

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 6589-CC7R4V  
Issue Date: August 15, 2022

Peter Kiewit Sons ULC  
1425 North Service Rd E Unit 1  
Oakville, Ontario  
L6H 1A7

Site Location: Smoky Falls Dam  
Harmon Unorganized Township, District of Cochrane

*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 disposal of stormwater runoff, seepage, and excavation water from the dewatering operation to facilitate upstream and downstream concrete repairs at the existing Smokey Falls spillway, located approximately 80 km North of Kapuskasing within the traditional territory of the Taykwa Tagamou Nation (TTN) and Moose Cree First Nation (MCFN), consisting of the following Temporary Works:

- two (2) storage tanks Manitex Sabre Model WT-452 (or approved Equivalent), used for storage from the dewatering of the Bulkhead cofferdam, located east and west of the Bulkhead cofferdam, each providing a storage volume of approximately 68,200 Litres, discharging effluent to the sedimentation pond described below;
- one (1) sedimentation pond approximately 64 meters in length and 20 meters in width, comprised of two (2) basins each lined with a 20 mil PVC-liner separated by one (1) central weir, providing a working storage capacity of 3,392 cubic metres at a working storage depth of 2.65 metres, receiving inflow from the previously mentioned baker tanks and downstream construction activities (including a flip bucket) via two (2) Tsurumi KTZ-411 pumps (or approved Equivalent) providing a maximum pump rate of 23 Litres per second at 27 m of system head, complete with coagulant dosing and pH-regulation at the pond inlet, discharging to Smoky Falls Headpond via two (2) outlet pipes;

including erosion/sedimentation control measure and all other appurtenances essential for the proper operation of the aforementioned Temporary Works;

all in accordance with supporting documents listed in Schedule A.

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

1. "Approval" means this entire document and any schedules attached to it, and the application;
2. "District Manager" means the District Manager of the Timmins District Office of the Ministry;
3. "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;
4. "EPA" means the *Environmental Protection Act* , R.S.O. 1990, c.E.19, as amended;
5. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;
6. "Grab Sample" means an individual sample of at least 1000 millilitres collected in an appropriate container at a randomly selected time over a period of time not exceeding 15 minutes;
7. "Licensed Engineering Practitioner" means a person who holds a licence, limited licence or temporary licence under the PEA;
8. "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;
9. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;
10. "Owner" means Peter Kiewit Sons ULC and its successors and assignees;
11. "Single Sample Result" means the test result of a parameter in the effluent discharged on any day, as measured by a probe, analyzer or in a composite or grab sample, as required;
12. "Temporary Works" means the works described in this Approval and that are to be used for short-term purposes only in accordance with this Approval, until otherwise approval for an extension of this period has been granted;

*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 CONDITION**

1. The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Temporary 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 Temporary 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 Temporary 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. EXPIRY OF APPROVAL**

1. This Approval to the Temporary Works shall expire and become null and void on December 31 2024.
2. The Owner shall decommission the Temporary Works on or before the expiry date mentioned in subsection 1.

## **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 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.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 Information 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 Temporary 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.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the environmental compliance approval number.

#### **4. CONSTRUCTION OF THE TEMPORARY WORKS**

1. Upon the construction of the Temporary Works, the Owner shall prepare a statement, certified by a Licensed Engineering Practitioner, that the Temporary Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry personnel.
2. Within six months of the construction of the Temporary Works, a set of as-built drawings showing the Temporary Works “as constructed” shall be prepared. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the Temporary Works for the operational life of the Temporary Works.

#### **5. OPERATION AND MAINTENANCE**

1. The Owner shall make all necessary investigations, take all necessary steps and obtain all necessary approvals so as to ensure that the physical structure, siting and operations of the Temporary Works do not constitute a safety, health or flooding hazard to the general public.
2. The Owner shall undertake an inspection of the condition of the Temporary Works, at least once a week, and undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the Temporary Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Temporary Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Temporary Works to ensure that these are not obstructed.
3. The Owner shall construct, operate and maintain the Temporary Works with the objective that the effluent from the Temporary Works is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen, foam or discoloration on the receiving waters.

4. The Owner shall ensure the immediate clean-out of the Temporary Works after a fuel or oil spill capture.
5. The Owner shall ensure that equipment and material for the containment, clean-up and disposal of fuel and oil and materials contaminated with such, is on hand and in good repair for immediate use in the event of:
  - a. loss of fuel or oil to the Temporary Works; or
  - b. a spill within the meaning of Part X of the EPA.
6. The Owner shall prepare an operations manual prior to the commencement of operation of the Temporary Works that includes, but is not necessarily limited to, the following information:
  - a. operating and maintenance procedures for routine operation of the Temporary Works;
  - b. inspection programs, including frequency of inspection, for the Temporary 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 Temporary Works;
  - d. contingency plans and procedures for dealing with potential abnormal situations and for notifying the District Manager; and
  - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
7. The Owner shall maintain an up to date operations manual and make the manual readily accessible for reference at the Temporary Works for the operational life of the Temporary Works. Upon request, the Owner shall make the manual available to Ministry staff.
8. The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at the Temporary Works for inspection by the Ministry. The logbook shall include the following:
  - a. the name of the Temporary Works;
  - b. the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed and method of clean-out of

the Temporary Works; and

- c. the date of each spill within the catchment area, including follow-up actions and remedial measures undertaken.
9. 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. TEMPORARY EROSION AND SEDIMENT CONTROL

1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every two (2) weeks and after each significant storm event (a significant storm event is defined as a minimum of 25 millimetres of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.
2. The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

## 7. EFFLUENT LIMITS

1. The concentrations of effluent parameters, measured at each sampling event, named in Column 1 of Effluent Limits Table listed in **Schedule B** shall not exceed the corresponding maximum concentration set out in Column 2 of Effluent Limits Table listed in **Schedule B**.

## 8. EFFLUENT MONITORING

1. The Owner shall, upon commencement of operation of the sewage Temporary Works, carry out a monitoring program, and all samples and measurements taken for the purposes of this Approval are to be taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.
2. Samples shall be collected and analyzed at the following sampling point(s), at the sampling frequencies and using the sample type specified for each parameter listed in the effluent monitoring table in Schedule B.
3. The methods and protocols for sampling, analysis, toxicity testing, and recording shall conform, in order of precedence, to the methods and protocols specified in the

following:

- a. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater Version 2.0" (January 2016), PIBS 2724e02, as amended;
  - b. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions;
  - c. for any parameters not mentioned in the documents referenced in Paragraphs 3.a and 3.b, the written approval of the District Manager shall be obtained prior to sampling.
4. 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 monitoring activities required by this Approval.

## 9. REPORTING

1. One (1) week prior to the start-up of the operation of the Temporary Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. In addition to the obligations under Part X of the EPA and O. Reg. 675/98 (Classification and Exemption Of Spills and Reporting of Discharges), the Owner shall, within fifteen (15) days of the occurrence of any reportable spill as provided in Part X of the EPA and Ontario Regulation 675/98, 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 a schedule of implementation.
4. The Owner shall prepare performance reports on a calendar year basis and submit to the District Manager by March 31 of the calendar year following the period being reported upon. The reports shall contain, but shall not be limited to, the following information pertaining to the reporting period:
  - a. a summary and interpretation of all monitoring data and a comparison to the effluent limits outlined in Condition 8, including an overview of the success and adequacy of the sewage Temporary Works;
  - b. a description of any operating problems encountered and corrective actions

taken;

- c. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Temporary Works, including an estimate of the quantity of any materials removed from the Temporary Works;
  - d. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
  - e. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
  - f. a description of efforts made and results achieved in meeting the Effluent Objectives of Condition 7.
  - g. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
  - h. a summary of all spill or abnormal discharge events; and
  - i. any other information the District Manager requires from time to time.
5. The Owner shall report to the District Manager orally as soon as possible any non-compliance with the compliance limits, and in writing within seven (7) days of non-compliance.

## **10. SPILL CONTINGENCY PLAN**

1. Within six (6) months from the issuance of this Approval, the Owner shall implement a spill contingency plan - that is a set of procedures describing how to mitigate the impacts of a spill within the area serviced by the Temporary Works. The Owner shall, upon request, make this plan available to Ministry staff. This plan shall include as a minimum:
  - a. the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;
  - b. the name, job title and 24-hour telephone number of the person(s) responsible for activating the spill contingency plan;
  - c. a site plan drawn to scale showing the facility, nearby buildings, streets, catch-basins and manholes, drainage patterns (including direction(s) of flow in storm sewers), any receiving body(ies) of water that could potentially be significantly impacted by a spill 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);
- d. steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
  - e. 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 Ministry Spills Action Centre 1-800-268-6060;
  - f. Safety Data Sheets (SDS) for each hazardous material which may be transported or stored within the area serviced by the Temporary Works;
  - g. the means (internal corporate procedures) by which the spill contingency plan is activated;
  - h. a description of the spill response training provided to employees assigned to work in the area serviced by the Temporary Works, the date(s) on which the training was provided and by whom;
  - i. an inventory of response and clean-up equipment available to implement the spill contingency plan, location and, date of maintenance/replacement if warranted; and
  - j. the date on which the contingency plan was prepared and subsequently, amended.
2. The spill contingency plan shall be kept in a conspicuous, readily accessible location on-site.
  3. The spill contingency plan shall be amended from time to time as required by changes in the operation of the facility.

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

1. Condition 1 is imposed to ensure that the Temporary Works are constructed and operated in the manner in which they were described 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. Condition 1.4 is included to emphasize that the issuance of this Approval does not diminish any other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Temporary Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.
2. Condition 2 is included to ensure that, when the Temporary Works are constructed, the Temporary Works will meet the standards that apply 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 the approved Temporary Works and to ensure that subsequent owners of the Temporary Works are made aware of the Approval and continue to operate the Temporary Works in compliance with it.
4. Condition 4 is included to ensure that the Temporary Works are constructed in accordance with the approval and that record drawings of the Temporary Works “as constructed” are maintained for future references.
5. Condition 5 is included as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Temporary Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Temporary Works. The Condition also ensures that adequate storage is maintained in the Temporary Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Temporary Works are operated and maintained to function as designed.
6. Condition 6 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the upstream receiving watercourse during construction until they are no longer required.
7. Condition 7 is imposed to ensure that the effluent discharged from the Temporary Works meets the Ministry's effluent quality requirements, as specified, on a continuous basis, thus minimizing environmental impact on the receiver.
8. Condition 8 is included to require the Owner to demonstrate on a continual basis that the quality and quantity of the effluent from the approved Temporary Works is consistent with the design and effluent objectives specified in the Approval and that the approved Temporary Works does not cause any impairment to the receiving watercourse.
9. Condition 9 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.
10. Condition 10 is included to ensure that the Owner will implement the Spill Contingency Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.

## **Schedule A**

1. Environmental Compliance Approval Application for Industrial Sewage Temporary Works submitted and signed by Jean-Pierre Gauthier, Senior Vice President of Peter Kiewit Sons ULC, dated October 18, 2021 and received on December 9, 2021, and all supporting documentation and information.

## Schedule B

### Table 1: Effluent Limits Table

(applying at the discharge outlet of the sedimentation pond)

Effluent Parameter	Average Calculator	Concentration Limit
Total Suspended Solids (TSS)	Single Sample Result	25 mg/L
pH	Single Sample Result	between 6.5-9.0 inclusive

**Table 2: Effluent Monitoring Table**

Monitoring Location: Discharge outlet of the sedimentation pond.

<b>Effluent Parameter</b>	<b>Frequency</b>	<b>Sample Type</b>
Turbidity	Daily	Grab
Total Suspended Solids <sup>1</sup>	Twice Weekly	Grab
Water Temperature	Daily	Grab
pH	Daily	Grab
Dissolved Oxygen	Daily	Grab
Conductivity	Daily	Grab

1) Daily turbidity samples may be used to calculate daily TSS concentrations for the purpose of compliance with effluent limits as per the approved correlation of TSS/Turbidity presented in the submitted design brief listed in Schedule A. Upon commissioning of the Temporary Works and availability of TSS and Turbidity samples, the Owner shall ensure that each sample collected specifically for Total Suspended Solids analysis is also analyzed for Turbidity and that the resulting data is added to the working correlation plot of Total Suspended Solids versus Turbidity on a monthly basis, to continually verify the accuracy of the turbidity meter (Nephelometer) and to improve the accuracy of the correlation. Monthly refinements of the TSS/Turbidity correlation shall be conducted by a Qualified Person (QP), and any such refinements shall be reported to the District Manager in writing.

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land 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 ("the Notice") 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:

Registrar\*  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5  
OLT.Registrar@ontario.ca

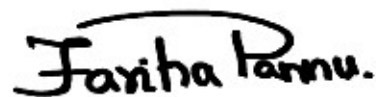
and

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 Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

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

DATED AT TORONTO this 15th day of August, 2022



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Fariha Pannu, P.Eng.

Director

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

ZM/

c: District Manager, MECP Timmins

Caroline Walmsley, Peter Kiewit Sons ULC