

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 1288-CKQMX9  
Issue Date: April 24, 2023

Zalev Brothers Co.  
100 Grand Marais Rd E  
Windsor, Ontario  
N9A 6N5

Site Location: Zalev Brothers Co.  
100 Grand Marais Rd E  
City of Windsor, County of Essex, Ontario  
N9A 6N5

*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 usage and operation of existing storm water management Works for the collection, transmission, treatment and disposal of stormwater runoff from the 20.6 hectares site used as a metal recycling facility, identified above at the above Site Location, discharging via municipal storm sewers into Turkey Creek, a tributary of the Detroit River and also locally referred to as the Grand Marais Drain, consisting of the following:

- An on-site storm sewer collection system consisting of storm sewers with diameters ranging from 300 millimetres to 750 millimetres with catch basins and manholes providing initial settling and sediment capture, to collect and convey storm water runoff to the proposed passive treatment system described below;
- A passive treatment system to capture and treat 100 percent of the impacted stormwater (that has contacted the scrap metal stockpiles and processing operations) for all storms up to and including the 2 year design storm, consisting of the following:
  - two (2) Wilkinson Model WG750 Treatment Chambers oil/water separators (or Equivalent Equipment), with a total sediment storage capacity of approximately 1.4 cubic metres each and dry weather spill storage volume of approximately 7.9 cubic metres each;
  - one (1) aeration pond, with a permanent pool volume of 552 cubic metres, permanent pool depth of approximately 1.5 metres and an active storage volume of 5,906 cubic metres, where aeration is accomplished via mechanical aerators that provide continuous aeration and aerated water is

transferred via a pump station to the settling pond at a design flow rate of 12.5 litres per second;

- one (1) settling dry pond with a wet forebay approximately 30.5 metres long, 9.14 metres wide, and 0.75 metre deep and an active storage volume of 2,411 cubic metres, with effluent being discharged via a second pump station to a Granular Activated Carbon (GAC) Bed at a design flow rate of 10 litres per second;
- one (1) Granular Activated Carbon (GAC) Bed, consisting of several layers of filter media, with a total surface area of approximately 310 square metres and an active storage depth of approximately 1.5 metres, discharging treated effluent via a 106 metre long, 200 millimetre diameter gravity discharge pipe to the storm manhole on the corner of Ouellette Avenue and Edinborough Street;
- major storm overflows (storms in excess of the 2-year storm) is directed via overland flow to the southeast portion of the site to the on-site stormwater overflow swale that discharges to the roadside ditch along Grand Marais Road East;
- baffle wall, weir wall, oil skimmers and bubblers (seasonal, as required), oil storage tank, and outlet pipe located in the on-site stormwater overflow swale for protection during major storm overflows; and
- a drainage area at the southeast corner of the property (2.25 hectares) consisting mainly of the parking lot for the office, which is drained via storm sewers into an on-site oil/grit separator before being discharged into a roadside ditch on the north side of Grand Marais Road East.

including erosion/sedimentation control measures during construction 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 documents listed in **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. "CBOD5" means five day carbonaceous (nitrification inhibited) biochemical oxygen demand measured in an unfiltered sample;
3. "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;
4. "District Manager" means the District Manager of the appropriate local District Office of the Ministry, where the Works are geographically located;
5. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;

6. "Existing Works" means those portions of the Works included in the Approval that have been constructed previously;
7. "Equivalent Equipment" means alternate piece(s) of equipment that meets the design requirements and performance specifications of the piece(s) of equipment to be substituted;
8. "Grab Sample" or "Grab" means an individual sample of at least 1000 millilitres collected in an appropriate container at a randomly selected time over a period of time not exceeding 15 minutes;
9. "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;
10. "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;
11. "Owner" means Zalev Brothers Co. and its successors and assignees;
12. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;
13. "Single Sample Result" means the test result of a parameter in the effluent discharged on any day, as measured by a probe, analyzer or in a composite or grab sample, as required;
14. "Works" means the approved sewage works in 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 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 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. B.17* shall be included in the notification; or
  - d. change of name of the 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.
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 number of this Approval.

## 3. RECORD DRAWINGS

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 carry out and maintain an inspection and maintenance program on the operation of the manhole oil/grit separator in accordance with the manufacturer's recommendation.
5. The Owner shall ensure that the manhole oil/grit separator remains accessible year-round to facilitate maintenance access and spill response measures.
6. The Owner shall ensure the immediate clean-out of the Works after a fuel or oil spill capture.
7. 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.
8. The Owner shall maintain an operations manual 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. a Spill Prevention Control and Countermeasures Plan, consisting of contingency plans and procedures for dealing with equipment breakdowns, potential spills and any other abnormal situations, including notification of the Ministry's local office; and
  - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
9. 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.

10. 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.
11. 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 LIMITS

1. The Owner shall design, construct and operate the Works such that the concentrations of the materials listed as effluent parameters in the effluent limits table (Table 1) in **Schedule B** are not exceeded in the effluent from the Works.
2. For the purposes of determining compliance with and enforcing Condition 5.1:
  - a. non-compliance with respect to a single sample concentration limit is deemed to have occurred when the Single Sample Result of the concentration of a parameter named in Column 1 of Table 1 is greater than the corresponding maximum concentration set out in Column 2 of Table 1;
  - b. non-compliance with respect to an annual average concentration limit is deemed to have occurred when the mean of all Single Sample Results of the concentration of a parameter named in Column 1 of Table 1 sampled or measured during a calendar year is greater than the corresponding maximum concentration set out in Column 3 of Table 1; and
  - c. non-compliance with respect to pH is deemed to have occurred when any Single Sample Result is outside of the indicated range.

## 6. EFFLUENT MONITORING

1. The Owner shall, upon commencement of operation of the 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 (Table 2)

in **Schedule B**.

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 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.

## 7. REPORTING

1. The Owner shall report to the District Manager orally **as soon as possible** any non-compliance with the compliance limits, and in writing **within seven (7) days** of non-compliance.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. 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) made under the EPA, the Owner shall, within **fifteen (15) days** of the occurrence of any reportable spill as provided in Part X of the EPA and O. Reg. 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.
4. The Owner shall prepare performance reports on a calendar year basis and submit to the District Manager by **March 31** of the calendar year following the period being reported upon. The reports shall contain, but shall not be limited to, the following information pertaining to the reporting period:
  - a. all monitoring data in hard copy and electronic spreadsheet that can be manipulated by the reviewer and include, but not be limited to, a summary and interpretation of all monitoring data collected pursuant to Condition 6 and a comparison to the effluent limits outlined in Condition 5, and the Provincial Water Quality Objective (PWQO) for the monitored parameters, including an overview of the success and adequacy of the Works and presentation of photographic records of inspections;
  - 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 summary of any complaints received during the reporting period and any steps taken to address the complaints;
- g. a summary of all spill or abnormal discharge events; and
- h. any other information the District Manager requires from time to time.

## **8. 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.

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

6. Condition 6 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 7 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.
8. Condition 8 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 submitted by GHD Limited, dated August 9, 2022 and received on August 18, 2022, and signed by Zalev Brothers Co., including all supporting documentation and information.

## Schedule B

<b>Table 1 - Effluent Limits</b>		
<b>Effluent Parameter</b>	<b>Single Sample Concentration Limit</b> (milligrams per litre unless otherwise indicated)	<b>Annual Average Concentration Limit</b> (milligrams per litre unless otherwise indicated)
Column 1	Column 2	Column 3
CBOD <sub>5</sub>	30	15
Oil and Grease	15	-
Total Suspended Solids	25	15
Cadmium	0.01	0.005
Chromium	0.5	0.3
Copper	0.5	0.3
Lead	0.5	0.3
Mercury	0.001	0.001
Nickel	0.5	0.3
Tin	0.5	0.3
Zinc	0.5	0.3
Phenols	0.03	0.02
pH	6.5 to 9.0	-

<b>Table 2 - Effluent Monitoring</b> (Effluent discharged from the Works)	
<b>Frequency</b>	Quarterly (when there is outflow from the Works)
<b>Sample Type</b>	Grab
<b>Parameters</b>	CBOD <sub>5</sub> , Oil and Grease, pH (field), Temperature (field), Total Suspended Solids, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Tin, Zinc, Phenols.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).  
8584-A6DRC4 issued on June 16, 2016.**

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

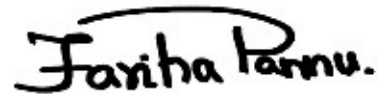
and

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 24th day of April, 2023



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Fariha Pannu, P.Eng.

Director

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

SW/

c: Area Manager, MECP Windsor Area Office  
c: District Manager, MECP Sarnia District Office  
Dilan Singaraja, P.Eng., GHD Limited