

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number
7515-AEFQN5

Incident Report No.
8824-A2SKEN

To: 1213427 Ontario Corporation
62 White Chapel Rd
Prince Edward, Ontario, K0K 2T0
Canada

Site: 62 White Chapel Road
Prince Edward

Pursuant to my authority under OWRA Section 16.1, OWRA Section 16 and EPA Section 157, I order you to do the following:

Work Ordered

Item No. 1	Compliance Date	2016/11/01 (YYYY/MM/DD)
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Commencing upon service of this Order, ensure all salt storage piles at the Site are covered as soon as possible and in any event within 15 working days from arrival to the Site.

Item No. 2	Compliance Date	2016/11/01 (YYYY/MM/DD)
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A minimum of seven (7) days before any product or material of any kind, which has the potential to cause an offsite Adverse Effect is accepted at the Site, provide written notice to the undersigned Provincial Officer. The written notice shall include but not necessarily be limited to the following:

- A detailed description of the material;
 - A detailed description related to the methods of handling of the material including during offloading and transferring;
 - The location and method of storage of the material on the Site;
 - The quantity and duration the material will be stored on the Site;
 - Preventative measures which will be taken to avoid any offsite impacts;
 - Preventative measures which will be taken during high wind and prescription events;
- and

- Frequency and nature of operational and maintenance inspections to be conducted.

Item No. 3 **Compliance Date** 2016/11/11
(YYYY/MM/DD)

On or before November 11, 2016, provide written confirmation to the undersigned Provincial Officer that the installation of the rubber membrane surrounding the cement barriers to completely seal off the barrier to prevent salt migration has been completed in accordance with the Interim Action Plan identified in Appendix 3.

Item No. 4 **Compliance Date** 2016/11/11
(YYYY/MM/DD)

On or before November 11, 2016, provide written confirmation to the undersigned Provincial Officer identifying all actions which were taken to clean-up the spill of petcoke which occurred on October 9, 2016, originated from the Site onto the Neighbouring Property.

Item No. 5 **Compliance Date** 2016/11/14
(YYYY/MM/DD)

On or before November 14, 2016 submit to the undersigned Provincial Officer, an updated Interim Action Plan as identified in Appendix 3, for review and acceptance which shall include additional measures to be taken to manage stormwater on Site and to prevent the discharge of contaminants off the Site. The updated Interim Action Plan shall include but not necessarily be limited to the following:

- A detailed description of the layout of the property identifying drainage on and off the Site;
- A detailed description of the nature and extent of coverage of all bulk storage piles on the Site (i.e. bauxite, petcoke, clinker etc...);
- Identification of detailed measures which have been or will be taken to prevent off-Site runoff of any material on Site, including from the docking area and working phase section(s) of salt piles;
- Description of housekeeping measures that will be implemented to remove any potential exposed contaminants in addition to salt, from the asphalt pad, docking area and any other haul roads or storage areas on Site;
- A detailed time schedule for the implementation of the measures identified in the updated Interim Action Plan.

Item No. 6 **Compliance Date** 2016/11/14
(YYYY/MM/DD)

Upon written acceptance of the updated Interim Action Plan by the issuing Provincial Officer, implement the accepted Plan.

Item No. 7 **Compliance Date** 2016/11/21
(YYYY/MM/DD)

On or before November 21, 2016, prepare and submit to the undersigned Provincial Officer for review and approval an updated detailed Best Management Practices (BMP) Plan as identified in Appendix 2, for the control of fugitive dust emissions at the Site. The BMP Plan shall include measures to ensure that fugitive emissions from the Site are reduced or eliminated. The BMP Plan shall include, but not necessarily be limited to the following:

1. Identification of the main sources of fugitive dust emissions on the Site such as, but not limited to the following:

- a) on-site traffic;
- b) paved roads/areas;
- c) unpaved roads/areas;
- d) material stock piles;
- e) loading/unloading areas and loading/unloading techniques;
- f) material spills;
- g) material conveyance systems; and
- h) general work areas;

2. Identification of potential causes for high dust emissions resulting from these or other on Site sources;

3. Identification of preventative and control measures in place or under development to minimize the likelihood of high dust emissions from the sources of fugitive dust emissions identified above. Details of the preventative and control measures shall include:

- a) a description of the control equipment;
- b) a description of the preventative procedures to be implemented; and/or
- c) the frequency of occurrence of periodic preventative activities, including material application rates, as applicable;

4. An implementation schedule for the BMP Plan, including training of facility personnel;

5. Inspection and maintenance procedures and monitoring initiatives to ensure effective implementation of the preventative and control measures; and

6. Procedures for responding and documenting environmental complaints and/or spills which includes:

- a) a description, time, date and location of each incident;
- b) operating conditions at the time of the incident;
- c) wind direction and other weather conditions at the time of the incident;
- d) the name(s) of PT personnel responsible for handling the incident;
- e) the cause of the incident;
- f) the response to the incident by PT; and
- g) a description of the measures taken to address the cause of the incident and to prevent similar occurrence in the future, and the outcome of the measures taken.

Item No. 8	Compliance Date	2016/11/21 (YYYY/MM/DD)
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Upon written acceptance of the Best Management Practice Plan (BMP) by the issuing Provincial Officer, implement the accepted BMP Plan.

Item No. 9	Compliance Date	2016/11/11 (YYYY/MM/DD)
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On or before November 11, 2016, submit to the undersigned Provincial Officer written confirmation that you have retained the services of a Qualified Consultant. The written confirmation shall include the name and the qualifications of the Qualified Consultant.

Item No. 10**Compliance Date**2016/11/21
(YYYY/MM/DD)

On or before November 21, 2016, submit to the undersigned Provincial Officer, a report prepared by the Qualified Consultant identified in Item No. 9 for review and acceptance a detailed Monitoring Workplan which shall include both groundwater and surface water monitoring to characterize water runoff (both quality and quantity) to offsite properties and to Picton Bay to delineate any impacts. The Monitoring Workplan shall include but not necessarily be limited to the following:

- Description of an appropriate groundwater monitoring well network so that groundwater flow conditions can be determined and so that the nature of potential groundwater quality impacts on and off the Site associated with the storage of materials at the Site, including but not necessarily limited to road salt, can be determined). ;
- A general description of the geological and hydrogeological setting in the area of the Site and a proposed approach for determining groundwater conditions at the Site (monitoring well locations, depths, contaminants of concern, frequency of monitoring etc.);
- A Site plan showing proposed monitoring well locations in relation to potential contaminant sources and receptors (e.g. surface water and water supply wells);
- Proposed surface water monitoring locations, which shall include but not necessarily be limited to the discharge leaving the on Site settling ponds, any runoff immediately prior to entering the Bay and the mixing zone in the Bay
- Identification of the frequency of the surface water monitoring;
- A list of parameters that will be used to characterize groundwater and surface water quality and to determine the nature and degree of potential impacts; and
- A detailed time schedule for the implementation of the items in the Monitoring WorkPlan.

Item No. 11**Compliance Date**2016/11/21
(YYYY/MM/DD)

Upon written acceptance of the Monitoring Workplan by the issuing Provincial Officer, implement the accepted Monitoring Workplan.

Item No. 12**Compliance Date**2016/11/21
(YYYY/MM/DD)

On or before November 21, 2016, submit to the undersigned Provincial Officer, a report prepared by the Qualified Consultant identified in Item No. 9 for review and acceptance, a detailed remediation plan which shall include but not necessarily be limited to:

- An assessment of the nature and extent of any soil, surface and/or groundwater impacts from contaminants originating at the Site to any Neighbouring Property;
- Identification of proposed remediation measures for addressing any identified off Site impacts; and
- An itemized schedule and timeline for implementation of any proposed remediation measures at the Site and any off Site impacted properties.

Item No. 13**Compliance Date**2016/11/21
(YYYY/MM/DD)

Upon written acceptance of the Remediation Workplan by the issuing Provincial Officer, implement the accepted Remediation Workplan.

- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.
- B. While this Order is in effect, report in writing, to the District or Area office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.
- C. Unless otherwise specified, all requirements of this Order are effective upon service of this Order.

This Order is being issued for the reasons set out in the annexed Provincial Officers Report which forms part of this Order.

Issued at Prince Edward this 1st day of November, 2016.



Shannon Kelly
Badge No:
Belleville Area Office
Tel: (613) 962-9251

REQUEST FOR REVIEW

You may request that this Order be reviewed by a Director.

Your request must be made (i) in writing (or if made orally, with written confirmation) and (ii) served on the Director at the address below within seven (7) calendar days after being served with a copy of this Order.

In the written request or written confirmation of an oral request, you must include:

- (a) the portions of the Order in respect of which the review is requested;
- (b) any submissions that you wish the Director to consider; and
- (c) an address for service to be used by the Director.

In response to your request for review, the Director may confirm, alter or revoke this Order and will serve you with a copy of the Director's decision or Order.

A request for review does not automatically stay this Order. If you wish to have the Director stay the Order you must also include this in your request and the Order is not stayed unless the Director makes an order granting a stay.

DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision on your request for review within (7) calendar days of receipt of your request, and the Director has not stayed the Order, this Order shall be deemed to be confirmed by order of the Director and deemed to be served upon you.

In the case of a deemed confirmation, you may require a hearing before the Environmental Review Tribunal (Tribunal), if, within fifteen (15) calendar days from the deemed date of service of the Director's order, you serve written notice of your appeal on the Tribunal and the Director. Your notice must state:

- (a) the portion(s) of the Order in respect of which the hearing is required; and
- (b) the grounds on which you intend to rely at the hearing.

Except with leave of the Tribunal, you are not entitled to appeal a portion of the Order or to rely on a ground that is not stated in the notice requiring the hearing. Unless stayed by the Tribunal, the Order remains in effect from the date of service.

Written notice requiring a hearing can be served upon:

The Secretary
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 326-5370
Email: ERTTribunalsecretary@ontario.ca

and

Director
Ministry of the Environment and Climate Change
Kingston District Office
1259 Gardiners Rd, Unit 3
PO Box 22032
Kingston, ON
K7M 8S5
Fax: (613) 548-6920
Tel: (613) 549-4000

Further information on the Tribunal and requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349 or 1(866) 448-2248
TTY 1-800-855-1155 via Bell Relay

Fax: (416) 326-5370 or 1(844) 213-3474
Web: www.ert.gov.on.ca

FOR YOUR INFORMATION

The following is for your information:

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which the Order is made and any corresponding Service Regulation . Further information

can be obtained from e- Laws at www.e-laws.gov.on.ca. Please note that choosing service by mail does not extend any of the above mentioned timelines.

Unless stayed, this Order is effective from the date of service. Non-compliance with the requirements of this Order constitutes an offence.

The requirements of this Order are minimum requirements only and do not relieve you from complying with the following:

- (a) any applicable federal legislation,
- (b) any applicable provincial legislation or requirements that are not addressed in this Order, and
- (c) any applicable municipal law.

The requirements of this Order are severable. If any requirement of this Order or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the Order are not affected.

Further orders may be issued in accordance with the legislation as circumstances require.

The procedures and other information provided above are intended as a guide. The legislation and/or regulations should be consulted for additional details and accurate reference.