

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2208-D46GR4  
Issue Date: April 30, 2024

Hiram Walker & Sons Limited  
2072 Riverside Drive East  
Windsor, Ontario  
N8Y 4S5

Site Location: Pike Creek Warehouses  
156 East Pike Creek Road  
Town of Lakeshore, County of Essex  
N8N 3R9

*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 existing stormwater management Works for the collection, transmission, treatment and disposal of stormwater runoff from a catchment area of approximately 72.5 hectares, consisting of sixteen (16) existing storage warehouses site, located at 156 East Pike Creek Road, in the Town of Lakeshore, County of Essex, to provide Normal Level water quality protection and erosion control and to attenuate post-development peak flows to the target release rate, for all storm events up to and including the 25-year return storm (North Drainage Basin) and the 50-year return storm (South Drainage Basin), discharging to Pike Creek, consisting of the following:

- conveyance grassed perimeter drainage ditches surrounding each existing storage warehouse, discharging via conveyance grassed drainage Main Ditches located along the northern and southern site boundaries and across the central portion of the site, having a minimum depth from 0.2 m to 0.3 m, a bottom grade of approximately 0.59% and a bottom width of 0.3 m, to a stormwater management dry pond (North Drainage Basin) or a stormwater management dry pond (South Drainage Basin);

North Drainage Basin

- one (1) stormwater management dry pond (North Drainage Basin) located along the north-western boundary of the site, designed to accommodate up to and including the 25-year return storm runoff from a catchment area of 36 hectares, having an active storage volume of approximately 8,000 m<sup>3</sup>, complete with an emergency spillway discharging to Pike Creek, and one (1) outlet structure consisting of a concrete headwall, a reinforced concrete outlet pipe complete with a slide gate on the inlet end and a back water gate on the outlet end, allowing a maximum discharge of 0.25 m<sup>3</sup>/s (25-year return storm) via a drainage trench to

Pike Creek;

#### South Drainage Basin

- one (1) stormwater management dry pond (South Drainage Basin) located at the south-western corner of the site, designed to accommodate up to and including the 50-year return storm runoff from a catchment area of 36.5 hectares, having an active storage volume of approximately 16,000 m<sup>3</sup>, complete with an emergency spillway discharging to Pike Creek, and one (1) outlet structure consisting of a concrete headwall, a 914 mm diameter reinforced concrete outlet pipe complete with a slide gate on the inlet end and a back water gate on the outlet end, allowing a maximum discharge of 0.22 m<sup>3</sup>/s (50-year return storm) via a drainage trench to Pike Creek;

all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the supporting documents listed in Schedule A.

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

"Approval" means this entire document and any schedules attached to it, and the application;

"District Manager" means the District Manager of the Sarnia District Office of the Ministry;

"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;

"EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

"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;

"Owner" means Hiram Walker & Sons Limited, and its successors and assignees;

"OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended;

"Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a licence issued under the Professional Engineers Act; and

"Works" means the sewage works described in the Owner's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval.

*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 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**

1. The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within 30 days of the change occurring:
  - (a) change of Owner;
  - (b) change of address of the 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 will refer to this Approval's number.

### **3. EFFLUENT - VISUAL OBSERVATIONS**

1. Notwithstanding any other condition in 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, sheen or foam on Pick Creek.

2. Notwithstanding any other condition in this Approval, the Owner shall ensure that the effluent from the Works shall not cause flooding or erosion on the receiving Pike Creek.

### **4. OPERATION AND MAINTENANCE**

1. The Owner shall ensure that at all times, the Works and related equipment and appurtenances which are installed or used to achieve compliance with this Approval are properly operated and maintained. The Owner shall also ensure that all monitoring and visual inspection programs and maintenance schedules for the Works and related equipment are complied with.

2. 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 sewage Works do not constitute a safety or health hazard to the general public.

3. The Owner shall not store outside the storage warehouses any process materials or any materials that may alter the quantity or quality of the stormwater runoff discharged from the site.

4. Within three (3) months of the issuance date of this Approval, the Owner shall prepare an operations manual for the operation of the Works that includes, but is not necessarily limited to, the following information:

(a) operating 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, as well as downstream receiver inspections for the occurrence of erosion and flooding;

(c) repair and maintenance programs, including the frequency of repair and maintenance for the Works;

(d) contingency plans and procedures for dealing with potential spill, bypasses and any other

abnormal situations and for notifying the District Manager. The contingency plan shall be prepared by a Professional Engineer to the satisfaction of the District Manager, and shall cover the entire operational life of the Work; and

(e) complaint procedures for receiving and responding to public complaints.

5. The Owner shall maintain the operations manual up to date through revisions undertaken from time to time and retain a copy at the location of the Works. Upon request, the Owner shall make the manual available for inspection and copying by Ministry personnel.

6. In furtherance of, but without limiting the generality of, the obligation imposed by Subsection 1, the Owner shall ensure that equipment and material for the containment, clean up and disposal of any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance are kept on hand and in good repair for immediate use in the event of:

(a) any spill, bypass or loss of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance;

(b) a spill within the meaning of Part X of the EPA; or

(c) the identification of an abnormal amount of any product, by product, intermediate product, oils, solvents, waste material or any other polluting substance in any part of the Works.

7. The Owner shall ensure that the design minimum liquid retention volumes of the approved stormwater management Works are maintained at all times.

8. The Owner shall inspect the Works at least once a year and, if necessary, undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the above noted stormwater management Works to prevent the excessive build-up of sediment, debris and/or decaying vegetation to avoid reduction of capacity of the Works. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.

9. 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 Owner's administrative office 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 stormwater management Works; and

(c) the date of each spill within the sub-catchment areas, including follow-up actions/remedial measures undertaken.

10. 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.

## **5. SPILL CONTINGENCY AND POLLUTION PREVENTION PLAN**

1. Within three (3) months of the construction of the Works, the Owner shall implement a Spill Contingency and Pollution Prevention Plan that includes, but is not necessarily limited to, the following information:

(i) the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the facility;

(ii) the name, job title and 24-hour telephone number of the person(s) responsible for activating the Spill Contingency and Pollution Prevention Plan;

(iii) a site plan drawn to scale showing the facility, nearby buildings, streets, drainage patterns, any receiving body(ies) of water that could potentially be significantly impacted 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);

(iv) steps to be taken to report, contain, clean up and dispose of contaminants following a spill;

(v) 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 MOE Spills Action Centre 1-800-268-6060;

(vi) Materials Safety Data Sheets (MSDS) for each hazardous material which may be transported or stored within the area serviced by the Works;

(vii) the means (internal corporate procedures) by which the Spill Contingency and Pollution Prevention Plan is activated;

(viii) a description of the spill response and pollution prevention 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;

(ix) an inventory of response and clean-up equipment available to implement the Spill Contingency and Pollution Prevention Plan, location and, date of maintenance/replacement if warranted; and

(x) the date on which the Spill Contingency and Pollution Prevention Plan was prepared and subsequently, amended.

2. The Spill Contingency and Pollution Prevention Plan shall be kept in a conspicuous, readily accessible location on-site.

3. The Spill Contingency and Pollution Prevention Plan shall be amended from time to time as required by changes in the operation of the facility.

## **6. 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), the Owner shall, within fifteen (15) days of the occurrence of any reportable spill as provided in Part X of the EPA and Ontario Regulation 675/98, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill, clean-up and recovery measures taken, preventative measures to be taken and a schedule of implementation.

2. The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

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

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which Approval was granted. This condition is also imposed 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.
2. Condition 2 is included to ensure that the Ministry records are kept accurate and current with respect to 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.
3. Condition 3 is imposed to ensure that the effluent discharged from the Works does not cause any impairment to the receiving watercourse.
4. Condition 4 is included to ensure that a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner and made available to the Ministry. 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 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 Work. Furthermore, the condition is included to ensure that the Works are constructed, and may be operated and maintained such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented.
5. Condition 5 is included to ensure that the Owner will implement the Spill Contingency and Pollution Prevention Plan, such that the environment is protected and deterioration, loss, injury or damage to any person(s) or property is prevented.

6. Condition 6 is included to provide a performance record for future references and to ensure that the Ministry is made aware of problems as they arise, so that the Ministry can work with the Owner in resolving the problems in a timely manner.



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 submitted by James Michener, Dillon Consulting Limited, dated April 6, and received on April 12, 2023.
2. The design report titled "HIRAM WALKER & SONS LTD., Pike Creek Hiram Walker SWM ECA, Final Report" dated April 2023 and prepared by Dillon Consulting Limited.
3. All other information and documentation provided by Dillon Consulting Limited.

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

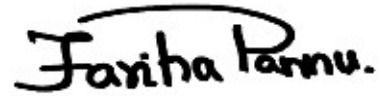
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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 30th day of April, 2024

Handwritten signature of Fariha Pannu in black ink, written in a cursive style.

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Fariha Pannu, P.Eng.

Director

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

KC/

c: Area Manager, MECP Windsor Area Office

c: District Manager, MECP Sarnia District Office

Isabelle Hemmings, Associate, Dillon Consulting Limited