

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2720-CJHNYN  
Issue Date: December 20, 2023

Yellowline Asphalt Products Ltd.  
70 Hobson Road  
Hamilton, Ontario  
L8H 0A5

Site Location: 70 Hobson Road  
City of Hamilton, Ontario

*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:*

establishment of stormwater management Works to service asphalt cement manufacturing and distribution facility, located in City of Hamilton, having catchment area of approximately 4.04 hectares, for the treatment and disposal of stormwater, consisting of the following:

**Proposed Works:**

- **storm sewer system (Catchment Area 1 System)**, collecting and conveying stormwater to a Precast Pump Maintenance Hole (ID: PMC-3), consisting of one (1), 1,800 millimetre diameter manhole, with a working volume of 1.17 cubic metres, conveying the quality storm at a maximum flow rate of 106.3 cubic metres per hour to the Containerized Treatment System (ID: CTS-1) via one (1) pump with a flow rate of 163 litres per second at 23.0 metres Total Dynamic Head (TDH), complete with a 525 millimetre diameter overflow drain which conveys all flows greater than the quality storm to a new 1800 millimetre diameter Precast Collection Maintenance Hole (ID: CMH-1) which overflows to the existing storm sewer on Hobson Road;
- **storm sewer system (Catchment Area 2 System)**, collecting and conveying stormwater to a Precast Pump Maintenance Hole (ID: PMC-2), consisting of one (1), 1,800 millimetre diameter manhole, with a working volume of 1.17 cubic metres, conveying the quality storm at a maximum flow rate of 118.7 cubic metres per hour to the Containerized Treatment System (ID: CTS-1) via one (1) pump with a flow rate of 120 litres per second at 22.5 metres Total Dynamic Head (TDH), complete with a 500 millimetre diameter overflow drain which conveys all flows greater than the quality storm to a new 1800 millimetre diameter Precast Collection Maintenance Hole (ID: CMH-1) which overflows to the existing storm sewer on Hobson Road;

- **storm sewer system (Catchment Area 3 System)**, collecting and conveying stormwater to a Precast Pump Maintenance Hole (ID: PMC-1), consisting of one (1), 1,800 millimetre diameter manhole, with a working volume of 1.17 cubic metres, conveying the quality storm at a maximum flow rate of 163.6 cubic metres per hour to the Containerized Treatment System (ID: CTS-1) via one (1) pump with a flow rate of 110 litres per second at 22.5 metres Total Dynamic Head (TDH), complete with a 300 millimetre diameter overflow drain which conveys all flows greater than the quality storm to a new 1800 millimetre diameter Precast Collection Maintenance Hole (ID: CMH-1) which overflows to the existing storm sewer on Hobson Road;
- One (1) **containerized treatment system (CTS-1)**, receiving stormwater from storm sewer systems (1, 2, 3), identified above, and providing quality control, consisting of:
  - two (2) parallel filter trains, each train consisting of:
    - one (1) Mag-meter type flowmeter;
    - one (1) 25 µm filter, with a maximum flow rate of 1,050 gpm per housing;
    - one (1) 10 µm filter, with a maximum flow rate of 1,050 gpm per housing;
    - one (1) 1 µm filter, with a maximum flow rate of 1,050 gpm per housing; and
  - pressure differential switches indicating when the differential pressure across the filters reaches 25 PSI, indicating that a filter change out is required;
  - valved cross connections between the filter trains to allow re-direction of stormwater to either train for treatment;
  - Discharging to one (1) new 1800mm Dia. Precast Collection Maintenance Hole (ID: CMH-1).

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 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. "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. "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;
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 Yellowline Asphalt Products Ltd. and its successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;
9. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
10. "Works" means the approved sewage works, and includes Proposed Works.

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

## **TERMS AND CONDITIONS**

### **1. GENERAL PROVISIONS**

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. 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.

### **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 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;
  - 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. C.39* shall be included in the notification.
2. In the event of any change in ownership of the Works, other than a change in ownership to the municipality, i.e. assumption of the Works, the Owner shall notify the succeeding owner in writing 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.

### **4. CONSTRUCTION OF PROPOSED WORKS**

1. Upon construction of the Works, the Owner shall prepare a statement, certified by a Licensed Engineering Practitioner, that the Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry staff.
2. Within six (6) months of the construction of the Proposed Works, a set of as-built drawings showing the Works "as constructed" shall be prepared. These drawings shall be kept up to date through revision undertaken from time to time and a copy shall be retained for the operational life of the Works.

## 5. 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 ensure the immediate clean-out of the Works after a fuel or oil spill capture.
4. 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.
5. The Owner shall prepare an operations manual prior to the commencement of operation of the Works that includes, but is not necessarily limited to, the following information:
  - a. operating and maintenance procedures for routine operation of the Works;
  - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
  - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
  - d. contingency plans and procedures for dealing with potential abnormal situations and for notifying the District Manager; and
  - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
6. 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.

7. The Owner shall prepare the development of a plan to reduce the source of metals and/or hazardous substances into the SWM system, as part of the long-term operation at the site and results of any investigations and/or measures taken to reduce the source contributions should be included in a report to the ministry.
8. The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at the Works for inspection by the Ministry. The logbook shall include the following:
  - a. the name of the Works;
  - b. the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed and method of clean-out of the Works; and
  - c. the date of each spill within the catchment area, including follow-up actions and remedial measures undertaken.
9. The Owner shall retain for a minimum of **five (5) years** from the date of their creation, all records and information related to or resulting from the operation and maintenance activities required by this Approval.

## 6. EFFLUENT LIMITS

1. The Owner shall operate and maintain the Works such that the four (4) month rolling average concentrations of the materials named in Effluent Limit Table in "**Schedule B**" as effluent parameters are not exceeded in the effluent from the Works.
2. 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 or sheen or foam or discolouration on the receiving waters.
3. In the event of an exceedance of the limits 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.

## 7. EFFLUENT MONITORING AND RECORDING

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 in **Schedule C**.

3. If conditions on the day of sampling exist where there is no flow or standing water, the Owner shall record the condition as "Dry". The Owner shall not incorporate "Dry" conditions in rolling average calculations in accordance with the note "Understanding Four-month Rolling Average" included in Schedule B. In situations where "Dry" is recorded, the Owner shall use the four (4) most recent events where a sample was collected in calculating the four-month rolling average.
4. 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.
5. The Owner shall retain for a minimum of **five (5) years** from the date of their creation, all records and information related to or resulting from the monitoring activities required by this Approval.

## **8. 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 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.
3. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
4. 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.
5. 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 outlined in Condition 7, a summary and interpretation of the monitoring data from the Containerized Treatment System Outlet and a comparison to the effluent limits outlined in Condition 6, including an overview of the success and adequacy of the Works. A summary and interpretation of the monitoring data from the overflow stream for the three Overflow events (flows in excess of the Quality Strom) per year, as outlined in Condition 7, shall also be included
- b. a description of the activities undertaken to reduce source contributions in the stormwater as outlined in Condition 5.
- c. a description of any operating problems encountered and corrective actions taken;
- d. 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;
- e. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
- f. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- g. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- h. a summary of all spill or abnormal discharge events; and
- i. any other information the District Manager requires from time to time.

## **9. 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, 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 to ensure that the Works are constructed in accordance with the approval and that record drawings of the Works “as constructed” are maintained for future references.
5. Condition 5 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.
6. Condition 6 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.
7. Condition 7 is included to require the Owner to demonstrate on a continual basis that the quality and quantity of the effluent from the approved Works is consistent with the design and effluent objectives specified in the Approval and that the approved Works does not cause any impairment to the receiving watercourse.
8. Condition 8 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.
9. Condition 9 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. Application for Environmental Compliance Approval, dated October 26, 2021 and received on October 28, 2021, submitted by Pinchin Ltd. on behalf of Yellowline Asphalt Products Ltd., along with all other supporting information including submitted engineering drawings, and other supporting details, submitted by Pinchin Ltd.
2. Final Sewage Works Design Report for 70 Hobson Road, Hamilton, Ontario, prepared for Yellowline Asphalt Products Ltd., dated October 22, 2021, prepared by Pinchin Ltd.

## Schedule B

### Effluent Limits Table

**measured at the discharge outlet from: Containerized Treatment System (CTS)**

| Effluent Parameter     | Concentration Limits<br>Four (4) month Rolling Average (Note 1 - see below)<br>(milligrams per litre unless otherwise indicated)                           |
|------------------------|--|
| Oil and Grease         | 15<br>(No visible film, sheen, or discolouration on the surface<br>or detection by odour)  |
| Total Suspended Solids | 15   |
| Total Arsenic          | 0.1  |
| Total Boron            | 1.5  |
| Total Cobalt           | 0.0009   |
| Total Copper           | If Hardness between 0-20, then 0.001<br>If Hardness >20, then 0.005  |
| Total Iron             | 0.3  |
| Total Lead             | If Alkalinity <20, then 0.005<br>If Alkalinity between 20-40, then 0.01<br>If Alkalinity between 40-80, then 0.02<br>If Alkalinity between >80, then 0.025 |
| Total Zinc             | 0.03   |

Note 1: For an example of rolling average, see "Understanding Rolling Average" below.

## Understanding Rolling Average

A four month rolling average is an average value based on the 4 most recent months of data. The average “rolls along” with the most recent data. Rolling average is a useful means of illuminating trends in data where there is wide variation in the data from sample event to sample event.

| Sampling Period | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct | Nov | Dec |
|-----------------|------|------|------|------|------|------|------|------|------|-----|-----|-----|
| P1              | 0.20 | 0.30 | 0.36 | 0.55 | 0.45 | 0.20 | 0.30 |      |      |     |     |     |
| P2              | 0.20 | 0.30 | 0.36 | 0.55 | 0.45 | 0.20 | 0.30 | 0.25 |      |     |     |     |
| P3              | 0.20 | 0.30 | 0.36 | 0.55 | 0.45 | 0.20 | 0.30 | 0.25 | 0.15 |     |     |     |

For example: from the Table above:

- the 4 month rolling average for July reporting (for P1) is  $(0.55+0.45+0.20+0.30)/4=0.37$
- the 4 month rolling average for August reporting (for P2) is  $(0.45+0.20+0.30+0.25)/4=0.30$
- the 4 month rolling average for September reporting (for P3) is  $(0.20+0.30+0.25+0.15)/4=0.22$

## Schedule C

### Effluent Monitoring Table

|                          |  |
|--------------------------|--|
| <b>Sampling Location</b> | (1) Outlet from Containerized Treatment System (CTS), and<br><br>(2) from the overflow Stream during Overflow events (flows in excess of the Quality Storm)  |
| <b>Frequency</b>         | (1) from CTS outlet - Monthly (once each calender month with minimum 15 days between two samples)<br><br>(2) from Overflow Stream - three Overflow events per year   |
| <b>Sample Type</b>       | Grab   |
| <b>Parameters</b>        | Oil and Grease<br>Total Suspended Solids<br>Total Arsenic<br>Total Boron<br>Total Cobalt<br>Total Copper<br>Total Iron<br>Total Lead<br>Total Molybdenum<br>Total Vanadium<br>Total Zinc<br>Alkalinity<br>Hardness<br>Polycyclic Aromatic Hydrocarbons (PAHs),<br>Benzene, Toluene, Ethylbenzene and Xylene (BTEX),<br>phenols and<br>pH |

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.

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

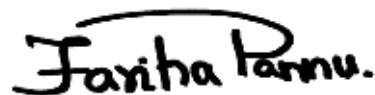
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* **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 20th day of December, 2023



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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 Hamilton - District  
Ian Hutcheson, Pinchin Ltd.