

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9862-CNMSEB
Issue Date: February 7, 2023

140 OLD MILL ROAD LIMITED PARTNERSHIP by its
sole general partner, 140 OLD MILL ROAD GP INC. and
140 OLD MILL ROAD COINVEST LIMITED
PARTNERSHIP by its sole general partner, 140 OLD
MILL ROAD COINVEST GP INC.
2680 Skymark Ave, No. 800
Mississauga, Ontario
L4W 5L6

Site Location: 140 Old Mill Rd (Mako)
140 Old Mill Rd
City of Cambridge, Regional Municipality of Waterloo
N3H 4R8

*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 wastewater infrastructure Works and stormwater management Works to serve the proposed industrial building at 140 Old Mill Road, located in the City of Cambridge, for the collection, transmission, treatment and disposal of stormwater runoff from a total catchment area of 30.70 hectares, to provide Enhanced Level water quality protection and erosion control, and to attenuate post-development peak flows to allowable peak flows for all storm events up to and including the 100-year storm event, discharging to storm sewers located on intersection of Fountain Street and Dickie Settlement Road, consisting of the following:

- **storm sewers** located south of Street B, having a diameter of 750 millimetres, from the northeast corner of the proposed building to the parking lot located northwest of proposed building, discharging to proposed storm sewer on Street B and ultimately discharging to proposed infiltration gallery located on the northwest parking lot;
- **storm sewers** on Street B, having a diameter of 750 millimetres to 900 millimetres, from the parking lot located on the western end of the development, to the parking lot located northwest of proposed building, discharging to proposed infiltration gallery located on the northwest parking lot;

- **subsurface infiltration gallery (catchment area 5.10 hectares)**, provided in GreenStorm ST 2 -Layer or Equivalent Equipment, located on the northwest parking lot, having a total length of 62.40 metres and a width of 15.2 metres, a base area of 948.5 metres square, a maximum allowable storage depth of 1.32 metres and a maximum available storage volume of 1,201 cubic metres, complete with non-woven filter fabric installed around the system and an emergency overflow outlet discharging to storm sewers located on the northwest parking lot;
- **storm sewers** located south of Street B, having a diameter of 1050 millimetres to 1200 millimetres, from the intersection of Street A and Street B, to Street C, discharging to proposed Jellyfish filter located on the northeast corner of the development;
- **underground storage (catchment area 3.72 hectares)**, provided in GreenStorm ST 2-Layer, having a total length of 65.6 metres and a width of 27.2 metres, located on northwestern parking lot, having a maximum available storage volume of 4,500 cubic metres, and lined with an impermeable liner, discharging via two (2) 900 millimetres storm sewer to proposed storm sewers located south of Street B, and ultimately discharging to jellyfish filter via MH 10 equipped with a weir wall and orifice controls, allowing a maximum discharge of 36.9 litres per second under the 5-year storm event to proposed jellyfish filter;
- **storm sewers** on northeastern corner of the development, from the northeastern corner of development, to the intersection of Fountain Street and Dickie Settlement Road, discharging to existing sewers located at intersection of Fountain Street and Dickie Settlement Road;
- **jellyfish filter (catchment area: 3.76 hectares)**: (1) jellyfish filter, Model JF10-14-4 or Equivalent Equipment, located on the northeastern corner of the development, providing Enhanced Level of protection, having a sediment storage capacity of 910 kilograms, an oil storage capacity of 2,303 litres, and a maximum treatment rate of 78.9 litres per second, receiving inflow from the storm sewers located on Street B and Street C, discharging to a diversion MH 11 equipped with 450 millimetres flow control Sluice Gate, allowing 25 mm runoff to proposed infiltration gallery, and overflow from the infiltration gallery are conveyed to the proposed storm sewers on northeast corner of the development and ultimately discharging to existing storm sewers on Fountain Street;
- **storm sewers** located north of Street D, from the southeastern corner of the development, to southwest trailer yard, discharging to proposed infiltration gallery located on the southwest trailer yard;
- **subsurface infiltration trenches (catchment area 4.81 hectares)**, located on the Southwest trailer yard, having a total length of 49.6 metres and a width of 19.2 metres, a base area of 952.3 metres, a maximum allowable storage depth of 1.32 metres and a maximum available storage volume of 1,200 cubic metres, complete with non-woven filter fabric installed around the system and an emergency overflow outlet discharging to storm sewers located on the southwest trailer yard;
- **storm sewers** located south of Street D, from the southwestern corner of the development to Street C, discharging to proposed jellyfish filter located on Street C;

- **underground storage (catchment area 8.63 hectares)**, provided in GreenStorm ST, having a total length of 118.4 metres and a width of 40 metres, located on Southwest trailer yard, having a maximum available storage volume of 5,998 cubic metres, discharging via two (2) 900 millimetre diameter storm sewer to proposed storm sewers located south of Street D, and ultimately discharging to jellyfish filter via MH 75 equipped with a weir wall and orifice controls, allowing a maximum discharge of 53 litres per second under the 5-year storm event to proposed jellyfish filter;
- **jellyfish filter (catchment area: 8.63 ha hectares)**: two (2) jellyfish filter, JF10-16-4 or Equivalent Equipment, located on southeastern corner of the development, providing Enhanced Level of protection, having a sediment storage capacity of 1,024 kilogram, an oil storage capacity of 2,302 litres, and a maximum treatment rate of 78.9 litres per second, receiving inflow from the storm sewer located on Street D and Street C, discharging via a 450 millimetre diameter outlet pipe to MH 76 and ultimately discharging to proposed storm sewers on Street C;
- **storm sewers** on Street C, from southeast corner of the development to eastern corner of the development, discharging to proposed infiltration gallery located on the eastern corner of the development;
- **subsurface infiltration trenches (catchment area 13.17 hectares)**, provided in Cultec Recharger 902HD Chambers, located on the eastern corner of the development, having a total length of 48.01 metres and a width of 7.47 metres, a base area of 343.8 square metres, a maximum allowable storage depth of 1.76 metres and a maximum available storage volume of 385 cubic metres, comprised of open chambers and clearstone surrounding chambers, complete with a non-woven geotextile around the system, an emergency overflow outlet discharging to proposed storm sewers located on Street C
- **storm sewers** on Street C, from the eastern corner of the development, to the intersection of Street C and Street B, discharging to proposed infiltration gallery located on the eastern corner of the development;

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 140 Old Mill Road Coinvest GP Inc. as general partner for and on behalf of 140 Old Mill Road CoInvest LP and 140 Old Mill Road GP Inc. as general partner for and on behalf of 140 Old Mill Road LP , and includes 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 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. 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 ensure the immediate clean-out of the Works after a fuel or oil spill capture.
6. 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.
7. 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;
 - 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.
8. 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.
9. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

5. TEMPORARY EROSION AND SEDIMENT CONTROL

1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every two (2) weeks and after each significant storm event (a significant storm event is defined as a minimum of 25 millimetres of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.
2. The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

6. REPORTING

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the District Manager when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:

- a. a description of any operating problems encountered and corrective actions taken;
- b. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works, including an estimate of the quantity of any materials removed from the Works;
- c. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- d. a summary of all spill or abnormal discharge events; and
- e. any other information the District Manager requires from time to time.

7. 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.
2. The spill contingency plan shall be kept in a conspicuous, readily accessible location on-site.
 3. The spill contingency plan shall be amended from time to time as required by changes in the operation of the facility.

8. 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 January 28, 2022 and received on May 24, 2022, submitted by the MTE Consultants Inc on behalf of 140 Old Mill Limited Partnership;
2. Grand River Conservation Authority Clearance issued on September 02, 2021, appended in ECA application Submission No 2;
3. Pipe data form, prepared by MTE Consultants Inc.;
4. Storm Sewer Design Sheet, dated June 28, 2022, prepared by MTE Consultants Inc.;
5. Stormwater Management Report, 140 Old Mill Road, dated March 11, 2022, appended in ECA application Submission No 2, prepared by MTE Consultants Inc.;
6. Engineering Drawing, set of fifteen (15) Engineering Drawing, signed, stamped and dated March 11, 2022, appended in ECA application Submission No 2, prepared by MTE Consultants Inc.;
7. Response to Information Request, email from Chelsea Dahmer from MTE Consultants Inc., dated December 23, 2022, January 27, 2023 and February 02, 2023 and includes:
 1. Engineering Drawing, Site Grading Plan Overall, signed, stamped and dated September 08, 2022, prepared by MTE Consulting Inc.;
 2. Engineering Drawing, set of fifteen (15) Engineering Drawing, signed, stamped and dated September 09, 2022, prepared by MTE Consultants Inc.;

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

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted. This condition is also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
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 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.
8. Condition 8 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 February, 2023



Aziz Ahmed, P.Eng.

Director

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

TC/

c: District Manager, MECP Guelph
Rebecca Kerr, MTE Consultants Inc.