

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Address: Cornwall Area Office
113 Amelia Street
Cornwall, Ontario
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Tel': 613-933-7402
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Address: Bureau de secteur de Cornwall
113, rue Amelia, 1er etage
Cornwall, Ontario
K6H 3P1
Tel': 613-933-7402
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Moose Creek Cement Products (2006) Limited

For the Site located at:
16525 Sixth Road
RR#2
Moose Creek, Ontario
K0C 1W0

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 2.789 hectare spreading area described at Schedule A 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. **"Clean Water Act"** means the *Clean Water Act, 2006*, S.O. 2006, c. 22, as amended.
- d. **"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;
- e. **"Company"** means Moose Creek Cement Products (2006) Products Ltd., or its agents or assignees;
- f. **"Director"** means any Ministry employee appointed by the Minister pursuant to Section 5 of the Act;
- g. **"District Manager"** means the District Manager of the Ministry for the geographic area in which a Site is located;
- h. **"Frozen"**, when used in reference to soil, means that a layer of soil with an average depth of five centimetres, located within the top 15 centimetres of the soil, is consolidated by the presence of frozen moisture;
- i. **"Hauled Sewage"** is as defined in R.R.O. 1990, Reg. 347, made under the Act, as amended from time to time;
- j. **"Hauled Sewage Disposal Site"** means a Hauled Sewage Disposal Site, the location and operation of which is approved by the Ministry;
- k. **"Incorporation"** means the mixing of hauled sewage into the surface of soil by tillage with a minimum depth of soil disturbance of 10 centimeters;
- l. **"Injection"**, 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;
- m. **"Ministry"** means the Ministry of the Environment, Conservation and Parks;
- n. **"Nutrient Management Act"** means the *Nutrient Management Act, 2002*, S.O. 2002, c. 4, as amended;
- o. **"Ontario Water Resources Act"** means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
- p. **"Operator"** means Moose Creek Cement Products (2006) Limited.
- q. **"Pesticides Act"** means the *Pesticides Act*, R.S.O. 1990, c. P11, as amended;
- r. **"Provincial Officer"** means a provincial officer appointed pursuant to s. 8 of the Safe Drinking Water Act;
- 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 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.

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 Moose Creek Cement Products (2006) Ltd. or to require Moose Creek Cement Products (2006) Ltd. 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, within 3 months of issuance of this approval, 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 7 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, storage 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 (416) 325-3000 or 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 31 of the Approval.
10. The storage or 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

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 any areas at the Site where the activity is or would be a Significant Drinking Water Threat as defined under the *Clean Water Act*.
14. 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 13 of the Approval.
15. The maximum application rate of Hauled Sewage shall not exceed 2.8 litres per square metre for a 7-day period for Fields 1, 2 and 3 or such other lower rate which ensures that ponding at, puddling on or runoff from the Site does not occur.
16. 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

17. No Hauled Sewage shall be stored pursuant to the Approval at this Site except as subject to Conditions 18 to 21.
18. The hauled sewage storage facility shall on be used for the storage of hauled sewage from septic tanks and holding tanks. No industrial wastes shall be discharged into or stored in the hauled sewage storage facility.
19. The hauled sewage storage facility shall be operated in such a manner as to maintain a minimum freeboard of not less than 0.37 metres.
20. Should the freeboard become less than the minimum as required through Condition 19 of this Environmental Compliance Approval, the District Manager shall be notified forthwith and actions will be taken to reduce the contents of the hauled sewage storage facility so as to restore the minimum freeboard.
21. The Company shall ensure that a qualified employee conducts a weekly visual inspection of the Site to ensure that the site is secure and that no off-site impacts such as vermin, vectors, odours, spills, dust, litter and noise result from the operation of the facility.

MONITORING AND REPORTING

22. Ground water monitoring samples shall be collected quarterly by a qualified or trained person from monitoring wells identified as MW-1, MW-2, MW-3, MW-4 and MW-5 in an Environmental Compliance Approval Application Submission Renewal for the Company, dated May 7, 2019, and samples will be analyzed by an accredited laboratory for Biochemical Oxygen Demand (BOD), Total Kjeldahl Nitrogen (TKN); NH₃-N, NO₂, NO₃, Total Phosphorus (TP), Conductivity and pH.
23. From time to time, the District Manager may make changes to the monitoring program and the changes shall be incorporated into the monitoring program referenced in Condition 22.

24. Any change in the method of operation, changes to the approved property, or changes to use of adjacent lands that occur during the period of this approval shall be reported forthwith in writing to the District Manager.
25. Continue to implement the Nitrogen Reduction Work Plan that is outlined in the Environmental Compliance Approval submission, dated May 7, 2019.
26. Submit to the District Ministry of the Environment Conservation and Parks office, no later than February 28th of each year, one (1) printed copy of an Annual Report and an electronic version of the Annual Report. The annual report will include:
 - (a) A detailed and scale site plan(s) for disposal area, indicating property boundaries, lagoon location, monitoring well locations and ground water flow direction, surface water and drainage ditches in the vicinity of the site; and
 - (b) A description of all operational difficulties encountered during the preceding year, as related to the handling and disposal of hauled sewage materials, and corrective action taken;
 - (c) A monthly summary of total volume of: septage collected, septage applied directly to each field; septage discharged to the storage cell; and septage removed from the storage cell and volume and rates applied to fields;
 - (d) Borehole logs for all monitoring wells (attached within an appendix);
 - (e) The results of the monitoring program and analysis of data to determine groundwater quality changes or impacts; water table depth; and assessment of the site with respect to reasonable use according to the Ministry's Guideline B-7;
 - (f) a section with recommendations for changes to future monitoring programs and site operations.

FINANCIAL ASSURANCE

27. The Company shall maintain financial assurance, as defined in Section 131 of the Act, in the amount of \$26,650. This financial assurance shall be in the form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste at the Site.
28. Commencing on May 15th, 2023 and at intervals of three (3) years thereafter, the Company shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Condition 27. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The financial assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.
29. Commencing on May 15th, 2023, the Company shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required

under Condition 27 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Condition 28. The re-evaluation shall be made available to the Ministry, upon request.

- a. The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion.
- b. If any financial assurance is scheduled to expire or notice is received, indicating financial assurance will not be renewed, and satisfactory methods have not been made to replace the financial assurance at least sixty (60) days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

AGRICULTURAL USE OF SPREADING AREAS

30. 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 twelve (12) months of Hauled Sewage application.

RECORD KEEPING

31.
 - a. The Company shall maintain written records in the 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; as well as the hauled sewage application rate at the Site during all spreading events
 - 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.
 - iv. All operational dates including: the date, time and findings of the required inspection of the hauled sewage storage facility.

*ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 19-COR-55131*

EXPIRY:

32. The Approval Expires on: **June 1, 2023.**

SCHEDULE "A"

This Schedule "A" forms part of the Approval:

1. Environmental Compliance Approval Application submission, dated May 7, 2019 completed by LRL Engineering for Moose Creek Cement Products (2006) Limited.
2. Supplemental ECA information request response, dated February 21, 2020, completed by LRL Engineering for Moose Creek Cement (2006) Products Ltd.
3. 2019 Groundwater Monitoring Program Report, dated February 21, 2020, completed by LRL Engineering for Moose Creek Cement (2006) Products Ltd.
4. Nitrogen Reduction Workplan created by LRL Engineering in 2012 and updated in 2017 for Moose Creek Cement Products (2006) Limited.

SCHEDULE "B"

SITE SETBACK REQUIREMENTS

This Schedule "B" forms part of this Approval:

1. The *portion* of the Site approved for spreading or storage is subject to the following setbacks;
 - a. a minimum of 450 metres from sensitive uses, unless the Hauled Sewage is injected or incorporated into the soil within 24 hours of application, in which case the separation distance may be reduced to 50 metres;
 - b. a minimum of 450 metres from a residential area, unless the Hauled Sewage is injected or incorporated into the soil within 24 hours of application, in which case the separation distance may be reduced to 50 metres;
 - c. a minimum of 90 metres from a single residence, unless the Hauled Sewage is injected or incorporated into the soil within 24 hours of application, in which case the separation distance may be reduced to 25 metres;
 - d. a minimum of 30 metres from a public roadway unless the Hauled Sewage is injected or incorporated into the soil within 24 hours of application, in which case the separation distance may be reduced to 15 metres;
 - e. a minimum of 90 metres from private water wells;
 - f. a minimum of 100 metres 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.

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

*ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 19-COR-55131*

1. The reason for conditions 1, 2, 3, 4, 5 and 6 is to clarify the legal rights and responsibilities of the Company.
2. The reason for conditions 7 and 9 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.
3. 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.
4. 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.
5. The reason for conditions 11 and 12 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.
6. The reason for condition 13 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.
7. The reason for condition 14 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.
8. The reason for condition 15 is to ensure that the type and amount of Hauled Sewage accepted for spreading on agricultural lands, and the spreading activities, are in accordance with that approved under this Approval.
9. The reason for condition 16 is to ensure that loading rates on the soil are strictly controlled under the sludge utilization program for Hauled Sewage. Fields used for this program cannot be used for processed organic waste spreading and vice versa.
10. The reason for conditions 17, 18, 19, 20 and 21 is to ensure hauled sewage is stored in a manner that minimizes the likelihood of spills and that does not present a hazard to the health and safety of the environment or people.
11. The reason for conditions 22, 23, 24, 25 and 26 is to ensure required monitoring is conducted to avoid degradation of the natural environment and off-property adverse effects and to compare results to Provincial Water Quality Objectives.
12. The reason for conditions 27, 28 and 29 is to ensure there that sufficient funds are available to the Ministry to close the Hauled Sewage Disposal Site, and to carry out all expected post-closure activities and any contingencies.
13. The reason for condition 30 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.
14. The reason for conditions 31 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.

*ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 19-COR-55131*

15. The reason for condition 32 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.

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 appointed for the purposes of
Part II.1 of the Environmental Protection Act
Tracy Hart
District Manager
Ottawa District
Ministry of the Environment, Conservation
and Parks
2430 Don Reid Drive
Ottawa, Ontario
K1H 1E1

*** 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**

*ENVIRONMENTAL COMPLIANCE APPROVAL
WASTE DISPOSAL SITE
APPROVAL NUMBER: 19-COR-55131*

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

DATED AT Ottawa this 1st day of June 2020 .

Tracy Hart.

Tracy Hart, District Manager, Ottawa District Office
Director, *Environmental Protection Act*,
Ministry of the Environment, Conservation and Parks
Eastern Region
Ottawa District Office
2430 Don Reid Drive, Suite 103
Ottawa ON K1H 1E1
Phone: 613.521.3450
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