

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3064-C4Y77A

Issue Date: July 29, 2021

Miller Paving Limited
505 Miller Ave PO Box 1480
Markham, Ontario
L6G 1B2

Site Location: East Toronto RMC
951 Passmore Ave
Toronto City
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 (1) ready-mix concrete batching plant, having a maximum production rate of 1,200 cubic metres per day, consisting of the following equipment and emission sources:

- two (2) baghouse dust collectors, to control emissions from a split compartment silo (overhead Silo #2A and #2B), each having a filtering area of 14 square metres and a pulse-jet cleaning system, passively discharging to the air with a volumetric flow rate of 0.4 cubic metres per second through a stack, having an exit diameter of 0.8 metre and extending 26 metres above grade;
- one (1) loading point dust collector, to control emissions from Plant Silo #1, the cement weigh scale and the loading point, complete with polyester filter material having a filtering area of 1083 square metres and a pulse-jet type cleaning system, discharging to the air with a maximum volumetric flow rate of 3.1 cubic metres per second through a stack, having an equivalent exit diameter of 0.26 metre and extending 6.4 metres above grade;
- one (1) Natural gas or No. 2 fuel oil-fired boiler, having a maximum thermal input rating of 437,848 Kilojoules per hour, discharging into the air through a stack, having an exit diameter of 0.2 metre, and extending 2.5 metres above grade; and
- fugitive emissions from the delivery, storage and transfer of materials associated with the ready mix concrete batching operations.

all in accordance with the application for an Environmental Compliance Approval (Air) submitted by Miller Paving Limited, dated April 28, 2021, and signed by Bill Kasper, Vice President, Engineering and Facilities; Emission Summary and Dispersion Modelling Report prepared by BCX Environmental Consulting, dated April 2021; and all the information associated with 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 Facility. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by HGC Engineering, dated April 22, 2021 and signed by Corey D. Kinart, MBA, 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. "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;
5. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
6. "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;
7. "Company" means Miller Paving 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;
8. "Director" means a person appointed for the purpose of section 20.3 of the EPA by the Minister pursuant to section 5 of the EPA;
9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
10. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
11. "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;

12. "Facility" means the entire operation located on the property where the Equipment is located;
13. "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;
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 emission from the Facility 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;
18. "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;
19. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
20. "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; and
21. "Technical Bulletin: Management Approaches for Industrial Fugitive Dust Sources" means the Ministry publication "Technical Bulletin: management approaches for industrial fugitive dust sources", March 8, 2017, 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. all appropriate measures to minimize noise and dust emissions from all potential sources; and
 - v. the frequency of inspection and replacement of the filter material in the Equipment.
 - b. implement the recommendations of the Manual.

2. FUGITIVE DUST CONTROL

1. The Company shall develop in consultation with the District Manager, a Best Management Practices Plan for the control of fugitive dust emissions. This Best Management Practices Plan shall:
 - a. at minimum, be prepared in accordance with Ministry Technical Bulletin: Management Approaches for Industrial Fugitive Dust Sources; and
 - b. include 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 submit the Best Management Practices Plan to the District Manager not later than three months after the date of this Approval or as otherwise indicated by the District Manager.
3. Upon acceptance of the Best Management Practices Plan by the District Manager, the Company shall immediately 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.
4. The Company shall update the Best Management Practices Plan as

necessary or at the direction of the District Manager.

3. 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; and
 - 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.

4. 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; and
 - b. the time and date of the incident to which the complaint relates.

5. NOISE

1. The Company shall:
 - a. implement, prior to the commencement of operation of the Equipment, the Noise Control Measures as outlined in section 6 of the Acoustic Assessment Report;
 - b. at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300; and
 - c. properly maintain the Noise Control Measures ensuring that they continue to meet the acoustical performance outlined in the Acoustic Assessment Report.

6. ACOUSTIC AUDIT

1. The Company shall carry out Acoustic Audit measurements on the actual

noise emissions due to the operation of the Facility. The Company:

- a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103;
- b. 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 three (3) months after the commencement of operation of the Equipment.

2. The Director:

- a. may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed;
- b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

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

1. Condition No. 1 is 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. Condition No. 2 is 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.
3. Condition No. 3 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.
4. Condition No. 4 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.
5. Condition No. 5 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
6. Condition No. 6 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.

7.

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 29th day of July, 2021

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

JL/

c: District Manager, MECP Toronto - District
Jaime Anderson, BCX Environmental Consulting