

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 0076-BJLLHQ

Issue Date: December 13, 2019

Preston Sand & Gravel Company Limited  
305 Arnold Street  
Kitchener, Ontario  
N2H 6G1

**Site Location:** Wolfe Pit

3001 Boomer Line  
Township of Wellesley, Regional Municipality of Waterloo  
N0B 2M0

*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:*

the establishment of sewage Works for the collection, transmission, treatment and reuse of washwater from an aggregate wash plant system located within the Wolfe Pit site, with no off-site surface water discharge, consisting of the following:

an approximately 160 m long and 35 m wide, clay lined primary siltation pond (settling pond) located on the eastern portion of the site, receiving washwater from the aggregate wash plant, having an approximate surface area of 5,526 m<sup>2</sup>, an average depth of 3 m, and a 1 m high perimeter containment berm, discharging by gravity to a secondary siltation pond (polishing pond);

an approximately 85 m long and 55 m wide, clay lined secondary siltation pond (polishing pond) located on the eastern portion of the site, having an approximate surface area of 4,750 m<sup>2</sup>, an average depth of 3 m, and a 1 m high perimeter containment berm, overflowing to a freshwater/source pond;

an approximately 160 m long and 55 m wide, clay lined freshwater/source pond (clear pond) located on the eastern portion of the site, having an approximate surface area of 7,002 m<sup>2</sup>, an average depth of 3 m, and a 1 m high perimeter containment berm;

all in accordance with Supporting Documentation submitted to the Ministry as listed in the Schedule A in this Approval.

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

"Approval" means this entire document and 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 Guelph 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 Preston Sand & Gravel Company Limited and includes his successors and assignees;

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

"Works" means the sewage works described in the Owner's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this 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 persons authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, the application for approval of the Works and the submitted supporting documents and plans and specifications as listed in this Approval.

(3) Where there is a conflict between a provision of any submitted document referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

(4) Where there is a conflict between the documents listed in the Schedule submitted documents, 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 conditions of this Approval are severable. If any condition of this Approval, or the application of any requirement of this 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. EXPIRY OF APPROVAL**

This Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.

### **3. 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 Owner;

(b) change of address of the Owner;

(c) change of 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.B17 shall be included in the notification to the District Manager; or

(d) change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the *Corporations Informations Act*, R.S.O. 1990, c. C39 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 and the Director.

### **4. OPERATION MANUAL**

(1) Within three (3) months of the issuance date of this Approval, the Owner shall prepare an operations manual for the operation of the Works that includes, but is not necessarily 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 maintain the operations manual up to date through revisions

undertaken from time to time and retain a copy at the location of the sewage Works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

## **5. OPERATION AND MAINTENANCE**

(1) The Owner shall ensure that at all times, the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained. The Owner shall also ensure that all monitoring programs and maintenance schedules for the Works are complied with.

(2) The Owner shall, upon identification of any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance, take immediate action to prevent the further occurrence of such loss and prevent the spill from entering the ponds.

(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 any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance are kept on hand and in good repair for immediate use in the event of:

- (a) any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance;
- (b) a spill within the meaning of Part X of the EPA; and/or
- (c) the identification of an abnormal amount of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance in any part of the Works.

(4) During the period when aggregate washing is occurring, the Owner shall visually inspect the amount of sediment accumulating in the primary siltation pond (settling pond), the secondary siltation pond (polishing pond) and the freshwater/source pond (clear pond) on a monthly basis. The Owner shall remove the sediment, if necessary, to ensure continued suspended solids removal performance of the ponds.

(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 primary siltation pond (settling pond), the secondary siltation pond (polishing pond) and the freshwater/source pond (clear 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.

(7) The Owner shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the operation and maintenance activities required by this Approval.

## **6. SPILL CONTINGENCY AND POLLUTION PREVENTION PLAN**

(1) Within three (3) months from the issuance of this Approval, the Owner shall

implement a Spill Contingency and Pollution Prevention Plan that includes, but is not necessarily limited to, the following information:

- (i) the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;
- (ii) the name, job title and 24-hour telephone number of the person(s) responsible for activating the Spill Contingency and Pollution Prevention Plan;
- (iii) a site plan drawn to scale showing the facility, nearby buildings, streets, drainage patterns, any receiving body(ies) of water that could potentially be significantly impacted and any features which need to be taken into account in terms of potential impacts on access and response (including physical obstructions and location of response and clean-up equipment);
- (iv) steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
- (v) a listing of telephone numbers for: local clean-up company(ies) who may be called upon to assist in responding to spills; local emergency responders including health institution(s); and MOE Spills Action Centre 1-800-268-6060;
- (vi) Materials Safety Data Sheets (MSDS) for each hazardous material which may be transported or stored within the area serviced by the Works;
- (vii) the means (internal corporate procedures) by which the Spill Contingency and Pollution Prevention Plan is activated;
- (viii) a description of the spill response and pollution prevention training provided to employees assigned to work in the area serviced by the Works, the date(s) on which the training was provided and by whom;
- (ix) an inventory of response and clean-up equipment available to implement the Spill Contingency and Pollution Prevention Plan, location and, date of maintenance/replacement if warranted; and
- (x) the date on which the Spill Contingency and Pollution Prevention Plan was prepared and subsequently, amended.

(2) The Spill Contingency and Pollution Prevention Plan shall be kept in a conspicuous, readily accessible location on-site.

(3) The Spill Contingency and Pollution Prevention Plan shall be amended from time to time as required by changes in the operation of the facilities.

## **7. REPORTING**

(1) One week prior to the commencement of the aggregate washing operations, the Owner shall notify the District Manager (in writing) of the pending commencement date.

(2) In addition to the obligations under Part X of the *Environmental Protection Act*, the Owner shall, within 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.

(3) 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 Works are constructed in a timely manner so that standards applicable at the time of Approval of the Works are still applicable at the time of construction, to ensure the ongoing protection of the environment.
3. Condition 3 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.
4. Condition 4 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 operations 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 Work.
5. Condition 5 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. Furthermore, Condition 5 is imposed to ensure that accumulated sediment in the primary siltation pond (settling pond), the secondary siltation pond (polishing pond) and the freshwater/source pond (clear pond) is removed to maintain sediment removal performance of the ponds.
6. Condition 6 is included to ensure that the Owner will implement the Spill Contingency and Pollution Prevention Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.
7. Condition 7 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 the problems in a timely manner.

#### **SCHEDULE A**

1. Environmental Compliance Approval Application submitted by Kevin Fitzpatrick, P.Eng., Senior Project Engineer, WSP Canada Inc., dated January 28, 2019 and received on January 30, 2019 and all supporting documentation and information

prepared by WSP Canada Inc.

2. The design report titled: "Wolfe Pit Environmental Compliance Approval (OWRA S53) Application Supporting Study, E.E. Seegmiller" dated January 28, 2019, prepared by WSP Canada Inc.

3. All additional documentation provided by WSP Canada Inc.

*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](http://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 13th day of  
December, 2019

Fariha Pannu, P.Eng.  
Director  
appointed for the purposes of Part  
II.1 of the *Environmental Protection  
Act*

KC/  
c: District Manager, MECP Guelph District Office  
Kevin Fitzpatrick, P.Eng., Senior Project Engineer, WSP Canada Inc.