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Ministry of the Environment  
Ministère de l'Environnement

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER A710148

Issue Date: July 19, 2012

Shepherd Enterprises Inc.  
6798 Highway 35, Ward 2  
P.O. Box 68 Coboconk  
Kawartha Lakes, Ontario  
K0M 1K0

*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 management system for the management of non-agricultural source material and processed organic waste serving:  
the Province of Ontario

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

- a. "**Approval**" means this entire Approval document and any Schedules to it, including the application and Supporting Documentation ;
- b. "**Company**" means Shepherd Enterprises Inc., or its agents or assignees;
- c. "**Director**" means a person appointed by the Minister pursuant to section 5 of the *EPA* for the purposes of Part II.1 of the *EPA*;
- d. "**District Manager**" means the District Manager of the MOE district office in the geographic area for which Soil Conditioners are to be applied on Sites;
- e. "**EPA**" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
- f. "**EPA Land Application Approval**" means a certificate of approval or provisional certificate of approval under Part V of the *EPA* for land application of a Soil Conditioner that has been issued by the Director;
- g. "**EPA Land Application Approval Site**" means a site that has a valid *EPA* Land Application Approval;
- h. "**Guidelines**" refers to the publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land", dated March 1996, as amended.
- i. "**Ministry**" and "**MOE**" means the ministry of the government of Ontario responsible for the *EPA* and includes all officials, employees or other persons acting on its behalf ;
- j. "**NASM Plan Area**" means a NASM plan area as defined by O. Reg. 267/03 under the NMA.
- k. "**NMA NASM Site**" means a NASM Plan Area that has been established in accordance with O. Reg. 267/03 under the NMA and complies with Section 8.3 of that regulation.

- l. "**NMA**" means the *Nutrient Management Act 2002*, S.O., 2002 Chapter 4
- m. "**NASM**" means non-agricultural source material as defined by O. Reg. 267/03 under the NMA
- n. "**Land Application Site**" means a NMA NASM Site or EPA Land Application Approval Site.
- o. "**Land Application Site Operator**" means the person or persons responsible for managing the farming operations or land application of Soil Conditioner at a Land Application Site and may include the Land Application Site Owner;
- p. "**Land Application Site Owner**" means the owner of the land where a Land Application Site is located;
- q. "**Processed Organic Waste**" means processed organic waste as defined by Regulation 347 under the EPA.
- r. "**Soil Conditioner**" means NASM, processed organic waste, or other materials including biosolids applied to land to improve its characteristics for crop or ground cover growth;.
- s. "**Site**" means a NMA NASM Site, EPA Land Application Approval Sites, a Waste Disposal Site Approved Under Part V of the EPA, or a sewage works approved under Section 53 of the Ontario Water Resources Act.

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

## **TERMS AND CONDITIONS**

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### **GENERAL**

1. This Approval supersedes and replaces all previously issued Certificates of Approval or any other Environmental Compliance Approval issued under Part V of the EPA with respect to this specific operation.
2. This Soil Conditioning Waste Management System shall be operated in accordance with the application for the Environmental Compliance Approval, the supporting information, and the specifications listed on Schedule "A".
3. The requirements specified in this Approval are requirements under the EPA. Issuance of this Approval in no way abrogates the Company's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislations and regulations.
4. 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.
5. The Company must ensure compliance with all terms and conditions of this Approval. Any non-compliance constitutes a violation of the EPA and is grounds for enforcement.
6. a. The Company shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the EPA), 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 Company 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 Company, or to require the Company 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 Company relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.

7. When a conflict exists between the conditions of this Approval and the items listed on Schedule "A", the provisions of this Approval shall prevail. When a conflict exists between items on Schedule "A", the most recent item shall prevail.

8. The Company shall ensure that all communications/correspondence made in relation to this waste management system or to this Approval includes reference to this Approval number.

9. The Company shall notify the Director in writing of any of the following changes, within thirty (30) days of the change occurring:

a. a change of partners where the Company is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, shall be included in the notification to the Director;

b. a change of name of the corporation where the Company 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 under Regulation 182 made under the Corporations Information Act, R.S.O. 1990 c. C.39,) and filed under the Corporations Information Act, shall be included in the notification to the Director; and

c. a change in directors or officers of the corporation where the Company 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 10(b), supra.

d. Change of owner/address of the Company truck storage yard(s).

10. 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.

11. All records and monitoring data required by the conditions of this Approval must be kept on the Company's premises for a minimum period of five (5) years from the date of their creation.

## **OPERATING CONDITIONS**

12. Soil conditioners shall only be delivered to an NMA NASM Site, EPA Land Application Approval Site, a Waste Disposal Site Approved Under Part V of the EPA, or a sewage works approved under Section 53 of the Ontario Water Resources Act.

13. Soil Conditioner may only be collected, transported or handled from facilities for which a valid contract is in place between the generator of the Soil Conditioner and the Company.

### **NMA NASM Sites**

14. This approval does not authorize land application or storage of Soil Conditioner at a NMA NASM Site. For clarity, once transferred to a NMA NASM Site the Soil Conditioner must be managed and land applied in accordance with O. Reg. 267/03 under the NMA.

### **EPA Land Application Approval Sites**

15. Soil Conditioners transferred to an EPA Land Application Approval Site; may only be transferred to a site that is approved to receive the Soil Conditioner.

16. a. The application rate, timing, and operational procedures for applying Soil Conditioner to EPA Land Application Approval Sites shall be done in accordance with the following:

- i. nitrogen fertilizer recommendation for the crop, as described in the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publications 811 (Agronomy Guide for Field Crops) and 360 (Fruit Production Recommendations), which are revised annually;
- ii. the conditions of this Approval;
- iii. the application and supporting information for the EPA Land Application Approval Site submitted to the District Manager to obtain Site approval;
- iv. the conditions set out in the approval for the EPA Land Application Approval Site issued by the Director; and,
- v. the Guidelines.

In no case shall the application rate exceed that prescribed in the Guidelines unless specifically approved in the EPA Land Application Approval Site.

b. The application of Soil Conditioner shall be such that it does not cause surface runoff or result in groundwater contamination.

c. Soil Conditioner shall not be applied when the depth to the water table is less than 0.9 metres.

d. If subsurface injection is used, the depth to the water table, at the time of application, less the depth of injection must be equal to or greater than 0.9 metres.

e. Application of Soil Conditioner shall not be carried out:

- i. when frozen ground conditions prevent the immediate infiltration or incorporation of Soil Conditioner into the soils;
- ii. on ice or snow covered soils; or
- iii. during rain causing runoff.

f. For spring application, fields shall only be used after spring flooding has receded.

g. The Company shall ensure that each Site is designed such that the Land Application Site Owner/Operator is capable of complying with the appropriate waiting periods between the application of Soil Conditioner and cropping and pasturing as specified in the Guidelines.

h. If at any time the results of the monthly Soil Conditioner analysis (12 month moving average) exceeds the standards identified in the Guidelines, the Company will immediately notify the District Manager and no further Soil Conditioner application from that facility will take place without the District Manager's express written approval.

i. The Company shall notify the District Manager in writing of any of the following changes, within thirty (30) days of becoming aware of the change occurring:

- i. change of the Land Application Site Owner or Land Application Site Operator or both;
- ii. address of the new Land Application Site Owner or change of address; and

j. Further application of the Soil Conditioner to the Land Application Site requires the written consent of the new owner or his/her legally designated agent.

## **VEHICLES AND EQUIPMENT**

17. Only vehicles approved for the collection and transportation of the Soil Conditioner under this Approval shall be used. Any addition, deletion or other change to the fleet of vehicles, trailers and equipment including year, make, model, serial number, licence number and ownership of each vehicle, trailer or piece of equipment including any of the forgoing that are leased or rented shall be reported, in writing, to the Director within fourteen (14) days of any such change.

18. The Company shall ensure that its staff are trained in the operation and maintenance of the specific equipment which they operate in conjunction with the collection transport and handling of Soil Conditioner and in emergency procedures in the event of a spill.

19. The Company shall conduct regular inspections of the equipment under its care and control to ensure that all equipment is operated in a manner that will not cause and adverse effect on the environment. Any deficiencies that could have an adverse effect on the environment shall be promptly corrected. A written record shall be maintained which shall include, as a minimum, the following:

- a. name and signature of the trained personnel conducting the inspection;
- b. date and time of the inspection;
- c. list of equipment inspected and all deficiencies observed that could have an adverse effect on the environment;
- d. recommendations for remedial action and actions undertaken;
- e. date and time of maintenance activity; and
- f. a detailed description of the maintenance activity.

20. Every vehicle utilized to collect and transport waste pursuant to this Approval shall be insured under a vehicle liability policy for a minimum of one million dollars (\$1,000,000.00) until such time as this Approval is revoked.

21. The Company shall ensure that its vehicle liability policy, or combination of vehicle and environmental liability insurance policies, cover accidents, including spills, associated with each vehicle and the use and operation of equipment on each vehicle while the vehicle is stationary or in motion.

22. The following documents shall be maintained with each vehicle operated pursuant to this Approval at all times that the vehicle is being operated or contains any wastes:

- a. a copy of this Approval;
- b. a certificate verifying the driver's successful completion of a training and safety program, if required by Regulation 347 under the EPA; and

c. a certificate of vehicle liability insurance specifying that it provides coverage of a minimum of one million dollars (\$1,000,000.00) until such time as this Approval is revoked.

23. Soil Conditioner shall not be collected, handled or transported from a facility unless a valid contract is in place between the generator of the Soil Conditioner and the Company.

## **RECORD KEEPING**

24. When a Soil Conditioner is collected by the Company, the Company shall make a record that includes:

- a. the name and location of the facility from which the soil conditioner was collected;
- b. the type and quantity of Soil Conditioner collected;
- c. the date the Soil Conditioner is collected;
- d. the name and the applicable approval number of the intended Site to which the soil conditioner will be delivered;

25. A copy of the record described in Condition 24 shall be provided to the operator of the facility from which the Soil Conditioner was collected and a copy shall be retained in the vehicle during transport of the Soil Conditioner.

26. Upon delivery of Soil Conditioner to a Site the record referenced in Condition 24 shall be updated to identify the actual receiving Site if different from the intended receiving Site and a copy shall be provided to the receiving Site and the record shall be retained by the Company for a period of five years.

## **ANNUAL REPORT**

27. The Company must keep written records in order to complete an Annual Report by March 31st of each year, covering the previous calendar year. The Report shall be prepared and retained at the Company's place of business. This Report shall include, but is not limited to:

- a. a list of all Sites and their locations where Soil Conditioner was applied or disposed;
- b. a complete and up-to-date record showing when, and the source and quantity of Soil Conditioner applied or disposed at each Site;
- c. details as to the nature of any spill or upset occurring, and the action taken for clean-up, correction and prevention of future occurrences; and
- d. a statement as to the compliance with all conditions of this Approval and with the inspections, monitoring, and reporting requirements of the conditions herein.
- e. results of all analysis conducted on Soil Conditioners, soil and water as required by the conditions of this Approval and the EPA Land Application Approval Site.

28. The Company shall promptly take all necessary steps to contain and clean up any spills which result from operations. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060, and shall be recorded as part of the records required under condition 24 of this Approval as to the nature of the spill or upset, and the action taken for clean-

up, correction and prevention of future occurrences.

## **SYSTEM CLEAN-OUT PROCEDURE**

29. The Company shall ensure that:

- a. any part of the system that comes into contact with Soil Conditioner is cleaned prior to being used for hauling other types of waste or materials; and
- b. any part of the system that comes into contact with other types of waste or materials is cleaned prior to being used for hauling Soil Conditioner.

## **SCHEDULE "A"**

*This Schedule "A" forms part of this Environmental Compliance Approval:*

1. Application dated February 2, 2012 and all supporting documentation and information submitted therewith for an amendment to Provisional Certificate of Approval to allow the transport of NASM materials to agricultural lands, signed by Mr. Michael Shepherd, Business Manager of Shepherd Enterprises Inc.
2. Email dated November 4, 2010, containing a request to include source facilities in Schedule "B", from Doug Elliot of Shepherd Environmental Services.
3. Email dated October 21, 2010, containing a request to include source facilities in Schedule "B", from Sarah Bellamy of the District Office.
4. Email dated October 14, 2010, containing a request to include source facilities in Schedule "B", from Doug Elliot of Shepherd Environmental Services.
5. Letter dated August 10, 2010, containing a request to include the Haliburton WPCP in Schedule "B", from Doug Elliot of Shepherd Environmental Services.
6. Letter dated July 9, 2010, containing a request to amend Condition 14 (a) (ii), from Doug Elliot of Shepherd Environmental Services.
7. Electronic mail dated July 25, 2008, containing comments regarding draft Certificate and request to add Biosolids source facilities listed in three (3) Notices, from Doug Elliot of the Company.
8. Facsimile dated July 21, 2008, containing a revised vehicle list, proof of vehicle ownership and vehicle insurance and system clean-out procedure, from Doug Elliot, of the Company.
9. Letter dated June 6, 2008, containing a request to remove from the Certificate the requirement for the individual listing of disposal sites on Schedule "B", from George W. J. Shepherd of the Company.
10. Application dated January 24, 2005, submitted by Mr. George Shepherd, President, Shepherd Enterprises Incorporated, requesting the amendment.
11. Application dated September 23, 2002, submitted by Mr. Michael L. Shepherd, Shepherd Enterprises Incorporated, requesting the amendment.
12. Application dated August 15, 2001 submitted by Michael L. G. Shepherd, Shepherd Enterprises Inc., requesting the amendment.
13. Application dated August 14, 2000 submitted by George W. J. Shepherd, Shepherd Enterprises Inc., requesting an amendment.
14. Facsimile dated July 30, 1998, to Karen Wassink, Approvals Branch, MOE, from V. Shepherd,

enclosing site address information.

15. Facsimile dated July 24, 1998, to Karen Wassink, Approvals Branch, MOE, from V. Shepherd, enclosing Certificate of Incorporation.

16. Letter dated July 24, 1998, from Karen Wassink, Approvals Branch, MOE, to Mr. George Shepherd, Shepherd Septic Service, acknowledging receipt of application and the application fee in the amount of \$300.00.

17. Application for Certificate of Approval, dated July 6, 1998, from George Shepherd, Shepherd Septic Service (Division of Shepherd Enterprises Inc.), 6798 Highway #35, P.O. Box 68, Cobocok, Ontario, K0M 1K0, to use Biosolids from the following Water Pollution Control Plant(s): Bobcaygeon, Fenelon Falls, Minden and Bark Lake for spreading on farmland.

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

1. The reason for conditions 1, 3, 4, 5, 7, 8, 9, 10, 11, 13 and 22 is to clarify the legal responsibilities and obligations imposed by this Approval.
2. The reason for conditions 2, 23, 24, 25, 26 and 27 is to ensure that this Waste Management System is operated in accordance with the application submitted by the Company, and not in a manner which the Director was not asked to consider.
3. The reason for conditions 6 is to ensure that appropriate Ministry staff have ready access to the system in order to confirm that the system is being operated according to this Approval. The condition is supplementary to the powers afforded a Provincial Officer pursuant to the EPA, the Ontario Water Resources Act, and the Pesticides Act, as amended.
4. The reason for condition 12 is to ensure that this Waste Management System is used only to transport waste to sites that have been established in accordance with the, NMA and Ontario Water Resources Act and that may receive Soil Conditioners.
5. The reason for condition 14 is to clarify that Soil Conditioners transferred to a NMA NASM Site must be managed, stored and land applied in accordance with the requirements of O. Reg. 267/03 under the NMA.
6. The reason for conditions 15 and 16 is to ensure that Soil Conditioners transferred to an EPA Land Application Approval Site are managed in a manner that is protective of human health and the environment.
7. The reason for condition 17, 18 and 19 is to ensure that all vehicles, trailers and equipment including those leased or rented for operation under this Approval have been approved as part of a suitable waste transportation system to collect and transport waste as an unsuitable waste transportation system could result in a hazard to the health and safety of any person or the natural environment.
8. The reason for condition 20 is to ensure that every vehicle operated under this Approval is adequately insured under a vehicle liability policy. The transportation of Soil Conditioner in a vehicle that has not been adequately insured under a vehicle liability policy would not be in the public interest.
9. The reason for condition 21 is to ensure that adequate insurance is available to effect suitable remedial action if an event occurs which may create a nuisance or result in a hazard to the health or safety of any person or the natural environment.



10. The reason for condition 28 is to ensure that the Company notifies the Ministry forthwith of any spills as required in Part X of the EPA so that the appropriate spills response can be determined.

11. The reason for condition 29 is to ensure that the system is thoroughly cleaned between the transportation of Soil Conditioner and other types of waste or material.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). A710148 issued on November 10, 2010**

*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) 314-4506 or [www.ert.gov.on.ca](http://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 19th day of July, 2012

Sherif Hegazy, P.Eng.  
Director  
appointed for the purposes of Part II.1 of  
the *Environmental Protection Act*

SJ/  
c: District Manager, MOE Peterborough District  
Doug Elliot/Michael Shepherd, Shepherd Enterprises Inc.