

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 6293-D34PHM
Issue Date: May 23, 2024

Agris Co-operative Ltd.
835 Park Ave W
Chatham-Kent, Ontario
N7M 5J6

Site Location: 260 Currie Rd
The Municipality of Dutton/Dunwich, County of Elgin

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

sewage works for the collection, transmission, treatment and disposal of stormwater runoff from the 4.24 ha of industrial site for the agri-industrial operations which provides grain handling and storage as well as crop inputs (such as fertilizers), located at 260 Currie Road, in the Municipality of Dutton/Dunwich, Ontario, to provide Normal Level water quality control and quantity control attenuating the post-development peak flows for all storms up to and including the 100-year storm to less than pre-development 2-year storm runoff level (41 L/s), discharging to the Dunwich Dutton School Drain located at the northwest part of the property, consisting of the following:

- one (1) **grass swale**, approximately 200 m long, 'V' shaped bottom, side slopes varying from 3:1 to 5:1 and a longitudinal slope of approximately 0.25%, each providing approximately 1,540 m³ of storage volume (total storage volume of 3,080 m³), discharging to the last manhole and then to the 450 mm diameter Dutton School Drain;
- one (1) **dry pond** having maximum slopes of 4:1, has a depth of 1.15 m (top elevation 220.0 m, bottom elevation 218.85 m), and an active storage volume of 1378 cu.m. (100 year storm at elevation 219.70 m) and a total active storage volume of 2,161 cu.m. (top of pond storage capacity + underground pipe storage) at elevation 220.0 m with a 7.1 hour drawdown time.
- one (1) oil and grit separator (Hydro First Defense - HC Model FD - 4HC or Equivalent Equipment), receiving stormwater from the dry pond and other drainage areas of the site with a total catchment area of 3.0 ha, having an oil storage capacity of 700 L and a sediment storage capacity of 0.5 cu.m., discharging via 125 mm diameter orifice to limit discharge rate of 36 L/s to Dunwich Dutton School Drain located at the northwest part of the property;

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. "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;
6. "Owner" means Agris Co-operative Ltd. and includes its successors and assignees;
7. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 , as amended;
8. "Wet Event" means a rainfall event with a minimum of 15 millimetres of rain in a 24 hour period;
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 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 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.
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 approval from the local conservation authority 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. 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. Before the commencement of operation of the Works, the Owner shall prepare a Spill Contingency and Pollution Prevention Plan that outlines procedures as to how to mitigate the impacts of a spill within the area serviced by the Works and prevent pollution incidents, and provide a copy to the District Manager.
4. The Owner shall ensure the immediate clean-out of the Works after a fuel or oil spill capture.
5. 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.
6. The Owner shall ensure stormwater discharge from the site to the municipal storm sewer meet the Sewer Use By-law of the local municipality.
7. The Owner shall undertake an inspection of the condition of the Works (e.g. oil and grit separator, swale and dry pond), 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 ensure that the design minimum liquid retention volume is maintained in the Works and 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.

8. 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.
9. 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. any spills occurred and actions taken.
10. The Owner shall prepare an operations manual within thirty (30) days of issuance of this Approval 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.
11. 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 millimetre 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. 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.

7. SPILL CONTINGENCY AND POLLUTION PREVENTION PLAN

1. Upon commencement of operation of the Works, the Owner shall implement a Spill Contingency and Pollution Prevention Plan that outlines procedures as to how to mitigate the impacts of a spill within the area serviced by the Works and/or prevent pollution incidents. The said plan shall include as a minimum, but not limited to:
 - a. the name, job title and 24-hour telephone number of the person(s) responsible for activating the Spill Contingency and Pollution Prevention Plan;
 - b. a site plan drawn to scale showing the types of business, streets, catch basins & manholes, drainage patterns (including direction(s) of flow in storm sewers) 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);
 - c. steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
 - d. a listing of telephone numbers for: local clean-up companies who may be called upon to assist in responding to spills; local emergency responders including health institution(s); and Ministry of the Environment, Conservation and Parks (MECP) Spills Action Centre 1-800-268-6060;
 - e. Materials Safety Data Sheets (MSDS) for each and every hazardous material which

may be transported or stored within the area serviced by the Works;

- f. a description of the spill response and pollution prevention training provided to employees assigned to work in the area serviced by the Works, the date(s) on which the training was provided and to whom;
 - g. an inventory of response and clean-up equipment available to implement the Spill Contingency and Pollution Prevention Plan, location and date of maintenance/replacement if warranted, including testing and calibration of the equipment; and
 - h. the date on which the Spill Contingency and Pollution Prevention Plan was prepared and subsequently, amended.
2. The Spill Contingency and Pollution Prevention Plan shall be kept in a conspicuous place near the reception area on site.
 3. The Spill Contingency and Pollution Prevention Plan will be amended from time to time as needed by changes in the operation of the facility or to reflect updates in the Municipal By-Laws, or improved Best Management Practices by the Owner.

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 require that all records are retained for a sufficient time period to adequately evaluate the long-term operation and maintenance of the Works.
7. Condition 7 is included to ensure that the Ministry is immediately informed of the occurrence of an emergency or otherwise abnormal situation so that appropriate steps are taken to address the immediate concerns regarding the protection of public health and minimizing environmental damage and to be able to devise an overall abatement strategy to prevent long term degradation and the re-occurrence of the situation.

Schedule A

1. Application for Environmental Compliance Approval submitted by McGuigan Engineering Inc., dated March 15, 2023 and received on April 18, 2023.
2. Servicing Brief & Stormwater Management Report along with drawings, dated December 12, 2022, prepared by McGuigan Engineering Inc.;

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 23rd day of May, 2024

A handwritten signature in black ink that reads "A. Ahmed". The signature is written in a cursive style and is underlined with a single horizontal line.

Aziz Ahmed, P.Eng.

Director

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

YZ/

c: District Manager, MECP London - District Office
Christopher McGuigan P. Eng.
Jamie Caldwell, C.E.T.
, McGuigan Engineering