

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
3623-BL33DW

Incident Report No.
5065-BKVRAQ

To: Waste Management of Canada Corporation
1271 Beechwood Rd
Napane, Ontario, K7R 3L1
Canada

Site: 1271 Beechwood Rd Lots 1 2 and 3 Concession 4 Richmond
Greater Napane, County of Lennox and Addington

Pursuant to my authority under OWRA Section 16.1, EPA Section 157.1, OWRA Section 16 and EPA Section 157, I order you to do the following:

Work Ordered

Item No. 1	Compliance Date	2020/01/31 (YYYY/MM/DD)
------------	-----------------	----------------------------

Submit to the Provincial Officer an Action Plan outlining the measures to be taken, and the proposed dates those measures will be taken, to ensure proper assessment, management and handling of landfill leachate generated at the Site (the 'Action Plan'). The Action Plan shall include, but not necessarily be limited to: A) immediate and short-term (no longer than 3 month implementation timeframe) measures to properly assess and manage current leachate volumes generated at the Site including i) appropriate Site staffing to properly monitor the leachate collection system during periods of higher risk such as prolonged weather-related influences, ii) provision of additional equipment to safely handle and transport leachate on-Site to the adjacent Leachate Storage Lagoon in emergency circumstances, iii) contracting of approved waste haulers capable of responding and transporting/disposing of landfill leachate to Ministry-approved facilities, iv) provision of additional training to WMCC Site staff on provincial spills reporting and relevant waste management legislation including the requirements of all Environmental Compliance Approvals issued for the Site, and B) longer-term measures to properly manage, assess and reduce leachate volumes produced at the Site including i) submission of applications for amendments to the Environmental Compliance Approvals for the Site to include any additional works to the existing collection system that may be advisable eg. permanent infrastructure to properly convey leachate from collection system to on-site storage lagoon,

installation of overflow/reserve leachate storage tanks etc. ii) a formal assessment of landfill infiltration including an evaluation of the existing landfill cap by a third party Qualified Person(s) to assess for settlement, shear or tension cracks, landfill gas, or other indications of compromised integrity.

Item No. 2 **Compliance Date** 2020/01/23
(YYYY/MM/DD)

Forthwith discontinue further deposits of landfill leachate to the Leachate Storage Lagoon until such time as the Ministry has given clearance to resume.

Item No. 3 **Compliance Date** 2020/01/27
(YYYY/MM/DD)

Retain the services of a Qualified Person(s) to assess potential groundwater and surface water impacts related to the identified spills of leachate from the South Chamber, and undertake the following work: i) obtain a surface water grab sample from the Southern Stormwater Management Pond and conduct analysis for all parameters identified in Table 2 of Environmental Compliance Approval 1688-8HZNJG in addition to analysis for the compound 1,4-dioxane and Acute Lethality Testing for *Daphnia Magna* and Rainbow Trout, and ii) obtain multi-level groundwater samples from monitoring wells M41, M109 and M9 for the full list of contaminants of concern, including 1,4-dioxane, specified in the current Environmental Monitoring Program for the Site.

Item No. 4 **Compliance Date** 2020/02/10
(YYYY/MM/DD)

Submit to the undersigned Provincial Officer a report prepared by the Qualified Person(s) summarizing and interpreting the results from the sampling conducted in accordance with Item No. 3 above and provide conclusions/recommendations for further assessment if required.

- 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 Kingston this 23 rd day of January, 2020.



David Arnott

Badge No:
Kingston District Office
Tel: (613) 540-6899

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, Conservation and Parks
Kingston District Office
1259 Gardiners Rd, Unit 3
Kingston, ON
K7P 3J6
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.