

FEEHELY, GASTALDI

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November 12, 2010

**VIA OVERNIGHT COURIER &
E-MAIL: Boardsec@oeb.gov.on.ca**

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor, Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

***Re: Township of King;
Enbridge Gas Distribution Application;
Board File No. EB-2009-0187 (York Energy Centre Project);***

***And Re: Ontario Energy Board Decision and Order
Dated April 5, 2010***

***And Re: Enbridge Gas Distribution Application
To Vary a Condition of Approval;
Board File No. EB-2010-0310
Our File No. 6956JF06***

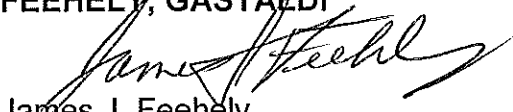
I acknowledge receipt of the e-mail letter forwarded by Mr. John Pickernell, Assistant Board Secretary, sent November 5, 2010. In relation to the confirmation of the Township having intervenor status for the variance of the construction start date, I confirm the Township's position as set out in my letter of November 3, 2010. The Township will continue to rely upon that position.

As to the issue of routing, it would seem to be procedurally unfair to permit the proponent to amend a condition on the one hand, but deny the Municipality the opportunity to address a matter of public impact on the other. Further, the issue of the extension and the routing may well be inter-connected. It is quite possible that the request for an extension arises from difficulties being encountered on the existing route. The request for the extension of construction provides an opportunity to consider

whether there are better routes available given the potential impacts of the existing route on the extensive residential areas. A further re-consideration of the denial is therefore requested.

I look forward to your response.

Yours truly,
FEEHELY, GASTALDI



James J. Feehely

JJF/jl

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**AMENDED CERTIFICATE OF APPROVAL
INDUSTRIAL SEWAGE WORKS
NUMBER 8392-8ADR6F
Issue Date: October 29, 2010**

York Energy Centre LP
350 - 7th Ave SW, Suite No. 2250
Calgary, Alberta
T2P 3N9

Site Location: York Energy Centre Generating Station
18781 & 18765 Dufferin St
Lot 9, Concession 2, and
a portion of Concession 2, Part of Lot 9 and Part of Lots 6 to 10, 12, and 17 to 19
Township of King, Regional Municipality of York

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

the establishment of sewage works for the collection, transmission, treatment and disposal of process effluent and storm water runoff, including temporary storm water sediment runoff control works during construction, for the natural gas-fired simple cycle, two (2) gas turbine electricity generation Station, having a power rating of approximately 400 Megawatts, occupying an area of approximately 3.6 hectares along the northern and eastern portion of the total 15.3 hectare Site which extends, as an approximately rectangular lot, from Dufferin Street, to the east, and including an additional area of approximately 5.7 hectares, located at the east end of a contiguous area of approximately 16.4 hectares to be used as a temporary equipment laydown area and for temporary office/construction trailer and vehicle parking during construction, including the following specific sewage works:

**TEMPORARY-USE AREA FOR EQUIPMENT LAYDOWN AND TRAILER/CAR PARKING -
STORM WATER DRAINAGE**

- an approximately 5.7 hectare, Temporary-Use Area, sloped from east to west, with approximately 4.9 hectares of the area to be amended for temporary use during construction of the Power Station, (and where the whole Temporary-Use Area is to be restored to its original agricultural-use condition on completion of Station construction), by the following erosion and siltation control structures:

- addition of a geo-textile filter fabric base cover over the area, after stripping of the area of vegetation
- surfacing of the proposed area roadway network with approximately a 200 millimetre layer of Granular B material over a compacted subgrade
- addition of culverts, where needed
- surfacing of the proposed six (6) temporary storage and parking areas within the road access network

with approximately a 100 to 150 millimetre layer of Granular B material, spread evenly and rolled over the areas

- grading of each of the proposed six (6) delineated temporary storage and parking areas to provide a shallow slope from the perimeter roadways toward the centre and thus to form a shallow Granular B-surfaced drainage swale, running from east to west to collect and convey storm drainage from the sloped areas on either side to the west side of each area toward a siltation control fence
- a standard geo-textile filter fabric siltation control fence, anchored to a wire fence backing including supporting steel posts and wire ties for anchoring the filter fabric sheet and keyed into the ground, extending in an "S" shaped configuration from the south to the north property line, across the Temporary-Use Area storm drainage area
- an overland flow path from the Temporary-Use Area siltation control fence over an additional 500 metres of undisturbed land area extending to the west to Ansnorveldt Creek
- addition as needed, staked and keyed-in straw bales and rock check dams along the swale runs for flow velocity and sediment control

to provide overall storm water peak flow attenuation and sediment control in the storm water drainage from the Temporary-Use Area;

- use of standard siltation control fencing to fully enclose spoil or topsoil piles, as needed;
- implementation and maintenance of any other structural best management practices in erosion/sedimentation control during construction, as needed;

GENERATING STATION OPERATIONAL AREA

PROCESS EFFLUENT COLLECTION AND TREATMENT

Combustion Turbine Wash Water Collection for Offsite Disposal

- two (2) separate but similar drain and piping systems, adjacent to the Combustion Gas Turbines, to convey spent wash water and detergent from each periodic off-line washing of each of the Combustion Gas Turbine #1 and #2 compressors, to its own dedicated, approximate 3.8 cubic metre, underground, double-walled, steel holding tank with a quick connect pumpout line for Tank Truck pick-up for offsite disposal;

Miscellaneous Process Drains

- two (2), 100 millimetre diameter carbon steel lines, one each from the respective Combustion Turbine Generator Units (CTG-1 and CTG-2) to convey stack and miscellaneous drainage process effluents to a 100 millimetre diameter PVC header running to Pump Sump No.2;
- four (4) individual 100 millimetre diameter PVC drain lines (with valves, normally closed) from the following four (4) concrete spill containment areas:
 - CTG-1 Lube Oil Skid
 - CTG-2 Lube Oil Skid
 - CTG-1 Hydraulic Oil Skid

- **CTG-2 Hydraulic Oil Skid**

to convey storm drainage and any leaked oil to a common 100 millimetre diameter PVC header which drains to Pump Sump No.2;

- two (2) separate 100 millimetre diameter PVC drain lines from the air compressor knockout drum and from the pump house to convey effluent to a common 100 millimetre diameter PVC header which drains to Pump Sump No.3;

TRANSFORMER SPILL CONTAINMENT

Turbine Generator Step Up (GSU) and Unit Auxiliary (UAT) Transformer Pairs

- two (2) similar, in-ground, separate pairs of two (2) contiguous spill containment areas, serving similar pairs of transformers, with one (1) spill containment area pair serving the Turbine Unit #1 Generator Step Up Transformer (GSU-1) with an oil volume of approximately 47.0 cubic metres and its companion Unit #1 Auxiliary Transformer (UAT-1) with an oil volume of approximately 4.4 cubic metres and the other serving the Turbine Unit #2 Generator Step Up Transformer (GSU-2) and the Unit #2 Auxiliary Transformer (UAT-2), with correspondingly similar oil volumes, and each pair located to the east of the its respective Turbine Unit, with the following configuration:

For each of the two (2) GSU Transformer Containments:

- a sloping, concrete floor, approximately 15.2 metres by 13.4 metres with a central foundation block
- concrete walls approximately 1.6 metres high with a 1.45 metre layer of crushed stone within to provide approximately 112.6 cubic metres of containment volume,
- a 450 millimetre diameter perforated corrugated vertical steel pipe inspection well, located in the corner of each containment, extending from the floor to above the stone layer, to allow visual inspection of containment contents
- a 150 millimetre diameter, solid-walled stainless steel drain pipe, positioned along the floor and running from within the inspection well to the shut off valve outside the containment
- a Post Indicator Valve (PIV) (normally closed, but opened for containment drainage upon prior visual inspection of the contents) located on each stainless steel outlet pipe, outside of the containment wall
- a 100 millimetre diameter PVC drain from the above valve to Pump Sump No.1

For each of the two (2) Auxiliary Transformer (UAT) Containments which are centred along the common west wall of the corresponding GSU Containment:

- a sloping, concrete floor, approximately 4.9 metres by 4.9 metres with a central foundation block
- concrete walls approximately 1.45 metres high with a 1.30 metre layer of crushed stone within to provide approximately 11.7 cubic metres of containment volume
- a 450 millimetre diameter perforated corrugated vertical steel pipe inspection well, located in the corner of each containment, extending from the floor to above the stone layer, to allow visual inspection of containment contents
- a 150 millimetre diameter, solid-walled stainless steel drain pipe, positioned along the floor and running from within the inspection well to the shut off valve outside the containment

- a Post Indicator Valve (PIV) (normally closed, but opened for containment drainage upon prior visual inspection of the contents) located on each stainless steel outlet pipe, outside of the containment wall
- a 100 millimetre diameter PVC drain from the above valve to Pump Sump No.1

Backup Auxiliary Transformer

- one (1) Backup Auxiliary Transformer, located north-east of Generator Step Up Transformer (GSU-1), in the Switchyard north area, with an oil volume of approximately 4.4 cubic metres, with the following configuration:

- a sloping, concrete floor, approximately 4.9 metres by 4.9 metres with a central foundation block
- concrete walls approximately 1.45 metres high with a 1.30 metre layer of crushed stone within to provide approximately 11.7 cubic metres of containment volume
- a 450 millimetre diameter perforated corrugated vertical steel pipe inspection well, located in the corner of the containment, extending from the floor to above the stone layer, to allow visual inspection of containment contents
- a 150 millimetre diameter, solid-walled stainless steel drain pipe, positioned along the floor and running from within the inspection well to the shut off valve outside the containment
- a Post Indicator Valve (PIV) (normally closed, but opened for containment drainage upon prior visual inspection of the contents) located on each stainless steel outlet pipe, outside of the containment wall
- a 100 millimetre diameter PVC drain from the above valve to Pump Sump No.1

Station Service Transformers

- two (2) similar, in-ground, separate, containment areas, each serving a similar Station Service Transformers (SST1 and SST2), each with an oil volume of approximately 1.8 cubic metres and both located south of the Station Electrical, Control and Warehouse Building, each with the following configuration:

- a sloping, concrete floor, approximately 4.0 metres by 3.1 metres with a central foundation block
- concrete walls approximately 1.48 metres high with a 1.45 metre layer of crushed stone within to provide approximately 4.7 cubic metres of containment volume
- a 450 millimetre diameter perforated corrugated vertical steel pipe inspection well, located in the corner of each containment, extending from the floor to above the stone layer, to allow visual inspection of containment contents
- a 150 millimetre diameter, solid-walled stainless steel drain pipe, positioned along the floor and running from within the inspection well to the shut off valve outside the containment
- a Post Indicator Valve (PIV) (normally closed, but opened for containment drainage upon prior visual inspection of the contents) located on each stainless steel outlet pipe, outside of the containment wall
- a 100 millimetre diameter PVC drain from the above valve to Pump Sump No.3

- three (3) concrete, in-ground sumps:

- Pump Sump No.1, located near MH#3, at the east end of the Station between the GSU and UAT

transformer pairs

- Pump Sump No.2 , located near the Oil/Water Separator
- Pump Sump No. 3, located south-east of SST1 and SST2

each with a sump pump, rated at 75 Litres per minute, operating on level control and discharging via 80 millimetre diameter carbon steel piping to a common 150 millimetre diameter carbon steel inlet header to an Oil/Water Separator;

- one (1) underground, cylindrical, double-walled steel, two (2) compartment, Oil/Water Separator, approximately 1.2 metres in diameter and 4.3 metres long, located between the Turbine Units, toward the west end with a removable parallel corrugated plate coalescer, an oil coalescer pack and a downcomer outlet to an integral pumping chamber, including:

- oil separation up to a maximum design flow rate of approximately 378 Litres per minute
- an oil holding volume of approximately 750 Litres
- two (2) submersible pumps, each rated at approximately 378 Litres per minute and operating on level control
- a leak back orifice on the pump discharge line to allow drainage of the downstream forcemain contents back into the pumping compartment when pumping stops to prevent freeze-up of the discharge line
- a motor operated stop valve on the inlet to the oil/water separator
- oil interface and oil level probes with external alarms at 80 percent oil capacity and at maximum oil capacity when the inlet valve will close automatically

with treated process effluent pumped from the Separator via a 100 millimetre diameter PVC effluent line to Manhole #6 which is part of the Station Storm Sewer System which runs via a 750 millimetre diameter reinforced concrete pipe to the west to Catch Basin/Manhole #7 and then via a section of 900 millimetre diameter reinforced concrete pipe to Manhole #9, which is the discharge point to the Forebay of the Station Storm Water Management Pond, described below;

STORM WATER MANAGEMENT WORKS

- storm sewers, catch basins, manholes collecting storm water runoff from road areas, paved and gravel parking areas, roof drains and paved and gravel operational areas from the 3.6 hectare Station watershed area and conveying it to an onsite Extended Detention Wet Pond to provide an enhanced level of water quality protection (80 percent long term Total Suspended Solids removal) and to attenuate post-development peak flows to better than pre-development levels for all storm events up to and including the 100 year return storm, as shown in the Table below:

Return Period	Pre-Development Peak Flow (m ³ /sec)	Post-Development Peak Flow (m ³ /sec)
2-yr	0.15	0.07
5-yr	0.26	0.18
10-yr	0.34	0.27
25-yr	0.44	0.38
100-yr	0.61	0.55

with discharge from the Wet Pond conveyed to the north to a new drainage ditch which flows west to Ansnorveldt Creek at the north-west corner of the Site, and including the following specific works:

Storm Sewers

- a network of three (3) main east-west flowing storm sewers, positioned from north to south to span the operational area watershed and including:
 - a run of 450 millimetre diameter reinforced concrete pipe (RCP) along the northern perimeter of the Station and south of the gravel entrance roadway, commencing with MH#5 north-east of the Unit #1 Generator and including downstream manholes MH#11 and MH#8 and leads from area catch basins CB10, CB11 and CB12, with the effluent from MH#8 directed south via a 600 millimetre diameter RCP run to manhole MH#9
 - a central area sewer run, initially of 600 millimetre diameter of RCP commencing with catch basin CB6, in the Switchyard, east of and approximately midway between the GSU#1 and GSU#2 spill containment works and including downstream manholes MH#3, MH#4 with a subsequent swing to the south-west to MH#6, from where it continues as a 750 millimetre diameter RCP run to the west to catch basin/manhole CBMH#7 and then turns north as a 900 millimetre diameter RCP run to MH#9 and including leads from area catch basins CB 5, CB7, CB8 and CB9
 - a southern area sewer run, of 600 millimetre diameter RCP, within the perimeter fence, commencing with manhole MH#1, collecting storm drainage directly from catch basins CB1 and CB2, located in and just west of the Switchyard, respectively, and including downstream manhole MH#10 and downstream catch basin/manhole CBMH#2, from where it continues north to manhole MH#6 to join the central sewer run described above running to MH#9
 - at each catch basin and catch basin/manhole described above, four (4), 100 millimetre diameter perforated subdrain pipes in a geo-textile surround and a granular base, in the form of a cross, extending for approximately 3 metres from the catch basin, to collect local subdrainage

Storm Water Management Pond System

- a run of 900 millimetre diameter RCP from MH#9 directly to the west and entering the forebay of the Storm Water Pond as a surface discharge with the invert approximately 0,4 metres below the permanent pool elevation and the discharge area along the submerged side of the forebay protected by a layer of rip rap;
- one (1) rectangular, in-ground, Forebay Pond, located in the north-west corner of the Station, approximately 42 metres long and 21 metres wide as measured at the top of the forebay sides, including:
 - the one (1) inlet structure described above
 - a clay-lined floor and sides with a 3H:1V slope
 - a nominal permanent pool depth of approximately 1.5 metres
 - one (1) berm at the west end of the forebay with a 2 metre horizontal crest at approximately 0.50 metres below the permanent pool elevation, to convey normal forebay flow to the contiguous Main Storm Water Pond
- one (1) rectangular, in-ground, Main Storm Water Pond, approximately 93 metres long and 31

metres wide, as measured at the top of the Pond sides with flow from east to west, including:

- a clay-lined floor and sides with a 3H:1V slope
 - a nominal permanent pool depth of approximately 1.5 metres
 - an overall permanent pool volume of approximately 3400 cubic metres including the forebay
 - an overall extended detention volume of approximately 1100 cubic metres at a storage height of 0.35 metres above the permanent pool level for a 100 year return storm
 - one (1) concrete outlet structure with grating cover, along the north side of the Pond, at the north-west corner
 - a 300 millimetre diameter reverse sloped outlet pipe running from south to north with its outlet invert at the permanent pool elevation and outlet flush with the wall
 - one (1), 900 millimetre diameter reinforced concrete outlet pipe from the concrete structure draining north to discharge to a rip rap lined area of the drainage channel which runs west to Ansnorveldt Creek, which runs to the north-west to the South Canal known as the West Holland River
 - one (1) concrete overflow weir along the south wall of the concrete structure, with crest set at 0.13 metres above the permanent pool level to allow overflows directly into the structure, bypassing the reverse sloped outlet pipe
 - one (1) concrete emergency overflow weir along the west wall of the concrete structure, with crest set at approximately 0.43 metres above the permanent pool elevation with flow via the spillway to a V-shaped outlet ditch
 - a perimeter access road around the Pond and the Forebay for maintenance and inspection
- one (1) drainage channel which runs west to the existing wetland/pond on the west side of the property, which in turn drains to Ansnorveldt Creek, which runs to the north-west to the South Canal also known as the West Holland River;
- plantings along the banks and top of the Pond/Forebay to minimize insolation of the permanent pool volume and to discourage use of the Pond/Forebay by water fowl;
- use of standard siltation control fencing, to fully enclose spoil or topsoil piles, as needed;
- use of mud mats at entrances to construction areas;
- use of temporary sediment basins, as needed;
- implementation and maintenance of recognized best management practices in erosion/sedimentation control during construction;
- all other controls, electrical equipment, instrumentation, piping, pumps, valves and appurtenances essential for the proper operation of the aforementioned sewage works;

all in accordance with the following submitted supporting documents:

1. Application for Approval of Industrial Sewage Works dated September 11, 2009 and signed by Julia Ciccaglione, Vice President, Sustainable Development and Environment, York Energy Centre Inc., with the following information prepared by Dillon Consulting Ltd., Toronto, Ontario:

- design information and drawings
 - Storm Water Management Report dated July 2009
 - Functional Servicing Report dated July 2009
 - Hydrological and Hydrogeological Environmental Impact Statement Report dated July 2009
 - Cut/Fill and Floodplain Analysis for Safe Access Report dated July 2009
 - Environmental Review Report and Supporting Documents Binder dated October 2008
2. The 2009 Stage 2 Archaeological Assessment of the Proposed York Energy Centre Report, dated May 2009 and prepared by D.R. Poulton & Associates Inc., London, Ontario.
 3. An information letter dated October 21, 2009 from Lorenzo De Santis, P.Eng., Dillon Consulting Limited, Toronto, Ontario, with additional information and drawings.
 4. An information letter dated December 11, 2009 from Mario E. Buszynski, Partner, Dillon Consulting Limited, Toronto, Ontario, with design change information and revised drawings.
 5. Application for Approval of Industrial Sewage Works dated September 2, 2010 and signed by Julia Ciccaglione, Vice President, Sustainable Development and Environment, York Energy Centre LP., with the revised design information, revised drawings and information on new land addition for temporary use during construction, prepared by Dillon Consulting Ltd., Toronto, Ontario:
 6. Information letters dated October 15, 21 and 25, 2010 from Mario E. Buszynski, Partner, Dillon Consulting Limited, Toronto, Ontario, with additional information, drawings and legal advice.

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

"Certificate" means this entire Certificate of Approval document, issued in accordance with Section 53 of the *Ontario Water Resources Act*, and includes any schedules;

"Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the *Ontario Water Resources Act* ;

"District Manager" means the District Manager of the York-Durham District Office of the Ministry;

"grab sample" is defined in Section 3.1.1 of the Ministry publication "Protocol For the Sampling and Analysis of Industrial/Municipal Waste Water", January 1999, and as amended;

"Ministry" means the Ontario Ministry of the Environment;

"Owner" means York Energy Centre LP., and includes its successors and assignees;

"process material" means any raw material, product, by-product, intermediate product, lubricant, solvent, additive chemical, waste material or any other chemical used in the works approved by this Certificate;

"works" means the sewage works described in the Owner's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;

the following symbols are abbreviations for the frequencies indicated:

- "A" means annually, i.e. once in a calendar year with at least 180 days between successive samples
"M" means monthly, i.e. once in a calendar month with at least 15 days between successive samples
"Q" means quarterly, i.e. once every calendar quarter with at least 45 days between successive samples

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

TERMS AND CONDITIONS

1. GENERAL CONDITION

- (1) 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 Certificate, the application for approval of the works and the submitted supporting documents and plans and specifications as listed in this Certificate.
- (2) 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.
- (3) 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.
- (4) The Approval issued by this Certificate will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Certificate.

2. OPERATION AND MAINTENANCE

- (1) The Owner shall ensure that the works and related equipment and appurtenances which are installed, or used to achieve compliance with this Certificate, are properly operated.
- (2) The Owner shall inspect all temporary siltation and erosion control structures after each significant storm event and repair them as required.
- (3) The Owner shall inspect the permanent storm drainage and treatment works following significant storm events for the first 2 years after operations commence and at least once a year, thereafter, and, if necessary, clean the works of excessive build-up of sediments, repair them and perform any other required maintenance.
- (4) The Owner shall maintain a logbook to record the results of maintenance inspections and any cleaning and maintenance operations undertaken under Subsection (3), and shall keep the logbook at the location of the works or at the central operating/maintenance office. The

logbook shall include the following:

- (a) the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed, and
 - (b) the date of each spill within the subcatchment areas, including follow-up actions/remedial measures undertaken.
- (5) The Owner shall use best effort to identify and clean-up all losses of process material from the herein approved works to the environment.
- (6) The Owner shall, upon identification of process material loss to the environment, take appropriate action to prevent the further occurrence of such loss.
- (7) In furtherance of, but without limiting the generality of, the obligation imposed by Subsection (1), the Owner shall ensure that equipment and material for the containment, clean-up and disposal of process materials are kept on hand and in good repair for immediate use in the event of a spill within the meaning of Part X of the *Environmental Protection Act*.
- (8) The Owner shall ensure, through the provision of adequate signs and fencing that the existing Tree Protection Zone in the north-east corner of the Temporary-Use Area consisting of:
- a main tree zone of approximately 106 metres by 51 metres
 - a north side extension to the north-west of approximately 44 metres by 3 metres
 - a north side extension to the north-east of approximately 26 metres by 8 metres and its continuing southern extension within the east property line of approximately 50 metres by 5 metres

is kept free of construction equipment, protected and maintained in its pre-development state.

3. OPERATIONS MANUAL

- (1) In furtherance of, but without limiting the generality of the obligation imposed by Condition 2, the Owner shall prepare an operations manual prior to the commencement of operation of the works.
- (2) The Owner shall ensure that the manual includes:
- (a) operating 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) a spill prevention, control and countermeasures plan, including Ministry notification procedures

- (e) procedures for dealing with environmental concerns from the public
 - (f) a procedure identifying best practices for reducing mosquito habitat in the Storm Water Management System
- (3) The Owner shall maintain the operations manual current and at the location of the works or the central operating/maintenance office, for as long as the works are in operation, and shall make it available for inspection by Ministry staff, upon request.
- (4) The Owner shall maintain a set of current "as-built" engineering drawings of the herein approved sewage works at the location of the works, for as long as the works are in operation, and shall make them available for inspection by Ministry staff, upon request.

4. EFFLUENT OBJECTIVES

- (1) The Owner shall use best efforts to design, construct and operate the works such that the concentration of the effluent parameter named in the table below does not exceed the maximum concentration shown for that parameter in the effluent from the Oil/Water Separator:

EFFLUENT PARAMETER		MAXIMUM CONCENTRATION	
Oil and Grease		15 mg/L	

- (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 exceedances.

5. EFFLUENT - VISUAL OBSERVATIONS

Notwithstanding any other Condition in this Certificate, the Owner shall ensure 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 discolouration on the receiving waters.

6. SAMPLES AND MEASUREMENTS

The Owner shall ensure that samples and measurements taken for the purposes of this Certificate are taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.

7. EFFLUENT QUALITY MONITORING

The Owner shall establish and carry out, upon commencement of operation of the works the following effluent and well monitoring program:

- (1) The effluents named below shall be sampled at the sampling points named, in accordance with the monitoring frequency and sample type specified for each parameter named, and the samples analyzed for the stated parameters, unless otherwise required in writing by this Certificate or by the District Manager:

- (A) **The Oil/Water Separator Effluent** - prior to discharge to Manhole MH#6

PARAMETER	MONITORING FREQUENCY	SAMPLE TYPE
Oil and Grease	M	Grab

- (B) **Storm Water Pond Effluent**- sampled at the discharge pipe to the storm ditch

PARAMETER	MONITORING FREQUENCY	SAMPLE TYPE
Total Organic Carbon (TOC)	Q	Grab
Total Kjeldahl Nitrogen	Q	Grab
Total Phosphorus	Q	Grab
Total Suspended Solids	Q	Grab
Oil and Grease	Q	Grab
Hydrogen ion (pH)	Q	Grab
Total Metals (ATG 9)**	Q	Grab
Escherichia coli (E. coli)	Q	Grab
Acute Lethality with Rainbow Trout and Daphnia magna	Q	Grab

Note: No sampling is required during any calendar quarter in which there is no discharge from the Pond.

**in accordance with the protocols referenced under Subsection (4)(a) below

- (2) The Owner shall collect a grab sample from each of the existing groundwater monitoring wells/potable water wells identified below, with locations as shown on Figure 1, entitled, "Well Locations Surrounding the York Energy Centre Site", submitted under Reference 6, in the submitted supporting documents section, in accordance with the monitoring frequency and sample type, specified for each parameter in the table below, unless otherwise required in writing by this Certificate or by the District Manager:

Perimeter Monitoring Wells

South-east corner - # 7117024

West side - #6924978, #6918763 and #6920361

PARAMETER	MONITORING FREQUENCY	SAMPLING METHOD
Total Organic Carbon (TOC)	A	Grab
Total Kjeldahl Nitrogen	A	Grab
Nitrate + Nitrite Nitrogen	A	Grab
Total Phosphorus	A	Grab
Total Petroleum Hydrocarbons (F1/F2)	A	Grab
Total Metals (ATG 9)**	A	Grab
Escherichia coli (E. coli)	A	Grab

**in accordance with the protocols referenced under Subsection (4)(a) below

- (3) All metals shall be reported as total unfiltered concentrations in milligrams per Litre.
- (4) The methods and protocols for sampling, analysis, acute lethality testing and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
 - (a) Ministry of the Environment publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater", January 1999, as amended from time to time by more recently published editions
 - (b) the publication "Standard Methods for the Examination of Water and Wastewater", 21st edition, 2005, as amended from time to time by more recently published editions
 - (c) the Environment Canada publications, "Biological Test Method: Reference Method for Determining Acute Lethality of Effluents to Rainbow Trout" and "Biological Test Method: Reference Method for Determining Acute Lethality of Effluents to *Daphnia magna*", both dated July 1990
- (5) After twenty-four (24) months of effluent monitoring under Subsections (1)(B) and (2), the sampling program and/or the measurement frequencies specified in Subsections (1)(B) and (2), with respect to any parameter, may be reduced, eliminated or otherwise modified by the District Manager, in writing, from time to time.
- (6) The Owner shall estimate and record the effluent flow from the Storm Water Pond at the time of the pick up of the samples required under Subsection (1) using methods that allow the flow to be determined to an accuracy within plus or minus 20 percent.

8. RECORDS RETENTION

The Owner shall retain for a minimum of five (5) years from the date of their creation, or longer if requested in writing by the District Manager, all records and information related to, or resulting from, the monitoring and operation/maintenance activities required by this Certificate, including, without restricting the generality of the foregoing:

- (a) all analytical results and flow measurements pursuant to the requirements of Condition 7
- (b) all calibration, maintenance and inspection records

9. REPORTING AND INSPECTIONS

Temporary-Use Area For Equipment Laydown and Trailer/Car Parking

- (1) One week prior to the start up of the operation of the Temporary-Use Area, the Owner shall provide to the District Manager, an Inspection and Implementation Report, authored by a Licensed Professional Engineer in the Province of Ontario verifying that the as-built facilities for peak flow and sediment control in the Temporary-Use Area adhere to the requirements stated in this Certificate, to the design information provided in the Owner's application and to generally recognized best management practices.
- (2) A minimum thirty (30) days prior to the completion of construction of the Power Station, the Owner shall provide to the District Manager, for his approval, a written Decommissioning and Restoration Plan including an implementation schedule for the return of the Temporary-Use Area to its pre-development agricultural state.

Generating Station Operations

- (3) One week prior to the start up of the operation of the power generation works, the Owner shall notify the District Manager in writing of the pending start up date.
- (4) The Owner shall report to the District Manager or designate, any exceedance of the parameter, oil and grease, specified in Condition 4, orally as soon as reasonably possible, and in writing within seven (7) days of the first oral reporting of the exceedance.
- (5) In addition to the obligations under Part X of the *Environmental Protection Act*, the Owner shall, within 10 working days of the occurrence of any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance into the environment, from the herein approved works, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventive measures to be taken and their implementation schedule.

10. ANNUAL PERFORMANCE REPORTING

The Owner shall prepare and submit an annual performance report to the District Manager no later than sixty days (60) days following the end of the calendar year. The report shall contain, but shall not be limited to, the following information in a format acceptable to the District Manager:

- (a) a summary of all required monitoring and flow data for the reporting period
- (b) an interpretation of all monitoring and flow data collected for the works during the reporting period including a comparison to the requirements specified in Condition 4
- (c) a description of any operating problems encountered and corrective actions taken during the reporting period
- (d) a summary of all maintenance carried out during the reporting period on any major structure, equipment, apparatus, or mechanism forming part of the sewage works
- (e) a summary of all calibration and maintenance procedures carried out during the reporting period

11. CHANGE OF OWNER

- (1) The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within 30 days of the change occurring:
 - (a) change of Owner or operating authority, or both
 - (b) change of address of Owner or operating authority or address of new owner or operating authority
 - (c) change of partners where the Owner or operating authority is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Partnerships Registration Act*
 - (d) change of name of the corporation where the Owner or operator is or at any time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* shall be included in the notification to the District Manager
- (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 Certificate, and a copy of such notice shall be forwarded to the District Manager.
- (3) The Owner shall ensure that all communications made pursuant to this condition will refer to this Certificate's number.

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

GENERAL CONDITION

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 Certificate and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The works are to be constructed in a timely manner so that standards applicable at the time of Approval of the works are still applicable at the time of construction, to ensure the ongoing protection of the environment.

OPERATION AND MAINTENANCE

2. Condition 2 is included to ensure that the works will be properly operated, maintained, and equipped in a manner enabling compliance with the Terms and Conditions of this Certificate, such that the environment is protected.

OPERATIONS MANUAL

3. Condition 3 is included to ensure that an operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept current by the Owner and made available to the Ministry, upon request. Such a manual is an integral part of the management of the works. Its compilation and use should assist the Owner in staff training, in proper environmental management and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a bench-mark for Ministry staff when reviewing the Owner's operations.

EFFLUENT OBJECTIVES

4. Condition 4 is imposed to establish non-enforceable effluent quality objectives which the Owner is obligated to use best efforts to strive towards on an ongoing basis. It is the Ministry's experience that the setting of such objectives coupled with best efforts of an Owner to achieve them, assists the Owner in ensuring that the environment is protected.

EFFLUENT REQUIREMENTS

5. Condition 5 is imposed to ensure that the effluent discharged from the works meets the Ministry's effluent quality requirements, as specified, on a continuous basis thus minimizing environmental impact on Ansnorveldt Creek and the West Holland River.

MONITORING

6. Conditions 6 and 7 are 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 the objectives specified in the Certificate and that the approved works are not causing any impairment to the receiver.

RECORD KEEPING AND REPORTING

7. Conditions 8, 9 and 10 are included to set out the required record keeping and reporting procedures which will allow both the Owner and the Ministry to be kept informed of the operation of the works as it relates to meeting the requirements of this Certificate and to allow evaluation of the long-term operation and maintenance of the works. These conditions emphasize the necessity for proper recording and reporting of relevant environmental information.

CHANGE OF OWNER

8. Condition 11 is included to ensure that the Ministry ownership records with respect to the approved works are kept accurate and current and to ensure that any subsequent owners of the works are made aware of this Certificate and continue to operate the works in compliance with it.

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. 0283-7W5NRK issued on December 11, 2009.

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 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
M5G 1E5

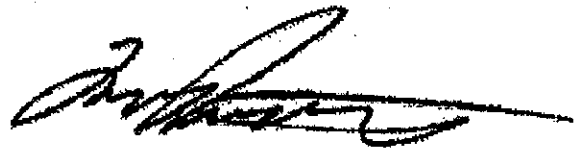
AND

416-314-8452
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 works are approved under Section 53 of the Ontario Water Resources Act.

DATED AT TORONTO this 29th day of October, 2010



Ian Parrott, P.Eng.
Director
Section 53, Ontario Water Resources Act

TT/

c: District Manager, MOE York-Durham
Lorenzo De Santis, Dillon Consulting Limited