

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5640-CYHM2T

Issue Date: September 20, 2024

Re-Source Disposal Inc.
389 Kenora Ave
Hamilton, Ontario
L8E 2W3

Site Location: 354 Nash Road North
City of Hamilton, Ontario
L8H 7P5

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

a 0.35 hectare waste disposal site (transfer/processing) for the following waste management activities:

- receipt of Liquid Soil from hydro-excavating activities;
- processing of Liquid Soil in a wash plant to separate the soil fractions from one another and from the process wastewater;
- management and temporary storage of the different soil fractions;
- blending, bulking and mixing of the different soil fractions;
- treatment of the process wastewater;
- processing of the fines and sediment removed from the process wastewater;
- sampling and testing of the soil fractions and treated process wastewater; and
- transfer from the site to approved destinations;

to be used for the processing (soil washing) of the following types of waste:

Liquid Soil that,

- originates from hydro-excavating activities at the locations of the approved property uses that do not have a history of spills or below grade leaks and have not been or are not being used or have been used for any Potentially Contaminating Activity; and
- does not exceed the Contaminant concentrations set out in Table 1 from the Soil Rules.

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

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

"Adverse Effect" as defined in the EPA;

"Air/Noise Approval" means the environmental compliance approval and any Schedules attached to it, including the application and its supporting documentation for activities set out in section 9 of the EPA and carried out at the Site;

"Aggregate" means coarse- to medium-grained particulate material used in building and construction. Within the context of this Approval, Aggregate does not include Fine Solids, which are defined separately;

"Analytical Protocol" is as defined in O. Regulation 153/04 and it means the Ministry's document entitled *"Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act"* dated March 9, 2004, amended July 1, 2011, and as further amended at any time;

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

"Approved Property Uses" means commercial, community, industrial, institutional, parkland and/or residential use, as defined in O. Regulation 153/04;

"BMPP" means the document entitled "Best Management Practices Plan" which describes measures to minimize dust emissions from the Site;

"Clarifying Tank" means the tank proposed to treat process wastewater from the by settling out the solids from the process wastewater, described in the Supporting Documentation;

"Commercial Use" is as defined in O. Regulation 153/04;

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

"Contaminant" has the same meaning as in O. Regulation 153/04. Furthermore, within the context of this Approval, Contaminant means one or more contaminants found on, in or under a project area at a concentration that exceeds the applicable excess soil quality standards for the project area or one or more contaminants identified as potentially present on, in or under a project area in an assessment of past uses or one or more contaminants found in Liquid Soil accepted at the Site or found in the outgoing waste or wastewater, including the Liquid Soil Solids and treated process wastewater, destined for transfer from

the Site;

"Debris" means solid material present in the incoming Liquid Soil that is a non-hazardous waste a handling of which is subject to the environmental compliance approval requirements under the EPA but is not Fine Solids or Large Solids;

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

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

"District Manager" means the District Manager of the Hamilton District Office of the Ministry;

"EASR" means the Environmental Activity and Sector Registry;

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

"Excess Soil Criteria" means the Excess Soil Standards set out in Part II of the Soil Rules and the site-specific criteria as set out in section D of Part I of the Soil Rules required for the Reuse Site;

"Excess Soil Standards" means the excess soil quality standards set out in Appendix 1 of the Soil Rules required for the Reuse Site;

"Excess Soil" is as defined in O. Regulation 406/19, and within the context of this Approval means the incoming Liquid Soil and the outgoing Fine Solids and Fine Solids/Large Solids mixtures transferred from the Site in compliance with the requirements set out in O. Regulation 406/19. Within context of this Approval, the Excess Soil also includes the soil at the Source Site owner/generator site that may be characterized prior to hydro-excavating;

"Final Disposal" within the context of this Approval means land disposal and thermal treatment, both as defined in Regulation 347, and does not include handling, storing, transferring, treating or processing of waste at a land disposal or a thermal treatment site;

"Financial Assurance" is as defined in Section 131 of the EPA;

"Fine Solids" within the context of this Approval, mean Soil;

"Floc Tank" means the tank proposed to treat process wastewater by removing Ultra Fines with the use of a flocculant, described in the Supporting Documentation;

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

"Groundwater Standards" within the context of this Approval, means the groundwater standards from Table 1 of the Soil Standards;

"IC&I" means Industrial, Commercial and Institutional;

"Incoming Material Screening Sheet" means the document proposed by the Owner and listed in the Supporting Documentation;

"Industrial Use" is as defined in O. Regulation 153/04;

"Inert Fill" as defined in Regulation 347;

"Institutional Use" is as defined in O. Regulation 153/04;

"L" means litre;

"Large Solids" within the context of this Approval mean Rock and Aggregate;

"Leachate Screening Levels" means values that are listed in the tables of Leachate Screening Levels within Part II – Excess Soil Quality Standards, contained in Appendix 2 of the Soil Rules;

"Liquid Industrial Waste" is as defined in Regulation 347;

"Liquid Soil Solids" means the solids resulting from processing of the Liquid Soil at the Site. Liquid Soil Solids are limited to Large Solids and Fine Solids as defined in this Approval;

"Liquid Soil" is as defined in O. Regulation 406/19 and within the context of this Approval also means a waste that contains Contaminants and which has a Slump of more than 150 millimetres determined using the Slump Test and which does not contain more Rock and Aggregate than allowed in the Excess Soil and/or which does not contain more than insignificant amounts of Debris or other non-hazardous waste a handling of which is subject to the environmental compliance approval requirements under the EPA. Liquid Soil does not include waste that is categorized as a Liquid Industrial Waste;

"Liquid Waste" means a waste that has a Slump of more than 150 millimetres determined using the Slump Test;

"m" means metre;

"m³" means cubic metre;

"Minister" means the Minister of the Ministry or such other member of the Executive Council as may be assigned the administration of the EPA and OWRA under the Executive Council Act, R.S.O. 1990, c. E.25;

"Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and

includes all officials, employees, or other persons acting on its behalf;

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

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

"**O. Regulation 406/19**" means Ontario Regulation 406/19, entitled "On-Site and Excess Soil Management" made under the EPA, as amended;

"**Owner**" means Re-Source Disposal Inc. and includes its officers, employees, agents and contractors and includes any successors and assigns in accordance with section 19 of the EPA;

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

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

"**Petroleum Hydrocarbon Fractions**" within the context of this Approval, mean organic Contaminants limited to petroleum hydrocarbon fractions: F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34), and F4 (>C34);

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

"**Phase II ESA**" means Phase II Environmental Site Assessment, as defined in O. Regulation 153/04, as amended'

"**Potentially Contaminating Activity**" is any activity, excluding Item referred to as "Importation of Fill Material of Unknown Quality", listed in Table 2 to Schedule D of O. Regulation 153/04;

"**Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act**" means the Ministry's document entitled "*Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act*" dated March 9, 2004, amended July 1, 2011, and as further amended at any time;

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

"**Qualified Person**" means a person who meets the qualifications to be a qualified person for conducting a Phase I ESA and a Phase II ESA and for completing certifications in a record of site condition, as set out in Section 5 of O. Regulation 153/04 made under the EPA. Qualified Person also means a person as defined in O. Regulation 406/19;

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

EPA, as amended;

"Rejected Waste" means the incoming load inadvertently received at the Site and deemed by the Owner to be a waste that does not comply with the quality criteria required for acceptance at the Site or waste characterized at the Site and found to be a waste that does not comply with the quality criteria required for acceptance at the Site;

"Residual Waste" means Ultra Fines, solids settled out from the Floc Tank and other Residual Waste resulting from waste management at the Site and that is destined for Final Disposal or further processing at another approved waste disposal site;

"Reuse Site" is as defined in O. Regulation 406/19. Furthermore, within the context of this Approval, a Reuse Site means a site where Excess Soil is finally placed for a beneficial purpose as identified in a particular site development proposal governed by either an eligible site-specific instrument (such as a permit issued under a municipal site alteration by-law) or when the Excess Soil placement is compliant with O. Regulation 406/19 provisions for a Reuse Site not governed by an instrument. Reuse Site is not a site primarily used to dispose of Excess Soil without any specific identified beneficial purpose for the said disposal;

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

"SAR" means sodium adsorption ratio;

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

"Secondary Screening Procedure" means the procedure proposed by the Owner and described in the Supporting Documentation;

"sewage works" means a site approved by the Ministry for activities listed in Section 53 of the OWRA;

"Similar" within context of this Approval means the types of waste tested to show that they are of comparable quality;

"Site" means a 0.35-hectare waste disposal site (transfer/processing) located at 354 Nash Road North, in the City of Hamilton, Ontario;

"Sludge Tank" means the tank proposed to store Ultra Fines removed from process wastewater with use of a flocculant, described in the Supporting Documentation;

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

"Slump" means the result of the Slump Test to determine whether the waste is a solid or a liquid;

"Soil Rules" is as defined O. Regulation 406/19 and means the Ministry's document entitled "Rules For

Soil Management And Excess Soil Quality Standards" adopted by reference in O. Reg. 406/19 (On-Site and Excess Soil Management) made under the Environmental Protection Act, R.S.O. 1990, c. E.19;

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

"Source Site" means the source of the incoming Excess Soil. Source Site includes a project area as defined in O. Regulation 406/19 and any locations of the Approved Property Uses where the Excess Soil has been excavated;

"Spill" is as defined in the EPA;

"Stockpile" means the proposed Liquid Soil Solids storage up-to 70 cubic metres in size to be tested for compliance with the quality criteria set out in this Approval;

"Supporting Documentation" means the documentation listed in the attached Schedule 1, submitted in support of the application dated September 22, 2023 and signed by Michael Cowan, Re-Source Disposal Inc., for this Approval;

"SVOCs" means semi-volatile organic compounds;

"Table 1 from the Soil Rules" means the Excess Soil Standards from Table 1 set out in the Ministry's document entitled "Soil Rules" document for Residential/Parkland/ Institutional/ Industrial/ Commercial/ Community Property Use;

"Table 1 of the Soil Standards" means Table 1: Full Depth Background Site Condition Standards in the Ministry's document entitled "Soil, ground water and sediment standards for use under Part XV.1 of the Environmental Protection Act";

"TCLP" means the Toxicity Characteristic Leaching Procedure which is defined in Regulation 347 as the Toxicity Characteristic Leaching Procedure, Method 1311, that appears in United States Environmental Protection Agency Publication SW-846 entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", as amended from time to time, or a test method that the Director has approved in writing as equivalent;

"Trained Person" means an employee trained in accordance with the requirements of Condition 11.2 and is knowledgeable through instruction and/or practice and able to carry out any necessary duties;

"Ultra Fines" means ultra fines solids and suspended solid removed from the process wastewater with use of a flocculant and containing spent flocculant;

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

"Waste" and **"waste"** within the context of this Approval, it means any material defined as a waste or

designated to be a waste under any provincial Act or regulation or any other discarded, unwanted, unsuitable for its original use or purpose (for example off-specification or expired) post-consumer goods, items, materials and including Excess Soil and Rock received and managed at the Site and transferred from the Site. Outputs from management of waste at a waste disposal site continue to be considered waste, unless undesigned through a provincial regulation; and

"Water Storage Tank" means the tank proposed to store treated process wastewater by settling out the solids from the process wastewater, described in the Supporting Documentation.

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

TERMS AND CONDITIONS

1.0 GENERAL

1.1 Compliance

- (1) The Owner shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.F
- (2) Any person authorized to carry out work on or operate any aspect of the Site shall comply with the conditions of this Approval.

1.2 Build, etc. in Accordance

- (1) Except as otherwise provided by this Approval, the Site shall be designed, developed, built, operated and maintained in accordance with the application for this Environmental Compliance Approval dated September 22, 2023 and signed by Michael Cowan, Re-Source Disposal Inc. and the Supporting Documentation.
- (2) The Site shall be constructed and the approved equipment shall be installed and must commence operation, within five (5) years of issuance of this Approval, after which time the Approval ceases to apply in respect of any portions of the Site not in operation. In the event that the construction, installation and/or operation of any portion of the Site is anticipated to be delayed beyond the time period stipulated, the Owner shall submit to the Director an application to amend the Approval to extend this time period, at least six (6) months prior to the end of the period. The amendment application shall include the reason(s) for the delay and whether there is any design change(s).

1.3 As-built Drawings

- (1) A set of as-built drawings, certified by a Professional Engineer and showing the design of the Site, shall be kept at the Site at all times.

1.4 Interpretation

- (1) Where there is a conflict between a provision of any document, including the application referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.
- (2) Where there is a conflict between the application and a provision in any documents listed in Schedule 1, the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the Ministry approved the amendment.
- (3) Where there is a conflict between any two documents listed in Schedule 1 other than the application, the document bearing the most recent date shall take precedence.
- (4) The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

1.5 Other Legal Obligations

- (1) The issuance of, and compliance with the conditions of this Approval does not:
 - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement; or
 - b. limit in any way the authority of the Ministry to require certain steps be taken or to require the Owner to furnish any further information related to compliance with this Approval.
- (2) Despite an Owner or any other person fulfilling any obligations imposed by this Approval, the person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the Adverse Effect or impairment of water quality.

1.6 Adverse Effect

- (1) The Site shall be constructed, operated and maintained in a manner which ensures the health and safety of all persons and prevents generation of negative environmental impacts including but not limited to dust, odours, vectors, pests, birds, litter, vibration, noise and any other negative environmental effects that may cause an Adverse Effect.
- (2) If at any time dust, including dust from vehicles leaving the Site, odours, vectors, pests, birds, litter, vibration, noise or other such negative environmental effects are generated at the Site and

cause an Adverse Effect, the Owner shall take immediate and appropriate remedial action(s) that is/are necessary to alleviate the Adverse Effect, including suspension of all waste management activities and removal of waste from the Site, if necessary.

- (3) The Owner shall take steps to minimize and ameliorate any Adverse Effect on the natural environment or impairment of water quality resulting from the approved operations at the Site, including such steps as accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.

1.7 Change of Owner and Operator

- (1) The Owner shall notify the Director in writing, and forward a copy of the notification to the Area Manager, within thirty (30) days of the occurrence of any change in:
 - a. the ownership of the Site;
 - b. the operator of the Site;
 - c. the address of the Owner;
 - d. the partners, where the Owner is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c. B.17, as amended, shall be included in the notification; or
 - e. the name of the corporation where the Owner is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.
- (2) The Owner shall notify the Area Manager, in writing, of any of the following changes within thirty (30) days of the change occurring:
 - a. change of address of the operator; and
 - b. change of the operator, including address of the new operator.
- (3) No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance. In the event of any change in ownership of the Site, other than change to a successor municipality, the Owner shall notify the successor of and provide the successor with a copy of this Approval, and the Owner shall provide a copy of the notification to the District Manager and the Director.

1.8 Inspections by the Ministry

- (1) No person shall hinder or obstruct a Provincial Officer from carrying out any and all inspections

authorized by the OWRA, the EPA, the PA, the SDWA or the NMA of any place to which this Approval relates, and without limiting the foregoing:

- a. to enter upon the premises where the approved processing is undertaken, or the location where the records required by the conditions of this Approval are kept;
- b. to have access to, inspect, and copy any records required to be kept by the conditions of this Approval;
- c. to inspect the Site, related equipment and appurtenances;
- d. to inspect the practices, procedures, or operations required by the conditions of this Approval;
- e. to conduct interviews with staff, contractors, agents and assignees of the Owner; and
- f. to sample and monitor for the purposes of assessing compliance with the terms and conditions of this Approval or the EPA, the OWRA, the PA, the SDWA or the NMA.

1.9 Information and Record Retention

- (1) Any information requested by the Ministry, concerning the operation of the Site and its operation under this Approval, including but not limited to any records required to be kept by this Approval shall, upon request, be provided to the Ministry in a timely manner and in a format specified by the Ministry. All records shall be retained for five (5) years except as otherwise authorized in writing by the Director.
- (2) The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
 - a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
 - b. acceptance by the Ministry of the information's completeness or accuracy.
- (3) The Owner shall ensure that a copy of this Approval, in its entirety and including all its Notices of Amendment, and the documentation listed in Schedule 1, are retained at the Owner's office at all times.

1.10 Financial Assurance

- (1) Within thirty (30) days from the date of this Approval, the Owner shall submit, the Financial Assurance in the amount of CAN\$61,300. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the transportation, Site clean-up and disposal

of all approved quantities of waste at the Site, at any one time.

- (2) Commencing on July 31, 2029 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 1.10.(1). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within thirty (30) calendar days of written acceptance of the re-evaluation by the Director.
- (4) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial Assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

1.11 Other Approvals and Requirements

- (1) The Owner shall ensure that the Site is not operated unless all approvals for the activities set out in Section 9 of the EPA and in Section 53 of the OWRA, where applicable, have been obtained and complied with.
- (2) Notwithstanding the requirements in this Approval, the Owner shall comply with any other applicable federal, provincial and municipal requirements.

2.0 SIGNS and SITE SECURITY

2.1 Signs

- (1) The Owner shall maintain a sign at the entrance to the Site. The sign shall be visible and readable from the main road leading to the Site. The following information shall be included on the sign:
 - a. name of the Owner and the Site's address;
 - b. this Approval number;
 - c. hours during which the Site is open;
 - d. waste types that are approved to be accepted at the Site;
 - e. Owner's telephone number to which complaints may be directed;

- f. Owner's twenty-four hour emergency telephone number (if different from above);
- g. a warning against unauthorized access; and
- h. a warning against dumping at the Site.

2.2 Security

- (1) The Owner shall ensure that the Site is secured and that all entrances are secured by lockable gates to prevent unauthorized access when the Site is not open.
- (2) The Site shall be enclosed by a fence as proposed in the Supporting Documentation.
- (3) The Owner shall ensure that the Site is operated in a safe and secure manner, and that all waste is properly handled, contained, stored and labelled so as not to pose any threat to the general public and the Site personnel.

3.0 SERVICE AREA, APPROVED WASTE TYPES and RATES

3.1 Service Area

- (1) The Site is approved to receive Liquid Soil originating in the Province of Ontario.

3.2 Approved Waste Types

- (1) The Site is approved to receive the following Liquid Soil types:
 - a. Liquid Soil originating from hydro-excavating activities at locations of the Approved Property Uses that do not have a history of spills or below grade leaks and have not been or are not being used or have been used for any Potentially Contaminating Activity; and
 - b. Liquid Soil that does not exceed the Contaminant concentrations set out in Table 1 from the Soil Rules.

3.3 Prohibited Waste Types

- (1) No free-phase liquid (non-aqueous phase liquid), excluding water, shall be present in the Liquid Soil.
- (2) Liquid Soil originating from spill clean-up activities is not approved for receipt at the Site.
- (3) Liquid industrial waste, including the catch basin waste, is not approved for receipt at the Site.
- (4) The Site is not approved to receive any subject waste as defined under Regulation 347. Any incidental subject waste received at the Site shall be handled as the Rejected Waste and in

accordance with the requirements set out in this Approval.

3.4 Waste Receipt Rates

- (1) The Site is approved to receive the maximum amounts of the Liquid Soil, as follows:
 - a. a maximum of 200 tonnes per day; and
 - b. a maximum of 63,000 tonnes per year.

4.0 SITE OPERATIONS

4.1 Operating hours

- (1) Under typical operations, the Site is approved to be open to receive Liquid Soil between 5:00 am and 10:00 pm, 7 days a week.
- (2) Processing of Liquid Soil is approved to take place 24 hours per day, 365 days per year.
- (3) Notwithstanding provisions of Conditions 4.1(1) and 4.1(2), the operations at the Site shall be in compliance with the local municipal by-laws.

4.2 Approved Waste Management Activities

Excess Soil limited to Liquid Soil

- (1) The following activities for management of the Liquid Soil are approved under this Approval:
 - a. recording the type and the volume of the incoming Liquid Soil truck loads by the Trained Personnel;
 - b. inspection of the incoming Liquid Soil documentation and confirmation of the Approval requirements;
 - c. receipt of the incoming Liquid Soil and visual inspection prior to or upon unloading, if possible;
 - d. if not already characterized at the Source Site/generator site, sampling and testing of the incoming Liquid Soil, as required in this Approval;
 - e. manual removal of the Residual Waste from the Liquid Soil, as required;
 - f. blending, bulking or mixing of Similar Liquid Soils prior to processing, if required;
 - g. processing of Liquid Soil in the wash plant into Large Solids and Fine Solids and process

wastewater;

- h. temporary storage of Large Solids in a short term storage bin and then in three (3) bunkers;
- i. temporary storage of Fine Solids in short term storage bin and then in three (3) bunkers;
- j. sampling and testing of the Liquid Soils Solids, as required in this Approval;
- k. mixing, bulking or blending of the Similar Liquid Soil Solids into an outgoing load;
- l. recording the type and the volume of the outgoing truck loads by the Trained Personnel; and
- m. transfer of the Fine Solids, the Large Solids or mixtures of Fine Solids with Large Solids to a Reuse Site or an approved waste disposal site or any other site approved/licenced to accept such waste by an appropriate government agency of equivalent jurisdiction or transfer of the Large Solids for sale for beneficial re-use.

Process Wastewater

- (2) The following activities for management of the process wastewater are approved under this Approval:
- a. settling out the suspended solids from the process wastewater in the Floc Tank;
 - b. clarification of the process wastewater from the Floc Tank to remove Ultra Fines with use of a flocculant;
 - c. temporary storage of the treated process wastewater in the Water Storage Tank;
 - d. sampling and testing of the treated process wastewater, as required in this Approval; and
 - e. re-use of the treated process wastewater in the wash plant at the Site or transfer for beneficial re-use at hydro-excavation activities or disposal at the sewage works.

Residual Waste limited to Ultra Fines and Solids from the Floc Tank

- (3) The following activities for management of the Ultra Fines and solids from the Floc Tank are approved under this Approval:
- a. removal of suspended solids from the process wastewater in the Floc Tank;
 - b. additional removal of Ultra Fines with use of a flocculant in the Clarifying Unit;

- c. temporary storage of of Ultra Fines in the Sludge Tank;
- d. sampling and testing of the Ultra Fines and/or and solids from the Floc Tank, as required in this Approval;
- e. transfer of solids from the Floc Tank to an approved waste disposal site for Final Disposal; and
- f. transfer of the Ultra Fines to an approved waste disposal site for Final Disposal.

Other Residual Waste

- (4) The following Residual Waste management activities are approved in this Approval:
- a. removal of other Residual Waste from the Liquid Soil as proposed in the Supporting Documentation;
 - b. temporary storage of other Residual Waste;
 - c. sampling and testing of other Residual Waste, as required in this Approval; and
 - d. transfer from the Site to a waste disposal site or any other site approved/licenced to accept such waste by an appropriate government agency of equivalent jurisdiction.

Rejected Waste Management

- (5) The following Rejected Waste management activities are approved in this Approval:
- a. temporary storage in the receiving hopper as proposed in the Supporting Documentation;
 - b. pumping out from the receiving hopper or removal of the solids from the storage areas; and
 - c. transfer from the Site to a waste disposal site or to any other site approved/licenced to accept such waste by an appropriate government agency of equivalent jurisdiction.

Stormwater Management

- (6) Management of the stormwater as proposed in the Supporting Documentation is approved under this Approval.

4.3 Receipt of Liquid Soil

- (1) The Owner shall only accept Liquid Soil that has been transported to the Site by haulers

approved by the Ministry, or registered on the EASR, as required.

- (2) Prior to accepting the incoming Liquid Soil at the Site, the Trained Personnel shall review the required documentation and if the documentation is acceptable, direct the truck driver to the truck staging area or the Liquid Soil unloading area.
- (3) The Liquid Soil loads arriving at the Site shall be accompanied by the required documentation as set out in Conditions 4.4 and 4.6.
- (4) If the Liquid Soil loads arrive at the Site without the required documentation or with the documentation that is incomplete as required in Conditions 4.4 and 4.6, the Owner may accept the incoming Liquid Soil at the Site subject to compliance with the requirements set out in Conditions 4.7(1) or 4.7(2).
- (5) The Trained Personnel shall visually inspect the incoming Liquid Soil loads prior to unloading, if possible, and again as it is being unloaded.
- (6) Any Liquid Soil that exhibits characteristics suggesting that it is not an approved waste type shall be deemed a Rejected Waste and disposed of in accordance with this Approval, the EPA and Regulation 347.
- (7) Liquid Soil may be stored outdoors in trucks temporarily parked in the staging area of the Site as proposed in the Supporting Documentation.

4.4 Liquid Soil Source Site/Generator Documentation

For Each Source Site/Generator

- (1) The Source Site/generator documentation shall be for the Liquid Soil from each Source Site/generator.

Required Source Site/Generator Documentation

- (2) Prior to accepting any Liquid Soil at the Site, the Owner shall acquire from the Source Site owner/generator the documentation that contains following information on the Source Site/generator, as applicable:
 - a. the generator's name and/or company name, address and contact information;
 - b. the Source Site/generator location;
 - c. current Source Site/generator activities and land use, including identifying any certain or likely Potentially Contaminating Activity;
 - d. past Source Site/generator activities and land use, including identifying any certain or likely

Potentially Contaminating Activity; and

- e. estimated quantity of the Liquid Soil to be received at the Site.

Hydro-Excavation Inspection Confirmation

- (3) Prior to accepting any Liquid Soil at the Site, the Owner shall acquire from the Source Site owner/generator or the hydro-excavating operator, a written confirmation that,
 - a. the activity has been carried out by an operator trained to visually inspect the soil being excavated for indicators that the soil may not be acceptable for receipt at the Site; and
 - b. the operator has carried out the visual inspection when hydro-excavating the soil.

4.5 Excess Soil Characterization Requirements

Instructions from Qualified Person

- (1) Any required Excess Soil characterization shall be done in accordance with instructions from and under the supervision of a Qualified Person.

Documentation by Qualified Person

- (2) Any required Excess Soil characterization documentation shall be prepared by a Qualified Person.

For Each Source Site/Generator

- (3) When accepting characterized Liquid Soil, the Soil characterization documentation shall be for the Soil from each Source Site/generator.

For Each Reuse Site, Waste Disposal Site or Site or Beneficial Re-Use Approved/Permitted by an Appropriate Regulatory Agency of Equivalent Jurisdiction

- (4) When transferring the Liquid Soil Solids from the Site, the Solids characterization shall be done for each Reuse Site, waste disposal site or a site or beneficial re-use approved/permitted by an appropriate regulatory agency of equivalent jurisdiction.

Sampling and Testing Protocols and Methods

- (5) The following shall be followed when determining the acceptable sampling and testing protocols and methods:
 - a. sampling and testing protocols and methods, including the number of samples taken and their locations, the sampling methods used and handling of the samples, including

references to any Ministry-published protocols or methods used, including but not limited to the following: Ministry's document entitled "*Principles of Sampling and Analysis of Waste for TCLP under Reg. 347* ", as amended; and

- b. description of any deviations from the Ministry-published protocols and methods and whether or not the proposed protocols and methods used were as recommended by the Qualified Person or the accredited laboratory service provider.

- (6) When characterizing the Liquid Soil Solids destined for beneficial re-use, sampling and testing protocols and methods approved/permitted by an appropriate regulatory agency and as required by the user shall be used to confirm compliance with the applicable quality criteria, standards and restrictions.

Hazardous Waste Definition Triggers

- (7) To confirm that the Excess Soil does not trigger any criteria from the hazardous waste definition from Regulation 347, the following shall be determined:
 - a. procedures used to determine the Contaminants and the parameters that require physical and chemical analysis, including TCLP, to confirm that the Excess Soil does not trigger any criteria from the hazardous waste definition from Regulation 347; and
 - b. technical justification for the selection of the Contaminants/parameters, including analysis of the Source Site/generator information from Condition 4.4(2).

Bulk Concentrations of Contaminants and Other Characteristics

- (8) When bulk concentrations of the Contaminants are required, the following bulk concentrations shall be tested for:
 - a. Petroleum Hydrocarbon Fractions;
 - b. petroleum hydrocarbon VOCs limited to Benzene, Toluene, Ethyl Benzene and Xylene;
 - c. heavy metals and hydride-forming metals (antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, uranium, vanadium and zinc);
 - d. other applicable potential Contaminant(s) listed in Excess Soil Standards in Part II of the Soil Rules, including any other VOCs and SVOCs or inorganics, as determined from the information contained in the general documentation required in Condition 4.4(2); and
 - e. Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR).
- (9) When bulk concentrations of the Contaminants are required, the following shall be

determined:

- a. procedures used to determine the Contaminants that require chemical analysis; and
- b. technical justification for selection of the Contaminants, including analysis of the Source Site/generator information from Condition 4.4(2).

- (10) When bulk concentrations of the Contaminants are required the testing for the concentrations shall be completed in accordance with the requirements of section 47 of O. Regulation 153/04 (Analytical procedures), including the requirements in relation to the handling and storage of the samples, the requirement that the analyses of the samples be carried out by an accredited laboratory service provider and the requirements to comply with the Analytical Protocol.

Leachate Screening Levels

- (11) To demonstrate compliance with the Leachate Screening Levels, the following shall be used:
- a. the Ministry's Synthetic Precipitation Leaching Procedure (E9003 or mSPLP) or another method approved by the Director. The subsequent analysis of the leachate must be completed in accordance with the requirements of section 47 of O. Regulation 153/04 (Analytical procedures), including the requirements in relation to the handling and storage of the samples, the requirement that the analyses of the samples be carried out by an accredited laboratory service provider and the requirements to comply with the Analytical Protocol.

Laboratory Service Provider Credentials

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

Discrete Samples

- (13) Discrete Samples shall be taken when analysing for:
- a. metals, including barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, silver, thallium, uranium, vanadium, zinc, antimony, arsenic and selenium;
 - b. Petroleum Hydrocarbon Fractions;
 - c. VOCs including Benzene, Toluene, Ethyl Benzene and Xylene;
 - d. SVOCs, which include the SVOCs with the Henry's Law constant greater than 1×10^{-5} atmosphere m^3/mol and/or vapour pressure greater than 0.05 mm Hg and which, for example, are Acenaphthene, Acenaphthylene, Anthracene, Benz(a)anthracene, Cresol

(m&p-), Cresol(o-), Fluoranthene, Fluorene, Methylnaphthalene (2-(1-)), Naphthalene, and Phenanthrene; and

- e. polycyclic aromatic hydrocarbons / acid/base/neutral compounds.

Composite Samples

- (14) Composite Samples shall be taken when analysing for SVOCs with the Henry's Law constant less than 1×10^{-5} atmosphere m^3/mol and/or vapour pressure less than 0.05 mm Hg.

4.6 Incoming Liquid Soil Characterization Documentation

Liquid Soil Characterization Documentation

- (1) Prior to accepting any incoming Liquid Soil at the Site, the Owner shall acquire from each Source Site owner/generator the required characterization documentation set out in Condition 4.6(2) and/or Conditions 4.6(3) and 4.6(4).

Characterization of the Source Site/Generator Location

- (2) To demonstrate that the hydro-excavating Source Site/Generator location does not have a history of spills or below grade leaks and have not been or are not being used for any Potentially Contaminating Activity and that the Soil from the Source Site/Generator location is likely to be the type of waste approved for receipt at the Site, the characterization documentation shall include the following:
 - a. the results of any Phase 1 ESA and Phase 2 ESA undertaken for the Source Site/generator location in accordance with the Ministry's requirements under O. Regulation 153/04; or
 - b. the following sampling and analytical information/results for the Source Site/generator location:
 - i. sampling methods and protocols for the required characterization; and
 - ii. analytical results confirming that the soil at the Source Site/generator location does not trigger any criteria from the hazardous waste definition from Regulation 347 and that the concentrations of Contaminants/other characteristics comply with the concentration values listed in Table 1 from the Soil Rules;

as set out in Condition 4.5, as applicable.

Characterization of the Liquid Soil

- (3) To demonstrate that the incoming Liquid Soil is the type of waste approved for receipt at the Site, the Owner shall acquire documentation from the Source Site owner/generator showing

the results of its characterization.

- (4) As a minimum, the characterization documentation shall include the following information:
- a. sampling methods and protocols for the required characterization; and
 - b. the analytical results confirming that the Liquid Soil does not trigger any criteria from the hazardous waste definition from Regulation 347 and that the concentrations of Contaminants/other characteristics comply with the concentration values listed in Table 1 from the Soil Rules;

as set out in Condition 4.5, as applicable.

4.7 Incoming Liquid Soil with Incomplete Characterization Documentation or without Characterization Documentation

Without Land-Use Documentation and in Accordance with the Owner's Proposed Protocol

- (1) Despite requirements set out in Condition 4.6 and provided that the incoming liquid waste is expected to be a Liquid Soil approved for receipt at the Site, the Liquid Soil may be received at the Site with incomplete characterization documentation or without the required characterization documentation or without the Source Site/generator site documentation required in Condition 4.4(2), if the following requirements are complied with:
- a. the incoming Liquid Soil load is accompanied by the Incoming Material Screening Sheet, as proposed for use by the Owner and listed in the Supporting Documentation;
 - b. the Liquid Soil load is accompanied by the written confirmation of the hydro-excavation inspection required in Condition 4.4(3);
 - c. the Owner carries out the Secondary Screening Procedure as proposed for use by the Owner and listed in the Supporting Documentation; and
 - d. the Owner carries out enhanced Fine Solids sampling required in this Approval.

With Land-Use Documentation and in Accordance with the Owner's Proposed Protocol

- (2) Despite requirements set out in Condition 4.6 and provided that the incoming liquid waste is expected to be a Liquid Soil approved for receipt at the Site, the Liquid Soil may be received at the Site with incomplete characterization documentation or without the required characterization documentation, if the following requirements are complied with:
- a. the incoming Liquid Soil load is accompanied by the Source Site/generator site documentation required in Condition 4.4(2);

- b. the incoming Liquid Soil load is accompanied by the Incoming Material Screening Sheet, as proposed for use by the Owner and listed in the Supporting Documentation;
- c. the Owner carries out the Secondary Screening Procedure as proposed for use by the Owner and listed in the Supporting Documentation;
- d. the Liquid Soil load is accompanied by the written confirmation of the hydro-excavation inspection required in Condition 4.4(3); and
- e. the Owner carries out standard Fine Solids sampling, as required in this Approval.

4.8 Incoming Liquid Soil Processing and Outputs Generation Rates

- (1) The maximum processing rate of the wash plant is 200 tonnes of waste per day, or 63,000 tonnes annually.
- (2) The maximum generation rate of solids at the Site is 133 tonnes per day or 41,900 tonnes per year.
- (3) The maximum generation rate of liquids at the Site is 67 cubic metres per day or 21,100 cubic metres per year.

4.9 Liquid Soil Processing

- (1) Unless otherwise required by this Approval, the Liquid Soil processing shall be carried out by the Trained Personnel and as described in the Supporting Documentation.
- (2) The wash plant shall be covered with an insulated dome structure except for the loading and unloading areas as described in the Supporting Documentation.

4.10 Blending, Bulking or Mixing Rules

Prohibition to Reduce or Dilute Concentrations of Contaminant(s)

- (1) The Owner shall not blend, bulk or mix loads of Liquid Soils from different Source Sites/generators or blend, bulk or mix the Liquid Soil Solids of different quality or with other waste or materials if the purpose of blending, bulking or mixing is to reduce or dilute concentrations of Contaminant(s) present in the Soil or the Solids.

Blending, Bulking or Mixing of Fine Solids with Large Solids

- (2) The Liquid Soil Solids may be blended, bulked or mixed together to meet the customer's specifications if done in accordance with the rules in this Approval, O. Regulation 406/19, including compliance with the definition of Excess Soil.

Prohibition of Blending, Bulking or Mixing of Liquid Soil Solids with Waste Subject to Approval Requirements

- (3) At no time, shall any Liquid Soil Solids intended for deposition at a Reuse Site, be blended, bulked or mixed with any waste that is subject to approval requirements under section 20.2 of Part II.1 of the EPA.

Blending, Bulking or Mixing of Characterized Liquid Soil or the Liquid Soil Solids

- (4) The Owner may blend, bulk or mix characterized Liquid Soil while processing in the wash plant or blend, bulk or mix the Liquid Soil Solids in the Stockpiles provided that;
- a. the Source Site/generator site documentation from Condition 4.4(2) has been provided to the Owner;
 - b. the Liquid Soil was accepted at the Site with the characterization documentation required in Condition 4.6 to show compliance with Contaminant concentrations set out in Table 1 from the Soil Rules and that the Soil or the Solids are Similar;
 - c. no uncharacterized Liquid Soil has been blended, bulked and mixed with the characterization Liquid Soil in the wash plant; and
 - d. confirmation from Condition 4.4(3) has been provided to the Owner.

Blending, Bulking or Mixing of Uncharacterized Liquid Soil Without the Land Use Information

- (5) The Owner may blend, bulk or mix uncharacterized Liquid Soil while processing the Liquid Soil in the wash plant provided that;
- a. the Liquid Soil has been accepted at the Site with the Incoming Material Screening Sheet;
 - b. the Owner has completed the incoming Liquid Soil screening using the Secondary Screening Procedure;
 - c. confirmation from Condition 4.4(3) has been provided to the Owner; and
 - d. prior to any subsequent blending, bulking or mixing of the resulting Fine Solids, the Owner carries out enhanced sampling and characterization of the Solids in each 70 cubic metres-Stockpile to show that the Solids are Similar.

Blending, Bulking or Mixing of Uncharacterized Liquid Soil with the Land Use Information

- (6) The Owner may blend, bulk or mix uncharacterized Liquid Soil while processing the Liquid Soil in the wash plant provided that;
- a. the Source Site/generator site documentation from Condition 4.4(2) has been provided to the Owner;
 - b. the Liquid Soil has been accepted at the Site with the Incoming Material Screening Sheet;
 - c. the Owner has completed the Incoming Liquid Soil screening using the Secondary Screening Procedure;
 - d. confirmation from Condition 4.4(3) has been provided to the Owner; and
 - e. prior to any subsequent blending, bulking or mixing of the resulting Fine Solids, the Owner carries out standard sampling and characterization of the Solids in each 70 cubic metres-Stockpile to show that the Solids are Similar.

Blending, Bulking or Mixing of Characterized Fine Solids, Destined for a Reuse Site

- (7) When the Fine Solids are destined for a Reuse Site, the Owner shall ensure that,
- a. all Solids to be blended, bulked or mixed, have been characterized in accordance with the applicable requirements set out in Conditions 4.10(4), 4.10(5) or 4.10(6), above; and
 - b. all Solids to be blended, bulked or mixed are Similar and comply with the Excess Soil Criteria for the same proposed Reuse Site.
- (8) Notwithstanding provisions of Condition 4.10(7), the Fine Solids, destined for deposition at a Reuse Site may only be blended, bulked or mixed if this activity is done in accordance with O. Regulation 406/19 and the Soil Rules.

Liquid Soil Solids Destined for Further Processing or Final Disposal at a Waste Disposal Site

- (9) When the Liquid Soil Solids are destined for a waste disposal site for further processing or Final Disposal, the Owner shall,
- a. ensure that all Solids to be bulked, mixed or blended comply with the quality criteria required by the environmental compliance approval for that waste disposal site and as required by the waste disposal site owner; and
 - b. sample and characterize all amount of the Liquid Soil Solids destined for a particular waste disposal site.

Liquid Soil Solids Destined for a Site Approved/Permitted by an Appropriate Regulatory

Agency of Equivalent Jurisdiction

- (10) When the Liquid Soil Solids are destined for a site approved/permitted by an appropriate regulatory agency of equivalent jurisdiction, the Owner shall,
- a. ensure all Solids to be blended, bulked or mixed comply with the applicable quality criteria and restrictions required by the said regulatory agency and as required by the receiving site owner; and
 - b. sample and characterize all amount of the Liquid Soil Solids destined for a particular a site approved/permitted by an appropriate regulatory agency of equivalent jurisdiction.

Large Solids

- (11) When Large Solids are destined for a sale for beneficial re-use, all Rock and Aggregate to be blended, bulked or mixed shall be Similar and shall comply with the applicable quality criteria, standards and restrictions required by the applicable regulatory agency and as required by the user.
- (12) When Rock and Aggregate are destined for blending, bulking or mixing with Fine Solids for deposition at a Reuse Site, the blending, bulking or mixing shall be done in accordance with O. Regulation 406/19 and the Soil Rules and the mixture shall comply with the Excess Soil Criteria for the same proposed Reuse Site.

4.11 Process Wastewater Treatment and Reuse or Disposal

- (1) The process wastewater from the wash plant shall be treated in the Floc Tank by settling out the suspended solids, as proposed in the Supporting Documentation.
- (2) The Floc Tank is approved to be uncovered, with approximate dimensions of 16.8 metres in length, 3.7 metres in width, and 1.5 metres in height, with the maximum storage capacity of 40 cubic metres of turbid process wastewater, as proposed in the Supporting Documentation.
- (3) The process wastewater from the Floc Tank shall be treated in the Clarifying Tank with use of a flocculant listed in the Supporting Documentation, or equivalent, as proposed in the Supporting Documentation.
- (4) The Clarifying Tank is approved to be covered, with approximate dimensions of 16.8 metres in length, 3.7 metres in width, and 1.5 metres in height, with the maximum storage capacity of 17.7 cubic metres, as proposed in the Supporting Documentation.
- (5) Treated process wastewater shall be stored in one (1) enclosed Water Storage Tank, with approximate dimensions of 13.7 metres in length, 2.6 metres in width, and 3.4 metres in height, the maximum storage capacity of 80 cubic metres, and equipped with a top-facing access point for visual water level monitoring, manual measurements, sampling and venting to

atmospheric condition if required, as proposed in the Supporting Documentation.

- (6) The Owner shall monitor and maintain the proposed freeboard in the process wastewater tanks to prevent overflow.
- (7) Treated process wastewater may be reused in the wash plant or disposed of in the Ministry-approved sewage works.
- (8) Treated process wastewater may be used in the hydro-excavating activities if tested in accordance with this Approval.
- (9) Notwithstanding provisions of Conditions 4.11(1) through 4.11(8), the Owner shall ensure that all process wastewater and treated process wastewater is contained and managed in accordance with the OWRA and any other applicable legislation.

4.12 Residual Waste Management and Disposal

- (1) The Ultra Fines from the Clarifying Tank shall be stored in one (1) open-top Sludge Tank with approximate dimensions of 16.8 metres in length, 3.7 metres in width, and 1.5 metres in height and the maximum storage capacity of 11 cubic metres.
- (2) The settled-out solids shall be pumped out from the Floc Tank regularly and disposed off in accordance with this Approval.
- (3) The Ultra Fines shall be pumped out from the Sludge Tank and disposed off regularly to ensure that the Tank is not overfilled.
- (4) The Owner shall ensure that all Residual Waste types generated at the Site is segregated from all other waste, reagents and materials, at all times.
- (5) The Owner shall ensure that all Residual Waste generated at the Site are managed and disposed of in accordance with the EPA and Regulation 347 at Ministry-approved waste disposal sites.

4.13 Storage

- (1) The maximum total design storage capacity for solids, including Large Solids, Fine Solids, Ultra Fines and any other Residual Waste, at the Site is approximately 1,000 tonnes.
- (2) The maximum amount of the Liquid Soil storage in trucks in the staging area of the Site shall not exceed 80 cubic metres.
- (3) Wash plant has the maximum design storage capacity of 12.4 cubic metres of the Liquid Soil within the wash plant.

- (4) The Floc Tank has the maximum design storage capacity of 40 cubic metres of turbid process wastewater and the Ultra Fines.
- (5) Clarifying Tank has the maximum design storage capacity of 17.7 cubic metres of process wastewater and the Ultra Fines.
- (6) The maximum amount of the treated process wastewater storage in one (1) Water Storage Tank shall not exceed 80 cubic metres
- (7) The maximum amount of the Ultra Fines storage in one (1) Sludge Tank shall not exceed 11 cubic metres.
- (8) The maximum amount of the Fine Solids storage in one (1) temporary bin shall not exceed 8.5 cubic metres.
- (9) The maximum amount of the Large Solids storage in one (1) temporary bin shall not exceed 8.5 cubic metres.
- (10) The maximum amount of the Fine Solids storage in three (3) bunkers shall not exceed a total of 204 cubic metres or 68 cubic metres each.
- (11) The maximum amount of the Fine Solids storage in three (3) bunkers shall not exceed a total of 204 cubic metres or 68 cubic metres each.
- (12) Large Solids resulting from processing of the Liquid Soil in the wash plant at the Site shall be stored in one (1) uncovered short term storage bin, with dimensions of 17 metres long, 4 metres wide, and 2 metres high, located immediately adjacent to the wash plant followed by a long term storage in three (3) uncovered bunkers, each with approximate dimensions: 6 metres long and wide, and 2 metres high, and partitioned with concrete blocks.
- (13) Fine Solids produced by the Liquid Soil processing at the Site shall be stored in one (1) uncovered short term storage bin, with dimensions of 17 metres long, 4 metres wide, and 2 metres high, located immediately adjacent to the wash plant followed by a long term in three (3) uncovered bunkers, each with approximate dimensions: 6 metres long and wide, and 2 metre high, and partitioned with concrete blocks.
- (14) The Liquid Soil storage in trucks shall be in the designated staging area as shown in the Supporting Documentation.
- (15) No overnight storage of the Liquid Soil in trucks is approved under this Approval.

4.14 Spill Containment

- (1) The Owner shall construct, operate, inspect and maintain the secondary spill containment for the wash plant, the Liquid Soil unloading area and the storage bunkers and tanks as proposed

in the Supporting Documentation.

- (2) Small spills shall be cleaned up as proposed in the Supporting Documentation.

4.15 Rejected Waste Handling and Disposal

- (1) Any incoming Liquid Soil load that does not meet the receipt requirements of this Approval, inadvertently accepted at the Site or any Liquid Soil Solids characterized at the Site and found to exceed the Contaminant concentrations in Table 1 from the Soil Rules, shall be deemed to be a Rejected Waste.
- (2) Any Rejected Waste unloaded into the receiving hopper shall be immediately pumped out and removed from the Site.
- (3) No new load of the Liquid Soil shall be unloaded into the hopper until the Rejected Waste is fully removed from the hopper.
- (4) The solid Rejected Waste shall be removed from the Site within (4) business days of its receipt of the laboratory report from the analysis of the waste deemed as the Rejected Waste, or as acceptable to the District Manager.
- (5) In the event that the Rejected Waste is found at the Site, the Owner shall keep a record in accordance with the requirements set out in Condition 14.9, below, and notify the District Manager in accordance with the requirements set out in Condition 15.0, below.
- (4) Notwithstanding provisions of Conditions 4.15(1) through 4.15(5), above, the Owner shall ensure that all Rejected Waste at the Site is managed and disposed of in accordance with the EPA and Regulation 347.

4.16 Prohibitions

- (1) Burning of any wastes is prohibited at the Site.
- (2) Scavenging of any wastes is prohibited at the Site.
- (3) No outdoor storage of any wastes or materials is permitted at any time, except as approved in this Approval.

4.17 Cross-Contamination Prevention

- (1) The Owner shall ensure that the incoming Liquid Soil and the equipment used in its handling are kept separate and do not come in contact with the Liquid Soil Solids and the tested Liquid Soil Solids and the Residual Waste unless the equipment has been cleaned first, as required, to prevent cross-contamination.

4.18 Stormwater Management

- (1) The stormwater collected at the Site shall be managed as proposed in the Supporting Documentation and as approved in this Approval.

4.19 Quonset Hut Storage

- (1) Storage of heavy equipment, tools, and machinery when not in use, is approved in a building referred to as Quonset Hut, as described and shown in the Supporting Documentation.

5.0 EQUIPMENT MAINTENANCE and SITE INSPECTIONS

5.1 Inspections

- (1) The Owner shall maintain at the Site a comprehensive written inspection program which includes procedures for inspections of all aspects of the Site's operations including but not limited to the following:
 - a. waste or materials loading/unloading/storage/handling areas;
 - b. condition of all major pieces of the Site's equipment;
 - c. condition of all instruments for monitoring required under this Approval;
 - d. security fence and property line;
 - e. presence of excessive fugitive dust emissions from the operation of the Site; and
 - f. presence of the litter originating from the Site.
 - (2) The inspection program shall be updated, as required, shall be retained at the Site and be made available for inspection by a Provincial Officer, upon request at any time.
 - (3) The inspections required in Condition 5.1(1) shall be undertaken daily by Trained Personnel in accordance with the inspection program to ensure that all Site's equipment and facilities at the Site are maintained in good working order at all times and that no off-Site impacts are occurring. Any deficiencies detected during these regular inspections must be promptly corrected.
- #### **5.2 Spare Parts**
- (1) The Owner shall prepare a list of critical spare parts and update this list annually or more frequently, if necessary, to ensure that this list is maintained up-to-date. The list shall be retained at the Site and be made available for inspection by a Provincial Officer, upon request

at any time.

- (2) The Owner shall ensure that the critical spare parts are available at the Site at all times or be immediately available from an off-Site supplier.

5.3 Maintenance

- (1) The Owner shall ensure that the Site's equipment is properly operated and maintained at all times.
- (2) The Owner shall prepare, not later than three (3) months after the date of this Approval, and update, as necessary, a written or electronic document outlining the operating procedures and a maintenance program for the equipment, including routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the equipment suppliers.
- (3) The Owner shall implement the recommendations of the document referred to in Condition 5.3(2), above.
- (4) The Owner shall develop and implement a preventative maintenance program for all on-Site equipment associated with the processing and managing of wastes and control of fugitive odour and dust emissions.
- (5) The preventative maintenance program shall be maintained up-to-date, be retained at the Site and be available for inspection by a Provincial Officer, upon request at any time.

6.0 MONITORING

- (1) Monitoring of the processing of the Liquid Soil in the wash plant, treatment of the process wastewater and processing of the Ultra Fines shall be carried out in accordance with the Supporting Documentation.

7.0 CHARACTERIZATION at the SITE

7.1 Requirement for Quality Assurance/Quality Control Program

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

7.2 Characterization of the Incoming Liquid Soil or Liquid Soil Solids

- (1) Unless the incoming Liquid Soil has been already adequately characterized at the Source Site/generator site or the Source Site/generator site has been characterized as required by this Approval, the Owner shall,
 - a. sample and characterize the incoming Liquid Soil at the Site; or
 - b. sample and characterize the Liquid Soil Solids from the wash plant.
- (2) The Owner shall sample and characterize the Liquid Soil Solids destined for,
 - a. each Reuse Site;
 - b. each waste disposal site;
 - c. each site approved/permitted by an appropriate regulatory agency of equivalent jurisdiction; or
 - d. when blending, bulking or mixing the Liquid Soil Solids into a mix prior to transfer to a Reuse Site, a waste disposal site or a site approved/permitted by an appropriate regulatory agency of equivalent jurisdiction.
- (3) If sampling the incoming Liquid Soil, the Owner shall sample the Soil,
 - a. within twenty-four (24) hours from its receipt, or on the next business day, whichever comes first; or
 - b. when receiving Liquid Soil from the same Source Site over several days, within twenty-four (24) hours from last load receipt, or on the next business day, whichever comes first.
- (4) For sampling and testing of the incoming Liquid Soil, the Owner shall use the sampling procedures, methods, equipment and techniques, and the analytical methods and requirements set out in Conditions 4.5 and 4.6, as applicable.

7.3 Testing of the Fine Solids Destined for a Reuse Site

- (1) Prior to its shipment from the Site to a Reuse Site, the Owner shall characterize the Fine Solids in accordance with this Approval.
- (2) If the incoming Liquid Soil has been accepted at the Site in accordance with Condition 4.7(1), the Owner shall carry out enhanced Soil sampling of collecting 10% more samples than specified in the Soil Rules and as instructed by the Reuse Site owner.

- (3) If the incoming Liquid Soil has been accepted at the Site in accordance with Condition 4.7(2), the Owner shall carry out standard Soil sampling set out in the Soil Rules and this Approval and as instructed by the Reuse Site owner.
- (4) When required to sample a Stockpile, the Owner shall take representative samples when each Stockpile destined for a Reuse Site reaches the amount of 70 cubic metres of Fine Solids.
- (5) When required to sample the total amount of the Fine Solids destined for a particular Reuse Site, the Owner shall determine the number of samples for the total amount from the requirements in the Soil Rules.
- (6) The Owner shall sample the Fine Solids within twenty-four (24) hours from completion of the Stockpile construction or when the total amount of the Fine Solids has been accumulated, or on the next business day, whichever comes first.
- (7) No additional Fine Solids shall be added to the Stockpile or the total amount of the Fine Solids, after sampling has been completed.
- (8) For sampling and testing of the Fine Solids, the Owner shall use the sampling procedures, methods, equipment and techniques, and the analytical methods and requirements set out in Conditions 4.5 and 4.6, as applicable and in accordance with the O. Regulation 406/19 and the Soil Rules.
- (9) If there is a conflict between the requirements of this Approval and the Soil Rules, the Soil Rules shall take precedence.

7.4 Testing of the Fine Solids Destined for a Waste Disposal Site or a Site Approved/Permitted by an Appropriate Regulatory Agency of Equivalent Jurisdiction

- (1) Prior to its shipment from the Site to a waste disposal site, the Owner shall characterize the Fine Solids to demonstrate that the Solids are suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site environmental compliance approval and as instructed by the owner of the waste disposal site.
- (2) Prior to its shipment from the Site to a site approved/permitted by an appropriate regulatory agency of equivalent jurisdiction, the Owner shall characterize the Fine Solids to demonstrate that the Solids are suitable for receipt at the site, in compliance with the approval/permit for the site and as required by the site owner.
- (3) If there are no characterization provisions in the waste disposal site environmental compliance approval from Condition 7.6(1) or instructions from the owner of the waste disposal site, the Owner shall characterize the Fine Solids as set out in Condition 7.6.

7.5 Testing of the Large Solids for Beneficial Re-Use

- (1) Prior to its shipment from the Site and sale for a beneficial re-use as an aggregate material, the Owner shall test the Large Solids as required by the receiver.

7.6 Testing of Treated Process Wastewater for a Beneficial Re-use in Hydro-Excavating Activities

- (1) Prior to its shipment from the Site for a beneficial re-use in hydro-excavating activities or for dust control purposes, the Owner shall take representative samples of the treated process wastewater from the Water Storage Tank and test for the following contaminants:
 - a. petroleum hydrocarbon VOCs limited to Benzene, Toluene, Ethyl Benzene and Xylene;
 - b. Petroleum Hydrocarbon Fractions;
 - c. pH;
 - d. conductivity;
 - e. alkalinity;
 - f. anions (bromide, chloride, fluoride, nitrite/nitrite, phosphate, and sulphate);
 - g. cations (calcium, iron, magnesium, potassium, sodium); and
 - h. heavy metals and hydride-forming metals (antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, uranium, vanadium and zinc).
- (2) When characterizing treated process wastewater, the Owner shall use sampling and testing protocols and methods, including the number of samples taken and their locations, the sampling methods used and handling of the samples, including references to any Ministry-published protocols or methods.
- (3) Any deviations from the Ministry-published protocols and methods shall be made by a Qualified Person or the accredited laboratory service provider or a Professional Engineer with expertise in wastewater sampling and testing.

7.7 Testing of Treated Process Wastewater for Transfer to Sewage Works

- (1) Prior to its shipment from the Site to sewage works, the Owner shall characterize the treated process wastewater to demonstrate that the wastewater is suitable for acceptance at the receiving sewage works.
- (2) Unless otherwise required by the sewage works environmental compliance approval or instructed by the sewage works owner, the Owner shall sample and test the treated process wastewater in accordance with the requirements set out in Conditions 7.6(1) through 7.6(3).

7.8 Testing of Residual Waste

- (1) Prior to its shipment from the Site to a waste disposal site, the Owner shall characterize the Residual Waste to demonstrate that the Waste is suitable for acceptance at the receiving waste disposal site, as required by the waste disposal site environmental compliance approval and as instructed by the owner of the waste disposal site.
- (2) If Ultra Fines and/or and solids from the Floc Tank are destined for disposal at a solid non-hazardous waste landfill site, as a minimum, the Owner shall do a Slump Test on each load of the material.
- (3) When characterizing the Residual Waste, the Owner shall use sampling and testing protocols and methods, including the number of samples taken and their locations, the sampling methods used and handling of the samples, including references to any Ministry-published protocols or methods.
- (4) Any deviations from the Ministry-published protocols and methods shall be made by a Qualified Person or the accredited laboratory service provider or a Professional Engineer with expertise in Excess Soil/waste sampling and testing.

8.0 QUALITY CRITERIA, DISPOSAL and RE-USE REQUIREMENTS

8.1 Quality Criteria for Fine Solids and Mixtures of the Fine Solids and Large Solids

- (1) The Fine Solids or mixtures of the Fine Solids and Large Solids destined to be finally placed or that is intended to be finally placed at a Reuse Site shall meet the applicable Excess Soil Criteria for the Reuse Site.
- (2) The Fine Solids or mixtures of the Fine Solids and Large Solids destined for a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction, shall not exceed the criteria set out in the environmental compliance approval issued by the Ministry for the waste disposal site or the site approved/permitted to accept such waste by an appropriate government agency of equivalent jurisdiction.

8.2 Quality Criteria for Large Solids

- (1) Large Solids destined for a sale for beneficial re-use shall comply with the applicable quality criteria, standards and restrictions required by the applicable regulatory agency and as required by the user.
- (2) Large Solids destined for blending, bulking and mixing with the Fine Solids shall meet the applicable Excess Soil Criteria for the Reuse Site.

8.3 Quality Criteria for Treated Wastewater

- (1) Treated process wastewater from the Clarifying Tank to be transferred off-Site for beneficial

re-use at future hydro-excavating activities shall comply with the Groundwater Standards.

8.4 Fine Solids as Excess Soil Destined for a Reuse Site

- (1) The Fine Solids may leave the Site as Excess Soil to be finally placed or that is intended to be finally placed at the Reuse Site only if tested in accordance with the requirements set out in this Approval, O. Regulation 406/19 and the Soil Rules to show compliance with the Excess Soil Criteria.

8.5 On-Site Beneficial Use of Liquid Soil Solids

- (1) The Liquid Soil Solids are approved to be used as a construction material for on-Site roads maintenance if beneficial use has been demonstrated to and accepted by the District Manager.
- (2) The use of the Liquid Soil Solids as a on-Site roads maintenance material shall be in accordance with the instructions of a Qualified Person.

8.6 Fine Solids Destined to a Waste Disposal Site or a Site in Another Jurisdiction

- (1) The tested Fine Solids may be transferred to a waste disposal site or any other site approved to accept such waste by an appropriate government agency of equivalent jurisdiction subject to compliance with the applicable quality criteria and restrictions and criteria set out in the environmental compliance approval issued by the Ministry for the waste disposal site or the other site approved/permitted to accept such waste by an appropriate government agency of equivalent jurisdiction.

8.7 Disposal of Non-Reusable Soil-like Waste

- (1) Except for the Liquid Soil Solids, intended for use in accordance with Conditions 8.4 through 8.6, the Owner shall ensure that,
 - a. all Large Solids that do not meet the definition of an Inert Fill;
 - b. all incoming Liquid Soil that contains more Large Solids than allowed in Excess Soil as defined in O. Regulation 406/19;
 - c. all incoming Liquid Soil that contains more than an insignificant amount of incidental construction and/or demolition waste or other non-hazardous waste Debris; and
 - d. all incoming Liquid Soil that contains foundry sands, slag, emission control dusts or treatment residues;

are transferred to:

- i. a waste disposal site approved to accept that type of waste to be further processed, used or disposed of in accordance with the environmental compliance approval for that site; or
- ii. a location not required to obtain an environmental compliance approval but having an

appropriate jurisdictional approval or a license, if required.

8.8 Disposal or Re-Use of Process Wastewater

- (1) Treated process wastewater from the Clarifying Tank may be re-used at the Site within the wash plant or be transferred off-Site for beneficial re-use at future hydro-excavating activities or be discharged to sewage works approved by the Ministry.
- (2) Process wastewater from the Floc Tank shall be disposed of at sewage works approved by the Ministry.
- (3) Treated process wastewater may be used for dust control purposes at the Site.

9.0 HOUSEKEEPING and NUISANCE/ ADVERSE EFFECT IMPACT CONTROL

9.1 General Prohibition to Cause an Adverse Effect

- (1) The Site shall be operated and maintained such that dust, mud track-out, litter, odour, and noise do not create a nuisance or an Adverse Effect.

9.2 Dust

- (1) Dust mitigation shall be in compliance with the BMPP.
- (2) Until the BMPP is approved in the Air/Noise Approval, the Owner shall follow the BMPP version listed in the Supporting Documentation.
- (3) After the BMPP is approved in this Approval or in the Air/Noise Approval, the Owner may submit future versions of the BMPP to the District Manager for concurrence, or for approval by the Director, if required by the District Manager.
- (4) The Owner shall not use any wastewater to wet any Stockpiles, the on-Site roads and storage areas, unless the wastewater has been treated and tested as required in Condition 7.6 to show compliance with Condition 8.3.
- (5) No stormwater collected at the Site shall be used for dust control purposes.

9.3 Vehicles and Traffic

- (1) The Owner shall ensure that all vehicles are not leaking or dripping wastes or wastewater when leaving the Site.
- (2) Should the Owner become aware that a vehicle delivering waste to the Site has leaked waste and/or wastewater on the municipal roadways, the Owner shall immediately report the violation to the owner of the vehicle(s) and to the District Manager. Upon written notification

from the District Manager, the Owner shall also notify with local municipality, as required.

- (3) The Owner shall ensure that vehicles leaving the Site do not drag mud or waste onto the public roadways.
- (4) The Owner shall ensure that the wheels of all vehicles departing from the Site are inspected and cleaned, as required, prior to their departure from the Site.
- (5) Despite provisions of Conditions 9.3(3) and 9.3(4), upon written notification from the District Manager, the Owner shall implement effective mud track-out measures to prevent mud track-out onto the municipal roads leading to the Site.
- (6) The Owner shall ensure that there is no queuing or parking of vehicles that are waiting to enter the Site on any roadway that is not a distinct part of the Site.
- (7) The Owner shall ensure that the vehicles transporting any wastes from the Site are appropriately covered as they depart from the Site, so that fugitive dust emissions are minimized during the transit to their destination.
- (8) The Owner shall ensure that dust emissions are minimized during loading of vehicles for waste transportation off the Site.
- (9) To minimize the risk of Large Solids or Fine Solids spilling during transport or causing fugitive dust emissions, the Owner shall,
 - a. inspect all outgoing Solids trucks for use of appropriate covers and freeboard levels;
 - b. inform all vehicle drivers using the Site of the vehicle covering and freeboard level requirements required to minimize the risk of Solids spilling during transport; and
 - c. ensure that all Solids trucks departing from the Site are equipped with appropriate means of minimizing dust emissions during transport and, as a minimum, that the vehicles are covered with a properly functional tarp and filled to have an appropriate freeboard to minimize the risk of spilling during transport.
- (10) The Owner shall implement effective road cleaning procedures for the roads to and from the Site to minimize the impacts from the fugitive dust from the truck traffic related to the Site, as required by the District Manager.

9.4 Litter

- (1) The Owner shall pick up the litter at the Site, as required, to prevent its escape from the Site.

10.0 COMPLAINT MANAGEMENT

- (1) A designated representative of the Owner shall be available to receive public complaints caused by the operations at the Site twenty-four (24) hours per day, seven (7) days per week.
- (2) If at any time, the Owner receives a complaint regarding the operation of the Site, the Owner shall respond to the complaint according to the following procedure:
 - a. the Owner shall record each complaint on a formal complaint form entered in a computerized tracking system. The information recorded shall include the nature of the complaint, circumstances of the complaint including the wind direction and other weather conditions, the name, address and the telephone number of the complainant, if available, and the time and date of the complaint;
 - b. the Owner, upon notification of the complaint shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
 - c. the Owner shall immediately notify the Ministry in writing, of the complaint, followed with the submission of a written report within one (1) week of the complaint detailing what actions, if any, were taken to identify and remediate the cause of the complaint, the name(s) of Owner's personnel responsible for handling the incident and a description of the measures taken to prevent a similar occurrence in the future.

11.0 OPERATIONS MANUAL and PERSONNEL TRAINING

11.1 Operations Manual

- (1) The Owner shall maintain an Operations Manual for the Site. As a minimum, the Operations Manual must contain the following:
 - a. outline of the responsibilities of the Site personnel;
 - b. personnel training protocols;
 - c. Site operating procedures including but not limited to,
 - i. waste receiving, unloading/loading, screening, handling and storage, Liquid Soil processing;
 - ii. process wastewater treatment, storage and handling at the Site and removal from the Site;
 - iii. reagent receipt, storage, handling and use at the Site;
 - iv. Residual Waste and Rejected Waste handling at the Site and removal from the Site; and

- v. mixing, bulking and blending procedures;
 - d. sampling, testing, monitoring, recording and data interpretation procedures as required by this Approval;
 - e. required data recording procedures;
 - f. emergency response procedures including an outline of the responsibilities of Site personnel including roles and responsibilities during emergency situations, exit locations and evacuation routing, and locations of relevant equipment available for handling of the emergency situations;
 - g. the contingency plans for the Site;
 - h. equipment and Site inspection procedures, as required by this Approval;
 - i. nuisance impact control and housekeeping procedures, as required by this Approval; and
 - j. the procedures for handling and recording complaints as described in this Approval.
- (2) A copy of the Operations Manual shall be kept at the Site, must be accessible to Site personnel at all times and must be updated, as required.
- (3) A copy of the Operations Manual shall be available to the Ministry staff upon request at any time.

11.2 Personnel Training

- (1) All operators of the Site shall be trained with respect to the following as per the specific job requirements of each individual operator:
- a. relevant air, noise, wastewater and waste management legislation, regulations and guidelines;
 - b. major environmental concerns pertaining to the wastes to be handled at the Site;
 - c. occupational health and safety concerns pertaining to the processes and wastes to be handled at the Site;
 - d. management procedures including the use and operation of equipment for the processes and wastes to be handled at the Site;
 - e. dust management procedures in accordance with the BMPP for the Site;
 - f. records keeping procedures;

- g. contingency plan and emergency response procedures;
 - h. specific written procedures for the control of adverse effects from the Site;
 - i. specific written procedures for refusal of unacceptable incoming waste loads; and
 - j. the requirements of this Approval.
- (2) The training of the operators of the Site shall also include the procedures contained in the Operations Manual.
- (3) The training of the operators of the Site shall be undertaken:
- a. upon commencing employment at the Site in a particular position; and
 - b. whenever procedures are updated or during the planned refresher training.

12.0 CONTINGENCY MEASURES and EMERGENCY SITUATION RESPONSE PLAN

12.1 Emergency Response and Contingency Plan

- (1) A minimum of three (3) months prior to the first receipt of the Liquid Soil at the Site, the Owner shall prepare an Emergency Response and Contingency Plan for the Site. The Emergency Response and Contingency Plan shall be revised, as required, in consultation with the District Manager. The Owner shall also invite the local municipality and the local fire service authority to provide input and/or comments into revisions of the Emergency Response and Contingency Plan. The Emergency Response and Contingency Plan, as a minimum must include the following:
- a. emergency response procedures to be undertaken in the event of a spill, process upset, power failure, fire or any other emergency situation, including specific clean up methods for wastes expected to be generated from the emergency situation;
 - b. a list of equipment and clean up materials available for dealing with the emergency situations and their locations on the Site plan;
 - c. notification protocol with names and telephone numbers of persons to be contacted, including persons responsible for the Site, the Ministry's District Office and Spills Action Centre, the local fire service authority, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour, and the names and telephone numbers of waste management companies available for emergency response;
 - d. procedures and actions to be taken if the incoming waste does not meet the quality criteria set out in this Approval;

- e. procedures and actions to be taken if the outgoing outputs, including the Liquid Soil Solids, and/or mixtures and/or process wastewater do not meet the quality criteria set out in this Approval;
- f. procedures and actions to be taken if the outgoing waste does not meet the required quality criteria;
- g. procedures and actions to be taken should the waste management activities at the Site result in occurrence of complaints;
- h. procedures and actions to be taken should the occurrence of complaints require the Owner to implement additional environmental impact control measures; and
- i. procedures and actions to be taken should the occurrence of complaints require the Owner to suspend the waste handling activities at the Site.

(2) An up-to-date version of the Emergency Response and Contingency Plan shall be kept at the Site, in a central location known and available to all Site personnel. A copy shall be made available to Ministry staff upon request at any time and to the local municipality and the local fire service authority, if requested.

(3) The Emergency Response and Contingency Plan shall be reviewed on an annual basis and updated, if necessary. The revised version of the Emergency Response and Contingency Plan shall be provided to the District Manager and to the local municipality and the local fire service authority, if requested.

13.0 EMERGENCY SITUATIONS RESPONSE and REPORTING

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

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

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

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

(5) Should a Spill occur at the Site, in addition to fulfilling the requirements from the EPA, the

Owner shall submit to the District Manager a written report within three (3) calendar days outlining the nature of the Spill, remedial measure taken and the measures taken to prevent future occurrences at the Site.

14.0 RECORDS KEEPING and RETENTION

- (1) The Owner shall retain all records required by this Approval for a minimum of five (5) years.
- (2) All records generated as required by this Approval shall include a date of record and the name and signature of the person completing the report.
- (3) All measurements shall be recorded in consistent metric units of measurement.

14.1 Daily Activities

- (1) The Owner shall maintain a written or digital record of daily activities undertaken at the Site. All measurements shall be recorded in consistent metric units of measurement. The record shall include, as a minimum, the following information:
 - a. date, quantity (tonnage and number of trucks), source and type of the incoming Liquid Soil received at the Site;
 - b. incoming Liquid Soil characterization information, if available;
 - c. Source Site/generator site characterization information, if available;
 - d. date, quantity (tonnage and number of trucks) of the outgoing Fine Solids transferred from the Site and the destination;
 - e. date, quantity (tonnage and number of trucks) of the outgoing Large Solids transferred from the Site and the destination;
 - f. date, quantity, type, and the destination of waste transferred from the Site for Final Disposal;
 - g. Fine Solids sampling and characterization information;
 - h. Large Solids sampling and characterization information;
 - i. Residual Waste sampling and characterization information;
 - j. date, quantity (tonnage and number of trucks) of the outgoing treated process wastewater transferred from the Site for beneficial use in hydro-excavating;
 - k. date, quantity (tonnage and number of trucks) of the outgoing treated process wastewater

transferred from the Site for disposal at sewage works;

- l. characterization information for the treated process wastewater transferred from the Site;
- m. characterization information for the Fine Solids transferred from the Site;
- n. characterization information for the Large Solids transferred from the Site;
- o. date, quantity (tonnage) of the Liquid Soil Solids used at the Site as road maintenance material;
- p. date and quantity of processing reagents received at the Site;
- q. details of blending, bulking or mixing activities;
- r. housekeeping activities, including dust mitigation measures.

14.2 Emergency Situations

- (1) The Owner shall maintain a written or digital record of the emergency situations. The record shall include, as a minimum, the following:
 - a. the type of an emergency situation;
 - b. description of how the emergency situation was handled;
 - c. the type and amount of material spilled, if applicable;
 - d. a description of how the spilled material was cleaned up and waste stored, if generated; and
 - e. the location and time of Final Disposal, if applicable.

14.3 Inspections and Maintenance

- (1) The Owner shall maintain a written or digital record of inspections and maintenance as required under this Approval. The record shall include, as a minimum, the following:
 - a. the name and signature of person that conducted the inspection;
 - b. the date and time of the inspection;
 - c. the list of any deficiencies discovered;
 - d. the recommendations for remedial action;
 - e. the date, time and description of actions taken; and
 - f. all records on the maintenance, repair and inspection of the equipment.

14.4 Personnel Training

- (1) The Owner shall maintain a written or digital record of training as required as required under this Approval. The record shall include, as a minimum, the following:

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

14.5 Sampling and Testing Records

- (1) The Owner shall establish and maintain a written or digital record of all sampling and testing activities at the Site as required under this Approval. This record shall include, as a minimum, the following information:
 - a. Waste type sampled, number of samples, sample collection locations and volume collected;
 - b. day and time of collection;
 - c. sample handling procedures;
 - d. name of the person undertaking the sampling;
 - e. parameters tested for and the results;
 - f. name of the laboratory service provider conducting the testing, if applicable; and
 - g. conclusions drawn with respect to the results of the testing.

14.6 Monitoring Records

- (1) The Owner shall establish and maintain a written or digital record of all monitoring activities at the Site as required under this Approval.

14.7 Complaints Response Records

- (1) The Owner shall establish and maintain a written or digital record of all complaints and the responses as required under this Approval.

14.8 Rejected Waste Records

- (1) The Owner shall establish and maintain a written or digital record of the Rejected Waste handling activities at the Site as required under this Approval. This record shall include, as a minimum, the following information:
 - a. the reason for rejection; and
 - b. the origin of the Rejected Waste, if known.

14.9 Annual Report

- (1) By March 31st following the end of each operating year, the Owner shall prepare and submit to the District Manager, an Annual Report, in an electronic format, summarizing the operation of the Site covering the previous calendar year. This Annual Report shall include, as a minimum, the following information:
 - a. annual amount and quality of the Liquid Soil received at the Site from each type of

Source Site/generator by the type of the Approved Property Uses;

- b. annual amount and quality of Fine Solids transferred from the Site for re-use, further processing or Final Disposal, by the receiving site type;
- c. annual amount and quality of Large Solids transferred from the Site for re-use, further processing or Final Disposal, by the receiving site type;
- d. annual amount and quality of treated process wastewater transferred from the Site for re-use, further processing or Final Disposal, by the receiving site type;
- e. a summary describing any Rejected Waste including quantity, type, reasons for rejection, its origin and its final destination;
- f. annual amount of the Residual Waste transferred from the Site for Final Disposal and its destination;
- g. amount of all waste, including Fine Solids, Large Solids and wastewater temporarily stored at the Site at the end of the operating year;
- h. any environmental and operational problems, that could negatively impact the environment, encountered during the operation of the Site or identified during the facility inspections and any mitigative actions taken;
- i. any changes to the Emergency Response and Contingency Plan, the Operations Manual or the Closure Plan that have been approved by the Director or the District Manager since the last Annual Report;
- j. any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard;
- k. a summary of any complaints received and the responses made, as required by this Approval;
- l. a descriptive summary of any spills, incidents or other emergency situations which have occurred at this Site, any remedial measures taken, and the measures taken to prevent future occurrences;
- m. an annual summary of any deficiencies, items of non-compliance or process aberrations that occurred at this Site and any remedial/mitigative action taken to correct them; and
- n. current amount of the Financial Assurance for the Site.

- (2) The Owner shall keep a copy of the latest Annual Report at the Site, at all times.

- (3) The Annual Report shall be available to the Ministry staff upon request at any time.
- (4) At any time, the District Manager may request additional information to be added to the Annual Report.

15.0 DISTRICT OFFICE NOTIFICATION

15.1 Rejected Waste Notification

- (1) The District Manager shall be notified in writing of the receipt of the Rejected Waste within four (4) business days of its receipt or as agreed with the District Manager. The following information shall be included in the notification to the District Manager:
 - a. quantity and type of the Rejected Waste;
 - b. source of the Rejected Waste, if known;
 - c. reason for the rejection;
 - d. final destination of the Rejected Waste; and
 - e. date of receipt and time and date of removal from the Site.
- (2) When multiple loads of the Rejected Waste arrive at the Site per day, the notification from Condition 15.2 shall be for all loads from that given day.

16.0 SITE CLOSURE

- (1) The Owner shall submit, for approval by the Director, a written Closure Plan for the Site at least nine (9) months prior to closure of the Site. This Closure Plan shall include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.
- (2) Within ten (10) days after closure of the Site, the Owner shall notify the Director, in writing, that the Site is closed and that the Closure Plan has been implemented.

Schedule 1

- 1. Application for a waste disposal site environmental compliance approval dated September 22, 2023, signed by Michael Cowan, General Manager, Re-Source Disposal Inc. and including the following attachments entitled:
 - a. "2023-09-26_173927UTC_621130-2_-_MECP_Attendance_report_3-13-23"
 - b. "2023-09-26_173927UTC_621130-2_-_Plan_of_Operations_-_Nash_Road_Facility_-_Sept_2023"

- c. 2023-09-26_173927UTC_621130-2_-Pre-submission_Meeting_Agenda_(MECP)"
 - d. "2023-09-26_173927UTC_621130-2_-PSM_Request_Form_(Final)"
 - e. "2023-09-26_173927UTC_621130-2_-Re-Source_Disposal_Inc_-ECA_Application_-September_2023"
 - f. "2023-09-26_173927UTC_1000288511_Ontario_Inc._-Articles_of_Incorporation"
 - g. "2023-09-26_173927UTC_Re-Source_Disposal_Inc._-Articles_of_Amendment"
 - h. "Nov 6, 2023 email with updated D&O, EBR, Neighbour Notification Letter"
2. E-email dated November 6, 2023 2:37 PM from Cuirin Cantwell, GM BluePlan, to Sara Sideris, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and including the following attachments:
 - a. "621130-2 – EBR Proposal Abstract – Nov 2023.pdf"
 - b. "621130-2-Plan of Operations – Nash Road Facility – Nov 2023.pdf"
 - c. "621130-2- RDI Neighbour Notification – Final.pdf"
 3. E-email dated January 23, 2024 2:51 PM from Cuirin Cantwell, GM BluePlan, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and including the following attachment: "621130-2 - Plan of Operations – Nash Road Facility – Jan 2024.pdf"
 4. E-email dated March 1, 2024 12:13 PM from Cuirin Cantwell, GM BluePlan, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and including the following attachment: "621130-2 - Plan of Operations – Nash Road Facility – Mar 2024.pdf"
 5. E-email dated April 18, 2024 5:52 PM from Cuirin Cantwell, GM BluePlan, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and including the following attachment: "621130-2 - Plan of Operations – Nash Road Facility – Apr 2024.pdf"
 6. E-email dated June 7, 2024 3:57 PM PM from Cuirin Cantwell, GEI Consultants, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal
 7. E-email dated June 21, 2024 11:41 AM from Cuirin Cantwell, GEI Consultants, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and including the following attachment: "621130-2 - Plan of Operations – Nash Road Facility – Jun 2024.pdf"
 8. E-email dated July 18, 2024 10:26 AM from Cuirin Cantwell, GEI Consultants, to Margaret Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and the draft ECA comments.
 9. E-email dated August 9, 2024 12:30 PM from Cuirin Cantwell, GEI Consultants, to Margaret

Wojcik, Ontario Ministry of the Environment, Conservation and Parks, with additional information on the proposal and the draft ECA comments.

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

GENERAL

Conditions 1.1, 1.3, 1.4, 1.5, 1.6, 1.9 and 1.11 are included to clarify the legal rights and responsibilities of the Owner.

Condition 1.2 is included to ensure that the Site is build and operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

Condition 1.7(1) is included to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes. Condition 1.7(2) is included to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this Approval.

Condition 1.8 is included to ensure that the appropriate Ministry staff has ready access to the operations of the Site which are approved under this Approval. The Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA, the OWRA, the PA, the NMA and the SDWA.

Condition 1.10 is included to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Owner is unable or unwilling to do so.

SIGNS and SITE SECURITY

Condition 2.0 is included to ensure that the Site's users, operators and the public are fully aware of important information and restrictions related to the operation of the Site. Condition 2.0 is also included to ensure that the Site is sufficiently secured, supervised and operated by properly Trained Personnel and to ensure controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no Site personnel is on duty.

SERVICE AREA, APPROVED WASTE TYPES and RATES

Condition 3.0 is included to specify the approved Waste receipt and storage rates, the approved and prohibited Waste types and the service area from which the Waste may be accepted at the Site based on the Owner's application and supporting documentation.

SITE OPERATIONS

Condition 4.1 is included to specify the hours of operation for the Site to ensure that the hours of Site's

operation do not result in an Adverse Effect or a hazard to the natural environment or any person.

Condition 4.2 is included to set out the waste management activities approved under this Approval.

Conditions 4.3 through 4.7 are included to ensure that only the approved Waste types are accepted and handled/processed at the Site.

Conditions 4.8 through 4.19 are included to ensure that waste and process wastewater storage and management and run-off management are undertaken in a way which does not result in an Adverse Effect or a hazard to the environment or any person and are in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

Condition 4.13 is also included to identify the amounts of waste approved to be present at the Site at any one time for the purpose of calculating the Financial Assurance requirements for the Site.

EQUIPMENT and SITE INSPECTIONS and MAINTENANCE

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

MONITORING

Condition 6.0 is included to set out the monitoring requirements to monitor the progression and the effectiveness of the waste processing at the Site as proposed in the Supporting Documentation.

CHARACTERIZATION at the SITE

Condition 7.0 is included to set out the testing requirements when the Owner is required to carry out testing at the Site to characterize the incoming Liquid Soil or the outgoing Liquid Soil Solids or waste or process wastewater for their compatibility with the proposed off-Site destinations and uses.

QUALITY CRITERIA, DISPOSAL and RE-USE REQUIREMENTS

Condition 8.0 is included to ensure that all waste and wastewater transferred from the Site are in compliance with the applicable Ministry's regulatory requirements and are transferred to appropriate final destinations and in a manner that protects the health and safety of the public and the environment.

HOUSEKEEPING and NUISANCE/ ADVERSE EFFECT IMPACT CONTROL

Condition 9.0 is included to ensure that the Site is operated and maintained in an environmentally acceptable manner which does not result in a negative impact on the natural environment or any person.

COMPLAINTS MANAGEMENT

Condition 10.0 is included to require the Owner to respond to any environmental complaints resulting from the operations at the Site appropriately and in a timely manner and that appropriate actions are taken to prevent any further incidents that may cause complaints in the future.

OPERATIONS MANUAL and PERSONNEL TRAINING

Condition 11.0 is included to ensure that personnel employed at the Site are fully aware and properly trained on the requirements and restrictions related to Site operations under this Approval.

CONTINGENCY MEASURES and EMERGENCY SITUATION RESPONSE PLAN

Condition 12.0 is included to ensure that the Owner is prepared and properly equipped to take action in the event of an emergency situation.

EMERGENCY SITUATIONS RESPONSE and REPORTING

Condition 13.0 is included to require further spill notification to the Ministry, in addition to the requirements already listed in Part X of the EPA.

RECORDS KEEPING and RETENSION

Condition 14.0 is included to ensure that detailed records of Site activities, inspections, monitoring and upsets are recorded and maintained for inspection and information purposes.

DISTRICT OFFICE NOTIFICATION

Condition 15.1 is included to ensure that the District Manager is notified of the unacceptable waste type received at the Site.

SITE CLOSURE

Condition 16.0 is included to ensure that final closure of the Site is completed in accordance with Ministry's standards.

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

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

The Notice should also include:

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

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

This Notice must be served upon:

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

and

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

and

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

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

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

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

DATED AT TORONTO this 20th day of September, 2024



Mohsen Keyvani, P.Eng.

Director

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

MW/

c: District Manager, MECP Hamilton - District

Matthew Nelson P. Eng.

Cuirin Cantwell, M.Eng., E.I.T., GEI Consultants