

Ministry of the Environment,
Conservation and Parks

Eastern Region
Kingston District Office
1259 Gardiners Road, Unit 3
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Ministère de l'Environnement,
de la Protection de la nature
et des Parcs

Bureau du Kingston
1259 rue Gardiners
Kingston, ON, K7P 3J6
Téléphone : (613) 549-4000
Télécopieur : (613) 548-6920



April 1, 2019

Randal Brian Armstrong o/a Armstrong Pumping Service Ltd.
825 Kitley Line 2,
Jasper, Ontario
K0G 1G0

Re: Hauled Sewage Disposal Site Environmental Compliance Approval 18-KIN-42744

Dear Mr. Armstrong,

Attached is Environmental Compliance Approval (ECA) No. **18-KIN-42744** for a proposed Hauled Sewage Disposal Site (Site), located at *Lot 8, Concession 3, Township of Elizabethtown-Kitley (Former Township of Kitley), United Counties of Leeds and Grenville*.

Upon review of this application, I have determined that the Site is located within a Highly Vulnerable Aquifer (HVA) that has been identified in the Rideau Valley Source Protection Area. I have further determined that under the *Clean Water Act, 2002*, S.O. 2002, c. 22, as amended, the proposed waste disposal activity when undertaken within this particular Source Protection vulnerable area is deemed to be a low drinking water threat. As a result the terms and conditions specified in the attached ECA are required to help mitigate this risk. Please be aware that operations at this Site must be undertaken in full compliance with the terms and conditions of the attached ECA.

I draw your attention to the fact I have established a condition that sets a **2 year expiry** date for this ECA. This approach supports future implementation of program changes the ministry is considering for new/renewed hauled sewage disposal sites in Source Protection Vulnerable Areas where this disposal activity is considered to be a low drinking water threat.

If you have any questions or concerns, please do not hesitate to contact Agricultural Environmental Officer Emma Tahirali at Emma.Tahirali@Ontario.ca or (613) 540-6878.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Roberto Sacilotto".

Roberto Sacilotto,
Director, Section s.20.3, E.P.A
District Supervisor, Kingston District Office
Ministry of the Environment, Conservation and Parks
1259 Gardiners Road, Unit 3, Kingston, ON, K7P 3J6
Tel: (613) 549-4000

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Randal Brian Armstrong o/a Armstrong Pumping Service Ltd.
825 Kitley Line 2,
Jasper, Ontario
K0G 1G0

For the Site located at:

**Lot 8, Concession 3, Township of Elizabethtown-Kitley (Former Township of Kitley),
United Counties of Leeds and Grenville.**

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 use and operation of a Hauled Sewage Disposal Site. The Hauled Sewage Disposal Site approved herein may accept Hauled Sewage only, the spreading of which is restricted to the 9 hectare spreading area described at Schedule 'C' of this Environmental Compliance Approval.

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

- a. **“Act”** means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;
- b. **“Approval”** means this entire Environmental Compliance Approval including its schedules, if any, issued under section 20.3 of II.1 of the Act;
- c. **“Bedrock”** means,
 - a. The solid rock underlying unconsolidated material such as gravel, sand, silt and clay, or
 - b. Solid rock at the ground surface;
- d. **“Clean Water Act”** means the *Clean Water Act, 2006*, S.O. 2006, c. 22, as amended.
- e. **“Commercial, Community or Institutional Use”** means any commercial, community or institutional use, including without limitation the use of land for,
 - i. an office building,
 - ii. a hotel, motel, hostel or similar type of accommodation,
 - iii. an overnight camp or overnight campgrounds,
 - iv. indoor recreational or sporting activities,
 - v. indoor gatherings for civic, religious or social purposes,

- vi. indoor performing arts activities,
 - vii. a railway station, airport passenger terminal or other embarkation or debarkation point for travellers,
 - viii. a day care centre,
 - ix. educational purposes, including a school, college, university, private career college or associated residence,
 - x. a health care facility, or
 - xi. a penitentiary, jail or other place of custody or detention;
- f. **“Company”** means Armstrong Pumping Service Ltd., or its agents or assignees;
- g. **“Director”** means any Ministry employee appointed by the Minister pursuant to Section 5 of the Act;
- h. **“District Manager”** means the District Manager of the Ministry for the geographic area in which a Site is located;
- i. **“Frozen”**, when used in reference to soil, means that a layer of soil with an average minimum depth of five centimetres, located within the top 15 centimetres of the soil, is consolidated by the presence of frozen moisture;
- j. **“Hauled Sewage”** is as defined in R.R.O. 1990, Reg. 347, made under the Act, as amended from time to time;
- k. **“Hauled Sewage Disposal Site”** means a Hauled Sewage Disposal Site, the location and operation of which is approved by the Ministry;
- l. **“Incorporated”** means the mixing of hauled sewage into the surface of soil by tillage with a minimum depth of soil disturbance of 10 centimetres;
- m. **“Injected”**, in relation to the application of hauled sewage to land, means the placement of hauled sewage below the surface of the soil of the land;
- n. **“Ministry”** means the Ministry of the Environment, Conservation and Parks;
- o. **“Nutrient Management Act”** means the *Nutrient Management Act, 2002*, S.O. 2002, c. 4, as amended;
- p. **“Ontario Water Resources Act”** means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
- q. **“Operator”** means Randal Brian Armstrong operating as Armstrong Pumping Service Ltd.;
- r. **“Pesticides Act”** means the *Pesticides Act*, R.S.O. 1990, c. P11, as amended;
- s. **“Residential Area”** means an area in which there are three or more lots of not more than one hectare,
 - i. that are adjacent to each other or not separated by anything other than a road allowance or right of way, and
 - ii. on each of which there is a residential building

- t. **“Sensitive Land Use”** means commercial, recreational or institutional uses, and locations at which people regularly congregate;
- u. **“Sewage Works”** means a sewage works approved under Part II.1 of the Act;
- v. **“Site”** means a location approved to receive Hauled Sewage under the Approval;
- w. **“Snow-covered”**, when used in reference to soil, means that there is a layer of snow with an average minimum depth of five centimetres.
- x. **“Surface Water”** means water found in lakes, ponds, rivers, streams, wetlands, swamps, artificial watercourses, intermittent watercourses and seasonally wet areas, including ditches and swales.
- y. **“Water Table”** in relation to land, means the highest level of water found in the ground, as recorded in the water well records for the nearest water wells to the land or as determined by a test hole dug at the time of or before the spreading of Hauled Sewage on the land.
- z. **“Well”** means a hole made in the ground to locate or obtain ground water or to test or to obtain information in respect of ground water or an aquifer, and includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption.

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

TERMS AND CONDITIONS

GENERAL

- 1.
 - a. The requirements of the Approval are severable. If any requirement of the Approval, or the application of any requirement of the Approval to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of the Approval shall not be affected in any way; and
 - b. The issuance of, and compliance with the conditions of the Approval does not:
 - i. relieve any person of any obligation to comply with any provision of any applicable statute, regulation, by-law or other legal requirement; or
 - ii. limit in any way the authority of the Ministry to require that certain actions be taken by Randal Brian Armstrong or to require Randal Brian Armstrong to furnish any further information related to compliance with the Approval.
- 2.
 - a. Except as otherwise provided by these conditions, the Site shall be operated in accordance with the application submitted for the Approval and with the supporting documentation submitted to the Ministry as part of the application, all listed in Schedule "A".

- b. The Company, any owner of the property comprising the Site and the Operator shall ensure the Site is operated in accordance with these conditions.
- 3. The Company shall ensure that any communication/correspondence made in relation to the Site or to the Approval includes reference to the Approval number.
- 4. The Company shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:
 - a. change of owner of the property comprising the Site;
 - b. change of Operator; or
 - c. change of Company or Company address;
- 5. In the event of any change in ownership of the Site, the Company shall forthwith notify in writing the succeeding owner of the existence of the Approval, and provide the successor with an up-to-date copy of the Approval and a copy of such notice shall forthwith be forwarded to the Director.
- 6. Without limiting the authority provided Provincial Officers under the Act, the *Ontario Water Resources Act*, the *Pesticides Act* or the *Nutrient Management Act*, a Provincial Officer from the Ministry has the authority under those acts, at any reasonable time, without a warrant and with any reasonable assistance, to inspect all areas of the Site except living quarters and to require that any records required to be kept under any of those acts or the Approval be made available for inspection by that Provincial Officer upon request.

SPILL PREVENTION AND COMPLAINT PROCEDURES

- 7.
 - a. Prior to operating at the Site, the Company shall develop written procedures covering the following:
 - i. spill prevention and clean up in the event of occurrence;
 - ii. procedures for reporting to the Ministry, and municipal authorities as required, in the event a spill occurs at the Site;
 - iii. complaint procedures for receiving and responding to public complaints, including what steps the Company will take to determine the cause of the complaint and what corrective measures may be taken to alleviate the cause and prevent its recurrence;
 - iv. a list of the personnel responsible for operations at the Site
 - v. a list of equipment, material and personnel that will be available to deal with spills at the Site.
 - b. The Company shall ensure that all personnel involved in the operation of the Site are aware of the requirements of the Approval and are trained in the procedures outlined in Condition 7a of the Approval.

OPERATIONS

8. The Company must ensure that no unnecessary off-Site effects, such as vermin, vectors, odour, dust, litter, noise or traffic, result from the spreading or disposal of Hauled Sewage at the Site. This condition does not reduce in any way the Company's obligations to comply with the Act and the *Ontario Water Resources Act*.
9. Spills of a pollutant that cause or may cause an adverse effect, that may enter or do enter any "waters", as that term is defined in the *Ontario Water Resources Act*, and that may impair the water quality of those waters, shall forthwith be reported to the Ministry's Spills Action Centre at 1-800-268-6060 and the Company shall take appropriate remedial action to limit the impact. Information regarding all spills shall be recorded in the log book, referred to in condition 20 of the Approval.
10. The land application of Hauled Sewage is subject to the setbacks defined in Schedule "B" of the Approval.
11. To avoid run-off from the Site,
 - a. No Hauled Sewage shall be spread or disposed of at the Site when the ground is Frozen, ice-covered or Snow-covered;
 - b. No Hauled Sewage shall be spread at the Site when there is ponded water on the intended spreading area at the Site;
 - c. No Hauled Sewage shall be spread at the Site when conditions are such that Hauled Sewage, or water contaminated by Hauled Sewage, may runoff or discharge from the Site. Conditions which may lead to such runoff or discharge from the Site include precipitation events, snowmelt and flooded or saturated spreading areas.

Hauled sewage shall only be spread at the site during the time periods indicated in the table below.

Maximum Sustained Slope	Soil Permeability ¹	Allowable Duration of Application	
		Southern Ontario	Northern Ontario
0 to 3%	Any soils where Percolation Time ² > 1 minute per cm	April 1 to November 30	April 1 to November 30
3 to 6%	Rapid to moderately rapid	April 1 to November 30	April 1 to November 30
3 to 6%	Moderate to slow	May 1 to November 30	June 1 to November 30
6 to 9%	Rapid to moderately rapid	May 1 to November 30	June 1 to November 30
6 to 9%	Moderate to slow	No spreading permitted	No spreading permitted

Notes:

¹The Company (or qualified consultant) is responsible for ensuring that the soil permeability of the soils is properly classified in accordance with currently accepted engineering and hydrogeological practices and submitting documentation as to the classification, if a classification greater than "slow" is claimed.

²Percolation Time means the average time in minutes that is required for water to drop one (1) centimetre during a soil percolation test as determined by the test or other appropriate means.

12. Spreading of Hauled Sewage is prohibited in areas at the Site with a maximum sustained slope of greater than 9%.
13. Spreading of Hauled Sewage is prohibited in areas at the Site with less than 1.0 metres of soil depth above the Water Table (during the spreading season) and in areas at the Site with less than 1.5 metres of soil depth above Bedrock.
14. Spreading of Hauled Sewage is prohibited in any areas at the Site where the activity is or would be a Significant Drinking Water Threat as defined under the *Clean Water Act*.
15. Prior to spreading of hauled sewage at the Site, the operator shall ensure the useable spreading area is clearly flagged, digitally designated in GPS such that the designation is readily available upon the request of a Provincial Officer, or similarly marked so as to clearly identify setbacks from sensitive features and any areas where spreading is prohibited pursuant to Condition 14 of the Approval.
16. Hauled Sewage shall only be spread in a manner that ensures a uniform distribution of material across the approved area, at a rate of the lower of fifteen (15) litres per square metre per seven (7) days or such other lower rate which ensures that ponding at, puddling on or runoff from the Site does not occur.
17. No processed organic waste, grease trap waste or other waste, other than Hauled Sewage, shall be stored, spread or disposed of at the Site.

STORAGE

18. No Hauled Sewage shall be stored pursuant to the Approval at this Site.

AGRICULTURAL USE OF SPREADING AREAS

19. It is the responsibility of the Company to ensure that the future intended uses of the Site are known and to make decisions for spreading based on this information. The use of the area used for the spreading of Hauled Sewage at the Site is limited as follows:
 - a. harvest of crops for domestic consumption for this area shall not occur within twelve (12) months, and only after working the Hauled Sewage into the soil;
 - b. grazing of livestock shall not occur at this area within six (6) months of Hauled Sewage application;
 - c. feed crop harvests shall not occur at this area within three (3) weeks of Hauled Sewage application; and
 - d. commercial sod harvest shall not occur at this area within 12 months of Hauled Sewage application.

RECORD KEEPING

- 20.
- a. The Company shall maintain written records in a log book detailing the following:
 - i. a complete and up-to-date record showing, where, when and how much Hauled Sewage was spread, stored or disposed of at the Site;
 - ii. the nature of any spill or upset occurring at the Site and the actions taken to clean-up the spill or upset and the steps taken to prevent a re-occurrence; and
 - iii. all complaints received related to the Site or its operations and any actions taken to address complaints.

EXPIRY:

21. The Approval **Expires** on: **March 31, 2021**

SCHEDULE "A"

This Schedule "A" forms part of the Approval:

1. Environmental Compliance Approval Application dated October 25, 2018 and received on October 26, 2018 and signed by Brian and Randy Armstrong.

SCHEDULE "B"

SITE SETBACK REQUIREMENTS

This Schedule "B" forms part of this Approval:

1. The *portion* of the Site approved for spreading is subject to the following setbacks;
 - a. a minimum of 450 meters from the closest property boundary of a Sensitive Land Use, unless the Hauled Sewage is proposed to be Injected or Incorporated into the soil, then a request to reduce setback requirements can be made to the District Manager;
 - b. a minimum of 450 meters from the closest property boundary of the Residential Area, unless the Hauled Sewage is proposed to be Injected or Incorporated into the soil, then a request to reduce setback requirements can be made to the District Manager;
 - c. a minimum of 90 metres from the closest property boundary of a single residence, unless the Hauled Sewage is proposed to be Injected or Incorporated into the soil, then a request to reduce setback requirements can be made to the District Manager;
 - d. a minimum of 30 meters from a public roadway unless the Hauled Sewage is Injected or Incorporated into the soil, then a request to reduce setback requirements can be made to the District Manager;
 - e. a minimum of 90 meters from any Wells;
 - f. a minimum of 100 meters from municipal drinking water wells; and
 - g. setbacks to surface waters as detailed in the Table below

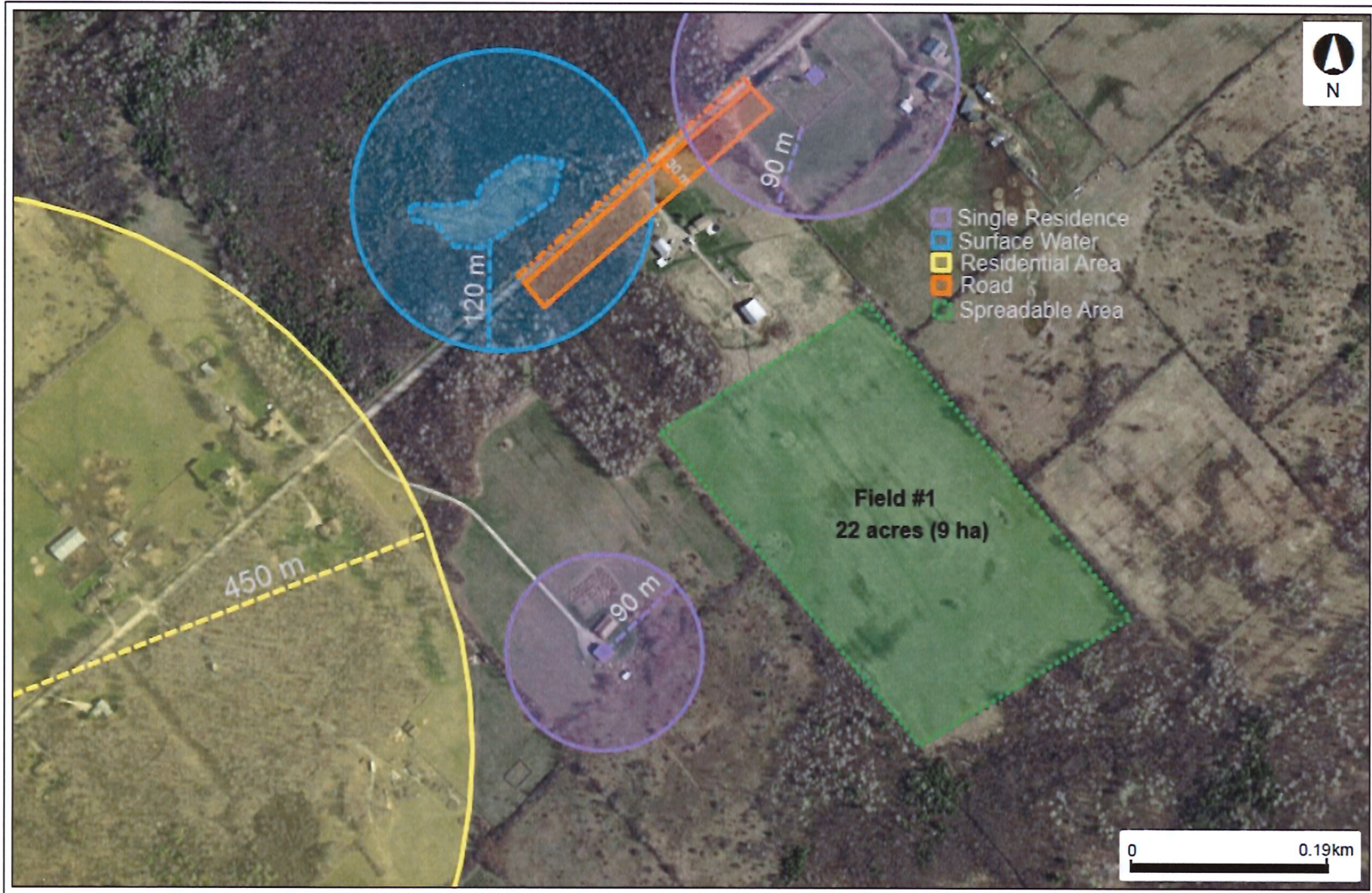
Table: Setbacks from surface waters

Maximum Sustained Slope	Setbacks for sites with <u>confirmed</u> Rapid to Moderately Rapid Permeability ¹ Soils	Setbacks for Sites where soil permeability ¹ has not been confirmed or is confirmed to be moderate or slow	Setbacks for sites where hauled sewage is injected into soil or placed in a trench or furrow
0 - 3%	60 metres	120 metres	60 metres
3 - 6%	120 metres	240 metres	120 metres
6 - 9%	180 metres	360 metres	180 metres
greater than 9%	No sewage to be applied	No sewage to be applied	No sewage to be applied

Notes:
¹The Company (or qualified consultant) is responsible for ensuring that the soil permeability of the soils is properly classified in accordance with currently accepted engineering and hydrogeological practices and submitting documentation as to the classification, if a classification greater than "slow" is claimed.

SCHEDULE "C"

This Schedule "C" forms part of this Approval:



*ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 18-KIN-42744*

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

1. The reason for conditions 1, 3, 4, 5 and 6 is to clarify the legal rights and responsibilities of the Company.
2. The reason for conditions 2 is to ensure that the Site is operated in accordance with the application and supporting information submitted by the Company, and not in a manner which the Director has not been asked to consider.
3. The reason for conditions 7, 9 and 20 is to ensure that staff can identify Site problems and deal promptly and effectively with any spills and upsets, and any public complaints that may occur.
4. The reason for condition 8 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.
5. The reason for condition 10 is to ensure that only the area reviewed and recommended in the Site assessment, subject to the listed setbacks, is used for spreading.
6. The reason for conditions 11, 12 and 13 is to ensure that land application restrictions are established based on the slope of land, type of soil and the period of use in any calendar year to promote the seepage of hauled sewage down into the underlying overburden. The prohibitions will prevent Hauled Sewage spreading when there is a risk of runoff.
7. The reason for condition 14 is to ensure Hauled Sewage application does not take place in areas where the activity is considered to be a significant drinking water threat under the Clean Water Act.
8. The reason for condition 15 is to ensure that hauled sewage is only applied in such a manner as to comply with the listed setbacks and source protection vulnerable area restrictions.
9. The reason for condition 16 is to ensure that the type and amount of Hauled Sewage accepted for spreading on agricultural lands, and the spreading activities, including loading rates on the soil, are done in accordance with that approved under this Approval.
10. The reason for condition 17 is to ensure that the fields used for this program cannot be used for processed organic waste spreading and vice versa.
11. The reason for condition 18 is to prohibit the storage of hauled sewage.
12. The reason for condition 19 is to ensure that there is an adequate time lapse between the use of an area for disposal of hauled sewage and the use of the area for the specified land uses so that animals and harvest crops are not exposed to residual substances of concern associated with the hauled sewage disposal.
13. The reason for condition 21 is to ensure a periodic review of the instrument occurs to ensure the Site operations and associated impacts have not resulted in adverse effects on the land as a consequence of continuous long term use.

ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 18-KIN-42744

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. 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;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. 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 Director
Section 20.3, EPA
Ministry of the Environment, Conservation and Parks
1259 Gardiners Road, Unit 3
Kingston, Ontario
K7P 3J6

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal Toll Free at: Tel: 1 (866) 448-2248, Fax: 1 (877) 849-2066 or ERTTribunalSecretary@ontario.ca**

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

DATED AT KINGSTON this 1th day of April, 2019,



Roberto Sacilotto, District Supervisor, Kingston District Office
Director, *Environmental Protection Act*,
Ministry of the Environment, Conservation and Parks
1259 Gardiners Road, Unit 3
Tel: (613) 549-4000