

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2243-BYDRKR
Issue Date: October 22, 2021

St. Joseph's Health System, operating as St. Joseph's
Healthcare, Hamilton
100 West 5th Street
Hamilton, Ontario
L8N 3K8

Site Location: St. Joseph's Healthcare Hamilton
100 West 5th Street
City of Hamilton, Ontario

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:

stormwater management facilities to service the redevelopment of St. Joseph's Healthcare Hamilton site for the collection, transmission, treatment, and disposal of stormwater runoff, to provide enhanced level water quality control, and to attenuate post-development peak flows to the pre-development flow rates for all storm events up to and including the 100-year storm event, consisting of the following:

- bioswales located in the east parking area, comprised of trapezoidal depression storage and 1.0 metre deep layer of absorbent landscaping mix with surface planting, complete with 200 millimetre diameter perforated subdrain in a filter sock, a flat catchbasin outlet 0.15 metres above the swale invert, consisting of five (5) segments of bioswales (bioswales 1, 2, 3, 4 and 5), designed to receive runoff from catchment area of approximately 0.83 hectares, having a total base area of approximately 636 square metres and a total infiltration storage volume of approximately 462 cubic metres, discharging via on-site storm sewer system and an oil/grit separator (OGS 2) to the east stormwater dry pond (Pond 2), and four (4) segments of bioswales (bioswales 6, 7, 8 and 9), designed to receive runoff from catchment area of approximately 1.31 hectares, having a total base area of approximately 521 square metres and a total infiltration storage volume of approximately 380 cubic metres, discharging via on-site storm sewer system and an oil/grit separator (OGS 3) to the west stormwater dry pond (Pond 1);
- rooftop storage with available storage volume of approximately 781 cubic metres at a maximum water depth of 0.05 metres, discharging via roof drains allowing for a maximum release rate of 83.6 litres per second to a cistern;
- rooftop storage with available storage volume of approximately 276 cubic metres at a maximum

water depth of 0.04 metres, discharging via roof drains allowing for a maximum release rate of 79.8 litres per second to onsite storm sewer system;

- one (1) cistern with storage volume of 400 cubic metres, discharging to onsite storm sewer system;
- one (1) oil/grit separator (STM OGS01, Contech CDS PMSU20_15 or Equivalent Equipment) located north of the Pond 2, designed to receive runoff from catchment area of approximately 0.26 hectares, having a maximum treatment capacity of 45.3 litres per second, discharging to the Pond 2;
- one (1) oil/grit separator (OGS 1, STC 2000 or Equivalent Equipment) located downstream of MH 20, designed to receive runoff from catchment area of approximately 1.48 hectares, having a maximum treatment capacity of 30 litres per second, discharging to the Pond 2;
- one (1) oil/grit separator (OGS 2, STC 6000 or Equivalent Equipment) located south of the Pond 1, designed to receive runoff from catchment area of approximately 5.2 hectares, having a maximum treatment capacity of 70 litres per second, discharging to the Pond 1;
- one (1) oil/grit separator (OGS 3, STC 9000 or Equivalent Equipment) located south of the Pond 1, designed to receive runoff from catchment area of approximately 4.4 hectares, having a maximum treatment capacity of 100 litres per second, discharging to the Pond 1;
- one (1) stormwater dry pond (Pond 1) located along west side of the site, complete with an 1,050 millimetre diameter inlet pipe and a 750 millimetre diameter inlet pipe, designed to receive runoff from catchment area of approximately 11.91 hectares, having an extended detention storage volume of approximately 880 cubic metres, an available storage volume of approximately 4,534 cubic metres at a water depth of 2.79 metres, discharging via a 525 millimetre diameter outlet pipe equipped with a 75 millimetre diameter orifice tube, allowing for a maximum release rate of 17.5 litres per second by detaining the extended detention storage volume over a period of 24 hours and a maximum release rate of 26.5 litres per second for the 100-year storm event, through onsite outlet pipe to an existing storm sewer;
- one (1) stormwater dry pond (Pond 2) located at the northeast corner of the site, complete with two (2) 525 millimetre diameter inlet pipes and a 300 millimetre diameter inlet pipe, designed to receive runoff from catchment area of approximately 4.78 hectares, having an available storage volume of approximately 1,251 cubic metres at a water depth of 1.46 metres, discharging via a 450 millimetre outlet pipe equipped with a 75 millimetre diameter orifice tube, allowing for a maximum release rate of 19 litres per second for the 100-year storm event, to an existing storm sewer;

all in accordance with the submitted 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 the approved named equipment;
6. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;
7. "MNRF" means the Ministry of Natural Resources and Forestry of the government of Ontario and includes all officials, employees or other persons acting on its behalf;
8. "Owner" means St. Joseph's Health System, operating as St. Joseph's Healthcare, Hamilton, and includes its successors and assignees;
9. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
10. "Works" means the sewage Works described in the Owner's application, and this Approval.

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

TERMS AND CONDITIONS

1. GENERAL CONDITIONS

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 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/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

1. 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.
2. In the event that completion and commissioning of any portion of the Works is anticipated to be delayed beyond the specified expiry period, the Owner shall submit an application of extension to the expiry period, at least twelve (12) months prior to the end of the period. The application for extension 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:
 - 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, 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. 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 or health hazard to the general public.
2. The Owner shall undertake an inspection of the condition of the Works, at least once a year, and undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.
3. The Owner shall construct, operate and maintain the Works with the objective that the effluent from the Works is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen, foam or discoloration on the receiving waters.
4. The Owner shall 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; and
 - 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 Works.
5. 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:
 - a. operating and maintenance 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;
 - c. repair and maintenance programs, including the frequency of repair and maintenance for the

Works;

- d. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the District Manager; and
 - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
6. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

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 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.

6. REPORTING

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the District Manager when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:
 - a. a description of any operating problems encountered and corrective actions taken;
 - b. 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;
- c. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
 - d. a summary of all spill or abnormal discharge events; and
 - e. any other information the District Manager requires from time to time.

7. RECORD KEEPING

1. 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, maintenance and monitoring activities required by this Approval.

Schedule A

1. Application for Environmental Compliance Approval received on September 21, 2020, submitted by St. Joseph's Health System;
2. Stormwater Management, prepared by Steve van Haren, P.Eng. on January 17, 2012, and revised by Albert Zhuge, P.Eng. on June 9, 2015, including engineering drawings and specifications, prepared by MMM Group;
3. Technical Memorandum dated May 2016 and Technical Memorandum dated June 21 2021, prepared by WSP Canada Inc./MMM Group;
4. All additional information and documentation, provided by WSP Canada Inc.

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

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted. This condition is also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. Condition 1.6 is included to emphasize that the issuance of this Approval does not diminish any other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.
2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to the approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.
4. Condition 4 is included 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.
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 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.
7. Condition 7 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
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 October, 2021



Aziz Ahmed, P.Eng.

Director

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

LW/

- c: District Manager, MECP Hamilton - District
Shawn Walters, P.Eng., WSP Canada Inc.
Steven Van Haren, P.Eng., WSP Canada Inc.