

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 8066-CRHHTV

Issue Date: May 15, 2023

B & M Delivery Service Ltd.  
520 Nymark Rd  
Dryden, Ontario  
P8N 2K3

Site Location: Stokes Township, off Ski Hill Road  
Zone 15U 514213E, 5526314N  
Stokes Unorganized Township, District of Kenora

*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 Dewatering Trench Site that includes 3 Dewatering Trenches receiving no more than 360 cubic metres of Hauled Sewage on an annual basis.

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

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

**DEFINITIONS**

1. "Act" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;
2. "Adverse Effect" has the same meaning as defined in section 1 of the Act;
3. "Approval" means this entire environmental compliance approval including its schedules, issued under section 20.3 of II.1 of the Act;
4. "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.
5. "Company" or "Operator" means B & M Delivery Service Ltd. that is responsible for the construction or operation of the Site and includes any successors and assignees in accordance with sections 19 and 25 of the Act;
6. "CWA" means the *Clean Water Act, 2006*, S.O. 2006, c.22, as amended;
7. "Dewatering Trench" means an excavation made into the earth where Hauled Sewage can be temporarily disposed of. The excavation is designed to promote the exfiltration of effluent into the surrounding shallow ground surface leaving behind organic and inorganic solids;
8. "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;
9. "District Manager" means the District Manager of the appropriate local district of area office of the Ministry, where the Site is geographically located;
10. "Hauled Sewage" is as defined in R.R.O. 1990, Reg. 347, made under the Act, as amended from time to time;
11. "Ministry" means the Ministry of the Environment, Conservation and Parks;
12. "NMA" means the *Nutrient Management Act, 2002*, S.O. 2002, c. 4, as amended;
13. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
14. "PA" means the *Pesticides Act*, R.S.O. 1990, c. P11, as amended;
15. "Provincial Officer" means any person designated in writing by the Minister as a provincial officer pursuant to section 5 of the OWRA, section 5 of the Act, section 17 of Act, section 4 of the NMA, or section 8 of the SDWA;

16. "Reg. 347" means Revised Regulations of Ontario 1990, Regulation 347: (General - Waste Management), made under the Act;
17. "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;
18. "SDWA" means the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32;
19. "Sensitive Use" means means Residential, Commercial, Community, or Institutional uses, and locations at which people regularly congregate;
20. "Site" means the location at Stokes Unorganized Township, off Ski Hill Road, District of Kenora approved to receive Hauled Sewage under the Approval;
21. "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

### **1. GENERAL**

#### **1. Compliance**

1. The Site shall be constructed, installed, used, operated, maintained and retired in accordance with the terms and conditions of this Approval, and any Schedules.
2. Where there is a conflict between a provision of any document referred to in this Approval and the conditions of this Approval, the conditions of this Approval shall take precedence.
3. The Company shall ensure compliance with all the conditions of this Approval and shall ensure that any person authorized to carry out work on or operate any aspect of the Site is provided with a copy of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with same.
4. The 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 or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

## 2. Other Legal Obligations

1. The issuance of, and compliance with the conditions of the Approval does not:
  - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation, by-law or other legal requirement; or
  - b. limit in any way the authority of the Ministry to require that certain actions be taken or to require the Company to furnish any further information related to compliance with the Approval.
2. The Company or Operator shall operate and maintain the Site such that vermin, vectors, odour, dust, litter, noise or traffic do not result in an Adverse Effect.
3. The Company and Operator shall take steps to minimize and ameliorate immediately any Adverse Effect on the natural environment or impairment of water quality resulting from the Site, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
4. Despite a Company, Operator or any other person fulfilling any obligations imposed by this Approval, the person remains responsible for any contravention of any other condition of this Approval or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect to the natural environment or impairment of water quality.

## 3. Change of Ownership

1. The Company shall notify the Director, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any changes to:
  - a. the ownership of the Site;
  - b. the Operator of the Site;
  - c. the address of the Company;
  - d. the partners, where the Company 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, shall be included in the notification;
  - e. the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39, shall be included in the notification.
2. In the event of any change in ownership of the Site, the Company shall notify the successor or

assignee of the existence of this Approval and provide the successor with a copy of this Approval, and the Company shall provide a copy of the notification to the Director and District Manager.

#### **4. Inspections**

1. No person shall hinder or obstruct a Provincial Officer in the performance of their duties, including any and all inspections authorized by the OWRA, the EPA or the PA of any place to which this Approval relates, and without limiting the foregoing to:
  - a. enter upon the premises where the Site is located, or the location where the records required by the conditions of this Approval are kept;
  - b. have access to, inspect, and copy any records required by the conditions of this Approval;
  - c. inspect the practices, procedures, or operations required by the terms conditions of this Approval; and
  - d. sample and monitor for the purposes of assessing compliance with the conditions of this Approval or the EPA, the OWRA or the PA.

#### **5. Notifications to the Ministry**

1. The Company shall ensure that any communication/correspondence made in relation to the Site or to this Approval includes reference to the Approval number.
2. The Company shall notify the District Manager as required by this Approval, in an electronic format, unless an alternative method is agreed upon by the District Manager.

## **2. RECORD KEEPING AND RECORD RETENTION**

1. Any information requested by the Ministry, concerning the Site and its operation under this Approval, including, but not limited to, any records required to be kept by this Approval shall be provided to the Ministry, upon request, in a timely manner.
2. The Company shall ensure that a copy of this Approval in its entirety, including any amendments and documentation listed in the Schedules of this Approval, are retained at the Company's office at all times.
3. The Company shall maintain written records in a log book detailing the following:
  - a. a complete and up-to-date record identifying the active receiving Dewatering Trench and showing the date and volume of Hauled Sewage discharged into each Dewatering Trench at the Site;

- b. 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
  - c. all complaints received related to the Site or its operations and any actions taken to address complaints.
4. All records and monitoring data required by the conditions of this Approval must be kept on the premises of the Company and of the operator of the Site for a minimum period of five (5) years from the date of their creation.
  5. The receipt of any information by the Ministry or the failure of the Ministry to prosecute any person or to require any person to take any action, under this Approval or under any statute, regulation or other legal requirement, in relation to the information, shall not be construed as:
    - a. an approval, waiver, or justification by the Ministry of any act or omission of any person that contravenes any term or condition of this Approval or any statute, regulation or other legal requirement; or
    - b. acceptance by the Ministry of the information's completeness or accuracy.

### **3. SPILL PREVENTION AND COMPLAINT PROCEDURES**

1. Prior to operating the Site, the Company shall develop written procedures covering the following:
  - a. spill prevention procedures, including procedures to clean up spills when they occur;
  - b. procedures for reporting to the Ministry, and municipal authorities as required;
  - c. inspection programs for the Site;
  - d. complaint procedures for receiving and responding to public complaints, including what steps the Company took to determine the cause of the complaint and what corrective measures were taken to alleviate the cause and prevent its recurrence;
  - e. a list of the personnel responsible for the operation of the Site, along with the training these personnel have received; and
  - f. a list of equipment, material and personnel that will be available to deal with spills.
2. The Company shall ensure that all personnel involved in the operation of the Site are aware of the requirements of this Approval and are trained in the procedures of spills prevention, reporting and operating procedures outlined in Condition 3(1) above.
3. Overflows, spills and upsets that cause an Adverse Effect, spills that are likely to enter or enter any waters, as defined in the OWRA, directly or through drainage structures, or spills of greater than 100

litres on land accessible by the public shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and the Company or Operator shall take appropriate remedial action to limit the impact. Information regarding all spills shall be recorded in the log-book, referred to in Condition 2(3) of this Approval.

#### **4. DESIGN AND CONSTRUCTION REQUIREMENTS**

1. All Dewatering Trenches constructed at the Site shall meet the following design and construction standards:
  - a. Each Dewatering Trench shall be no longer than 75 metres, no wider than 3 metres, and no deeper than 1 metre.
  - b. For each Dewatering Trench, a minimum separation distance of 1.5 metre shall be maintained between the water table and the lowest point of the bottom of the trench.
  - c. For each Dewatering Trench, a minimum separation distance of 3.0 m shall exist between the bedrock and the lowest point of the bottom of the trench.
  - d. For each Dewatering Trench, the bottom of the trench shall be graded to slope away from the location where Hauled Sewage is discharged into the trench.
  - e. The slope of the bottom of each Dewatering Trench shall not exceed 1 (vertical) to 75 (horizontal).
  - f. Individual Dewatering Trenches shall be situated a minimum of 5 metres apart from all other trenches. Trenches may be 3 meters apart from other trenches if previously approved (i.e, not a newly constructed trench).
  - g. For each Dewatering Trench there shall be a minimum separation distance of at least 500 metres to the nearest up-gradient or cross-gradient drinking water well(s). If groundwater flow direction is assessed and characterized, up-gradient and cross-gradient water well(s) may have a minimum setback distance of 100 meters, provided that the well is not in the receiving direction (i.e., flow direction) of groundwater.
  - h. For each Dewatering Trench there shall be minimum separation distance of at least 500 metres to the nearest down-gradient drinking water well(s).
  - i. For each Dewatering Trench there shall be a minimum separation distance of at least 100 meters to the nearest Surface Water.
  - j. For each Dewatering Trench there shall be a minimum separation distance of at least 500 metres to the nearest Sensitive Use.
  - k. All reasonable measures shall be taken to maintain a continuous, well-established vegetative

cover between each Dewatering Trench.

1. For each Dewatering Trench, the ground in the vicinity of the trench shall be graded in a manner to prevent surface water from entering the trench.
- m. Where drainage tiles are located within 300 metres of any existing Dewatering Trench, the following actions shall be taken before any further Hauled Sewage is discharged into the trench:
  - i. all drainage tiles within 300 metres of any trench shall be removed; and
  - ii. the flow of the field drainage system or piped municipal drain will be redirected to drain away from the trench.

## **5. OPERATIONS**

1. Hauled Sewage that is suitable for disposal in a Dewatering Trench at the Site must be domestic waste that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste or laundry waste, and must not include any of the following:
  - a. grease removed from grease traps from commercial, institutional or industrial kitchens such as restaurants;
  - b. liquid or solid material removed from the first compartment of multiple-compartment septic tanks used by commercial, institutional or industrial kitchens which do not have grease traps;
  - c. wastewater or wastes from washing machines located at industrial laundries;
  - d. wastewater resulting from manufacturing or production processes; and
  - e. wastewater containing any appreciable amount (i.e. >10%) of the wastes listed under (a) to (d) inclusive.
2. The maximum total volume of Hauled Sewage that can be discharged into the Dewatering Trenches at the Site in any twelve (12) month period shall not exceed 360 cubic meters.
3. Prior to discharging Hauled Sewage into any Dewatering Trench at the Site, the Operator shall conduct a visual survey of all lands adjacent to the Site for the purpose of determining if any new drinking water wells or Sensitive Uses have been established within the setback distances described in Condition 4(1).
4. In the event a well or Sensitive Use is identified on lands adjacent to the Site within the setback distances described in Condition 4(1), the Operator shall immediately cease discharging Hauled Sewage into any Dewatering Trench at the Site until the following takes place:
  - a. The Company notifies the District Manager in writing of the fact that the survey conducted



- pursuant to this Condition identified a drinking water well or Sensitive Use on adjacent lands within the setback distances described in Condition 4(1);
- b. The Company receives authorization from the District Manager that permits the Company to resume use of the Site;
  - c. The Company fully meets any stipulations or actions deemed necessary by the District Manager prior to resuming use of the Site;
  - d. The Company must submit an Application to amend the Approval to the Ministry, if required or if directed by the District Manager, within thirty (30) days of resuming use of the Site. The Company must notify the District Manager of this submission.
5. The Hauled Sewage shall be screened during or prior to unloading to a Dewatering Trench at the Site to ensure foreign objects are removed. Screened materials shall be removed from the Site and disposed of at a location approved to receive material of this type for final disposal. The following types of screens are acceptable for reducing foreign objects:
    - a. Bar screen with half ( $\frac{1}{2}$ ) -inch opening between parallel bars; and
    - b. Screen with square or round openings, each of which is not greater than three-quarter ( $\frac{3}{4}$ ) -inch square in diameter.
  6. Hauled Sewage shall be discharged into the Dewatering Trench at the shallow end of the trench with a splash plate or chute used to dissipate the energy of the liquid entering the trench in a manner that will not permit erosion or trench bank de-stabilization.
  7. The Company shall ensure that only one Dewatering Trench serves as the “active receiving trench” at the Site at any given time. Two trenches may be used as active receiving trenches so long as they are not adjacent trenches (i.e. active receiving trenches can not be side-by-side).
  8. Once a Dewatering Trench is actively receiving Hauled Sewage, it shall continue to be used as the active trench at the Site until such time that the Operator has determined the trench should cease to be the active trench and so long as the trench is being operated in accordance with the conditions of this Approval.
  9. After a Dewatering Trench is no longer the active receiving trench, that trench shall be rested for at least twelve (12) months before being used again.
  10. The volume of Hauled Sewage deposited in a Dewatering Trench in any twelve (12) month period shall not exceed four (4) times the holding capacity of the trench. Holding capacity is bound to operating condition 5(11).
  11. Dewatering Trenches shall not be filled to a level closer than 150 mm below the point where the

upper reaches of the trench meet the natural ground surface.

12. Dewatering Trenches shall be used in an alternating sequence in order to maximize the "rest period" between uses each year. Trench sequencing shall be documented and submitted to the District Office by December 31st annually.
13. For every Dewatering Trench, the trench shall be cleaned to expose the native soils after any "rest period" and prior to re-use. The de-watered sludge shall be removed from the bottom of the trenches and appropriately disposed of at a site approved to receive material of this type for final disposal. De-watered sludge shall not be disposed of on site.
14. For every Dewatering Trench, vegetation shall be removed from the trench prior to use where the trench has been inactive for extended periods.
15. A sign shall be posted in a prominent location at the Site entrance clearly stating the name of the person who owns the property comprising the Site, the Company and Operator's name, this Approval Number, the hours of operation and contact telephone number to call with complaints in the event of an emergency.
16. A sign shall be posted next to each individual Dewatering Trench that clearly indicates the identification number assigned to that trench.
17. During non-operating hours, the Company shall ensure that the Site entrance and exit gates are locked and the Site is secured against access by unauthorized persons.
18. Discharge of Hauled Sewage is prohibited in any area where the activity is or would be a Significant Drinking Water Threat as defined under the CWA.
19. In the event that the separation distances set out in any of the conditions of this Approval can no longer be met, the Company shall notify the District Manager in writing of that fact.

## **6. STORAGE**

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

## **7. SITE CLOSURE**

1. Six (6) months prior to the planned closure of this Site, the Company shall provide to the Director, for approval, a written Closure Plan for the Site. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.
2. The Company shall implement the Closure Plan, after it has been approved, in writing, by the Director.

3. The solids residue, when removed from the Dewatering Trenches at closure, shall be disposed of or used at a site approved to receive this type of waste.

## **8. CESSATION DATE OF WASTE ACCEPTANCE**

1. The Company shall not accept Hauled Sewage at the Site after the date listed as the cessation of waste acceptance date below.
2. By no later than six (6) months prior to the cessation of waste acceptance date, the Company shall notify the District Manager and Director of whether it intends to cease operations at the Site or whether it intends to submit an application to the Ministry to extend the cessation of waste acceptance date.
3. The cessation of waste acceptance date for this Approval is **May 31st, 2028**.

### **SCHEDULE "A"**

This Schedule "A" forms part of this Approval:

1. Environmental Compliance Approval Application received by the Kenora Area Office, dated September 20, 2022, and signed by Norman Balla of the Company.

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

## REASONS

1. Condition numbers 1(1), 1(2), 1(4), and 2(5) are included to clarify the legal rights and responsibilities of the Company, to ensure that the Site is constructed, installed, used, operated, maintained and retired in the manner described in the application and supporting documentation and upon which Approval was granted, and 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.
2. Condition number 1(3) is included to ensure that the Site is operated under the legal name which appears on the application form submitted for this Approval, that the Director and the District Manager are informed of any changes to the Company, and that any successor or assignee is made aware of the Approval and continues to operate in compliance with it.
3. Condition number 1(5) is included to clearly identify an appropriate format for communications with the Ministry as required by the Approval.
4. Condition numbers 2(1), 2(2), 2(3), and 2(4) are included to require the Company to retain all documentation related to this Approval, and to provide the Ministry, upon request, with a detailed performance record for future reference and a detailed compliance record for all the terms and conditions outlined in this Approval.
5. Condition numbers 3(1), 3(3), 5(5), and 5(14) are included to ensure that the Site is constructed, installed, used, operated, maintained and retired in a way that does not result in an Adverse Effect or hazard to the natural environment or any person, and to require the Company to respond to any complaints regarding the operation of the Site in a timely and efficient manner and to take appropriate actions to prevent any further incidents that may cause complaints in the future, and 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.
6. Condition number 3(2) is included to ensure that personnel employed at the Site are fully aware and properly trained on the requirements and restrictions related to the operation of the Site under this Approval, and that the Site is maintained and operated according to a procedure that will result in compliance with this Approval.
7. Condition numbers 4(1), 5(3), and 5(4) are included to ensure that the Dewatering Trenches are constructed in a manner that will promote effective effluent treatment. In addition, the Condition ensures that minimum acceptable separation distances are maintained to minimize the risk of unacceptable impacts on nearby drinking water wells and surface waters.
8. Condition number 5(1) is included is to ensure that the type of Hauled Sewage material that is discharged into the Dewatering Trench is of a nature that can be effectively treated by the trenches.
9. Condition numbers 5(2), 5(6), 5(7), 5(8), 5(9), 5(10), 5(11), 5(12) and 5(13) are included to ensure that the Dewatering Trenches are operated in a manner that minimizes the risk of exceeding the

treatment capacity and the risk of overflows.

10. Condition numbers 5(15) and 5(16) are included to ensure that users of the Site are fully aware of important information and restrictions related to Site operations under this Approval.
11. Condition number 5(17) is included to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed.
12. Condition number 5(19) is included to identify a prohibition that will prevent Hauled Sewage disposal where there is a risk of run-off.
13. Condition number 6(1) is included to ensure no Hauled Sewage is stored at the Site. .
14. Condition numbers 7(1), 7(2), and 7(3) are included to ensure that the established plan for site closure is implemented for the long-term health and safety of the public and the environment. Condition number 7(3) also requires the proper disposal of Hauled Sewage solids residue that is removed from the Dewatering Trenches.
15. Condition numbers 8(1), 8(2), and 8(3) are included 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, 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.

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

and

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario

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

\* **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)**

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 15th day of May, 2023



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

AW/  
c: Area Manager, MECP Kenora  
c: District Manager, MECP Thunder Bay - District  
B & M Delivery Service Ltd., B & M Delivery Service Ltd.