

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0261-DCNJSK
Issue Date: February 12, 2025

Niagara Health System
1200 Fourth Avenue
St. Catharines, Ontario
L2S 0A9

Site Location: 9889 Montrose Road
City of Niagara Falls

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) sub-slab venting system consisting of:
 - four (4) stacks discharging into the air, each at a volumetric flow rate of 0.095 cubic metre per second, each having an exit diameter of 0.102 metre, extending 1.50 metres above the roof and 8.30 metres above grade; and
 - four (4) stacks discharging into the air, each at a volumetric flow rate of 0.095 cubic metre per second, each having an exit diameter of 0.102 metre, extending 1.50 metres above the roof and 3.98 metres above grade;

all in accordance with the Environmental Compliance Approval Application submitted by Niagara Health System, dated June 14, 2024 and signed by Patrick Topping; and the supporting information, including the Emission Summary and Dispersion Modelling Report, prepared by Theakston Environmental, dated June 13, 2024 and signed by Stephen Pollock, as amended; and the Acoustic Assessment Report prepared by Aeroustics Engineering Limited, dated June 21, 2024, and signed by Derek Flake.

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 Aeroustics Engineering Limited, dated June 21, 2024 and signed by

Derek Flake, M.Sc., 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. "Company" means Niagara Health System 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;
7. "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;
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;
10. "Equipment" means the sub-slab venting system 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 in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by Theakston Environmental, dated June 13, 2024, and signed by Stephen Pollock, submitted in support of the application including any addendum submissions made during the Ministry's review of the Company's application;
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. "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;
16. "Monitoring Plan" means a written plan developed to monitor the concentrations of contaminants in the gas discharging from the sub-slab venting system at the on-site Sensitive Receptors;
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. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended;
19. "Procedure Document" means the Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2018, as amended;
20. "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;
21. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995 as amended;
22. "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
23. "Sensitive Receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the Equipment to the air, including one or a combination of:
 - a. private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.);
 - b. institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.);
 - c. outdoor public recreational areas (e.g.: trailer parks, playgrounds, picnic areas, etc.); and
 - d. other outdoor public areas where there are continuous human activities (e.g.: commercial plazas

and office buildings).

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;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the Equipment;
 - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources; and
 - b. implement the recommendations of the Manual.

2. MONITORING PLAN

1. The Company shall submit to the District Manager, not later than eight (8) months prior to the occupancy of the site, a draft Monitoring Plan for the gas collected and discharged from the Equipment. The Company shall finalize the Monitoring Plan in consultation with the District Manager. The finalized Monitoring Plan shall be implemented upon occupancy of the site and include, as a minimum, the following:
 - a. the Monitoring Plan objectives;
 - b. monitoring locations and frequency;
 - c. a methodology to measure the concentrations of contaminants in the gas discharging to the air at the on-site Sensitive Receptors;

- d. a list of analytical and/or indicator parameters; and
 - e. a contingency plan if the concentrations of contaminants in the gas discharging to the air at the on-site Sensitive Receptors exceed the contaminant concentrations described in the Company's ESDM Report.
2. The Company shall submit the results of the Monitoring Plan to the District Manager annually or on an alternative frequency acceptable to 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.
2. The Company shall, within seven (7) days of receipt of the complaint, notify the District Manager in writing of the measures undertaken to resolve the complaint.

5. NOISE

1. The Company shall:
- a. implement, prior to the commencement of operation of the Equipment, the Noise Control

Measures as outlined in 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 conduct Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:
 - a. conduct Acoustic Audit measurements in accordance with the procedures in Publication NPC-103; and
 - 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 twelve (12) 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; and
 - b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

7. CHANGE OF OWNERSHIP

1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any of the following changes to the Facility operations:
 - a. the ownership of the Facility;
 - b. the operator of the Facility;
 - c. the address of the Company;
 - d. the partners, where the Company is or 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; or

- e. the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal 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. In the event of any change in ownership of the Facility, the Company shall notify the successor of the existence of this Approval and provide the successor with a copy of this Approval, and the Company shall provide a copy of the notification to the District Manager and 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 require the Company to gather accurate information so that compliance with the EPA, the regulations and this Approval can be verified.
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 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. Condition No. 7 is included to require the Company to notify/report to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.

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

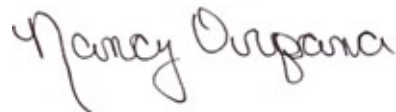
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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**

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 12th day of February, 2025



Nancy E Orpana, P.Eng.

Director

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

BR/

c: District Manager, MECP Niagara
Stephen Pollock, Theakston Environmental (Air)