

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3953-C66PU9

Issue Date: September 8, 2021

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 servicing Block 1 of the Aeropark Industrial Subdivision, relating to the development of the 22.64 hectare site containing a warehouse/office building, 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;
- **oil/grit separator (OGS 1)**, Hydroworks HS10 or Equivlanet Equipment, located at the southern corner of the site, designed for a catchment area of 3.11 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 2.39 hectares at 90% imperviousness, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers to existing storm sewers on Wetenhall Court;
- **oil/grit separator (OGS 3)**, Hydroworks HS12 or Equivalent Equipment, designed for a

catchment area of 4.55 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 HS8 or Equivalent Equipment, designed for a catchment area of 1.48 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;
- **oil/grit separator (OGS 5)**, Hydroworks HS 10 or Equivalent Equipment, designed for a catchment area of 2.67 hectares at 90% imperviousness, receiving stormwater runoff pre-treated with catch basin inserts, discharging via onsite storm sewers to dry pond identified below;
- **underground storage 1 (Cultec 1)**, having a total available storage capacity of approximately 1,350 cubic metres, equipped with a 450 millimetre orifice plate restricting maximum discharge flow rate to 582 litres per second for the 100-year storm event, discharging via onsite storm sewers to the existing storm sewers on Aeropark Boulevard;
- **underground storage 2 (Cultec 2)**, having a total available storage capacity of approximately 1,184 cubic metres, equipped with a 375 millimetre orifice plate restricting maximum discharge flow rate to 404 litres per second for the 100-year storm event, discharging via onsite storm sewers to the existing storm sewers on Aeropark Boulevard;
- **dry pond** (catchment area of 2.78 hectares), having a total available storage capacity of approximately 600 cubic metres at a depth of 1.5 metres, receiving stormwater runoff via a 750 millimetre diameter inlet and headwall, discharging via a 450 millimetre diameter outlet pipe at a maximum flow rate of 466 litres per second to the existing stormwater management pond west of Upper James Street;

including erosion/sedimentation measures and 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 Environmental Compliance Approval and any Schedules attached to it;
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 alternate piece(s) of equipment that meets the design requirements and performance specifications of the piece(s) of equipment to be substituted;
6. "Licensed Engineering Practitioner" means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28;
7. "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;
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 its successors and assignees;
9. "OWRA" means the *Ontario Water Resources Act* , R.S.O. 1990, c. O.40, as amended;
10. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
11. "Works" means the approved sewage works, and includes Proposed 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 CONDITION

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 terms and conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. The Owner shall design, construct, operate and maintain the Works in accordance with the conditions of this Approval.
3. Where there is a conflict between a provision of any document referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence.

4. 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. 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 more than **five (5) years**, the Owner shall submit an application for extension at least twelve (12) months prior to the end of the five (5) years from the day of issuance of this Approval. The application 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 address of Owner;
 - b. change of Owner, including address of new 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, 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 environmental compliance approval number.

4. CONSTRUCTION OF THE WORKS

1. Upon the construction of the Works, the Owner shall prepare a statement, certified by a Licensed Engineering Practitioner, that the works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry personnel.
2. Within **six (6) months** of the construction of the sewage Works, a set of as-built drawings showing the works “as constructed” shall be prepared. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the Works for the operational life of the Works.

5. OPERATION AND MAINTENANCE

1. The Owner shall make all necessary investigations, take all necessary steps and obtain all necessary approvals so as to ensure that the physical structure, siting and operations of the Works do not constitute a safety, health or flooding hazard to the general public.
2. 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.
3. 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.
4. The Owner shall ensure the immediate clean-out of the Works after a fuel or oil spill capture.
5. 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.
6. 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 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.
7. The Owner shall maintain an up to date operations manual and make the manual readily accessible for reference at the Works for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.
- h. 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 Works 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.
9. 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.

6. 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.

7. 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. In addition to the obligations under Part X of the EPA and O. Reg. 675/98 (Classification and Exemption Of Spills and Reporting of Discharges), the Owner shall, within fifteen (15) days of the occurrence of any reportable spill as provided in Part X of the EPA and Ontario Regulation 675/98, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill, clean-up and recovery measures taken, preventative measures to be taken and a schedule of implementation.

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 1.4 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 to ensure that the Works are constructed in accordance with the approval and that record drawings of the Works "as constructed" are maintained for future

references.

5. Condition 5 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.
6. Condition 6 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.
7. Condition 7 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.

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.

2. Application for Environmental Compliance Approval for Industrial Sewage Works, dated May 27, 2021 and received on June 22, 2021, 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, engineering drawings and specifications.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).
2029-BMSRB2 issued on March 31, 2020.**

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

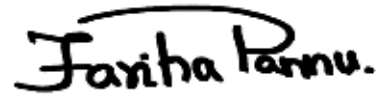
*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

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 8th day of September, 2021



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
John Krpan, The Odan Detech Group Inc.