



## 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  
7011-9QDQKC

Incident Report No.  
0703-9QDKL3

**To:** The Corporation of the Town of Fort Frances  
320 Portage Ave  
Fort Frances, Ontario, P9A 3P9  
Canada

**Site:** Northeast 1/4 of Section 25 Alberton Twp  
Alberton, District of Rainy River

### Work Ordered

Pursuant to my authority under EPA Section 157.1, I order you to do the following:

<b>Item No. 1</b>	<b>Compliance Date</b>	2014/11/28 (YYYY/MM/DD)
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By November 28, 2014, construct an area suitable for the receipt of liquid sewage plant biosolids at the Fort Frances Waste Disposal Site.

Pursuant to my authority under EPA Section 157.1, I order you to do the following:

<b>Item No. 2</b>	<b>Compliance Date</b>	2014/12/05 (YYYY/MM/DD)
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By December 5, 2014, submit to the undersigned a site plan of the Fort Frances Waste Disposal Site outlining the location of the waste fill area and location of the constructed liquid sewage plant biosolids disposal area and any other waste segregation area that may exist at the site.

Pursuant to my authority under EPA Section 157.1, I order you to do the following:

<b>Item No. 3</b>	<b>Compliance Date</b>	2014/11/28 (YYYY/MM/DD)
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By November 28, 2014, obtain the services of a contractor capable of safely hauling liquid sewage plant biosolids from the Fort Frances Sewage Plant to the Fort Frances Waste Disposal Site.

Pursuant to my authority under EPA Section 157.1, I order you to do the following:

<b>Item No. 4</b>	<b>Compliance Date</b>	2014/12/05
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(YYYY/MM/DD)  
By December 5, 2014, submit to the undersigned correspondence with the name of the company or individual who will be hauling sewage plant biosolids from the Fort Frances Sewage Plant to the Fort Frances Waste Disposal Site.

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

<b>Item No. 5</b>	<b>Compliance Date</b>	<b>2014/12/12</b>
		(YYYY/MM/DD)

By December 12, 2014, obtain the services of a qualified person to design a system of sewage plant biosolids dewatering in order to render the sewage biosolids into a solid form capable of passing the Ontario Regulation 347 slump test and being managed as solid non-hazardous waste.

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

<b>Item No. 6</b>	<b>Compliance Date</b>	<b>2014/12/19</b>
		(YYYY/MM/DD)

By December 19, 2014, submit to the undersigned correspondence with the name of the qualified person who will be designing the sewage plant biosolids dewatering system described in work item no. 5.

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

<b>Item No. 7</b>	<b>Compliance Date</b>	<b>2015/03/01</b>
		(YYYY/MM/DD)

By March 1, 2015, the Town of Fort Frances shall submit a completed application to amend Environmental Compliance Approval 3-0049-96-006 to authorize the installation of sewage plant biosolids dewatering equipment. The application is to be submitted to the Director of the Environmental Approvals Access and Service Integration Branch and a copy of the application provided to the undersigned.

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

<b>Item No. 8</b>	<b>Compliance Date</b>	<b>2015/10/30</b>
		(YYYY/MM/DD)

Within 90 days of receipt of authorization to install sewage plant biosolids dewatering equipment complete the installation and cease hauling liquid sewage biosolids to the Fort Frances Waste Disposal Site.

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

<b>Item No. 9</b>	<b>Compliance Date</b>	<b>2015/11/06</b>
		(YYYY/MM/DD)

Within one week of the installation of the sewage plant biosolids dewatering equipment, provide written confirmation to the undersigned that the installation of the sewage plant biosolids dewatering equipment required by work item no. 8 has been completed.

Pursuant to my authority under EPA Section 157.1, I order you to do the following:

<b>Item No. 10</b>	<b>Compliance Date</b>	<b>2015/03/31</b>
		(YYYY/MM/DD)

By March 31, 2015, submit to the undersigned, a written plan detailing the steps and schedule for the decommissioning of the liquid sewage plant biosolids disposal area. The intent of the plan is to return the disposal area to a dry state and prevent the formation of a stagnant pond.

- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place at the Fort Frances Sewage Treatment Plant and at the Fort Frances Waste Disposal Site.
- B. While this Order is in effect, report in writing, to the District or Area office, any significant changes in Fort Frances operations management and 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 Fort Frances this 7th day of November, 2014.



Ray Boivin  
Badge No: 493  
Kenora Area Office  
Tel: (807) 468-2728

## 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) 314-4506  
Email: [ERTTribunalsecretary@ontario.ca](mailto:ERTTribunalsecretary@ontario.ca)

and  
Director  
Ministry of the Environment and Climate Change  
Thunder Bay District Office  
331-435 James St S  
Thunder Bay ON P7E 6S7  
Fax: (807) 475-1754  
Tel: (807) 475-1205

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) 314-4506  
Web: [www.ert.gov.on.ca](http://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](http://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.

## Provincial Officer's Report

Order Number  
7011-9QDQKC

The Corporation of the Town of Fort Frances  
320 Portage Ave  
Fort Frances, Ontario, P9A 3P9  
Canada

### Site

Fort Frances Waste Disposal Site  
Northeast 1/4 of Section 25 Alberton Twp  
Alberton, District of Rainy River

### Observations

1. Currently the Town of Fort Frances disposes of sewage biosolids from the Fort Frances Sewage Treatment Plant (3-0049-96-006) by allowing Hammond Landscaping Ltd. (110000258-01) to haul the biosolids to an organic soil conditioning site known as the Frog Creek Road Sod Farm (S-7048-32).
2. The approval for the Frog Creek Road Sod Farm (S-7048-32) expires on December 31, 2014.
3. Due to recent changes in the Nutrient Management Act and Regulation 267/03, approval for the application of non-agricultural source materials to agricultural land is now under the jurisdiction of the Ministry of Agriculture, Food and Rural Affairs (OMAFRA).
4. Hammond Landscaping Ltd. has indicated in correspondence, dated September 26, 2014 (Hammond to Lalla (OCWA)), that due to changes in the regulatory requirements they would not be able to continue to haul and spread sewage biosolids effective early November.
5. Section 52.3(1) of Ontario Regulation 267/03 prohibits the application of sewage biosolids when soil is snow covered or frozen.
6. On September 30, 2014, the Town of Fort Frances indicated during a telephone conversation with the undersigned that they were caught by surprise regarding Hammond Landscaping's

decision to no longer provide sewage biosolids hauling and spreading services.

7. On October 1, 2014, the Ministry of the Environment and Climate Change (MOECC) was copied on an e-mail from OMAFRA to the Town of Fort Frances indicating that OMAFRA is involved with the approval of sites for the agricultural use of non-agricultural source materials such as sewage biosolids and that they cannot extend existing approvals issue by the MOECC or relax any regulations (regarding nutrient management) that may be in place.

8. On October 21, 2014, the MOECC received an action plan from the Town of Fort Frances. The Town proposes to transport sewage biosolids to the Fort Frances Waste Disposal Site. A containment pond will be constructed on the landfill site property to store liquid sewage biosolids. The Town will retain a consultant to determine the most economical means of dewatering sewage biosolids at the sewage plant so that they can be disposed of as solid non-hazardous waste. It is anticipated that liquid sewage biosolids will need to be transported, and disposed of, at the Fort Frances Waste Disposal Site for a period of six to eight months.

9. The Fort Frances Waste Disposal Site is approved under Environmental Compliance Approval (formerly Certificate of Approval) A610301 issued on April 1, 1980. The site is approved to receive domestic and commercial wastes.

10. Currently, liquid sewage biosolids from the Fort Frances Sewage Treatment Plant are transported to the Frog Creek Road Sod Farm. This practice is slated for termination in the near future. This has left the Town of Fort Frances in a difficult situation trying to work out alternatives for managing sewage plant biosolids. The purpose of this order is to support the temporary management of sewage biosolids by authorizing their disposal at the Fort Frances Waste Disposal Site and by ensuring that the Town of Fort Frances vigorously pursues other methods of biosolids disposal and any required approvals.

11. This preventive measures order is being issued under section 157.1(1) of the Environmental Protection Act in that I reasonably believe that the requirements specified in the order are necessary to give the Town of Fort Frances a temporary method for the disposal of sewage biosolids thereby removing the biosolids from the Fort Frances Sewage Treatment Plant and preventing their discharge into the Rainy River.

12. This preventive measures order is being issued under section 16.1(1) of the Ontario Water Resources Act in that I reasonably believe that it is in the public interest that the Town of Fort Frances implement a process to dewater sewage plant biosolids so that they can be managed as solid non-hazardous waste.

13. This order is being issued to assist the Town of Fort Frances with an emergency situation regarding the management of sewage biosolids. The Town of Fort Frances is required to take all reasonable steps to ensure that the temporary disposal of liquid sewage biosolids at the Fort Frances Waste Disposal Site does not cause an adverse effect. Any adverse effect resulting from the activities contained in this order are the sole responsibility of the Town of Fort Frances.

Offence(s)

Suspected Violation(s)/Offence(s):

Act - Regulation - Section,  
Description  
{General Offence}



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Ray Boivin  
Provincial Officer  
Badge Number: 493  
Date: 2014/11/07  
District Office: Kenora Area Office