



CERTIFICATE OF APPROVAL
MUNICIPAL AND PRIVATE SEWAGE WORKS
 NUMBER 8963-8GHQJT
 Issue Date: May 27, 2011

Spallacci & Sons Limited
 85 Lancing Drive, Unit Q
 Hamilton, Ontario
 L8W 2Z9

Site Location: Eden Park Phase 1 and Future Phase north of Phase 1
 310 & 328 Rymal Road West
 City of Hamilton

You have applied in accordance with Section 53 of the Ontario Water Resources Act for approval of:

the **establishment of interim stormwater management works** to serve the Eden Park Phase 1 and Future Phase north of Phase 1, in the City of Hamilton, for the treatment and disposal of stormwater runoff from a total catchment area of 4.77 hectare (major flows from 4.54 hectare area north of Phase 1 and minor flows from 0.23 hectare area from Phase 1 of the Eden Park Subdivision Phase 1), to provide water quantity and water quality control and erosion control discharging to an existing ditch for all storm events up to and including the 100-year return storm, comprising;

- **an interim stormwater management dry pond**, located in the future northerly phase of Eden Park Subdivision, designed to provide water quantity control for all storm events up to and including the 100-year return storm, having an active ponding volume of 2,386 cubic metres, complete with one 250 millimetre diameter at-grade outlet, a 300 millimetre diameter outlet for major flows having an invert elevation of 230.85 metre, a 3.0 meter wide emergency overflow outlet at an elevation of 231.15 metre, a 3:1 slope seeded berm having a top elevation of 231.5, complete with a V-shaped sodded inflow channel having side slopes of 3:1 from the Phase 1 limit of construction boundary to the ponding area, outletting to an existing drainage swale on lands owned by the City of Hamilton;

- **one (1) interim oil/grit separator, Stormceptor model OSR 750**, located at MH43 downstream of the intersection of Sabrina Boulevard and Summerberry way in Eden Park Phase 1 subdivision, designed to service a drainage area of 2.07 hectares with an overall imperviousness of 57%, providing Enhanced level of protection (long term average total suspended solids removal of 85%), having a sediment storage capacity of 4070 litres, an oil storage capacity of 915 litres, a total holding capacity of 3000 litres, and a maximum treatment flow rate of 39.9 litres per second, discharging to the proposed interim stormwater management dry pond via temporary sodded channel described above;

all in accordance with the application dated November 12, 2010 and received on January 31, 2011, including final plans and specifications prepared by S. Llewellyn & Associates Limited.

For the purpose of this Certificate of Approval and the terms and conditions specified below, the following definitions apply:

- (1) "**Certificate**" means this entire Certificate of Approval document, issued in accordance with Section 53 of the *Ontario Water Resources Act*, and includes any schedules;
- (2) "**Director**" means any *Ministry* employee appointed by the Minister of the Environment pursuant to Section 5 of the *Ontario Water Resources Act*;
- (3) "**District Manager**" means the District Manager of Hamilton District Office of the Ministry;
- (4) "**Ministry**" means the Ontario Ministry of Environment;

(5) "*Owner*" means Spallacci & Sons Limited, and includes its successors and assignees;

(6) "*Interim Works*" means the interim stormwater management works, described in this *Certificate* and that are to be used for short-term purposes only in accordance with this *Certificate* until otherwise approval for an extension of this period has been granted.

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

TERMS AND CONDITIONS

1. GENERAL CONDITIONS

1.1 The *Owner* shall ensure that any person authorized to carry out work on or operate any aspect of the *interim works* is notified of this *Certificate* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

1.2 Except as otherwise provided by these Conditions, the *Owner* shall design, build, install, operate and maintain the *interim works* in accordance with the description given in this *Certificate*, the application for approval of the *interim works* and the submitted supporting documents and plans and specifications as listed in this *Certificate*.

1.3 Where there is a conflict between a provision of any submitted document referred to in this *Certificate* and the Conditions of this *Certificate*, the Conditions in this *Certificate* shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

1.4 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.

1.5 The requirements of this *Certificate* are severable. If any requirement of this *Certificate*, or the application of any requirement of this *Certificate* to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this *Certificate* shall not be affected thereby.

2. EXPIRY OF APPROVAL

2.1 Approval under this *Certificate* to the *Interim Works* shall expire and become null and void on May 31, 2016.

3. CHANGE OF OWNER

The *Owner* shall notify the *District Manager* and the *Director*, in writing, of any of the following changes within thirty (30) days of the change occurring:

(a) change of *Owner*;

(b) change of address of the *Owner*;

(c) change of partners where the *Owner* is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c.B17 shall be included in the notification to the *District Manager*; and

(d) change of name of the corporation where the *Owner* is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C39 shall be included in the notification to the *District Manager*.

4. OPERATION AND MAINTENANCE

4.1 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 stormwater *interim works* do not constitute a safety or health hazard to the general public.

4.2 The *Owner* shall ensure that the design storage volumes are maintained at all times in the interim stormwater management pond.

4.3 The *Owner* shall design, construct and operate the oil-grit separator with the objective that the effluent from the *interim 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 discolouration on the receiving waters.

4.4 The *Owner* shall undertake an inspection of the condition of the stormwater management *interim 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 above noted stormwater management *interim works* to prevent the excessive build-up of sediment, debris and/or decaying vegetation to avoid reduction of capacity of the *interim works*. The *Owner* shall also regularly inspect and clean out the inlet to and outlet from the *interim works* to ensure that these are not obstructed.

4.5 The *Owner* shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall make the logbook available for inspection by the Ministry upon request. The logbook shall include, but not necessarily be limited to, the following information:

(a) the name of the *interim works*; and

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

5. RECORD KEEPING

5.1 The *Owner* shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the operation and maintenance activities required by this *Certificate*.

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

1. Condition 1 is imposed to ensure that the *interim 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 *Certificate* and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The condition also advises the *Owners* their responsibility to notify any person they authorized to carry out work pursuant to this *Certificate* the existence of this *Certificate*.

2. Condition No. 2 is included to ensure that the *Interim Works* are constructed as planned and designed for interim purposes, as specified in this *Certificate*, and will not become permanent unless so approved by the *Director*.

3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved *interim works* and to ensure that subsequent *owners* of the *interim works* are made aware of the *Certificate* and continue to operate the *interim works* in compliance with it.

4. Condition 4 is included as regular inspection and necessary removal of sediment and excessive decaying vegetation from this approved stormwater management *interim works* are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the *interim works*. It is also required to ensure that adequate storage is maintained in the stormwater management *interim works* at all times as required by the design, and to prevent stormwater impounded in the *interim works* from becoming stagnant. Furthermore, Conditions 4 is included to ensure that the stormwater management *interim works* are operated and maintained to function as designed and are operated and maintained without any adverse impact on the environment.

5. Condition 5 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 *interim works*.

In accordance with Section 100 of the Ontario Water Resources Act, R.S.O. 1990, Chapter 0.40, as amended, 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 101 of the Ontario Water Resources Act, R.S.O. 1990, Chapter 0.40, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the 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 Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the interim works are located;

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, 15th Floor
Toronto, Ontario
MSG 1E5

AND

The Director
Section 53, *Ontario Water Resources Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted sewage interim works are approved under Section 53 of the Ontario Water Resources Act.

DATED AT TORONTO this 27th day of May, 2011

Sherif Hegazy, P.Eng.
Director
Section 53, *Ontario Water Resources Act*

KH/

c: District Manager, MOE Hamilton District.
Suzanna Nilsson, P.Eng., S. Llewellyn & Associates Limited.
Scott Llewellyn, P.Eng., S. Llewellyn & Associates Limited.