



ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3676-CNEK9J

Issue Date: March 31, 2023

Spirit Bay Harbour Inc.
49 Wellington St E, No. 100
Toronto, Ontario
M5E 1C9

Site Location: Spirit Bay Harbour Marina
1048 Cedar Beach Rd
Bracebridge Town, District Municipality of Muskoka
P1L 1W8

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:

a waste disposal site

to be used for the transfer of the following types of waste:

municipal waste

Note: Use of the site for any other type of waste is not approved under this environmental compliance approval, and requires obtaining a separate approval amending this environmental compliance approval.

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

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

"Approval" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A";

"Director" means any Ministry employee pursuant to section 20.3 of Part II.1 of the Act;

"District Manager" means the District Manager of the local district office of the Ministry in which the Site is geographically located;

"Ministry" means the Ontario Ministry of the Environment, Conservation and Parks;

"Owner" means any person that is responsible for the establishment or operation of the Site being

approved by this Approval, and includes Spirit Bay Harbour Inc., its successors and assigns;

"Reg. 347" means Regulation 347, R.R.O. 1990 General - Waste Management, as amended from time to time;

"Site" means the property, including but not be limited to the processing/storage building and the outdoor storage facility approved to operate under this Approval and located at Spirit Bay Harbour Marina, 1048 Cedar Beach Rd, Bracebridge Town, District Municipality of Muskoka, P1L 1W8; and

"Trained" means knowledgeable regarding the terms, conditions and requirements of this Approval and Site operations, including occupational health and safety and environmental concerns pertaining to the waste to be processed, Site contingency plans and emergency procedures, and relevant legislation.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

GENERAL

1. (1) Except as otherwise provided by these Conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the application dated August 9, 2022 and the plans and specifications and supporting documentation listed in Schedule "A".
- (2) 1. Construction, installation and initial implementation of the aspects of the Site described in Items 1 in Schedule "A" must be completed within 5 years of the later of:
 - (a) the date of issuance of this Approval; or
 - (b) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.
2. This Approval ceases to apply in respect of the aspects of the Site noted above that have not been constructed or installed before the later of the dates identified in Condition 1(2)1 above.
- (3) The Owner shall ensure that no waste is received at the Site until:

1. the Owner provides written notification to the District Manager that the Site has been constructed in accordance with the application dated August 9, 2022 and the supporting documents listed in Schedule "A", where the written notification has been signed by a professional engineer licensed to practice in Ontario and who had oversight responsibilities during the construction of the Site; and
 2. the District Manager provides written concurrence to the Owner acknowledging the written notification described above and authorizing the Owner to receive waste at the Site.
2. The requirements specified in this Approval are the requirements under the Act. The issuance of this Approval in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of the Act and other legislation and regulations and to obtain any other approvals required by legislation.
3. 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, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected in any way.
4. The Owner shall ensure compliance with all terms and conditions of this Approval. Any non-compliance constitutes a violation of the Act and is grounds for enforcement.
5.
 - (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such persons with respect to compliance with this Approval including but not limited to, any records required to be kept under this Approval; and
 - (b) in the event the Owner provides the Ministry with information records, documentation or notification in accordance with this Approval (for the purposes of this condition referred to as "Information"),
 - (i) the receipt of Information by the Ministry;
 - (ii) the acceptance by the Ministry of the Information's completeness or accuracy; or
 - (iii) the failure of the Ministry to prosecute the Applicant, or to require the Applicant to take any action, under this Approval or any statute or regulation in relation to the Information
- shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.
6. The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon

presentation of credentials, to:

- (a) carry out any and all inspections authorized by Section 156, 157 or 158 of the Act, Section 15, 16, or 17 of the Ontario Water Resources Act, R.S.O. 1990, or Section 19 or 20 of the Pesticides Act, R.S.O. 1990, as amended from time to time, of any place to which this Approval relates; and,

without restricting the generality of the foregoing to:

- (b) (i) enter upon the premises where the records required by the conditions of this Approval are kept;
- (ii) have access to and copy, at any reasonable time, any records required by the Conditions of this Approval;
- (iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Approval; and
- (iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Approval.

- 7. Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Approval, the conditions in this Approval shall take precedence. Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.
- 8. The Owner shall ensure that all communications/correspondence made pursuant to this Approval include reference to the number of this Approval.
- 9. The Owner shall notify the Director in writing of any of the following changes within thirty (30) days of the change occurring:
 - (a) change of Owner or operator of the Site or both;
 - (b) change of address or address of the new Owner;
 - (c) change of 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, 1991 shall be included in the notification to the Director;
 - (d) any change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of Ontario Regulation 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the Corporations Information Act shall be included in the

notification to the Director; and

- (e) change in directors or officers of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 9(d). supra.

10. In the event of any change in ownership of the Site, 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 Director.

11. Any information relating to this Approval 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, R.S.O. 1990, C. F-31.

12. (a) The Owner shall ensure that the Site is not operated unless all approvals under Section 9 of the Act, where applicable, have been obtained.

(b) The Owner shall ensure that the Site is not operated unless all approvals under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, where applicable, have been obtained.

SITE OPERATIONS

13. No waste other than municipal waste shall be received at the Site, limited to solid non-hazardous waste and recyclables generated by the Owner and its clients.

14. (1) Waste may be received at the Site between the hours of 8am and 5pm, 7 days per week.

(2) The waste receiving area shall be operated and maintained in a secure manner, such that unauthorized persons cannot access the waste storage area outside normal receiving hours.

(3) The Owner shall ensure trained employees are present at the Site at all times during regular operating hours to ensure compliance with the requirements of this Approval.

15. (1) No more than 62 m³ of waste (approximately 20 tonnes) of waste shall be stored on-site at any one time.

(2) All waste shall be stored in covered front-loading bins, or other covered leakproof containers, at all times.

16. The Owner shall ensure that legible signs are posted in or near the waste storage area that display the following information:

- (a) the types of waste that may be received;
- (b) a prohibition on depositing unapproved wastes at the Site;
- (c) a prohibition on depositing waste on the ground or otherwise outside of a covered

leakproof container.

17. The Owner shall ensure that the waste collection area is inspected at the end of each operating day, and that:
 - (a) any unapproved waste discovered on-site is collected separately and segregated for prompt disposal off-site; and
 - (b) any approved waste that has been deposited outside of a covered leakproof container has been collected and deposited inside a covered leakproof container.
18. The Owner shall ensure that the Site is operated in a manner which prevents nuisances and adverse effects from impacting the environment or the public, including impacts from vermin, vectors, litter, dust, odour, noise and traffic.

Training Plan

19. The Owner shall develop and maintain a training plan for all employees that operate the Site. The training plan shall include, as a minimum, the requirements for Trained personnel set out in the definitions section of this Approval.
20. Only Trained personnel may operate the Site or carry out any activity required under this Approval.

Complaint Response

21. If at any time the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:
 - (a) the Owner shall record and number each complaint, either electronically or in a separate log book, along with the following information:
 - i. the nature of the complaint;
 - ii. if the complaint is odour or nuisance based, the weather conditions and wind direction at the time of the complaint;
 - iii. the name, address and telephone number of the complainant (if provided); and
 - iv. the time and date of the complaint;
 - (b) the Owner shall immediately initiate appropriate steps to determine the cause of the complaint and proceed to take remedial action to eliminate the cause of the complaint;
 - (c) within 24 hours of having received the complaint, the Owner shall notify the District Manager of the complaint by providing the information noted in subsection (a) above along with a description of the steps taken further to subsection (b) above;
 - (d) within 1 week of having received the complaint, the Owner shall:

- i. forward a formal reply to the complainant; and
- ii. create a report to be kept on-site that includes the information noted in subsection (a) above along with a description of the steps taken further to subsection (b) above.

Record Keeping

22. A log shall be maintained at the Site, either electronically or in written format, and shall include the following information as a minimum:

- (a) records of all waste transfers from the Site, including the name of the company removing the waste, the destination of the waste, and confirmation that the company removing the waste is operating under a valid EASR registration or ECA;
- (b) records of unapproved wastes being deposited at the Site, including the type and amount of waste, a description of how the waste was managed and disposed of, and measures taken to prevent reoccurrence;
- (c) records of all training required by this Approval, including the date of training and a summary of the content of the training;
- (d) records of all complaints received regarding the operation of the Site and a description of all actions taken; and
- (e) a record of any spills at the Site, including the time and date of the spill, the nature of the spill, actions taken to clean up the spill, actions taken to prevent similar spills in the future, and the time that the Ministry and other persons were notified of the spill in fulfilment of the reporting requirements in the EPA.

23. No later than March 31, 2024, and on an annual basis thereafter, the Owner shall prepare a written report covering operations from the previous calendar year. This report shall be submitted to the District Manager no later than March 31, 2024 and on an annual basis thereafter. The report shall include, at a minimum, the following information:

- (a) a detailed summary of the information required under Condition 22 above;
- (b) a description of any problems that could negatively impact the environment encountered during Site inspections, and any mitigative actions taken;
- (c) a summary of any changes to the Site since the last report; and
- (d) any recommendations to minimize environmental impacts from the operation of the Site or improve Site operations.

Financial Assurance

24. (1) Within 20 days of the date of issuance of this Approval, the Owner shall submit Financial Assurance, as defined in Section 131 of the Act, to the Director in the amount of \$2,500. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the clean-up of the Site, the analysis, transportation and disposal of all wastes permitted to be on-site at any one time, the monitoring and long-term care of the

Site, and for carrying out any other activity required by this Approval.

- (2) Commencing on March 31, 2028 and at intervals of five (5) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under subsection (1) above. The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The financial assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director.
- (3) The amount of financial assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any financial assurance is scheduled to expire or notice is received, indicating financial assurance will not be renewed, and satisfactory methods have not been made to replace the financial assurance at least sixty (60) days before the financial assurance terminates, the financial assurance shall forthwith be replaced by cash.

SCHEDULE "A"

This Schedule forms a part of this Approval:

1. Environmental Compliance Approval application dated August 9, 2022 signed by Clayton Smith, including the attached document entitled "Design and Operations Report / Version 0.0 / (Private Waste Transfer Site) / Spirit Bay Harbour Marina" prepared by Jackie Coughlin, P.Eng., Azimuth Environmental Consulting, Inc. and all supporting documentation.

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

The reason for the definitions section is to simplify the wording of the subsequent conditions and define the specific meaning of terms as used in this Approval.

The reason for Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 is to clarify the legal rights and responsibilities of the Owner.

The reason for Conditions 13 and 16 is to ensure only approved wastes are received at the Site.

The reasons for Condition 14 are to ensure the Site is only operated during approved hours of operation, that the Site is operated in a secure manner, and that Trained personnel are on-site when the Site is operating.

The reason for Condition 15 is to ensure that storage of waste at the Site is carried out in an environmentally protective manner.

The reason for Condition 17 is to ensure that the Site is inspected on a regular basis, and any deficiencies are rectified.

The reason for Condition 18 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the environment or people.

The reason for Conditions 19 and 20 is to ensure that the Site is operated by properly Trained personnel in a manner which does not result in a hazard or nuisance to the natural environment or any person.

The reasons for Condition 21 is to ensure that any complaints regarding Site operations are responded to in a timely manner.

The reason for Conditions 22 and 23 is to provide for the proper assessment of effectiveness and efficiency of site design and operation, their effect or relationship to any nuisance or environmental impacts, and the occurrence of any public complaints or concerns. Record keeping is necessary to determine compliance with this Approval, the EPA and its regulations.

The reason for Condition 24 is to ensure that adequate funds are available to clean up the Site in the event that the Owner is unwilling or unable to do so.

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 31st day of March, 2023



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

AN/

c: District Manager, MECP Barrie
Jackie Coughlin, Azimuth Environmental Consulting Inc.