

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 8864-C3VJHD
Issue Date: June 29, 2021

Kiley Paving Ltd.
892 Fairbanks Street
Kingston, Ontario
K7P 0K6

Site Location: Kiley Paving Asphalt Plant
Part of Lots 24 and 25, Concession 1 and
Part of Lots 24 and 25, Concession 2, of Plan 29R-728
Loyalist Township, County of Lennox and Addington
K7P 0K6

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

the establishment of stormwater management Works for the collection, transmission, treatment and disposal of stormwater runoff from a catchment area of 17.5 ha (located east of the existing Transmission Line), to serve a new Kiley Paving Asphalt Plant development site located in the north-east portion of the development site and consisting of an asphalt plant, a shop building, a screening plant and material storage areas, to provide Normal Level water quality protection and erosion control and to attenuate post-development peak flows to pre-development levels, discharging via the existing 1.4 m diameter culvert located under the Canadian National Railway (CNR) Millhaven Spur Line to the low-lying area located downstream of the existing culvert and ultimately to the tributary to Parrott's Bay, for all storm events up to and including the 100-year return storm, consisting of the following:

- a 325 m long conveyance grassed perimeter drainage ditch (Ditch 2) located along the eastern development site boundary, west of the CNR Millhaven Spur Line, consisting of two (2) sections connected by a 700 mm diameter culvert, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 4.72 ha, having a minimum depth of 0.85 m, a 0.5% bottom grade, a bottom width of 0.5 m and 3:1 side slopes, discharging to a conveyance grassed drainage ditch (Ditch 3);
- a 265 m long conveyance grassed perimeter drainage ditch (Ditch 1) located along the southern boundary of the gravel area, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 6.10 ha, having a minimum depth of 0.71 m, a 0.5% bottom grade, a bottom width of 0.5 m and 3:1 side slopes, discharging via an 800 mm diameter culvert to a conveyance grassed drainage ditch (Ditch 3);

- a 160 m long conveyance grassed perimeter drainage ditch (Ditch 3) located along the eastern site boundary, west of the CNR Millhaven Spur Line and north and east of the fire route, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 12.08 ha, having a minimum depth of 0.91 m, a 0.9% bottom grade, a bottom width of 0.5 m and 3:1 side slopes, discharging to a stormwater management pond;
- a 125 m long conveyance grassed perimeter drainage ditch (Ditch 4) located along the eastern and northern boundaries of the gravel area, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 1.10 ha, having a minimum depth of 0.6 m, a 1.0% bottom grade, a bottom width of 0.5 m and 3:1 side slopes, discharging via a 400 mm diameter culvert to a conveyance grassed drainage ditch (Ditch 5);
- a 130 m long conveyance grassed perimeter drainage ditch (Ditch 5) located along the north-eastern boundary of the asphalt area, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 4.98 ha, having a minimum depth of 0.6 m, a 1.0% bottom grade, a bottom width of 0.5 m and 3:1 side slopes, discharging to a stormwater management pond;
- a 145 m long conveyance asphalt drainage swale (Swale 1) located across the asphalt area, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 1.30 ha (the entire asphalt area), having a minimum depth of 0.15 m, a 1.4% bottom grade, a bottom width of 10 m and 1.2% side slopes, discharging to a stormwater management pond;
- a 63.5 m long V-shaped conveyance grassed drainage swale (Swale 2) located along the northern boundary of the raw materials asphalt pad, designed to accommodate up to and including the 100-year return storm runoff from the raw materials asphalt pad, having a minimum depth of 0.25 m, a 2.1% bottom grade, a top width of 1.5 m and 3:1 side slopes, complete with rock check dams, discharging to a conveyance grassed drainage swale (Swale 3)
- a 119.5 m long V-shaped conveyance grassed drainage swale (Swale 3) located along the north-eastern boundary of the asphalt area, designed to accommodate up to and including the 100-year return storm runoff from the asphalt area, including the raw materials asphalt pad, having a minimum depth of 0.25 m, a 1.0% bottom grade, a top width of 1.5 m and 3:1 side slopes, complete with rock check dams, discharging to a stormwater management pond;
- a 107.1 m long and 2 m wide flat grassed filter strip located west of the gravel area, between the edge of the gravel area and the 200 m long conveyance grassed drainage ditch (Ditch 4), discharging to the 125 m long conveyance grassed drainage ditch (Ditch 4);
- an approximately 120 m long and 37 m wide clay lined stormwater management wet pond located at the north-east corner of the development site, designed to accommodate up to and including the 100-year return storm runoff from a catchment area of 17.5 ha, having a permanent storage volume of 2,164 m³, an extended detention storage volume of 700 m³, a total active storage volume of 5,308 m³, a 0.3 m deep freeboard, 5:1 inside side slopes and 3:1 outside side slopes, complete with a rip-rap lined inlet swale, a 65 m (top) long, 27.5 m (top) wide and 2 m deep sediment forebay, a sediment forebay berm, a 1 m deep (at the centre of the pond) permanent pool, a maintenance access road, a 15.1 m (bottom) and 16.9 m (top) wide rip-rap lined emergency spillway and one (1) outlet structure consisting of a 100 mm diameter reverse slope outlet pipe

and a 1.3 m wide precast concrete rectangular outlet weir, together allowing a maximum discharge of 1.4 m³ /s (100-year return storm) via a grassed outlet swale, a straw bale flow check dam and the existing 1.4 m diameter culvert located under the Canadian National Railway (CNR) Millhaven Spur Line to the low-lying area located downstream of the existing culvert and ultimately to the tributary to Parrott's Bay;

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 Kiley Paving Asphalt Plant and its successors and assignees;

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

"Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a licence issued under the Professional Engineers Act; 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. 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 stormwater management pond:

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
Oil and Grease	10
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 condition 4.1:

(a) non-compliance with respect to a Concentration Limit is deemed to have occurred when any single grab sample analyzed for a parameter named in Column 1 of Table 1 is greater than the corresponding maximum concentration set out in Column 2 of Table 1; and

(b) non-compliance with respect to pH is deemed to have occurred when any single measurement is outside of the indicated range.

5. 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.

6. 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. 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;
- (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.

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

5. In furtherance of, but without limiting the generality of, the obligation imposed by Subsection 1, the Owner shall ensure that equipment and material for the containment, clean up and disposal of any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance are kept on hand and in good repair for immediate use in the event of:

- (a) any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance;
- (b) a spill within the meaning of Part X of the EPA; or
- (c) the identification of an abnormal amount of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance in any part of the Works.

6. The Owner shall ensure that the design minimum liquid retention volumes of the approved stormwater management Works are maintained at all times.

7. The Owner shall undertake monthly inspections of the condition of all perimeter drainage ditches and drainage swales, the filter strip, the stormwater management wet pond, the grassed outlet swale and the straw bale flow check dam and undertake any necessary cleaning and maintenance to ensure

that sediment, debris and excessive decaying vegetation are removed from the above noted stormwater management Works to prevent the excessive build-up of sediment, debris and/or decaying vegetation to avoid reduction of capacity of the Works. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.

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 Owner's administrative 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 method of clean-out of the stormwater management Works; and

(c) the date of each spill within the sub-catchment areas, including follow-up actions/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.

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 location, at the sampling frequency and using the sample type specified for each parameter listed:

Table 2 - Effluent Monitoring	
Sampling Location	The 100 mm diameter outlet pipe of the stormwater management pond
Sampling Frequency	Quarterly (once every three months) during the periods of effluent discharge
Sampling Type	Grab
Sampling Parameters	Total Suspended Solids (TSS), Oil and Grease, Separate Total Petroleum Hydrocarbon Fractions F1 (C6-C10), F2 (>C10-C16), F3 (>C16-C34) and F4 (>C34), pH (field), Temperature (field)

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:

(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.

4. 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. SPILL CONTINGENCY AND POLLUTION PREVENTION PLAN

1. Within three (3) months of the construction of the Works, the Owner shall implement a Spill Contingency and Pollution Prevention Plan that includes, but is not necessarily limited to, the following information:

(i) the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;

(ii) the name, job title and 24-hour telephone number of the person(s) responsible for activating the Spill Contingency and Pollution Prevention Plan;

(iii) a site plan drawn to scale showing the facility, nearby buildings, streets, drainage patterns, any receiving body(ies) of water that could potentially be significantly impacted 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);

(iv) steps to be taken to report, contain, clean up and dispose of contaminants following a spill;

(v) 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 MOE Spills Action Centre 1-800-268-6060;

(vi) Materials Safety Data Sheets (MSDS) for each hazardous material which may be transported or stored within the area serviced by the Works;

(vii) the means (internal corporate procedures) by which the Spill Contingency and Pollution Prevention Plan is activated;

(viii) a description of the spill response and pollution prevention 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;

(ix) an inventory of response and clean-up equipment available to implement the Spill Contingency and Pollution Prevention Plan, location and, date of maintenance/replacement if warranted; and

(x) the date on which the Spill Contingency and Pollution Prevention Plan was prepared and subsequently, amended.

2. The Spill Contingency and Pollution Prevention Plan shall be kept in a conspicuous, readily accessible location on-site.

3. The Spill Contingency and Pollution Prevention Plan shall be amended from time to time as required by changes in the operation of the facility.

9. REPORTING

1. The Owner shall report to the District Manager orally as soon as possible any non-compliance with the Effluents Limits, and in writing within seven (7) days of non-compliance.

2. 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.

3. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

4. The Owner shall prepare performance reports on a calendar year basis and submit to the District

Manager by March 31 of the calendar year following the period being reported upon. The reports shall contain, but shall not be limited to, the following information pertaining to the reporting period:

- (a) a summary and interpretation of all monitoring data collected pursuant to Condition 7 and a comparison to the Effluent Limits outlined in Condition 4 and the Provincial Water Quality Objective for the monitored parameter, including an overview of the success and adequacy of the Works;
- (b) a summary and interpretation of the results of all inspections of the Works pursuant to Conditions 5 and 6.7;
- (c) an assessment of the impact of the Works discharge on the receivers;
- (d) a description of any operating problems encountered and corrective actions taken;
- (e) a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the sewage Works;
- (f) a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- (g) a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
- (h) a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- (i) a summary of any by-pass, spill or abnormal discharge events; and
- (j) 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 imposed to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.
4. Conditions 4 and 5 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.

5. Condition 6 is included to ensure that a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner and made available to the Ministry. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training in 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 included 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.
6. Condition 7 is included 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 included to ensure that the Owner will implement the Spill Contingency and Pollution Prevention Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.
8. Condition 9 is included 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 Doug Prinsen, P.Eng., Senior Project Manager, Forefront Engineering Inc., dated July 19, 2019 and received July 31, 2019.
2. The design report titled "Kiley Paving Asphalt Plant Stormwater Management Report " dated July 2019 and prepared by Forefront Engineering Inc.
3. All other information and documentation provided by Forefront Engineering Inc.

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

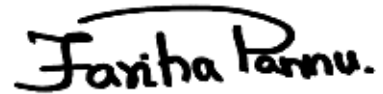
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 29th day of June, 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

Doug Prinsen, P.Eng., Senior Project Manager, Forefront Engineering Inc.

MJ Merritt, Engineering Manager, The Corporation of Loyalist Township