

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7190-C3ML56
Issue Date: August 12, 2021

HM Koch Dairy Inc.
2902 Maisonneuve Road
Clarence-Rockland, Ontario
K0A 3N0

Site Location: 2902 Maisonneuve Road
St-Pascal, Lot 13, Conc. 2
City of Clarence-Rockland
United Counties of Prescott and Russell, Ontario

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:

establishment, usage and operation of new liquid manure transfer system (pipeline) that is started from a manure storage lagoon at the dairy cattle farm located at 2902 Maisonneuve Road and ended via three (3) outlets on farm lands located north of County Road #1 (St-Pascal Road) and east of Du Lac Road for the land application of liquid manure, consisting of the following:

- intake - pump chamber and pumps at an existing manure storage lagoon;
- 200 millimetre diameter forcemain/pipeline with a total length of approximately 2.01 kilometres, crossing on properties owned by four (4) owners including the farm lands as follows:
 1. Ferme Mario Chartrand Inc.;
 - a. N° 2646 Du Lac Road, Lot 13, Con 3;
 - b. N° 2646 Du Lac Road, Lot 12, Con 3;
 2. Jon-Paul Leclair;
 - a. St-Pascal Rd, Lot 11, Con 3;
 3. Hans Koch and Margot Koch,
 - a. N° 2737, Du Lac Road, Lot 13, Con 2;
 4. HM Koch Dairy Inc.;
 - a. 2902 Maisonneuve Road, Lot 13, Con 2;
 - b. 2512 Du Lac Road, Lot 11, Con 3;
 - c. St-Pascal Rd, Lot 10, Con 3

- three (3) outlets from the pipeline each connecting to a temporary booster pump and drag lines for manure spreading on crop lands in accordance an nutrient management strategy or nutrient management plan under Nutrient Management Act;

including all other electrical system, valves and appurtenances essential for the proper, safe and reliable operation of the Works in accordance with this Approval, in the context of process performance and general principles of wastewater engineering only;

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

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

1. "Approval" means this environmental compliance approval and any schedules attached to it, and the application;
2. "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;
3. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Works is geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Equivalent Equipment" means alternate piece(s) of equipment that meets the design requirements and performance specifications of the piece(s) of equipment to be substituted;
6. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and inc
7. "Owner" means HM Koch Dairy Inc., and its successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
9. "Works" means the approved sewage works.

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. The Owner shall design, construct, operate and maintain the Works in accordance with the conditions of this Approval.
3. Where there is a conflict between a provision of any document referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.
4. The issuance of, and compliance with the conditions of this Approval does not:
 - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including, but not limited to, the obligation to obtain approval from the local conservation authority necessary to construct or operate the sewage Works; or
 - b. limit in any way the authority of the Ministry to require certain steps be taken to require the Owner to furnish any further information related to compliance with this Approval.

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;
 - b. change of Owner, including address of new 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. B.17* , as amended, shall be included in the notification;
 - 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 Information Act, R.S.O. 1990, c. C.39* , as amended, shall be included in the notification.
2. In the event of any change in ownership of the Works, the Owner shall notify the succeeding owner in writing, of the existence of this Approval, and forward a copy of the notice to the District Manager.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the environmental compliance approval number.

3. CONSTRUCTION OF WORKS / RECORD DRAWINGS

1. All Proposed Works in this Approval shall be constructed and installed and must commence operation within five (5) years of issuance of this Approval, after which time the Approval ceases to apply in

respect of any portions of the Works not in operation.

2. Upon completion of construction of the Proposed Works, the Owner shall prepare and submit a written statement to the District Manager, certified by a Licensed Engineering Practitioner, that the Proposed Works is constructed in accordance with this Approval.
3. Within one (1) year of completion of construction of the Proposed Works, a set of record drawings of the Works shall be prepared or updated. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be readily accessible for reference at the Works.

4. OPERATION AND MAINTENANCE

1. The Owner shall ensure that, at all times, the Works and the related equipment and appurtenances used to achieve compliance with this Approval are properly operated and maintained. Proper operation and maintenance shall include effective performance, adequate funding, adequate staffing and training, including training in all procedures and other requirements of this Approval and the OWRA and regulations, adequate laboratory facilities, process controls and alarms and the use of process chemicals and other substances used in the Works.
2. The Owner shall prepare/update/maintain the operations manual for the Works within six (6) months of completion of construction of the Works, that includes, but not necessarily limited to, the following information:
 - a. operating procedures for the Works;
 - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
 - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 - d. operating procedures for the Works to handle emergency situations such as a mechanical or electrical failure;
 - e. a spill prevention and contingency plan, consisting of procedures and contingency plans, including notification to the District Manager, to reduce the risk of spills of pollutants and prevent, eliminate or ameliorate any adverse effects that result or may result from spills of pollutants;
 - f. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
3. The Owner shall maintain the operations manual up-to-date and make the manual readily accessible for reference at the Works.

5. REPORTING

1. The Owner shall, within fifteen (15) days of occurrence of a spill within the meaning of Part X of the EPA, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation, in addition to fulfilling the requirements under the EPA and O. Reg. 675/98 "Classification and Exemption of Spills and Reporting of Discharges".
2. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

6. CERTIFICATE OF REQUIREMENT

1. Pursuant to Section 197 of the EPA, no person having an interest in the Property, shall deal with the Property in any way without first giving a copy of this Approval to each person acquiring an interest in the Property as a result of the dealing.
2. The Owner shall:
 - a. within **sixty (60) days** of the date of the issuance of this Approval, submit to the Director for their review, two copies of a completed Certificate of Requirement and a registerable description of the Property; and
 - b. within **ten (10) calendar days** of receiving the Certificate of Requirement authorized by the Director, register the Certificate of Requirement in the appropriate Land Registry Office on title to the Property and submit to the Director the duplicate registered copy immediately following registration.
3. For the purposes of this condition, Property shall mean the properties located at the following listed locations:
 1. Ferme Mario Chartrand Inc.;
 - a. N° 2646 Du Lac Road, Lot 13, Con 3;
 - b. N° 2646 Du Lac Road, Lot 12, Con 3;
 2. Jon-Paul Leclair;
 - a. St-Pascal Rd, Lot 11, Con 3;
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Schedule A

1. Application for Environmental Compliance Approval October 29, 2020 and received on February 16, 2021 and submitted by HM Koch Dairy Inc. for the proposed construction and operation of liquid manure transfer system for the conveyance of liquid manure to farmlands for liquid manure spreading/land application.

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

1. Condition 1 regarding general provisions is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted.
2. Condition 2 regarding change of Owner and Operating Agency is included to ensure that the Ministry records are kept accurate and current with respect to ownership and Operating Agency of the 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 regarding construction of Works/record drawings 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; and also ensure that the Works are constructed in accordance with the Approval and that record drawings of the Works "as constructed" are updated and maintained for future references.
4. Condition 4 regarding operation and maintenance is included to require that the Works be properly operated, maintained, and equipped such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented. As well, the inclusion of a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner. 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.
5. Condition 5 regarding reporting is included to ensure that the Ministry is made aware of problems as they arise.
6. Condition 6 regarding certificate of requirement is included in order to require the Owner to give notice of this Approval to potential future owners of the property before the property is dealt with.

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

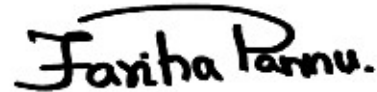
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 12th day of August, 2021



Fariha Pannu, P.Eng.

Director

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

NH/

- c: Area Manager, MECP Cornwall Area Office
- c: District Manager, MECP Ottawa District Office
- Philippe Glaude, Consultants Lemay & Choinière inc.