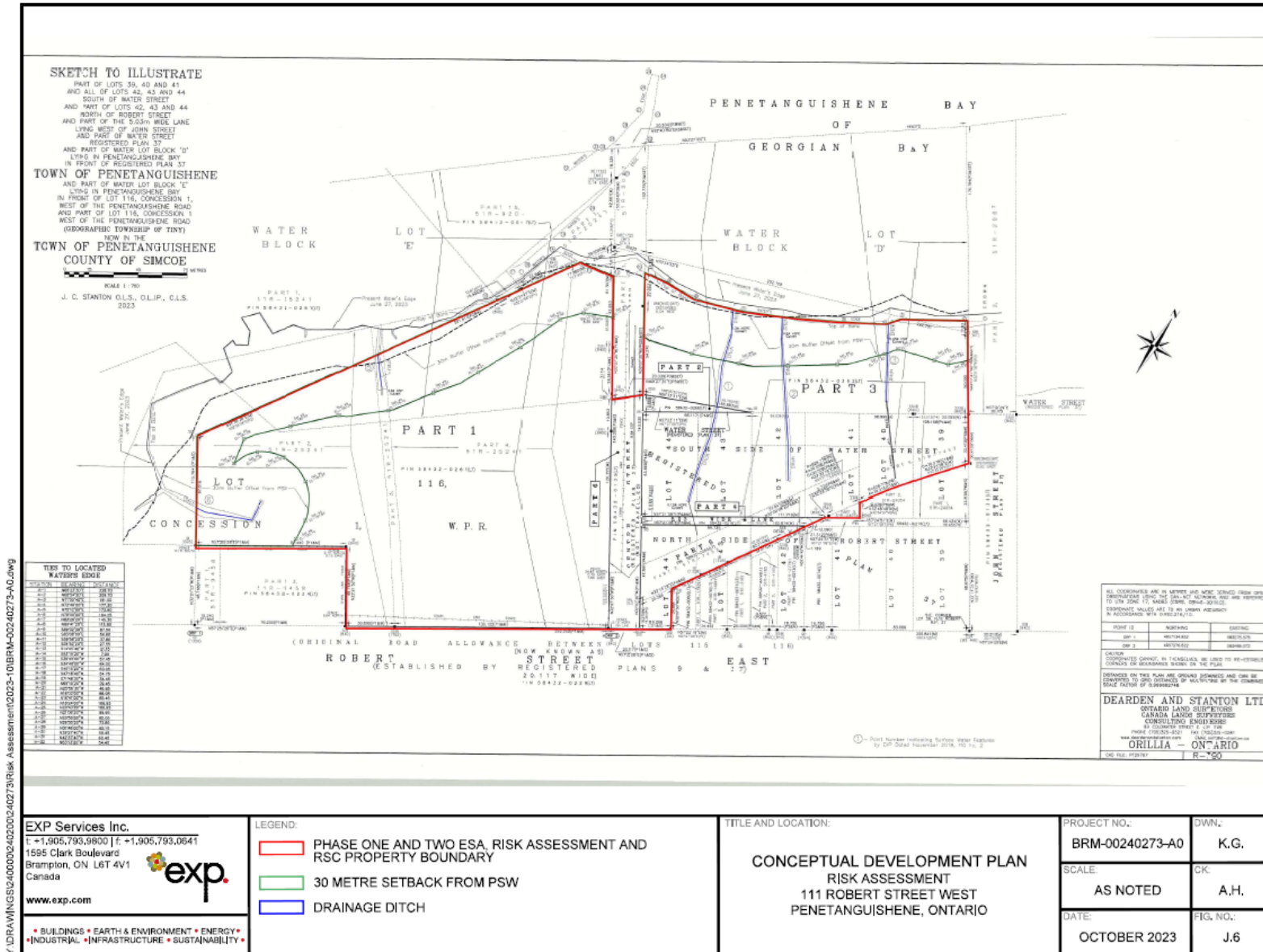


Figure J.7 “Ground Water Monitoring Plan” by EXP dated August 2022



Schedule 'C'

- Table J-3: Indoor Air Quality Criteria
- Table 7-5: Sediment Criteria
- Table 7-6: Surface Water Criteria
- Table 7-7: Groundwater Monitoring Trigger Value

Table J-3: Indoor Air Quality Criteria

Table J-3: Indoor Air Quality Criteria

Target Analytes	Air Quality Criteria (IAQC) - Residential ($\mu\text{g}/\text{m}^3$) ⁽¹⁾	Air Quality Criteria (IAQC) - Commercial ($\mu\text{g}/\text{m}^3$) ⁽¹⁾
Benzene	5.06E-01	1.63E+00
Cis-1,2-dichloroethylene	1.25E+01	4.29E+01
Mercury	1.88E-02	6.44E-02
1,2-Methylnaphthalene	7.72E-01	2.65E+00
Naphthalene ⁽²⁾	7.72E-01	2.65E+00
PHC F2	4.71E+02	1.61E+03
Aliphatics >C10-C12	5.21E+02	1.79E+03
Aliphatics >C12-C16	5.21E+02	1.79E+03
Aromatics >C10-C12	1.04E+02	3.58E+02
Aromatics >C12-C16	1.04E+02	3.58E+02
Trichloroethylene	2.71E-01	8.72E-01
Vinyl chloride	1.32E-01	4.26E-01

(1) MECP (2016) MGRA health-based indoor air criteria.

Table 7-5: Sediment Criteria

Table 7-5: Sediment Criteria

Contaminant of Concern	Sediment Quality Guidelines (µg/g)	Source
Benzene	<u>0.01</u> NV	<u>NOAA, 2008</u>
Ethylbenzene	<u>0.03</u> NV	<u>NOAA, 2008</u>
Toluene	<u>0.01</u> NV	<u>NOAA, 2008</u>

Table 7-5: Sediment Criteria (Continued)

Contaminant of Concern	Sediment Quality Guidelines (µg/g)	Source
Xylenes (total)	0.089 NV	NOAA, 2008
PHC F1	NV	-
PHC F2	NV	-
PHC F3	NV	-
PHC F4	NV	-
Acenaphthene	0.00671 NV	CCME, 1999b
Acenaphthylene	0.00587 NV	CCME, 1999b
Anthracene	0.22	MECP, 2011a
Benzo(a)anthracene	0.32	MECP, 2011a
Benzo(a)pyrene	0.37	MECP, 2011a
Benzo(b)fluoranthene	0.3 NV	BC, 2021
Benzo(g,h,i)perylene	0.17	MECP, 2011a
Benzo(k)fluoranthene	0.24	MECP, 2011a
Chrysene	0.34	MECP, 2011a
Dibenz(a,h)anthracene	0.06	MECP, 2011a
Fluoranthene	0.75	MECP, 2011a
Fluorene	0.19	MECP, 2011a
Indeno(1,2,3-cd)pyrene	0.20	MECP, 2011a
1&2-Methylnaphthalene	0.0202 NV	CCME, 1999b
Naphthalene*	0.0346 NV	CCME, 1999b
Phenanthrene	0.56	MECP, 2011a
Pyrene	0.49	MECP, 2011a
Antimony	3 NV	NOAA, 2008
Barium	NV	-
Beryllium	NV	-
Boron (Total)	NV	-
Cadmium	0.6	MECP, 2011a
Chromium (total)	26	MECP, 2011a
Copper	16	MECP, 2011a
Lead	31	MECP, 2011a
Molybdenum	25 NV	BC, 2021
Selenium	2 NV	Alberta (2018)
Silver	0.5	MECP, 2011a
Thallium	NV	-

Table 7-5: Sediment Criteria (Continued)

Contaminant of Concern	Sediment Quality Guidelines (µg/g)	Source
Uranium	NV	-
Vanadium	NV	-
Zinc	120	MECP, 2011a

NV – No value derived. [For COCs in which no sediment quality guidelines were proposed, a measurable concentration of the parameter will be considered an exceedance.](#)

Table 7-6: Surface Water Criteria

Table 7-6: Surface Water Criteria

Contaminant of Concern	Surface Water Quality Guidelines (µg/L)	Source
PHC F1	NV	-
PHC F2	NV	-
PHC F3	NV	-
PHC F4	NV	-
Benzene	100	MOEE, 1994
cis-1,2-Dichloroethylene	200	MOEE, 1994
Ethylbenzene	8	MOEE, 1994
Hexane (n)	0.01NV	NOAA, 2008
Toluene	0.8	MOEE, 1994
Trichloroethylene	20	MOEE, 1994
Vinyl Chloride	600	MOEE, 1994
Xylenes (total)	2*	MOEE, 1994
Acenaphthene	5.8NV	CCME, 1999a
Acenaphthylene	0.3NV	NOAA, 2008
Anthracene	0.0008	MOEE, 1994
Benzo(a)anthracene	0.0004	MOEE, 1994
Benzo(a)pyrene	0.015NV	CCME, 1999a
Benzo(b)fluoranthene	0.00907NV	NOAA, 2008
Benzo(g,h,i)perylene	0.00002	MOEE, 1994
Benzo(k)fluoranthene	0.0002	MOEE, 1994
Chrysene	0.0001	MOEE, 1994

Table 7-6: Surface Water Criteria (Continued)

Contaminant of Concern	Surface Water Quality Guidelines (µg/L)	Source
Dibenz(a,h)anthracene	0.002	MOEE, 1994
Fluoranthene	0.0008	MOEE, 1994
Fluorene	0.2	MOEE, 1994
Indeno(1,2,3-cd)pyrene	0.00431NV	NOAA, 2008
1&2-Methylnaphthalene	2NV	MOEE, 1994
Naphthalene	7	MOEE, 1994
Phenanthrene	0.03	MOEE, 1994
Pyrene	0.025NV	CCME, 1999a
Antimony	20	MOEE, 1994
Barium	1000NV	BC, 2021
Beryllium	11.0	MOEE, 1994
Boron (Total)	200	MOEE, 1994
Cadmium	0.2	MOEE, 1994
Chromium (total)	8.9	MOEE, 1994
Copper	5	MOEE, 1994
Lead	5	MOEE, 1994
Mercury	0.2	MOEE, 1994
Molybdenum	40	MOEE, 1994
Selenium	100	MOEE, 1994
Silver	0.1	MOEE, 1994
Thallium	0.3	MOEE, 1994
Uranium	5	MOEE, 1994
Vanadium	6	MOEE, 1994
Zinc	3020	MOEE, 1994

NV – No value derived. [For parameters in which no surface water quality guidelines were proposed, a measurable concentration of the parameter will be considered an exceedance.](#)

* PWQO based on the most conservative xylene isomer (m-xylene)

Table 7-7: Groundwater Monitoring Trigger Value

Table 7-7: Groundwater Monitoring Trigger Value

Target Analytes	Modified GW1 ¹ (µg/L)	GW3 ² (µg/L)	Trigger Value (µg/L)
Cis-1,2-dichloroethylene	200	140,000	200
Trichloroethylene	50	220,000	50
Vinyl chloride	20	360,000	20
Anthracene	30	1	1
Phenanthrene	10	380	10
Pyrene	300	5.7	5.7

¹ The modified GW1 taken from Table 4-18.

² The GW3 values taken from Table 5-2.

Schedule 'D'
CERTIFICATE OF REQUIREMENT
s.197(2)
Environmental Protection Act

This is to certify pursuant to Item 4.8 of the Certificate of Property Use number **4718-D4ZJ92** issued by Chris Hyde, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act* on August 29, 2024 being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as **111 Robert Street West, Penetanguishene, Ontario**, namely

Parts 1, 2, 3, 4, 5, and 6, Plan 51R-41487,

Being all of Property Identifier Nos. ("PINs") 58432-0260 (LT), 58432-0263 (LT), and 58432-0135 (LT), and part of PINs 58432-0261 (LT), 58432-0262 (LT), and 58432-0216 (LT)

(the "Property"), with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

The Corporation of the Town of Penetanguishene

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

Under subsection 197(3) of the *Environmental Protection Act*, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the real Property.