

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 4343-BQ9LTW  
Issue Date: July 27, 2020

1138483 Ontario Ltd.  
223 Industrial Dr  
Post Office Box, No. 549  
Wellington North, Ontario  
N0G 2L0

Site Location: 223 Industrial Drive  
Township of Wellington North  
County of Wellington  
N0G 2L0

*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 for the collection, transmission, treatment and disposal of stormwater runoff from a catchment area of 0.36 hectares, to provide basic water quality protection and to attenuate post-development peak flows to pre-development levels, discharging to existing storm sewers, for all storm events up to and including the 100 year return storm, consisting of the following:

**Proposed Works:**

**Lot level controls consisting of a grass-lined swale and a grass-lined dry pond with sand filter (catchment area 0.36 hectares):** - one (1) dry pond with sand filter, located on the west corner of the site, receiving inflow from grass-lined swales on site, having a maximum available storage volume of 157 cubic metres at a depth of 0.6 meters; and a sand filter underlying the ponding area consisting of a 0.5 metre filter media, a geotextile fabric covering, a pea gravel layer and a clear stone layer housing two (2) 100 millimetre perforated underdrain pipes spaced 1.2 metres apart, connected to an outlet structure complete with a 55 millimetre diameter orifice and discharging to a 200 millimetre pipe and into existing storm sewers on Industrial Drive;

**Existing Works:**

**Lot level controls consisting of a grass-lined swale and a grass-lined dry pond (catchment area 0.27 hectares):** - one (1) dry pond area located on the south corner of the site, receiving inflow from grass-lined swales on site, having a volume of 87 cubic metres at a depth of 0.45 metres, complete with one (1) outlet structure consisting of a 55 millimetre diameter orifice and a 300 millimetre

diameter storm pipe discharging into existing storm sewers on Industrial Drive;

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. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Works is geographically located;
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. "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. "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;
7. "Owner" means 1138483 Ontario Ltd. and its successors and assignees;
8. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
9. "Source Protection Plan" means a drinking water source protection plan prepared under the *Clean Water Act, 2006* ;
10. "Works" means the sewage works described in the Owner's application, and this Approval, and includes both Proposed Works and Previous 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 CONDITION**

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 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 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 or operating authority, or both;
  - b. change of address of Owner or operating authority or address of new Owner or operating authority;
  - c. change of partners where the Owner or operating authority is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Partnerships Registration Act*;
  - d. change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* , 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.
3. The Owner shall ensure that all communications made pursuant to this condition will refer to this Approval's number.

### 4. OPERATIONS MANUAL

1. The Owner shall prepare an operations manual prior to the commencement of operation of the sewage works, that includes, but not necessarily limited to, the following information:
  - a. operating 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 spill, bypasses and any other abnormal situations and for notifying the District Manager; and
  - e. complaint procedures for receiving and responding to public complaints.
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 sewage works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

## **5. OPERATION AND MAINTENANCE**

1. The Owner shall ensure that 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, upon identification of a loss of oil and fuel, take immediate action to prevent the further occurrence of such loss and prevent the spill from entering into the Works.
3. In furtherance of, but without limiting the generality of, the obligation imposed by subsection (1), the Owner shall ensure that equipment and material for the containment, clean-up and disposal of oil and fuel and materials contaminated with oil or fuel are kept on hand and in good repair for immediate use in the event of:
  - a. loss of oil or fuel during refuelling or equipment maintenance;
  - b. a spill within the meaning of Part X of the EPA; and/or
  - c. the identification of an abnormal amount of oil or fuel in the Works.
4. The Owner shall inspect the Works at least once a year and, if necessary, clean and maintain the Works to prevent the excessive build-up of sediments, oil/grit, and/or vegetation.
5. 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 site for inspection by the Ministry. The logbook shall include the following:
  - a. the name of the Works;
  - b. the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed; and
  - c. the date of each spill within the catchment area, including follow-up actions / remedial measures undertaken.

## **6. 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.

## **7. EFFLUENT - VISUAL OBSERVATIONS**

1. 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.

## **8. SPILL CONTINGENCY PLAN**

1. Within ninety (90) days from the issuance of this Approval, the Owner shall implement a spill contingency plan - that is a set of procedures describing how to mitigate the impacts of a spill within the service area of the Works. The Owner shall, upon request, make this plan available to Ministry staff. This plan shall include as a minimum:
  - a. the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;
  - b. the name, job title and 24-hour telephone number of the person(s) responsible for activating the spill contingency plan;
  - c. a site plan drawn to scale showing the facility, nearby buildings, streets, catch-basins and manholes, drainage patterns (including direction(s) of flow in storm sewers), any receiving body(ies) of water that could potentially be significantly impacted by a spill and any features which need to be taken into account in terms of potential impacts on access and response (including physical obstructions and location of response and clean-up equipment);
  - d. steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
  - e. a listing of telephone numbers for: local clean-up company(ies) who may be called upon to assist in responding to spills; local emergency responders including health

institution(s); and Ministry Spills Action Centre 1-800-268-6060;

- f. Safety Data Sheets (SDS) for each hazardous material which may be transported or stored within the area serviced by the Works;
  - g. the means (internal corporate procedures) by which the spill contingency plan is activated;
  - h. a description of the spill response training provided to employees assigned to work in the area serviced by the Works, the date(s) on which the training was provided and by whom;
  - i. an inventory of response and clean-up equipment available to implement the spill contingency plan, location and, date of maintenance/replacement if warranted; and
  - j. the date on which the contingency plan was prepared and subsequently, amended.
2. The spill contingency plan shall be kept in a conspicuous, readily accessible location on-site.
  3. The spill contingency plan shall be amended from time to time as required by changes in the operation of the facility.

## **9. 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.
3. The Owner shall prepare and submit a performance report to the District Manager 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 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. 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 sewage works;
- d. a list of dates of pump outs and maintenance activities;
- e. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- f. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
- g. a summary of comparison of inlet versus outlet water quality and effectiveness of the dry ponds and grassed swales operation;
- h. any other information the District Manager requires from time to time.

*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 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 a comprehensive operations manual 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 a manual is an integral part of the operation of the Works. Its compilation and use should assist the owner in staff training, in proper plant 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 Works.
5. Condition 5 is included to require that the Works be properly operated and maintained such that the environment is protected.



6. Condition 6 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.
7. Condition 7 is imposed to ensure that the stormwater run-off from the Works meets the Ministry's quality requirements thus minimizing environmental impacts.
8. Condition 8 is included to ensure that the Owner will implement the spill contingency plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.
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 Environmental Compliance Approval submitted by Glen Feagan of B. M. Ross and Associates Limited dated December 10, 2019 and received on December 30, 2019 for the proposed stormwater management Works, including Stormwater Management Report, design report, final plans and specifications.

*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

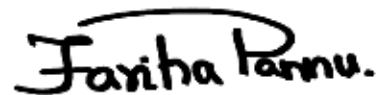
The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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 27th day of July, 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'.

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Fariha Pannu, P.Eng.

Director

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

SF/

c: District Manager, MECP Guelph District Office  
Glen Feagan, B.M. Ross and Associates Limited