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Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action en matière de changement
climatique

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3089-A3FJ2P

Issue Date: October 20, 2015

The Corporation of the Town of Cobourg
55 King Street West
Cobourg, Ontario
K9A 2L9

Site Location: Forth Street and Tweed Street
Town of Cobourg, County of Northumberland

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:

construction of the wastewater infrastructure Works related to the construction of storm sewers and an outfall to the Cobourg Creek servicing approximately 4.97 hectare of drainage area, under the Forth Street and Tweed Street Reconstruction Project, in the Town of Cobourg, consisting of the following:

storm sewers on Tweed Street, approximately 233m long, 300-450 mm diameter, from west of Ontario Street, connecting to a 600 mm diameter storm sewer on Forth Street (at the intersection of Forth Street and Tweed Street);

storm sewers on Forth Street, approximately 142m long, 375-600 mm diameter, from south of King Street West to south of Tweed Street, connecting to a 600 mm diameter storm sewer on Forth Street (at MH 1);

storm sewers on Peace Park Access Road, approximately 74.9m long, 600 mm diameter, from south of Tweed Street (at MH 1), connecting to the proposed stormwater outfall, identified below;

stormwater outfall (catchment area - 4.97 hectare): - one (1) 600 mm diameter storm sewer outfall, located on Peace Park Access Road, at west side of Forth Street, south side of Tweed Street, receiving stormwater from MH 1 on Forth Street, discharging to the Cobourg Creek, ultimately discharging to the Lake Ontario;

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 supporting documents listed below forming part of this Approval:

1. Application for Environmental Compliance Approval , dated January 15, 2015, received on February 18, 2015, and submitted by The Corporation of the Town of Cobourg and supporting documents prepared by CIMA;

2. Storm Water Design Brief, and Pipe Data Form, prepared by CIMA, for the Corporation of the Town of Cobourg;

3. Engineering Drawings related to the project, signed by P.D.Campbell (P.Eng.) dated February 05, 2015, prepared by CIMA, for the Corporation of the Town of Cobourg;

4. E-mail received from Phil Campbell (CIMA), dated July 31, 2015, and October 16, 2015, to the Ministry.

For the purpose of this environmental compliance approval, the following definitions apply:

"Approval" means this entire document including the application and any supporting documents listed in any schedules in this Approval;

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

"Ministry" means the ministry of the government of Ontario responsible for the Environmental Protection Act and the Ontario Water Resources Act and includes all officials, employees or other persons acting on its behalf;

"Owner" means The Corporation of the Town of Cobourg and includes their successors and assignees;

"Water Supervisor" means the Water Supervisor of the Peterborough office of the Ministry;

"Works" means the sewage works described in the Owner's application(s) 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 submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

(4) Where there is a conflict between the listed submitted documents, 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.

3. CHANGE OF OWNER

(1) The Owner shall notify the Water Supervisor 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 Water Supervisor;

(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 Water Supervisor.

4. OPERATION AND MAINTENANCE

(1) The Owner shall inspect the Works at least **once a year** and, if necessary, clean and maintain the Works to prevent the excessive build-up of sediments and/or vegetation.

(2) 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 office for inspection by the Ministry. The logbook shall include the following:

(a) the name of the Works; and

(b) the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed.

5. MONITORING AND REPORTING

The Owner shall carry out a monitoring program for the inspection and maintenance of the Works as outlined in this Approval, and shall copy the Water Supervisor on any and all reports related to the operation and maintenance of the Works.

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 mm 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. RECORD KEEPING

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.

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

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This Condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.

2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.

3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved Works and to ensure that any subsequent Owner of the Works is made aware of the Approval and continue to operate the Works in compliance with it.

4. Condition 4 is included to require that the Works be properly operated and maintained such that the environment is protected.

5. Condition 5 is included to enable the Owner to evaluate and demonstrate the performance of the Works on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the design objectives specified in the Approval and that the Works do not cause any impairment of the receiving watercourse.

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 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.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review 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 shall state:

1. 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;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

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

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.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 20th day of October, 2015

Gregory Zimmer, P.Eng.
Director
appointed for the purposes of Part II.1 of
the *Environmental Protection Act*

MS/
c: DWMD Supervisor, MOECC Peterborough office
Phil Campbell, P.Eng., CIMA