

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3059-DHXJQD
Issue Date: August 26, 2025

Skyview BESS Inc.
200 Wellington Street West, No. 1102
Toronto, Ontario
M5V 3C7

Site Location: Part of Lot 1, West Half of Lot 2, East Half of Lot 2 and 3,
Concession 8
Township of Edwardsburgh/Cardinal ,
United Counties of Leeds and Grenville
K0E 1X0

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

the establishment of sewage works for the collection, transmission, treatment, and disposal of stormwater servicing a proposed battery energy storage system (BESS) site, to provide Enhanced Level water quality protection and erosion control, and to attenuate post-development peak flows to pre-development peak flow rates for all storm events up to and including the 100-year storm event, discharging to the Crowder Municipal Drain, Berry Municipal Drain, and a roadside ditch that connects to the Ferguson Municipal Drain, consisting of the following:

Spill Containment Pits: Five (5) semi-rectangular-shaped spill containment pits, located immediately south of the BESS yard, each containing one (1) transformers with approximately 41,800 litres of insulating oil, providing a spill containment volume of less than 75 cubic metres per pit to contain a spill from any transformer under 50-year storm event conditions, each pit constructed with a reinforced concrete floor approximately 14.9 metres by 12 metres and a wall height of approximately 0.42 metres, above a layer of fire quenching stone of approximately 1.2 metres deep above the concrete floor. The substation area has been designed with an oil-water separator cast-in-place holding tank located just north-west of the spill containment pits and designed to accommodate up to and including a 50-year return storm run-off and the total volume of oil and lubricant from a single transformer.

Stormwater Management Facility: (Serves a catchment area of approximately 9.37 hectares, including 0.56 hectares of external area): one (1) wet pond with sediment forebay, located north of the BESS yard, constructed with a geotextile liner, receiving inflow from the on-site conveyance system via ditch inlet, providing a volume of approximately 3,096 cubic metres to contain the 100-year storm

event, complete with a 6 metre wide emergency overflow spillway as well as one (1) normally open emergency shut-off gate on the outlet structure, discharging up to approximately 162 litres per second during the 100-year storm event via an engineered discharge structure to the Crowder Municipal Drain.

On-Site Drainage System:

- One (1) private on-site drainage system consisting of trapezoidal swales with a minimum bottom width of approximately 1.0 metres and 3:1 (H:V) side slopes, discharging to the wet pond. Where necessary the ditches will be elevated such that the ditch bottom does not intersect the water table.
- One (1) private on-site drainage system consisting of trapezoidal grassy swales with a minimum bottom width of 2.0 metres, depth of 1.5 m and 3:1 (H:V) side slopes, as well as a 300 mm diameter culvert to ensure controlled outflow release the Berry Municipal Drain. Where necessary the ditches will be elevated such that the ditch bottom does not intersect the water table. Rock check dams will be included to slow the flow of water to reduce erosion and allow for settling. Rock check dams will be located approximately 20 m upstream and downstream of the proposed culvert connecting to the north access road ditch.
- One (1) private on-site drainage system consisting of trapezoidal grassy swales with a minimum bottom width of 2.0 metres, depth of 1.5 m and 3:1 (H:V) side slopes, as well as a culvert with a 300 mm diameter culvert to ensure controlled outflow release a roadside ditch that connects to the Ferguson Municipal Drain. Where necessary the ditches will be elevated such that the ditch bottom does not intersect the water table. Rock check dams will be included to slow the flow of water to reduce erosion and allow for settling.

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 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. "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. "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;
7. "Limited Operational Flexibility" (LOF) means the conditions that the Owner shall follow in order to undertake any modification that is pre-authorized as part of this Approval;
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 Skyview BESS Inc., and its successors and assignees;
10. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended; and
11. "Works" means the approved sewage works, and includes modifications made under Limited Operational Flexibility.

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.
2. In the event that completion and commissioning of any portion of the Works is anticipated to be more than five (5) years, the Owner shall submit an application for extension at least **twelve (12) months** prior to the end of the five (5) years from the day of issuance of this Approval. The application 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 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.

4. CONSTRUCTION OF WORKS

1. Upon the 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 personnel.

2. Within **one (1) year** of the construction of the Works, a set of as-built drawings showing the Works “as constructed” shall be prepared. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the Works 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 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 oil/water separator in accordance with the manufacturer's recommendation.
5. The Owner shall ensure that the oil/water 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; or
 - c. the identification of an abnormal amount of oil in the spill containment areas, or from the oil/water separator.
8. The Owner shall prepare an operations manual prior to the commencement of operation of the

Works that includes, but is not necessarily limited to, the following information:

- a. operating and maintenance procedures for routine operation of the Works;
 - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
 - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 - d. contingency plans and procedures for dealing with potential abnormal situations and for notifying the District Manager; and
 - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
9. The Owner shall maintain 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.

6. TEMPORARY EROSION AND SEDIMENT CONTROL

1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections **once every two (2) weeks** and after each significant storm event (a significant storm event is defined as a minimum of 25 millimetres of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.

2. The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

7. EFFLUENT OBJECTIVES

1. The Owner shall use best efforts to design, construct and operate the stormwater management pond with the objective that the concentrations of the materials named as effluent parameters under the **Effluent Objectives Table - Stormwater Management Pond** listed in **Schedule B** are not exceeded in the effluent from the stormwater management pond.
2. The Owner shall use best efforts to design, construct and operate the oil/water separator with the objective that the concentrations of the materials named as effluent parameters under the **Effluent Objectives Table - Oil/Water Separator** listed in **Schedule B** are not exceeded in the effluent from the oil/water separator.
3. In the event of an exceedance of the objective set out in subsections 1 and 2, 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 MONITORING

1. The Owner shall, upon commencement of operation of the stormwater management pond, 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 - Stormwater Management Pond** in **Schedule B**.
3. The methods and protocols for sampling, analysis, 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 measurement frequencies specified in the **Effluent Monitoring Table - Stormwater Management Pond** in Schedule B in respect of any parameter are minimum requirements which may, after three (3) years of monitoring in accordance with this condition, be modified by the Director in writing from time to time.
5. The Owner is exempted from the requirement of a regular, Approval-imposed effluent monitoring program for the effluent from the **oil/water separator** 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 condition 7.2., as confirmed, from time to time, by recorded self-monitoring data;
 - b. Ministry staff may enter the site of the Works at any reasonable time to inspect the Works which can include, but not be limited to, the taking of samples and copying of monitoring information from the station record; and
 - c. The monitoring requirements as described under condition 8.6., below will be undertaken for twelve (12) months directly following a spill from the oil/water separator, with termination of the monitoring requirements to be determined by the District Manager at the end of the twelve (12) month period.
6. The Owner shall carry out the following effluent monitoring program immediately after a spill as defined under condition 5.7.b.:
 - a. The effluent from the spill affected oil-water separator shall be sampled at the **designated outlet**, in accordance with the monitoring frequency and sample type specified for each parameter listed in the **Effluent Monitoring Table - Oil/Water Separator** included in **Schedule B**, unless otherwise required in writing by this Approval or by the District Manager.
 - b. In the event of an exceedance of the objective set out in condition 7.2., the Owner shall increase the frequency of sampling of the affected effluent from the oil-water separator 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 objective.
7. 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.

9. REPORTING

1. **One (1) week** prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. 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 by March 31 of the calendar year following the period being reported upon and submit to the District Manager upon request. The reports shall contain, but shall not be limited to, the following information pertaining to the reporting period:
 - a. a description of any operating problems encountered and corrective actions taken;
 - b. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works, including an estimate of the quantity of any materials removed from the Works;
 - c. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;
 - 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. 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.

10. LIMITED OPERATIONAL FLEXIBILITY

1. The Owner may make modifications to the Works in accordance with the Terms and

Conditions of this Approval and subject to the Ministry's "Limited Operational Flexibility Criteria for Modifications to Works", included under **Schedule C** of this Approval, as amended.

2. Works under Limited Operational Flexibility shall adhere to the design guidelines contained within the Ministry's publication "Design Guidelines for Sewage Works 2008", as amended.
3. The Owner shall ensure at all times, that the Works, related equipment and appurtenances which are installed or used to achieve compliance are operated in accordance with all Terms and Conditions of this Approval.
4. For greater certainty, the following are **not** permitted as part of Limited Operational Flexibility:
 - a. Modifications to the Works that result in an increase of the approved capacity of the Works;
 - b. Modifications to the Works that may adversely affect the approved effluent quality criteria or the location of the discharge/outfall;
 - c. Modifications to the treatment process technology of the Works, or modifications that involve construction of new reactors (tanks) or alter the treatment train process design;
 - d. Modifications to the Works approved under s.9 of the EPA, and
 - e. Modifications to the Works pursuant to an order issued by the Ministry.
5. Implementation of Limited Operational Flexibility is not intended to be used for piecemeal measures that result in major alterations or expansions.
6. If the implementation of Limited Operational Flexibility requires changes to be made to the Emergency Response, Spill Reporting and Contingency Plan, the Owner shall, provide a revised copy of this plan to the local fire services authority prior to implementing Limited Operational Flexibility.
7. For greater certainty, any modification made under the Limited Operational Flexibility may only be carried out after other legal obligations have been complied with, including those arising from the Environmental Protection Act, Niagara Escarpment Planning and Development Act, Oak Ridges Moraine Conservation Act, Lake Simcoe Protection Act and Greenbelt Act.
8. At least **thirty (30) days** prior to implementing Limited Operational Flexibility, the Owner shall complete a Notice of Modifications describing any proposed modifications to the Works

and submit it to the District Manager.

9. The Owner shall not proceed with implementation of Limited Operational Flexibility until the District Manager has provided written acceptance of the Notice of Modifications or a minimum of **thirty (30) days** have passed since the day the District Manager acknowledged the receipt of the Notice of Modifications.

11. SPILL CONTINGENCY PLAN

1. No later than **four (4) weeks** prior to commencement of operation of the Works, 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 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.
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 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.
9. Condition 9 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.
10. Condition 10 is included to ensure that the Works are operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider. These Conditions are also included to ensure that a Professional Engineer has reviewed the proposed modifications and attests that the modifications are in line with that of Limited Operational Flexibility, and provide assurance that the proposed modifications comply with the Ministry's requirements stipulated in the Terms and Conditions of this Approval, Ministry's policies, guidelines, and industry engineering standards and best management practices.
11. Condition 11 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 Eeshan Kumar, WSP Global Inc., dated June 2, 2025, and signed by Ben Greenhouse, Chief Executive Officer, Skyview BESS Inc., including all supporting documentation and information.

Schedule B

Effluent Objectives Table - Stormwater Management Pond

Effluent Parameter	Average Calculator	Objective
Total Suspended Solids	Single Sample Result	25 mg/L
Oil/Grease	Single Sample Result	15 mg/L
pH	Single Sample Result	6.5 to 8.5 inclusive

Effluent Objectives Table - Oil/Water Separator

Effluent Parameter	Average Calculator	Objective
Oil/Grease	Single Sample Result	15 mg/L
Phenol	Single Sample Result	20 µg/L
Polychlorinated Biphenyls (PCB)	Single Sample Result	0.05 ug/L

Effluent Monitoring Table - Stormwater Management Pond

Frequency	Quarterly during the ice-free period and during periods of active discharge or within 24 hours of a rainfall event greater than 25 mm
Location	Outlet of the stormwater management pond
Sample Type	Grab
Parameters	Oil and Grease, Total Suspended Solids, field pH, and field Temperature.

Effluent Monitoring Table - Oil/Water Separator

Frequency	Quarterly
Location	Outlet of the oil/water separator
Sample Type	Grab
Parameters	Oil and Grease, Phenol, and Polychlorinated Biphenyls (PCB).

Schedule C

Limited Operational Flexibility Criteria for Modifications to Works

1. The modifications to Works approved under an Environmental Compliance Approval (Approval) that are permitted under the Limited Operational Flexibility (LOF), are outlined below and are subject to the LOF conditions in the Approval, and require the submission of the Notice of Modifications. If there is a conflict between the Works listed below and the Terms and Conditions in the Approval, the Terms and Conditions in the Approval shall take precedence.
 - a. Spill Containment Pits
 - i. Modifications made to an approved spill containment pit, provided that the capacity within the spill containment pit is sufficient to store, for a minimum of twenty-four (24) hours, the combined volume of the oil within the largest transformer that the pit services and the volume of precipitation generated under a 25-year storm event.
 - b. Replacement of Transformers
 - i. Replacement of a transformer with a new transformer that utilizes PCB-free oil, provided that:
 - the capacity within the spill containment system is sufficient to store, for a minimum of twenty-four (24) hours, the combined volume of the oil within the largest transformer that the system services and the volume of precipitation generated under a 25-year storm event;
 - the oil storage volume of the oil-water separator is greater than the volume of oil within the largest transformer that is serviced by the separator; and
 - the flow rate of stormwater conveyed to the oil-water separator does not exceed the design flow rate of the separator.
 - c. Oil-Water Separators
 - i. Modifications made to an approved oil-water separator, provided that:
 - the location and receiver of the drainage outlet remains unchanged;
 - the oil storage volume of the oil-water separator does not decrease after the modification; and
 - the flow rate of stormwater conveyed to the oil-water separator does not exceed the design flow rate of the separator.
 - d. Drainage Works
 - i. Replacement of or modifications to on-site drainage works that convey stormwater runoff provided that:
 - the conveyance system discharges to a municipal sewer, ditch or drain;

- the location and receiver of the drainage outlet remains unchanged;
 - the flow rate of stormwater runoff leaving the site does not increase;
 - the quality of stormwater runoff leaving the site is the same or better than before the modifications; and
 - the flow rate of stormwater conveyed to any treatment technologies, including oil-water separators, does not exceed the design flow rate of the treatment technology.
2. Works that are exempt from section 53 of the OWRA by O. Reg. 525/98 continue to be exempt and are not required to follow the notification process under this Limited Operational Flexibility.
 3. Normal or emergency operational modifications, such as repairs, reconstructions, or other improvements that are part of maintenance activities, including cleaning, renovations to existing approved Works equipment, provided that the modification is made with Equivalent Equipment, are considered pre-approved.
 4. The modifications noted in section 3 above are **not** required to follow the notification protocols under Limited Operational Flexibility, provided that the number of pieces and description of the equipment as described in the Approval does not change.

This page contains an image of the Form entitled “Notice of Modification to Sewage Works”.

Note: A digital copy can be obtained from the District Manager.



RETAIN COPY OF COMPLETED FORM AS PART OF THE ECA ON-SITE PRIOR TO THE SCHEDULED IMPLEMENTATION DATE.

Part 1 – Environmental Compliance Approval (ECA) with Limited Operational Flexibility <i>(Insert the ECA's owner, number and issuance date and notice number, which should start with "01" and consecutive numbers thereafter)</i>		
ECA Number	Issuance Date (mm/dd/yy)	Notice number (if applicable)
ECA Owner		Municipality

Part 2: Description of the modifications as part of the Limited Operational Flexibility <i>(Attach a detailed description of the sewage works)</i>
<p>Description shall include:</p> <ol style="list-style-type: none">1. A detail description of the modifications and/or operations to the sewage works (e.g. sewage work component, location, size, equipment type/model, material, process name, etc.)2. Confirmation that the anticipated environmental effects are negligible.3. List of updated versions of, or amendments to, all relevant technical documents that are affected by the modifications as applicable, i.e. submission of documentation is not required, but the listing of updated documents is (design brief, drawings, emergency plan, etc.)

Part 3 – Declaration by Professional Engineer	
<p>I hereby declare that I have verified the scope and technical aspects of this modification and confirm that the design:</p> <ol style="list-style-type: none">1. Has been prepared or reviewed by a Professional Engineer who is licensed to practice in the Province of Ontario;2. Has been designed in accordance with the Limited Operational Flexibility as described in the ECA;3. Has been designed consistent with Ministry's Design Guidelines, adhering to engineering standards, industry's best management practices, and demonstrating ongoing compliance with s.53 of the Ontario Water Resources Act; and other appropriate regulations. <p>I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate</p>	
Name (Print)	PEO License Number
Signature	Date (mm/dd/yy)
Name of Employer	

Part 4 – Declaration by Owner	
<p>I hereby declare that:</p> <ol style="list-style-type: none">1. I am authorized by the Owner to complete this Declaration;2. The Owner consents to the modification; and3. This modifications to the sewage works are proposed in accordance with the Limited Operational Flexibility as described in the ECA. <p>4. The Owner has fulfilled all applicable requirements of the <i>Environmental Assessment Act</i>.</p> <p>I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate</p>	
Name of Owner Representative (Print)	Owner representative's title (Print)
Owner Representative's Signature	Date (mm/dd/yy)

EAPB Form July 26, 2018

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 receipt of this notice, require a hearing by the Tribunal. 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 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

The above noted activity is approved under s.20.3 of Part II.1 of the *Environmental Protection Act*.

DATED AT TORONTO this 26th day of August, 2025



Aziz Ahmed, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

AA/

c: District Manager, MECP Kingston - District Office
Eeshan Kumar, WSP Global Inc.