

**AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 4-0012-88-006

Notice No. 10

Issue Date: July 17, 2019

Cytec Canada Inc.  
9061 Garner Rd  
Niagara Falls, Ontario  
L2H 0Y2

**Site Location:** 9061 Garner Rd  
City of Niagara Falls, Region of Niagara

*You are hereby notified that I have amended Approval No. 4-0012-88-006 issued on June 29, 1988 and associated notices of amendment for the establishment of sewage works needed for the collection, transmission, treatment and disposal of process effluents, non-contact cooling water, domestic wastewater and stormwater drainage , as follows:*

## **Subsurface Disposal Systems**

establishment of five subsurface systems for the collection, transmission treatment of domestic sewage serving an industrial site with a total Rated Capacity of 23,445 L/day, consisting of the following:

### **Existing Works**

Subsurface disposal system # 5

serving expansion to the ECO2FUME Gas Plant Expansion having a daily design flow of 1,250 l/day

one 1,422 litre pump chamber complete submersible pump rated for 4.5 m<sup>3</sup>/hr at TDH of 8.5 m

one (1) two-compartment, precast concrete septic tank, having an estimated working capacity of 4,500 L

one (1) filter bed, consisting of four (4) cells each having four (4) parallel runs of 100 mm diameter distribution pipe for a total length of 24 m, set in a 18m<sup>2</sup> (6 x 3 m) stone layer, set on a 80 m<sup>2</sup> bed of sand, over a 396 m<sup>2</sup> ( 18 m x 22 m) sand mantle

Subsurface disposal system # 1

serving the research, small batch plant, gases, old operations and maintenance buildings, having a design daily sanitary sewage flow of 6,900 L/day, consisting of the following:

- one (1) two-compartment, precast concrete septic tank, having an estimated working capacity of 13,600 L,

- one (1) filter bed absorption trench leaching bed, consisting of a single cell, having ten (10) parallel runs of 100 mm diameter distribution pipes, each 28 m long, with a total length of 280 m, with a 15 m long sand mantles on both north and south sides of the raised beds;

#### Subsurface disposal system # 2

serving the new operations building and central warehouse, having a design daily sanitary sewage flow of 7,250 L/day, consisting of the following:

- one (1) two-compartment, precast concrete septic tank, having an estimated working capacity of 18,835 L,

- two (2) raised filter beds each 50 m<sup>2</sup>, sitting on a single 33 m long mantle;

#### Subsurface disposal system # 3

serving the security building, having a design daily sanitary sewage flow of 475 L/day, consisting of the following:

- one (1) two-compartment, precast concrete septic tank, having an estimated working capacity of 3,600 L,

- one (1) raised filter bed consisting of a single cell, having ten parallel runs of 100 mm diameter distribution pipes, each 24 m long, for a total length of 240 m;

#### Subsurface disposal system # 4

serving the administration building, having a design daily sanitary sewage flow of 7,570 L/day, consisting of the following:

- one (1) two-compartment, precast concrete septic tank, having an estimated working capacity of 15,000 L,

- one (1) raised filter bed consisting of a single cell, having sixteen (16) parallel runs of 100 mm diameter distribution pipe, each 30 m long, for a total length of 480 m;

all other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage works;

all in accordance with the submitted supporting

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

1. "Approval" means this entire document and any schedules attached to it, and the application;
2. "Average Daily Flow" means the cumulative total sewage flow to the sewage works during a calendar year divided by the number of days during which sewage was flowing to the sewage works that year;
3. "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;
4. "District Manager" means the District Manager of the Niagara District Office;
5. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
6. "Existing Works" means those portions of the Works included in the Approval that have been constructed previously;
7. "Licensed Installer" means a person who is registered under the OBC to construct, install, repair, service, clean or empty on-site sewage systems;
8. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;
9. "OBC" means the Ontario Building Code;
10. "Owner" means Cytec Canada Inc. and its successors and assignees;
11. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
12. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
13. "Rated Capacity" means the Average Daily Flow for which the Works are approved to handle;
14. "Works" means the approved sewage works, and includes Proposed Works, and Existing Works.

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

## 1. GENERAL PROVISIONS

(1) The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, the application for approval of the works and the submitted supporting documents and plans and specifications as listed in this Approval.

(3) Where there is a conflict between a provision of any submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

(4) Where there is a conflict between the listed submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.

(5) 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 or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

## 2. EXPIRY OF APPROVAL

(1) The approval issued by this Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.

## 3. CHANGE OF OWNER

(1) The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within 30 days of the change occurring:

(a) change of Owner;

(b) change of address of the Owner;

(c) change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act , R.S.O. 1990, c.B17 shall be included in the notification to the District Manager;

(d) change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act , R.S.O. 1990, c. C39 shall be included in the notification to the District Manager;

(2) In the event of any change in ownership of the Works, other than a change to a successor municipality, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager and the Director.

#### 4. CONSTRUCTION

(1) The Owner shall ensure that the construction of the Works is supervised by a licensed installer, as defined in the Ontario Building Code or a Professional Engineer, as defined in the Professional Engineers Act .

(2) The Owner shall ensure that the Works are constructed such that minimum horizontal clearance distances as specified in the OBC are satisfied.

(3) Upon construction of the Works, the Owner shall prepare a statement, certified by a Professional Engineer, that the Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry staff.

(4) The Owner shall prepare a complete set of "as constructed" drawings within one (1) year of Substantial Completion of the Works. The drawings must be retained at the site and kept current and shall be made available for inspection by Ministry staff.

#### 5. OPERATIONS, MAINTENANCE, AND RECORDING

(1) The Owner shall ensure that at all times, the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained.

(2) The Owner shall ensure that the septic tank is pumped out every 3-5 years or when the tank is 1/3 full of solids and the effluent filter is cleaned out at minimum once a year (or more often if required).

(3) The Owner shall ensure that grass-cutting is maintained regularly over the subsurface disposal bed, and that adequate steps are taken to ensure that the area of the underground works is protected from vehicle traffic.

(4) The Owner shall ensure that in the event a break-out is observed from the subsurface disposal bed, the sewage discharge to the bed is discontinued and the incident immediately reported verbally to the District Manager, followed by a written report within seven (7) days. The Owner shall ensure that during the time remedial actions are taking place the sewage generated at the site shall not be allowed to discharge to a surface water body or to the environment, and safely collected and disposed of through a licensed waste hauler to an approved waste disposal site.

(5) The Owner shall maintain a logbook to record the results of Operation and Maintenance activities specified in the above sub-clauses, and shall keep the logbook at the site and make it available for inspection by the Ministry staff.

(6) The Owner shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the Operation and Maintenance activities required by this Approval.

#### 6. REPORTING

(1) In addition to the obligations under Part X of the Environmental Protection Act , the Owner shall, within ten (10) working days of the occurrence of any reportable spill as

defined in Ontario Regulation 675/98, bypass or loss of any product, by-product, intermediate product, oil, solvent, waste material or any other polluting substance into the environment, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation.

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The condition also advises the Owners their responsibility to notify any person they authorized to carry out work pursuant to this Approval the existence of this Approval.

2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.

3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to the approved works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.

4. Condition 4 is included to ensure that the works are constructed, and may be operated and maintained such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented.

5. Condition 5 is included to require that the Works be properly operated, maintained, and equipped such that the environment is protected.

6. Condition 6 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.

### **Schedule A**

1. Application for Environmental Compliance Approval for Industrial Sewage Works submitted by Mr. Hassan Gilani of GHD received on February 5, 2019 for the proposed subsurface disposal system including design report and final plans and specifications

**This Notice shall constitute part of the approval issued under Approval No. 4-0012-88-006 dated June 29, 1988**

*In accordance with Section 139 of the Environmental Protection Act, you may by written*

*Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:*

- a. 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;
- b. 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:*

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. 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 Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

AND

The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment, Conservation  
and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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) 326-5370 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca), you can determine when the leave to appeal period ends.*

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 17th day of July, 2019

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

WS/  
c: District Manager, MECP Niagara  
Hassan Gilani, P.Eng., GHD Limited