

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0438-CAZSZV
Issue Date: March 7, 2022

La Ferme Ben-Rey-Mo Ltd.
107 Rue Principale, St. Albert Rd
The Nation, Ontario
K0A 3C0

Site Location: Benoit Subdivision
Lot 19, Concession 9
The Nation Municipality, United Counties of Prescott and
Russell
K0A 3C0

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 to serve Benoit Subdivision, located in the Municipality of Nation, for the collection, transmission, treatment and disposal of stormwater runoff from a total catchment area of 2.65 hectares, to provide Enhanced Level water quality protection and erosion control, and to attenuate post-development peak flows for all storm events up to and including the 100-year event to the pre-development peak flow for the 5-year storm event, discharging to existing culvert located on the intersection of Machabee Street and Principal Street, consisting of the following:

- **rear yard swales (catchment area 0.8 hectares)**, located along the eastern boundary of Lots 9 to 16 (inclusive), having a total length of 95 metres, a top width of 2 metres, side slopes of 7.41:1, a channel slope of 0.5%, an average depth of 0.14 metres and a maximum available storage volume of 22.94 cubic metres, complete with a 1.0 metre wide grassed filter strip along the east side, and a 300 millimetre diameter perforated storm sub-drain with 25 mm clear stone and filter sock, and installed in a clear stone layer, allowing a maximum discharge of 50.40 litres per second under the 5-year storm event to storm sewers described below;
- **storm sewers** located between Lot 14 and 15, having a diameter of 300 millimetres and a total length of 47 metres, discharging to proposed retention gallery #1;

- **rear yard swales (catchment area 0.84 hectares)**, located along the eastern boundary of lots 4 to 8 (inclusive), having a total length of 64 metres, a top width of 2 metres, side slopes of 5.8:1, a channel slope of 0.5%, an average depth of 0.17 metres and a maximum available storage volume of 15.67 cubic metres, complete with 300 millimetre diameter perforated storm sub-drain with 25 mm clear stone and filter sock, and installed in a clear stone layer, allowing a maximum discharge of 52.72 litres per second under the 5-year storm event to storm sewers described below;
- **storm sewers** located between Lot 7 and 8, having a diameter of 300 millimetres and a total length of 46.7 metres, discharging to proposed retention gallery #5;
- **rear yard swales (catchment area 0.09 hectares)**, located along the eastern boundary of lot 1, having a total length of 18 metres, a top width of 2 metres, side slopes of 3.7:1, a channel slope of 0.5%, an average depth of 0.27 metres and a maximum available storage volume of 2.23 cubic metres, complete with 250 millimetres diameter perforated storm sub-drain with 25 mm clear stone and filter sock, and installed in a clear stone layer, discharging to storm sewers described below;
- **storm sewers** located between Lot 1 and 4, having a diameter of 250 millimetres and a total length of 46.7 metres, discharging to proposed culvert located on the east side of the Machabee Street;
- **retention galleries (catchment area 2.21 hectares)**, a total of seven (7) retention galleries, known as retention galleries 1 to 7, located on the east side of Machabee Street, having lengths ranging from 5 metres to 19 metres and a total length of 100 metres, a width of 2.5 metres, a maximum allowable storage depths ranging from 0.71 metres to 0.84 metres, a maximum available storage volumes ranging from 3.4 cubic metres to 12.92 cubic metres and a total maximum available storage volume of 68 cubic metres, complete with a 525 millimetre diameter perforated storm sub-drain installed in the clear stone layer, wrapped in a non-woven geotextile filter fabric, discharging via a 525 millimetre subdrain pipe equipped with a 270 millimetre diameter orifice, allowing a maximum discharge of 127.2 litres per second under the 100-year storm event to proposed culvert described below;
- **culvert, three (3) 525 millimetre diameter culverts**, located on the east side of Machabee Street, from approximately 120 metres northwest of Principal Street, to approximately 50 metres northwest of Principal Street, with a total length of 69.2 metres, discharging to storm sewer described below;
- **storm sewers** on the east side of Machabee Street, having a diameter of 375 millimetres and a total length of 28.7 metres, from approximately 50 metres northwest of Principal Street, to approximately 20 metres northwest of Principal Street, discharging to proposed oil and grit separator described below;
- **oil and grit separator (catchment area: 2.65 hectares)**: one (1) oil and grit separator, CDS Unit Model PMSU20_20M or Equivalent Equipment, located on the east side of Machabee Street, providing Enhanced Level of protection, having a sediment storage capacity of 1,668 litres, an oil storage capacity of 376 litres, a total storage volume of approximately 3,150 litres, and a maximum treatment rate of 31 litres per second, receiving inflow from the storm sewer located on the east side of Machabee Street, discharging via a 375 millimetre diameter outlet pipe to existing culvert on the

intersection of Principal Street and Machabee Street;

- **culvert, one (1) 375 millimetre diameter culverts**, crossing the gravel driveway, located approximately 310 metres northwest of Principal Street, with a total length of 9 metres;

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted application and supporting documents listed in Schedule A forming part of this Approval.

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. "Owner" means La Ferme Ben-Rey-Mo Ltd and includes its successors and assignees. Upon transfer of ownership of individual lots that include Works described in this approval, each future lot owner shall be considered the Owner for the respective Works located on their property for the purpose of this approval;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
9. "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.

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. Upon transfer of ownership of individual lots that include Works described in this Approval, each future lot owner shall be considered the Owner for the respective Works located on their property for the purpose of this Approval.
 5. For the purposes of this Approval, it is not necessary for the Owner to notify the District Manager and the Director in the event of any change in ownership of lot level infiltration trenches to individual private home owners

4. OPERATION AND MAINTENANCE

1. If applicable, any proposed storm sewers or other stormwater conveyance in this Approval can be constructed but not operated until the proposed stormwater management facilities in this Approval or any other Approval that are designed to service the storm sewers or other stormwater conveyance are in operation.
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 Works do not constitute a safety or health hazard to the general public.
3. 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.
4. 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.

5. 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.
 - c. for the purposes of this condition, the logbook will not include the rear yard swales located on private residential lots
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:
 - 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.
7. 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.
8. For the purposes of this Approval, the operational and maintenance requirements for rear yard swales located on private residential lots will not be part of this Approval and will be captured in a separate clause through a Subdivision agreement with the Nation Municipality.

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.
 - f. for the purposes of this condition, reporting requirements will not be required for the rear yard swales located on private residential lots.

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, dated June 14, 2021, received on June 22, 2021, submitted by LRL Engineering on behalf of La Ferme Ben-Rey-Mo Ltd;
2. Pipe Data Form, prepared by LRL Engineering;
3. Response to Information Request, email from Mohan Basnet from LRL Engineering, dated January 12, 2022, January 21, 2022, February 3, 2022 and March 2, 2022, regarding additional information requested and includes:
 - o Engineering drawings, Benoit Subdivision, a set of eight (8) Engineering Drawings, stamped and dated February 4, 2021, prepared by LRL Engineering.
 - o Stormwater Management Report, dated February 4, 2021, prepared by LRL Engineering.
 - o Swale Design sheet, dated January 11, 2022, prepared by LRL Engineering.
 - o Storm Sewer Design Sheet, dated February 3, 2022, prepared by LRL Engineering.

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.
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 Ontario Land 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 ("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:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

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 Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.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 7th day of March, 2022



Aziz Ahmed, P.Eng.

Director

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

JW/

c: Area Manager, MECP Cornwall

c: District Manager, DWECD, MECP Ottawa
Mohan Basnet, P.Eng., LRL Engineering