

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5882-BQRMZD
Issue Date: June 29, 2020

Kubota Canada Ltd.
5900 14th Avenue, City of Markham,
Ontario, L3S 4K4

Site Location: 1155 Kubota Dr Part of Lots 23 & 24, Concession 5
City of Pickering, Regional Municipality of Durham
Ontario, L0H 1A0

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 run-off from a catchment area of 20.05 hectares slated for Office and Warehouse development, to provide enhanced level (80% SS removal) of water quality protection and to attenuate post-development peak flows to predetermined flow levels, discharging to Kanatsekiagon Creek of Lake Ontario, for all storm events up to and including the 100-year return storm, consisting of the following:

Stormwater Management System:

Wet Pond: a stormwater management system to service the development located at the south of Highway 407 relying on a wetpond with a 525mm and a 750mm diameter stormsewer inlets into a forebay, having a main pond cell volume of 23,547cu.m. at approximately 5m depth, consisting of a permanent pool volume of 7,600cu.m. at 3.0m depth, to discharge via a perforated Hickenbottom riser within clear stone encasement, connected with a 450mm diameter reverse slope outlet pipe into a control manhole as described below:

Outlet Control Manhole: a flow control manhole, fitted with a 85mm diameter vertical orifice on the inlet wall, to accept pond effluent via the reverse slope outlet pipe as well to receive all flows from the pond to discharge via a 450mm diameter reverse slope pipe encased in filter fabric and clear stone support or via a catchbasin located at the pond embankment with inclined grating; all to flow out from the outlet control manhole, via a 450mm diameter outfall pipe into the Creek;

Emergency Spillway: a 10m wide, 550mm deep emergency spillway protected with riprap and filter fabric located at the south-west side of the pond embankment, to discharge into the Ganatsekaigon Creek.;

including erosion/sedimentation control measures during construction, a 300mm gated drain off pipe, on site

permeable pavement, bioretention and infiltration trenches for water balance provisions and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the following submitted supporting documents:

1. Application for Approval of Industrial Sewage Works submitted by Karl Repka, P.Eng. of Counterpoint Engineering dated March 3, 2020;
2. Stormwater management report/design brief/drainage report and enclosed plans/design drawings, dated February, 2020, prepared by Karl Repka, P.Eng. of Counterpoint Engineering.

For the purpose of this environmental compliance approval, the following definitions apply:

1. "Approval" means this entire document and any schedules attached to it, and the application;
2. "District Manager" means the District Manager of the York-Durham District Office of the Ministry;
3. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;
6. "OWRA" means the *Ontario Water Resources Act*, .RS.O. 1990, c. O.40, as amended;
7. "Owner" means Kubota Canada Ltd. and its successors and assignees;
8. "Works" means the sewage works described in the Owner's application, and this Approval, and includes both Proposed Works and Previous Works.

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

TERMS AND CONDITIONS

1. GENERAL PROVISIONS

(1) The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these conditions, the Owner shall design, build, install, operate and

maintain the Works in accordance with the description given in this Approval, and the application for approval of the Works.

(3) Where there is a conflict between a provision of any document in the schedule referred to in this Approval and the conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.

(4) Where there is a conflict between the documents listed in the Schedule submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.

(5) 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) This Approval is for the treatment and disposal of stormwater run-off from the proposed development of approximately 20.05 hectares. The Approval is based on an average imperviousness of approximately 80%. Any future development changes within the total drainage area that might increase the required storage volumes or increase the flows to or from the wet pond or any structural/physical changes to the stormwater management facility including inlets or outlets will require an amendment to this Approval.

2. EXPIRY OF APPROVAL

The approval issued by this Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.

3. CHANGE OF OWNER

The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:

(a) change of Owner;

(b) change of address of the Owner;

(c) change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c.B17 shall be included in the notification to the District Manager; and

(d) change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O.

1990, c. C39 shall be included in the notification to the District Manager.

4. OPERATION AND MAINTENANCE.

- (1) The Owner shall ensure that the design minimum liquid retention volume(s) is maintained in the wetpond at all times.
- (2) The Owner shall inspect the Works at least once a year and clean and maintain the Works to prevent the excessive build-up of sediments oil/grit, and/or vegetation.
- (3) The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at *the Corporate* Office for inspection by the Ministry. The logbook shall include the following:
 - (a) the name of the Works;
 - (b) the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed; and
 - (c) the date of each spill within the catchment area, including follow-up actions / remedial measures undertaken.

5. TEMPORARY EROSION AND SEDIMENT CONTROL

- (1) The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every **two (2) weeks** and after each significant storm event (a significant storm event is defined as a minimum of 25 mm of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.
- (2) The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

6. RECORD KEEPING

The Owner shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the operation and maintenance activities required by this Approval.

The reasons for the imposition of these terms and conditions are as follows:

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Condition 2 is included to ensure that the Works are constructed in a timely manner so that standards applicable at the time of Approval of the Works are still applicable at the time of construction, to ensure the ongoing protection of the environment
3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved works and to ensure that subsequent owners of the works are made aware of the Approval and continue to operate the works in compliance with it.
4. Condition 4 is included to require that the Works be properly operated and maintained such that the environment is protected .
5. Condition 5 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
6. Condition 6 is included to require that all records are retained for a sufficient time period to adequately evaluate the long-term operation and maintenance of the Works.

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

The Minister of the Environment,
Conservation and Parks

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment,

655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

AND

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, 2020



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

MN/

c: District Manager, MECP York-Durham
Karl Repka, P.Eng. of Counterpoint Engineering