

November 4, 2024

Ministry of Environment, Conservation and Parks
Client Services and Permissions Branch
135 St. Clair Avenue West, 1st Floor
Toronto ON M4V 1P5

Re: LaSalle Agri Inc. (the “Proponent”)
ERO number: 019-9193
Ministry Reference Number: 8575-D7QG9K
Instrument – ECA, Stormwater Management Works
Property: 25700 Kerwood Road

We are legal counsel to the Corporation of the Township of Adelaide Metcalfe (“Municipality”) and have been retained to provided comments on the proposal submitted by Lasalle Agri Inc. (“LaSalle” or “Proponent”) for a new Environmental Compliance Approval (sewage) to establish a stormwater management works structure (the “ECA”) on the property municipally identified as 25700 Kerwood Road (the “Subject Property”).

The Municipality is requesting that the ECA being sought by the Proponent for the stormwater management works structure be refused until such time as the appropriate studies are submitted and/or updated. In addition, and peer reviewed needs to be completed to confirm that there is no risk to public health and safety, and also no risk of an adverse effect: (i) due to the odours likely to be generated when the stormwater comes into contact with the fertilizer product stored on the Subject Property; and (ii) risk of spill or runoff of the fertilizer product to the municipal drain. The Municipality is concerned about a real risk to the quality of the stormwater entering into the municipal drain from the Subject Property.

The Municipality was very recently made aware of the proposed ECA and has requested copies of the supporting documentation however has yet to receive the materials. The Municipality is submitting this letter to preserve its rights to submit additional comments upon receipt of the information requested from the MECP with respect to the proposed ECA.

It is the Municipality’s position that the MECP should not make a decision until the Municipality can conduct its review of the information, particularly in light of the product being stored and the identified risks to public health and safety and likelihood of adverse effects to the public if the SWM Works as proposed results in the stored fertilizer material coming into contact with stormwater runoff.

Direct
Phone: 519.660.7878
Fax: 519.660.7879

Direct Toll Free
Phone: 1.877.672.2121

Head Office
Phone: 519.672.2121
Fax: 519.672.6065

5917275

Background Information

The stormwater management works structure being proposed for the Subject Property is to provide servicing to a proposed fertilizer storage facility ("Proposed Facility"), for the collection, transmission, treatment, and disposal of stormwater runoff (the "SWM Works") from the Subject Property.

The Proposed Facility is located on approximately 11ha of land that is proposed to function as a storage and distribution facility for a fertilizer biosolids pellets product / dried biosolid fertilizer (the "Fertilizer"). The Fertilizer will be delivered by truck to the Subject Property where it will be unloaded, through dumping, and transferred to one of two tarped storage piles. Further there are un-tarped areas of the pile situated in close proximity to the road (Winter Drive) where the loading and unloading is planned to occur. The Fertilizer will then be removed from the piles and transferred into trucks for land application.

The Fertilizer similar to any other industrial use will likely result in dust, odour, and potentially stormwater runoff impacts.

Based on the information available to the Municipality at this time, it is the Municipality's understanding, absent a review of the MECP's information that two bunkers will be used for storage of the Fertilizer with the SWM Works consisting of: one (1) non-contact stormwater management facility; and one (1) stormwater holding pond for the contact stormwater.

The SWM Works has two different sections and functions. One section operates as the standard stormwater management facility designed to control the quantity of water and quality (suspended solids only) being released into the municipal drain. This section is being proposed to control the stormwater flow from the around the Subject Property that does not come into contact with the Fertilizer. The second facility / pond is being proposed to contain and hold the stormwater flows that come into direct contact with the Fertilizer and/or dispersion area (the "Contact Runoff Pond") that would be manually drained. and used to fertilize agricultural fields. The Municipality has significant concerns as it appears that the Proponent is seeking to discharge to the municipal ditch within the Lake St. Clair Watershed. Further the ERO posting is unclear with respect to whether the Contact Runoff Pond is included as part of the SWM Works.

MECP Approval of the SWM Works is Premature

The Municipality have the following significant concerns with the proposed SWM Works on the Subject Property used for the storage of the Fertilizer. A review of the Fertilizer product to be stored is set out in detail below.

It is the Municipality's position that it is premature to issue any ECA until the Proponent can confirm that the risk and environmental effects associated with the SWM Works can be addressed. The Municipality have identified the following risks with the proposed SWM Works:

- The Contact Runoff Pond will receive stormwater runoff that is likely to encounter and come into contact with the Fertilizer;
- The odour from the Contact Runoff Pond has not been appropriately addressed;
- The use of tarps increases the potential for stormwater to infiltrate the Fertilizer pile(s) resulting in an increased moisture content to above 10% increasing the amount of odour emanating from the pile(s);
- The Contact Runoff Pond being proposed does not appear to be lined resulting in nutrients and metals being leached from the Fertilizer into the natural environment. This results in a high likelihood – more likely than not – that the elevated nutrients would promote microbial activity/growth, anaerobic/septic conditions, and algae growth resulting in a real and identified risk of increased odour generation; and,
- There is a risk that the stormwater holding pond may not be appropriately sized for the entire Subject Property resulting in a risk of a spill and/or requirement for more frequent and larger draws that may not be possible during the winter months.

All of these issues need to be appropriately, reviewed, considered, and assessed in the context of the likelihood of the adverse effects that may occur. It is the Municipality's submission that it is premature to issue the ECA until such time the Municipality can appropriately review all of the information, documentation and reports submitted to the MECP in support of the proposed ECA for the SWM Works.

LaSalle's Fertilizer Product

The Fertilizer stored on the Subject Property has been described as a pelletized biofertilizer or biosolid derived fertilizer purchased and delivered by the Proponent.

The manner in which this Fertilizer is produced is an important consideration in reviewing and assessing the SWM Works. The area where the Fertilizer is being obtained from is located across the street from the Great Lakes Water Authority Plant where sewage, including human waste and industrial effluents, are treated. Sludge is pumped from the treatment plant to the Fertilizer facility where it is dewatered, dried, and heated in a furnace to approximately 215 degrees Fahrenheit, then screened and cooled. It is then stored for a short time on site in 4 storage silos under a nitrogen blanket to prevent reaction with oxygen.

The product is not bagged but bulk loaded directly onto trucks for delivery and then sent to the Proponent's Subject Property. The final product, a uniform granulated Fertilizer, is used as farmland fertilizer.

The Fertilizer generation facility currently operates 7 days per week and 24 hours per day processing 250 tons of sludge daily and must continue to constantly produce and move the

Fertilizer to wholesalers in order to deal with the amount of incoming sludge from the treatment plant.

In Canada, biosolid pellets like the Fertilizer product proposed to be stored on the Subject Property are regulated as a fertilizer under the *Canadian Fertilizers Act*, R.S.C. 1985, c. F-10 (the “CFA”) and the *Fertilizer Regulations*, C.R.C c. 666 (the “Regulations”), both administered by the Canadian Food Inspection Agency.

In the United States of America, the product meets the criteria to be classified as a Class A Exceptional Quality biosolids product and is sold as a fertilizer for farmland use but also as a non-agricultural fertilizer known as Milorganite.

In Canada, although exempt from registration under the CFA and the associated Regulations, the product must still adhere to the quality standards for nutrient content, trace metals and indicator organisms for importation and sale, and there must be a compliant label. There are no requirements in the Regulations regarding storage of this product.

The Canada Product Label for the Fertilizer sets out the analysis of contents and Best Management Practices for Handling and Use. Under the subheading “Product Storage” it states: “Store product in a dry location until application”. Because the Fertilizer is sourced from sewage, including human waste and industrial effluents, it has the capacity to cause a distinctive and potentially strong odour that is unlike odours generated by other organic nutrients, such as manure, typically applied to farmlands. In other words, if the fertilizer becomes wet, specifically greater than 10 per cent moisture, this will reactivate the biology, which will increase the intensity of the odour in addition to risking the Fertilizer material to self heat and combust. These are real risks in terms of the material being stored and the potential to contact the stormwater runoff entering the SWM Works and resulting in a risk to public health and safety.

Municipality’s Request And Recommendation

It is premature to issue an ECA for the SWM Works at this time until the Municipality can conduct a thorough review and peer review of the information submitted in support of the ECA that has been requested from the MECP. This will allow the MECP and Municipality to consider the effectiveness of the SWM Works being proposed and, if possible and warranted proposed mitigation measures to avoid any risk of adverse effects arising from the SWM Works.

As indicated above the proposed SWM Works, as currently proposed, present a real and substantial risk of impacts to public health and safety resulting in the likelihood of adverse effects and any ECA should be refused at this time. Further, this matter was subject to an extensive Ontario Land Tribunal hearing wherein the Municipality and the Proponent agreed to the SWM Works as set out in the servicing plans submitted during the hearing. It is imperative that it be confirmed that the plans approved through the Ontario Land Tribunal

be the same as what is currently before the MECP. The Municipality will confirm this information upon receipt of the documentation requested from the MECP.

Should you have any questions, please contact the undersigned.

Yours very truly,

Siskinds LLP



e-signature

Per:

Paula Lombardi
Partner

c: Client