

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4022-BEDHY9
Issue Date: February 14, 2020

Simtor Environmental Ltd.
113 Warren Rd
Whitby, Ontario
L1N 2C4

Site Location: 113 Warren Road
Town of Whitby, Regional Municipality of Durham
L1N 2C4

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:

establishment of stormwater management Works for the approximately 1.85 hectare non-hazardous solid waste processing facility, for the collection, treatment and disposal of stormwater run-off from catchment areas within the site to provide Enhanced Level water quality control and erosion protection, discharging to Corbett Creek, consisting of the following:

- **Woodwaste Pile Storage Pad:** raised platforms with sloped concrete bases and perimeter walls, with a total pad area of approximately 1,116 m², equipped with a series of catchbasins installed within the raised platform at locations with easy access for cleaning and maintenance;
- **Woodwaste Pile Leachate collection System:** contacted stormwater runoff from the approximately 1,116 m² of pad area, collected by a series of catchbasins equipped with geotextile filter cloth above it or a filter within, conveyed to a centralized collection catchbasin equipped with an outlet pipe directing the flow to a storage tank and an overflow pipe at a higher elevation for excess flow overflowing onto the surface of the adjacent site yard when the storage tank is filled during a major storm event greater than 24 hour 10-year storm event;
- **Leachate Storage Tank:** a leachate storage tank, with a minimum capacity of 50,000 L capacity, designed to handle 10-year 24 hour storm event, equipped with a normally open valve upstream of the tank and a normally closed valve downstream of the tank, with stored leachate either discharged to municipal sanitary sewer system or pumped out and hauled to a Ministry approved treatment facility using a ministry approved hauler;

- **Eastern Enhanced Grass Swale:** running along the eastern edge of the site, collecting runoff from Drainage Areas 101 and 102 (0.72 ha of catchment area), with a v-notch to 0.5 m wide flat bottom, varying depth between 0.5 m and 1.0 m, average side slopes of 2:1, and a longitudinal gradient of approximately 0.86%, discharging into the wetland as described below;
- **Southwest Swale:** running along the southwest portion of the site, collecting runoff from Drainage Area 401 (0.21 ha of catchment area), a v-notch swale with an approximately 0.5 m depth, having average side slopes of 2:1, and a longitudinal gradient of approximately 0.30%, discharging directly to Corbett Creek;
- **Berm:** 0.5 m high berm installed at the north side of the property to prevent runoff from entering the site from the north;
- **Stormwater Filter Sock:** a stormwater filter sock to be installed along the southeast corner of the site, covering the three inlet locations to the proposed wetland and any voids between the blocks that form the perimeter of the operations pad area;
- **Wetland:** one (1) lined wetland with 0.6 m deep forebay, located at southeastern extents of the site and servicing a total drainage area of 1.16 ha (Drainage Areas 101, 102, and 201), providing a Enhanced Level quality control as well as quantity control for up to 25 mm rainfall events, having a permanent pool volume of approximately 128.7 cubic metres with a permanent pool depth of 150 - 300 mm, and an extended detention storage volume of approximately 165 cubic metres, and a total active storage volume of approximately 413.7 cubic metres (including permanent pool volume and extended storage volume), discharging via a control structure including a 450 mm diameter submerged reverse slope pipe connecting to a 1.2 m x 1.2 m manhole which is equipped with a wall-mounted slide gate for emergency closure/isolation, a 450 mm diameter outlet pipe (1.0% slope) equipped with a 75 mm diameter orifice, 1.95 m wide headwall, rip-rap, and 15 m wide emergency overflow weir at elevation of 87.2 m, to Corbett Creek;

including erosion/sediment control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted supporting documents listed in Schedule "A" forming part of this Approval.

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

"Approval" means this entire document including the application and any supporting documents listed in any schedules in this Approval;

"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;

"District Manager" means the District Manager of the appropriate local District Office of the Ministry, where the Works are geographically located;

"EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;

"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;

"Owner" means Simtor Environmental Ltd., Owner of the Works, and its successors and assignees;

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

"Wet Event" means a rainfall event with a minimum of 15 millimetres of rain in a 24 hour period;

"Works" means the sewage works described in the Owner's application, and this Approval.

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

TERMS AND CONDITIONS

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 terms and conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these terms and conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with this Approval.

(3) Where there is a conflict between a provision of this environmental compliance approval and any document submitted by the Owner, the conditions in this environmental compliance approval shall take precedence. Where there is a conflict between one or more of the documents submitted by the Owner, the Application shall take precedence unless it is clear that the purpose of the document was to amend the application.

(4) Where there is a conflict between the documents listed in the Schedule A, 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 terms and conditions of this Approval are severable. If any term and condition of this environmental compliance approval, or the application of any requirement of this environmental compliance approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

(6) The issuance of, and compliance with the Conditions of this Approval does not:

(a) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including, but not limited to, the obligation to obtain approval from the local conservation authority necessary to construct or operate the sewage

Works; or

(b) limit in any way the authority of the Ministry to require certain steps be taken to require the Owner to furnish any further information related to compliance with this Approval.

2. EXPIRY OF APPROVAL

This Approval will cease to apply if the approved Sewage Works as described in this Approval 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 **thirty (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 in ownership to the municipal, i.e. assumption of the Works, the Owner shall notify the succeeding owner in writing of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager and the Director.

4. EFFLUENT - VISUAL OBSERVATIONS

The Owner shall ensure that the all discharges from the Works is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen or foam on the receiving waters. The Owner shall ensure regular maintenance of equipment is undertaken and all spills are addressed appropriately.

5. MONITORING AND RECORDING

(1) The Owner shall, upon commencement of operation of the sewage works, carry out an annual monitoring program. The monitoring program shall include obtaining grab samples from the channel upstream of the wetland and outlet of the wetland for at least six (6) rainfall events. Four (4) sampling events shall occur annually between March 1 and November 30, with at least one month between consecutive samples. Two (2) sampling events between November 30 and March 1 during winter thaws

and associated rain events.

(2) Upon commencement of operation of the sewage works, the Owner shall also take grab samples from the wetland to monitor the wetland content during dry weather conditions. Four (4) sampling events shall occur annually between March 1 and November 30, with at least one month between consecutive samples.

(3) All samples and measurements taken for the purposes of this Approval are to be taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.

(4) Samples shall be collected and analyzed at the following sampling point(s), at the sampling frequencies and using the sample type specified for each parameter listed:

Locations	Upstream Channel, Outlet of Wetland, Wetland Content
Frequency	See Section 5 (1) & (2)
Sample Type	Grab
Parameters	BOD5, Total Suspended Solids, Oil and Grease, Total Phosphorus, TKN, Total Ammonia, Phenols, Copper, Iron, Lead, Zinc, pH (field), Temperature (field), Conductivity (field)

(5) The methods and protocols for sampling, analysis, and recording shall conform, in order of precedence, to the methods and protocols specified in the following:

(a) the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" (August 1994), ISBN 0-7778-1880-9, as amended from time to time by more recently published editions;

(b) the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions; and,

(c) in respect of any parameters not mentioned in (a) or (b), the written approval of the District Manager, which approval shall be obtained prior to sampling.

(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 monitoring activities required by this Approval.

6. OPERATION AND MAINTENANCE

(1) Before the commencement of operation of the Works, the Owner shall prepare a "**Best Management Practices Plan**" for the Works to reduce contaminant loading to the natural environment from the Works and submit to the District Manager for approval. The Owner shall implement the best management practices plan to minimize generation of Contact Stormwater Runoff from the site through direct contact of process materials with rainwater and to prevent contamination beyond the stormwater runoff capture area (woodwaste pile storage pad) of the Works.

(2) Before the commencement of operation of the Works, the Owner shall prepare a **Stormwater Contingency and Remedial Action Plan** for the Works and submit to the District Manager for approval. The stormwater contingency and remedial action plan shall include specific remedial action plan to control contamination of stormwater runoff from the site.

(3) Upon commencement of operation of the sewage works, the Owner shall conduct the required monitoring program according to Condition 5 (4) and compare monitoring results obtained from the Works with the effluent objectives of the selected trigger parameters listed below to identify any potential leachate impact to stormwater discharged from the Works.

Table 2 - Trigger Parameters	
Parameter	Trigger levels
Total Suspended Solids*	25.0 mg/L
BOD5	25.0 mg/L

*TSS trigger level doesn't apply to samples collected from Upstream Channel

(4) In the event that a monitoring result for any of the parameters listed in Table 2 exceeds its corresponding Trigger level, the Owner shall;

(a) report the exceedance to the District Manager orally within 24 hours and in writing within seven (7) days of the exceedance;

(b) within 2 days, a second round of sampling shall be conducted by collecting samples from the contents of the wetland to confirm the exceedance noted previously.

(5) In the event that a Trigger Parameter exceeds the Trigger Level after the second round of sampling, the slide gate at the wetland outlet shall be closed to prevent stormwater discharge to the Corbett Creek. The Owner shall implement the **Stormwater Contingency and Remedial Action Plan**. The wetland shall be cleaned out by pumping the contents out to municipal sanitary sewer or off-site disposal.

(6) While implementing the **Stormwater Contingency and Remedial Action Plan**, the Owner shall monitor for the trigger parameters listed in Table 2 at a **monthly frequency** after a rainfall event causing stormwater discharge from the Works and assess the effectiveness of the remedial action plan. The Owner shall ensure, where practicable, that continuous improvements of stormwater quality are achieved to ensure compliance with the effluent objectives stipulated in Table 2 through the implementation of remedial measures and best management practices.

(7) If further samples collected from the Upstream Channel (when sampling is possible) and contents of the lined wetland after the implementation of the remedial action plan do not indicate any exceedance, the wetland can be returned to normal operation.

(8) The stormwater filter sock shall be monitored and replaced as needed.

(9) To prevent the catchbasins installed within the raised platforms getting clogged, the Owner shall

conduct routine cleanout and replace the filter or filter cloth installed with the catchbasins.

(10) The Owner shall conduct **annual** sediment removal from the wetland and swales.

(11) The wood waste pile storage areas shall be above the flood line, with an elevation of 88.31 m.

(12) The storage bins located directly south of the building and receiving material directly from the conveyor and processing equipment shall be placed above the flood line elevation and under a portable canopy to protect the material from precipitation.

(13) The metal storage bins located directly north of the building at the Small Vehicle Drop Off Area (for drop-off of separated construction and demolition waste, wood, cardboard and paper, tires, and metal) shall be covered by a canopy.

(14) Tire and scrap metal shall be stored in covered metal bins on the north portion of the site.

(15) The Owner shall move all metal bins to indoors when a 50 mm rainfall is predicted in any 24-hour period or if creek levels are observed backing up into the southeast corner of the site.

(16) There shall be no fill, concrete, brick, rubble and gravel piles at the site once the wood waste pile storage area is constructed.

(17) The Owner shall prepare/update/maintain the operations manual for the Works within three (3) months of completion of construction of the Proposed Works, that includes, but not necessarily limited to, the following information:

(a) operating procedures for the Works under Normal Operating Conditions;

(b) inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;

(c) repair and maintenance programs, including the frequency of repair and maintenance for the Works;

(d) procedures for the inspection and calibration of monitoring equipment;;

(e) an emergency response plan for the Works to handle emergency situations such as a structural, mechanical failure, or an unforeseen flow condition, including procedures to minimize Bypasses and Overflows.

(f) a spill prevention and contingency plan, consisting of procedures and contingency plans, including notification to the District Manager, to reduce the risk of spills of pollutants and prevent, eliminate or ameliorate any adverse effects that result or may result from spills of pollutants ;

(g) procedures for receiving, responding and recording public complaints, including recording

any followup actions taken.

(18) The Owner shall maintain the operations manual up-to-date and make the manual readily accessible for reference at the Works.

(19) The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at the Owner's office for inspection by the Ministry. The logbook shall include the following:

(a) the name of the Works; and

(b) the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed.

(c) the date of each spill within the catchment area, including follow-up actions / remedial measures undertaken.

7. TEMPORARY EROSION AND SEDIMENT CONTROL

(1) The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every **two (2) weeks** and after each significant storm event (a significant storm event is defined as a minimum of 25 mm of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.

(2) The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

8. REPORTING

(1) The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

(2) 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.

(3) The Owner shall prepare and submit a performance report to the District Manager on an annual basis within 60 days following the end of the period being reported upon. The first such report shall cover the first annual period following the commencement of operation of the works and subsequent reports shall

be submitted to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:

- (a) a summary and interpretation of all monitoring data, including an overview of the success and adequacy of the sewage works;
- (b) comparison of all stormwater monitoring results to the trigger levels outlined in Condition 6, and outline of any remedial measures to address any exceedences;
- (c) a description of any operating problems encountered and corrective actions taken;
- (d) a summary of all inspection, maintenance and clean-out carried out on the sewage works;
- (e) a summary of all spill or abnormal discharge events; and,
- (f) a summary of any Stormwater Contingency and Remedial Actions undertaken during the reporting period and a discussion regarding their adequacy.

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

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.
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 approved Works and to ensure that any subsequent Owner of the Works is made aware of the Approval and continue to operate the Works in compliance with it.
4. Condition 4 is included to ensure that the effluent discharged from the Works meets the Ministry's effluent quality requirements thus minimizing environmental impact on the receiver and to protect water quality, fish and other aquatic life in the receiving water body.
5. Condition 5 is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the design objectives specified in the Approval and that the Works do not cause any impairment to the receiving watercourse.
6. Condition 6 is included to require that the Works be properly operated and maintained such that the environment is protected and to ensure that appropriate steps are taken to address the immediate concerns or otherwise abnormal situation and minimizing environmental damage.
7. Condition 7 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
8. Condition 8 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 Approval of Industrial Sewage Works, dated June 29, 2018, submitted by Gordon Kerr, President of Simtor Environmental Ltd.;
2. Stormwater Management Report dated June 2018, prepared by Golder Associates Ltd.;
3. Golder Responses to Ministry's review comments dated October 22, 2018, prepared by Douglas Kerr of Golder Associates Ltd.;
4. Golder Responses to Ministry's stormwater technical review comments dated May 24, 2019, prepared by Douglas Kerr of Golder Associates Ltd.;
5. Contamination Management Plan dated June 2019, prepared by Golder Associates Ltd.;
6. Revised Stormwater Management Report dated July 15, 2019, prepared by Golder Associates Ltd.;
7. Memo on additional design for woodpile leachate collection system dated October 17, 2019, prepared by Golder Associates Ltd.;
8. All additional supporting documents emailed to the Ministry by Douglas Kerr and Jessica Hanschell from Golder Associates Ltd. including response email from Jessica Hanschell dated May 28, 2019.

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.

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

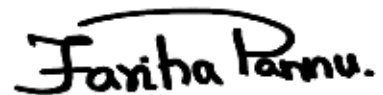
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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**

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 <https://ero.ontario.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 14th day of February, 2020

A handwritten signature in black ink that reads "Fariha Pannu." The signature is written in a cursive style with a large, sweeping initial 'F'.

Fariha Pannu, P.Eng.

Director

appointed for the purposes of Part II.1 of the
Environmental Protection Act

YZ/

c: District Manager, MECP York-Durham District Office
Camille Taylor, Golder Associates Ltd.