

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-1187898873

Version: 1.0

Issue Date: October 9, 2025

Pursuant to section 20.3 of the *Environmental Protection Act*, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:

WILLOWBROOK NURSERIES INC.

935 VICTORIA
FENWICK ONTARIO
L0S 1C0

For the following site:

Lot Number: 18, Concession Number: 10, Geographic Township:
PELHAM, Municipality: PELHAM, County/District: NIAGARA,
State/Province: Ontario, Postal/Zip Code: L0S 1C0
Lot Number: 20, Concession Number: 10, Geographic Township:
PELHAM, Municipality: PELHAM, County/District: NIAGARA,
State/Province: Ontario, Postal/Zip Code: L0S 1C0
Lot Number: 19, Concession Number: 10, Geographic Township:
PELHAM, Municipality: PELHAM, County/District: NIAGARA,
State/Province: Ontario, Postal/Zip Code: L0S 1C0

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:

usage and operation of Works for the storage of stormwater runoff and utilizing of the water for irrigation, serving an existing wholesale plant nursery greenhouse site located at the above Site Location, discharging overflows to the municipal ditch along Foss Road, consisting of the following:

Details of Catchment Area

A total of approximately 50 hectares (125 acres) in area divided into seven (7) sub-parcels with the following addresses:

- 976 Canboro Road, 954 Canboro Road, and 924 Canboro Road
- 1154 Farr Road
- 975 Foss Road, and 1005 Foss Road
- 935 Victoria Avenue

WORKS

- six (6) existing stormwater storage/irrigation ponds, each receiving rainfall/snowmelt surface runoff through sloped land, ditches and swales. As ponds fill, overflow ditches and/or culverts divert excess water from one pond to an adjacent pond (in a direction from Pond 5 to Pond 4, Pond 6, Pond 3, Pond 1, and eventually to Pond 2), until all ponds are full. In the event of a storm when all ponds are full, the overflow is discharged from the Pond 2 into the municipal ditch along Foss Road; and
- 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 1.

DEFINITIONS

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, Niagara District Office in this Approval;
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 Willowbrook Nurseries 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; and
10. "Works" means the Works described above and approved herein being defined in the OWRA as sewage works.

TERMS AND CONDITIONS

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

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 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; and
 - 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; and
 - 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. RECORD DRAWINGS

- 1. A set of record drawings of the Works 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 2** 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 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 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 3** and record all results, as follows:
 1. all samples and measurements are to be taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.
 2. definitions for frequency: 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 3** 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 2**, during the prescribed monitoring events listed in the table(s) under the monitoring program included in **Schedule 3**, 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 2**. 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 undertake everything practicable to operate the Works are operated exclusively for the collection, transmission, treatment and disposal of stormwater runoff. The Owner shall undertake every practicable to eliminate excess irrigation water from greenhouse floor drains to be discharged into the ponds. Under no circumstance shall any process wastewater (including, but not limited to, the wastewater from the washing of floors/vegetable (if any), boiler blow downs or condensate) from the site be discharged into the Works.

REASONS

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

1. 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 record drawings is included to 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.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights*, 1993 who 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:

- 1. 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;
- 2. 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 <i>Environmental Protection Act</i> Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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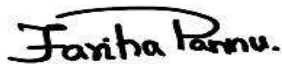
*** Further information on the Ontario Land Tribunal's requirements for an appeal can be**

obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or [Ontario Land Tribunal's](#)

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 [Environmental Registry of Ontario](#), 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 9th day of October, 2025



Fariha Pannu

Director

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

c: Tim Otten, WILLOWBROOK NURSERIES INC.

Dave Bergshoeff, Willowbrook Nurseries Inc.

The following schedules are a part of this environmental compliance approval:

SCHEDULE 1

Application for Environmental Compliance Approval submitted on October 11, 2024 by Tim Otten, Controller of WILLOWBROOK NURSERIES INC. for the existing stormwater storage/irrigation pond serving wholesale plant nursery greenhouse development, including process and project description, site plans, and specifications.

SCHEDULE 2

Effluent Compliance Limits

Effluent Parameter	Concentration Limit (Single Sample Result) (maximum unless otherwise indicated)
Total Phosphorus	0.5 mg/L ^{*1}
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

Note ^{*1}: mg/L means milligrams per litre.

SCHEDULE 3

Monitoring Program

Effluent Monitoring

Sampling Location	one (1) sampling point at the overflow outlet of the Pond 2
Sampling Type	Grab
Sample Frequency	Monthly during an overflow event
Sampling Parameters	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