

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 0547-CL2PBL  
Issue Date: January 18, 2023

Meyers Holdings Inc.  
1444 Irvine Rd  
Niagara-on-the-Lake, Ontario  
L0S 1J0

Site Location: Meyers Fruit Farms Plant II  
957 Stewart Road  
Town of Niagara-on-the-Lake  
Regional Municipality of Niagara, Ontario  
L0S 1J0

*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, usage and operation of Works for the treatment of sanitary sewage from a greenhouse site - Meyers Fruit Farms Plant II and subsurface disposal of treated effluent, located at the above Site Location and consisting of the following:

**Details of Service Area**

- washroom facilities (9 water closets, 2 urinals), and 14 loading bays in greenhouse/warehouse building
- washroom/lunchroom in offices for accommodating a maximum of 29 employees

**Rated Capacity/Maximum Daily Flow**

- 13,675 litres per day

**PROPOSED WORKS**

- two (2) septic/sludge tanks (identified as Anaerobic Digester Tanks), operating in series, each having a volume capacity of 17,000 litres, with the second tank equipped with effluent filter, discharging effluent into a pump tank;
- one (1) 10,900 litre pump tank, equipped with two effluent pumps, discharging into a Waterloo Biofilter

Treatment System;

- one (1) Waterloo Biofilter Treatment System consisting of two (2) 19,000 litre basket tanks inter-connected with bottom drains with flexible boot connections, each tank equipped with spray unit two (2) mesh baskets filled each with 6.2 cubic metres of Biofilter media (24.8 cubic metres in total), with one (1) of the 19,000 litre tanks also equipped with three (3) effluent pumps with one (1) pump for the recirculation of effluent to the septic/sludge tanks and two alternating duplex for the dosing of effluent to the a Type A Dispersal Bed with a dosing rate of 75% of internal volume of the pipe, or approximately 2,450 litres per dose;
- one (1) raised Type A Dispersal Bed, having an active area of 285 square metres (9.5 metres by 30.0 metres), consisting of a 300 millimetre thick stone layer and a 600 millimetre thick imported sand layer, with the stone layer protected with a permeable Geotextile fabric and includes one (1) cell with fourteen (14) runs of 28.8 metre long 100 millimetre diameter distribution pipes, with the imported sand layer having a percolation time of 6 to 10 minutes per centimetre, complete with a 1,800 square metre mantle area (40 metres by 45 metres) extending 35.5 metres beyond the perimeter of stone layer in eastern direction with a minimum of 300 millimetre thick sand layer and 300 millimetre thick topsoil cover;
- including all other mechanical system, electrical system, instrumentation and control system, standby power system, piping, pumps, valves and appurtenances essential for the proper, safe and reliable operation of the Works in accordance with this Approval, in the context of process performance and general principles of wastewater engineering only.

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 Environmental Compliance Approval and any Schedules attached to it;
2. "BOD5" (also known as TBOD5) means five day biochemical oxygen demand measured in an unfiltered sample and includes carbonaceous and nitrogenous oxygen demands;
3. "CBOD5" means five day carbonaceous (nitrification inhibited) biochemical oxygen demand measured in an unfiltered sample;
4. "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;
5. "District Manager" means the District Manager of the Niagara District Office;
6. "EPA" means the *Environmental Protection Act* , R.S.O. 1990, c.E.19;
7. "Grab Sample" means an individual sample of at least 1000 millilitres collected in an appropriate container at a randomly selected time over a period of time not exceeding 15 minutes;
8. "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;

9. "Licensed Installer" means a person who is registered under the OBC to construct, install, repair, service, clean or empty on-site sewage systems;
10. "Maximum Daily Flow" (also referred to as Peak Daily Flow Rate or Maximum Day Flow) means the largest volume of flow to be received during a one-day period for which the sewage treatment process unit or equipment is designed to handle;
11. "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;
12. "OBC" means the Ontario Building Code, Ontario Regulation 332/12 (Building Code) as amended to January 1, 2015, made under the *Building Code Act*, 1992, S.O. 1992, c. 23;
13. "Operating Agency" means the Owner, person or the entity that is authorized by the Owner for the management, operation, maintenance, or alteration of the Works in accordance with this Approval;
14. "Owner" means Meyers Holdings Inc., including any successors and assignees;
15. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40;
16. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
17. "Rated Capacity" means Maximum Daily Flow sanitary sewage flow for which the Works are approved to handle
18. "Single Sample Result" means the test result of a parameter in the effluent discharged on any day, as measured by a probe, analyzer or in a composite or grab sample, as required;
19. "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 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 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.

## **2. CHANGE OF OWNER AND OPERATING AGENCY**

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. B.17* shall be included in the notification;
  - d. change of name of the corporation and a copy of the most current information filed under the *Corporations Information Act, R.S.O. 1990, c. C.39* shall be included in the notification.
2. The Owner shall notify the District Manager, in writing, of any of the following changes within thirty (30) days of the change occurring:
  - a. change of address of the Operating Agency;
  - b. change of the Operating Agency, including address of the new Operating Agency.
3. In the event of any change in ownership of the Works, the Owner shall notify the succeeding owner in writing, of the existence of this Approval, and forward a copy of the notice to the District Manager.
4. The Owner shall ensure that all communications made pursuant to this condition refer to the number of this Approval.

## **3. CONSTRUCTION OF PROPOSED WORKS / RECORD DRAWINGS**

1. All Proposed Works in this Approval shall be constructed and installed and must commence operation within five (5) years of issuance of this Approval, after which time the Approval ceases to apply in respect of any portions of the Works not in operation. In the event that the construction, installation and/or operation of any portion of the Proposed Works is anticipated to be delayed beyond the time period stipulated, the Owner shall submit to the Director an application to amend the Approval to extend this time period, at least six (6) months prior to the end of the period. The amendment application shall include the reason(s) for the delay and whether there is any design change(s).

2. The Owner shall ensure that the construction of the Works is supervised by a Licensed Engineering Practitioner or Licensed Installer.
3. The Owner shall ensure that the Works are constructed such that minimum horizontal clearance distances as specified in the OBC are satisfied.
4. The Owner shall ensure that the Waterloo Biofilter Treatment System is installed in accordance with the Manufacturer's Installation Manual.
5. The Owner shall ensure that an imported soil that is required for construction of any subsurface disposal bed as per this Approval is tested and verified by a Licensed Engineering Practitioner or Licensed Installer for the percolation time (T) prior to delivering to the site location and the written records are kept at the site.
6. Upon construction of the Works, the Owner shall prepare a statement, certified by a Licensed Engineering Practitioner or Licensed Installer, that the Works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry staff.
7. Upon construction of the Works, the Owner shall prepare a set of as-built drawings showing the Works "as constructed". The "as constructed" drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the site for the operational life of the Works and shall be made available for inspection by Ministry staff

#### 4. DESIGN OBJECTIVES

1. The Owner shall design and undertake everything practicable to operate the Works in accordance with the following objectives:
  - a. The objective that the concentrations of the materials named as effluent parameters in the Effluent Objectives Table listed in **Schedule B** are not exceeded in the effluent being discharged to the Type A dispersal Bed.
  - b. Treated effluent from the Waterloo Biofilter Treatment System discharged into the Type A Dispersal Bed does not exceed the Rated Capacity of 13,675 litres per day.

#### 5. OPERATION AND MAINTENANCE

1. The Owner shall ensure that, at all times, the Works and the related equipment and appurtenances used to achieve compliance with this Approval are properly operated and maintained. Proper operation and maintenance shall include effective performance, adequate funding, adequate staffing and training, including training in all procedures and other requirements of this Approval and the OWRA and regulations, adequate laboratory facilities, process controls and alarms and the use of process chemicals and other substances used in the Works.
2. The Owner shall prepare an operations manual within **six (6) months** of the introduction of sewage to

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

- a. operating procedures for routine operation of all the Works;
  - b. inspection programs, including frequency of inspection, for all 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 all the Works; copies of maintenance contracts for any routine inspections & pump-outs should be included for all the tanks and treatment units;
  - d. procedures for the inspection and calibration of monitoring equipment;
  - e. a spill prevention control and countermeasures plan, consisting of contingency plans and procedures for dealing with equipment breakdowns, potential spills and any other abnormal situations, including notification of the Spills Action Centre (SAC) and District Manager; and
  - f. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
3. 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.
  4. The Owner shall, upon the construction, prepare and make available for inspection by Ministry staff, a maintenance agreement with the manufacturer for the treatment process/technology or its authorized agent. The maintenance agreement must be retained at the site and kept current for the operational life of the Works.
  5. The Owner shall ensure that all septic tanks are pumped out every 3-5 years or when the tank is 1/3 full of solids and the effluent filters are cleaned out at minimum once a year or more often if required.
  6. The Owner shall ensure that grass-cutting is maintained regularly over the subsurface disposal bed(s), and that adequate steps are taken to ensure that the area of the underground Works is protected from vehicle traffic.
  7. The Owner shall visually inspect the general area where Works are located for break-out once every month during the operating season.
  8. In the event a break-out is observed from a subsurface disposal bed, the Owner shall do the following:
    - a. sewage discharge to that subsurface disposal system shall be discontinued;
    - b. the incident shall be **immediately** reported verbally to the Spills Action Centre (SAC) at

(416) 325-3000 or 1-800-268-6060;

- c. submit a written report to the District Manager within **one (1) week** of the break-out;
  - d. access to the break-out area shall be restricted until remedial actions are complete;
  - e. during the time remedial actions are taking place the sewage generated at the site shall not be allowed to discharge to the environment; and
  - f. sewage generated at the site shall be safely collected and disposed of through a licensed waste hauler to an approved sewage disposal site.
9. The Owner shall employ for the overall operation of the Works a person who possesses the level of training and experience sufficient to allow safe and environmentally sound operation of the Works.
10. The Owner shall maintain a logbook to record the results of all inspections, repair and maintenance undertaken, calibrations, monitoring and spill response or contingency measures undertaken and shall make the logbook available for inspection by Ministry staff. The logbook shall include the following:
- a. the name of the operator making the entry; and
  - b. the date and results of each inspection, repair, maintenance, calibration, monitoring, spill response and contingency measure.

## 6. MONITORING AND RECORDING

1. The Owner shall, upon commencement of operation of the Works, carry out a scheduled monitoring program of collecting samples at the required sampling points, at the frequency specified or higher, by means of the specified sample type and analyzed for each parameter listed in the tables under the monitoring program included in **Schedule C** and record all results, as follows:
- a. all samples and measurements are to be taken at a time and in a location characteristic of the quality and quantity of the sewage stream over the time period being monitored.
  - b. definitions and preparation requirements for each sample type are included in document referenced in Paragraph 2.b.
  - c. definitions for frequency:
    - i. Monthly means once every month
  - d. The measurement frequencies specified in **Schedule C** in respect to any parameter may, after **two (2) years** of monitoring in accordance with this Condition, be modified by the Director in writing.
2. The methods and protocols for sampling, analysis and recording shall conform, in order of precedence,

to the methods and protocols specified in the following documents and all analysis shall be conducted by a laboratory accredited to the ISO/IEC:17025 standard or as directed by the District Manager:

- a. the Ministry's Procedure F-10-1, "Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only), as amended;
  - b. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater Version 2.0" (January 2016), PIBS 2724e02, as amended;
  - c. the publication "Standard Methods for the Examination of Water and Wastewater", as amended; and
  - d. for any parameters not mentioned in the documents referenced in Paragraphs 3.a, 3.b and 3.c, the written approval of the District Manager shall be obtained prior to sampling.
3. The Owner shall employ measurement devices to accurately measure quantity of effluent being discharged to each individual subsurface disposal bed, including but not limited to water/wastewater flow meters, event counters, running time clocks, or electronically controlled dosing, and shall record the daily volume of effluent being discharged to the subsurface disposal bed.
  4. 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 monitoring activities required by this Approval.

## **7. REPORTING**

1. One week prior to the start up of the operation of the Proposed Works, the Owner shall notify the District Manager (in writing) of the pending start up date.
2. 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) made under the EPA, the Owner shall, within fifteen (15) days of the occurrence of any reportable spill as provided in Part X of the EPA and O. Reg. 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.
3. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
4. The Owner shall prepare and submit a performance report on an annual basis and submit to the District Manager in an electronic format within ninety (90) days following the end of each operational season. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information pertaining to the reporting period:
  - a. a summary and interpretation of all monitoring data and a comparison to the Effluent Objectives listed in Schedule B including an overview of the success and adequacy of the Works;



- b. a review and assessment of performance of Works, including sewage treatment units and subsurface disposal beds;
- c. a description of any operating problems encountered and corrective actions taken at all sewage Works located at the property;
- d. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of all Works located at the property;
- e. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- f. a summary and interpretation of all flow data and results achieved in not exceeding the maximum daily flow discharged into each subsurface disposal system;
- g. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- h. a summary of all spill or abnormal discharge events; and
- i. any other information the District Manager requires from time to time.

## Schedule A

1. Application for Environmental Compliance Approval August 24, 2022 and received on August 26, 2022 and submitted by Aron Hoff, Vice President, Production, Meyers Holdings Inc., for the proposed sanitary sewage treatment system and subsurface disposal bed, including design brief, engineering drawings and specifications.

## Schedule B

**Objectives Table - Effluent from Waterloo Biofilter Treatment System**

<b>Effluent Parameter</b>	<b>Averaging Calculator</b>	<b>Objectives</b> (maximum unless otherwise indicated)
CBOD5	Single Sample Result	10.0 mg/L* <sup>1</sup>
Total Suspended Solids	Single Sample Result	10.0 mg/L

**Note\*<sup>1</sup>**: mg/L means milligrams per litre

## Schedule C - Monitoring Program

**Effluent Monitoring Table**

<b>Sample location</b>	the effluent from the Waterloo Biofilter System, prior to discharging into the Type A Dispersal Bed
<b>Frequency</b>	Monthly (during operation)
<b>Sample Type</b>	Grab
<b>Parameters</b>	CBOD5, Total Suspended Solids

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

1. Condition 1 regarding general provisions 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.
2. Condition 2 regarding change of Owner and Operating Agency is included to ensure that the Ministry records are kept accurate and current with respect to ownership and Operating Agency of the 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.
3. Condition 3 regarding construction of Proposed Works/record drawings 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, and that prior to the commencement of construction of the portion of the Works that are approved in principle only, the Director will have the opportunity to review detailed design drawings, specifications and an engineer's report containing detailed design calculations for that portion of the Works, to determine capability to comply with the Ministry's requirements stipulated in the terms and conditions of the Approval, and also ensure that the Works are constructed in accordance with the Approval and that record drawings of the Works "as constructed" are updated and maintained for future references.
4. Condition 4 regarding design objectives is imposed to establish non-enforceable design objectives to be used as a mechanism to trigger corrective action proactively and voluntarily before environmental impairment occurs.
5. Condition 5 regarding operation and maintenance is included to require that the Works be properly operated, maintained, funded, staffed and equipped such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented. As well, the inclusion of a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training, in proper plant operation and in identifying and planning for contingencies during possible abnormal conditions. The manual will also act as a benchmark for Ministry staff when reviewing the Owner's operation of the Works.
6. Condition 6 regarding monitoring and recording is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the design objectives and compliance limits.
7. Condition 7 regarding reporting 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 this Approval.

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 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:

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

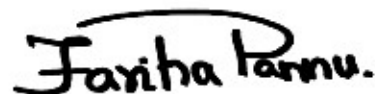
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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 18th day of January, 2023



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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 Niagara District Office  
Jayme Campbell, Terra-Dynamics Consulting Inc.