

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9626-BHAGTF
Issue Date: October 25, 2019

Willis Kerr Contracting Limited
9 Industrial Road
Kemptville, Ontario
K0G 1J0

Site Location: Brissenden Pit
1055 County Road No. 1
Township of North Dundas
United Counties of Stormont, Dundas and Glengarry
K0A 2W0

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:

sewage works for the collection, transmission, treatment and recycle of water from aggregates washing operation at the above mentioned Site Location, consisting of the following:

Aggregates Washing Operation Wastewater Management

- ***two-celled wash plant settling pond*** with a total area of approximately 2,140 square metre.

all other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage works.

all in accordance with the submitted supporting documents in Schedule A.

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

"Application" means the application for an environmental compliance approval submitted to the Ministry for approval by or on behalf of the Owner and dated August 2, 2019.

"Approval" means this environmental compliance approval, any schedules attached to it, and the Application;

"Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes

of Part II.1 of the EPA;

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

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

"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;

"Owner" means Willis Kerr Contracting Limited, and includes its successors and assignees;

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

"Works" means the sewage works described in the Approval.

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. GENERAL PROVISIONS

- (1) The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the terms and conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- (2) Except as otherwise provided by these terms and conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with this Approval.
- (3) Where there is a conflict between a provision of this environmental compliance approval and any document submitted by the Owner, the conditions in this environmental compliance approval shall take precedence. Where there is a conflict between one or more of the documents submitted by the Owner, the Application shall take precedence unless it is clear that the purpose of the document was to amend the Application
- (4) Where there is a conflict between the documents listed in the Schedule A, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
- (5) The terms and conditions of this Approval are severable. If any term and condition of this environmental compliance approval, or the application of any requirement of this environmental compliance approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this

Approval shall not be affected thereby.

2. CHANGE OF OWNER

- (1) The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:
 - (a) change of address of Owner or operating authority;
 - (b) change of Owner or operating authority or both, including address of new Owner or operating authority, or both;
 - (c) change of partners where the Owner or operating authority 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* ; and
 - (d) change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the “Initial Return” or “Notice of Change” filed under the *Corporations Information Act, R.S.O. 1990, c. C.39* , shall be included in the notification to the District Manager.
- (2) In the event of any change in ownership of the Works, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager.
- (3) The Owner shall ensure that all communications made pursuant to this condition refer to the number at the top of this environmental compliance approval.

3. OPERATION MANUAL

- (1) The Owner shall prepare an operations manual prior to the construction, use and operation of the Works that includes, but is not limited to, the following information:
 - (a) operating procedures for routine operation of the Works;
 - (b) inspection programs, including frequency of inspection, for the Works and the methods or tests to be employed to detect when maintenance is necessary;
 - (c) repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 - (d) contingency plans and procedures for dealing with a potential spill, bypasses or any other abnormal situations, including notifying the District Manager of the situation; and

- (e) procedures for receiving and responding to public complaints.
- (2) The Owner shall review and update the operations manual from time to time and shall retain a copy of the updated manual on-site at the Works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

4. OPERATION AND MAINTENANCE

- (1) The Owner shall ensure that the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained.
- (2) The Owner shall, upon identification of a loss of oil and fuel, take immediate action to prevent the further occurrence of such loss and prevent the spill from entering into the wash plant settling pond.
- (3) In furtherance of, but without limiting the generality of, the obligation imposed by subsection (1), the Owner shall ensure that equipment and material for the containment, clean-up and disposal of oil and fuel and materials contaminated with oil or fuel are kept on hand and in good repair for immediate use in the event of:
 - (a) loss of oil or fuel during refuelling or equipment maintenance;
 - (b) a spill within the meaning of Part X of the EPA; and/or
 - (c) the identification of an abnormal amount of oil or fuel in the wash plant settling pond.
- (4) During the period when aggregate washing is occurring, the Owner shall visually inspect the amount of sediment accumulating in the wash plant settling pond on a weekly basis. The Owner shall remove the sediment, if necessary, to ensure continued suspended solids removal performance of the wash plant settling pond.
- (5) During the period when aggregate washing is occurring, the Owner shall record, in a log book, the day the visual assessment was undertaken, a visual description of the wash plant settling pond, if sediment removal was undertaken and where any sediment was disposed.
- (6) The log book shall be retained at the site and be made available for Ministry inspection upon request.

5. REPORTING

- (1) In addition to the obligations under Part X of the EPA, the Owner shall, within ten (10) working days of the occurrence of any reportable spill as defined in Ontario Regulation 675/98, bypass or loss of any product, by-product, intermediate product, oil, solvent,

waste material or any other polluting substance into the environment, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation.

- (2) The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

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

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Condition 2 is included to ensure that the Ministry records are kept accurate and current with respect to approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the works in compliance with it.
3. Condition 3 is included to ensure that a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner and made available to the Ministry. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the owner in staff training, in proper plant operation and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a benchmark for Ministry staff when reviewing the Owner's operation of the Works.
4. Condition 4 is included to ensure that the Works will be operated and maintained in a manner enabling compliance with the terms and conditions of this Approval, such that the environment is protected and deterioration, loss, injury or damage to any person or property is minimised and/or prevented.
5. Condition 5 is included to ensure that the Ministry is made aware of problems as they arise, so that the Ministry can work with the Owner in resolving any problems in a timely manner.

SCHEDULE 'A'

1. Environmental Compliance Approval Application for Industrial Sewage Works submitted by Bill McLatchie, P.Eng., WJM Consulting Limited, and signed by Mr. Dean Kerr, Vice President, of Willis Kerr Contracting Limited, dated January 31, 2019; and all supporting documentation and information.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review 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 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

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

AND

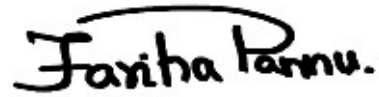
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.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 25th day of October, 2019



Fariha Pannu, P.Eng.

Director

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

AA/

c: Area Manager, MECP Cornwall Area Office

c: District Manager, MECP Ottawa District Office

Bill McLatchie, P.Eng., WJM Consulting Limited