

**Ministry of the
Environment,
Conservation and Parks**
Eastern Region
1259 Gardiners Road, Unit 3
Kingston ON K7P 3J6

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**
Région de l'Est
1259, rue Gardiners, unité 3
Kingston Ontario K7P 3J6



April 15, 2020

1213427 Ontario Corporation
o/a H.R. Doornekamp Construction Ltd.
588 Scotland Road, Odessa, ON
K0H 2H0

Attention: Ben Doornekamp

Re: Request for Compliance Confirmation, Picton Terminals, 24 White Chapel Road

On February 6, 2020 the ministry received email correspondence requesting review and closure of all Orders issued to 1213427 Ontario Corporation for matters relating to the Picton Terminals facility located on White Chapel Road in Prince Edward County. This letter serves as formal response to this request.

Based upon my review, since 2016 the ministry has issued four (4) Orders to your company with respect to activities at the Picton Terminals facility:

- Provincial Officer's Order 7515-AEFQN5 issued November 1, 2016 (amended November 21, 2016)
- Provincial Officer's Order 1742-ASXLMQ issued November 21, 2017 (amended November 23, 2017)
- Provincial Officer's Order 7308-BC6NP2 issued May 23, 2019 (review requested May 31, 2019)
- Director's Order 7308-BC6NP2-1 issued June 14, 2019 (in response to May 31, 2019 review request)

I have reviewed the Orders listed above and related submissions, spoken with other ministry officials with knowledge in these matters and provide the following with regards to compliance status:

Provincial Officer's Order 7515-AEFQN5 and the associated amendment Order 7515-AEFQN5-1, contained thirteen (13) Work Ordered Items. Based upon my review, the following determinations have been made with respect to the status of compliance:

Item 1) – Complied. This Work Ordered Item required all salt storage piles at the Site to be covered as soon as possible, and within 15 days maximum upon arrival to the Site. Limiting exposure of salt to precipitation remains a requirement for ongoing prevention and mitigation of offsite ground and surface water impacts as well as proper functioning of the recently approved sewage works once constructed. This requirement however is now effectively addressed through Director’s Order 7308-BC6NP2-1 and the recently issued Environmental Compliance Approval 0857-B7KR9T. Accordingly, this Work Ordered Item in this particular Provincial Officer’s Order is thus considered complied with, and the subsequent requirements of Work Ordered Items 2) and 3) of Director’s Order 7308-BC6NP2-1 remain in effect, as discussed in the relevant section below.

Item 2) – Remains in Effect. This Work Ordered Item requires 7-day notification prior to the acceptance of any product or material at the Site which has the potential to adversely affect offsite receptors. While it is acknowledged that your Company has formally advised that no salt shipments will be received at the site for 2020, the ministry has been given no assurances that salt shipments may not resume following that period. Further, this ministry has responded in the past to adverse incidents involving offsite impacts from contaminants associated with other non-salt products received at the Site. It is the ministry’s understanding that the Site will continue to accept other non-salt products in 2020 and beyond, and therefore it is the ministry’s position that it is prudent and advisable for this particular Work Ordered Item to remain in effect until such time as the ministry explicitly deems it no longer legally required.

Item 3) – Revoked. This Work Ordered Item was specifically revoked by amended Order 7515-AEFQN5-1 and accordingly is no longer deemed in effect.

Items 4) through 13) inclusive – Complied. These Work Ordered Items have been reviewed and have subsequently been deemed complied with. No further work is required.

Provincial Officer’s Order 1742-ASXLMQ and the associated amendment Order 1742-ASXLMQ-1, contained seven (7) Work Ordered Items. Based upon my review, the following determinations have been made with respect to the status of compliance:

Items 1) through 6) inclusive – Complied. These Work Ordered Items have been reviewed and have subsequently been deemed complied with. No further work is required.

Item 7) – Complied. This Work Ordered Item required your Company to give a copy of this Provincial Officer’s Order and amendment to any person acquiring an interest in the Site. As all other Work Ordered Items in this Order have been deemed complied with, there is no longer a need for this Order and amendment to be provided as specified. No further work is required.

Provincial Officer's Order 7308-BC6NP2 contained four (4) Work Ordered Items. A review of the Order was requested on May 31, 2019 resulting in the issuance of Director's Order 7308-BC6NP2-1. All Work Ordered Items contained in Provincial Officer's Order 7308-BC6NP2 subsequently transferred to the Director's Order and are addressed below.

Director's Order 7308-BC6NP2-1 contains six (6) Work Ordered Items; four (4) Items transferred from Provincial Officer's Order 7308-BC6NP2 along with a further two (2) Work Ordered Items that were additionally included.

Item 1) – Complied. This Work Ordered Item related to a specific load of Egyptian Salt that the Company received in May 2019. That specific load has since been completely removed from the Site and as such this particular Work Ordered Item is deemed complied with. No further work is required.

Items 2) and 3) – Remain in Effect. These two Work Ordered Items require all salt shipments received after April 1, 2020 be stored inside a dry storage facility, and further that all salt received after that date be managed such that it does not come into contact with any precipitation, groundwater or stormwater run-off. Environmental Compliance Approval 0857-B7KR9T was issued March 2, 2020 authorizing the construction and operation of a stormwater management works for the collection, treatment and disposal of stormwater runoff at the Site. The Approval requires all salt received at the Site to be stored within the dry storage facility proposed as part of the application. While it is acknowledged that your company has formally advised that no salt shipments will be received at the site for 2020, the ministry has been given no assurances that salt shipments may not resume following that period. Until such time as construction of the dry storage facility has been completed and the entire approved sewage work installed, it is the ministry's position that it is prudent and advisable for these Work Ordered Items to remain in effect until such time as the ministry explicitly deems them no longer legally required.

Item 4) – Remains in Effect. This Work Ordered Item requires your Company to give a copy of this Director's Order to any person acquiring an interest in the Site. This is to ensure any future or additional individuals/entities assuming a degree of care and control of the Site are aware of the ongoing requirements of this Order. As the requirements of Work Ordered Items 2) and 3) of this Director's Order remain in effect at this time, it is the ministry's position that it is prudent and advisable for this particular Work Item to also remain in effect until such time as the ministry explicitly deems it no longer legally required.

Item 5) – Complied. As the Court of Appeal process in relation to the municipal zoning designations has since been abandoned by the appellants, this particular Work Item is deemed complied with. No other work is required.

Item 6) – Complied. This Work Item has been reviewed and has subsequently been deemed complied with. No further work is required.

In closing I'll take this opportunity to remind that it is incumbent upon the Company to ensure compliance with those Work Ordered Items identified as remaining in effect, until such time as the ministry indicates that the items have been complied with or revokes or amends the relevant Order. Should you have any questions in this regard or otherwise, please feel free to contact me directly.

With Regards,

David Arnott
Provincial Officer #827
MECP – Kingston District