

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2029-BMSRB2

Issue Date: March 31, 2020

GreyCan 8 Properties Inc. as general partner for an on behalf of GreyCan8  
Properties Limited Partnership and 11035380 Canada Inc. as general partner for  
an on behalf of Hamilton Airport Lands Limited Partnership  
185 The West Mall, No. 860  
Toronto, Ontario  
M9C 5L5

**Site Location:** 110 Aeropark Boulevard  
City of Hamilton

*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:*

the establishment of stormwater infrastructure Works relating to the development of the 18.27 hectare site containing a warehouse/office building and future building expansion, located in Block 1 within the Aeropark Industrial Subdivision, in the City of Hamilton, for the collection, transmission, treatment and disposal of stormwater runoff, to provide Enhanced Level quality control via a treatment train approach and to attenuate post-development peak flows to allowable release rates for all storm events up to and including the 100-year storm, consisting of the following:

**storm sewers** on site, discharging to existing storm sewers on Wetenhall Court and Aeropark Boulevard;

**rooftop storage (Area 1)** , providing a maximum storage volume of 4,006 cubic metres at a maximum ponding depth of 0.15 metres, controlled via 110 roof weirs discharging at a maximum rate of 209 litres per second for the 100-year storm via onsite storm sewers to existing storm sewers on Aeropark Boulevard;

**rooftop storage (Area 2)** , providing a maximum storage volume of 3,030 cubic metres at a maximum ponding depth of 0.15 metres, controlled via 80 roof weirs discharging at a maximum rate of 153 litres per second for the 100-year storm via onsite storm sewers to existing storm sewers on Aeropark Boulevard;

**oil/grit separator (OGS 1)** , Hydroworks HS8 or Equivlanet Equipment, located at the southern corner of the site, designed for a catchment area of 0.93 hectares at 90% imperviousness, receiving stormwater runoff pre-

treated with catch basin inserts, discharging via on site storm sewers and headwall HW1 to the existing channel located west of the site;

**oil/grit separator (OGS 2)** , Hydroworks HS10 or Equivalent Equipment, designed for a catchment area of 2.54 hectares at 90% imperviousness, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers to existing storm sewers on Aeropark Boulevard;

**enhanced grassed swale (Swale 2)**, located along the southern portion of the site, 19.8 metres in length, bottom width of 2.0 metres, longitudinal slope of 0.5%, side slopes of 4:1, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers and headwall HW1 to the existing channel located west of the site;

**enhanced grassed swale (Swale 3)**, located along the southern portion of the site, 26.6 metres in length, bottom width of 2.0 metres, longitudinal slope of 0.5%, side slopes of 4:1, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers and headwall HW1 to the existing channel located west of the site;

**enhanced grassed swale (Swale 4)**, located along the southern portion of the site, 28.6 metres in length, bottom width of 2.0 metres, longitudinal slope of 0.5%, side slopes of 4:1, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers and headwall HW1 to the existing channel located west of the site;

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**enhanced grassed swale (Swale 5)**, located at the eastern corner of the site, 60 metres in length, bottom width of 2.0 metres, longitudinal slope of 0.5%, side slopes of 3:1, discharging to the oil/grit separator OGS3 identified below;

**oil/grit separator (OGS 3)** , Hydroworks HS 8 or Equivalent Equipment, designed for a catchment area of 1.65 hectares at 90% imperviousness, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers to existing storm sewers on Aeropark Boulevard;

**oil/grit separator (OGS 4)** , Hydroworks HS 10 or Equivalent Equipment, designed for a catchment area of 1.95 hectares at 90% imperviousness, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers to the enhanced grassed swale (Swale 1) located at the southwest corner of the site;

**enhanced grassed swale (Swale 1)** , located at the southwest corner of the site, 135.5 metres in length, bottom width of 3.0 metres, longitudinal slope of 0.5%, side slopes of 4:1, receiving storm water runoff pre-treated with catch basin inserts, enhanced grassed swales and oil/grit separator, discharging to the existing channel located west of the site;

including all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the following 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 appropriate local District Office of the Ministry, where the Works are geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of the approved named equipment;
6. "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;
7. "MNRF" means the Ministry of Natural Resources and Forestry of the government of Ontario and includes all officials, employees or other persons acting on its behalf;
8. "Owner" means GreyCan 8 Properties Inc. as general partner for an on behalf of GreyCan8 Properties Limited Partnership and 11035380 Canada Inc. as general partner for an on behalf of Hamilton Airport Lands Limited Partnership, and includes its successors and assignees;
9. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

10. "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 CONDITIONS

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 Schedule A 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/MNRF 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.
2. In the event that completion and commissioning of any portion of the Works is anticipated to be delayed beyond the specified expiry period, the Owner shall submit an application of extension to the expiry period, at least twelve (12) months prior to the end of the period. The application for extension shall include the reason(s) for the delay, whether there is any design change(s) and a review of whether the standards applicable at the time of Approval of the Works are still applicable at the time of request for extension, to ensure the ongoing protection of the environment.

## **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; or
  - 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. The Owner shall ensure that all communications made pursuant to this condition refer to the number at the top of this Approval.

## **4. OPERATION AND MAINTENANCE**

1. If applicable, any proposed storm sewers or other stormwater conveyance in this Approval can be constructed but not operated until the proposed

stormwater management facilities in this Approval or any other Approval that are designed to service the storm sewers or other stormwater conveyance are in operation.

2. 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 Works do not constitute a safety or health hazard to the general public.
3. The Owner shall undertake an inspection of the condition of the 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 Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.
4. The Owner shall construct, operate and maintain the Works with the objective 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 discoloration on the receiving waters.
5. The Owner shall ensure the immediate clean-out of the Works after a fuel or oil spill capture.
6. The Owner shall ensure that equipment and material for the containment, clean-up and disposal of fuel and oil and materials contaminated with such, is on hand and in good repair for immediate use in the event of:
  - a. loss of fuel or oil to the Works; or
  - b. a spill within the meaning of Part X of the EPA.
7. 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 administrative office 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 method of clean-out of the Works; and
  - c. the date of each spill within the catchment area, including follow-up actions and remedial measures undertaken.
8. The Owner shall prepare an operations manual prior to the commencement

of operation of the Works that includes, but is not necessarily limited to, the following information:

- a. operating and maintenance 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. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the District Manager; and
- e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.

9. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

#### **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 millimetres 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. REPORTING**

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the District Manager when requested. The first such report shall cover the

first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:

- a. a description of any operating problems encountered and corrective actions taken;
- b. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works, including an estimate of the quantity of any materials removed from the Works;
- c. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- d. a summary of all spill or abnormal discharge events; and
- e. any other information the District Manager requires from time to time.

## **7. SPILL CONTINGENCY PLAN**

1. Within six (6) months from the issuance of this Approval, the Owner shall implement a spill contingency plan - that is a set of procedures describing how to mitigate the impacts of a spill within the area serviced by the Works. The Owner shall, upon request, make this plan available to Ministry staff.

This plan shall include as a minimum:

- a. the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;
- b. the name, job title and 24-hour telephone number of the person(s) responsible for activating the spill contingency plan;
- c. a site plan drawn to scale showing the facility, nearby buildings, streets, catch-basins and manholes, drainage patterns (including direction(s) of flow in storm sewers), any receiving body(ies) of water that could potentially be significantly impacted by a spill and any features which need to be taken into account in terms of potential impacts on access and response (including physical obstructions and location of response and clean-up equipment);
- d. steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
- e. a listing of telephone numbers for: local clean-up company(ies) who may be called upon to assist in responding to spills; local emergency responders including health institution(s); and Ministry Spills Action Centre 1-800-268-6060;



- f. Safety Data Sheets (SDS) for each hazardous material which may be transported or stored within the area serviced by the Works;
  - g. the means (internal corporate procedures) by which the spill contingency plan is activated;
  - h. a description of the spill response training provided to employees assigned to work in the area serviced by the Works, the date(s) on which the training was provided and by whom;
  - i. an inventory of response and clean-up equipment available to implement the spill contingency plan, location and, date of maintenance/replacement if warranted; and
  - j. the date on which the contingency plan was prepared and subsequently, amended.
2. The spill contingency plan shall be kept in a conspicuous, readily accessible location on-site.
  3. The spill contingency plan shall be amended from time to time as required by changes in the operation of the facility.

## **8. 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, maintenance and monitoring activities required by this Approval.

## **Schedule A**

1. Application for Environmental Compliance Approval for Municipal and Private Sewage Works, dated June 17, 2019 and received on September 19, 2019 submitted by GreyCan 8 Properties Inc. as general partner for an on behalf of GreyCan8 Properties Limited Partnership and 11035380 Canada Inc. as general partner for an on behalf of Hamilton Airport Lands Limited Partnership, including stormwater management report, 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 constructed and operated in the manner in which they were described 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. Condition 1.6 is included to emphasize that the issuance of this Approval does not diminish any

other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.

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 the 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 as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Works. The Condition also ensures that adequate storage is maintained in the Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Works are operated and maintained to function as designed.
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 provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.
7. Condition 7 is included to ensure that the Owner will implement the Spill Contingency Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.
8. Condition 8 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, 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.

*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
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**\* 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 31st day of March, 2020

Fariha Pannu, P.Eng.  
Director

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

JY/

c: District Manager, MECP Hamilton - District

Mark Harris & Adam Mahoney & John Krpan,, The Odan/Detech Group Inc.