

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 8846-BJLNJF

Issue Date: December 13, 2019

J. & P. Leveque Bros. Haulage Limited
30876 Highway 62 N RR No. 5
Bancroft, Ontario
K0L 1C0

Site Location: Mobile Facility

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:

One (1) portable hot-mix asphalt plant, having a maximum production rate of 272 tonnes per hour, consisting of the following equipment:

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- One (1) No. 2 fuel oil fired rotary drum dryer/mixer, having a maximum heat input of 83.4 million kilojoules per hour, controlled by a baghouse dust collector equipped with 1,399 square metres of filter bags and a pulse-jet cleaning mechanism, discharging to the air at a volumetric flow rate of 35 cubic metres per second through a stack having an equivalent exit diameter of 1.4 metres, extending 8.1 metres above grade;
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- Two (2) liquid asphalt cement storage tanks having a capacity of 139.1 cubic metres, operating at a maximum tank temperature of 175 degrees Celsius, served by one (1) No. 2 fuel oil fired hot oil heater having a maximum heat input of 1.1 million kilojoules per hour, venting to the air through a stack having an exit diameter of 0.3 metre, extending 3.7 metres above grade;
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- one (1) hot mix asphalt storage silo having a capacity of 68 tonnes and operating at a maximum temperature of 163 degrees Celsius;
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- one (1) diesel fired generator having a maximum rating of 1000 kilowatts and a maximum heat input of 9.95 gigajoules per hour;
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- fugitive dust emissions resulting from handling, storage, and transfer of aggregate materials associated with the hot-mix asphalt plant operations.

All in accordance with the Environmental Compliance Approval application signed by Tim Leveque, dated November 26, 2018, and submitted by the *Company*, the Emission Summary and Dispersion Modelling Report prepared by Megan Ostronic of BCX Environmental Consulting, dated January 2019, and submitted in support of the application, information submitted via e-mail by Megan Ostronic on December 6, 2019, the Acoustic Assessment Report prepared by HGC Engineering, dated January 7, 2019 and signed by Swetha Kulandaivelan; and all other supporting information and documentation submitted in support of the application.

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

1. *"Acoustic Assessment Report"* means the report, prepared in accordance with *Publication NPC-233* submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Plant*. *"Acoustic Assessment Report"* also means the Acoustic Assessment Report prepared by HGC Engineering, January 7, 2019 and signed by Swetha Kulandaivelan;
2. *"Acoustic Barrier"* means a barrier or berm positioned such that it completely interrupts the line of sight between the *Equipment* and the noise sensitive *Points of Reception* continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metres;
3. *"Approval"* means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. *"Class 1 Area"* means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
5. *"Class 2 Area"* means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 2. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
6. *"Class 3 Area"* means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:
 1. a small community;
 2. agricultural area;

3. a rural recreational area such as a cottage or a resort area; or
4. a wilderness area;
7. "*Company*" means J. & P. Leveque Bros. Haulage Limited, that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
8. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
9. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
10. "*Equipment*" means the equipment and processes described in the *Company's* application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval*;
11. "*ESDM Report*" means the Emission Summary and Dispersion Modelling Report prepared by Megan Ostronic of BCX Environmental Consulting, dated January 2019, and submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*;
12. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
13. "*HMA Loadout*" means the source identified as "LO" on Figure 2 of the *ESDM Report*;
14. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
15. "*Minister*" means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of the *EPA* under the Executive Council Act;
16. "*Ministry*" means the ministry of the *Minister*;
17. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Plant / Equipment* including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers, described in the *Company's* application, this *Approval* and in the supporting documentation referred to herein, to the extent approved by this *Approval*;
18. "*Plant*" means the portable hot-mix asphalt plant, incorporating the *Equipment*;
19. "*Point of Reception*" means a Point of Reception as defined in *Publication NPC-300*;
20. "*Publication NPC-233*" means the *Ministry* Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995, as

amended;

21. "*Publication NPC-300*" means the *Ministry* Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August, 2013, as amended;
22. "*Sensitive Receptor*" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the *Plant* to the atmosphere, including one or a combination of:
 - a. private residences or public facilities where people sleep (eg: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.);
 - b.
 - c. institutional facilities (eg: schools, churches, community centres, day care centres, recreational centres, etc.);
 - d.
 - e. outdoor public recreational areas (eg: trailer parks, play grounds, picnic areas, etc.); and
 - f.
 - g. other outdoor public areas where there are continuous human activities (eg: commercial plazas and office buildings).
 - h.
23. "*Truck(s)*" means hot-mix asphalt truck(s) or aggregate truck(s).

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. OPERATION AND MAINTENANCE

1. The *Company* shall ensure that the *Equipment* is properly operated and maintained at all times. The *Company* shall:
 - a. prepare, before commencement of operation of the *Equipment*, and update, as necessary, a *Manual* outlining the operating procedures and a maintenance program for the *Equipment*, including:
 - i. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the *Equipment* suppliers;

- ii. emergency procedures, including spill clean-up procedures;
- iii. procedures for any record keeping activities relating to operation and maintenance of the *Equipment*;
- iv. procedures for monitoring activities and record keeping activities regarding the operating temperatures of the asphalt cement storage tanks and hot mix asphalt silo;
- v. all appropriate measures to minimize noise and odorous emissions from all potential sources;
- vi. the frequency of inspection and replacement of the filter material in the *Equipment*;
- vii. procedures for assessing the moisture level of aggregate material, and application of liquid dust suppressant to dry aggregate material, for Scenario B;
- viii. procedures for record keeping activities identifying separation distances between the *Plant* and *Points of Reception* and between the *Plant* and *Sensitive Receptors*;
- ix. procedures for determining which scenario and separation distance to apply as prescribed in Schedule A and Schedule B of this *Approval*; and

b. implement the recommendations of the *Manual*;

- 2. The *Company* shall ensure that the *Equipment* is not operated more than sixty (60) calendar days per year at any one site.
- 3. The *Company* shall ensure that the maximum temperatures for the asphalt cement storage tanks and hot mix asphalt silo mentioned above in this *Approval* are not exceeded.

2. NOISE EMISSIONS

- 1. The *Company* shall, at all times, ensure that the noise emissions from the *Plant* comply with the limits determined in accordance with *Ministry Publication NPC-300*.

3. TIME RESTRICTIONS

- 1. The *Company* shall ensure that the *Acoustic Barrier*, when required, is erected within 7 working days of start-up of the *Equipment* and until that time, the *Plant* operations shall be restricted to the daytime hours of 7 a.m. to 7 p.m., Monday to Friday.

4. NOISE CONTROL MEASURES

1. The *Company* shall ensure that the *Acoustic Barrier*, when required, is implemented at all times during the operation of the *Plant*.
2. The *Company* shall ensure that the *Acoustic Barrier*, when required, is continuous without holes, gaps or other penetrations, and having a surface mass density of at least 20 kilograms per square metre, and that it will be positioned in between the *Plant* and the *Points of Reception* that require shielding as specified in Schedule "B".
3. The *Company* shall ensure that the *Acoustic Barrier*, when required, is properly maintained and continues to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

5. MINIMUM SEPARATION DISTANCES

1. The *Company* shall ensure a minimum separation distance between the *Plant* and the nearest *Sensitive Receptor* as specified in Schedule A of this *Approval*.
2. The *Company* shall ensure a minimum separation distance between the *Plant* and the nearest *Point of Reception* as specified in Schedule B of this *Approval*.

6. FUGITIVE DUST CONTROL

1. The *Company* shall provide effective dust suppression for the *Equipment* and any other sources of fugitive dust emissions related to the operation of the *Plant* and *Equipment*.

7. MARKING OF PORTABLE PLANT

1. The *Company* shall post a legible sign at any site where the *Plant* is operated, in a location which is accessible to the public, clearly identifying:
 - a. the *Company* name;
 - b. the number of this *Approval*;
 - c. a brief description of the nature of the operation;
 - d. a *Company* contact name and telephone number for the public to provide comments;
 - e. hours of operation; and
 - f. length of time the *Company* intends to operate the *Plant* at that location.

8. KEEPING A VALID APPROVAL

1. The *Company* shall ensure that a copy of this *Approval*, as well as any

subsequent amended *Approvals* or Notices that amend this *Approval*, are available at each site where the *Plant* is operated.

9. RECORD RETENTION

1. The *Company* shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this *Approval*, and make these records available for review by staff of the *Ministry* upon request. The *Company* shall retain:
 - a. all records on the maintenance, repair and inspection of the *Equipment*;
 - b. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. wind direction at the time of the incident to which the complaint relates; and
 - iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.
 - c. all records on the separation distances between the *Plant* and *Points of Reception* and *Sensitive Receptors*; and
 - d. all records on the temperatures of the asphalt cement tanks and hot mix asphalt silo.

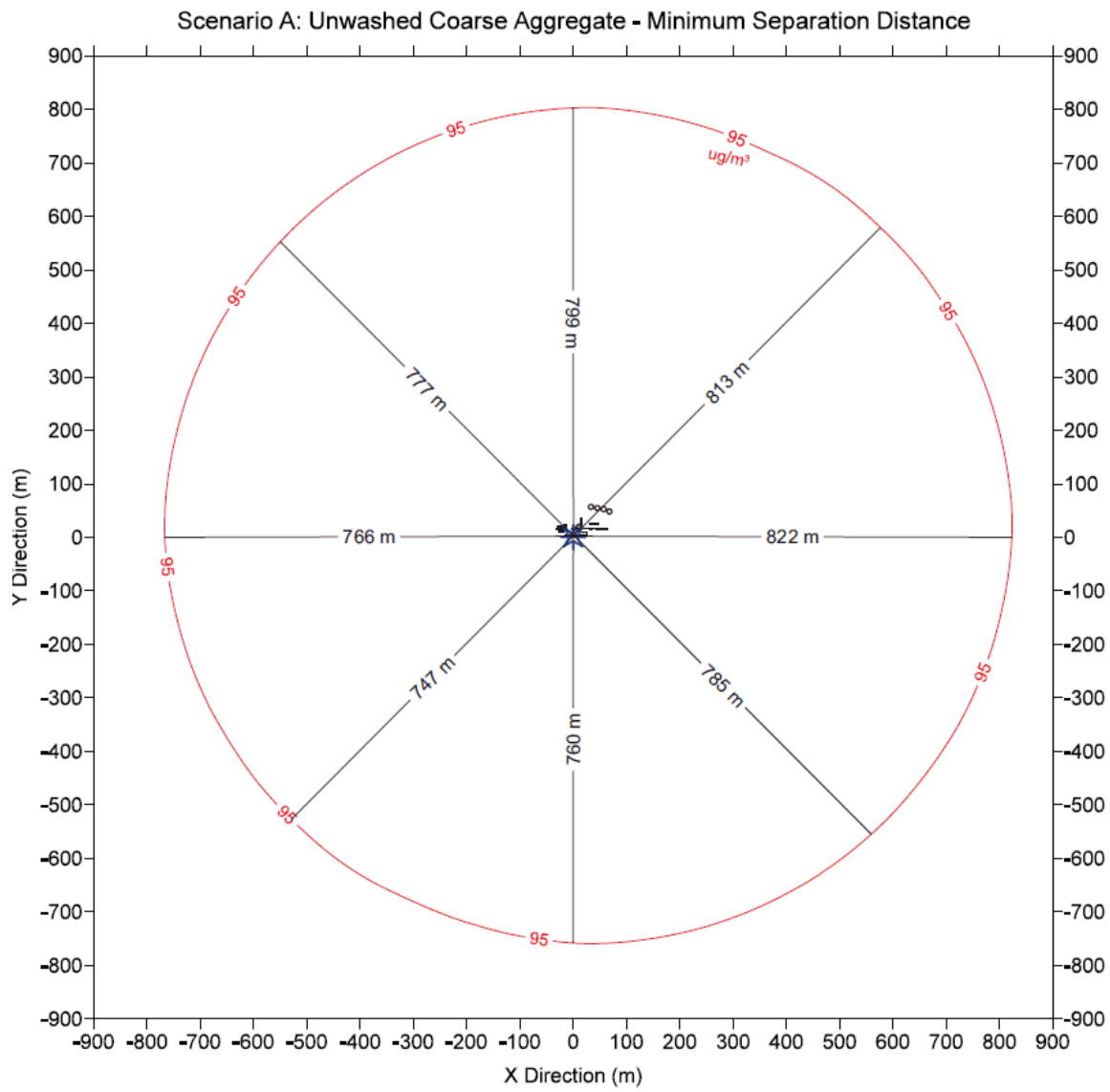
10. NOTIFICATION

1. The *Company* shall notify the *District Manager*, in writing, at least ten (10) business days in advance of any intended location of the *Plant* at an operating site, by submitting a completed Form 1, as outlined in Schedule C of this *Approval*.
2. The *Company* shall notify the *District Manager*, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - a. a description of the nature of the complaint; and
 - b. the time and date of the incident to which the complaint relates.
3. The *Company* shall notify the *Director* and the *District Manager*, in writing, of any of the following changes within one (1) month of the change occurring:
 - a. change of owner or operating authority, or both;
 - b. change of address of owner or operating authority or address of new

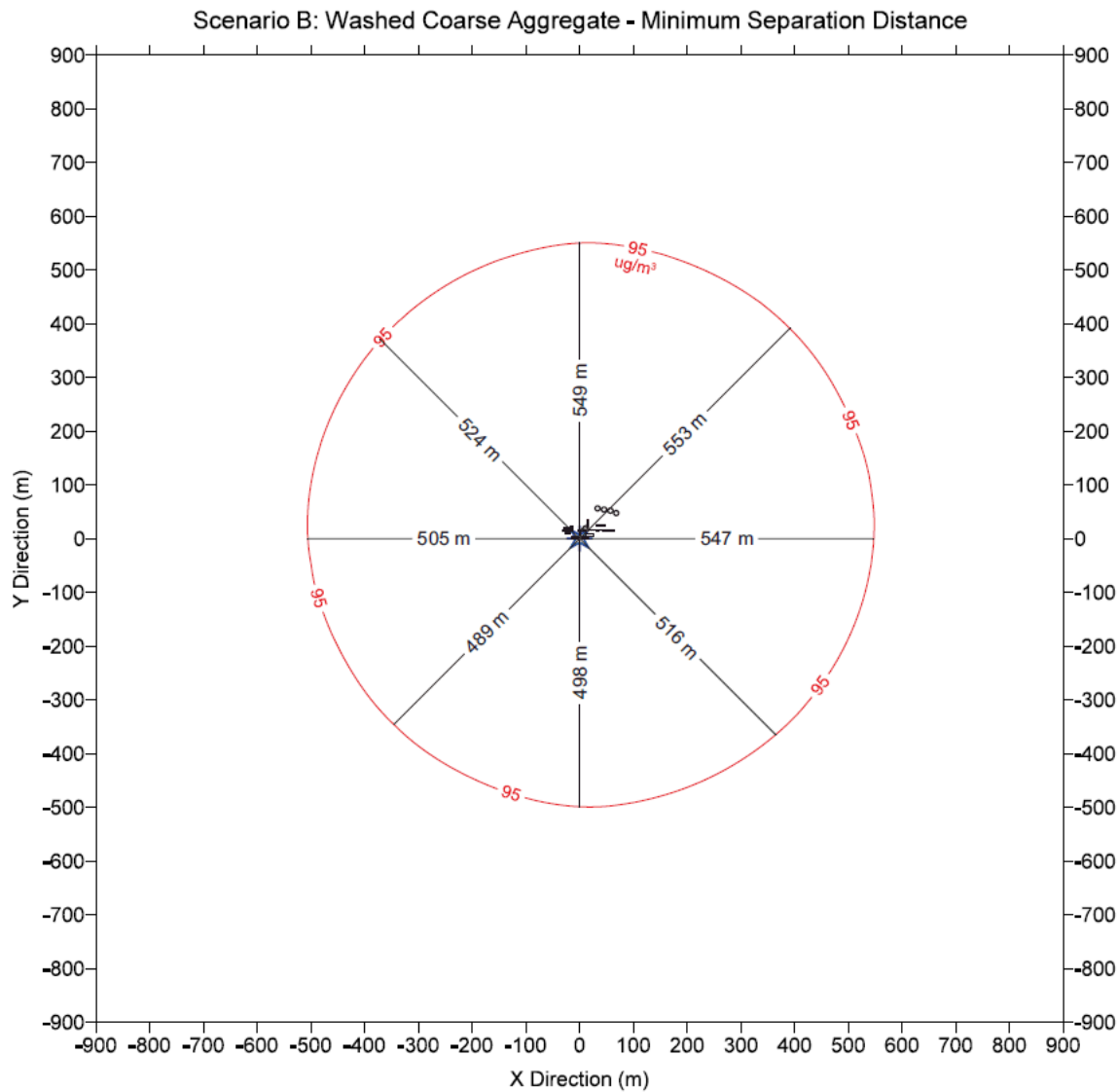
- owner or operating authority;
- c. change of partners if the owner or operating authority is or at any time becomes a partnership, with a copy of the most recent declaration filed under the *Partnerships Registration Act* included in the notification to the *Director* and the *District Manager*;
 - d. change of name of the corporation if the owner or operating authority is or at any time becomes a corporation, with a copy of the "Initial Notice" or the most recent "Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* included in the notification to the *Director* and the *District Manager*.
4. The *Company* shall notify any succeeding new owner, in writing, of the existence of this *Approval*, as well as any subsequent amended *Approvals* or Notices that amend this *Approval* and, shall forward a copy of such a notice to the *Director* and the *District Manager* together with the notification required under Condition 10.3.
- 5.

SCHEDULE A

Minimum Required Separation Distances from *Sensitive Receptors*



Note: Minimum separation distance is measured from the centre of the *HMA Loadout*



Note: Minimum separation distance is measured from the centre of the *HMA Loadout*

SCHEDULE B

Minimum Separation Distances From the *Equipment* to the *Points of Reception*

Table 1: Without *Acoustic Barrier*

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	850
Class 1	Evening (7 p.m. to 11 p.m.)	50	850
Class 1	Night (11 p.m. to 7 a.m.)	45	1,315
Class 2	Day (7 a.m. to 7 p.m.)	50	850
Class 2	Evening (7 p.m. to 11 p.m.)	45	1,315
Class 2	Night (11 p.m. to 7 a.m.)	45	1,315
Class 3	Day (7 a.m. to 7 p.m.)	45	1,315
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,970
Class 3	Night (11 p.m. to 7 a.m.)	40	1,970

Table 2: With *Acoustic Barrier*

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	540
Class 1	Evening (7 p.m. to 11 p.m.)	50	540
Class 1	Night (11 p.m. to 7 a.m.)	45	890
Class 2	Day (7 a.m. to 7 p.m.)	50	540
Class 2	Evening (7 p.m. to 11 p.m.)	45	890
Class 2	Night (11 p.m. to 7 a.m.)	45	890
Class 3	Day (7 a.m. to 7 p.m.)	45	890
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,345
Class 3	Night (11 p.m. to 7 a.m.)	40	1,345

Notes

- *Acoustic Barrier* will be located as depicted in Figure 2 of the *Acoustic Assessment Report* at a distance of not more than 90 metres from the edge of the mixer drum and will completely break the line-of-sight between the *Equipment* and any *Point of Reception*.
- *Trucks* arrivals and departures during the day-time hours of 7 a.m. to 7 p.m., are limited in accordance with the following:
 - a maximum of fifteen (15) hot-mix asphalt trucks per sixty (60) minute period; and
 - a maximum of nine (9) aggregate trucks per sixty (60) minute period.
- *Trucks* arrivals and departures during the evening-time hours of 7 p.m. to 11 p.m., are limited in accordance with the following:
 - a maximum of fifteen (15) hot-mix asphalt trucks per sixty (60) minute period; and
 - a maximum of nine (9) aggregate trucks per sixty (60) minute period.
- *Trucks* arrivals and departures during the night-time hours of 11 p.m. to 7 a.m., are limited in accordance with the following:
 - a maximum of fifteen (15) hot-mix asphalt trucks per sixty (60) minute period; and
 - a maximum of nine (9) aggregate trucks per sixty (60) minute period.

SCHEDULE C

Notice of Relocation for Portable *Plant*

1. Owner and/or Operator
 - a. Company name :
 - b. Contact person :
 - c. Telephone number :
2. Proposed Location
 - a. Municipality:
 - b. Lot number:
 - c. Concession number:
3. Operation
 - a. Date of commencement and completion of operation: from to
 - b. Hours of operation: from to
 - c. Identification of the the applicable operating scenarios as defined in Schedule A and Schedule B of the Environmental Compliance Approval (ECA):

Please attach the following:

- a. A copy of the ECA.
- b. A plot plan or sketch of the proposed location showing the following:
 - i. the entire operating site
 - ii. proposed location of the *HMA Loadout* at the operating site
 - iii. distance between the *Plant* and the nearest off-property *Point of Reception*
 - iv. distance between the *HMA Loadout* and the nearest *Sensitive Receptor*
 - v. land use within the distances specified in items i and ii above
 - vi. an overlay of the applicable separation distance plot from Schedule A of the ECA
 - vii.

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

1. Conditions No. 1 to 8 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Plant/Equipment* and to emphasize that the *Plant* and *Equipment* must be maintained and operated according to a procedure that will result in compliance with the *EPA*, the regulations and this *Approval* .
2. Condition No. 9 is included to require the *Company* to keep records and to provide information to staff of the *Ministry* so that compliance with the *EPA*, the regulations and this *Approval* can be verified.
3. Condition No. 10 is included to require the *Company* to notify staff of the *Ministry* so as to assist the *Ministry* with the review of the site's compliance.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review 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 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

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 Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.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 13th day of December,
2019

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

NR/
c: Area Manager, MECP Belleville
c: District Manager, MECP Kingston - District
Megan Ostronic, BCX Environmental Consulting