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Ministry of the Environment
Ministère de l'Environnement

ENVIRONMENTAL COMPLIANCE APPROVAL
NUMBER 4475-9BER5Y
Issue Date: October 2, 2013

Costiano Developments Inc.
3350 Merrittville Road
Thorold, Ontario, L2V 4Y6

Site Location: Residences at Lookout
Lot 2 & 3, Concession 7
Pelham Town, Regional Municipality of Niagara

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:

establishment of stormwater management facilities to service approximately 14.26ha. residential development of the Residences of Lookout, Fontheil, Town of Pelham to provide enhanced level of water quality protection (80% S.S. removal) and to attenuate post-development peak flows of all storm events up to and including the 100-year return storm frequency to pre-development levels to discharge into the Twelve Mile Creek of the Lake Ontario, consisting of the following:

Stormwater Management Facilities:

Rear Yard Infiltration Trenches: approximately 860m long 1.5m wide by 1.7m deep 50mm diameter clear stone aggregate filled rear yard infiltration trenches complete with 200mm diameter perforated HDPE stormwater interception and distribution piping, catchbasins and stormwater collection leads located within a 3m wide easement in favour of the Town of Pelham;

Front Yard Infiltration Trenches: seventeen (17) 1.5m wide by 1.7m deep by 4.5m long, 50mm diameter clear stone aggregate filled front yard infiltration trenches for the single lots, complete with 200mm diameter perforated HDPE stormwater interception and distribution piping and stormwater collection leads, located near the side walks of the roadways; the overflow pipe to tie into the storm sewers leading to the stormwater management pond as described below:

Pond: a clay-lined wetpond system located in Block 124, between Haist Street to the east, Marlene Stewart Drive to the north and Brewerton Boulevard to the south, comprising of two (2) inlet pipes and headwalls, two (2) combined sediment forebays, having a total storage volume of 13,198cu.m. at a depth of 3.20m. including a permanent pool volume of 2,175m³, an extended detention volume of 1,494m³ for quality and erosion control for the initial 25mm rainfall event to be slowly released over a 24 hour period, and an additional attenuation storage volume of 11,023m³ for peak flows, and the following outlet controls:

- one (1) 200mm diameter bottom draw reverse slope outlet pipe from a headwall located in the pond bottom, open end encased in filter material and surrounded with washed stone aggregates, to discharge extended detention volume into a 1200mm X600mm size grated ditch inlet catchbasin to discharge into a 1200mm diameter distribution manhole to outlet into a 4m wide 2.6m deep infiltration trench / cooling trench via five (5) 150mm diameter perforated pipes; all again to converge into a

manhole (MH 51) to discharge into existing 450mm diameter municipal storm sewer on Haist Street, via two collector manholes MH 53 and MH 54;

- one (1) 150mm diameter drain pipe from the headwall located in the pond bottom, open end encased in filter material and surrounded with washed stone aggregates, to discharge pond water into a 1200mm diameter manhole MH 50, via a gate valve to outlet into a 300mm diameter pipe to discharge into existing 450mm diameter municipal storm sewer on Haist Street, via two collector manholes MH 53 and MH 54;

- a 3.0m wide X 1.0m deep emergency spillway protected with stone riprap to provide for high water storm flows in case of blockage of the normal outlets, to discharge into the north roadside ditch of the Haist Street;

including all clean-outs, cooling trench overflow pipes and erosion/sedimentation control measures during construction, chain link fences and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

as per the **Stormwater Management Plan dated November 2012, revised May 2013, prepared and submitted by** Jason Schooley, P. Eng., Upper Canada Planning & Engineering Ltd., Consulting Engineers **and** all in accordance with the **Application for Approval of Environmental Compliance, Municipal and Private Sewage Works**, dated June 3, and received on June 25, 2013; including all addendum documentation and revised drawings.

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

"Approval" means this entire document and any schedules attached to it, and the application;

"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*;

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

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

"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;

"Owner" means Costiano Developments Inc. and its successors and assignees;

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

"Regional Director" means the Regional Director of the West Central Region of the Ministry;

"Regional Water Compliance Manager" means the Regional Water Compliance Manager of the West Central Region of the Ministry;

"Water Supervisor" means the Water Supervisor for the Guelph, Hamilton, and Niagara offices of the Ministry; and

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

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

TERMS AND CONDITIONS

1. GENERAL PROVISIONS

(1) The *Owner* shall ensure that any person authorized to carry out work on or operate any aspect of the *Works* is notified of this *Approval* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these conditions, the *Owner* shall design, build, install, operate and maintain the *Works* in accordance with the description given in this *Approval* , and the application for approval of the *Works*.

(3) Where there is a conflict between a provision of any document in the schedule referred to in this *Approval* and the conditions of this *Approval* , the Conditions in this *Approval* shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.

(4) Where there is a conflict between the documents listed in the Schedule 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) This *Approval* is for the treatment and disposal of stormwater run-off from the proposed development of approximately 14.26 hectares. The *Approval* is based on an average imperviousness of approximately 45%. Any future development changes within the total drainage area that might increase the required storage volumes or increase the flows to or from the wet pond or any structural/physical changes to the stormwater management facility including inlets or outlets will require an amendment to this *Approval*.

(7) The issuance of, and compliance with the Conditions of this *Approval* does not 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*;

2. EXPIRY OF APPROVAL

The approval issued by 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 *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*.

(2) In the event of any change in ownership of the *Works*, other than a change to a successor municipality, the *Owner* shall notify in writing the succeeding owner of the existence of this *Approval*, and a copy of such notice shall be forwarded to the *District Manager* and the *Director*.

(3) Notwithstanding any other requirements in this *Approval*, upon transfer of the ownership or assumption of the *Works* to a municipality if applicable, any reference to the *District Manager* shall be replaced with the *Water Supervisor*.

(4) Notwithstanding any other requirements in this *Approval*, upon transfer of the ownership or assumption of the *Works* to a municipality if applicable, any reference to the *Regional Director* shall be replaced with the *Regional Water Compliance Manager*.

4. OPERATION AND MAINTENANCE .

(1) The *Owner* shall ensure that the design minimum liquid retention volume(s) is maintained in the pond at all times .

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

(3) 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 Corporate 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. 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.

6. 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 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 require that the *Works* be properly operated and maintained such that the environment is protected .
5. Condition 5 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
6. Condition 6 is included to require that all records are retained for a sufficient time period to adequately evaluate the long-term operation and maintenance of the *Works*.

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

AND

The Director appointed for the
purposes of Part II.1 of the
Environmental Protection Act
Ministry of the Environment

M5G 1E5

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) 212-6349, Fax: (416) 314-3717 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 2nd day of October, 2013

Edgardo Tovilla
Director
appointed for the purposes of Part II.1 of
the *Environmental Protection Act*

MN/

c: District Manager, MOE Niagara

Clerk, the Town of Pelham

Jason Schooley, P. Eng., Upper Canada Planning & Engineering Ltd.