

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4785-B9KMHP

Issue Date: January 23, 2020

R. W. Tomlinson Limited
100 Citigate Drive
Ottawa, Ontario
K2J 6K7

Site Location: Lot 4, Concession 3
Bruce Mines Town, District of Algoma
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:

One sand and gravel quarry processing plant having a maximum production rate of 1,500 metric tonnes per hour of aggregate consisting of the following:

- one (1) primary crusher;
- one (1) secondary crusher;
- three (3) cone crushers;
- one (1) vertical shaft impact crusher;
- one (1) crusher dust collector; and
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with the crushing operations.

all in accordance with the application for an Environmental Compliance Approval (Air & Noise) submitted by R. W. Tomlinson Limited, dated July 17, 2018, and signed by Craig Bellinger, Environmental and Land Protection Manager; Emission Summary and Dispersion Modelling Report prepared by Golder Associates Ltd., dated July 24, 2018; and all the information associated with the application. The application also includes the Acoustic Assessment Report prepared by Freefield Ltd, dated December 6, 2019 and signed by Michael Wells and Hugh Williamson, P.Eng. as well as the additional information provided by Michael Wells of Freefield Ltd. in the emails dated June 10, July 4, July 12, July 16, July 17, July 18, July 31 and August 21, 2019; the additional information provided by Craig Bellinger of R. W. Tomlinson Ltd. in the emails dated June 6 and August 14, 2019; and the additional information provided by Courtney Mondoux of R. W. Tomlinson Ltd. in the emails dated August 21 and August 22, 2019.

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 *Facility*. "*Acoustic Assessment Report*" also means the Acoustic Assessment Report prepared by Freefield Ltd., dated December 6, 2019 and signed by Michael Wells and Hugh Williamson, P.Eng.;
2. "*Acoustic Audit*" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the *Facility*, assessed to determine compliance with the performance limits for the *Facility* regarding noise emissions, completed in accordance with the procedures set in *Publication NPC-103* and reported in accordance with *Publication NPC-233*;
3. "*Acoustic Audit Report*" means a report presenting the results of an *Acoustic Audit*, prepared in accordance with *Publication NPC-233*;
4. "*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 metre;
5. "*Acoustical Consultant*" means a person currently active in the field of environmental acoustics and noise/vibration control, who is familiar with *Ministry* noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from a *Facility*;
6. "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
7. "*Best Management Practices Plan*" means a document or a set of documents which describe measures to minimize dust emissions from the *Facility* and/or *Equipment*;
8. "*Company*" means R. W. Tomlinson Limited that is responsible for the construction or operation of the *Facility* and includes any successors and assigns in accordance with section 19 of the *EPA*;
9. "*Director*" means a person appointed by the *Minister* pursuant to section 5 of the *EPA*;
10. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
11. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as

amended;

12. "*Equipment*" means the equipment and processes described in the *Company's* application, this *Approval* and in the supporting documentation referred to herein, to the extent approved by this *Approval*;
13. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
14. "*Independent Acoustical Consultant*" means an *Acoustical Consultant* who is not representing the *Company* and was not involved in preparing the *Acoustic Assessment Report* or the design/implementation of *Noise Control Measures* for the *Facility* and/or *Equipment*. The *Independent Acoustical Consultant* shall not be retained by the *Acoustical Consultant* involved in the noise impact assessment or the design/implementation of *Noise Control Measures* for the *Facility* and/or *Equipment*;
15. "*Manual*" means a document or a set of documents that provides written instructions to staff of the *Company*;
16. "*Ministry*" means the ministry of the government of Ontario responsible for the *EPA* and includes all officials, employees or other persons acting on its behalf;
17. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Facility* and/or *Equipment* including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures outlined in the *Acoustic Assessment Report* and in Schedule "A" of this *Approval*;
18. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-300*;
19. "*Publication NPC-103*" means the *Ministry Publication NPC-103* of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry* as amended;
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; and
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.

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, not later than three (3) months after the date of this *Approval*, 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. the frequency of inspection and replacement of the filter material in the *Equipment*;
 - v. all appropriate measures to minimize dust and odorous emissions from all potential sources; and
 - vi. procedures for recording and responding to environmental complaints relating to operation of the *Facility*;
 - b. implement the recommendations of the *Manual*.

2. FUGITIVE DUST CONTROL

1. The *Company* shall prepare, not later than three (3) months after the date of this *Approval*, and update, as necessary, a *Best Management Practices Plan* for the control of fugitive dust emissions. This *Best Management Practices Plan* shall include, but not be limited to:
 - a. identification of the main sources of fugitive dust emissions such as:
 - i. on-site traffic;
 - ii. paved roads/areas;
 - iii. unpaved roads/areas;
 - iv. material stock piles;
 - v. loading/unloading areas and loading/unloading techniques;
 - vi. material spills;
 - vii. material conveyance systems;
 - viii. exposed openings in process and storage buildings; and
 - ix. general work areas.

- b. potential causes for high dust emissions and opacity resulting from these sources;
 - c. preventative and control measures in place or under development to minimize the likelihood of high dust emissions and opacity from the sources of fugitive dust emissions identified above. Details of the preventative and control measures shall include:
 - i. a description of the control equipment to be installed;
 - ii. a description of the preventative procedures to be implemented; and/or
 - iii. the frequency of occurrence of periodic preventative activities, including material application rates, as applicable.
 - d. an implementation schedule for the *Best Management Practices Plan*, including training of *Facility* personnel;
 - e. inspection and maintenance procedures and monitoring initiatives to ensure effective implementation of the preventative and control measures; and
 - f. a list of all *Ministry* comments received, if any, on the development of the *Best Management Practices Plan*, and a description of how each *Ministry* comment was addressed in the *Best Management Practices Plan*.
2. The *Company* shall implement the *Best Management Practices Plan* for the control of fugitive dust emissions to provide effective dust suppression measures to any potential sources of fugitive dust emissions resulting from the operation of the *Facility*.

3. DOCUMENTATION REQUIREMENTS

1. The *Company* shall record, in a log book, each time a specific preventative and control measure described in the *Best Management Practices Plan* is implemented. The *Company* shall record, as a minimum:
- a. the date when each emission control measure is installed, including a description of the control measure;
 - b. the date when each new preventative measure or operating procedure to minimize emissions is implemented, including a description of the preventative measure or operating procedure; and
 - c. the date, time of commencement, and time of completion of each periodic activity conducted to minimize emissions, including a description of the preventative measure/procedure and the name of the

individual performing the periodic activity.

4. 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. the log book which contains all records on the preventative and control measures implemented for each source of fugitive dust emission identified in the *Best Management Practices Plan*;
 - c. all records on the environmental complaints; including:
 - i. a description, time, date and location of each incident;
 - ii. wind direction and other weather conditions at the time of the incident;
 - iii. the name(s) of *Company* personnel responsible for handling the incident;
 - iv. the cause of the incident;
 - v. the *Company* response to the incident; and
 - vi. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future, and the outcome of the measures taken.

5. NOTIFICATION OF COMPLAINTS

1. 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;
 - b. the time, date and location of the incident;
 - c. the wind direction and other weather conditions at the time of the incident
 - d. the name(s) of *Company* personnel responsible for handling the incident; and
 - e. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future, and the outcome of the measures taken.

6. NOISE

1. The *Company* shall:
 - a. implement the *Noise Control Measures* as outlined in the *Acoustic Assessment Report* and in Schedule "A" of this *Approval*;
 - b. ensure, at all times, that the noise emissions from the *Facility* comply with the limits set in *Ministry Publication NPC-300*; and
 - c. ensure that the *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

7. ACOUSTIC AUDIT

1. The *Company* shall carry out *Acoustic Audit* measurements on the actual noise emissions due to the operation of the *Facility*.
 - a. The *Company*:
 - i. shall carry out *Acoustic Audit* measurements in accordance with the procedures in *Publication NPC-103*;
 - ii. shall submit an *Acoustic Audit Report* on the results of the *Acoustic Audit*, prepared by an *Independent Acoustical Consultant*, in accordance with the requirements of *Publication NPC-233*, to the *District Manager* and the *Director*, not later than twelve (12) months after the date of this *Approval*.
 - b. The *Director*:
 - i. may not accept the results of the *Acoustic Audit* if the requirements of *Publication NPC-233* were not followed;
 - ii. may require the *Company* to repeat the *Acoustic Audit* if the results of the *Acoustic Audit* are found unacceptable to the *Director*.

SCHEDULE A

Administrative Measures

1. The *Company* shall implement the administrative *Noise Control Measures* as outlined in Section 2.0 and Section 7.0 of the *Acoustic Assessment Report*.
2. The *Company* shall limit truck movements at the *Facility* in accordance with Section 7.4a, Section 7.4b and Figures 3, 5, 7 and 9 of the *Acoustic Assessment Report*.

Acoustic Barriers

1. The *Company* shall construct the *Acoustic Barriers* identified in the *Acoustic Assessment Report* as Barrier 1, Barrier 3, Barrier 4, Barrier 6 and Barrier 8 prior to the commencement of operations of the *Facility* as required by Table 7 of the *Acoustic Assessment Report*.
The *Acoustic Barriers* shall be maintained in accordance with Table 7 of the *Acoustic Assessment Report*.
2. The *Company* shall construct the *Acoustic Barrier* identified as Barrier 2 in Figure 11 of the *Acoustic Assessment Report* by not later than twelve (12) months after the issuance of an above grade building permit under the Building Code Act, 1992, for a building on the vacant lands immediately north of the *Facility*, the vacant lands immediately east of the *Facility*, or the vacant lands immediately southeast of the *Facility*, and the *Acoustic Barrier* shall be maintained in accordance with Table 7 of the *Acoustic Assessment Report*. The zoning of these vacant lands is R (Rural) as shown in Figure A1.3 of the *Acoustic Assessment Report*.
3. The *Company* shall construct the *Acoustic Barrier* identified as Barrier 5 in Figure 19 of the *Acoustic Assessment Report* by not later than twelve (12) months after the issuance of an above grade building permit under the Building Code Act, 1992, for a building on the vacant lands immediately southeast of the *Facility*, and the *Acoustic Barrier* shall be maintained in accordance with Table 7 of the *Acoustic Assessment Report*. The zoning of these vacant lands is R (Rural) as shown in Figure A1.3 of the *Acoustic Assessment Report*.
4. The *Company* shall construct the *Acoustic Barrier* identified as Barrier 7 in Figure 19 of the *Acoustic Assessment Report* by not later than twelve (12) months after the issuance of an above grade building permit under the Building Code Act, 1992, for a building on the vacant lands immediately north of the *Facility*, and the *Acoustic Barrier* shall be maintained in accordance with Table 7 of the *Acoustic Assessment Report*. The zoning of these vacant lands is R (Rural) as shown in Figure A1.3 of the *Acoustic Assessment Report*.

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

1. Conditions No. 1 and 2 are included to emphasize that the *Equipment* must be

maintained and operated according to a procedure that will result in compliance with the *EPA*, the Regulations and this *Approval*.

2. Conditions No. 3 and 4 are 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. 5 is included to require the *Company* to notify staff of the *Ministry* so that compliance with the *EPA*, the Regulations and this *Approval* can be verified.
4. Condition No. 6 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility/Equipment*.
5. Condition No. 7 is included to require the *Company* to gather accurate information and submit an *Acoustic Audit Report* in accordance with procedures set in the *Ministry's* noise guidelines, so that the environmental impact and subsequent compliance with this *Approval* can be verified.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 0406-AF4LH6 issued on June 12, 2017.

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, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner 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.

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:

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

AND

The Environmental
Commissioner
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

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 www.ebr.gov.on.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 January,
2020

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

JL/
c: Area Manager, MECP Sault Ste. Marie
c: District Manager, MECP Sudbury
Katie Armstrong, Golder Associates Ltd.