

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 1592-CM3VZL  
Issue Date: February 23, 2023

Bluesky Hydroponics Inc.  
1331 Mersea Road 6, Wheatley  
Ontario N0P 2P0

Site Location: 1331-1401 Mersea Road 6, Wheatley  
Municipality of Leamington, County of Essex Ontario N0P  
2P0

*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:*

establishment, usage and operation of Works, for the collection, transmission, detention / treatment and disposal of stormwater runoff from a new greenhouse development site with a total area of approximately 20.65 hectares (including Phases 1 & 2 greenhouse buildings, service buildings, driveways & other covered areas, parking areas and grassed and auxiliary areas) at the above site location, to provide a "Normal" water quality protection and to attenuate post-development peak flows to the allowable release rates indicated below for all storm events up to and including the 100 year return storm, discharging to the John Leslie Drain, consisting of the following:

**PROPOSED WORKS**

- **roof water drainage pipe systems, storm sewers and grassed swales**, discharging roof-top runoff and other surface runoff into the stormwater management facilities described below;
- **stormwater detention pond (catchment area 18.53 hectares)**: one (1) wet pond, located along the east property boundary, providing a minimum storage capacity of 14,326 cubic metres for the 100 year storm event, having a depth varying from 2.157 metres to 2.584 metres including a minimum 0.6 metre deep permanent pool, complete with five (5) inlet structures consisting of a 600 or 1,200 millimetre diameter storm inlet pipe and rip-rap, an outlet structure comprised of a 300 millimetre diameter storm outlet pipe equipped with a 215 millimetre diameter 600 millimetre long orifice, and a minimum 2.5 metre wide emergency overflow spillway, allowing a maximum discharge of 108.9 litres per second under the 100-year storm event to the John Leslie Drain located along the north side of Mersea Road 6;
- **surface storage (catchment area 1.39 hectares)**, located immediately south of the proposed Phase 1 service building, providing a minimum storage capacity of 819 cubic metres for the 100 year storm event, having a ponding depth varying from 0.567 metres to 0.646 metres, complete with a minimum 2.5

metre wide emergency overflow spillway at the southeast corner, discharging via a proposed oil and grit separator and an 100 millimetre diameter outlet pipe described below, allowing a maximum discharge of 8.1 litres per second under the 100-year storm event to the John Leslie Drain located along the north side of Mersea Road 6;

- **oil and grit separator (catchment area 0.93 hectares):** one (1) oil and grit separator, ADS FD-4HC or Equivalent Equipment, located at the southeast corner of the parking area (between CB25 and CB26), providing a "Normal" Level of protection, having a sediment storage capacity of 0.78 cubic metres, an oil storage capacity of 723 litres, a total storage volume of approximately 1.5 cubic metres, and a maximum treatment rate of 510 litres per second, receiving inflow from the storm sewers located within the parking and bunkhouse areas, discharging via a 100 millimetre diameter outlet pipe to the John Leslie Drain located along the north side of Mersea Road 6;

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works.

All in accordance with the submitted supporting documents listed in **Schedule A**.

*For the purpose of this environmental compliance approval, the following definitions apply:*

1. "Approval" means this entire 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 is geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
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. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and
7. "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;
8. "Owner" means Bluesky Hydroponics Inc., and any successors and assignees;
9. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40;
10. "Proposed Works" means those portions of the Works included in the Approval that are under construction or to be constructed;
11. "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;

12. "Works" means the Works described above and approved herein being defined in the OWRA as 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.
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. 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**

1. All Proposed Works in this Approval shall be constructed and installed and must commence operation within **ten (10) 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.
2. Within **one (1) year** of completion of construction of the Proposed Works, a set of record drawings of the Works shall be prepared or updated. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be readily accessible for reference at the Works.

### **4. EFFLUENT COMPLIANCE LIMITS AND VISUAL OBSERVATIONS**

1. The Owner shall operate and maintain the Works such that compliance limits for the effluent parameters listed in the Effluent Compliance Limits table included in **Schedule B** are met.
2. Notwithstanding any other conditions of this Approval, the Owner shall ensure 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 or sheen or foam or discoloration on the receiving waters.

### **5. OPERATION AND MAINTENANCE**

1. The Owner shall inspect the Works at least **two (2) times** per year and, if necessary, clean and maintain the Works to prevent the excessive build-up of sediments, oil/grit, and/or vegetation.
2. The Owner shall operate the oil and grit interceptor with the objective that no visible oil sheens occur in the effluent discharged from the oil and grit interceptor.
3. The Owner shall carry out and maintain an annual inspection and maintenance program on the operation

of the oil/grit interceptor in accordance with the manufacturer's recommendation.

4. The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook available for inspection by the Ministry.

## 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 point(s), at the frequency specified or higher, by means of the specified sample type and analyzed for each parameter listed in the table(s) 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. if conditions on the day of sampling exist where there is no flow or standing water, the Owner shall record the condition as "Dry". The Owner shall not incorporate "Dry" conditions in rolling average calculations in accordance with the note "Understanding Four-month Rolling Average" included in **Schedule B**. In situations where "Dry" is recorded, the Owner shall use the four (4) most recent events where a sample was collected in calculating the four-month rolling average.
  - c. definitions for frequency:
    - i. Monthly means once every calendar month.
2. All samples collected for parameters listed in the table(s) under the monitoring program included in **Schedule C** shall be analyzed by a laboratory accredited by ISO/IEC:17025. The Owner shall follow direction from the retained accredited lab with respect to sample containers and collection procedure.
3. The sampling frequencies and/or parameters specified in the table(s) under the monitoring program included in **Schedule C** may be reduced where authorized in writing by the Director if the Owner is able to demonstrate satisfactory performance for **two (2) consecutive years**.
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. 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.

2. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall report to the District Manager orally **as soon as possible** any non-compliance with the compliance limits, and in writing within **seven (7) days** of non-compliance.
4. In the event of any non-compliance with the effluent compliance limit for a parameter listed in the table included in **Schedule B**, during the prescribed monitoring events listed in the table(s) under the monitoring program included in **Schedule C**, the Owner shall submit a report to the District Manager within **two (2) weeks** of the receipt of laboratory sample results. The report shall include the following:
  - a. a summary of the non-compliance parameter(s) during that month;
  - b. a copy of the laboratory results; and
  - c. detailed actions that are being implemented to bring the non-compliance into compliance.
5. A new report required by above Subsection 4 shall be submitted every month until all new sampling results are in compliance with the effluent limits listed in **Schedule B**. Should the Owner be able to demonstrate conclusively through a scientific report that the non-compliance is not a result of greenhouse activities, the Owner may apply to the Director to amend the effluent compliance limit(s) to reflect the background conditions of the site.
6. The Owner shall prepare, and submit to the District Manager upon request, a performance report, on an annual basis, by **April 1** for the previous calendar year. The report shall contain, but shall not be limited to, the following information pertaining to the reporting period:
  - a. a summary and interpretation of all effluent monitoring data, and a comparison to the compliance limits in this Approval.
  - b. a description of any operating problems encountered and corrective actions taken;
  - c. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works;
  - d. a summary of any effluent quality assurance or control measures undertaken in the reporting period;
  - e. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
  - f. a summary of all by-pass, spill or abnormal discharge events; and
  - g. any other information the District Manager requires from time to time.

## **PROHIBITION**

The Owner shall ensure that the Works are operated exclusively for the collection, transmission, treatment and disposal of stormwater runoff. Under **no** circumstance shall any process wastewater (including, but not limited to, the wastewater from irrigation of the plants, the wastewater from the washing of floors/vegetable (if any), floor drain wastewater, or boiler blow downs or condensate) from the site be discharged into the Works.

## **Schedule A**

1. Application for Environmental Compliance Approval for Municipal and Private Sewage Works, dated November 22, 2022 and received on November 23, 2022, submitted by N.J. Peralta Engineering Ltd. on behalf of Bluesky Hydroponics Inc., including the design brief, final plans, specifications and all supporting documentation submitted in support of this application.



## Schedule B

### Effluent Compliance Limits

Effluent Parameter	Concentration Limit (Four-month Rolling Average* <sup>2</sup> unless otherwise indicated) (maximum unless otherwise indicated)
Total Phosphorus	0.5 mg/L* <sup>1</sup>
Nitrate Nitrogen	20 mg/L
Potassium	25 mg/L
Copper	0.02 mg/L
Chloride	200 mg/L
Sulphate	200 mg/L
Zinc	0.10 mg/L
pH	between 6.5 - 10.0 inclusive (Single Sample Result)

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

**Note\*<sup>2</sup>**: For an example of rolling average, see "Understanding Four-month Rolling Average" below.

### Understanding Four-month Rolling Average

A four-month rolling average is an average value based on the four (4) most recent months of data. The average "rolls along" with the most recent data. Rolling average is a useful means of illuminating trends in data where there is wide variation in the data from sample event to sample event.

Sampling Period	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
P1	0.20	Dry	0.30	0.36	0.55							
P2	0.20	Dry	0.30	0.36	0.55	0.45						
P3	0.20	Dry	0.30	0.36	0.55	0.45	0.25					

For example, from the table above:

- The four-month rolling average for May reporting (for P1) is  $(0.20+0.30+0.36+0.55)/4 = 0.35$
- The four-month rolling average for June reporting (for P2) is  $(0.30+0.36+0.55+0.45)/4 = 0.42$
- The four-month rolling average for July reporting (for P3) is  $(0.36+0.55+0.45+0.25)/4 = 0.40$

## Schedule C

### Monitoring Program

#### Effluent Monitoring

<b>Sampling Location</b>	One (1) sampling point at the final outlet pipe of the proposed wet pond, prior to discharging into the John Leslie Drain.  Note: When flow is present, a sample is to be collected at the outlet pipe; if no flow is present and standing water is present, a sample shall be collected from the point in the vicinity of the outlet pipe.
<b>Sampling Type</b>	Grab
<b>Sample Frequency</b>	Monthly (year-round)
<b>Sampling Parameters</b>	Total Suspended Solid, Total Ammonia Nitrogen, Nitrate Nitrogen, Total Phosphorus, Ortho Phosphorus (Phosphorus as Phosphate), Zinc, Copper, Manganese, Iron, Molybdenum, Boron, Chloride, Sulphate, Potassium, Hardness, pH

*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 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 also ensure that the Works are constructed in accordance with the Approval and that record drawings of the Works are updated and maintained for future references.
4. Condition 4 regarding effluent compliance limits is imposed to ensure that the effluent discharged from the Works to the environment meets the Ministry's effluent quality requirements; and regarding visual observation is to establish non-enforceable 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 and maintained such that the environment is protected.

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 compliance limits specified in the Approval.
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

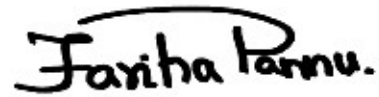
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* 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 23rd day of February, 2023



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Fariha Pannu, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

SW/

- c: Area Manager, MECP Windsor Area Office
- c: District Manager, MECP Sarnia District Office
- Heide Mikkelsen, P.Eng., N.J. Peralta Engineering Ltd.