

to

Report # WWW2019-001

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de la Protection  
de la nature et des Parcs



## Provincial Officer's Report

Order Number  
1-JX6KE

**To:**  
KAWARTHA LAKES, CITY OF  
12 PEEL St  
LINDSAY ON K9V 5R8  
Canada

**Site:**  
48 LAGOON RD,  
LINDSAY, K9V 4R3,  
Canada

### Observations

This Order is being issued pursuant to my authority under section 16.1, 16.2 and subsection 104(2) of the Ontario Water Resources Act.

For the purpose of this Order, the following terms shall have the meanings described below:

"ECA" means Environmental Compliance Approval issued under Part II.1 of the Environmental Protection Act;

"EPA" means Environmental Protection Act, R.S.O.1990, C. E32

"MECP" means the Ministry of the Environment, Conservation and Parks.

"OWRA" means the Ontario Water Resources Act, R.S.O.1990, C. O.40

"OCWA" means the Ontario Clean Water Agency which is the operating authority for the Sewage Works.

"Orderee or CKL" means the City of Kawartha Lakes.

"Qualified Person" means a person who holds a license limited license or temporary licence under the Professional Engineers Act and has experience in the design and operation of a Sewage Works.

"Sewage Works" means the Lindsay Water Pollution Control Plant.

"TAN" means Total Ammonia Nitrogen.

### DESCRIPTION OF THE ORDEREE AND THE SITE

The Lindsay Water Pollution Control Plant is located at the Site and is owned by the City of Kawartha Lakes. This Sewage Works is subject to the Ontario Water Resources Act, Environmental Protection Act and the regulations made thereunder. The Sewage Works discharges continuously to the Scugog River which is west and adjacent to the Site .

## EVENTS LEADING UP TO THIS ORDER

On August 4, 2017, the Ministry of the Environment, Conservation and Parks, Provincial Officer Viktoria Light requested that, OCWA for the site implement an increased reporting frequency and to report all Total Ammonia Nitrogen (TAN) test results to the Water Supervisor on a monthly basis instead of every six (6) months as required by ECA No. 6145-AJDQ9K. OCWA agreed to the increased frequency of reporting and complied with the request.

On October 13, 2017, OCWA reported to MECP a TAN exceedance of 3.88 mg/L for the 2017 non-freezing period (May-Sept). The limit for TAN is 1.5mg/L as set out in ECA No. 6145-AJDQ9K. This exceedance was reported verbally to the Peterborough District Office on October 13, 2017 and in writing on October 19, 2017.

On June 13, 2018, OCWA reported to MECP an average monthly TAN concentration of 3.9 mg/L as well as a TAN loading concentration of 48.8 kg/day in the month of May. This exceedance was reported verbally to the Peterborough District Office on June 13, 2018 and in writing on June 19, 2018.

On June 14, 2018, the MECP formally requested via email that the operating authority, OCWA prepare an action plan to mitigate further TAN exceedances. OCWA responded via email on June 18, 2018 stating the following "A new jet aerator was purchased in February 2018 with an expected arrival date of July 20 2018. This will be added to the current aerators present. We have purchased four new aerator motors (one for each type in use) as spares kept on site. A crane has to be scheduled for aerator repair or replacement and the aeration process needs to be shut down to access the aerators by boat. This process takes several hours to remove and install one. This shut down also exacerbates the low DO conditions and the process takes up to two weeks to fully recover." The Ministry was satisfied with these actions. It was anticipated that this work would be performed shortly after the delivery date.

On July 19, 2018, OCWA reported to MECP an average monthly TAN concentration of 11.6 mg/L as well as a TAN loading concentration of 107 kg/day in the month of June. This exceedance was reported verbally to the Peterborough District Office on July 19, 2018 and in writing on July 26, 2018.

On August 8, 2018 a conference call was held with OCWA, CKL, MECP Environmental Assessment & Permissions Branch and the MECP Drinking Water and Environmental Compliance Division. The ongoing TAN issues were discussed and all parties agreed that the ECA should be amended to reflect monthly TAN concentration limits and reporting frequency.

On August 15, 2018, OCWA reported to MECP an average monthly TAN concentration of 10.9 mg/L as well as a TAN loading concentration of 96.2 kg/day in the month of July. This exceedance was reported verbally to the Peterborough District Office on August 15, 2018 and in writing on August 21, 2018.

On September 14, 2018, OCWA reported to MECP an average monthly TAN concentration of 7.0 mg/L as well as a TAN loading concentration of 63.8 kg/day in the month of August. The limit set out in ECA No. 6145-AJDQ9K (11.0 mg/L) for Total Suspended Solids (TSS) was also exceeded in August with a concentration of 15.5 mg/L in August. These exceedances were reported verbally to the Peterborough District Office on September 14, 2018 and in writing on September 21, 2018.

On September 25, 2018, OCWA reported to MECP that the new jet aerator has been installed. This installation was considerably behind the anticipated delivery and installation date.

On October 12, 2018, OCWA reported to MECP a TAN exceedance of 8.5 mg/L for the 2018 non-freezing period (May-Sept). The limit for TAN is 1.5mg/L as set out in ECA No. 6145-AJDQ9K. The TAN loading concentration limit (32.3 mg/L) was also exceeded in the 2018 non-freezing period (May-Sept) with a concentration of 83.4 kg/day. This exceedance was reported verbally to the Peterborough District Office on October 12, 2018 and in writing on October 21, 2018.

On October 18, 2018 the MECP - Environmental Assessment & Permissions Branch issued the Approved ECA No. 7748-AYRL8C to CKL and OCWA with the monthly reporting limits.

On October 25, 2018, Provincial Officer Brad Jackson completed an on Site physical inspection of the Lindsay WPCP. During the inspection, it was noted that a significant amount of vegetation had grown and accumulated in the center of the Aeration Tank. The vegetation appeared to be causing a considerable impact on the overall function of the aeration tank. Concerns about the vegetation and its overall affect on the process were discussed with OCWA.

On November 13, 2018, OCWA reported to MECP an average monthly TAN concentration of 3.66 mg/L when the limit is 3.0 mg/L. This exceedance was reported verbally to the Peterborough District Office on November 13, 2018 and in writing on November 16, 2018.

The MECP Technical Support Branch - Surface Water Specialist stated the following with regards to elevated levels of TAN in the Scugog River. "TAN released into the environment will convert to nitrite and then nitrate. After phosphorus, nitrate is an important nutrient that affects the primary productivity and algal biomass of freshwater lakes and rivers. Nutrient levels are strongly related to the aesthetic appearance of a water body and are correlated to decreases in water transparency resulting from an increase in algal

biomass. Increased biomass may result in long-term decreases in oxygen concentrations with consequences for fish habitat."

This Order is issued to the City of Kawartha Lakes.

I reasonably believe that the City of Kawartha Lakes has contravened the provisions, terms and conditions noted below in the Suspected Violations(s)/Offence(s) section. The nature of the contraventions is briefly described above. I reasonably believe that the requirements in this order are in the public interest.

I also believe that it is necessary for the purposes of the EPA to provide for the protection and conservation of the natural environment.

**Offence(s)**

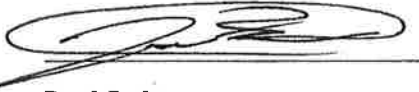
**Suspected Violation(s)/Offence(s)**

**Act – Regulation – Section**

**Description**

OWRA 53(1)

53(1) Subject to section 47.3 of the Environmental Protection Act, no person shall use, operate, establish, alter, extend or replace new or existing sewage works except under and in accordance with an environmental compliance approval. 2010, c.16, Sched. 7, s. 3 (9).



**Brad Jackson**  
**Provincial Officer**  
**Badge Number: 1886**

## Provincial Officer's Order

Order Number  
1-JX6KE

Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)  
Nutrient Management Act, R.S.O. 2002, c.4 (NMA)  
Ontario Water Resources Act, R.S.O. 1990, c.O. 40 (OWRA)  
Pesticides Act, R.S.O. 1990, c. P11 (PA)  
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)

**To:** KAWARTHA LAKES, CITY OF  
12 PEEL St  
LINDSAY ON K9V 5R8  
Canada

**Site:** WW LINDSAY WPCP  
48 LAGOON RD,  
LINDSAY, K9V 4R3,  
Canada

### Work Ordered

Work Ordered Pursuant to my authority under Section 16.1, 16.2, and subsection 104(2) under the OWRA, I order you to do the following:

1. By December 20, 2018, the City of Kawartha Lakes shall retain the services of a Qualified Person to prepare an action plan to address the TAN and TSS exceedances and the non-compliance issues with ECA No. 6145-AJDQ9K dated June 5, 2017 and ECA No. 7748-AYRL8C dated October 18, 2018.

2. By December 21, 2018, the Company shall submit to the undersigned Provincial Officer written confirmation from the Qualified Person that he/she has:

- (a). received a copy of the Order,
- (b). been retained to carry out the work specified in Work Item No. 3; and
- (c). the experience and qualifications to carry out the work.

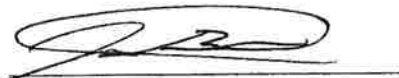
3. By December 21, 2018, the City of Kawartha Lakes shall direct the Qualified Person to prepare the action plan including recommendations outlined in the work ordered section 1 to the undersigned Provincial Officer.

4. By February 15, 2019, the City of Kawartha Lakes shall submit the action plan prepared by the Qualified Person to the MECP undersigned Provincial Officer.

- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.
- B. While the Order is in effect, report in writing, to the District or Area Office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.

This Order is being issued for the reasons set out in the annexed Provincial Officer's Report which forms part of the Order.

Issued at The City of Kawartha Lakes this 06/12/2018 (dd/mm/yyyy)



Brad Jackson  
Badge Number: 1886  
Peterborough District

## APPEAL/REVIEW INFORMATION

### REQUEST FOR REVIEW

You may request that this order be reviewed by the Director. Your request must be made in writing (or orally with written confirmation) within seven days of service of this order and sent by mail or fax to the Director at the address below. In the written request or written confirmation you must,

- specify the portions of this order that you wish to be reviewed;
- include any submissions to be considered by the Director with respect to issuance of the order to you or any other person and within respect to the contents of the order;
- apply for a stay of this order, if necessary; and provide an address for service by one of the following means:
  1. Mail
  2. Fax

The Director may confirm, alter or revoke this order. If this order is revoked by the Director, you will be notified in writing. If this order is confirmed or amended by order of the Director, the Director's order will be served upon you. The Director's order will include instructions for requiring a hearing before the Environmental Review Tribunal.

### DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision within seven days of receipt of your request, this order is deemed to be confirmed by order of the Director and deemed to be served upon you.

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of the confirming order deemed to have been made by the Director, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally or by mail upon:

The Secretary  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto, ON M5G 1E5

and

Director (Provincial Officer Orders)  
Ministry of the Environment, Conservation and Parks  
Robinson Pl South Tower 300 Water St Peterborough, ON K9J 8M5  
Fax: (705) 755-4321

Where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by

Tel: (416) 212-6349

Fax: (416) 326-5370

[www.ert.gov.on.ca](http://www.ert.gov.on.ca)

### FOR YOUR INFORMATION

- Unless stayed by the Director of the Environmental Review Tribunal, 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:
  - Any applicable federal legislation;
  - Any applicable provincial requirements that are not addressed in the order; and
  - 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 to request a review by the Director and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference.

