

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 0494-CBQTSW  
Issue Date: February 28, 2022

1936199 Ontario Inc.  
2085 Shirley Drive, Unit 201  
Kitchener, Ontario  
N2B 3X4

Site Location: Industrial/Commercial Building Development  
195 Webster Road  
City of Kitchener, Regional Municipality of Waterloo

*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:*

upgrades to the existing stormwater management Works for the collection, transmission, treatment and disposal of stormwater runoff from a catchment area of 0.64 hectare, to provide Enhanced Level water quality protection and erosion control and to attenuate post-development peak flows to pre-development levels, to service a new industrial/commercial building site located at 195 Webster Road in the City of Kitchener, discharging to the existing 375 mm diameter storm sewer located along Webster Road and ultimately to Schneider Creek, for all storm events up to and including the 100-year return storm, consisting of the following:

- one (1) approximately 25 m long grassed drainage swale located along the southern side of the industrial/commercial building, having a maximum ponding depth of 0.15 m, a 1% bottom grade, a bottom width of 0.5 m, a top width of 1.5 m and maximum 3:1 side slopes, discharging to a new parking area located in the centre of the site;
- one (1) approximately 60 m long grassed drainage swale located along the western side of the industrial/commercial building, having a maximum ponding depth of 0.15 m, a 0.5% bottom grade, a bottom width of 0.5 m, a top width of 1.5 m and maximum 3:1 side slopes, complete with a 150 mm diameter perforated subdrain complete with geotextile sock, located below the centre of the swale and installed within a 0.5 m wide and 0.5 m deep clear stone trench, the 150 mm diameter perforated subdrain discharging via 200 mm diameter storm sewers and a 200 mm diameter storm sewer located under the industrial/commercial building to an infiltration gallery and the swale discharging surface runoff to Webster Road;
- one (1) 28 m long, 2.5 m wide and 1.5 m deep infiltration gallery located north-east of the industrial/commercial building in the centre of the site, designed to accommodate stormwater runoff from a 1,380 m<sup>2</sup> roof of the industrial/commercial building, consisting of a 25 m long 200 mm diameter perforated

subdrain complete with geotextile sock, installed within a 2.5 m wide and 1.5 m deep clear stone trench, complete with two (2) observation wells and a 200 mm diameter overflow pipe discharging to a control catchbasin manhole (CBMH-2);

- surface storage provided on the existing asphalt parking area located along the eastern site boundary, east of the industrial/commercial building, having an available storage volume of approximately 169 m<sup>3</sup> and a maximum ponding depth of 0.28 m, discharging via the existing catchbasin complete with the existing 50 mm diameter orifice allowing a maximum discharge of 0.007 m<sup>3</sup>/s (100-year return storm) via the existing 250 mm diameter storm sewer and a 300 mm diameter storm sewer to a control catchbasin manhole (CBMH-2);
- surface storage provided on a new asphalt parking area located in the centre of the site, north-east of the industrial/commercial building, having an available storage volume of approximately 176 m<sup>3</sup> and a maximum ponding depth of 0.3 m, discharging a control catchbasin manhole (CBMH-2);
- one (1) control catchbasin manhole (CBMH-2) located in the centre of the site, north-east of the industrial/commercial building, discharging via a 300 mm diameter outlet pipe complete with a 75 mm diameter orifice plate allowing a maximum discharge of 0.03 m<sup>3</sup>/s (100-year return storm) to an oil/grit separator;
- one (1) oil/grit separator (Deflective Separation (CDS) Stormwater Treatment Unit Model CDS-5-C or Equivalent Equipment) located north of the north-eastern corner of the industrial/commercial building, having a sediment storage capacity of 1,668 L, an oil storage capacity of 376 L, a total storage capacity of 3,149 L, and a maximum treatment rate of 42.5 L/s, discharging via a 300 mm diameter storm sewer and the existing 375 mm diameter outlet pipe to the existing 375 mm diameter storm sewer located along Webster Road and ultimately to Schneider Creek;

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 Guelph 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;

"Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;

"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 1936199 Ontario Inc. and its successors and assignees;

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

"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**

### **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.

### **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. 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 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 Works do not constitute a safety or health hazard to the general public.

3. The Owner shall not store outside the industrial/commercial building any process materials or any materials that may alter the quantity or quality of the stormwater runoff discharged from the site.

4. The Owner shall use best efforts to immediately identify and clean up any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance.

5. The Owner shall, upon identification of any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance, take immediate action to prevent the further occurrence of such loss.

6. 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.

7. The Owner shall ensure that the design minimum liquid retention volumes are maintained at all times.

8. The Owner shall undertake an inspection of the condition of the stormwater management 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 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.

9. The Owner shall design, construct and operate the oil/grit separator with the objective that the effluent from the oil/grit separator is essentially free of floating and settleable solids and does not contain any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance or any other substance in amounts sufficient to create a visible film, sheen or foam on the receiving waters.

10. The Owner shall ensure the immediate clean-out of the infiltration gallery and the oil/grit separator after a fuel or oil spill capture.

11. The Owner shall undertake an inspection of the condition of the oil/grit separator, at least once a year, in accordance with the manufacturer's recommendation, and undertake any necessary cleaning and maintenance to ensure that hydrocarbons, sediment, debris and excessive decaying vegetation are removed from the above noted oil/grit separator to prevent the excessive build-up of hydrocarbons, sediment, debris and/or decaying vegetation to avoid reduction of capacity of the oil/grit separator.

12. 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 corporate office for inspection by the Ministry. The logbook shall include the following:

(a) the name of the Works;

(b) the name of the person who conducted each inspection; and

(c) 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.

13. 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.

## **5. 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.

## **6. REPORTING**

1. 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.

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

*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. Condition 4 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.
5. Condition 5 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.
6. Condition 6 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 Guenter K. Nuessler, P.Eng., Progressive Engineering Services Ltd., Consulting Engineers, dated June 16, 2021 and received on September 2, 2021.
2. The design report titled "Revised Stormwater Management - Brief 195 Webster Road, Kitchener, Ontario, Application: SP17/038/W/LT" dated March 3, 2021, including engineering drawings and specification, all prepared by Progressive Engineering Services Ltd., Consulting Engineers.
3. All other information and documentation provided by Progressive Engineering Services Ltd., Consulting Engineers.



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 Notice") 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](http://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 28th day of February, 2022



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Fariha Pannu, P.Eng.

Director

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

KC/

c: District Manager, MECP Guelph District Office

Guenter K. Nuessler, P.Eng., Progressive Engineering Services Ltd., Consulting Engineers

Linda Cooper, Manager, Development Engineering, City of Kitchener