

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9619-CEKQA7  
Issue Date: June 1, 2022

Toromont Industries Ltd.  
Post Office Box No. 5511  
Concord, Ontario  
L4K 5B7

Site Location: Toromont Industries Ltd., Timmins  
99 Jaguar Drive  
City of Timmins, District of Cochrane  
P4N 7H6

*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:*

changes in the sampling, monitoring, contingency and Remedial Action Plan for the Existing industrial sewage works (PWT-Process Water Treatment System), designed to collect, treat and dispose of sewage generated at the site as a result of washing of vehicles and vehicle parts, including collection trenches, RecoverAll™ Oil/Water Separator, Filtration & Treatment System (RecoverAll System), a holding tank and an engineered wetland, comprising;

**EXISTING WORKS**

**Compact treatment system (ERE Recover-All™ treatment system)**

a compact treatment system (ERE Recover-All™ treatment system ER-89-110, or equivalent), located at site's washbay, receiving the wastewater/washwater from the maintenance garage, having a treatment capacity of up to 38 Litres per minute, and discharging to a proposed wetland, consisting of the following:

- one positive displacement pump operating at 38 litres per minute, pumping repair garage wash bay wastewater from the sump, and discharging to the particulate filter;
- one (1) particulate filter, capable of filtering particles down to 1 micron, equipped with a filter bag and high pressure switch, discharging to an oil/water separator;

- one (1) oil/water separator with a capacity of 38 L/min, equipped with a coalescing pack, automatic oil out system, and an oil recovery tank with high alarm switch, discharging to the six (6) UltraSorber™ Vessels;
- six (6) UltraSorber™ Vessels, containing a minimum of 360 lbs and a maximum of 600 lbs of UltraSorber™ Plus activated carbon, discharging to a 1000 L treated water reservoir;
- one, 1000 L treated water reservoir, located within the site's washbay, providing storage of treated water for re-use on site when sufficient volume is present, overflowing to an existing drainage ditch connected to the engineering wetland;

### **Engineered Wetland**

an engineered wetland (Free Water Surface) located at the north east corner of the property, receiving treated wastewater from washing of vehicles and parts, located on the west side of the property, through a perimeter ditch along the north side of the property; the wetland having length of 59.61 m and width varying from 23.99 m to 29.88 m, surface area of 1,472.92 m<sup>2</sup>, average depth of 0.3 m and approximate volume of 782 m<sup>3</sup> at a permanent pool elevation of 283.5 m;

- one (1) Free Water Surface main wetland cell, having a storage volume of approximately 382 m<sup>3</sup> and average depth of 0.3 m, discharging to an existing stormwater management pond;
- one (1) Inlet Deep Zone (Zone 1), having a permanent pool volume of 154 m<sup>3</sup>, top width 13.25 m, bottom width of 1.25 m, depth of 2 m, complete with rip-rap, 1:3 side slopes and overflowing to the main wetland cell;
- one (1) Deep Zone (Zone 2), having a permanent pool volume of 158 m<sup>3</sup>, top width 10.95 m, bottom width of 0.75 m, depth of 1.7 m, 1:3 side slopes and overflowing to the main wetland cell;
- one (1) Outlet Deep Zone (Zone 3), having a permanent pool volume of 88 m<sup>3</sup>, top width of 10.95 m, bottom width of 0.75 m, a depth of 1.7 m (281.5 masl), complete with rip-rap, 1:3 side slopes and overflowing to the existing stormwater management works;

### **Stormwater Management Works**

Existing Stormwater management Works servicing Toromont CAT site, located at 99 Jaguar Drive in City of Timmins, for the treatment and disposal of stormwater runoff from a total site area of approximately 3.70 hectare discharging to an existing highway 101/Riverside ditch comprising;

- site perimeter ditches conveying runoff from the southwest corner of the site to the northeast corner to an existing retrofitted stormwater pond;

- an existing stormwater management pond providing quantity control by controlling the post-development 100 year runoff from the 3.7 ha area to 619 L/sec, having a minimum depth of 0.061 m, outletting into the Highway 101/Riverside ditch;

all in accordance with Schedule A.

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

1. "Approval" means this entire Environmental Compliance Approval and any Schedules attached to it;
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. "Existing Works" means those portions of the Works included in the Approval that have been constructed previously;
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 Toromont Industries Ltd. and its successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
9. "Works" means the approved sewage works, and includes Existing 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 CONDITION**

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 terms and conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. The Owner shall design, construct, operate and maintain the Works in accordance with the

conditions of this Approval.

3. Where there is a conflict between a provision of any document referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.
4. 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 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. 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 address of Owner;
  - b. change of Owner, including address of new 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 refer to the environmental compliance approval number.

## **3. RECORD DRAWING**

1. A set of record drawings of the Works shall be kept up to date through revisions undertaken

from time to time and a copy shall be readily accessible for reference at the Works.

#### **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, health or flooding 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 ensure the immediate clean-out of the Works after a fuel or oil spill capture.
5. The Owner shall ensure that equipment and material for the containment, clean-up and disposal of fuel and oil and materials contaminated with such, is on hand and in good repair for immediate use in the event of:
  - a. loss of fuel or oil to the Works; or
  - b. a spill within the meaning of Part X of the EPA.
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 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 an up to date operations manual and make the manual readily accessible for reference at the Works for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.
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 Works 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 Works; and
  - c. the date of each spill within the catchment area, including follow-up actions and 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.

## **5. EFFLUENT OBJECTIVES**

1. The Owner shall design and undertake everything practicable to operate the Works in accordance with the following objectives:
  - a. Effluent parameters design objectives listed in the table included in **Schedule B**.
2. In the event of an exceedance of the objective set out in subsection 1, the Owner shall:
  - a. notify the District Manager as soon as possible during normal working hours;
  - b. take immediate action to identify the source of contamination; and
  - c. take immediate action to prevent further exceedance.

## **6. 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.

## 7. EFFLUENT SAMPLING AND MONITORING

1. The Owner shall, upon commencement of operation of the sewage works, carry out a monitoring program, and 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 point(s), at the sampling frequencies and using the sample type specified for each parameter listed in the effluent monitoring table in **Schedule C**.
3. The methods and protocols for sampling, analysis, toxicity testing, and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
  - a. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater Version 2.0" (January 2016), PIBS 2724e02, as amended;
  - b. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions;
  - c. for any parameters not mentioned in the documents referenced in Paragraphs 3.a and 3.b, the written approval of the District Manager shall be obtained prior to sampling.
4. The measurement frequencies specified in the effluent monitoring table in Schedule B in respect of any parameter are minimum requirements which may, after (6/12/24) months of monitoring in accordance with this Condition, be modified by the Director in writing from time to time.
5. 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. STORMWATER MANAGEMENT CONTINGENCY AND REMEDIAL ACTION PLAN

1. Upon commencement of operation of the Works and pursuant to Condition (7), the Owner shall carry out the Contingency and Remedial Action Plan by comparing the concentration of the effluent parameters with corresponding trigger levels as per the **Schedule D**.
2. In the event that a monitoring result for any of the parameters listed in the Table included in the Schedule D, exceeds its corresponding Trigger level, the Owner shall, within 5 days, conduct a second round of sampling to confirm the exceedance noted previously.
3. In the event that a Trigger Parameter exceeds the Trigger Level after the second round of sampling pursuant, the stormwater management system's outlet will be closed to prevent

discharge to the natural environment.

4. In the event that an exceedance of a Trigger level for any trigger parameter is confirmed, the Owner shall implement the "Stormwater Management Contingency and Remedial Action Plan" (item No. 2, Schedule A), to identify the cause of contamination and to implement remedial measures.
5. For the duration of the Remedial Action Plan, the Owner shall prevent the Process Water Treatment System (compact Treatment System and Engineered Wetland) from discharging into the SWM System. Effluent from the Process Water Treatment System will be contained, and hauled off site for disposal using a licensed waste hauler.
6. Within six (6) of the issuance of this Approval , the Owners shall amend and submit to the District Manager, the document "The Stormwater Management Contingency and Remedial Action Plan" listed as item 2 of Schedule A. The amended document shall reflect the updated conditions and limits as per this Approval.

## 9. REPORTING

1. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
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 prepare and keep on site, a performance report on an annual basis, within forty five (45) days following the end of the period being reported upon. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be submitted to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:
  - a. a summary and interpretation of all monitoring data and a comparison to the effluent limits outlined in Section 5 and Schedule C, including an overview of the success and adequacy of the Works;
  - b. a description of any operating problems encountered and corrective actions taken;
  - c. 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;

- d. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
- e. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- f. a tabulation of the volume of sludge generated in the reporting period, an outline of anticipated volumes to be generated in the next reporting period and a summary of the locations to where the sludge was disposed;
- g. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- h. a summary of all spill or abnormal discharge events; and
- i. any other information the District Manager requires from time to time.

## **10. SPILL CONTINGENCY PLAN**

1. Within six (6) months from the issuance of this Approval, the Owner shall implement a spill contingency plan - that is a set of procedures describing how to mitigate the impacts of a spill within the area serviced by the Works. The Owner shall, upon request, make this plan available to Ministry staff. This plan shall include as a minimum:
  - a. the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;
  - b. the name, job title and 24-hour telephone number of the person(s) responsible for activating the spill contingency plan;
  - c. a site plan drawn to scale showing the facility, nearby buildings, streets, catch-basins and manholes, drainage patterns (including direction(s) of flow in storm sewers), any receiving body(ies) of water that could potentially be significantly impacted by a spill 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);
  - d. steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
  - e. 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 Ministry Spills

Action Centre 1-800-268-6060;

- f. Safety Data Sheets (SDS) for each hazardous material which may be transported or stored within the area serviced by the Works;
  - g. the means (internal corporate procedures) by which the spill contingency plan is activated;
  - h. a description of the spill response 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;
  - i. an inventory of response and clean-up equipment available to implement the spill contingency plan, location and, date of maintenance/replacement if warranted; and
  - j. the date on which the contingency plan was prepared and subsequently, amended.
  - k. The spill contingency plan shall be kept in a conspicuous, readily accessible location on-site.
2. The spill contingency plan shall be amended from time to time as required by changes in the operation of the facility.

*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 1.4 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 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 3 is included to ensure that the record drawings of the Works "as constructed" are maintained for future references.

6. 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 and 6 are imposed to establish non-enforceable effluent quality objectives which the Owner is obligated to use best efforts to meet on an ongoing basis. Also imposed are procedures to be followed to minimize environmental impact in the event the objectives are exceeded.
6. Condition 7 is included to require the Owner to demonstrate on a continual basis that the quality and quantity of the effluent from the approved works is consistent with the design and effluent objectives specified in the Approval and that the approved works does not cause any impairment to the receiving watercourse.
7. Condition 8 is imposed to ensure that the effluent discharged from the Works meets the Ministry's effluent quality requirements, as specified, on a continuous basis, thus minimizing environmental impact on the receiver.
8. Condition 9 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.
9. Condition 10 is included to ensure that the Owner will implement the Spill Contingency Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.

### **Schedule A**

1. Environmental Compliance Approval Application for Industrial Sewage Works dated September 21, 2021 and received on September 21, 2021.
2. Report entitled "Final Stormwater Management Contingency and Remedial Action Plan, 99 Jaguar Drive, Timmins, Ontario", dated March 31, 2017.

**Schedule B**

**Effluent Objectives Table**

<b>Parameter</b>	<b>Effluent Objective</b>
Iron	300 ug/L
Sampling Location: Outlet of the Pond	

**Schedule C**

**Effluent Sampling Program**

<b>Sample Locations</b>	<b>UTM Coordinate (East, North)</b>	
1. Upstream of Treatment System	468652	5368632
2. Outlet of Holding Tank	468650	5368409
3. Outlet of the Swale	468714	5368528
4. Outlet of the Wetland	468764	5368558
5. Outlet of the Pond	468790	5368576
Sampling Frequency: Quarterly		
Sample Type: Grab		
Effluent Parameters: Copper, Zinc, Iron, pH		

**Schedule D**

**Trigger Parameters and Trigger Level/Concentration**

Sample Location: Outlet of the Pond	
Trigger Parameter	Trigger Level/Criteria (ug/L)
Copper (Hardness 0-20 mg/L)*	1
Copper (Hardness >20 mg/L)*	5
Zinc	30
Iron	1500
Oil/Grease: Visual inspection of SWM System Outlet for Oily Sheen	
pH of the effluent to be maintained between 6.5 to 8.5, inclusive, at all times	

\* Hardness and Alkalinity to be monitored for determining Copper Trigger Limit (2) in the event that monitoring result for any of the parameters listed in Table 2 exceeds its corresponding Trigger level, the Owner shall, within 5 days, conduct a second round of sampling to confirm the exceedance noted previously

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 8247-ANTLUF issued on June 30, 2017.**

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.

Pursuant to subsection 139(3) of the *Environmental Protection Act*, a hearing may not be available with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

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

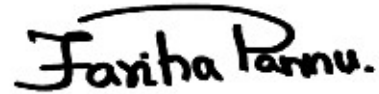
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* 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 1st day of June, 2022



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Fariha Pannu, P.Eng.

Director

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

KH/

c: District Manager, MECP Timmins District  
Ian Hutcheson, P. Eng., Pinchin Ltd.