

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9550-CFFJDU  
Issue Date: June 29, 2022

Mailing Addresses for Owners:

River Styx Cottagers' Association  
870 River Styx Lane  
City of Kingston, County of Frontenac  
Ontario K7L 4V3

The Individual Works Owners as listed in Schedule B

Site Location: 2496 Isle of Man Road  
Part of Lot 3, Concession 4  
City of Kingston, County of Frontenac  
Ontario K7L 4V3

being all of PIN 36327-262 (R) and as outlined in Plan 13R-17806 dated March 01, 2005 describing Parts 1 to 77 thereon

*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:*

sewage works for the collection, treatment and disposal of domestic sewage from single family residences and cottages located on the Site consisting of the Individual Works described in Schedule B of this Approval.

*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 Kingston District Office of the

Ministry;

4. "EPA" means the *Environmental Protection Act* , R.S.O. 1990, c.E.19;
5. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;
6. "River Styx Cottagers' Association" means the River Styx Cottagers' Association the owner of the Site, and its successors and assignees;
7. "Individual Works" means the sewage works specific to an Individual Works Owner as described in Schedule "B" of this Approval;
8. "Individual Works Owner" means an individual who has entered into an agreement by way of legal arrangement with River Styx Cottagers' Association regarding the use of a lot on the Site for the establishment and use of the Individual Works;
9. "Licensed Installer" means a person who is registered under the OBC to construct, install, repair, service, clean or empty on-site sewage systems;
10. "Licensed Engineering Practitioner" means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act* , R.S.O. 1990, c. P.28;
11. "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;
12. "OBC" means the Ontario Building Code, Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992, S.O. 1992, c. 23.;
13. "Owners" means the River Styx Cottagers' Association and the Individual Works Owners;
14. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40;
15. "Site" means the property located at above noted Site Location on page 1 of this Approval;
16. "Works" means the approved sewage works; and
17. "Supporting Documentation" means the documents listed in Schedule A of 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 PROVISIONS**

1. Where there is a conflict between a provision of any document in the schedules referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.
2. In respect of each Individual Works, the River Styx Cottagers' Association and the Individual Works Owner are jointly and severally responsible for complying with the following requirements :
  - a. any person authorized to carry out work on or operate any aspect of the Individual 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;
  - b. the Individual Works shall be designed, built, installed, operated and maintained in accordance with the description and conditions given in this Approval.

### **2. EXPIRY OF APPROVAL (Only for new Works)**

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 which they were added to Schedule B of this Approval.

### **3. CHANGE OF OWNERS**

1. The River Styx Cottagers' Association 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 the owner of the Site;
  - b. change of mailing address of the owner of the Site;
  - c. change of ownership of any of the Individual Works;
  - d. change of any mailing address of any Individual Works Owner;
  - e. change of partners where if the River Styx Cottagers' Association at any time becomes a partnership, and if so, a copy of the most recent declaration filed under the *Business*

*Names Act*, R.S.O. 1990, c. B.17 shall be included in the notification;

- f. change of partners where an Individual Works Owner is or at any time becomes a partnership, and if so, a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c. B.17 shall be included in the notification;
  - g. change of name of the corporation where the River Styx Cottagers' Association changes its name at any time and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39 shall be included in the notification;
  - h. change of name of the corporation where an Individual Works 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. C.39 shall be included in the notifications;
2. In the event of any change in ownership of the Site, the River Styx Cottagers' Association shall notify in writing the succeeding owner of the Site of the existence of this Approval and a copy of such notice shall be forwarded to the District Manager.
  3. In the event of any change of the Individual Works Owner, the River Styx Cottagers' Association shall notify in writing the succeeding owner of the Individual Works of the existence of this Approval and a copy of such notice shall be forwarded to the District Manager.
  4. The River Styx Cottagers' Association shall ensure that all communications made pursuant to this condition will refer to this Approval's number.

#### **4. CONSTRUCTION**

In respect of each Individual Works, the River Styx Cottagers' Association and the Individual Works Owners are, jointly and severally responsible for ensuring that the following conditions are fulfilled when establishing any new Works or altering, extending or replacing any existing Works subsequent to the date of this Approval:

1. The establishment of any new Works or alteration, extension or replacement of any existing Works shall be supervised by a Licensed Installer or a Licensed Engineering Practitioner.
2. The establishment of any new Works or alteration, extension or replacement of any existing Works shall be constructed such that minimum horizontal clearance distances as specified in the OBC are satisfied.
3. Imported soil that is required for construction of any subsurface disposal bed as per this Approval shall be tested and verified by the Licensed Engineering Practitioner or Licensed Installer for the percolation time (T) prior to delivering to the site location and written records of this testing and verification shall be kept at the site of the Individual Works for the

operational life of the Individual Works.

4. Upon completion of the construction of new Works, a statement certified by a Licensed Installer or a Licensed Engineering Practitioner shall be prepared, certifying that the Individual Works have been constructed in accordance with this Approval, and a copy of this statement shall be retained at the site of the Individual Works for the operational life of the Individual Works and shall be made available for inspection by Ministry staff upon request.
5. Upon completion of the construction of new Works, a set of as-built drawing(s) showing the works "as constructed" shall be prepared by the Licensed Installer or a Licensed Engineering Practitioner. The drawing(s) shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the site of the Individual Works for the operational life of the Individual Works and shall be made available for inspection by Ministry staff.

**5. OPERATIONS AND MAINTENANCE (for systems that do not have a treatment unit other a septic tank)**

In respect of Individual Works that do not have a treatment unit other than a septic tank, the River Styx Cottagers' Association and the Individual Works Owner are jointly and severally responsible for ensuring that the following conditions are fulfilled:

1. The Individual Works 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.
2. The Individual Works Owner shall ensure that the septic tank(s) is pumped out at least once every 3-5 years or when the tank is 1/3 full of solids, and that the effluent filter(s) is cleaned out at minimum once a year (or more often if required).
3. The Individual Works Owner shall ensure that grass-cutting is conducted regularly over the subsurface disposal bed(s), and that adequate steps are taken to ensure that the area of the underground works is protected from vehicle traffic.
4. The Individual Works Owner shall visually inspect the general area where sewage works are located for breakout once every month during the operating season.
5. In the event a break-out is observed from a subsurface disposal bed, the Individual Works Owner shall do the following:
  - a. sewage discharge to that subsurface disposal system shall be discontinued;
  - b. the incident shall be immediately reported verbally to the Spills Action Centre (SAC) at (416) 325-3000 or 1-800-268-6060 and notify the River Styx Cottagers' Association that they have done so;

- c. submit a written report to the District Manager within one (1) week of the break-out;
  - d. access to the break-out area shall be restricted until remedial actions are complete;
  - e. during the time remedial actions are taking place the sewage generated at the site shall not be allowed to discharge to the environment; and
  - f. sewage generated at the site shall be safely collected and disposed of through a licensed waste hauler to an approved sewage disposal site.
6. The Individual Works Owner shall maintain a logbook to record the results of Operation and Maintenance activities specified in the above sub-clauses and shall keep the logbook at the site of the relevant Works and make it available for inspection by the Ministry staff.
  7. Where the River Styx Cottagers' Association is the owner of the Works, they shall be responsible for complying with the requirements of subsections (4) through (6), above, in respect of the Works they own.
  8. The Owners 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.

## 6. REPORTING

1. One (1) week prior to the start-up operation of any new Works, the Owners shall notify the District Manager in writing of the pending start-up date of the new Works.
2. The Owners shall, within **fifteen (15)** days of occurrence of a spill within the meaning of Part X of the EPA, 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 schedule of implementation, in addition to fulfilling the requirements under the EPA and O. Reg. 675/98 "Classification and Exemption of Spills and Reporting of Discharges".
3. All manuals, plans, records, data, procedures and supporting documentation in relation to the Individual Works shall be made available for inspection by Ministry staff upon request.

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

The reason that the terms and conditions are imposed on both the River Styx Cottagers' Association and the Individual Works Owners is that the River Styx Cottagers' Association owns the Site, which under the OWRA and EPA requires that sewage works approvals be issued, and the Individual Works Owners are using, a sewage works on the Site. River Styx Cottagers' Association has management and control of the approval process for activity on the site,

including but not limited to the approval for an Individual Works Owner to establish, operate and maintain Individual Works. River Styx Cottagers' Association and the Individual Works Owners are in a contractual relationship whereby they are well placed to enter into such agreements as may be required to jointly and severally ensure that the terms and conditions of the Approval are met.

1. Condition 1 is imposed to ensure that the Individual Works are built and operated in the manner in which they were described for review and upon which approval was granted. The condition also advises sets out the Owners' their responsibility to notify any person they authorized to carry out work pursuant to this Approval the existence of this Approval.
2. Condition 2 is included to ensure that, when the Individual Works are constructed, the Individual 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 Site and the Individual Works.
4. Condition 4 is included to ensure that the Individual Works are constructed, such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented.
5. Condition 5 pertains to subsurface systems that do not have a treatment unit in addition to a septic tank. The condition has been included so that the Individual Works will be properly operated, maintained, and inspected such that the environment is protected.
6. Condition 6 is included to provide a performance record for future reference, 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 Individual Owner in resolving any problems in a timely manner as they arise.

## **SCHEDULE A**

1. Residence - 762 River Styx Lane & 36 Harrison Lane: Application for Environmental Compliance Approval submitted by Edward Fitzgerald of EJV Construction, received at the Ministry on March 12, 2022, for the proposed two (2) subsurface sewage disposal works, including septic design and details, site plans and specifications, and all other supporting documents.
2. Residence - 828 River Styx Lane: Application for Approval of Municipal and Private Sewage Works submitted by Kevin James Adam dated February 15, 2006 and all supporting documentation. "Certificate of Approval 0692-6RPPTD issued on July 18, 2006".
3. Residence - 814 River Styx Lane (formerly known as 2496 Isle of Man Road): Application for Approval of Municipal and Private Sewage Works submitted by Donna McAvoy and Gary Rooney of Kingston, Ontario dated March 15, 2004, including Technical Brief and Site Plan. "Certificate of Approval 1562-5YYLWP issued on June 3, 2004".



## SCHEDULE B

Additional Individual Works shall be added from time to time by the Director by an amendment to this Approval.

List of Individual Works by Residence Address of Individual Works:

### List of Former ECA Numbers

Lot No.	Address of Individual Works	Former ECA No.
3	2496 Isle of Man Road (currently known as 814 River Styx Lane)	1562-5YYLWP
	828 River Styx Lane	0692-6RPPTD

### List of ECA Application Reference Numbers

Lot No.	Address of Individual Works	ECA Application Reference No.
3	2496 Isle of Man Road (currently known as 814 River Styx Lane)	8930-5XCTY9
	828 River Styx Lane	7196-6NDPAK

- **Residence - 762 River Styx Lane**

Individual Works Owner: William Samuel Braun - 762 River Styx Lane Kingston, Ontario K7L 4V3

Individual Works Location: 762 River Styx Lane, Kingston, Ontario K7L 4V3

**Description of Individual Sewage Works:**

a subsurface disposal system rated at maximum daily design capacity of 1,600 Litres per day to service a proposed three (3) bedroom residence located at above noted location, and consisting of the following:

***Septic Tank***

One (1) two-compartment septic tank receiving influent by gravity from the above mentioned residence with a minimum capacity of 4,500 L, equipped with an approved effluent filter, discharging to the Filter Bed via Pumping Chamber described below;

***Pumping chamber***

One (1) approximately 477 L capacity pumping chamber connected with one (1) submersible sewage power ½ horsepower C-I HD pump or approved equivalent, including a float level, controls and alarm, discharging to a forcemain leading to the Filter Bed described below;

***Filter Bed***

One (1) above-ground filter bed having a contact area of approximately 94.11 square metres, and a loading area of approximately 21.33 square metres, consisting of four (4) runs of 6.1 metres long 75 millimetre diameter perforated pipes installed in a continuous 300 mm thick stone layer, over a minimum of 750 millimetres deep filter medium meeting grading requirements as per the Ontario Building Code and complete with a minimum of 250 mm sand mantle over an area covered by the bed and extending for at least 15 metres beyond the outer distribution pipe in any direction in which the effluent from the bed will move laterally, and the top surface of filter medium located a minimum of 900 millimetres above the rock or native soil of percolation time greater than 50 minutes/centimetre.

including all other controls, electrical equipment, instrumentation, piping, valves and appurtenances essential for proper operation of the aforementioned sewage works;

- **Residence - 36 Harrison Lane**

Individual Works Owner: Mark Andrew Vanderhelm - 3103 Babcock Road, Elginburg, Ontario K0H 1M0

Individual Works Location: 36 Harrison Lane, Kingston, Ontario K7L 4V3

### **Description of Individual Sewage Works:**

a subsurface disposal system rated at maximum daily design capacity of 1,100 Litres per day to service a proposed two (2) bedroom cottage located at above noted location, and consisting of the following:

#### ***Septic Tank***

One (1) two-compartment septic tank receiving influent by gravity from the above mentioned residence with a minimum capacity of 4,500 L, equipped with an OBC approved effluent filter, discharging to the Filter Bed via Pumping Chamber described below;

#### ***Pumping chamber***

One (1) approximately 477 L capacity pumping chamber connected with one (1) submersible sewage power ½ horsepower C-I HD pump or approved equivalent, including a float level, controls and alarm, discharging to a forcemain leading to the Filter Bed described below;

#### ***Filter Bed***

One (1) above-ground filter bed having a contact area of approximately 94.11 square metres, and a loading area of approximately 21.33 square metres, consisting of four (4) runs of 6.1 m long 75 millimetre diameter perforated pipes installed in a continuous 300 mm thick stone layer, over a minimum of 750 millimetres deep filter medium meeting grading requirements as per the Ontario Building Code and complete with a minimum of 250 mm sand mantle over an area covered by the bed and extending for at least 15 m beyond the outer distribution pipe in any direction in which the effluent from the bed will move laterally, and the top surface of filter medium located a minimum of 900 millimetres above the rock or native soil of percolation time greater than 50 minutes/centimetre.

including all other controls, electrical equipment, instrumentation, piping, valves and appurtenances essential for proper operation of the aforementioned sewage works;

### ● **Residence - 828 River Styx Lane**

Individual Works Owner: Kevin James Adam - 289 Bowman Street, Hamilton, Ontario L8S 2T9

Individual Works Location: 828 River Styx Lane, Kingston, Ontario K7L 4V3

### **Description of Individual Sewage Works:**

Proposed sewage works with a subsurface disposal system rated at a maximum capacity of 1,600 Litres per day to serve a proposed seasonal residence located at the above noted location and consisting of the following:

#### ***Septic Tank***

one (1) two-compartment septic tank having a minimum capacity of 3,600 Litres collecting raw sewage from the residence and discharging by gravity to a proposed filter bed as described

below;

***Filter Bed***

an above-grade filter bed constructed of imported soil with percolation time of  $T = 7 - 8$  minutes per centimetre and complete with a minimum of 250 millimetre sand mantle over an area covered by the bed and extending for at least 15 metres beyond the outer distribution pipe in any direction in which the effluent from the bed will move laterally, having a contact area of 94.1 square-metres, consisting of four (4) runs of 75 millimetre diameter, 6 metre long distribution perforated piping to be set in a continuous 300 millimetre thick stone layer, evenly spaced over a surface of a minimum of 750 millimetre deep approved filter sand:

● **Residence - 814 River Styx Lane (formerly known as 2496 Isle of Man Road)**

Individual Works Owner: Gary Edmund Rooney and Donna Christine Wright - 842 Kilburn Street, Kingston, Ontario K7M 6A9

Individual Works Location: 814 River Styx Lane, Kingston, Ontario K7L 4V3

**Description of Individual Sewage Works:**

the establishment of non-municipal subsurface disposal works for the collection, transmission, treatment and disposal of domestic sewage with a *Rated Capacity* of 1,600 litres per day at above noted location, and consisting of the following:

one (1) approximately 500 Litre capacity pumping chamber c/w with one submersible pump on duty and one on shelf as standby, including a float level, controls and alarm, discharging to a forcemain leading to the septic tank described below;

one (1) 3,600 Litre septic tank having two compartments, c/w effluent filter; two-way gravity flow divider which will split the flow evenly to the leaching bed as described below; and

a sub-surface disposal system comprising of one leaching bed with eight (4) rows of approximately 6.7 metre long, 75 millimetre diameter distribution pipes at 1.25 metre c/c located within a Granular fill material surround having approximately 94 square metres of filter bed/contact area; and

all other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage works;

all in accordance with Supporting Documentation submitted to the Ministry as listed in the **Schedule A** in this Approval.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).  
0692-6RPPTD, 1562-5YYLWP issued on July 18, 2006, June 3, 2004.**

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 required 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

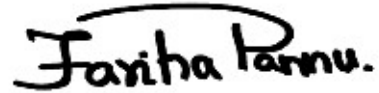
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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 29th 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*

MS/

c: District Manager, MECP Kingston - District Office  
President, River Styx Cottagers' Association  
Edward Fitzgerald, EJF Construction