

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2003-CRVJM5  
Issue Date: August 18, 2023

Boem Berry Farms Inc.  
684 Road 2 East  
Kingsville, Ontario  
N9Y 2K4

Site Location: 684 Road 2 East  
Part Lot 4, Concession 2 ED  
Town of Kingsville, County of Essex, Ontario

*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:*

expansion, usage and operation of stormwater management Works, for the collection, transmission, treatment/detention and disposal of stormwater runoff from the existing greenhouses and the Phase 4 greenhouse expansion development located at the above Site Location, to provide water quality protection and to attenuate post-development peak flows to the allowable release rates for all storm events up to and including the 100-year storm event, discharging into municipal drains - North Jasperson Drain via private enclosed Repko Drain, North Jasperson Drain and the Branch of the Scratch Wagle Drain, consisting of the following:

**Details of Catchment Areas**

- Phases 1 to 4 greenhouse development with a total catchment area of 39.678 hectares
- 0.911 hectare of Phase 4 parking areas, and 0.9 hectare of Phases 1 to 3 parking areas

**Phases 1 to 4 Greenhouse Development Areas**

- roof water drainage pipe systems, on-site storm sewers and swales, discharging rooftop runoff and other surface runoff into a lined water storage reservoir (irrigation reservoir) or a stormwater detention pond;
- one (1) lined irrigation reservoir, having a maximum volume of approximately 66,600 cubic metres, accepting only rooftop runoff, utilized as part of greenhouse irrigation system, with overflow discharging into the stormwater detention pond;

- one (1) stormwater detention pond, serving a total catchment of 39.678 hectares, located in the northeast corner of property, having a 0.6 metre deep permanent pool and a maximum active storage volume of 31,204 cubic metres with a maximum active water depth of 3.707 metres and a water elevation of 195.207 metres for the 100-year storm event, and an emergency overflow swale directed to the enclosed Repko Drain, providing a minimum 618 millimetre freeboard to the lowest point in the greenhouses and 743 millimetres to the top bank of the pond, discharging with a total maximum release rate of 170 litres per second for the 100-year storm event via the following outlet structures:
  - one (1) outlet structure consisting of a pump station connected to an outlet manhole (CBMH 1) that has a 525 millimetre diameter outlet pipe equipped with a containment valve and a 340 millimetre diameter orifice pipe, discharging into the enclosed Repko Drain (which then drains into the North Jasperson Drain);
  - the existing east outlet pipe to the Branch of the Scratch Wigle Drain, continue to be operating but only discharging when the pond water level is higher than 194.300 metres or during extreme storm events as an emergency backup gravity system, to partially drain the stormwater detention pond into the Branch of the Scratch Wigle Drain.

### **Parking Areas**

- grassed ponding area serving the 0.911 hectare parking areas (Phase 4) near the south end of property, having a maximum storage volume of 395 cubic metres with a maximum water depth of 0.815 metres for the 100-year storm event, discharging via a 150 millimetre diameter pipe into:
  - one (1) oil/grit separator (Model ADS FD-4HC), having an oil storage volume of 723 litres and sediment storage of 500 litres, discharging into an outlet catchbasin - CB27;
  - one (1) outlet catchbasin CB27, discharging via a 150 mm diameter outlet pipe with a containment valve with a maximum release rate of 25 litres per second for the 100-year storm event, into a municipal drain - the North Jasperson Drain.
- one (1) existing oil/grit separator, Model ADS 3612WQA, receiving discharge from approximately 0.9 hectare parking lot (Phases 1 to 3), having a sediment capacity of 1000 litres, oil capacity of 500 litres, a total holding capacity of 1,500 L and a maximum treatment flow rate of 24 litres per second, complete with an outlet structure comprising of a catchbasin manhole with a 60 millimetre diameter orifice pipe connected to a 150 millimetre diameter outlet pipe, discharging, with a maximum release rate of 4 litres per second for the 100-year storm event, into the Branch of the Scratch Wigle Drain.

### **Miscellaneous**

- 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. "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;
6. "Operating Agency" means the Owner, or the person or entity that is authorized by the Owner for the management, operation, maintenance, or alteration of the Works in accordance with this Approval;
7. "Owner" means Boem Berry Farms Inc., and any successors and assignees;
8. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40;
9. "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;
10. "Works" means the Works described above and approved herein being defined in the OWRA as 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 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 THE WORKS**

1. All 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 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 settable solids and does not contain oil or any other substance in amounts sufficient to create a visible film or sheen or foam or discolouration 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/grit interceptor with the objective that no visible oil sheens occur in the effluent discharged from the oil/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 points, at the frequency specified or higher, by means of the specified sample type and analyzed for each parameter listed in the table 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 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 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 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 dated January 18, 2023 and received on January 18, 2023, submitted by Bert Mucci, President of Boem Berry Farms Inc. for the proposed expansion of stormwater management Works to service Phases 1 to 4 greenhouse development, including design report/brief, final plans and specifications.

## Schedule B

### Effluent Compliance Limits

Effluent Parameter	Concentration Limit (Four-month Rolling Average* <sup>2</sup> 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>	two (2) sampling points as follows: S1*: one (1) sampling point at the final outlet pipe of the CBMH 1 of the stormwater detention pond, prior to discharging into the enclosed Repko Drain; and S2: one (1) sampling point at the final outlet pipe of the existing east outlet pipe, prior to discharging into the Branch of the Scratch Wigle Drain.  <b>*Note:</b> 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>	<b>Monthly (year-round)</b> for sampling point S1 <b>Monthly during overflow</b> for sampling point S2
<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 the 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 and visual observations 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.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).  
5692-CHR4PN issued on September 16, 2022.**

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.

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:

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

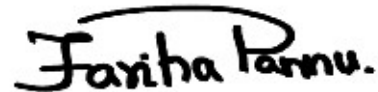
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* **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 August, 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: Area Manager, MECP Windsor Area Office  
c: District Manager, MECP Sarnia District Office  
Heide Mikkelsen, N.J. Peralta Engineering Ltd.