

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A710161
Issue Date: May 1, 2023

1106488 Ontario Limited operating as Buckhorn Sand & Gravel
134 Melody Bay Rd (Buckhorn)
Trent Lakes, Ontario
K0L 1J0

Site Location: Buckhorn Sand & Gravel Hauled Sewage Lagoons
Part Lot 8, Concession 10
Township of Harvey
County of Peterborough, 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:

for the use and operation of a 4,000 sq. m. Waste Disposal Site (Transfer), which includes two sewage lagoons with a total storage capacity of 3,800 cubic metres, and the use of the Site only for the transfer of the following categories of waste: hauled sewage from residential and commercial establishments, all in accordance with the following plans and specifications: the application and supporting information as listed in Schedule "A", which is attached to this Environmental Compliance Approval and forms part of this Approval.

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

1. "Act" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;
2. "Approval" or "ECA" means this entire environmental compliance approval including its schedules, issued under section 20.3 of II.1 of the Act;
3. "Company" or "Owner" means 1106488 Ontario Limited, o/a Buckhorn Sand & Gravel;
4. "Director" means a person appointed by the Minister pursuant to section 5 of the Act for the purposes of Part II.1 of the Act;
5. "District Manager" means the District Manager of the Ministry for the geographic area in which the Site is located;

6. "Ministry" means the Ministry of the Environment, Conservation and Parks;
7. "Site" means the operation being approved under this Approval, located at Part Lot 8, Concession 10, Township of Harvey, County of Peterborough, Ontario.

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

TERMS AND CONDITIONS

1.0 GENERAL

1. Except as otherwise provided by these Conditions, the Site shall be operated in accordance with the plans, specifications and information listed in the attached Schedule "A".
2. Where there is a conflict between a provision of any document referred to in Condition 1. (1) and the Conditions of this Approval, the Conditions in this Approval shall take precedence.
3. Requirements specified in this Approval are the requirements under the Act. Issuance of this Approval in no way abrogates the Company's legal obligations to take all reasonable steps to avoid violating other applicable provisions of the Act and other legislation and regulations and to obtain any other approvals required by legislation.
4. Requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.
5. The Company must ensure compliance with all terms and Conditions of this Approval. Any non-compliance constitutes a violation of the Act and is grounds for enforcement.
6. The Company shall ensure that any communication/correspondence made in relation to the Site or to the Approval includes reference to the Approval number.
7. The Company shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:
 - a. the following:
 - i. change of Owner or operator of the Site or both;
 - ii. change of address or address of the new Owner;
 - iii. change of partners where the Owner or operator is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, 1991 shall be included in the

notification to the Director;

- iv. any change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the Corporations Information Act shall be included in the notification to the Director; and
 - v. change in directors or officers of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 8(a)(iv), supra;
- b. In the event of any change in ownership of the Site, 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 Director.
8. The Company shall allow Ministry personnel, or a Ministry authorized representative(s), upon presentation of credentials, to:
- a. carry out any and all inspections authorized by Section 156, 157 or 158 of the Act, Section 15, 16, or 17 of the Ontario Water Resources Act, R.S.O. 1990, or Section 19 or 20 of the Pesticides Act, R.S.O. 1990, as amended from time to time, of any place to which this Provisional Certificate of Approval relates; and,
 - b. without restricting the generality of the foregoing to:
 - i. enter upon the premises where the records required by the Conditions of this Approval are kept;
 - ii. have access to and copy, at any reasonable time, any records required by the Conditions of this Approval;
 - iii. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the Conditions of this Approval; and
 - iv. sample and monitor at reasonable times for the purposes of assuring compliance with the Conditions of this Approval.
9. The Company shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such persons with respect to compliance with this Approval, including but not limited to, any records required to be kept under this Approval.
10. In the event the Company provides the Ministry with information, records, documentation or notification in accordance with this Approval (for the purposes of this Condition referred to as "Information"),
- a. the receipt of Information by the Ministry;

- b. the acceptance by the Ministry of the Information's completeness or accuracy; or
 - c. the failure of the Ministry to prosecute the Company, or to require the Company to take any action, under this Approval or any statute or regulation in relation to the Information shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Company relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.
11. All records and monitoring data required by the Conditions of this Approval must be kept on the Site for a minimum period of at least two (2) years.
 12. All wastes must be managed at the Site and transported to and from the Site in accordance with Ontario Regulation 347, R.R.O. 1990.
 13. This Approval does not relieve the Company from the prohibitions against pollution in the statutes and does not permit an emission into the environment that contains concentrations of contaminants that have, or are likely to have, an adverse effect on the environment.

2.0 SITE OPERATIONS

1. The hours of operation of the Site shall be between 7:00 a.m. to 5:00 p.m. local time, five days a week (Monday -Friday), and 8:00 am to 1:00 pm on Saturday, 52 weeks a year. The hours of operation of the Site shall be prominently displayed at the entrance gate.
2. Waste Limits:
 - a. The maximum rate at which waste may be received at the Site shall not exceed 54,480 litres per day; and
 - b. The total volume of waste stored at the Site shall not exceed 3,800 cubic metres (3,800,000 litres) at any time.
3. All wastes transferred from the Site shall be disposed at a waste disposal site or Water Pollution Control Plant (WPCP), that are approved to receive such waste and at an approved rate.
4. The Company shall ensure that all operators at the Site have been trained with respect to:
 - a. the terms, Conditions and operating requirements of this Approval;
 - b. the operation and management of all transfer, storage and contingency measures equipment;
 - c. any environmental concerns pertaining to the Site and wastes to be transferred; and
 - d. relevant waste management legislation and Regulations under the Act and Ontario Water Resources Act.
5. The Site must be maintained in a secure manner, such that unauthorized persons cannot enter the Site.

6. The Company shall ensure that the Site is operated in a manner which minimizes the impacts of vermin, vectors, litter, dust, odour and noise on the environment and the public.
7. The company shall promptly take all necessary steps to contain and clean up any spills which result from the operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition 3. (3) of this Approval, as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

3.0 INSPECTION AND RECORD KEEPING

1. The Company shall ensure that regular inspections of the equipment and facilities, by a qualified employee, as identified in Condition 2. (4) above, is conducted, to ensure that all equipment and facilities at the Site are operated in a manner that will not cause an adverse effect on the environment. Any deficiencies, that might negatively impact the environment, detected during these regular inspections, shall be promptly corrected. A written record must be maintained at the Site, which includes the following:
 - a. name and signature of qualified personnel conducting the inspection;
 - b. date and time of the inspection;
 - c. list of equipment inspected and all observed deficiencies that might cause an adverse effect to the environment;
 - d. recommendations for remedial action and actions undertaken, including a schedule for action to be undertaken in the future;
 - e. date and time of maintenance activity; and
 - f. a detailed description of the maintenance activity.
2. The Company must ensure that a qualified employee conducts, on each operating day, a visual inspection of the following areas to ensure the Site is secure and that no off-site impacts such as vermin, vectors, odour, dust, litter and noise, result from the operation of the facility:
 - a. visual inspection of external condition of lagoon dykes for evidence of erosion, seepage, or slumping;
 - b. inspection of fluid level in lagoons to ensure that a minimum 800 mm freeboard (distance between fluid/sludge level and top of lagoon dykes) is maintained at all times;
 - c. inspection of fluid level in lagoons to ensure that a minimum fluid level of approximately 0.5 m is maintained over the sludge at all times;
 - d. loading/unloading area;

- e. storage/transfer area; and
 - f. security fence or barriers and property line.
3. The Company shall maintain, at the Site for a minimum of two years, a log book or electronic file format which records daily the following information:
- a. date of record;
 - b. volume, date and source of waste received;
 - c. volume, date and destination of waste shipped from the Site; and
 - d. description of any spill including the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences

4.0 MONITORING AND REPORTING

1. The Company must retain a qualified consultant who will perform the following:
- a. implement the "Recommendations for Continued Use of Lagoons" and "Ground Water Monitoring" contained in the documents identified in Items 2 (i) and (ii) of Schedule "A" of this Approval;
 - b. in addition to Condition 4. 1 (a) above; install, maintain and monitor at least one additional dual level monitoring well approximately 100 m south of the lagoons to provide representative groundwater samples of overburden and bedrock aquifer and to act as a surveillance monitor;
 - c. sample all groundwater monitoring wells semi-annually; and
 - d. by March 31, 2024, and on an annual basis thereafter, prepare an annual written report (covering the previous calendar year (12 month period)) and submit it to the District Manger. Each report shall include, as a minimum, the following:
 - i. the result of water quality analysis from the monitoring wells; the results must be compared with previous data to determine if there has been any change in groundwater quality;
 - ii. summary of operation of the lagoon over the year including maintenance requirements for the lagoon and repair of erosion, or the like, if any;
 - iii. summary of volumes of hauled sewage and approximate annual quantity from each source;
 - iv. the location of each disposal site, approximate volume and dates at which disposal occurred; and
 - v. report of any operational difficulties during removal and disposal of septage materials.

2. The frequency of the sampling as identified in Condition 4. 1 (c) above, can be reduced in the future by the District Manger, if requested and justified, in writing, by the Company.
3. Upon issuance of this Approval, the Company shall continue to operate under the Operations Plan as proposed in section 5 of the document identified in Item 2 (i) of Schedule "A" of this Approval.
4. The Company shall continue to operate the "Contingency Plan", outlined in section 7 of the document identified in Item 2 (i) of Schedule "A", as required, provided well# 4 is added to the "Contingency Plan", as a compliance monitor.

5.0 FINANCIAL ASSURANCE

1. The Owner shall maintain, Financial Assurance, as defined in Section 131 of the Act, in the amount of **\$98,397**. This Financial Assurance shall be in a 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 on the Site at any one time;
2. Commencing on January 31, 2024 and at intervals of five (5) thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 5. (1). 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;
3. The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. 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.

6.0 CLOSURE PLAN

1. Within ten (10) days of closure of the Site, the Company shall notify the District Manager, in writing, that the Site Closure Plan, outlined in section 8 of the document identified in Item 2(i) of Schedule "A" of this Approval, has been implemented.

SCHEDULE "A"

This Schedule "A" forms part of Approval No. A710161.

1. Application for Approval of a Waste Disposal Site, dated September 28, 1998.
2. Supporting documentation submitted along with the September 28, 1998 Application:
 - i. report by Terraprobe entitled "Operation Report, Existing Sewage Lagoons, Buckhorn Sand And Gravel, Part Lot 8, Cone. X, Township of Harvey, County of Peterborough", prepared for Buckhorn Sand and Gravel, P.O. Box 100, Buckhorn, Ontario, KOL 1J0, dated September 21, 1998;
 - ii. report by Terraprobe entitled "Hydrogeologic Assessment, Existing Sewage Lagoons, Buckhorn Sand And Gravel, Buckhorn, Ontario, prepared for Buckhorn Sand and Gravel, P.O. Box 100, Buckhorn, Ontario, KOL 1J0, dated May 15, 1998;
 - iii. Articles of Incorporation.
3. Letter dated March 31, 1999, from Mohsen Keyvani, Ministry of the Environment (MOE), to Ms. Donna Barr, Clerk, Township of Galway - Cavendish - Harvey, re: Application for a Certificate of Approval for a Waste Disposal Site (Transfer).
4. Letter dated March 31, 1999, from Mohsen Keyvani, MOE to Mr. Joseph Tiernay, Administrator-Clerk-Deputy Treasurer, County of Peterborough, re: Application for a Certificate of Approval for a Waste Disposal Site (Transfer).
5. Letter dated March 31, 1999, from Mohsen Keyvani, MOE to Ms. Katherine Ireland, Buckhorn Sand and Gravel, re: Application for a Provisional Certificate of Approval for a Waste Disposal Site (Transfer).
6. Letter dated April 8, 1999, from John Millage, the Corporation of the Township of Galway- Cavendish and Harvey to Mr. Geoff Carpentier, MOE, re: Application for a Certificate of Approval for a Waste Disposal Site (Transfer).
7. Letter dated April 8, 1999, from Donna Barr, Clerk, the Corporation of the Township of Galway-Cavendish and Harvey, to G. Carpentier, MOE, re: Application for a Certificate of Approval for a Waste Disposal Site (Transfer).
8. Letter and its attachment, dated April 9, 1999, from Noel Chesher, Buckhorn Sand and Gravel to M. Keyvani, MOE, re: Application for a Provisional Certificate of Approval for a Waste disposal Site (Transfer).
9. Memorandum dated April 22, 1999, from Bob Holland, MOE to Mohsen Keyvani, MOE, re: Certificate of Approval, Septage Transfer Lagoon.
10. Facsimile and its attachment, dated May 14, 1999, from Robert Ryan, MOE to Mr. Noel Cheshire, Buckhorn

Sand and Gravel, re: Provisional Certificate of Approval (Transfer) No. 710161.

11. Record of Verbal Transaction, dated May 18, 1999, from Mohsen Keyvani, MOE, re: comment from Peterborough Public Works on the application for file A710161.
12. Letter and its attachment from Mohsen Keyvani, MOE to Mr. Hugh Dewart, Matthews & Associates, re: Financial Assurance.
13. Letter and its attachment from Kathy Ireland-Chesher, Buckhorn Sand & Gravel, to Mohsen Keyvani, MOE, dated August 27, 1999, providing the Environmental Protection Act Bond as a Financial Assurance.
14. Letter dated March 13, 2002 from Jennifer McIlmoyle, Administrative Clerk, 1106488 Ontario Limited to Douglas Johnston, MOE, Re: Provisional Certificate of Approval No. A710161
15. Application for a Provisional Certificate of Approval for a Waste Disposal Site dated January 15, 2003, signed by Jeff Chesher, President of 1106488 Ontario Limited including attached supporting information.
16. Facsimile sent March 5, 2003, by Peter Bridcut, Geo-Logic Inc. to David Lee, MOE.
17. Memorandum dated November 3, 2010, prepared by Steven Gagne, Geo-Logic Inc, Financial Assurance Calculations for Buckhorn Sand and Gravel.
18. Memorandum dated November 29, 2010, prepared by Tes Gebrezghi, Supervisor, Waste Unit, MOE, acknowledging receipt of Financial Assurance funds.
19. Application for Environmental Compliance Approval for a Waste Disposal Site dated January 8, 2020, signed by Nyle McIlveen, GHD.
20. Letter dated January 8, 2020 from Nyle McIlveen, GHD to Jeff Chesher, Buckhorn Sand and Gravel, Re: Buckhorn Sand and Gravel, Certificate of Approval, Financial Assurance Calculations.
21. Environmental Compliance Approval application dated 2022/12/14 and signed by Jeff Chesher of the Company to amend ECA no. A710161 to allow for an increase in the daily amount of waste received on-site.
22. Email dated 2023/04/12 by Gus Bolin, GHD Inc., re: increase in daily volume of waste received.

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

1. The reason for the definitions is to simplify the wording of the subsequent Conditions and define the specific meaning of terms as used in this Approval.
2. The reason for Conditions 1. (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (12), (13) and Condition 2. (3) is to clarify the legal rights and responsibilities of the Company.
3. The reason for Condition 1. (8) is to ensure that the appropriate Ministry staff have ready access to the operations of the Site which are approved under this Approval. The Condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act, as amended.
4. The reason for Condition 2. (1) is to indicate to the Company, those using the Site and the public at large, the normal hours of operation for the Site.
5. The reason for Condition 2. (2) and is to ensure that the type of waste received, stored and transferred at the Site is in accordance with that approved by this Approval.
6. The reason for Condition 2. (4) is to ensure that all operators working at the Site have been trained so that the Site is operated in a safe and environmentally acceptable manner and does not pose a threat to the health and safety of people or the natural environment.
7. The reason for Conditions 2. (5), (6), and Conditions 3. (1) and (2) 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 people or the environment.
8. The reason for Condition 2. (7) is to ensure that staff promptly report spills and to minimize the possibility of off-site impacts and to ensure staff deal promptly and effectively with any spills that do occur.
9. The reason for Condition 3. (3) is to maintain at the Site an annual record of the Site operation and a summary of the quantities and types of the wastes that are handled at the Site.
10. The reason for Condition 4. (1) is to confirm that the source sampling and analysis protocols listed in the Schedule "A" documents which has been accepted by the Ministry will be used to assess compliance with the terms of this Approval.
11. The reason for Conditions 4. (2), (3) and (4) is to ensure that for all wastes stored on Site, appropriate measures may be taken to protect health and safety of people and the environment.
12. The Reason for Condition 5.0 is to ensure that funds will be available to the Director to clean up any discharge of any contaminant to the environment should the Company be unable or refuse to do so.
13. The reason for Condition 6.0 is to ensure that the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A710161 issued on January 8, 2021

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

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:

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 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 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**

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 1st day of May, 2023



Mohsen Keyvani, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

MT/

c: District Manager, MECP Peterborough
Gus Bolin, GHD Inc.