

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4541-BN7MFZ

Issue Date: May 13, 2020

Barlow Trail Investments Inc.
485387 30 Side Road, Shelburne,
Ontario, L9V 3N5

Site Location: Ice River Springs Bottling Facility
Lot Part of Lot 31, Concession 2
108 Prentice Drive, Town of Shelburne,
County of Dufferin, Ontario, L0N 1S4

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 Industrial Site for collection, transmission, treatment and disposal of stormwater run-off from a catchment area of 8.24ha, to provide enhanced level of water quality protection and to attenuate post-development peak flows to pre-development levels, with a wet pond followed by a ditch constructed across the adjacent property, finally discharging to a roadside ditch to the Jordan Municipal Drain; for all storm events up to and including the 2 to 100-year return storm, consisting of the following:

Stormwater Management System

1. Grassed Swales: approximately 450 m long grassed swale along the north and east perimeter, 200 m grassed swale in the middle of the site along the parking area and 70 m long grassed swale to carry surface run-off from the south to converge into the east and west side of the forebay of a wet pond as described below;
2. SWMF Pond: a wet pond lined with native material with one (1) 600 mm meter pipe inlet and a riprap lined swale into a forebay of the pond with a total storage capacity of 11,139 cu.m. at 2.65 m depth, comprising of permanent pool volume of 2476 cu.m. at 1.0 m depth and a live volume of 8,663 cu.m.; complete with following outlet controls:

3. Pond Outlet Control Structures:

- a 200 mm diameter Hickenbottom riser complete with rip rap support on the pond bottom to discharge via a 200 mm diameter reverse slope pipe into a Control Manhole MH 1 with a 127 mm diameter vertical orifice on the inlet wall of the Manhole MH 1;
- an inclined grated double inlet catchbasin located on the pond bank to discharge high flow via a 525 mm diameter outlet sewer into the MH 1; all to discharge via a 600 mm diameter outlet pipe past the pond embankment on to a drainage swale across the adjacent land, outletting into an existing ditch along the 30 Side Road/ County Road 11 with drainage flowing approximately 330m downstream and crossing the 2nd Line and discharging into the Jordan Municipal Drain;

4. Pond Emergency Overflow: a 12 m wide 450 mm deep riprap protected spillway, on the north side of the outfall pipe to discharge pond water into the drainage swale along the 30 Side Road/ County Road 11;

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 supporting documents as listed in **Schedule A**.

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 Guelph District Office of the Ministry;
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. "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;
6. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
7. "Owner" means Barlow Trail Investments Inc. and its successors and assignees;
8. "Previous Works" means those portions of the sewage works previously constructed and approved under an Approval;
9. "Proposed Works" means the sewage works described in the Owner's application, this Approval, to the extent approved by this Approval;

10. "Works" means the sewage works described in the Owner's application, and this Approval, and includes both Proposed Works and ?? Existing Works.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

1. GENERAL PROVISIONS

1. The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. Except as otherwise provided by these conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, and the application for approval of the Works.
3. Where there is a conflict between a provision of any document in the schedule referred to in this Approval and the conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.
4. Where there is a conflict between the documents listed in the Schedule submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
5. This Approval is for the treatment and disposal of stormwater run-off from the proposed development of approximately 8.24 hectares. The Approval is based on an average imperviousness of approximately 77% including an external area of 3.07 ha. with an imperviousness of approximately 17.9%. Any future development changes within the total drainage area that might increase the required storage volumes or increase the flows to or from the wet pond or any structural/physical changes to the stormwater management facility including inlets or outlets will require an amendment to this Approval.
6. 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. The approval issued by 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; and
 - 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.

4. OPERATION AND MAINTENANCE.

1. The Owner shall ensure that the design minimum liquid retention volume(s) in the wetpond is maintained at all times.
2. The Owner shall inspect the Works at least once a year and clean and maintain the Works to prevent the excessive build-up of sediments and/or vegetation.
3. 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 Corporate Office 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.

5. 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.

6. SPILL CONTINGENCY PLAN

1. Within six (6) months 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 area serviced by the Works. 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, catchbasins & 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 MECP 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.

7. 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 and maintenance activities required 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 the Works are constructed in a timely manner so that standards applicable at the time of Approval of the Works are still applicable 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 and 6 are included to require that the Works be properly operated and maintained such that the environment is protected .
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 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.

Schedule A.

1. Application for Approval of Industrial Sewage Works submitted by Michael Buske, of Tatham Engineering Limited dated December 17, 2019;
2. Stormwater management report and enclosed plans/design drawings, dated September 30, 2019, prepared by Michael Buske and signed off by J.R. Akitt, P.Eng. of Tatham Engineering Limited.

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 13th day of May, 2020



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

MN/
c: District Manager, MECP Guelph
Michael Buske, Tatham Engineering Limited