

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2009-BMLPPS
Issue Date: April 22, 2021

Coco Properties Corporation
949 Wilson Avenue
Toronto, Ontario
M3K 1G2

Site Location: Elginburg Quarry
2357 Unity Road
City of Kingston, County of Frontenac
K0H 1M0

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 up to 9,092 L/min of water (including precipitation, runoff, snowmelt, groundwater and aggregate washwater) accumulating within the confines of the existing 45.1 ha extraction area of the Elginburg Quarry, in the City of Kingston, discharging overland and infiltrating on quarry lands, and draining to an unnamed tributary of Collins Creek and ultimately via Collins Creek to Lake Ontario, consisting of the following:

Discharge Location

- redirection of all quarry water (including precipitation, runoff, snowmelt, groundwater and aggregate washwater) to the discharge location located at the south-west corner of the South Excavation Area (South Quarry), discharging from the sump area overland southerly down a woodland area and upstream of the existing culvert beneath the K&P Trail to an unnamed tributary of Collins Creek and ultimately via Collins Creek to Lake Ontario;
- a conveyance drainage ditch(es)/settling basin located along the eastern side of the South Excavation Area (South Quarry) and the central portion of the South Excavation Area (South Quarry) and periodically relocated as extraction operations advance, collecting all quarry water (including precipitation, runoff, snowmelt, groundwater and aggregate washwater) from the North Excavation Area (North Quarry) and the South Excavation Area (South Quarry) and discharging by gravity or pumping to the existing sump area located at the south-west corner of the South Excavation Area (South Quarry);

North Excavation Area (North Quarry)

- the sump located on the quarry floor, at the south-east corner of the North Excavation Area (North Quarry) and periodically relocated in the quarry floor as extraction operations advance, housing a pump with a discharge rate not to exceed 4,546 L/min and controlled manually or by a set of float switches, discharging either by the pump or by gravity via the drainage channel, the culvert located beneath the Trans Canada Pipeline (within the existing Pipeline Easement) and into the conveyance drainage ditch(es)/settling basin which leads to the sump area located at the south-west corner of the South Excavation Area (South Quarry);

South Excavation Area (South Quarry)

- the approximately 40 m long and 15 m wide primary sedimentation pond located at the north end of the South Excavation Area (South Quarry), receiving washwater from an aggregate wash facility, operated with a freeboard of at least 0.5 metre and discharging by gravity to the second sedimentation pond;
- the approximately 20 m long and 30 m wide sedimentation pond located at the north end of the South Excavation Area (South Quarry) to the east of the primary sedimentation pond, receiving effluent from the primary sedimentation pond, operated with a freeboard of at least 0.5 metre and discharging via a pump to ditches, periodically relocated in the quarry floor as extraction operations advance, conveying the water (including precipitation, runoff, snowmelt, groundwater and aggregate washwater) to the sump area located at the south-west corner of the South Excavation Area (South Quarry);
- the sump area located at the south-west corner of the South Excavation Area (South Quarry) and periodically relocated in the quarry floor as extraction operations advance, collecting all water (including precipitation, runoff, snowmelt, groundwater and aggregate washwater) from the North Excavation Area (North Quarry) and South Excavation Area (South Quarry), discharging by a pump with a discharge rate not to exceed 9,092 L/min and controlled manually or by a set of float switches, overland southerly down a woodland area and upstream of the existing culvert beneath the K&P Trail to an unnamed tributary of Collins Creek and ultimately via Collins Creek to Lake Ontario;
- all other controls, electrical equipment, instrumentation, piping, 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:

"Approval" means this entire document and any schedules attached to it, and the application;

"District Manager" means the District Manager of the Kingston District Office of the Ministry;

"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;

"EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;

"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;

"Owner" means Coco Properties Corporation and its successors and assignees;

"OWRA" means the Ontario Water Resources Act , R.S.O. 1990, c. O.40, as amended; and

"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 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 or Ministry of Natural Resources and Forestry (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

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 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, 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 will refer to this Approval's number.

4. OPERATION AND MAINTENANCE

(1) The Owner shall ensure that at all times, the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained. The Owner shall also ensure that all monitoring and visual inspection programs and maintenance schedules for the Works and related equipment are complied with.

(2) 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 sewage Works do not constitute a safety or health hazard to the general public.

(3) The Owner shall ensure that the maximum discharge rate from these Works does not exceed 9,092 L/min.

(4) The Owner shall ensure that in the event of a spill or other contaminant release which could cause any

detrimental effects on the quality of water (including precipitation, runoff, snowmelt, groundwater and aggregate wash water) discharging from the site, any pumping activities are immediately ceased. Furthermore, the Owner shall ensure that any pumping activities are resumed only after an investigation of the incident is undertaken, remedial and preventive measures are taken (if necessary) and the effluent discharged from the site is deemed not to cause any impairment to the receiving watercourses.

(5) The Owner shall immediately cease any pumping activities upon receipt of a written request from the City of Kingston to cease any pumping activities due to actual or potential flooding in the receiving watercourses. Furthermore, the Owner shall ensure that any pumping activities are only resumed upon a mutual agreement with the City of Kingston that the effluent from the Works will not cause flooding or erosion on the receiving watercourses.

(6) The Owner shall ensure that recyclable asphalt is not stored within 30 metres of a body of water or within two metres of the groundwater table, which shall include but not be limited to the sumps located on the quarry floor and any on-site drainage ditches.

(7) The Owner shall undertake monthly inspections of the conveyance drainage ditches/settling basin located between the sump in the North Excavation Area (North Quarry) and the sump located in the South Excavation Area (South Quarry) and have excess settled material cleaned-out as necessary with results recorded in a log book to be made available for review by the Ministry upon request. The log shall include the name of the inspector, date of inspection and description of cleaning and maintenance measures undertaken for the sewage Works.

(8) During the period when aggregate washing is occurring, the Owner shall visually inspect the amount of sediment accumulating in the two sedimentation ponds on a monthly basis. The Owner shall remove the sediment, if necessary, to ensure continued suspended solids removal performance of the sedimentation ponds.

(9) During the period when aggregate washing is occurring, the Owner shall record, in a log book, the day the visual assessment was undertaken, a visual description of the sedimentation ponds, if sediment removal was undertaken and where any sediment was disposed.

(10) During the period of discharge, the Owner shall undertake weekly visual inspections of the overland discharge area from the discharge point (the outlet pipe of the pump discharging from the existing sump area located at the south-west corner of the South Excavation Area (South Quarry) to the extent of all visible overland sheet flow to ensure that the discharge water does not flow onto other properties, cause erosion or channelize. The results of the visual inspections shall be recorded in a log book to be made available for review by the Ministry upon request. The log shall include the name of the inspector, date of inspection and the results of the inspections.

(11) The Owner shall ensure that if the discharge water should flow onto other properties, cause erosion or channelize, the discharge shall cease immediately until the flow path is field verified, drainage water is redirected away from the affected property, and appropriate sediment control measures are implemented. Any such incidents shall be reported to the District Manager as described in Condition 8(2).

(12) The Owner shall ensure that if the channelized overland flow of discharge water reaches the

unnamed tributary of Collins Creek, an additional surface water sampling location be established upstream of the convergence point and sampled in accordance with Condition 7.

(13) Within three (3) months of the issuance date of this Approval, the Owner shall prepare an operations manual for the operation of the Works that includes, but is not necessarily limited to, the following information:

(a) operating procedures for routine operation of the Works; including reduction or termination of discharge during major rain events, if necessary;

(b) inspection programs, including frequency of inspection for the Works and the methods or tests employed to detect when maintenance is necessary, as well as downstream receiver inspections for the occurrence of erosion and flooding;

(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. The contingency plan shall be prepared by a Professional Engineer to the satisfaction of the District Manager, and shall cover the entire operational life of the sewage Work; and

(e) complaint procedures for receiving and responding to public complaints.

(14) The Owner shall maintain the operations manual up to date through revisions undertaken from time to time and retain a copy (hardcopy or electronically) at the location of the sewage Works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

(15) 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.

5. EFFLUENT LIMITS

(1) The Owner shall design, construct, operate and maintain the Works such that the concentrations of the materials named below as effluent parameters are not exceeded in the effluent from the existing sump area located at the south-west corner of the South Excavation Area (South Quarry):

Table 1 - Effluent Limits	
Effluent Parameter	Concentration Limits (milligrams per litre unless otherwise indicated)
<i>Column 1</i>	<i>Column 2</i>
Total Suspended Solid (TSS)	25
pH of the effluent maintained between 6.0 to 9.5, inclusive, at all times	

(2) For the purposes of determining compliance with and enforcing subsection (1), non-compliance with respect to the Total Suspended Solids concentration limit and pH limit is deemed to have occurred when any single grab sample analyzed for Total Suspended Solids is greater than 25 milligrams per litre, and any single measurement for pH is out of the 6.0 - 9.5 range.

6. 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.

(2) Notwithstanding any other condition in this Approval, the Owner shall ensure that the effluent from the Works shall not cause flooding or erosion on the receiving water courses.

7. EFFLUENT QUALITY 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 locations, at the sampling frequencies and using the sample type specified for each parameter listed:

Table 2 - Effluent Monitoring	
Sampling Location	1) Discharge Point from the existing sump - the outlet pipe of the pump discharging from the existing sump area located at the south-west corner of the South Excavation Area (South Quarry) 2) Discharge Point from the site - at the western site boundary, upstream of the convergence point with an unnamed tributary of Collins Creek
Sampling Frequency	Three (3) times per year (spring, summer and fall) during periods of effluent discharge
Sampling Type	Grab
Sampling Parameters	Total Suspended Solids, Oil and Grease, Total Phosphorus, Total Ammonia Nitrogen, Total Kjeldahl Nitrogen, Nitrite Nitrogen, Nitrate Nitrogen, pH (field), Temperature (field), PAHs

(3) Samples of groundwater shall be collected at the location and frequency specified below, by means of the specified sample type and analyzed for each parameter listed and all results recorded:

Table 3 - Groundwater Quality Monitoring	
Sampling Location	Monitoring well (MW) located downgradient (south) of the existing sump area located at the south-west corner of the South Excavation Area (South Quarry)
Sampling Frequency	Twice per year (spring and fall)
Sampling Type	Grab
Sampling Parameters	Total Phosphorus, Total Ammonia Nitrogen, Nitrite Nitrogen, Nitrate Nitrogen, pH (field), Temperature (field), Conductivity (field), Total Dissolved Solids, Hardness, Alkalinity, Chloride, Cobalt, Copper, Iron, Zinc, PAHs

(4) 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 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.

(5) The Owner shall measure, record and calculate the discharge rate and volume of water pumped from the quarry on a daily basis during the discharging period.

(6) 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) The Owner shall forthwith orally report to the District Manager or designate, any exceedence of any parameter specified in Condition 5, and in writing within seven (7) days of the exceedence, as defined in Condition 5(2).

(2) The Owner shall immediately report to the District Manager or designate, if any quarry discharge water is observed flowing onto other properties, causing erosion or channelizing.

(3) In addition to the obligations under Part X of the *Environmental Protection Act*, the Owner shall, within 10 working days of the occurrence of a reportable spill, bypass or loss of any product, by product, intermediate product, oils, solvents, 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.

(4) 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 reports shall contain, but shall not be limited to, the following information:

(a) a summary and interpretation of all monitoring data collected pursuant to Condition 7 and a comparison to the Effluent Limits outlined in Condition 5 and the Provincial Water Quality Objective and/or Ontario Drinking Water Objective for the monitored parameter, including an overview of the success and adequacy of the Works;

(b) a tabulation of the total daily discharge rate and volume from the quarry;

(c) a summary and description of events when any pumping activities were ceased pursuant to Conditions 4(4) and 4(5);

(d) a summary and interpretation of the results of visual inspections of the overland discharge area from the discharge point pursuant to Conditions 4(10) and 4(11);

(e) an assessment of the impact of the quarry discharge on the receivers and local groundwater;

(f) a description of any operating problems encountered and corrective actions taken;

(g) a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the sewage Works;

(h) a summary of the suspended solids handling activities undertaken to clean up the conveyance drainage ditch(es) located between the sump in the North Excavation Area (North Quarry) and the sump area located in the South Excavation Area (South Quarry), and the sedimentation ponds;

(i) a summary of any effluent quality assurance or control measures undertaken in the reporting period;

(j) a summary of the calibration and maintenance carried out on all effluent monitoring equipment;

(k) a summary of any complaints received during the reporting period and any steps taken to address the complaints;

(l) a summary of any by-pass, spill or abnormal discharge events; and

(m) 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 imposed 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 imposed 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 imposed 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 Work. Furthermore, the Condition is imposed 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. Conditions 5 and 6 are imposed to ensure that the effluent discharged from the Works meets the Ministry's effluent quality requirements thus minimizing environmental impact on the receiver.

6. Condition 7 is imposed to require the Owner to demonstrate on a continual basis that the quality of the effluent from the approved Works is consistent with the effluent limits specified in the Approval and that the approved Works do not cause any impairment to the receiving watercourse.
7. Condition 8 is imposed to provide a performance record for future references and to ensure that the Ministry is made aware of problems as they arise, so that the Ministry can work with the Owner in resolving the problems in a timely manner.

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 Anthony West, P.Eng., Senior Environmental Engineer/Department Manager, Morrison Hershfield Limited, dated April 17, 2019 and received April 24, 2019.
2. The technical report titled "Environmental Impact Assessment Technical Letter" dated April 4, 2019 and prepared by Morrison Hershfield Limited.
3. All other information and documentation provided by Morrison Hershfield Limited as it relates to this application.
4. Environmental Compliance Approval Application submitted by Anthony West, P.Eng. Senior Geo-Environmental Engineer/Practice Leader, Morrison Hershfield Limited, dated February 2, 2015 and received February 4, 2015.
5. The design report titled "Engineering Report and Impact Assessment, Industrial Sewage Works for Discharge, Cruickshank Elginburg Quarry, Lot 14 and 15, Concession V, City of Kingston, County of Frontenac" dated January 27, 2015 and prepared by Morrison Hershfield Limited.
6. All other information and documentation provided by Morrison Hershfield Limited as it relates to this application.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 9934-AJ7TYX issued on March 29, 2017.

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.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

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 22nd day of April, 2021



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

KC/
c: District Manager, MECP Kingston District Office
Anthony West, P.Eng., Senior Environmental Engineer/Department Manager, Morrison Hershfield Limited