

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4949-C2BS4S
Issue Date: June 3, 2021

Hershey Canada Inc.
5750 Explorer Dr, No. 500,
City of Mississauga,
Ontario, L4W 0B1

Site Location: 140 Oak Park Road,
City of Brantford, County of Brant
Ontario, N3T 5L8

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 from the 21.8 hectares development site to provide enhanced level of quality (80% SS removal) and quantity control of post development flows to 50% of the post development levels flow for all storm events upto 100-year prior to discharge into a 1350 mm diameter municipal stormsewer on the Bowery Municipal Road, leading to an existing off-site Stormwater Management Pond, consisting of the following:

Proposed Works

1. Surface Run-off storage:- Roof Top run-off detention storage provided in the collector sewers discharging into surface storage /detention parking areas and infiltration galleries / basins as described later on;

2. Surface storage on the paved areas and parking are provided via two (2) orifice plates: a 90 mm diameter in CBMH31A and a 185 mm diameter orifice in CBMH2 allowing a ponding depth of 300 mm; both discharging into the main 1050 mm collector sewer leading to the 1200 mm diameter sewer on the south-west parking lot;

3. Infiltration Galleries with orifice plates:

Gallery 1:- located on east of the building, receiving roof run off from a 2 m X 900 mm diameter stub header on a 149 m long 600 mm and a 63 m long 750 mm collector pipes, having a total length of 92 m, width of 23.65 m , a maximum allowable storage depth of 1.67 metres and an available storage volume

of 2268 cubic metres and comprised of a 305 millimetre deep clear stone layer overlying non-woven filter fabric, installed underneath allowing emergency overflow outlet of 2 m X 450 mm diameter stub to discharge via a 100 mm diameter pipe orifice into a 750 mm diameter stormsewer at manhole PRCBMH5;

Gallery 2:- located on the west side of the Building, receiving roof run-off from a 15 m X 600 mm stub on a 141.5 m long 600 mm diameter collector and a 15 m X 750 mm diameter stub on a 47 m long 525 mm diameter and a 149.5 m long 600 mm diameter collectors; the gallery is 152 m long by 13.17 m wide to have 2095 cu.m. storage at 1.67 m depth, and comprised of a 305 millimetre deep clear stone layer overlying non-woven filter fabric installed underneath allowing emergency overflow outlet discharge via a 100 mm diameter pipe orifice on a 450 mm diameter outlet pipe into a 900 mm diameter stormsewer connected at manhole PRCBMH 22;

4. On-site Storm sewers/detention pipes: 375 mm to 1200 mm diameter storm sewers located on the east and west side of the warehouse buildings, complete with filtered catchbasins, orifice plate flow controls and ancillaries to intercept stormwater run-off and discharge from the site and the galleries overflow, and discharge into the oil and grit separators as follows:

5. Oil/Grit Separator Unit OGS 1: one (1) **oil/grit separator**, located downstream of the eastern stub manhole PRCBMH 5 along the Bowery Road (Hydroworks Model HS10 or approved equivalent) to receive stormwater via a 750 mm diameter inlet sewer, having a sediment storage capacity of 15 cu.m., an oil storage capacity of 4328 litres, a total storage volume of approximately 21.9 cu.m. and a maximum treatment rate of 250 litres per second, discharging via a 750 millimetre diameter outlet pipe into an existing 975 mm diameter Municipal storm sewer, to an existing off-site stormwater management pond (approved under ECA # 7168-BY5VAR);

6. Oil/Grit separator units OGS 2: Two (2) units located in parallel configuration on south eastern side of the Bowery Road (Hydroworks Model HS10 or approved equivalent), to receive stormwater from a manhole (MH 32) via a 1200 mm diameter pipe inlet, each having a maximum oil storage capacity of 4328 litres, a sediment holding capacity of 15 cu.m., and a total holding capacity of 21.9 cu.m. and a maximum treatment flow rate of 300 litre per second, discharging to a 1350 mm diameter storm sewer on Bowery Road to discharge into an existing off-site stormwater management pond (approved under ECA # 7168-BY5VAR);

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;
8. "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;
9. "Owner" means Hershey Canada Inc. and its successors and assignees;
10. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
11. "Proposed Works" means the sewage works described in the Owner's application, this Approval, to the extent approved by this Approval;
12. "Works" means the sewage works described in the Owner's application, and this Approval, and includes Proposed 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 terms and conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. The Owner shall design, construct, operate and maintain the Works in accordance with the conditions of this Approval.
3. Where there is a conflict between a provision of any document referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.
4. 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 address of Owner;
 2. change of Owner, including address of new 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 six (6) months 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. EFFLUENT OBJECTIVES

- (1) The Owner shall design and undertake everything practicable to operate the Works with the objective that the concentrations of the materials named in **Schedule B Table 1** as effluent parameters are not exceeded in the effluent from the Works;
- (2) In the event of an exceedence of the objective set out in subsection (1), the Owner shall:
 - (a) notify the District Manager as soon as possible during normal working hours,
 - (b) take immediate action to identify the source of contamination, and
 - (c) take immediate action to prevent further exceedence.

6. EFFLUENT MONITORING AND RECORDING

The Owner shall, upon commencement of operation of the sewage works, carry out a monitoring program as per **Schedule C Table 2:**

- (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 sampling point(s), at the sampling frequencies and using the sample type specified for each parameter listed in **Schedule C Table 2;**
- (3) The methods and protocols for sampling, analysis and recording shall conform, in order of precedence, to the methods and protocols specified in the following documents and all analysis shall be conducted by a laboratory accredited to the ISO/IEC:17025 standard or as directed by the District Manager:
 - (a) 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;

(b) the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions; and

(c) in respect of any parameters not mentioned in (a) - (b), the written approval of the District Manager, which approval shall be obtained prior to sampling..)

(4) The measurement frequencies specified in subsection (2) in respect of any parameter are minimum requirements which may, after (24) months of monitoring in accordance with this Condition, be modified by the Director in writing.

(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.

7. 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 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 abnormal situations, spills 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 an up to date operations manual and make the manual readily accessible for reference 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.

8. 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.

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. In addition to the obligations under Part X of the EPA and O. Reg. 675/98 (Classification and Exemption Of Spills and Reporting of Discharges), the Owner shall, within fifteen (15) days of the occurrence of any reportable spill as provided in Part X of the EPA and Ontario Regulation 675/98, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill, clean-up and recovery measures taken, preventative measures to be taken and a schedule of implementation.
4. 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;
 4. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
 8. a summary of all spill or abnormal discharge events; and
 9. 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 1.4 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 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.
6. Condition 6 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 objectives and) effluent limits specified in the Approval and that the approved works does not cause any impairment to the receiving watercourse.
7. Condition 7 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.

8. Condition 8 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.

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. Environmental Compliance Approval Application for Industrial Sewage Works submitted by Grant Beeler P. Eng., of Mallot Creek Group Inc. dated March 24, 2021 and received on April 6, 2021, and signed by Matthew Crocker, Manager, Indirect Procurement, Real Estate and Construction, Hershey Canada Inc., and all supporting documentation and information.

Schedule B

**Effluent Objectives Table 1
(measured at the discharge / outlet pipe from the OGSs)**

Effluent Parameter	Average Calculator	Objective
Oil and Grease	Average of all Single Grab Samples Effluent Concentration	25 mg/L

Schedule C

Effluent Monitoring Table - 2

(Sample points - measured at the discharge / outlet pipe from the OGSs)

Effluent Parameter	Frequency	Sample Type
Oil and Grease	6 times yearly, preferably evenly spaced; collect after a rainfall of 13 mm and larger.	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

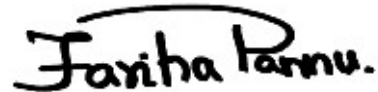
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 3rd day of June, 2021



Fariha Pannu, P.Eng.

Director

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

MN/

c: District Manager, MECP Guelph
Grant Beeler P. Eng., Mallot Creek Group Inc.