

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9545-BK5KL6  
Issue Date: January 30, 2020

Canopy Growth Corporation  
1 Hershey Dr  
Smiths Falls, Ontario  
K7A 0A8

Site Location: 1 Hershey Drive  
Separated Town of Smiths Falls  
County of Lanark, Ontario

*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:*

alterations to existing sewage works for the collection, transmission and disposal of stormwater run-off from a manufacturing facility redevelopment including a manufacturing building, loading area, parking lot and driveway, located at 1 Hershey Drive, in the Separated Town of Smiths Falls, consisting of the following Works:

Drainage Areas Discharging into Roadside ditch at Hershey Drive

- one (1) inlet control device (ICD) with 94 millimetre diameter orifice, along with a surface ponding area of 163 cubic metres serving Drainage Area A-01, restricting stormwater runoff to a maximum flow rate of 22.1 litres per second for the 100 year storm event;
- one (1) ICD with 113 millimetre diameter orifice, along with a surface ponding area of 77 cubic metres serving Drainage Area A-02, restricting stormwater runoff to a maximum flow rate of 31.9 litres per second for the 100 year storm event;
- one (1) Tempest Vortex LFM ICD (or equivalent) along with a surface ponding area of 116 cubic metres serving Drainage Area A-03, restricting stormwater runoff to a maximum flow rate of 11.0 litres per second for the 100 year storm event;
- one (1) ICD 94 millimetre diameter orifice, along with a surface ponding area of 51 cubic metres serving Drainage Area A-04, restricting stormwater runoff to a maximum flow rate of 22.1 litres per second for

the 100 year storm event;

- one (1) Tempest Vortex LFM ICD (or equivalent) along with a surface ponding area of 46 cubic metres serving Drainage Area A-05, restricting stormwater runoff to a maximum flow rate of 5.8 litres per second for the 100 year storm event;
- one (1) ICD with 75 millimetre diameter orifice, along with a surface ponding area of 18 cubic metres serving Drainage Area A-06, restricting stormwater runoff to a maximum flow rate of 14.9 litres per second for the 100 year storm event;
- one (1) ICD with 150 millimetre diameter orifice, along with a surface ponding area of 191 cubic metres serving Drainage Area A-07, restricting stormwater runoff to a maximum flow rate of 73.6 litres per second for the 100 year storm event;
- one (1) ICD with 208 millimetre diameter orifice, along with a surface ponding area of 156 cubic metres serving Drainage Area B-01, restricting stormwater runoff to a maximum flow rate of 52.5 litres per second for the 100 year storm event; and
- one (1) oil/grit separator (Vortechs 5000), providing Enhanced level of water quality protection, accepting flows from aforementioned drainage areas, having a design flow rate of 176 litres per second, accepting surface runoff from the aforementioned drainage area (2.39 hectares in total), discharging into the roadside ditch along Hershey Drive.

#### Drainage Areas Discharging into a Re-aligned Ditch along Lorne Street

- one (1) ICD with 208 millimetre diameter orifice, along with a surface ponding area of 156 cubic metres serving Drainage Area B-01, restricting stormwater runoff to a maximum flow rate of 52.5 litres per second for the 100 year storm event, discharging into an oil/grit separator described below;
- one (1) oil/grit separator (Vortechs 1000), providing Enhanced level of water quality protection, having a design flow rate of 38.4 litres per second, accepting surface runoff from the 0.58 hectare Drainage Area B-01, discharging into an re-aligned ditch along Lorne Street near the northwest corner of the property;
- 34 flow control roof drains, along with temporary storage on roof-top (Area R-01- Building Roof), restricting stormwater runoff to a maximum flow rate of 53.7 litres per second for the 100 year storm event, discharging into an existing ditch near the northeast corner of the property; and

#### Miscellaneous

- all other controls, electrical equipment, instrumentation, piping, valves and appurtenances essential for the proper operation of the aforementioned sewage Works.

All in accordance with the submitted supporting documents listed in 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. "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;
3. "District Manager" means the District Manager of the Ottawa District Office;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "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;
6. "Owner" means Canopy Growth Corporation, and its successors and assignees;
7. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended
8. "Works" means the approved sewage works.

*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, and the application, the application shall take precedence unless it is clear that the purpose of the document in the schedule 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. The approval issued by this Approval will cease to apply to those parts of the Proposed 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.

## **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, oil/grit, 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 available 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
- c. the date of each spill within the catchment area, including follow-up actions / remedial measures undertaken.

## **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**

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 Approval.

## **Schedule A**

1. Application for Environmental Compliance Approval dated July 2, 2019 and received on August 6, 2019, submitted by Phil Shaer, Chief Legal Officer, Canopy Growth Corporation to amend existing Approval No.0569-B6NK22 for the proposed stormwater management works, including design brief, final plans and specifications.

*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 the Works are 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.
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.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 0569-B6NK22 issued on January 10, 2019.**

*In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review 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 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.

*Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.*

*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:*

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

AND

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

AND

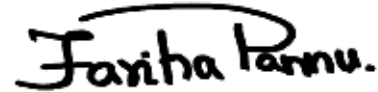
The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* Further information on the 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](http://www.ert.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 30th day of January, 2020



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Fariha Pannu, P.Eng.

Director

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

NH/

c: District Manager, MECP Ottawa District Office  
Miroslav Savic, Novatech