

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9802-CEYMK2  
Issue Date: June 10, 2022

Garrard Limited Partnership GP Inc.  
2680 Skymark Ave, No. 800  
Mississauga, Ontario  
L4W 5L6

Site Location: Diamondback  
(5185 Garrard Road)  
Lot 18, Concession 5  
Whitby Town, Regional Municipality of Durham  
L1H 7K4

*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 management Works for sorting and warehouse facility for the collection, transmission, treatment and disposal of stormwater runoff from a catchment area of approximately 22.41 hectares, to provide enhanced level water quality protection and to attenuate post-development peak flows for all storm events up to and including the 100 year return storm to pre-development levels, consisting of the following and all in accordance with the supporting documentation submitted to the ministry as listed in Schedule A of this approval:

**Stormwater Management System**

Stormwater management (SWM) pond (Catchment area 22.41 ha): one (1) wet pond with sediment forebay and afterbay, designed for quantity control, quality control and erosion control, and is located in the southwest corner of the site. The SWM pond has a permanent storage volume of 4,649 cubic metres, an extended detention volume of 4,413 cubic metres, which is achieved 0.64 m above the normal water level, and a total storage volume of 25,017 cubic metres including the permanent pool. An inlet structure consisting of 1350 mm diameter concrete headwall and a 1800(W) mm by 900(H) mm box concrete headwall. An outlet structure consisting of a 1800 mm by 1500 mm precast box concrete equipped with a 1200 mm by 1200 mm ditch inlet controlled by two 450 mm diameter orifice tubes and a 500 mm diameter outlet pipe reversed graded to a 2400 mm by 1800 mm box control manhole equipped with a 228 mm diameter orifice plate, allowing a maximum discharge 601 litres/second under the 100 year storm event to the

existing 900 mm diameter culvert and ultimately to the Pringle Creek.

North Cultec Recharger 280HD storage chamber system (Catchment area 2.41 ha), located north of the proposed building having a total length of 154.48 metres, a width of 11.73 metres, a maximum allowable storage depth of 0.83 metres and a provided storage volume of 964.39 cubic metres. Flows will discharge via a 450 mm diameter orifice tube at a maximum release rate of 41 litres/second under the 100 year storm event to the internal storm sewer system and ultimately to the SWM pond.

South Cultec Recharger 280HD storage chamber system (Catchment area 2.41 ha), located south of the proposed building having a total length of 162.58 metres, a maximum width of 35.20 metres, a maximum allowable storage depth of 0.83 metres and a provided storage volume of 1,071.31 cubic metres. Flows will discharge via a 450 mm diameter orifice tube at a maximum release rate of 38 litres/second under the 100 year storm event to the proposed wetland and ultimately to the SWM pond.

North Infiltration Gallery (Catchment area 2.41 ha), located south of the North cultec chamber system having a surface area of 2100 metres squared, a water balance storage depth of 0.15 metres and a provided storage volume of 126.0 cubic metres. The north infiltration gallery accepts drainage from the proposed building rooftop via perforated pipes from the north Cultec Recharger 280HD storage chamber system. Overflow will discharge into the North Cultec system.

South Infiltration Gallery (Catchment area 2.41 ha), located south of the South cultec chamber system having a surface area of 2107 metres squared, a water balance storage depth of 0.15 metres and a provided storage volume of 126.0 cubic metres. The south infiltration gallery accepts drainage from the proposed building rooftop via perforated pipes from the south Cultec Recharger 280HD storage chamber system. Overflow will discharge into the South Cultec system.

Permeable Pavers (Catchment area 0.07 ha), located within the proposed parking lot having a surface area of 707 metres squared, a depth of 0.60 metres and a provided storage volume of 169.68 cubic metres.

*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. "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;
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. "Owner" means Garrard Limited Partnership GP Inc. and its successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
9. "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 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 one-year of the construction of the 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.
  8. 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. 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.

Schedule 'A' forms part of this Approval and contains a list of supporting documentation / information received, reviewed and relied upon in the issuance of this Approval.

### **SCHEDULE 'A'**

1. Environmental Compliance Approval Application dated September 6, 2021 and signed by Marwa Khedr, Real Estate Development Coordinator of Garrard Limited Partnership GP Inc., and all supporting documentation and information.
2. Functional Servicing and Stormwater Mangement Report, February 2022, signed on February 7, 2022 by Paige Turchet, P.Eng., of SCS Consulting Group Ltd.



*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 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.

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land 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 ("the Notice") 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:

Registrar\*  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5  
OLT.Registrar@ontario.ca

and

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

and

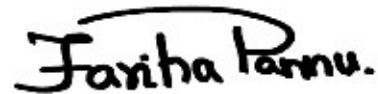
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or [www.olt.gov.on.ca](http://www.olt.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 10th day of June, 2022



Fariha Pannu, P.Eng.

Director

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

JP/

c: District Manager, MECP York-Durham  
Paige Turchet, SCS Consulting Group Ltd.