

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A7316030

Issue Date: September 26, 2014

The Corporation of the Municipality of Red Lake
Post Office Box, No. 1000
Balmertown, Ontario
P0V 1C0

Site Location: Sully Lake Sludge Disposal Site
Highway 105
Kenora City, District of Kenora
P0C 1V0

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 1.28 ha disposal and treatment site within a total site area of 36.52 ha for the disposal of settled sludge from domestic and commercial sewage

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

"Adverse Effect " is as defined in the Environmental Protection Act, R.S.O. 1990;

"Approval " or **"Certificate "** or **"ECA "** means this entire provisional Environmental Compliance Approval document, issued in accordance with Section 20.2 of the *EPA* , and includes any schedules to it, the application and the supporting documentation listed in Schedule "A";

"Director " means Director, Section 39, Environmental Protection act, R.S.O. 1990, C.E-19 as amended;

"District Manager " means the District Manager in the Kenora District Office, Northern Region, Ontario Ministry of the Environment;

"EAB" refers to the Environmental Approvals Branch of the Ministry of the Environment;

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

"Ministry " means the Ontario Ministry of the Environment;

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Municipality of Red Lake

"**Owner** " means the Corporation of the Municipality of Red Lake;

"**OWRA** " mean the Ontario Water Resource Act, R.S.O 1990, Chapter O.40, as amended;

"**Regulation 347** " means Ontario Regulation 347 R.R.O. 1990, as amended;

"**Site** " means the 36.52 ha sewage drying bed facility located at E of Hwy 105, 3 miles south of Jct. 105 and 125.

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

Compliance

- 1.1 The *Owner* shall ensure that any person authorized to carry out work on or operate any aspect of the *Site* is notified of the *ECA* and the conditions herein and shall take all reasonable measures to ensure the person complies with the same.
- 1.2 Any person authorized to carry out work on or operate any aspect of the *Site* shall comply with the conditions of this *ECA* .

In Accordance

- 1.3 Except as otherwise provided for in this *ECA* , the *Site* shall be designed, developed, constructed, operated and maintained in accordance with the supporting documentation listed in Schedule "A".

Other Legal Obligations

- 1.4 The issuance of, and compliance with, this *ECA* does not:
 - a. relieve any person of any obligation to comply with any provision of the *EPA* or any other applicable statute, regulation or other legal requirement; or
 - b. limit in any way the authority of the *Ministry* to require certain steps be taken or to request that any further information related to compliance with this *ECA* be provided to the *Ministry* .

unless a provision of this *ECA* specifically refers to the other requirement or authority and clearly states that the other requirement or authority is to be replaced or limited by this *ECA* .

Adverse Effect

- 1.5 The *Owner* or *Operator* remain responsible for any contravention of any other condition of this *ECA* or any applicable statute, regulation, or other legal requirement resulting from any act or omission that caused the adverse effect or impairment of air and/or water quality.

Furnish Information

- 1.6 Any information requested by the *Director* or a *Provincial Officer* concerning the *Site* and its operation under this *ECA* , including but not limited to any records required to be kept by this *ECA* shall be provided in a timely manner.
- 1.7 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 *ECA* or under any statute, regulation or subordinate legal instrument, in relation to the information, shall not be construed as:
- i. an approval, waiver, or justification by the *Ministry* of any act or omission of any person that contravenes any condition of this *ECA* or any statute, regulation or other subordinate legal requirement; or
 - ii. acceptance by the *Ministry* of the information's completeness or accuracy.
- 1.8 Any information related to this *ECA* and contained in *Ministry* files may be made available to the public in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, RSO 1990, CF-31.

Interpretation

- 1.9 This *ECA* revokes and replaces the previous *ECA* and all subsequent amendments.
- 1.10 Where there is a conflict between a provision of any document, including the application, referred to in this *ECA* , and the conditions of this *ECA*, the conditions in this *ECA* shall take precedence.
- 1.11 Where there is a conflict between the application and a provision in any documents listed in Schedule "A", the application shall take precedence, unless it is clear that the purpose of the document was to amend the application and that the *Ministry* approved the amendment in writing .
- 1.12 Where there is a conflict between any two documents listed in Schedule "A", other than the application, the document bearing the most recent date shall take precedence.
- 1.13 The conditions of this *ECA* are severable. If any condition of this *ECA* , or the application of any condition of this *ECA* to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this *ECA* shall not be affected

thereby.

Certificate of Requirement

- 1.14 Pursuant to Section 197 of the *EPA* , no person having an interest in the *Site* shall deal with the *Site* in any way without first giving a copy of this *Certificate* to each person acquiring an interest in the *Site* as a result of the dealing.
- 1.15 The Certificate of Requirement shall be registered in the appropriate land registry office on title to the *Site* and a duplicate registered copy shall be submitted to the *Director* within ten (10) calendar days of receiving the Certificate of Requirement signed by the *Director* .

No Transfer or Encumbrance

- 1.16 No portion of this *Site* shall be transferred or encumbered prior to or after closing of the *Site* unless the *Director* is notified in advance and is satisfied with the arrangements made to ensure that all conditions of this *ECA* will be carried out and that sufficient financial assurance is deposited with the *Ministry* to ensure that these conditions will be carried out.

Change of Owner

- 1.17 The *Owner* shall notify the *Director* , in writing, and forward a copy of the notification to the *District Manager* , within 30 days of the occurrence of any changes in the following information:
- i. the ownership of the *Site* ;
 - ii. the *Operator* of the *Site* ;
 - iii. the address of the *Owner* or *Operator* ;
 - iv. the 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* , R. S. O. 1990, c. B.17, shall be included in the notification;
 - v. the name of the corporation where the *Owner* or *Operator* 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.
- 1.18 In the event of any change in the ownership of the *Site* , other than a change to a successor municipality, the *Owner* shall notify in writing the succeeding owner of the existence of this *ECA* , and a copy of such notice shall be forward to the *Director* and *District Manager* .

Inspections

- 1.19 No person shall hinder or obstruct a *Provincial Officer* from carrying out any and all inspections authorized by the *EPA* , or the *PA* , of any place to which this *ECA* relates, and without limiting the foregoing:

- i. to enter upon the premises where the approved works are located, or the location where the records required by the conditions of this *ECA* are kept;
- ii. to have access to, inspect, and copy any records required to be kept by the conditions of this *ECA* ;
- iii. to inspect the *Site*, related equipment and appurtenances;
- iv. to inspect the practices, procedures, or operations required by the conditions of this *ECA* ; and
- v. to sample and monitor for the purposes of assessing compliance with the terms and conditions of this *ECA* or the *EPA* , or the *PA* .

2.0 GENERAL OPERATIONS

Proper Operation

- 2.1 (1) Approval is granted for the detailed design of the drying bed facility as per the Items in Schedule "A".
- (2) The *Site* shall be properly operated and maintained at all times. All waste shall be managed and disposed of in accordance with the *EPA* and *Regulation* 347 and the requirements of this *ECA*. At no time shall the discharge of a contaminant that causes or is likely to cause an *Adverse Effect* be permitted.

Operations Manual

- 2.2 The *Owner* shall ensure that an operations and procedures manual that addresses the requirements of this *ECA* is prepared for the *Site* :

- a. Health and safety;
- b. Operation and maintenance of the *Site* ;
- c. Waste acceptance;
- d. Waste disposal area and development;
- e. Nuisance management;
- f. Surface water/Storm water management;
- g. Inspections and monitoring;
- h. Contingency plans and emergency procedures;
- i. Complaints; and,
- j. Reporting and record keeping.

- 2.3 The operations and procedures manual shall be:

- a. reviewed on an annual basis and updated by the *Owner* as required; and
- b. be available for inspection by *Ministry* staff.

Capacity

- 2.4 (1) The drying beds as described in Schedule "A" will have a maximum combined total capacity of **3,900 cubic meters**.
- (2) A minimum freeboard of 0.1 m must be maintained at all times for each trench
- (3) When the use of a trench has reached the limit outlined in Condition 2.4 (2), then the trench must be allowed to sufficiently dry.

Trench Maintenance

- 2.5 Trenches are to be cleaned after each drying period so that soils do not lose their permeability.

Trench Usage Sequence

- 2.6 Trenches are to be used in an alternating sequence in order to maximize the recovery period between use and to maximize the amount of unsaturated soils between trenches.

Service Area

- 2.7 Only sewage sludge generated in the within the boundaries of the Municipality of Red Lake shall be accepted at the *Site* . No waste shall be received for disposal at this *Site* from outside the approved service area.

Signage

- 2.8 Signs shall be placed at the landfill *Site* entrance/exit indicating, at a minimum, the following:
- a. Name of the *Site* and name of the *Owner/Operator* ;
 - b. MOE *ECA* Number;
 - c. Days and hours of operation and public use;
 - d. Contact telephone number at the Municipality of Red Lake;
 - e. Service Area for the *Site* ;
 - f. Types of waste accepted and prohibited;
 - g. Overview of *Site* complaints procedure, including a phone number for registering a complaint;
 - h. Unauthorized entry is prohibited; and
 - i. A warning against dumping wastes outside the *Site* .

Site Security

- 2.9 During non-operating hours, the *Site* entrance and exit gates shall be locked and the *Site* shall be secured against access by unauthorized persons

On-Site Roads

- 2.10 On-Site roads shall be provided and maintained in a manner that vehicles hauling waste to and on the Site may travel readily and safely on any operating day. During winter months, when the Site is in operation, roads must be maintained to ensure safe access to the drying beds.

Spills

- 2.11 All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre (SAC) and shall be recorded in a log as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

3.0 INSPECTIONS AND RECORD KEEPING

Daily Inspections and Log Book

- 3.1 An inspection of the drying beds and associated facilities shall be conducted each day the Owner is at the Site attending to the drying bed operation to ensure that the site is being operated in compliance with this ECA . Any deficiencies discovered as a result of the inspection shall be remedied immediately, including temporarily ceasing operations at the Site if needed.
- 3.2 A record of the inspections shall be kept in a daily log book *or a dedicated electronic file* that includes:
- i. the name and signature of person that conducted the inspection;
 - ii. the date and time of the inspection;
 - iii. the list of any deficiencies discovered;
 - iv. the recommendations for remedial action; and
 - v. the date, time and description of actions taken.
- 3.3 A record shall be kept in the daily log book when the Site is receiving or removing waste that included disposal volumes and date of use for each trench in order that they can be managed to maintain maximum rest periods and any refusal of waste shipments, the reason(s) for refusal, and the origin of the waste, if known.

Record Retention

- 3.4 Except as authorized in writing by the Director , all records required by this ECA shall be retained at the Municipal Office for a minimum of five (5) years from their date of creation.
- 3.5 The Owner shall retain all documentation listed in Schedule "A" for as long as this ECA is valid.
- 3.6 The Owner shall retain employee training records as long as the employee is working at the Site .
- 3.7 The Owner shall make all of the above documents available for inspection upon request of

Ministry staff.

4.0 ANNUAL REPORTING

4.1 A written report on the development, operation, monitoring and closure of the *Site* , shall be completed annually (the "Annual Report"). The Annual Report shall be submitted to the *District Manager* by **June 1st** of each year and shall cover the year ending the preceding December 31st.

4.2 The Annual Report shall include the following:

- i. *Site* plans showing the existing contours of the *Site*;
- ii. previously existing site facilities;
- iii. facilities installed during the reporting period;
- iv. *Site* preparations and facilities planned for installation during the next reporting period;
- v. calculations of the volume of waste deposited and removed from the *Site* during the reporting period and a calculation of the total volume of Site capacity used during the reporting period;
- vi. a summary of any complaints received and the responses made;
- vii. a discussion of any operational problems encountered at the *Site* and corrective action taken;
- viii. a summary of the amount of wastes refused for disposal at the *Site* , the reasons for refusal and the carrier who brought the waste to the *Site* ;
- ix. any other information with respect to the site which the *District Manager* or *Regional Director* may require from time to time;
- x. a confirmation that the site inspection program as required by this *ECA* has been complied with by the *Owner* ;
- xi. Any changes in operations, equipment or procedures employed at the *Site* ; and
- xii. Recommendations regarding any proposed changes in operations of the *Site* .

5.0 SITE CLOSURE

5.1 At least two (2) years prior to the anticipated date of closure of this *Site* the *Owner* shall submit to the *Director* for approval, with copies to the *District Manager* , a detailed *Site* Closure Plan pertaining to the termination of operations at this *Site* , post-closure inspection, maintenance and monitoring, and end use.

Schedule "A"

1. Report entitled "The Corporation of the Municipality of Red Lake - Sully Lake Sludge Disposal Site - Design and Operational Plan" prepared by J.R. Cousin Consultants Ltd. dated September 2013.
2. Letter dated February 11, 2014 addressed to Mr. Todd Olson, Municipality of Red Lake from Mr. Dale Gable, Ministry of the Environment requesting additional information on the Site design and site area.
3. Design Brief dated February 25, 2014 entitled " Sully Lake Disposal Site - Design Brief" prepared by J.R. Cousin Consultants Ltd.
4. Email dated August 25, 2014 at 4:44 p.m. addressed to Dale Gable, Ministry of the Environment from Oswald Wohlgemut, J.R. Cousin Consultants providing revised drawings for the Design and Operations Plan.
5. Email dated September 5, 2014 at 10:12 p.m. addressed to Dale Gable, Ministry of the Environment from Oswald Wohlgemut, J.R. Cousin Consultants providing combined volumetric capacity of the drying beds.

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

- 1. The reason for Conditions 1.1 and 1.2 is to ensure that the Site is designed, operated, monitored and maintained in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.*
- 2. The reason for Conditions 1.3, 1.4, 1.5, 1.9, 1.10, 1.11, 1.12, and 1.13 is to clarify the legal rights and responsibilities of the Owner under this ECA.*
- 3. Conditions 1.6, 1.7 and 1.8 are included to ensure that the appropriate Ministry staff have ready access to information and the operations of the Site, which are approved under this Certificate.*
- 4. Conditions 1.14 and 1.15 are included, pursuant to subsection 197(1) of the EPA, to provide that any persons having an interest in the Site are aware that the land has been approved and used for the purposes of waste disposal.*
- 5. The reasons for Condition 1.16 are to restrict potential transfer or encumbrance of the Site without the approval of the Director and to ensure that any transfer of encumbrance can be made only on the basis that it will not endanger compliance with this ECA.*
- 6. The reasons for Conditions 1.17 and 1.18 are to ensure that the Site is operated under the corporate name which appears on the application form submitted for this approval and to ensure that the Director is informed of any changes.*
- 7. The reason for Condition 1.19 is to ensure that appropriate Ministry staff have ready access to the Site for inspection of facilities, equipment, practices and operations required by the conditions in this ECA. This condition is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA and OWRA.*
- 8. The reasons for Conditions 2.1, 2.2, 2.3, 2.4 and 2.5 are to ensure the Owner operates the Site in an environmentally safe manner. This is to ensure the environment and public health are protected.*
- 9. The reasons for Conditions 2.6 and 2.7 is to specify the approved areas from which waste may be accepted at the Site and the types and amounts of waste that may be accepted for disposal at the Site, based on the Owner's application and supporting documentation.*
- 10. The reason for Condition 2.8 is to ensure that users of the Site are fully aware of important information and restrictions related to Site operations under this ECA of*

Approval.

- 11. The reasons for Condition 2.9 are to specify Site access to/from the Site and to ensure the controlled access and integrity of the Site by preventing unauthorized access when the Site is closed and no Site attendant is on duty.*
- 12. The reason condition 2.10 has been included is to ensure that access roads are clear and do not pose a safety hazard to the general public.*
- 13. The reasons for Conditions 2.11 is to ensure that the Ministry is informed of any spills or fires at the Site and to provide public health and safety and environmental protection.*
- 14. The reason for Conditions 3.1 and 3.2 are needed to ensure regular inspections of the site are conducted in order to protect the natural environment.*
- 15. The reason for Conditions 3.3, 3.4, 3.5, 3.6 and 3.7 are to ensure that accurate waste records are maintained to ensure compliance with the conditions in this ECA (such as fill rate, site capacity, record keeping, annual reporting, and financial assurance requirements), the EPA and its regulations.*
- 16. The reasons for Conditions 4.1 and 4.2 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.*
- 17. The reasons for Condition 5.1 is to ensure that final closure of the Site is completed in an aesthetically pleasing manner and to ensure the long-term protection of the natural environment.*

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A7316030 issued on June 21, 1983

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

- 1. 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;*
- 2. 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:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-3717 or www.ert.gov.on.ca**

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

DATED AT TORONTO this 26th day of September, 2014



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

DG/

- c: Area Manager, MOE Kenora
c: District Manager, MOE Thunder Bay - District
Jeff Dyck, J. R. Cousin Consultants Ltd.