

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-3181579177

Version: 1.0

Issue Date: September 1, 2023

Pursuant to section 20.3 of the Environmental Protection Act, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:

ONTARIO POWER GENERATION INC.

700 UNIVERSITY AVENUE (AVE) ,FLOOR (FL) 19
TORONTO ONTARIO
M5G 1X6

For the following site:

Chute Generating Station
Township of Smythe, District of Temiskaming
The station is located on the Montreal River, approximately 15 kilometres upstream of the town of Elk Lake

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 at the Chute Generating Station Powerhouse, collecting sewage from floor drains and unit drains (with approximately 160 litres of PCB-free oil containing equipment) within the powerhouse, consisting of:

- **one (1) existing sump station**, having an approximate volume capacity of 11,553 litres, equipped with two automatically activated pumps, discharging clean water (not contaminated) from the sump on a level-control system via existing station piping into the tailrace to the Montreal River.
- **one (1) belt-type oil skimmer**, or Equivalent Equipment, operating on a motor and pulley system with an oil removal rate of approximately 2.52 litres per minute, to be installed with associated piping into the existing concrete sump collecting station drainage, removing oil from the surface using wiper scrapes from belt and discharging oil into a collection drum for disposal.

along with 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 1 in this Approval.

DEFINITIONS

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 site is geographically located.

4. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.
5. "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.
6. "Grab sample" is defined in Section 3.1.1 of the Ministry publication, "Protocol For the Sampling and Analysis of Industrial/Municipal Waste Water" dated January 1999, and as amended.
7. "mg/L" means milligrams per Litre.
8. "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.
9. "Owner" means Ontario Power Generation Inc., and its successors and assignees.
10. "OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended.
11. "Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a licence issued under the Professional Engineers Act.
12. "Quarterly" means four times over a year, relatively evenly spaced where possible, commencing with the start-up of the Works.
13. "ug/L" means micrograms per litre.
14. "Works" means the sewage works described in the Owner's application and this Approval.

TERMS AND CONDITIONS

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

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 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, the application for approval of the works and the submitted supporting documents and plans and specifications as listed in this Approval.
3. Where there is a conflict between a provision of any submitted document 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 listed submitted documents, the document bearing the most recent date shall prevail.
4. Where there is a conflict between the submitted documents and the application, the application shall take precedence, unless it is clear that the purpose of the documents 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.
6. 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 approvals from the local conservation authority and the municipality 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. EXPIRY OF APPROVAL

1. The Approval issued by this Approval will cease to apply to those parts of the Works which have not been constructed within **five (5) years** of the date of this Approval.

3. CHANGE OF OWNER

1. The Owner shall notify the District Manager and the Director, in writing, of any of the following changes **within 30 days** of the change occurring:
 - a. change of Owner or operating authority, or both
 - b. change of address of Owner or operating authority or address of new owner or operating authority
 - c. change of partners where the Owner or operating authority is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Partnerships Registration Act*
 - d. change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* 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.
3. The Owner shall ensure that all communications made pursuant to this condition refer to this Approval's number.

4. CONSTRUCTION

1. The Owner shall ensure that the design and construction of the Works is supervised by a Professional Engineer.
2. Upon construction of the Works, the Owner shall prepare a statement, certified by a Professional Engineer, that the Proposed Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry staff.

5. OPERATION AND MAINTENANCE

1. The Owner shall ensure that the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained. The Owner shall check the Works on a monthly basis, as a minimum, and keep a record of the inspections at the offices of the operating authority. Upon the request of the Owner, the District Manager may reduce the frequency of inspection, in writing.
2. The Owner shall check on a monthly basis, as a minimum, the following Works for signs of oil loss and shall keep a record of the inspections and findings:
 - a. the powerhouse sump station;
3. The Owner shall carry out on a regular basis specific maintenance requirements and scheduling to ensure proper operation of the Works.
4. The Owner shall, upon identification of a loss of oil, take immediate action to prevent the further occurrence of such loss.
5. In furtherance of, but without limiting the generality of, the obligation imposed by Subsection (1), the Owner shall ensure that equipment and material for the containment, clean-up and disposal of oil and materials contaminated with oil are kept on hand and in good repair for immediate use in the event of:
 - a. loss of oil from the powerhouse equipment's and from the sewage works in the powerhouse;
 - b. a spill within the meaning of Part X of the Environmental Protection Act; or
 - c. the identification of an abnormal amount of oil in the sump station.

6. OPERATIONS MANUAL

1. In furtherance of, but without limiting the generality of the obligation imposed by Condition 5, the Owner shall prepare an operation manual prior to the commencement of the operation of the Works.
2. The Owner shall ensure that the manual includes:
 - a. operating 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 to address loss of oil from the transformers and oil discharge offsite, including procedures for notifying the District Manager; and
 - e. procedures for responding to environmental concerns from the public.
3. The Owner shall maintain the operations manual current, at the location of the works, or at the offices of the operating authority for as long as they are in operation. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

7. EFFLUENT OBJECTIVES

1. The Owner shall use best efforts to design, construct and operate the Works with the objective that the concentrations of the materials named as effluent parameters in the Effluent Objectives Table listed in Schedule 2 are not exceeded in the effluent from the Works
2. In the event of an exceedance of the objectives 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.

8. 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, foam or discolouration on the final receiver.

9. EFFLUENT MONITORING AND RECORDING (For Powerhouse: Sump Station)

1. The requirement for a regular effluent monitoring program for the Powerhouse Sump Station is exempted under the following conditions:
 - a. The Works shall be operated using Best Management Practices and in compliance with the established effluent objectives as set out in Table 1 of the effluent objectives tables included in Schedule 2.
 - b. Ministry staff may enter the site of the Works at any reasonable time and make inspections on the Works including, but not limited to, taking samples and copying monitoring information from the station record, and
 - c. The monitoring requirements as described under subsection (2) will be undertaken for twelve (12) months directly following a spill, with termination of the monitoring requirement to be determined by the District Manager at the end of the twelve month period.
2. The Owner shall carry out the following effluent monitoring program immediately after a spill as defined under Condition 5 subsection (5) (b):
 - a. The Owner shall ensure that all samples and measurements taken for the purposes of this Approval are taken at a time and in a location characteristic of the quality and quantity of the effluent stream, over the time period being monitored.

- b. Samples of effluent from the sump 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 Table 2 of the effluent monitoring tables included in Schedule 2.
- c. In the event of an exceedance of one of the objectives set out in Table 1 of the effluent objectives tables included in Schedule 2, the Owner shall increase the frequency of sampling of the Powerhouse Sump Station effluent to once per month for each month that discharge occurs until it is demonstrated to the District Manager that the effluent complies with the said objectives.
- d. The methods and protocols for sampling, analysis and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
 - i. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" (January 1999), ISBN 0-7778-1880-9, as amended from time to time by more recently published editions; and
 - ii. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions.

10. RECORD KEEPING

- 1. The Owner shall maintain a record of the inspections and operation manual at the offices of the operating authority at all times, which upon request must be made available for inspection and copying by Ministry personnel. The record of inspections and operation manual shall include the following:
 - a. results of the monitoring required by Condition 9, and
 - b. quantity and frequency of slop oil disposal from the skimmer, including a copy of the disposal manifest.
- 2. The Owner shall retain for a minimum of **five (5) years** from the date of their creation, or longer if requested in writing by the District Manager, all records and information related to, or resulting from, the monitoring, inspection and maintenance activities required by this Approval.

11. REPORTING

- 1. One (1) Week prior to the start up date of the operation of the proposed Works, the Owner shall notify the District Manager (in writing) of the pending start up date.
- 2. The Owner shall report to the District Manager or designate, any exceedance of any parameter specified in Condition 7 orally, as soon as reasonably possible, and in writing within seven (7) days of the exceedance.
- 3. The Owner shall immediately notify the Ministry's Spills Action Centre (Telephone No. 1-800-268-6060) of any Works failure or potential Works failure, including any spills.
- 4. In addition to the obligations under Part X of the EPA, the Owner shall, within ten (10) working days of the occurrence of any reportable spill as defined in Ontario Regulation 675/98, loss of any product, by-product, intermediate product, oil, solvent, waste material or any other polluting substance into the environment, or discovery thereof, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation.
- 5. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
- 6. The Owner shall prepare, and upon request, submit to the District Manager, a performance report, on an annual basis, within ninety (90) days following the end of the period being reported upon. The first such report shall cover the first annual period following the issuance of this Approval 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 comprehensive interpretation of all monitoring data and analytical data collected relative to the Works during the reporting period, 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;
- d. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- e. a description of efforts made and results achieved in meeting the Effluent Objectives of Condition 7;
- f. an evaluation of the calibration and maintenance procedures conducted on all monitoring equipment;
- g. information on the disposal of any contaminated sewage/oil; and
- h. any other information the District Manager requires from time to time.

REASONS

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

1. Condition 1 is imposed to ensure that the works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also 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.(6) 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, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.
4. Condition 4 is included to ensure that the Works are constructed and may be operated and maintained such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented.
5. Condition 5 is included to ensure that the works will be operated and maintained in a manner enabling compliance with the terms and conditions of this Approval, such that the environment is protected and deterioration, loss, injury or damage to any person or property is minimized and/or prevented.
6. Condition 6 is included to ensure that an operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept current by the Owner and made available to the Ministry, upon request. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a bench-mark for Ministry staff when reviewing the Owner's operation of the Works.
7. Condition 7 is 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.
8. 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.
9. Condition 9 is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the effluent objectives

specified in the Approval and that the Works does not cause any impairment to the receiving watercourse.

10. Condition 10 is included to ensure that accurate information is readily available so that a proper and accurate assessment of the operating performance of the Works may be conducted and that appropriate measures be taken should the operating performance of the Works not be satisfactory.
11. Condition 11 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.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights, 1993* who 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:

- I. 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;
- II. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

- I. The name of the appellant;
- II. The address of the appellant;
- III. The environmental compliance approval number;
- IV. The date of the environmental compliance approval;
- V. The name of the Director, and;
- VI. 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:

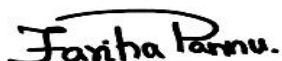
Registrar* Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 OLT.Registrar@ontario.ca	and	The Minister of the Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto, Ontario M7A 2J3	and	The Director appointed for the purposes of Part II.1 of the <i>Environmental Protection Act</i> Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** 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 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 September, 2023



Fariha Pannu

Director

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

c: Tiasi Ghosh, Ontario Power Generation Inc.
Heather Brown, ONTARIO POWER GENERATION INC.

The following schedules are a part of this environmental compliance approval:

SCHEDULE 1

1. Environmental Compliance Approval Application for Sewage Works received on October 5, 2022, submitted by Ontario Power Generation Inc., and including all supporting documentation and information.

SCHEDULE 2

Effluent Objectives Table

Table 1 - Concentration Objectives applicable to Powerhouse Sump Station effluent

Effluent Parameter	Concentration Objective (milligrams per litre unless otherwise indicated)
Oil and Grease	15 mg/L
Phenol	20 ug/L

Effluent Monitoring Table

Table 2 - Effluent Monitoring applicable to Powerhouse Sump Station

Parameters	Frequency	Sample Type
Oil and Grease	Quarterly	Grab
Phenol	Quarterly	Grab