

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2335-CSDJC2
Issue Date: June 29, 2023

Blair L. Flowers Construction Ltd.
597 Ottawa Avenue, Unit A
Machar, Ontario
P0A 1X0

Site Location: Tower Road Gravel Pit
213 Tower Road
Part Lot 10, Concession 2
Township of Machar, District of Parry Sound
P0A 1X0

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:

upgrades to the existing Works for the collection, transmission, treatment and reuse of wash water from existing and/or expanded aggregate washing operations operating from April 1 to December 15, located at the existing Tower Road Gravel Pit, located in the Township of Machar, District of Parry Sound, consisting of the following:

- one (1) or two (2) settling ponds, operating in parallel or in series, located above the previously extracted operational dry pit floor, approximately 1.0 m above the current water table, initially in the central portion of the site and periodically relocated within the specified pit envelope as extraction operations advance, receiving wash water by gravity from existing and/or expanded aggregate washing operations located within the existing processing area, each sediment pond complete with an approximately 1.5 m high perimeter containment berm around the edges of the pond and a permanent staff gauge, and each sediment pond having approximate (surface) dimensions of 50 m x 40 m, a water depth of approximately 1.0 metre, a freeboard of 0.5 metre and a storage volume of approximately 2,000 m³;
- one (1) existing or expanded source pond, located within the pit floor area, initially in the central portion of the site and periodically relocated within the specified pit envelope as extraction operations advance, having an approximate surface area of 2,000 m², complete with a permanent staff gauge and an appropriately sized pumping arrangement supplying water to existing and/or expanded aggregate washing operations located within the existing processing area;
- all other controls, electrical equipment, instrumentation, piping, valves and appurtenances essential for the proper operation of the aforementioned Works;

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

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

"Approval" means this entire document and any schedules attached to it, and the application;

"Commissioned" means the construction is complete and the system has been tested, inspected, and is ready for operation consistent with the design intent;

"District Manager" means the District Manager of the Sudbury District Office of the Ministry;

"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;

"EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

"Licensed Engineering Practitioner" means a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act, R.S.O. 1990, c. P.28

"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;

"Owner" means Blair L. Flowers Construction Ltd., including any successors and assignees;

"OWRA" means the Ontario Water Resources Act , R.S.O. 1990, c. O.40, as amended; and

"Works" means the sewage works described in the Owner's applications, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval.

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 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 will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.

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;
 - d. change of name of the corporation and a copy of the most current information filed under the *Corporations Informations 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 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 number of this Approval.

4. CONSTRUCTION AND RECORD DRAWINGS

1. Within six (6) months of the Works being Commissioned, the Owner shall prepare a statement, certified by a Licensed Engineering Practitioner, that the Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry staff.
2. Within six (6) months of the Works being Commissioned, the Owner shall prepare a set of as-built

drawings showing the Works "as constructed". "As-built" drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the site for the operational life of the Works and shall be made available for inspection by Ministry staff.

5. COMPLIANCE LIMITS

1. The Owner shall design, construct, operate and maintain the Works such that the concentration of Oil and Grease within each operational settling pond is not exceeded:

Table 1 - Settling Pond(s) Water Compliance Limit	
Each Operational Settling Pond at the toe of the pond	
Operational Settling Pond Parameter	Single Sample Result Water Concentration Limit (milligrams per litre unless otherwise indicated)
<i>Column 1</i>	<i>Column 2</i>
Oil and Grease	15.0

2. For the purposes of determining compliance with and enforcing subsection (1):
 - a. The concentration of Oil and Grease in Column 1 of Settling Pond(s) Water Compliance Limit Table, as measured at each monitoring event, shall not exceed the corresponding concentration set out in Column 2 of Settling Pond(s) Water Compliance Limit Table.
3. The Owner shall ensure that water in each operational settling pond and the source pond 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 or sheen or foam or discolouration .
4. The Owner shall ensure that in case of any non-compliance with the compliance limits specified in subsections 2 and 3, the discharge of the wash water from existing and/or expanded aggregate washing operations is terminated until an investigation of the incident is undertaken and remedial and preventive measures are taken (if necessary).

6. OPERATION AND MAINTENANCE

1. The Owner shall ensure that at all times, the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained. The Owner shall also ensure that all monitoring programs and maintenance schedules for the Works are complied with.
2. The Owner shall ensure that if the operating water level in the settling pond(s) is close to reaching the freeboard bottom elevation, then the discharge of the wash water from existing and/or expanded aggregate washing operations is terminated until the operating water level in

the settling pond(s) is reduced or the settling pond(s) is expanded.

3. The Owner shall, upon identification of any spill, bypass or loss of any product, by-product, intermediate product, oil, fuel, solvent, waste material or any other polluting substance into the environment, take immediate action to prevent the further occurrence of such loss and prevent the substance from entering the settling pond(s) and the source pond.
4. In furtherance of, but without limiting the generality of, the obligation imposed by subsection 1, the Owner shall ensure that equipment and material for the containment, clean up and disposal of any spill, bypass or loss of any product, by product, intermediate product, oil, fuel, solvent, waste material or any other polluting substance are kept on hand and in good repair for immediate use in the event of:
 - a. any spill, bypass or loss of any product, by product, intermediate product, oil, fuel, solvent, waste material or any other polluting substance;
 - b. a spill within the meaning of Part X of the EPA; or
 - c. the identification of an abnormal amount of any product, by product, intermediate product, oil, fuel, solvent, waste material or any other polluting substance in any part of the Works.
5. The Owner shall ensure that the design minimum liquid retention volumes of the Works are maintained at all times.
6. During the period when aggregate washing is occurring, the Owner shall inspect the operating water level in the settling pond(s) and the source pond on a daily basis.
7. During the period when aggregate washing is occurring, the Owner shall undertake monthly (once a month) visual inspections of the Works for potential spills, structural integrity of the perimeter containment berm and accumulation of sediment in the Works and undertake corrective measures, if necessary, to ensure continued suspended solids removal performance of the Works, with results recorded in a log book.
8. The Owner shall periodically measure the amount of sediment accumulating in the settling pond(s) and remove the sediment, if necessary, to ensure continued suspended solids removal performance of the settling pond(s), with results recorded in a log book. No sediment shall be used on site for rehabilitation without complying with all applicable laws in place at the time of reuse.
9. 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 site. The logbook shall include the following:
 - a. any spill, bypass or loss of any product, by product, intermediate product, oil, fuel, solvent, waste material or any other polluting substance;

- b. the name of the Works;
 - c. the name of the inspector who conducted each inspection;
 - d. the date and results of each inspection, description of maintenance and cleaning, including an estimate of the quantity of any materials removed and method of clean-out of the Works; and
 - e. the date measurement of sediment was undertaken, the amount of sediment measured, if sediment removal was undertaken and where any removed sediment was disposed.
10. The log book shall be retained at the site and be made available for Ministry inspection upon request.
11. The Owner shall prepare an operations manual prior to the introduction of wash water to the settling pond(s), that includes, but not necessarily limited to, the following information:
- a. operating procedures for routine operation of 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. contingency plans and procedures for dealing with potential spill, bypasses and any other abnormal situations and for notifying the District Manager; and
 - e. complaint procedures for receiving and responding to public complaints.
12. The Owner shall maintain the operations manual up to date through revisions undertaken from time to time and retain a copy at the location of the Works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.
13. 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.

7. MONITORING AND RECORDING

The Owner shall, upon commencement of operation of the Works, carry out the following monitoring program:

- 1. 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. The Owner shall ensure that upon collection of each sample, the occurrence of any visible film, sheen,

discolouration, or debris will be recorded through visual observations.

3. During the period when aggregate washing is occurring, samples shall be collected at the sampling points, at the sampling frequency and using the sample type for Oil and Grease and all results recorded:

Table 2: Setting Pond(s) Water Quality Monitoring	
Sampling Locations: Each Operational Settling Pond, at the toe of the pond	
Frequency	Monthly (once a month)
Sample Type	Grab
Parameters	Oil and Grease

4. The methods and protocols for sampling, analysis and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
 - a. the Ministry's Procedure F-10-1, "Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only), as amended from time to time by more recently published editions;
 - b. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" (January 1999), ISBN 0-7778-1880-9, as amended from time to time by more recently published editions;
 - c. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition), as amended from time to time by more recently published editions.
5. 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.

8. SPILL CONTINGENCY AND POLLUTION PREVENTION PLAN

1. Within three (3) months of the date of this Approvals, the Owner shall implement a Spill Contingency and Pollution Prevention Plan that includes, but is not necessarily limited to, the following information:
 - 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 and Pollution Prevention Plan;
 - c. a site plan drawn to scale showing the facility, nearby buildings, streets, drainage patterns, any receiving body(ies) of water that could potentially be significantly impacted 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 MOE Spills Action Centre 1-800-268-6060;
 - f. Materials Safety Data Sheets (MSDS) for each hazardous material which may be transported or stored within the area serviced by the Works;
 - g. the means (internal corporate procedures) by which the Spill Contingency and Pollution Prevention Plan is activated and a description of the Trigger Mechanism(s);
 - h. a description of the spill response and pollution prevention training provided to employees assigned to work in the area serviced by the 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 and Pollution Prevention Plan, location and, date of maintenance/replacement if warranted; and
 - j. the date on which the Spill Contingency and Pollution Prevention Plan was prepared and subsequently, amended.
2. The Spill Contingency and Pollution Prevention Plan shall be kept in a conspicuous, readily accessible location on-site.
 3. The Spill Contingency and Pollution Prevention Plan shall be amended from time to time as required by changes in the operation of the facility.

9. REPORTING

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall report to the District Manager orally as soon as possible any non-compliance with the compliance limits specified in subsections 2 and 3 of Condition 5, and in writing within seven (7) days of non-compliance.
3. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
4. 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.

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

1. Condition 1 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. 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 Works. The condition also emphasizes the fact that this Approval does not limit the authority of the Ministry to require further information.
2. Condition 2 is included to ensure that, when the Works are constructed, the 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 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.
4. Condition 4 is included to ensure that the Works are constructed in accordance with the Approval and that record drawings of the Works "as constructed" are maintained for future references.
5. Condition 5 is imposed to ensure that the water in the settling pond(s) does not cause any impairment to the receiving groundwater.
6. Condition 6 is included to ensure that a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner and made available to the Ministry. 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 operations 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 Work. Condition 6 is also included to ensure that the Works will be operated and maintained in a manner enabling compliance with the terms and conditions of this Approval, such that the environment is protected and deterioration, loss, injury or damage to any person or property is minimised and/or prevented. Furthermore, Condition 6 is included to ensure that accumulated sediment in the setting pond(s) is removed to maintain the intended sediment removal performance of the Works.
7. Condition 7 is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the Effluent Limits specified in the Approval and that the Works does not cause any impairment to the receiving groundwater.
8. Condition 8 is included to ensure that the Owner will implement the Spill Contingency and Pollution Prevention Plan, such that the environment is protected and deterioration, loss, injury or damage to any

person(s) or property is prevented.

9. Condition 9 is included to provide a performance record for future references, to ensure that the Ministry as well as the general public 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.

Schedule A forms part of this Approval and contains a list of supporting documentation/information received, reviewed and relied upon in the issuance of this Approval.

SCHEDULE A

1. Environmental Compliance Approval Application submitted by Garry T. Hunter, M.A.Sc., P.Eng., President, Hunter and Associates, Environmental and Engineering Consultants, dated April 6, 2023 and received on April 11, 2023.
2. The design report titled "Application for an Environmental Compliance Approval for Discharge of Wash Water from an Aggregate Screening Operation – Design Report, at 213 Tower Road, Lot 10, Con 2, Machar Township, South River, Ontario, for Blair L. Flowers Construction Ltd., Aggregate Resources Act of Ontario Pit Permit No. 618181, Related Permit To Take Water No. 8686-CJGKTK " dated April 15 and prepared by Hunter and Associates, Environmental and Engineering Consultants.
3. All other information and documentation provided by Hunter and Associates, Environmental and Engineering Consultants.

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
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 29th day of June, 2023



Fariha Pannu, P.Eng.

Director

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

KC/

c: Area Manager, MECP North Bay Area Supervisor

c: District Manager, MECP Sudbury District Office

Garry T. Hunter, M.A.Sc., P.Eng., President, Hunter and Associates, Environmental and Engineering
Consultants