

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0308-BJ5KAT
Issue Date: July 31, 2020

Gateway Casinos & Entertainment Ltd.
256 Pall Mall St, No. 103
London, Ontario
N6A 5P6

Site Location: North Bay Casino
Lot 30, 31, and 32, Concession 12
City of North Bay, District of Nipissing
P1B 8Z4

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:

the establishment of stormwater management Works and wastewater infrastructure Works to serve the North Bay Casino located in the City of North Bay, for the collection, transmission, treatment and disposal of stormwater runoff from a total catchment area of 2.95 hectares, to provide Enhanced Level water quality protection and erosion control, and to attenuate post-development peak flows to pre-development peak flows for all storm events up to and including the 100-year storm event, discharging to the Cooks Creek, consisting of the following:

- **surface storage (catchment area 2.95 hectares)**, located within the parking lot of the proposed casino, having a maximum available storage volume of 588 cubic metres and a maximum ponding depth of 300 millimetres (100-year storm event), discharging via storm sewers equipped with an orifice plate located in STM CBMH 4 to the oil and grit separator indicated below, and ultimately to Cooks Creek;
- **storm sewers** located within the parking lot of the site, ranging in size from 300 to 600 millimetres in diameter complete with an orifice plate located in STM CBMH 4, discharging to the oil and grit separator indicated below;
- **overflow weir:** one (1) 1.5 metre wide emergency overflow weir located at the south west portion of the site, discharging to the vegetated roadside ditch on Pinewood Park Drive prior to entering the Cooks Creek;
- **oil and grit separator (catchment area 2.42 hectares):** one (1) oil and grit separator, Model CDS PMSU30_30 or Equivalent Equipment, located at the western portion of the site, immediately west

of STM CBMH4, providing Enhanced Level of protection, having a minimum sediment storage capacity of 2,402 litres, oil storage capacity of 895 litres, total storage volume of approximately 5,284 litres, and a maximum treatment rate of 85 litres per second, receiving inflow from the storm sewer located at STM CBMH4 discharging via a 600 millimetre diameter CSP outlet pipe through rip-rap erosion protection prior to entering the Cooks Creek;

including erosion/sedimentation 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 application and supporting documents listed in Schedule "A" forming part of this Approval.

For the purpose 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. "Daily Concentration" means the concentration of a contaminant in the effluent discharged over any single day, as measured by a composite or grab sample, whichever is required;
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 appropriate local District Office of the Ministry, where the Works are geographically located;
5. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
6. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of the approved named equipment;
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. "MNRF" means the Ministry of Natural Resources and Forestry of the government of Ontario and includes all officials, employees or other persons acting on its behalf;
9. "Monthly Average Concentration" means the arithmetic mean of all Daily Concentrations of a contaminant in the effluent sampled or measured, or both, during a calendar month;
10. "Owner" means Gateway Casinos & Entertainment Ltd., and includes its successors and assignees;
11. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
12. "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 CONDITIONS

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 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 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.
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/MNRF 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

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; or
 - 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.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the number at the top of this Approval.

4. OPERATION AND MAINTENANCE

1. The Owner shall make all necessary investigations, take all necessary steps and obtain all necessary approvals so as to ensure that the physical structure, siting and operations of the Works do not constitute a safety or health hazard to the general public.
2. The Owner shall undertake an inspection of the condition of the Works, at least once a month, and undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.
3. The Owner shall construct, operate and maintain the Works with the objective 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, foam or discoloration on the receiving waters.
4. 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 administrative 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 and method of clean-out of the Works.
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 and maintenance procedures for routine operation of the Works;
 - 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. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the District Manager; and
 - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
6. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

5. TEMPORARY EROSION AND SEDIMENT CONTROL

1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections at minimum once a week and after each significant storm event (a significant storm event is defined as a minimum of 25 millimetres 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.

6. EFFLUENT OBJECTIVES

1. The Owner shall use best efforts to design, construct and operate the Oil and Grit Separator with the objective that the concentrations of the materials named below as effluent parameters at

Sampling Location #1 in Table 2 are not exceeded in the effluent from the Works:

Table 1- Effluent Objectives	
Effluent Parameter	Concentration Objective (milligrams per litre unless otherwise indicated)
Total Suspended Solids (TSS)	30

2. The Owner shall include in all reports submitted in accordance with Condition 8 a summary of the efforts made and results achieved under this Condition.

7. EFFLUENT MONITORING AND RECORDING

The Owner shall, upon issuance of this Approval, 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 and analyzed at the following sampling point(s), at the sampling frequencies and using the sample type specified for each parameter listed:

Table 2- Monitoring Requirements	
Sampling Location #1: Effluent discharged via the Oil and Grit Separator	
Sampling Location #2: Effluent discharged via the 1.5 metre overflow weir	
Frequency	Location # 1: Weekly, during discharge Location #2: Monthly, during discharge
Sample Type	Grab
Parameter	TSS, Oil and Grease, Temperature

3. The sampling frequency for Location #1:
 - a. shall be reported as a Monthly Average Concentration comprised of a minimum of three (3) samples per month collected during discharge. If no weekly discharge occurs, the sampling result for that week shall not be included as part of the Monthly Average Concentration for that month and be indicated as no discharge in the performance report;
 - b. if no exceedance of the criteria in condition 6 has been observed during a one (1) year

- sampling period, then the sampling frequency for sampling Location #1 may be reduced to a monthly sample, during discharge;
- c. if the monthly sampling outlined in paragraph 3 b. shows an exceedance of the criteria in condition 6, samples shall be collected for two subsequent weeks during discharge. If the results of this sampling shows an exceedance of the criteria in condition 6, the sampling frequency shall revert to that outlined in paragraph 3 a.
4. The sampling frequency for Location #2:
 - a. shall be monthly, during discharge
 5. The Owner shall maintain a log book to record:
 - a. all analytical and monitoring information
 - b. a tabulation and description of any operating problems encountered and corrective actions taken;
 - c. a summary of any maintenance carried out on any equipment; and
 - d. keep this book with the sewage works.
 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:
 - 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" (22nd edition) as amended from time to time by more recently published editions; and
 - c. for any parameters not mentioned in the documents referenced in (a) and (b), the written approval of the District Manager shall be obtained prior to sampling.
 7. The measurement frequencies specified in subsection 7.2 in respect of any parameter are minimum requirements which may, after one (1) year of monitoring in accordance with this Condition, be modified by the Director in writing from time to time.
 8. 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.

8. REPORTING

1. One (1) 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. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report, and submit the report to the District Manager every six (6) months for the first year following the commencement of operation of the Works and subsequent reports shall be submitted annually following thereafter. The reports shall contain, but shall not be limited to, the following information:
 - a. a summary and interpretation of all monitoring data and an overview of the success and adequacy of the Works, including demonstration using the monitoring data that the appropriate level of quality control has been achieved;
 - 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, including an estimate of the quantity of any materials removed from the Works;
 - d. a summary of the calibration and maintenance carried out on all monitoring equipment;
 - e. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
 - f. a summary of all spill or abnormal discharge events; and
 - g. any other information the District Manager requires from time to time.

9. RECORD KEEPING

1. 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, maintenance and monitoring activities required by this Approval.

Schedule A

1. Application for Environmental Compliance Approval, dated November 13, 2018 and received on August 14, 2019, submitted by EXP Services Inc. on behalf of Gateway Casinos & Entertainment Ltd.;
2. Pipe Data Form and Storm Sewer Design Sheets, dated April 25, 2019, prepared by EXP Services Inc.;
3. Engineering Drawings, signed, stamped and dated May 3, 2019, and updated November 1, 2019, prepared by EXP Services Inc.;
4. Stormwater Management Report, North Bay Casino, dated May 1, 2019, prepared by EXP Services Inc.;
5. Design Brief Memorandum, North Bay Casino Stormwater Design Brief, dated September 30, 2019, prepared by EXP Services Inc.
6. Conservation Authority Clearance Email, dated November 22, 2019, prepared by North Bay-Mattawa Conservation Authority, and North Bay-Mattawa Conservation Authority Permit for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, dated May 22, 2019 ;
7. Erosion Control Plan Design Drawings, signed, stamped, and dated May 3, 2019, and reviewed and approved by Valerie Murphy of North Bay-Mattawa Conservation Authority, dated May 22, 2019;
8. Proposed Gateway Casino and the Endangered Species Act, 2007 Letter dated March 27, 2019, prepared by Shamus Snell, MNRF, North Bay District Office;
9. Memo Addressing ERO Comments, dated December 12, 2019, prepared by Dillon Consulting Limited; and
10. ECA Effluent Objective Review for North Bay Development Site, dated June 29, 2020, prepared by Dillon Consulting Limited.

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

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described 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. Condition 1.6 is included to emphasize that the issuance of this Approval does not diminish any other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.
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 as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Works. The Condition also ensures that adequate storage is maintained in the Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Works are operated and maintained to function as designed.
5. Condition 5 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.
6. Condition 6 has been 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 the owner to demonstrate on a continual basis that the quality and quantity of the effluent from the approved Works is consistent with the effluent objectives specified in the Approval and that the approved Works does not cause any impairment to the receiving watercourse.
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 require that all records are retained for a sufficient time period to adequately evaluate the long-term operation and maintenance of the Works.

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 31st day of July, 2020



Aziz Ahmed, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

AN/

- c: Area Manager, MECP North Bay
- c: District Manager, MECP Sudbury
Calvin Caldwell, exp Services Inc.