Ontario

Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement, de la Protection de la nature et des Parcs

ENVIRONMENTAL COMPLIANCE APPROVAL
NUMBER 3235-DM8Q5Y
Issue Date: October 31, 2025

Niagara Health System
1200 Fourth Ave
St. Catharines, Ontario
L2S 0A9

Site Location: South Niagara Hospital
9889 Montrose Road
City of Niagara Falls, Regional Municipality of Niagara
L0S 1K0

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 stormwater management Works for the South Niagara Hospital site, for collection, transmission, treatment and disposal of stormwater runoff from a catchment area of 18.581 ha, to provide Enhanced Level Protection for water quality and to attenuate post-development peak flows to pre-development levels, discharging to Montrose Road road right of way, and Lyons Creek tributary, for all storm events up to and including the 100 year return storm, consisting of the following:

A. Stormwater Management Works - Montrose Road Outlet

Stormwater management Works designed for catchment areas 202 and 204, with a combined drainage area of approximately 5.238 ha, to control the post-development, 100-year storm flow to the pre-development 5-year storm flow, to a maximum of 0.22 m^3/s, and to provide enhanced level protection for quality control, discharging outletting to existing Montrose Road municipal storm sewers, comprising;

- approximately 217 m^3 combined storage volume provided on top of CB179, CBMH180, CBMH148, CBMH147.1, CBMH181, CBMH142 and CBMH182, under 100 year storm, all in effect due to the restrictive storm sewers, and all discharging to a Proposed Infiltration Gallery G2;

- approximately 257 m^3 combined storage volume provided on top of CBMH128, CB246, CB126, CBMH127, CB122, CBMH123, CB120 and CBMH116, CB119, and CBM244, under 100 year storm, all in effect due to the restrictive storm sewers, and all discharging to a Proposed Infiltration Gallery G3;

- Low Impact Development infiltration works, 34 (thirty four) in total, located in, and receiving stormwater from the parking lot areas approximately 1.3 ha in total, each having a 300mm granular layer and a 1,000mm layer of engineered soil with 100mm subdrain overflows to the nearest catchbasin;

- **Proposed Infiltration Gallery 2 (G2) (catchment area 3.079 ha)**, one (1) subsurface infiltration gallery located southeast of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G2 in the submission), designed to provide an enhanced level of treatment via a separator row and attenuation storage for captured runoff, comprising of 548 Recharger 360HD chambers, receiving stormwater flow from four parking lots, and surrounding landscape areas, each chamber having a length of approximately 1.27 m, a width of approximately 1524 mm, a base area of approximately 1154.65 m^2, a maximum allowable storage depth of approximately 1.22 m and a maximum available storage volume of approximately 905.7 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 914 mm tall bedded in clear stone, and wrapped in one (1) layer of non-woven filter fabric, via a 300mm storm sewer and discharging to proposed subsurface infiltration gallery G3 with an emergency overflow route to Montrose Road;

- **Proposed Infiltration Gallery 3 (G3) (catchment area 2.159 ha)**, one (1) subsurface infiltration gallery located southeast of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G3 in the submission), designed to provide an enhanced level of treatment via a separator row and attenuation storage for captured runoff, comprising of 705 Recharger 360HD chambers, receiving stormwater flow from G2, three parking lot areas, and landscape, each chamber having a length of approximately 1.27 m, a width of approximately 1524 mm, a base area of approximately 1470.94 m^2, a maximum allowable storage depth of approximately 1.22 m and a maximum available storage volume of approximately 1158 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 914 mm tall bedded in clear stone, wrapped in one (1) layer of non-woven filter fabric, and an emergency overflow outlet discharging to proposed Oil/Grit Separator MHOGS2, controlled by a 270 mm diameter orifice, installed at an invert elevation of 175.85 m, with an emergency overland flow route to Montrose Road;

- **Proposed Oil and Grit Separator MHOGS2 (catchment area: 5.239 ha):** one (1) oil and grit separator (Stormceptor EF08 or Equivalent Equipment), designed to provide primary treatment and effluent polishing, located at the north east side of the property, receiving stormwater from G3, having a sediment capacity of 2,850 litres, an oil capacity of 1,070 litres, a total holding capacity of 8,780 litres, and a maximum treatment flow rate of 109 litres per second, providing Enhanced (Level 3) quality control, discharging to the existing Montrose Road municipal storm sewers, through a Proposed CBMH10;

B. Stormwater Management Works - Lyons Creek Tributary Outlet

Stormwater management Works designed to control the post-development, 100-year storm flow to the pre-development 5-year storm flow, from the catchment areas 201 through 206, with a combined drainage area of approximately 13.343 ha, and to provide enhanced level protection for quality control, outletting to Lyon's Creek Tributary, comprising;

- **Rooftop Storage**, designed to provide attenuation of runoff prior to discharge to the site storm drainage network through flow restriction via roof drains at all roof drain inlets with a maximum ponding depth of 150 mm, providing 99 m^3 of storage volume, outletting to a Proposed Infiltration Gallery G1;

- **Surface Storage,** approximately 15 m^3 of combined parking lot stormwater storage provided on top of CBMH92, CBMH95, CBMH103, CB95.1, CB103.1, CBMH97, CBMH70, CBMH64, CB71, and CBMH65 under 100 year storm, all in effect due to the restrictive storm sewers, and all discharging to a Proposed Infiltration Gallery G1;

- **Low Impact Development infiltration works**, 34 (thirty four) in total, located in, and receiving stormwater from the parking lot areas, approximately 1.4 ha in total, each having a 300mm granular layer and a 1,000mm layer of engineered soil with 100mm subdrain overflows to the nearest catchbasin;

- **Proposed Infiltration Gallery 5 (G5) (catchment area 1.391 ha)**, one (1) subsurface infiltration gallery located southwest of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G5 in the submission), designed to provide an enhanced level of treatment via separator row and attenuation storage for captured runoff, comprising of 64 Recharger 360HD chambers, receiving stormwater flow from 2 parking lots and surrounding landscaped areas, each chamber having a length of approximately 1.27 m, a width of approximately 1524 mm, a base area of approximately 159.85 m^2, a maximum allowable storage depth of approximately 1.22 m and a maximum available storage volume of approximately 76.8 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 914 mm tall bedded in clear stone, wrapped in one (1) layer of non-woven filter fabric, and an emergency overland flow outlet discharging to the Proposed Dry Pond;

- **Proposed Infiltration Gallery 1 (G1) (catchment area 11.613 ha)**, one (1) subsurface infiltration gallery located southeast of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G1 in the submission), designed to provide an enhanced level of treatment via a separator row and attenuation storage for captured runoff, comprising of 964 Recharger 360HD chambers, receiving stormwater flow from G5, Loading Dock, weeper system and the roof of the hospital, each chamber having a length of approximately 1.27 m, a width of approximately 1524 mm, a base area of approximately 2,017 m^2, a maximum allowable storage depth of approximately 1.22 m and a maximum available storage volume of approximately 1,586.6 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 914 mm tall bedded in clear stone, wrapped in one (1) layer of non-woven filter fabric, and an emergency overland flow outlet discharging to the Proposed Dry Pond;

- **Proposed Infiltration Gallery 4 (G4) (catchment area 1.01 ha)**, one (1) subsurface infiltration gallery located north of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G1 in the submission), designed to provide an enhanced level of treatment via a separator row and attenuation storage for captured runoff, comprising of 261 Contactor 100HD chambers, each chamber having a length of approximately 2.44 m, a width of approximately 914 mm, a base area of approximately 728.98 m^2, a maximum allowable storage depth of approximately 0.622 m and a maximum available storage volume of approximately 244.2 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 318 mm tall bedded in clear stone, wrapped in one (1) layer of non-woven filter fabric, and an emergency overland flow outlet discharging to the Proposed Dry Pond;

- **Proposed Infiltration Gallery 6 (G6) (catchment area 0.562 ha)**, one (1) subsurface infiltration gallery, located at the site centre, southeast of the site, provided in Cultec Recharger 360HD or Equivalent Equipment, (referred to as Infiltration Gallery G6 in the submission), designed to provide an enhanced level of treatment via separator row and attenuation storage for captured runoff, comprising of 58 Recharger 360HD chambers, each chamber having a length of approximately 1.27 m, a width of approximately 1524 mm, a base area of approximately 132.26 m^2, a maximum allowable storage depth of approximately 1.22 m and a maximum available storage volume of approximately 101.1 m^3, comprised of two layers of 152 mm deep clear stone layer, and one layer of chambers 914 mm tall bedded in clear stone, wrapped in one (1) layer of non-woven filter fabric, and discharging to a Proposed Oil and Grit Separator HG8;

- **Proposed Oil and Grit Separator MHOGS1 (catchment area: 0.562 ha),** one (1) oil and grit separator (Hydroguard HG8 or Equivalent Equipment), designed to provide primary treatment and effluent polishing, located at the site centre, receiving stormwater from Infiltration Gallery G6, having a sediment capacity of 4,100 litres, an oil capacity of 1,722 litres, a total holding capacity of 9,962 litres, and a maximum treatment flow rate of 91 litres per second, providing Enhanced (Level 3) quality control, discharging to the Infiltration Gallery G1 via redundant pumping system via stormwater pumps located in Lift Station 1;

- **Stormwater Pumps**, two 20 HP Barnes Series 8SHD submersible pumps (or Equivalent Equipment), located in the loading dock in Lift Station 1, designed to convey 100 year storm received from the Proposed Oil and Grit Separator HG8, each with a design flow of 80 L/s, operating on demand and controlled by level on/off float switches and high level audible alarm, discharging to the Proposed Infiltration Gallery G1;

- **Stormwater Management Dry Pond (catchment area: 13.343 ha)**, one stormwater management dry pond, located at the north west of the site, receiving runoff from a catchment area of approximately 13.343 ha, including Infiltration Gallery G4 and Infiltration Gallery G1, designed to provide quantity control by controlling 100 year post development run off rate of 1.054 m^3/s to 0.74 m^3/s, having an available active storage volume of approximately 4,107 m^3 resulting from construction of a native compacted clay berm on the outer edge of the pond with a top elevation of 177.20 m, complete with a 0.5m thick pond bed and a 0.73m thick layer exfiltration bed (both comprising riverstone and 19mm clearstone), complete with a trapezoidal overflow weir (bottom width 2.5m and 0.2m deep), with an overflow of 176.85 m, and

controlled by a 180 mm diameter orifice, installed at an invert elevation of 176.0 m, and to the Oil/Grit Separator MHOGS1 with 300mm perforated weeping tile with filter sock within exfiltration cooling trench comprised of 0.73m thick layer riverstone and 19mm clearstone wrapped in filter cloth Terrafix 270R or equivalent, and 600mm pipe outlet, discharging ultimately to Lyons Creek Tributary via a Proposed approximately 30m long naturally vegetated outlet channel;

- **Proposed Oil and Grit Separator MHOGS1 (catchment area: 13.343 ha):** one (1) oil and grit separator (Stormceptor EF08 or Equivalent Equipment), designed to provide primary treatment and effluent polishing, located at the northwest side of the property, receiving stormwater from a dry stormwater pond, having a sediment capacity of 2,850 litres, an oil capacity of 1,070 litres, a total holding capacity of 8,780 litres, and a maximum treatment flow rate of 109 litres per second, providing water quality treatment, discharging ultimately to Lyons Creek Tributary via a proposed approximately 30m long naturally vegetated outlet channel;

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 Schedule A

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. "District Manager" means the District Manager of the Niagara District Office of the Ministry;

3. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;

4. "EPA" means the *Environmental Protection Act* , R.S.O. 1990, c.E.19, as amended;

5. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of a named equipment;

6. "Limited Operational Flexibility" (LOF) means any modifications that the Owner is permitted to make to the Works under this Approval;

7. "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;

8. "Notice of Modifications" means the form entitled "Notice of Modifications to Sewage Works";

9. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;

10. "Owner" means Niagara Health System and its successors and assignees;

11. "Proposed Works" means the sewage works described in the Owner's application, this Approval, to the extent approved by this Approval;

12. "Regional Director" means the Regional Director of the West Central Regio of the Ministry;

13. "Works" means the sewage works described in the Owner's application, and this Approval, and includes Proposed Works and 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.

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 PROPOSED 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 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 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 manhole oil/grit separator in accordance with the manufacturer's recommendation.

5. The Owner shall ensure that the manhole for the oil/grit separator remains accessible year-round to facilitate maintenance access and spill response measures.

6. The Owner shall ensure the immediate clean-out of the Works after a fuel or oil spill capture.

7. The Owner shall ensure that equipment and material for the containment, clean-up and disposal of fuel and oil and materials contaminated with such, is on hand and in good repair for immediate use in the event of:

    a. loss of fuel or oil to the Works; or

    b. a spill within the meaning of Part X of the EPA.

8. The Owner shall 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 design and undertake everything practicable to operate the Works in accordance with the following objectives:

a. 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.

2. In the event of an exceedance of the objective 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 MONITORING

1. The Owner shall, upon commencement of operation of the Works, carry out a monitoring program, and all samples and measurements taken for the purposes of this Approval are to be taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.

2. Samples shall be collected and analyzed at the following sampling point(s), at the sampling frequencies and using the sample type specified for each parameter listed in the effluent monitoring table in **Schedule B**.

3. The methods and protocols for sampling, analysis, toxicity testing, and recording shall conform, in order of precedence, to the methods and protocols specified in the following:

   a. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater Version 2.0" (January 2016), PIBS 2724e02, as amended;

   b. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition) as amended from time to time by more recently published editions;

   c. for any parameters not mentioned in the documents referenced in Paragraphs 3.a and 3.b, the written approval of the District Manager shall be obtained prior to sampling.

4. The measurement frequencies specified in the effluent monitoring table in Schedule B in respect of any parameter are minimum requirements which may, after **2 years** of monitoring in accordance with this Condition, be modified by the Director in writing from time to time.

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.

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 and submit to the District Manager by December 31st 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. a summary and interpretation of all monitoring data and an additional comparison to the effluent objectives outlined in Condition 7, 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, including an estimate of the quantity of any materials removed from the Works;

    d. a summary of the calibration and maintenance carried out on all effluent monitoring equipment;

    e. a summary of any effluent quality assurance or control measures undertaken in the reporting period;

    f. a description of efforts made and results achieved in meeting the Effluent Objectives of Condition 7.

    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.

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) day**s 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.

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 dated March 18, 2024 and received on January 13, 2025.

Schedule B

Stormwater Effluent Monitoring Table - Dry Period

1	**Sampling Location**	1. Sump pump in loading dock, 2. Outlet from dry detention pond (MH206 or the clean-out downstream of the outlet structure)
2	**Frequency**	three times per year in the Spring, Summer, and Fall.
3	**Sampling Restrictions**	Sampling should occur, at sample location (1) and, if possible, sample location (2) following a period without precipitation to capture baseflow conditions. (Flexibility is provided on the preceding period without precipitation and should be discussed in the annual performance report).
4	**Sample Type**	Grab samples
5	**Parameters**	Total Metals (ATG 9 and 9a), Phenolics (4AAP) (ATG 14), Total Suspended Solids, Total Phosphorous, Total Kjeldahl Nitrogen, Oil and Grease

Stormwater Effluent Monitoring Table - Wet Period

1	**Sampling Location**	1. Sump pump in loading dock, 2. Outlet from dry detention pond (MH206 or the clean-out downstream of the outlet structure)
2	**Frequency**	Twice per year
3	**Sampling Restrictions**	Sampling should occur following a rainfall event of 10mm or more at sample location (1) and sample location (2)
4	**Sample Type**	Grab samples
5	**Parameters**	Total Metals (ATG 9 and 9a), Phenolics (4AAP) (ATG 14), Total Suspended Solids, Total Phosphorous, Total Kjeldahl Nitrogen, Oil and Grease

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. Sewage Pumping Stations

        i. Alter pumping capacity by adding or replacing equipment where new equipment is located within an existing sewage treatment plant site or an existing sewage pumping station site, provided that the modifications do not result in an increase of the sewage treatment plant Rated Capacity and the existing flow process and/or treatment train are maintained, as applicable.

        ii. Forcemain relining and replacement with similar pipe size where the nominal diameter is not greater than 1,200mm.

    b. Sewage Treatment Process

        i. Installing additional chemical dosage equipment including replacing with alternative chemicals for pH adjustment or coagulants (non-toxic polymers) provided that there are no modifications of treatment processes or other modifications that may alter the intent of operations and may have negative impacts on the effluent quantity and quality.

        ii. Expanding the buffer zone between a sanitary sewage lagoon facility or land treatment area and adjacent uses provided that the buffer zone is entirely on the proponent's land.

        iii. Optimizing existing sanitary sewage lagoons with the purpose to increase efficiency of treatment operations provided that existing sewage treatment plant rated capacity is not exceeded and where no land acquisition is required.

        iv. Optimizing existing sewage treatment plant equipment with the purpose to increase the efficiency of the existing treatment operations, provided that there are no modifications to the Works that result in an increase of the approved Rated Capacity, and may have adverse effects to the effluent quality or location of the discharge.

v. Replacement, refurbishment of previously approved equipment in whole or in part with Equivalent Equipment, like-for-like of different make and model, provided that the firm capacity, reliability, performance standard, level of quality and redundancy of the group of equipment is kept the same. For clarity purposes, the following equipment can be considered under this provision: pumps, screens, grit separators, blowers, aeration equipment, sludge thickeners, dewatering equipment, UV systems, chlorine contact equipment, bio-disks, and sludge digester systems.

c. Sewage Treatment Plant Outfall

i. Replacement of discharge pipe with similar pipe size provided that the outfall location is not changed.

d. Stormwater Management System

i. Modifications of Works to service the existing approved drainage area located within the site, provided that there is no increase in the average impervious area established in the original design and the discharges from the site will not exceed the attenuated flows established in the original design.

ii. Installation of new oil grit separators.

e. Sanitary Sewers

i. Pipe relining and replacement with similar pipe size within the Sewage Treatment Plant site, where the nominal diameter is not greater than 1,200mm.

f. Pilot Systems

i. Installation of pilot systems for new or existing technologies provided that:

- any effluent from the pilot system is discharged to the inlet of the sewage treatment plant or hauled off-site for proper disposal,

- any effluent from the pilot system discharged to the inlet of the sewage treatment plant or sewage conveyance system does not significantly alter the composition/concentration of the influent sewage to be treated in the downstream process; and that it does not add any inhibiting substances to the downstream process, and

- the pilot system's duration does not exceed a maximum of two years; and a report with results is submitted to the Director and District Manager three months after completion of the pilot project.

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 <u>not</u> 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.

Ontario

Ministry of the Environment, Conservation and Parks

Form 1
Notice of Modification to Sewage Works

RETAIN COPY OF COMPLETED FORM AS PART OF THE ECA AND SEND A COPY TO THE DITRICT MANAGER.

Part 1 – Environmental Compliance Approval (ECA) with Limited Operational Flexibility

(Insert the ECA's owner, number and issuance date and notice number, which should start with "01" and consecutive numbers thereafter)

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

(Attach a detailed description of the sewage works)

Description shall include:
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

I hereby declare that I have verified the scope and technical aspects of this modification and confirm that the design:
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.

I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate

Name (Print)	PEO License Number

Signature	Date (mm/dd/yy)

Name of Employer

Part 4 – Declaration by Owner

I hereby declare that:
1. I am authorized by the Owner to complete this Declaration;
2. The Owner consents to the modification; and
3. This modifications to the sewage works are proposed in accordance with the Limited Operational Flexibility as described in the ECA.
4. The Owner has fulfilled all applicable requirements of the *Environmental Assessment Act*.

I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate

Name of Owner Representative (Print)	Owner representative's title (Print)

Owner Representative's Signature	Date (mm/dd/yy)

EPB Form

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 31st day of October, 2025

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

KH/
c: District Manager, MECP Niagara District.
Brian Verspagen, WalterFedy Inc.