

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7205-D5SH3S

Issue Date: July 8, 2024

ConAgra DMAT ULC
759 Wellington St PO Box 700
Dresden, Ontario
N0P 1M0

Site Location: 759 Wellington Street, Dresden
759 Wellington St
Chatham-Kent Municipality,
N0P 1M0

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:

stormwater management facility and industrial wastewater treatment facility serving a tomato and tomato products processing plant, located within a 31.6 hectares drainage area on the southeast corner of Wellington Street and Sydenham Street, Dresden, Ontario, consisting of the following:

PROPOSED WORKS

Expand the size of the existing pond (flood reservoir) to a surface area of 13,425 m² with bottom elevation at 176.30 m and top elevation at 178.10 m for a storage capacity of 23,262 m³ and a depth of 1.8 m. The pond will be equipped, near the inlet/outlet, with a vegetated micropool to settle out any additional sediments prior water flowing back to the Field Effluent Pump House (FEPH). The inlet/outlet of the pond is via the equalization pipe.

EXISTING WORKS

Process Wastewater Collection, Treatment, and Disposal:

Fresh Tomato Pack Season (August 15th to October 30th)

- an average of 3,635 cubic metres per day of screened process wastewater (process floor drains wastewater, fresh tomato pack season evaporator water, cooling tower

tomato water, boiler blow down, carbon filter backwash, water softener regenerate, and other process wastewater) pumped by the Plant Effluent Pump House (PEPH) to a Field Spray Pump House (FSPH) for a pre-treatment in a spray irrigation field described below;

- a 23.7 hectares spray irrigation field located on the north side of Sydenham River equipped with a Field Spray Pump House (FSPH) to spray irrigate wastewater and under-drain tiles to collect pre-treated wastewater and rain water to a pump station described below
- a Flood Reservoir (lagoon) to store excess stormwater during major storm events and an Emergency Reservoir to store excess process wastewater; and
- a Field Effluent Pump House (FEPH) located near the Flood Reservoir discharging an average of 2,500 cubic metres per day of pre-treated process wastewater to a municipal sanitary sewer for treatment at the Dresden Wastewater Treatment Plant.

Off Season (October 31st to August 14th)

- screened process wastewater (process floor drains wastewater, boiler blow down, carbon filter backwash, water softener regenerate, and other process wastewater) pumped by the Plant Effluent Pump House (PEPH) to a municipal sanitary sewer located on Sydenham Street for treatment at the Dresden Wastewater Treatment Plant; and
- rain water from a 23.7 hectares spray irrigation field located on the north side of Sydenham River collected by under-drain tiles flows through the Field Effluent Pump House wet well and discharges to Sydenham River through a manually operated valve.

Stormwater Management Facility:

- a 450 millimetre diameter storm sewer collecting stormwater run-off from a 2.36 hectares drainage area including a warehouse, loading/unloading area, and paved parking area, discharging to Sydenham River;
- a 300 millimetre diameter storm sewer collecting stormwater run-off from a 2.98 hectares drainage area including north side of the processing plant buildings, parking area, and a warehouse, discharging to Sydenham River;
- a 150 millimetre diameter storm sewer collecting stormwater run-off from a 1.32 hectares drainage area including the south side of the processing plant buildings, discharging to a municipal storm sewers on Wellington Street;
- stormwater run-off collected from a 0.76 hectares paved drainage area located on the south-western part of the facility running overland to a municipal storm sewer on

Wellington Street; and

- stormwater run-off collected from a 0.51 hectares drainage areas located on the east and northwest part of the facility drain by sheet flow to process manholes collected along with process wastewater for pre-treatment.

all other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for proper operation of the aforementioned sewage works.

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

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

"Approval" means this environmental compliance approval, any schedules attached to it, and the Application;

"CBOD₅" means five day carbonaceous (nitrification inhibited) biochemical oxygen demand measured in an unfiltered sample;

"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;

"District Manager" means the District Manager of the appropriate local district office of the Ministry where the Works is geographically located;

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

"Existing Works" means those portions of the works included in the Approval that have been constructed previously;

"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 ConAgra DMAT ULC, and includes its successors and assignees;

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

"Proposed Works" means the sewage works described in the Owner's application, this Approval, to the extent approved by this Approval; and

"Works" means the sewage works described in the Owner's application, and this Approval, and includes both Proposed Works and Existing Works.

You are hereby notified that this environmental compliance approval is issued to you subject to the

terms and conditions outlined below:

TERMS AND CONDITIONS

1. GENERAL PROVISIONS

- (1) The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- (2) Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval.
- (3) Where there is a conflict between a provision of any submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.
- (4) Where there is a conflict between the listed submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
- (5) 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.
- (6) 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, DFO, MNRF, MNDM 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. 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) business days** of the change occurring:

- (a) change of Owner;
 - (b) change of address of the Owner;
 - (c) change of partners where the Owner or operating authority 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* ; and
 - (d) change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the "Initial Return" or "Notice of Change" filed under the *Corporations Information Act, R.S.O. 1990, c. C.39* , 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 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 will refer to this Approval's number.

3. CHANGES IN PROCESSES OR PROCESS MATERIALS

The Owner shall give written notice to the District Manager of any plans to change the processes or process materials in the Owner's enterprise serviced by the Works where the change may significantly alter the quantity or quality of the influent to or effluent from the Works, and no such change(s) shall be made unless with the written concurrence of the District Manager and approval of the Director.

4. OPERATION AND MAINTENANCE

- (1) The Owner shall not allow the discharge of effluent from the Tile Under-Drains and the Flood Reservoir (lagoon) to Sydenham River during the Fresh Tomato Pack Season (August 15th to October 30th).
- (2) During the start of the off season (October 31st to August 14th), the Owner shall not commence discharge of effluent from the Tile Under-Drains and the Flood Reservoir to Sydenham River until such time that two consecutive compliant test samples verified that all effluent limits are met as set out in condition 5(1).
- (3) The Owner shall ensure that effluent being discharged from the Tile Under-Drains and the Flood Reservoir (lagoon) to Sydenham River during the off season (October 31st to August 14th) consistently meets the effluent limits set out in condition 5 (1). In the event that a monitoring result shows that the effluent limit for any of the parameters listed in condition 5 (1) is exceeded, then,

discharge to Sydenham River shall be discontinued immediately and effluent discharge shall be directed to the municipal sanitary sewer. Effluent discharge to Sydenham River shall resume only when two (2) consecutive samples taken and analyzed at least 48 hours apart show compliance with all the effluent limits set out in condition 5 (1).

- (4) The Owner shall maintain an operations manual 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.
- (5) 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 sewage works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

5. EFFLUENT LIMITS

- (1) The Owner shall design, construct and operate the Works such that the concentrations of the materials named below as effluent parameters are not exceeded in the effluent from the Works (Tile Under-Drains and Field Reservoir) being discharged directly to Sydenham River.

Table 1 - Effluent Limits	
Effluent Parameter	Concentration Limit (milligrams per litre unless otherwise indicated)
Column 1	Column 2
CBOD5	25.0
Total Suspended Solids	25.0
Total Phosphorus	1.0
pH of the effluent maintained between 6.0 to 9.5, inclusive, at all times	

- (2) For the purposes of determining compliance with and enforcing subsection (1):

- (a) non-compliance with respect to a Concentration Limit is deemed to have occurred when any single grab sample analyzed for a parameter named in Column 1 of subsection (1) is greater than the corresponding maximum concentration set out in Column 2 of subsection (1); and
- (b) non-compliance with respect to pH is deemed to have occurred when any single measurement is outside of the indicated range.

6. EFFLUENT - VISUAL OBSERVATIONS

Notwithstanding any other condition in this Approval, the Owner shall ensure that the effluent from the 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 or foam on the receiving waters.

7. EFFLUENT MONITORING AND RECORDING

The Owner shall carry out the following monitoring program during the off season (October 31st to August 14th):

- (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) **During the spray field cleansing period**, prior to allowing any direct effluent discharge from the Tile Under-Drains and the Flood Reservoir to Sydenham River, the Owner shall carry out the following monitoring program until two consecutive weekly sampling results show compliance with the effluent limits for all parameters stipulated in Table 1 of condition 5:

Table 2 - Effluent Monitoring		
Sampling Location: Field Effluent Pump House Discharge Point		
Effluent Parameter	Frequency	Sample Type
CBOD ₅	Weekly	Grab
Total Suspended Solids (TSS)	Weekly	Grab
Total Phosphorus (TP)	Weekly	Grab
Total Ammonia Nitrogen (TAN)	Weekly	Grab
Total Kjeldahl Nitrogen (TKN)	Weekly	Grab
Chemical Oxygen Demand (COD)	Weekly	Grab

- (3) **During the remaining period of the off season**, after the end of the spray field cleansing period and commencement of direct effluent discharge from the Tile Under-Drains and the Flood Reservoir to Sydenham River, the Owner shall carry out the following monitoring program:

Table 3 - Effluent Monitoring		
Sampling Location: Field Effluent Pump House Discharge Point		
Effluent Parameter	Frequency	Sample Type
CBOD ₅	Monthly	Grab
Total Suspended Solids (TSS)	Monthly	Grab
Total Phosphorus (TP)	Monthly	Grab
Total Ammonia Nitrogen (TAN)	Monthly	Grab
Total Kjeldahl Nitrogen (TKN)	Monthly	Grab
Chemical Oxygen Demand (COD)	Monthly	Grab

- (4) 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 - January 2016), as amended from time to time by more recent published editions; and
 - (b) the publication "Standard Methods for the Examination of Water and Wastewater" (23rd edition - 2017), as amended from time to time by more recent published editions.
- (5) A continuous flow measuring devices shall be installed and maintained to measure the flow rate of the effluent from the Works during the Fresh Tomato Pack Season, with an accuracy to within plus or minus fifteen per cent of the actual flow rate for the entire design range of the flow measuring device and the Owner shall measure, record and calculate the flow rate for each effluent stream on each day of sampling.
- (6) 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. 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.

9. REPORTING

- (1) The Owner shall report to the District Manager or designate, any exceedance of any parameter specified in condition 5 orally, as soon as reasonably possible, and in writing within **seven (7) days** of the exceedance;
- (2) In addition to the obligations under Part X of the EPA, the Owner shall, within 10 working days of the occurrence of any reportable spill as defined on Ontario Regulation 675/98, bypass or loss of any product, by-product, intermediate product, oil, solvent, waste material or any other polluting substance into the environment, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation.
- (3) The Owner shall prepare and submit a performance report to the District Manager on an annual basis within **ninety (90) days** following the end of the period being reported upon. The reports shall contain, but shall not be limited to, the following information:
 - (a) a summary and interpretation of all monitoring data and a comparison to the effluent limits outlined in condition 5, including an overview of the success and adequacy of the 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 Works;
 - (d) a summary of any effluent quality assurance or control measures undertaken in the reporting period;
 - (e) a summary of the calibration and maintenance carried out on all effluent monitoring equipment; and
 - (f) any other information the District Manager requires from time to time.

10. SPECIAL CONDITION

- (1) Within **ninety (90) days** of the issuance of this Approval, The Owner shall submit a water level and sludge/sediment monitoring program, acceptable to the District Manager, to be incorporated into the Operations Manual, that identifies the

following:

- (a) a water level monitoring program within the storm pond that will provide appropriate early warning triggers and actionable items to ensure that there is sufficient freeboard to accommodate fresh pack season and year round significant storm events without the need for emergency release of wastewater
- (b) an annual inspection program of sludge/sediment accumulation depth and recommendations for triggers and sludge/sediment removal to ensure optimal performance of the pond.

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

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in this Approval and the practice that this Approval is based on the most current document, if several conflicting documents are submitted for review. Condition 1.6 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 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 the Ministry records are kept accurate and current with respect to approved Works and to ensure that subsequent owners of the Works are made aware of this Approval and continue to operate the Works in compliance with it.
3. Condition 3 is included to ensure that the Works is operated in accordance with the information submitted by the Owner relating to the process and materials which are served by the Works, and to ensure that any contemplated changes in them which could potentially affect the characteristics of effluent from the Works will be properly reviewed and approved.
4. Condition 4 is 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.
5. Condition 5 and 6 are imposed to ensure that the effluent discharged from the Works to the environment meets the Ministry's effluent quality requirements thus minimizing environmental impact on the receiver.

6. Condition 7 is included to require the Owner to demonstrate on a continual basis that the quality and quantity of the effluent from the approved works is consistent with the effluent limits specified in the Approval and that the approved Works does not cause any impairment to the receiving watercourse.
8. Condition 8 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
9. Condition 9 is included to provide a performance record for future references and to ensure that the Ministry is made aware of problems as they arise, so that the Ministry can work with the Owner in resolving the problems in a timely manner.
10. Condition 10 is included to ensure that appropriate early warning triggers are in place so that emergency release of wastewater can be avoided.

SCHEDULE A

1. Application for Environmental Compliance Approval of Industrial Sewage Works submitted by Dilan Singaraja, P.Eng., GHD Limited , and signed by Jon LeRoy, Plant Manager , ConAgra DMAT ULC, dated dated March 25, 2019, and all supporting documentation and information.
2. Application for Environmental Compliance Approval of Industrial Sewage Works submitted by Karina Kenigsberg, P.Eng., Trinity Consultants Ontario Inc., and signed by Gary Stewart, Operations Supervisor, ConAgra DMAT ULC, dated dated October 25, 2019, and all supporting documentation and information.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 4998-BJ4TMZ issued on November 21, 2019

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 available 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

* 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 8th day of July, 2024

A handwritten signature in black ink that reads "A. Ahmed". The signature is written in a cursive style and is underlined with a single horizontal line.

Aziz Ahmed, P.Eng.

Director

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

YK/

c: Area Manager, MECP Windsor

c: District Manager, MECP Sarnia

Dilan Singaraja, GHD Limited