

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 3368-BKGLFL  
Issue Date: March 12, 2020

Anbu and Suvetha Inc. and Pon & Sons Ltd.  
5078 Rice Lake Drive North  
Hamilton, Ontario  
K0L 1E0

Site Location: Rhino's Roadhouse Restaurant  
5078 Rice Lake Drive North Bewdley  
Township of Hamilton, County of Northumberland  
K0L 1E0

*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:*

sewage works for the collection of sanitary sewage, with a daily design sanitary sewage of 23,475 litres per day, to service existing restaurant (155 seats) with one (1) - two bedroom apartment, two (2) - one bedroom apartments and two (2) - one bedroom rental units, located at the above noted Site Location, and consisting of the following:

**Proposed Works**

*Holding Tanks:*

- two (2) or more underground holding tanks with a combined capacity of up to 72,000 litres, complete with audible and visual high level alarm system and a charcoal filter. The sewage from the proposed holding tank(s) will be hauled by Ministry certified hauler to a municipal sewage treatment plant.

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

**Existing Works**

*Septic Tanks to be converted to Holding Tank and Pump Tank:*

- one (1) existing single compartment concrete septic tank, serving the restaurant building with second floor apartments, having a capacity of 4,500 litres to be converted to a sewage holding tank, with gravity overflow to the existing 9,000 litres septic tank to be converted to a sewage pump tank that will pump sewage to the

proposed sewage holding tanks.

### **Existing Works (to be decommissioned and removed)**

#### *Effluent Pump Tank:*

- one (1) effluent pump tank of unknown capacity, including a single float controlled pump in a concrete well tile complete with high level float and alarm, discharging via forcemain (to be abandoned) and distribution box to the leaching bed as described below;

#### *Leaching Bed:*

- one (1) in-ground sub-surface leaching field of approximately 8 meter by 12 meter, located in the area between the restaurant building and the two(2) rental units, receiving wastewater from the aforementioned septic tank and effluent pump tank.

#### *Distribution Box:*

-one (1) buried distribution box associated with existing leaching bed to be excavated and removed.

#### *Septic Tank:*

-one (1) concrete septic tank of unknown size, collecting wastewater from two (2) -one bedroom rental units (located at the west end of the property), and discharging via gravity sewage pipe (to be abandoned) to leaching bed as described above; to be decommissioned. The existing sewer line from the apartments will gravity flow to the new sewage holding tanks;

all in accordance with supporting documents listed in **Schedule A**.

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

1. "Approval" means this entire Approval document and any Schedules to it, including the application and Supporting Documentation;
2. "Director" means a person appointed by the Minister pursuant to Section 5 of the EPA for the purposes of Part II.I of the EPA;
3. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Works is geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Existing Works" means those portions of the Works included in the Approval that have been constructed previously;
6. "Licensed Installer" means a person who is registered under the OBC to construct, install, repair, service, clean or empty on-site sewage systems;
7. "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;

8. "OBC" means the *Ontario Building Code*;
9. "Owner" means Anbu and Suvetha Inc. /Pon & Sons Ltd., and its successors and assignees;
10. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;
11. "Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a licence issued under the *Professional Engineers Act*;
12. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
13. "Supporting Documentation" means the documents listed in Schedule A of this Approval;
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:*

## **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 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, and the application for approval of the Works.
3. Where there is a conflict between a provision of any document in the schedule 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 documents in the schedule, the document bearing the most recent date shall prevail.
4. Where there is a conflict between the documents listed in the Schedule 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 Conditions of this Approval are severable. If any Condition of this Approval, or the application of any requirement of this 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.

## **2. 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 Informations 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.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the number of this environmental compliance approval.

## **3. CONSTRUCTION**

1. The Owner shall ensure that the construction of the works is supervised by a Licensed Installer or a Professional Engineer.
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. Upon construction of the Works, the Owner shall prepare a set of as-built drawings showing the works "as constructed". "As-built" drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the site for the operational life of the Works.

## **4. 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 have a valid agreement with a hauler who is in possession of a valid waste management systems approval at all times during the operation of this Works and who will haul sewage to a regional wastewater treatment plant.
3. The Owner shall ensure that all holding tanks are equipped with a device that shall produce an audible and visual warning alarm so located to warn when the sewage level in each holding tank reaches 3/4 of its capacity.
4. The Owner shall maintain a logbook to record the volume of sewage being hauled-off from the site and 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.
5. 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. The Owner shall maintain and service the Works in such a manner that leaks and spills are prevented.
7. The Owner shall prepare an operations manual within six (6) months of the introduction of sewage to the Works, that includes, but not necessarily limited to, the following information:
  - a. operating procedures for routine operation of all the Works;
  - b. inspection programs, including frequency of inspection, for all 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 all the Works; copies of maintenance contracts for any routine inspections & pump-outs should be included for the tank;
  - d. procedures for the inspection and calibration of monitoring equipment;
  - e. a spill prevention control and countermeasures plan, consisting of contingency plans and procedures for dealing with equipment breakdowns, potential spills and any other abnormal situations, including notification of the District Manager; and
  - f. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
8. The Owner shall maintain the operations manual current and retain a copy at the location of the Works for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

5. **REPORTING**

1. One week prior to the start up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start up date.
2. In addition to the obligations under Part X of the EPA, 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.

**6. DECOMMISSIONING OF UN-USED SEWAGE WORKS**

1. The Owner shall properly abandon any portion of unused existing sewage Works, as directed below, and upon completion of decommissioning report in writing to the District Manager.
  - a. any sewage pipes leading from building structures to unused sewage Works components shall be disconnected and capped;
  - b. any unused septic tanks, holding tanks and pump chambers shall be completely emptied of its content by a licensed hauler and either be removed, crushed and backfilled, or be filled with granular material;
  - c. if the area of the existing leaching bed is going to be used for the purposes of construction of a replacement bed or other structure, all distribution pipes and surrounding material must be removed by a licensed hauler and disposed off site at an approved waste disposal site; otherwise the existing leaching bed may be abandoned in place after disconnecting, if there are no other plans to use the area for other purposes;

*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. 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 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.
3. Condition 3 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.

4. Condition 4 is included to require that the Works be properly operated, maintained, and equipped such that the environment is protected.
5. Condition 5 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.
6. Condition 6 is included to ensure that any components of un-used Works are properly decommissioned.

## **Schedule A**

1. Application for Approval of Sewage Works submitted by Eric Gunnell, P.Eng., of Gunnell Engineering Ltd., and signed by Kodeswaran Ponnampalam, Director, Anbu and Suvetha Inc. and Pon & Sons Ltd., dated September 16, 2019, including design report, final plans, specifications and all supporting documentation and correspondence submitted in support of this application.



*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

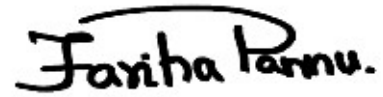
The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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](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 <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 12th day of March, 2020

A handwritten signature in black ink that reads "Fariha Pannu." The signature is written in a cursive style with a horizontal line above the name.

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Fariha Pannu, P.Eng.

Director

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

SP/

c: District Manager, MECP Peterborough District Office  
Eric Gunnell, P. Eng., Gunnell Engineering Ltd.