

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4560-BLHMGF
Issue Date: March 24, 2020

Irving Oil Marketing GP
10 Sydney Street
Saint John, New Brunswick
E2L 4K1

Site Location: 1751 Paul Martin Drive
City of Pembroke, County of Renfrew
K8A 6W5

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:

Stormwater management works to serve a catchment area of the proposed commercial card-lock fueling apron area of 0.93 hectare, in an overall property area of 10.92 hectares, being constructed as part of site upgrade, discharging to the Paul Martin Drive roadside ditch comprising of the following; no other changes to the existing site are proposed;

One (1) 15000 L oil/water separator (Model ZCL Model 620), serving a catchment area of approximately 222 m² of the proposed upgraded fuel oil facility, having an oil storage capacity of 8,400 L, discharging by gravity to an existing catch basin on the site at a maximum treatment flow rate of 440 L/min, and ultimately discharging offsite to Paul Martin Driver Roadside Ditch;

all in accordance with the Schedule A.

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 Ottawa office of the Ministry;

"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 Irving Oil Marketing GP., and its successors and assignees;

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

"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;

"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 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 **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 municipality, 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. CONSTRUCTION

(1) The Owner shall ensure that the design and construction of the Works is supervised by a Professional Engineer.

(2) 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.

(3) Within **six (6) months** of the construction of the Works, a set of as-built drawings showing the Works "as constructed" shall be prepared. These drawings shall be kept up to date through revision

undertaken from time to time and a copy shall be retained for the operational life of the Works.

5. EFFLUENT - VISUAL OBSERVATIONS

Notwithstanding any other condition in this Approval, the Owner shall ensure that the effluent 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.

6. OPERATIONS MANUAL

(1) In furtherance of, but without limiting the generality of the obligation imposed by Condition 5, the Owner shall prepare an operations manual prior to the commencement of operation of the Works, that includes, but is not necessarily limited to, the following information:

- a. operating procedures for routine operation of the Works and for periodic self-monitoring of the oil-water separator ;
- 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. a spill prevention, control and countermeasures plan to address loss of oil from transformers and oil discharge offsite, including procedures for notifying the District Manager; and
- e. procedures for responding to environmental concerns from the public.

(2) The Owner shall maintain the operations manual up to date through revisions undertaken from time to time and retain a copy at the location of the Works for as long as they are in operation. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

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.

9. REPORTING

(1) The Owner shall prepare and submit to the District Manager, a performance report, on an annual basis, within **ninety (90) days** following the end of the period being reported upon. The first such report shall cover the first annual period following the issuance of this Approval 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 comprehensive interpretation of all monitoring data and analytical data collective relative to the Works during the reporting period, including an overview of the success and adequacy of the Works;
- b. a description of any operating problems encountered and corrective actions taken;
- c. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works;
- d. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- e. a summary of the efforts made and results achieved in comparison to the effluent quality objectives in accordance with Condition 7;
- f. an evaluation of the calibration and maintenance procedures conducted on all monitoring equipment; and
- g. any other information the District Manager requires from time to time.

(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*, loss of any product, by-product, intermediate product, oil, solvent, waste material or any other polluting substance into the environment, or discovery thereof, 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. The District Manager may by written notice waive the requirement of a written report, on a case-by-case basis, when the respective oral report is made.

(3) The Owner shall immediately notify the Ministry's Spills Action Centre of any Works failure or potential Works failure, including any spills.

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

(5) Reporting in accordance with subsections (3) or (4) does not relieve the Owner of any other regulatory or statutory obligations, including its reporting obligations pursuant to Part X of the EPA, nor does it relieve the Owner of any other obligations imposed by this Approval.

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 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. Conditions 5 and 7 are included to ensure that the effluent discharged from the works meets the Ministry's effluent quality objectives thus minimizing potential negative impacts on the environment.
6. Condition 6 is included to ensure that an operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept current by the Owner and made available to the Ministry. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a bench-mark for Ministry staff when reviewing the Owner's operation of the Works.
7. Condition 7 is included to provide a performance record for future references and to ensure that the Ministry is made aware of problems as they arise, so that the Ministry can work with the Owner in resolving the problems in a timely manner.
8. Condition 8 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.

9. Condition 9 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 the sewage works dated February 7, 2019 and received on April 1, 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

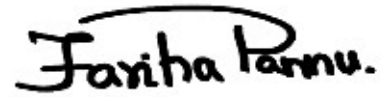
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 24th 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.

Fariha Pannu, P.Eng.

Director

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

KH/

c: District Manager, MECP Ottawa District.
Gary Giddings, Hatch Limited