

SCHEDULE "C"

CERTIFICATE OF PROPERTY USE



Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action
en matière de changement climatique

Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6

Certificate of property use number: 1252-92PPZ7
Risk assessment number: 2578-87ZHJ7

Owner: **London Optimist Sports Centre** (Owner)
6 Monte Vista Crescent
London, Ontario
N6J 4N9
Attention : Tom Partalas, President

Site: **295 Rectory Street, London, Ontario** (Property)

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

Summary:

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
- | | | |
|----|--|-----|
| a. | Installing/maintaining any equipment | Yes |
| b. | Monitoring any contaminant | Yes |
| c. | Refraining from constructing any building specified | Yes |
| d. | Refraining from using the Property for any use specified | Yes |
| e. | Other: see ii below for details | Yes |
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
- a. The hard cap and fill cap barriers installed on the entirety of the Property are required to be maintained for as long as the Contaminants of Concern are present on the Property;
 - b. The construction of enclosed buildings on, in or under the Property is prohibited for as long as the Contaminants of Concern are present on the Property, with the following exception:
 - a vapour intrusion mitigation system that shall be designed, installed and maintained as detailed in the Risk Assessment so as to prevent exposure to the Contaminants of Concern and shall include a soil vapour intrusion management system designed by a Professional Engineer, as identified in Section 4.2 (h) of this Certificate of Property Use (CPU);
 - c. The soil and groundwater management plan for all intrusive work and excavation activities potentially exposing the Contaminants of Concern identified on the Property shall be required for as long as the Contaminants of Concern are present on the Property;
 - d. The site specific health and safety plan for workers potentially exposed to Contaminants of Concern identified on the Property shall be required for as long as the Contaminants of Concern are present on the Property;

- e. The groundwater monitoring program shall be implemented for a minimum of two years and until approval to discontinue, or modify, the program is provided in writing by the Director;
- f. The LNAPL monitoring program shall be implemented for a minimum of two years and until approval to discontinue, or modify, the program is provided in writing by the Director;
- g. The installation of potable groundwater supply wells on the Property is prohibited for as long as the Contaminants of Concern are present in groundwater on the Property; and,
- h. The other Risk Management Measures shall continue indefinitely until the Director amends or revokes the CPU.

Part 1: Interpretation

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

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

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

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

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

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

“Contaminant of Concern” & “COC” has the meaning as set out in section 3.2 of the CPU;

“CPU” means this Certificate of Property Use Number No. 1252-92PPZ7 as may be amended from time to time;

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

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

“Environmental Compliance Approval” has the same meaning as set out in the Environmental Protection Act, R.S.O. 1990, Chapter E.19;

“Licensed Professional Engineer” means a person who holds a license, limited license or temporary license under the Professional Engineers Act, R.R.O. 1990, c.P.28, as amended;

“LNAPL” means light non-aqueous phase liquid;

“Ministry” means Ontario Ministry of the Environment and Climate Change;

“OHSA” means the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended from time to time;

“Owner” means Tom Partalas, President, London Optimist Sports Centre, the current owner of the Property, and any future Property Owner (s);

“OWRA” means the Ontario Water Resources Act, R.S.O. 1990, c.0.40, as amended;

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above, and illustrated in Figure 1 of Schedule A which is attached to and forms part of this CPU;

"Property Specific Standards" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 of the CPU;

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act;

"Qualified Person" means a person who meets the qualifications prescribed in O. Reg. 153/04, as amended, made under the Act;

"Risk Assessment" (RA) means the Risk Assessment No. 2578-87ZHJ7 accepted by the Director on November 30, 2012 ("RA"), and set out in the following documents:

- "Risk Assessment, Proposed Indoor Soccer Facility, 295 Rectory Street, London, Ontario", by Golder Associates Ltd., dated December 2010;
- "Addendum to Risk Assessment, London Optimist Sports Centre, 295 Rectory Street, London, Ontario", by Golder Associates Ltd., dated March 2012; and
- "Addendum No. 2 to Risk Assessment, London Optimist Sports Centre, 295 Rectory Street, London, Ontario", by Golder Associates Ltd., dated November 2012

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU;

"Tribunal" has the same meaning as in the Act; namely, the Environmental Review Tribunal;

"Unimpacted Soil" means soil that meets the soil criteria identified in Table 2: Full Depth Generic Site Condition Standards in a Potable Groundwater Condition of the Ministry's Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
 - a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
 1. Take any action specified in the certificate that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
 - a. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - b. revoke the certificate.

- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of the property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 196(1) of the Act states that the authority to make an order under the Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.
- 2.8 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.9 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.10 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.11 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment (RA) was undertaken for the Property to establish the risks that the Contaminants identified in the Risk Assessment may pose to future users and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **Community** as defined in O. Reg. 153/04, as amended, made under the Act.
- 3.2 The Contaminants on, in or under the Property that are present either above **Table 5: Full Depth Generic Site Condition Standards in a Potable Groundwater Condition of the Soil, Groundwater and Sediment Standards** for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011 or for which there are no such standards, are set out in the Risk Assessment (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table 1 of Schedule "A"** which is attached to and forms part of the CPU.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.
- 3.4 The Risk Assessment indicates the presence of Contaminants of Concern in soil and groundwater which require on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and impose building restrictions and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.

Part 4: Director Requirements

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

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Section 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:
 - a. The Property shall be covered by a barrier to site soils designed, installed and maintained in accordance with Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to site soils shall consist of a hard cap, fill/soil cap and/or fence as specified below:
 - i. The hard cap (includes any building slab, building foundation and floor slab) shall consist of the following:
 - a. Asphalt or concrete surfaces underlain by Granular "A" or equivalent material to a minimum depth of 225 mm (as illustrated in figure C-2 of the CPU).
 - ii. The fill/soil cap shall consist of the following:
 - a. Granular fill and/or soil to a minimum depth of 1.0 m meeting the Commercial/Industrial/Community Property Use Standards within Table 3 of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011* for coarse textured soil with rooting plants having a rooting depth no greater than 1.0 m (as illustrated in figure C-1 of the CPU).
 - iii. For portion(s) of the Property, not under development or not in use, these areas shall have a fence barrier to prevent the general public from accessing the site and a dust control plan to prevent surface soil from impacting the adjacent properties
 - b. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the barriers to site soils risk management measures (including any fence barrier) as long as the Contaminants of Concern are present on the Property. The inspection program shall include, at a minimum, semi-annual (spring and fall) inspections of the barrier to site soils integrity. Any barrier to site soils deficiencies shall be repaired forthwith. Inspection, deficiencies and repairs shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.
 - c. The owner shall implement a soil vapour management system operation and maintenance program. This soil vapour management system operation and maintenance program shall include the following as a minimum:
 - i. Complete a visual inspection of all accessible components of the venting system;
 - ii. Complete a visual assessment around the facility to determine possible indoor and outdoor background sources of hydrocarbons that may be present such as chemical storage or outdoor exhaust;
 - iii. Monthly monitoring of the fans to verify that they are operational and without unusual noise which may indicate worn bearings;
 - iv. Yearly physical inspection and maintenance of the fans to ensure they are in proper working order.
 - d. The vapour management system detailed in section 4.2 (c) of this CPU shall be operated, monitored and maintained by the Owner for as long as the COCs are present on the Property. If the vapour management system is damaged at any time, or if the inspections show any damage, the Owner shall ensure that it is repaired forthwith by a qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary, to the original design specifications, at minimum.
 - e. The owner shall implement a groundwater and LNAPL monitoring program that includes, as a minimum, the following:
 - i. Monitoring of water and LNAPL levels at all on-Site monitoring wells on a quarterly basis;
 - ii. Collection of groundwater samples and analysis for petroleum hydrocarbon fractions F2, F3 and F4 at monitoring wells MW-113, MW-201, MW-205 and MW-402, as shown on Figure 2 - Groundwater Monitoring Wells in Schedule A of this CPU, shall occur on an annual basis for a minimum of two years until

- written approval to reduce or discontinue the groundwater sampling program from the Director is received by the Owner;
- iii. The installation of a new monitoring well to be located to the north of MW-402 as indicated on Figure 2 - Groundwater Monitoring Wells in Schedule A of this CPU. This new monitoring well shall be included in the groundwater sampling and analysis program required by item 4.2 e.ii. of this CPU; and
 - iv. Monitoring and sampling as outlined in section 4.2.e.i and 4.2.e.ii shall occur for a minimum of two years until written approval to reduce or discontinue the groundwater sampling program from the Director is received by the Owner.

If any of the groundwater sampling and analysis required by item 4.2.e. above result in concentrations that exceed any of the property specific standards in Table 1C of Schedule B of this CPU, the owner shall immediately notify the Director and resample at the location(s) in which exceedance(s) were identified. If analysis confirms exceedances of the property specific standards in Table 1C of Schedule B of this CPU at any of the resampled locations then the owner shall ensure that a Qualified Person develops a detailed contingency plan to address the elevated concentrations and submits it to the Director within thirty (30) days of receipt of the analytical results of the resampling.

If LNAPL is measured in any of the monitoring wells with a thickness greater than 10 centimetres the owner shall implement the LNAPL trigger response plan which will include, as a minimum, the following:

- v. Manual LNAPL monitoring and recovery on a biweekly basis
 - vi. Manually remove LNAPL such that 50% to 70% of the thickness is removed
 - vii. Maintain the increased monitoring and recovery frequency until the affected wells have a LNAPL thickness of less than 10 centimetres
 - viii. When the measured thickness of LNAPL is less than 10 centimetres resume the quarterly monitoring schedule.
- f. A soil management plan shall be prepared for the Property and implemented during any activities potentially coming in contact with or exposing site soils. A copy of the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified Person and shall include, but not be limited to, provisions for soils excavation, stockpiling, characterization, disposal and record keeping specified below:
- i. Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, which may include wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working in high wind conditions, as required;
 - ii. Management of excavated materials which may include cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment, as required;
 - iii. Characterization of excavated soils to determine if soils exceed the Property Specific Standards shall follow the sampling strategy in the Risk Assessment. Excavated soils and materials requiring off-site disposal as a waste shall be disposed of in accordance with the provisions of O. Reg. 347, as amended, made under the Act. Excavated soil meeting the Property Specific Standards may be placed on-site below the barrier to site soils if deemed suitable by a Qualified Person and in accordance with the Risk Assessment.
 - iv. Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management and drainage, soil characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any soil or contaminated ground water removed from the Property and any complaints received relating to site activities potentially coming in contact with or exposing site soils and ground water.
- g. A site specific health and safety plan shall be developed for the Property and implemented during all intrusive, below-grade construction activities potentially coming in contact with or exposing site soil or ground water and a copy shall be maintained on the Property for the duration of these intrusive activities. The Owner shall ensure that the health and safety plan takes into account the presence of the Contaminants of Concern and is implemented prior to any intrusive work being done on the Property in order to protect workers from exposure to the Contaminants of Concern. The health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, shall address any potential risks identified in the Risk Assessment, and shall include, but not be limited to, occupational hygiene requirements, requirements for

personal protective equipment, and contingency plan requirements including site contact information. Prior to initiation of any project (as defined in the Occupational Health and Safety Act, as amended) on the Property, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated soil and ground water. Implementation of the health and safety plan shall be overseen by persons qualified to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the plan, which shall be made available for review by the Ministry upon request.

- h. Refrain from constructing any enclosed buildings on, in or under the Property unless the building includes either;
- I. a storage garage, as defined in Building Code, and meets the following requirements:
 - i. The storage garage area is constructed at or below the final grade of the building;
 - ii. The storage garage area covers the entire area of the building footprint at the final grade of the building;
 - iii. The storage garage is in compliance with all applicable requirements of the Building Code, including, without limitation, the provisions governing the following:
 - a. design of the mechanical ventilation system as set out in Division B, subsection 6.2.2.3, Ventilation of Storage and Repair Garages;
 - b. interconnection of air duct systems as set out in Division B, subsection 6.2.3.9 (2); and,
 - c. air leakage as set out in Division B, section 5.4: or
 - II. a vapour intrusion mitigation system that shall be designed, installed and maintained as detailed in the Risk Assessment so as to prevent exposure to the Contaminants of Concern and shall be designed by a Professional Engineer.
 - i. The Owner shall retain a copy the soil vapour management system as-built drawings signed by a Professional Engineer along with the proposed testing and performance of the soil vapour intrusion management system of any building on the Property for inspection by a Provincial Officer. The Owner shall submit to the Director within three (3) months of the completion of any building on the Property, the as-built drawings.
 - ii. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the above Risk Management Measure if implemented. With regard to the soil vapour intrusion management system, inspections of the Venting Layer and Venting Components, where visually accessible, will be made for potential breaches. The inspection program shall include semi-annually (spring and fall) inspections and any deficiencies shall be repaired forthwith. The inspection results shall be recorded in a log book maintained by the Owner and available upon request by a Provincial Officer.
- i. The Owner shall prepare by March 31 each year, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request. The report shall include, but not be limited to, the following minimum information requirements:
- i. a copy of all records relating to the inspection and maintenance program for the barrier to site soils and the soil vapour intrusion mitigation system;
 - ii. a copy of all records relating to the groundwater and LNAPL monitoring program required by item 4.2. e. of this CPU
 - iii. a copy of all records relating to the soil management plan; and
 - iv. a copy of all records relating to the health and safety plan.
- j. Refrain from using the groundwater beneath the Property as a potable water supply. The installation of potable groundwater wells on the Property is prohibited.
- k. Further to Section 4.2 j. of this CPU, the installation of groundwater monitoring wells for environmental testing purposes is not prohibited.

Site Changes

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

Reports

- 4.4 Retain a copy of any reports required under the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the Director) and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the Director or Provincial Officer.

Property Requirement

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

Certificate of Requirement

- 4.6 Within fifteen (15) days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act, register the certificate of requirement on title to the Property in the appropriate Land Registry Office.
- 4.7 Immediately after registration of the certificate of requirement, provide to the Director written verification that the certificate of requirement has been registered on title to the Property.

Owner / Occupant Change

- 4.8 While the CPU is in effect, forthwith report in writing to the Director any changes of ownership, of the Property, except that while the Property is registered under the Condominium Act, 1998, S.O. 1998, c.19, as amended, no notice shall be given of changes in the ownership of individual condominium units or any related common elements on the Property.

Financial Assurance

- 4.9 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU shall not be affected thereby.
- 5.2 An application under sub section 168.6(3) of the Act to,
- a) alter any terms and conditions in the CPU or impose new terms and conditions; or
 - b) revoke the CPU;
- shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve you from,
- a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b) obtaining any approvals or consents not specified in the CPU.

- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,

- a) natural phenomena of an inevitable or irresistible nature, or insurrections,
- b) strikes, lockouts or other labour disturbances,
- c) inability to obtain materials or equipment for reasons beyond your control, or
- d) any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not absolve you from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with provisions of Sections 4.6 and 4.7 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act*, 1998, S.O. 1998, c.19, as amended, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

Part 6: Hearing before the Environmental Review Tribunal

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

The Secretary
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5
Fax: (416) 326-5370
Fax Toll Free: 1(844) 213-3474
Email: ERTTribunalSecretary@ontario.ca

and

Rob Wrigley, Director
Ministry of the Environment and Climate Change
733 Exeter Road
London, ON
N6E 1L3
Fax: 519-873-5031
Email: rob.wrigley@ontario.ca

- 6.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the "EBR"), you must give notice to the public in the EBR registry. The notice

must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Environmental Commissioner of Ontario who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 by the earlier of:

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

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

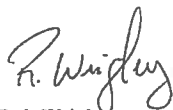
6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

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

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

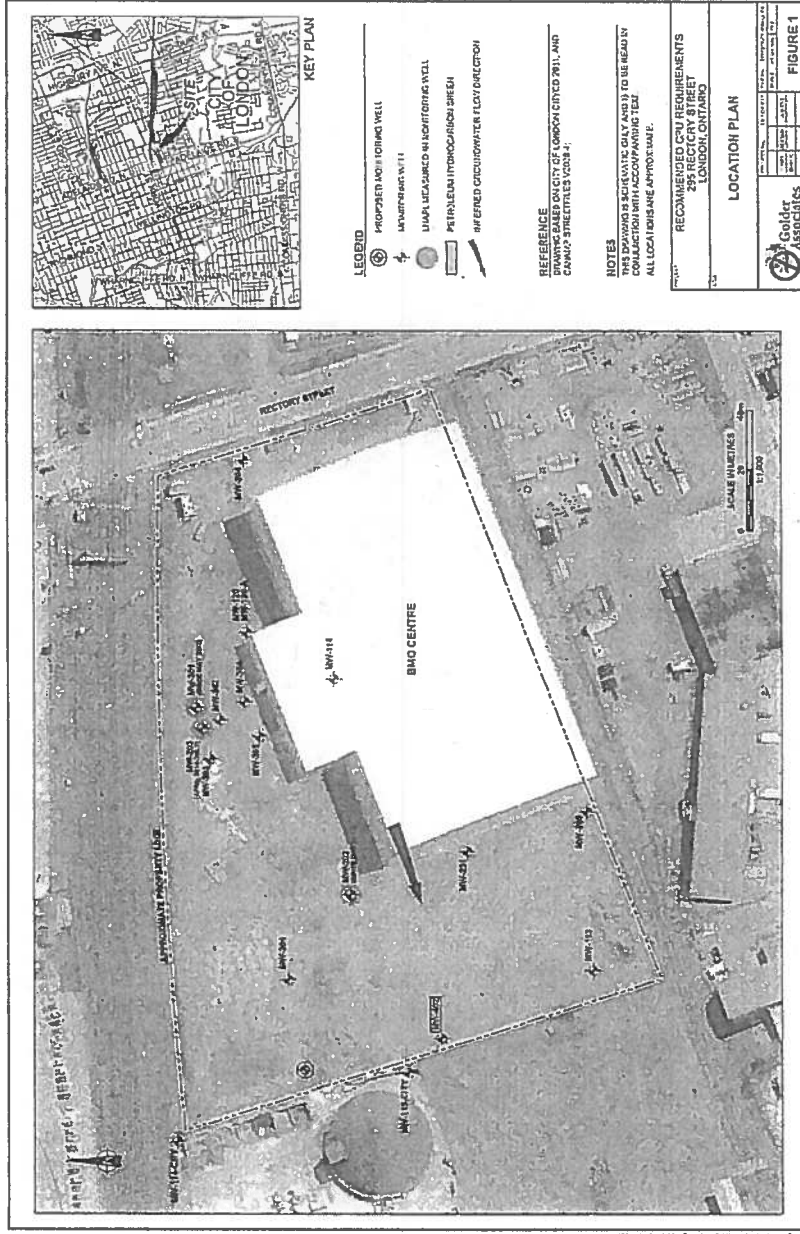
6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Issued at London this 18th day of February 2016.



Rob Wrigley,
Director, section 168.6 of the Act

Schedule "A": Figure 2 - Groundwater Monitoring Wells
(not to scale)



- LEGEND**
- ⊕ PROPOSED MONITORING WELL
 - ⊕ MONITORING WELL
 - ⊕ UNAPPLICABLE MONITORING WELL
 - ⊕ PETROLEUM HYDROCARBON SCREEN
 - REFERRED GROUNDWATER FLOW DIRECTION

REFERENCE
DRAWING BASED ON CITY OF LONDON CITYCD 7911, AND CANADIAN STREET LAYOUTS (CSL).

NOTES
THIS DRAWING IS SCHEMATIC ONLY AND IS TO BE READ IN CONNECTION WITH ACCOMPANYING TEXT. ALL LOCATIONS ARE APPROXIMATE.

RECOMMENDED CPU REQUIREMENTS
495 RECTORY STREET
LONDON, ONTARIO

LOCATION PLAN

PROJECT NO.	DATE	SCALE

FIGURE 1

Golder Associates

Schedule "B": Property Specific Standards and Risk Based Indoor Air Standards

Table 1A: Property Specific Standards - Surface Soil

Environmental Media	Contaminant of Concern	Property Specific Standard
Metals		
Soil (surface)	Antimony	34
Soil (surface)	Arsenic	56
Soil (surface)	Beryllium	1.5
Soil (surface)	Copper	380
Soil (surface)	Lead	27000
Soil (surface)	Sodium Adsorption Ratio	13
Soil (surface)	Electrical Conductivity (2:1)	1.5
PHCs		
Soil (surface)	C6-C10 (F1 minus BTEX)	50
Soil (surface)	C>16-C34 (F3)	12000
Soil (surface)	C>34-C50 (F4)	12000
PAHs		
Soil (surface)	Benzo(a)anthracene	49
Soil (surface)	Benzo(a)pyrene	82
Soil (surface)	Benzo(b/j)fluoranthene	76
Soil (surface)	Benzo(k)fluoranthene	27
Soil (surface)	Chrysene	52
Soil (surface)	Dibenzo(a,h)anthracene	8.9
Soil (surface)	Fluoranthene	140
Soil (surface)	Indeno(1,2,3-cd)pyrene	46
Soil (surface)	Naphthalene	43
Soil (surface)	Phenanthrene	130

** Concentrations in µg/g – microgram per gram

Table 1B: Property Specific Standards – Subsurface Surface Soil

Environmental Media	Contaminant of Concern	Property Specific Standard
PHCs		
Soil (subsurface)	C6-C10 (F1 minus BTEX)	5100
Soil (subsurface)	C>10-C16 (F2)	17000
Soil (subsurface)	C>16-34 (F3)	29000
PAHs		
Soil (subsurface)	Benzo(a)pyrene	14
Soil (subsurface)	Dibenzo(a,h)anthracene	2.4

** Concentrations in µg/g – microgram per gram

Table 1C: Property Specific Standards - Groundwater

Environmental Media	Contaminant of Concern	Property Specific Standard
PHCs		
Groundwater	C6-C10 (F1 minus BTEX)	484
Groundwater	C>10-C16 (F2)	1980
Groundwater	C>16-34 (F3)	7700
Groundwater	C>34 (F4)	1034
PAHs		
Groundwater	Benzo(a)anthracene	8.1
Groundwater	Benzo(g,h,i)perylene	0.6
Groundwater	Chrysene	7.4

** Concentrations in µg/L – microgram per litre

Table 2: Risk Based Indoor Air Standards

Parameter	Soccer Field (Playing Area)	Lobby
<i>F1 and F2 aliphatic and aromatic hydrocarbon sub-fractions</i>		
>C6-C8 Aliphatic	23600	40296
>C8-C10 Aliphatic	1280	2190
>C10-C12 Aliphatic	1280	2190
>C12-C16 Aliphatic	1280	2190
>C6-C10 Aromatic	257	438
>C10-C12 Aromatic	257	438
>C12-C16 Aromatic	257	438

** Concentrations in µg/m³ – microgram per cubic metre