

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 6331-BQMU2X

Issue Date: June 30, 2020

1582674 Ontario Inc.  
8130 Highway 17 East  
Warren, Ontario  
P0H 2N0

**Site Location:** Kates Kountry Kitchen  
8130 Highway 17 East  
Part of Lots 7 and 8, Concession 6  
Parts 1 and 2 Registered Plan 53R18413  
Municipality of Markstay-Warren, District of Sudbury  
P0H 2N0

*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:*

upgrades to the existing sewage Works for the treatment and subsurface disposal of domestic sewage, rated at a maximum design capacity of 13,250 L/day, serving a new one hundred six (106) seat restaurant named as Kates Kountry Kitchen, in the Municipality of Markstay-Warren, District of Sudbury, consisting of the following:

one (1) drain grease interceptor trap (Zurn Model GT2700-15-2NH or Equivalent Equipment) collecting wastewater from the restaurant's kitchen facilities, having a rated capacity of 56.8 L/min, discharging by gravity to a septic tank;

one (1) two-compartment precast concrete septic tank (MacGregor Concrete Model MAC-45500A-2PC or Equivalent Equipment), located east of the new restaurant building, collecting effluent from the grease interceptor and raw sewage from the restaurant, having a minimum working capacity of 45,500 L, equipped with an approved effluent filter installed on the outlet pipe, discharging by gravity to a dosing tank;

one (1) one-compartment concrete dosing tank, located east of the new restaurant building, collecting effluent from the existing or new septic tank, having a minimum working capacity of 22,750 L, housing two (2) on-demand timed controlled submersible effluent pumps (Tsurumi Model PU-50PU2.15S or Equivalent Equipment), each pump capable of handling 3 L/s at a total dynamic head (TDH) of 2 m, complete with a watertight access cover, discharge piping and a high liquid visual and audible alarm system,

discharging via one (1) 50 mm diameter forcemain delivering fifty six (56) cycles per day of an approximate volume of 240 L/cycle for a total effluent flow of 13,250 L/day via a flow divider (PFS-600 or Equivalent Equipment) to Ecoflo Biofilter treatment units;

six (6) partially raised fibreglass Ecoflo Biofilter treatment units (Model ST-730P or Equivalent Equipment), installed directly on top of a Type A dispersal bed, each unit having dimensions of 4.2 m (length), 2.05 m (width) and 1.85 m (height) and a minimum rated capacity of 2,810 L/day and equipped with an internal gravity fed distribution system consisting of distribution plates to uniformly distribute effluent on the surface of a patented peat moss filtration media, discharging effluent via a perforated bottom to the Type A dispersal bed located underneath;

one (1) in-ground 50 m long and 24 m wide Type A dispersal bed, receiving effluent from the Ecoflo Biofilter treatment units installed directly on top of the bed, designed for a daily design sanitary sewage flow of 13,250 L/day, consisting of a top clear washed stone area of 265 m<sup>2</sup> (a 15.6 m long, 17 m wide and minimum 250 mm thick layer of clear washed stone meeting OBC specifications) having a minimum separation distance of 600 mm between the bottom of the stone layer and the high groundwater table, rock or soil with a percolation rate (T) greater than 50 min/cm, a dispersal bed area of 265 m<sup>2</sup> (a 15.6 m long, 17 m wide and minimum 600 mm thick layer of imported clean sand fill having a percolation time (T) of 6 to 8 min/cm meeting OBC specifications) and a 50 m long and 24 m wide total area of contact (the total dispersal bed and mantle area) of 1,200 m<sup>2</sup>, including a minimum of 300 mm thick layer of imported clean sand fill mantle having a percolation time (T) of 6 to 8 min/cm and extending a minimum of 15 m beyond the top clear washed stone area in any direction that the effluent will move laterally in the soil away from the dispersal bed;

all other controls, alarm systems, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage Works.

all in accordance with the 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. "BOD<sub>5</sub>" (also known as TBOD<sub>5</sub>) means five day biochemical oxygen demand measured in an unfiltered sample and includes carbonaceous and nitrogenous oxygen demand;
3. "CBOD<sub>5</sub>" means five day carbonaceous (nitrification inhibited) biochemical oxygen demand measured in an unfiltered sample;
4. "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;
5. "Grab Sample" means an individual sample of at least 1000 millilitres collected in an appropriate container at a randomly selected time over a period of time not exceeding 15 minutes;
6. "District Manager" means the District Manager of the Sudbury District Office;
7. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
8. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;
9. "Licensed Installer" means a person who is registered under the OBC to construct, install, repair, service, clean or empty on-site sewage systems;
10. "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;
11. "OBC" means the Ontario Building Code;
12. "Owner" means 1582674 Ontario Inc. and its successors and assignees;
13. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
14. "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;
15. "Rated Capacity" means design daily sanitary sewage flow for which the Works are approved to handle;
16. "PEO" means *Professional Engineers Act*, R.S.O. 1990, c. P.28;
17. "Supporting Documentation" means the documents listed in Schedule A of this Approval;
18. "Works" means the sewage works described in the Owner's application, this Approval and in the supporting documentation referred to herein, to the extent

approved by 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 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. EXPIRY OF APPROVAL**

1. 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 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, 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 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 Ontario Building Code are satisfied.
3. The Owner shall ensure that the Ecoflo Biofilter treatment units are installed in accordance with the Manufacturer's Installation Manual.
4. The Owner shall ensure that an imported soil that is required for construction of any subsurface disposal bed as per this Approval is tested and verified by the Professional Engineer or Licensed Installer for the percolation time (T) prior to delivering to the site location and the written records are kept at the site.
5. Upon construction of the Works, the Owner shall prepare a statement, certified by a Licensed Installer or 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.
6. 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 and shall be made available for inspection by Ministry staff.

#### **5. MONITORING AND RECORDING**

The Owner shall, upon commencement of operation of the Works, carry out the following monitoring program:

1. 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.
2. Samples shall be collected at the sampling point, at the sampling frequency and using the sample type specified for each parameter listed in the Influent Monitoring Table included in Schedule B.
3. Samples shall be collected at the sampling point, at the sampling frequency and using the sample type specified for each parameter listed in the Effluent Monitoring Table included in Schedule B.
4. The Owner shall employ measurement device(s) to accurately measure quantity of effluent being discharged to the Type A dispersal bed, including but not limited to water/wastewater flow meters, event counters, running time clocks, or electronically controlled dosing, and shall record the daily volume of effluent being discharged to the Type A dispersal bed.
5. The Owner shall ensure that flow of treated effluent discharged into the Type A dispersal bed does not exceed 13,250 L/day.
6. The methods and protocols for sampling, analysis and recording shall conform, in order of precedence, to the methods and protocols specified in the following documents and all analysis shall be conducted by a laboratory accredited to the ISO/IEC:17025 standard or as directed by the District Manager:
  - a. the Ministry's Procedure F-10-1, "Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only), as amended from time to time by more recently published editions;
  - b. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" (January 1999), ISBN 0-7778-1880-9, as amended from time to time by more recently published editions; and
  - c. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition), as amended from time to time by more recently published editions.
7. 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. EFFLUENT OBJECTIVES**

1. The Owner shall use best efforts to design, construct and operate the Works with the objective that the concentrations of the materials named as effluent parameters in the Effluent Objectives Table listed in Schedule B are not exceeded in the effluent being discharged to the Type A dispersal bed.
2. For the purposes of subsection (1):
  - a. The annual average concentration of CBOD<sub>5</sub> and Total Suspended Solids (TSS) named in Column 1 of Effluent Objectives Table listed in Schedule B, should be compared to the corresponding concentration set out in Column 2 of Effluent Objectives Table listed in Schedule B.

## **7. OPERATIONS AND MAINTENANCE**

1. The Owner shall prepare an operations manual to the Works, within six (6) months of the introduction of sewage, that includes, but is 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 all the tanks and treatment units;
  - d. procedures for the inspection and calibration of monitoring equipment;
  - e. a spill prevention control and countermeasure 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.
2. 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.
3. The Owner shall, upon the construction, prepare and make available for inspection by Ministry staff, a maintenance agreement with the manufacturer for the treatment process/technology. The maintenance agreement must be retained at

the site and kept current for the operational life of the Works.

4. The Owner shall ensure that the existing or new 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.
5. The Owner shall ensure that the drain grease interceptor trap is inspected and maintained on regular basis as required, and grease is disposed off-site by a licensed hauler (e.g. at approved recycling sites).
6. The Owner shall ensure that grass-cutting is maintained regularly over the subsurface disposal bed, and the surface of the bed is visually observed on a monthly basis. In the event a break-out is observed from the subsurface disposal bed, the Owner shall ensure that the sewage discharge to the bed is discontinued and the incident immediately reported verbally to the District Manager, followed by a written report within one (1) week. 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 shall be safely collected and disposed off through a licensed waste hauler to an approved waste disposal site.
7. The Owner shall ensure that adequate steps are taken to ensure that the area of the Works are protected from all forms of vehicle traffic.
8. The Owner shall employ for the overall operation of the Works a person who possesses the level of training and experience sufficient to allow safe and environmentally sound operation of the Works.

## **8. 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 *Environmental Protection Act*, the Owner shall, within 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, 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, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
4. The Owner shall prepare 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 commencement of operation of the Works and subsequent reports shall cover successive annual periods following thereafter. The reports shall be retained at the location of the Works for the operational life of the Works and shall contain, but shall not be limited to, the following information:

- a. a summary and interpretation of all monitoring data and a comparison to the Effluent Objectives of Condition 6, including an overview of the success and adequacy of the Works, and a Contingency Plan in the event of meeting the Effluent Objectives;
- b. a summary and description of efforts made and results achieved in meeting the Effluent Objectives of Condition 6;
- c. a review and assessment of performance of sewage Works, including all treatment units and the Type A dispersal bed;
- d. a description of any operating problems encountered and corrective actions taken at all sewage Works located at the property;
- e. a record of all maintenance carried out on any major structure, equipment, apparatus, mechanism or item forming part of all Works located at the site including but not limited to: records of maintenance inspections for the Ecoflo Biofilter treatment units, records of septic tank effluent filter cleaning, records of septic tank pump-outs, records of sludge pump-outs accumulated from the treatment systems, records of visual inspections of the Type A dispersal bed;
- f. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- g. a summary and interpretation of all daily flow data and results achieved in not exceeding the maximum daily sewage flow discharged into the Type A dispersal bed;
- h. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- i. a summary of all spill or abnormal discharge events;
- j. any other information the District Manager requires from time to time.

## **9. 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 of their responsibility to notify any person they authorized to carry out work pursuant to this Approval of 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 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 imposed to establish non-enforceable effluent quality objectives which the Owner is obligated to use best efforts to strive towards on an ongoing basis. These objectives are to be used as a mechanism to trigger corrective action proactively and voluntarily before environmental impairment occurs.

7. Condition 7 is included to require that the Works be properly operated, maintained, and equipped such that the environment is protected. As well, the inclusion of an operations manual, maintenance agreement with the manufacturer for the treatment process/technology and a complete set of "as constructed" drawings governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the owner and made available to the Ministry. Such information is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training, in proper Works operation and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a benchmark for Ministry staff when reviewing the Owner's operation of the work.

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.

9. Condition 9 is included to ensure that any components of unused Works are properly decommissioned.

Schedule A forms part of this Approval and contains a list of supporting documentation/information received, reviewed and relied upon in the issuance of this Approval.

### **SCHEDULE A**

1. Environmental Compliance Approval Application submitted by Gerry Dignard, CEO, Canadian Shield Consultants Agency Inc., dated June 28, 2019 and received on July 11, 2019.

2. The design report titled "Kates Kountry Kitchen Revised - Sewage Works Supplementary Design and Environmental Compliance Approval Application" dated June 2019, specifications and engineering drawings, all prepared by Canadian Shield Consultants Agency Inc.

3. All additional documentation provided by Canadian Shield Consultants Agency Inc.

## Schedule B

### Influent Monitoring Table

<b>Sampling Location</b>	Upstream of the Ecoflo Biofilter treatment units
<b>Frequency</b>	Quarterly (once every three months)
<b>Sample Type</b>	Grab
<b>Parameters</b>	BOD <sub>5</sub> , Total Suspended Solids (TSS)

### Effluent Monitoring Table

<b>Sampling Location</b>	Effluent from the Ecoflo Biofilter treatment units, prior to discharge to the Type A dispersal bed
<b>Frequency</b>	Monthly (once every month)
<b>Sample Type</b>	Grab
<b>Parameters</b>	CBOD <sub>5</sub> , Total Suspended Solids (TSS)

### Effluent Objectives Table

<b>Effluent Parameter</b>	<b>Concentration Objective (milligrams per litre unless otherwise indicated)</b>
CBOD <sub>5</sub>	10
Total Suspended Solids (TSS)	10

*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
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**\* 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 30th day of June,  
2020

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

KC/

c: Area Manager, MECP Sault Ste. Marie Area Office  
c: District Manager, MECP Sudbury District Office  
Gerry Dignard, CEO, Canadian Shield Consultants Agency Inc.  
Bruno Roy, Building Inspector, Municipality of Markstay-Warren