

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2542-BTQVB9
Issue Date: October 19, 2020

Suit Kote Canada ULC
1191 Lorings Crossings Road
Cortland, New York
USA 13045

Site Location: Suit Kote Asphalt Storage Facility
Lot Part of 5 & 6, Concession 3
County of Haldimand,
N0A 1L0

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:

sewage works for the collection, transmission, treatment and disposal of stormwater at the above noted Site Location, to provide Enhanced Level water quality protection and to attenuate post-development peak flows to pre-development levels, discharging to roadside ditch along south side of Concession 3 Walpole ultimately to Nanticoke Creek, for all storm events up to and including the 100-year return storm, consisting of the following:

- **Oil/grit separator (catchment area 4.47 hectares):** one (1) proposed oil/grit separator (Stormceptor EFO12 or Equivalent Equipment), located on-site, having a sediment storage capacity of 31220 litres, an oil storage capacity of 1219 litres, a total storage volume of approximately 40800 litres, and a maximum treatment rate of 84.48 litres per second, discharging via a 450 millimetre diameter outlet pipe, receiving stormwater from design drainage area, discharging to wet pond described below;
- **Wet pond (catchment area 4.87 hectares):** one (1) proposed wet pond, located along the north property line, having a permanent storage volume of 2,060 cubic metres, an extended detention volume of 503 cubic metres, and a total storage volume of 2,885 cubic metres including the permanent pool, at a total depth of 1.85 metres, an inlet structure consisting of a 450 millimetre diameter storm inlet pipe and a concrete headwall, an outlet structure comprised of a 450 millimetre diameter storm outlet pipe equipped with a 275 millimetre diameter orifice plate, complete with 6.8 metre wide emergency overflow weir, allowing a maximum discharge of 113 litres per second under the 100-year storm

event to roadside ditch along south side of Concession 3 Walpole;
including erosion/sedimentation control measures and all other appurtenances essential for the proper operation of the aforementioned sewage works.

all in accordance with supporting documents 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. "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;
3. "District Manager" means the District Manager of the appropriate local District Office of the Ministry, where the Works are geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;
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 Suit-Kote Canada ULC and its successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
9. "Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a license issued under the Professional Engineers Act;
10. "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 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 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.
6. The issuance of, and compliance with the conditions of, this Approval does not:
 1. 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
 2. 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. In the event that completion and commissioning of any portion of the Works is anticipated to be more than **five (5) years**, the Owner shall submit an application for extension at least twelve (12) months prior to the end of the five (5) years from the day of issuance of this Approval. The application shall include the reason(s) for the delay, whether there is any design change(s) and a review of whether the standards applicable at the time of Approval of the Works are still applicable at the time of request for extension, to ensure the ongoing protection of the environment.

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:

1. change of Owner;
 2. change of address of the Owner;
 3. 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
 4. 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. CONSTRUCTION OF THE WORKS

1. Upon the 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 personnel.
2. Within one (1) year 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 revisions undertaken from time to time and a copy shall be retained at the Works for the operational life of the Works.

5. 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, health or flooding hazard to the general public.
2. The Owner shall undertake an inspection of the condition of the Works, at least once a year, 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 ensure the immediate clean-out of the Works after a fuel or oil spill capture.
5. The Owner shall ensure that equipment and material for the containment, clean-up and disposal of fuel and oil and materials contaminated with such, is on hand and in good repair for immediate use in the event of:
 1. loss of fuel or oil to the Works; or
 2. a spill within the meaning of Part X of the EPA.
6. 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:
 1. operating and maintenance procedures for routine operation of the Works;
 2. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
 3. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 4. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the District Manager; and
 5. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
7. The Owner shall maintain the operations manual current and retain a copy at the Works for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.
8. 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 Works for inspection by the Ministry. The logbook shall include the following:

1. the name of the Works;
 2. 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; and
 3. the date of each spill within the catchment area, including follow-up actions and remedial measures undertaken.
9. 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.

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 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.

7. 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 listed as effluent parameters under the effluent objectives table in Schedule B are not exceeded in the effluent from the Works.
2. As a further effluent objective, the Owner shall use best efforts to maintain the pH of the effluent from the Works within the range of 6.5 to 8.5, inclusive, at all times.
3. In the event of an exceedence of the objective set out in subsection 1, the Owner shall:

1. notify the District Manager as soon as possible during normal working hours;
2. take immediate action to identify the source of contamination; and
3. take immediate action to prevent further exceedence.

8. MONITORING AND RECORDING

1. The Owner shall, upon commencement of operation of the sewage works, carry out a monitoring program, and 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 in the Effluent Monitoring Table in Schedule B.
3. The methods and protocols for sampling, analysis, toxicity testing, and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
 1. 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;
 2. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions.
4. The measurement frequencies specified in the Effluent Monitoring Table in Schedule B in respect of any parameter are minimum requirements which may, after three (3) years of monitoring in accordance with this Condition, be modified by the Director in writing from time to time.
5. 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.

9. 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 within ninety (90) days following the end of the period being reported upon and submit the report(s) to the District Manager when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:
 1. a description of any operating problems encountered and corrective actions taken;
 2. 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;
 3. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
 4. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
 5. a description of efforts made and results achieved in meeting the Effluent Objectives of Condition 7.
 6. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
 7. a summary of all spill or abnormal discharge events; and
 8. 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 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 to ensure that the Works are constructed in accordance with the approval and that record drawings of the Works “as constructed” are maintained for future references.
5. Condition 5 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.
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 establish non-enforceable effluent quality objectives which the Owner is obligated to use best efforts to meet on an ongoing basis. Also imposed are procedures to be followed to minimize environmental impact in the event the objectives are exceeded.
8. Condition 8 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 design and effluent objectives specified in the Approval and that the approved works does not cause any impairment to the receiving watercourse.
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 Sewage Works submitted by Nick Emery, P.Eng., of Stantec Consulting Limited, and signed by Ryan DuBois, EHS Director, Suit Kote Canada ULC dated December 09, 2019, including design report, final plans, specifications and all supporting documentation and correspondence submitted in support of this application.

Schedule B

Effluent Objectives Table
(measured at the discharge outlet from the wet pond)

Effluent Parameter	Concentration Objective (milligrams per litre unless otherwise indicated)
Total Suspended Solids	25
Petroleum Hydrocarbons (PHC)	non-detectable
Polyaromatic Hydrocarbons (PAH)	non-detectable

Effluent Monitoring Table - (pond discharge location)

Effluent Parameter	Frequency	Sample Type
Total Suspended Solids	three times per year (spring, summer and fall)	Grab
Petroleum Hydrocarbons (PHC)	three times per year (spring, summer and fall)	Grab
Polyaromatic Hydrocarbons (PAH)	three times per year (spring, summer and fall)	Grab
pH	three times per year (spring, summer and fall)	Grab
Conductivity	three times per year (spring, summer and fall)	Grab

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

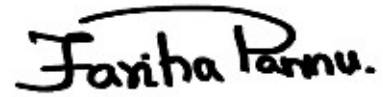
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 19th day of October, 2020



Fariha Pannu, P.Eng.

Director

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

SP/

c: District Manager, MECP Hamilton District Office
Nick Emery, P. Eng., Stantec Consulting Ltd.
Adam Kristoferson, P. Eng., Stantec Consulting Ltd.