

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9591-DCZMAM  
Issue Date: March 4, 2025

EVSX Corp.  
100 Hayes Rd  
Thorold, Ontario  
L2V 0C3

Site Location: 100 Hayes Road  
Thorold City, Regional Municipality of Niagara

*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:*

**Description Section**

A waste battery recovery facility, consisting of the following processes and support units:

- Input belt conveyor and shaft shredder;
- Hot blast burner;
- Pyrolysis furnace;
- Secondary combustion chamber;
- Spray tower scrubber;
- Catalytic combustion absorption system;
- Dust collectors;
- Zigzag, magnetic, and gravity separators;
- Rotary and linear screeners; and
- Crusher and grinder.

including the Equipment and any other ancillary and support processes and activities, operating at a Facility Production Limit of up to **24,000 kilograms of intact waste batteries processed per day**, discharging to the air as described in the Original ESDM Report.

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

1. "ACB list" means the document entitled "Air Contaminants Benchmarks (ACB) List: Standards, guidelines and screening levels for assessing point of impingement concentrations of air contaminants", as amended from time to time and published by the Ministry and available on a Government website;
2. "Acceptable Point of Impingement Concentration" means a concentration accepted by the Ministry as not likely to cause an adverse effect for a Compound of Concern that,
  - a. is not identified in the ACB list, or
  - b. is identified in the ACB list as belonging to the category "Benchmark 2" and has a concentration at a Point of Impingement that exceeds the concentration set out for the contaminant in that document.

With respect to the Original ESDM Report, the Acceptable Point of Impingement Concentration for a Compound of Concern mentioned above is the concentration set out in the Original ESDM Report;

3. "Approval" means this entire Environmental Compliance Approval and any Schedules to it.;
4. "Approval (Waste)" means the corresponding Environmental Compliance Approval (Waste Disposal Site) number A-500-6236321199, as amended, issued to the Company in respect of activities mentioned in subsection 27(1) of the EPA at the Facility;
5. "Basic Comprehensive User Guide" means the Ministry document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended;
6. "Company" means **EVSX Corp.** 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. "Compound of Concern" means a contaminant described in paragraph 4 subsection 26 (1) of O. Reg. 419/05, namely, a contaminant that is discharged from the Facility in an amount that is not negligible;
8. "Continuous Monitoring System" means the continuous monitoring and recording system used to measure the operational parameters and contaminants emission concentrations at specified locations as outlined in the accepted Continuous Monitoring Plan;
9. "Continuous Monitoring Plan" means a written document outlining a series of steps that provides instructions, resources and timing to staff of the Company for the operation and maintenance of the Continuous Monitoring System;

10. "Description Section" means the section on page one of this Approval describing the Company's operations and the Equipment located at the Facility and specifying the Facility Production Limit for the Facility;
11. "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;
12. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
13. "Emission Summary Table" means a table described in paragraph 14 of subsection 26 (1) of O. Reg. 419/05;
14. "Environmental Assessment Act" means the *Environmental Assessment Act*, R.S.O. 1990, c.E.18;
15. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
16. "Equipment" means equipment or processes described in the ESDM Report, this Approval and in the Schedules referred to herein and any other equipment or processes;
17. "Equipment with Specific Operational Limits" means
  - a. secondary combustion chamber;
  - b. hot blast furnace;
  - c. any Equipment related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other Equipment that is specifically referenced in any published Ministry document that outlines specific operational guidance that must be considered by the Director in issuing an Approval;
18. "ESDM Report" means the most current Emission Summary and Dispersion Modelling Report that describes the Facility. The ESDM Report is based on the Original ESDM Report and is updated after the issuance of this Approval in accordance with section 26 of O. Reg. 419/05 and the Procedure Document;
19. "Facility" means the entire operation located on the property where the Equipment is located;
20. "Facility Production Limit" means the production limit placed by the Director on the main product(s) or raw materials used by the Facility;
21. "Highest Ranking Person" means the highest ranking person regularly present at the Facility who has management responsibilities relating to the Facility;
22. "Licensed Engineering Practitioner" means a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act;

23. "Log" means a document that contains a record of each change that is required to be made to the ESDM Report, including the date on which the change occurred. For example, a record would have to be made of a more accurate emission rate for a source of contaminant, more accurate meteorological data, a more accurate value of a parameter that is related to a source of contaminant, a change to a Point of Impingement and all changes to information associated with a Modification to the Facility that satisfies Condition 2;
24. "Manager" means the Manager, Technology Standards Section, Technical Assessment and Standards Development Branch of the Ministry, or any other person who represents and carries out the duties of the Manager, as those duties relate to the conditions of this Approval;
25. "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;
26. "Ministry" means the ministry of the Minister;
27. "Modification" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the Facility that may discharge or alter the rate or manner of discharge of a Compound of Concern to the air or discharge or alter noise or vibration emissions from the Facility;
28. "Noise Screening Documents" means the completed Primary Noise Screening Method, or the completed Secondary Noise Screening Method, with supporting information and documentation, as updated in accordance with Condition 5 of this Approval;
29. "O. Reg. 419/05" means Ontario Regulation 419/05: Air Pollution – Local Air Quality, made under the EPA;
30. "Original ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by O2E Inc., and signed by Jeff Campbell, and dated January 06, 2025, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
31. "Point of Impingement" has the same meaning as in section 2 of O. Reg. 419/05;
32. "Primary Noise Screening Method" means the Ministry Primary Noise Screening Method form as described in the "Primary Noise Screening Method Guide", January 31, 2017, as amended;
33. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2018, as amended;
34. "Pre-Test Plan" means a plan for the Source Testing including the information required in Section 5 of the Source Testing Code;

35. "Processes with Significant Environmental Aspects" means the Equipment which, during regular operation, would discharge one or more contaminants into the air in an amount which is not considered as negligible in accordance with section 26 (1) 4 of O. Reg. 419/05 and the Procedure Document;
36. "Professional Engineers Act" means Professional Engineers Act, R.S.O. 1990, c. P.28;
37. "Publication NPC-207" means the Ministry draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the Ministry, August 1978, as amended;
38. "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;
39. "Schedules" means the following schedules attached to this Approval and forming part of this Approval namely:
  - Schedule A - Supporting Documentation
  - Schedule B - Emission Limits
  - Schedule C - Test Contaminants for Source Testing
  - Schedule D - Volatile Organic Compounds
  - Schedule E - Source Testing Procedure
40. "Secondary Noise Screening Method" means the Ministry Secondary Noise Screening Method form as described in the "Secondary Noise Screening Method Guide", January 31, 2017, as amended;
41. "Source Testing" means site-specific sampling and testing to measure the rates of emissions of Test Contaminants from the Source identified in Schedule C of this Approval under operating conditions that will derive an emission rate that, for the relevant averaging period of the contaminant, is at least as high as the maximum emission rate that the source of contaminant is reasonably capable of, or a rate approved by the Manager within the approved operating range of the Equipment which satisfies paragraph 1 of subsection 11(1) of O. Reg. 419/05;
42. "Source Testing Code" means the Ontario Source Testing Code, dated June 2010, prepared by the Ministry, as amended;
43. "Test Contaminants" means the contaminants as defined in Schedule C of this Approval;
44. "Toxicologist" means a qualified professional currently active in the field of risk assessment and toxicology that has a combination of formal university education, training and experience necessary to assess contaminants; and
45. "Written Summary Form" means the electronic questionnaire form, available on the Ministry website, that documents whether Modifications were undertaken at the Facility and compliance with the Approval, in the previous calendar year.

*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. GENERAL**

1. Except as otherwise provided by this Approval, the Facility shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this Approval and in accordance with the following Schedules attached hereto:
  - Schedule A - Supporting Documentation
  - Schedule B - Emission Limits
  - Schedule C - Test Contaminants for Source Testing
  - Schedule D - Volatile Organic Compounds
  - Schedule E - Source Testing Procedure

### **2. OPERATIONAL FLEXIBILITY**

1. Pursuant to section 20.6 (1) of the EPA and subject to Conditions 2.2 and 2.3 of this Approval, future construction, alterations, extensions or replacements are approved in this Approval if the future construction, alterations, extensions or replacements are Modifications to the Facility that:
  - a. are within the scope of the operations of the Facility as described in the Description Section of this Approval;
  - b. do not result in an increase of the Facility Production Limit above the level specified in the Description Section of this Approval; and
  - c. result in compliance with the performance limits as specified in Condition 4.
2. Condition 2.1 does not apply to,
  - a. the addition of any new Equipment with Specific Operational Limits or to the Modification of any existing Equipment with Specific Operational Limits at the Facility; and
  - b. Modifications to the Facility that would be subject to the Environmental Assessment Act.
3. Condition 2.1 of this Approval shall expire ten (10) years from the date of this Approval, unless this Approval is revoked prior to the expiry date. The Company may apply for renewal of Condition 2.1 of this Approval by including an ESDM Report that describes the Facility as of the date of the renewal application.

### **3. REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION**

1. Prior to making a Modification to the Facility that satisfies Condition 2.1.a and 2.1.b, the Company shall prepare a proposed update to the ESDM Report to reflect the proposed Modification.
2. The Company shall request approval of an Acceptable Point of Impingement Concentration for a Compound of Concern if the Compound of Concern is not identified in the ACB list as belonging to the category “Benchmark 1” and a proposed update to an ESDM Report indicates that one of the following changes with respect to the concentration of the Compound of Concern may occur:
  - a. The Compound of Concern was not a Compound of Concern in the previous version of the ESDM Report and
    - i. the concentration of the Compound of Concern exceeds the concentration set out for the contaminant in the ACB list; or
    - ii. the Compound of Concern is not identified in the ACB list; or
  - b. The concentration of the Compound of Concern in the updated ESDM Report exceeds the higher of,
    - i. the most recent Acceptable Point of Impingement Concentration, and
    - ii. the concentration set out for the contaminant in the ACB list, if the contaminant is identified in that document.
3. The request required by Condition 3.2 shall propose a concentration for the Compound of Concern and shall contain an assessment, performed by a Toxicologist, of the likelihood of the proposed concentration causing an adverse effect at Points of Impingement.
4. If the request required by Condition 3.2 is a result of a proposed Modification described in Condition 3.1, the Company shall submit the request, in writing, to the Director at least 30 days prior to commencing to make the Modification. The Director shall provide written confirmation of receipt of this request to the Company.
5. If a request is required to be made under Condition 3.2 in respect of a proposed Modification described in Condition 3.1, the Company shall not make the Modification mentioned in Condition 3.1 unless the request is approved in writing by the Director.

6. If the Director notifies the Company in writing that the Director does not approve the request, the Company shall,
  - a. revise and resubmit the request; or
  - b. notify the Director that it will not be making the Modification.
7. The re-submission mentioned in Condition 3.6 shall be deemed a new submission under Condition 3.2.
8. If the Director approves the request, the Company shall update the ESDM Report to reflect the Modification.
9. Condition 3 does not apply if Condition 2.1 has expired.

#### **4. PERFORMANCE LIMITS**

1. Subject to Condition 4.2, the Company shall not discharge or cause or permit the discharge of a Compound of Concern into the air if,
  - a. the Compound of Concern is identified in the ACB list as belonging to the category “Benchmark 1” and the discharge results in the concentration at a Point of Impingement exceeding the Benchmark 1 concentration; or
  - b. the Compound of Concern is not identified in the ACB list as belonging to the category “Benchmark 1” and the discharge results in the concentration at a Point of Impingement exceeding the higher of,
    - i. if an Acceptable Point of Impingement Concentration exists, the most recent Acceptable Point of Impingement Concentration, and
    - ii. the concentration set out for the contaminant in the ACB list, if the contaminant is identified in that document.
2. Condition 4.1 does not apply if the benchmark set out in the ACB list has a 10-minute averaging period and no ambient monitor indicates an exceedance at a Point of Impingement where human activities regularly occur at a time when those activities regularly occur.
3. The Company shall, at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300.
4. The Company shall, at all times, ensure that the vibration emissions from the Facility comply with the limits set out in Ministry Publication NPC-207.

5. The Company shall not operate any Equipment or conduct any operations at the Facility during the hours of 7 pm to 7 am (i.e., evening and night time hours as defined in the Ministry Publication NPC-300).
6. The Company shall operate any Equipment with Specific Operational Limits approved by this Approval in accordance with the Original ESDM Report and Conditions 4.7 of this Approval.
7. The concentrations of Test Contaminants, normalized to 11 percent oxygen at a reference temperature of 25 degrees Celsius and a reference pressure of 101.3 kilopascals) in the gases emitted from the Equipment stack (Source ID: EX) shall not be greater than the maximum emission limits specified in Schedule B of this Approval.

## **5. DOCUMENTATION REQUIREMENTS**

1. The Company shall maintain an up-to-date Log.
2. No later than June 30 in each year, the Company shall update the ESDM Report in accordance with section 26 of O. Reg. 419/05 and shall update the Noise Screening Documents so that the information in the reports is accurate as of December 31 in the previous year.
3. The Company shall make the Emission Summary Table (see section 27 of O. Reg. 419/05) and the Noise Screening Documents available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the Facility.
4. The Company shall, within three (3) months after the expiry of Condition 2.1 of this Approval, update the ESDM Report and the Noise Screening Documents such that the information in the reports is accurate as of the date that Condition 2.1 of this Approval expired.
5. Conditions 5.1 and 5.2 do not apply if Condition 2.1 has expired.

## **6. WRITTEN SUMMARY FORM**

1. Subject to Condition 6.2, the Company shall prepare, and make available to the Ministry upon request, no later than August 31 of each year, a Written Summary Form signed by the Highest Ranking Person.
2. Condition 6.1 does not apply if:
  - a. Condition 2.1 has expired; and
  - b. the Written Summary Form has been completed for the year in which Condition 2.1 expired.

## 7. OPERATION AND MAINTENANCE

1. The Company shall prepare and implement, not later than three (3) months from the date of this Approval, operating procedures and maintenance programs for all Processes with Significant Environmental Aspects, which shall specify as a minimum:
  - a. frequency of inspections and scheduled preventative maintenance;
  - b. procedures to prevent upset conditions;
  - c. procedures to minimize all fugitive emissions;
  - d. procedures to prevent and/or minimize odorous emissions;
  - e. procedures to prevent and/or minimize noise emissions; and
  - f. procedures for record keeping activities relating to the operation and maintenance programs.
2. The Company shall ensure that all Processes with Significant Environmental Aspects are operated and maintained in accordance with this Approval, the operating procedures and maintenance programs.
3. The Company shall ensure that
  - a. the secondary combustion chamber is operated at a minimum temperature of 900 degree Celsius at a minimum residence time of two (2) seconds;
  - b. the residual oxygen concentration in the secondary combustion chambers, expressed as a 10-minute rolling average, shall be not less than six (6) percent by volume on dry basis;
  - c. equipment, material and spare parts, of equal or better quality and specifications, are kept on hand and in good repair for immediate use in the event of:
    - i. a breakdown of the Facility or any part of the Facility;
    - ii. any change in process parameters which may result in a discharge into the natural environment of any contaminant in an amount, concentration or level in excess of that prescribed by the regulations or imposed by this Approval;
    - iii. any other potential contingency; and
  - iv. and that staff are trained in the use of said Equipment, material and spare parts and in the methods and procedures to be employed upon the occurrence of such an event.
  - v. The maximum quantity and types of waste batteries that may be stored and processed at the Facility shall be in accordance with the quantity and types of waste batteries identified in Company's Approval (Waste).

## 8. CONTINUOUS MONITORING SYSTEMS

1. The Company shall submit, to the Manager, not later than three (3) months after the date of this Approval, a Continuous Monitoring Plan prepared by a Licensed Engineering Practitioner for the Continuous Monitoring Systems that will continuously monitor the following parameters in the undiluted gases leaving the secondary combustion chamber:
  - a. Carbon monoxide (CO) concentrations;
  - b. Temperature of the secondary combustion chamber; and
  - c. Residual oxygen (O<sub>2</sub>) at the secondary combustion chamber.
2. The Continuous Monitoring Plan shall include descriptions of, but not be limited to:
  - a. sources and air pollutants / parameters requiring continuous monitoring and associated targets and in-stack limits (when applicable);
  - b. sample probe and gas calibration port location(s) and associated flue gas conditions;
  - c. sample extraction, transport and conditioning system;
  - d. analyzer performance specifications;
  - e. calibration strategies;
  - f. relative accuracy and reference method for test audit;
  - g. performance indicators and monitoring frequency;
  - h. communication protocol(s) and corrective action(s) regarding malfunctions;
  - i. preventative maintenance and spare parts;
  - j. service contractor and staff responsibilities including training;
  - k. other operating and maintenance procedures to ensure availability;
    - l. data acquisition system, and
    - m. data verification procedures.
3. The Company shall finalize the Continuous Monitoring Plan in consultation with the Manager;
4. The Company shall procure, install, operate and maintain the Continuous Monitoring System not later than six (6) months after the Manager has approved the Continuous Monitoring Plan. A current copy of the Continuous Monitoring Plan shall be kept at an accessible location for easy access by persons responsible for supervising, operating and maintaining the Continuous Monitoring System and associated data as well as by a Ministry representative, upon request.

## **9. SOURCE TESTING**

1. The Company shall perform Source Testing in accordance with the procedures in Schedule E to determine the rates of emissions of the Test Contaminants from the Equipment stack (Source ID: EX), within two (2) months after the Manager has approved the Pre-Test Plan.
2. The Company shall conduct Source Testing on an annual basis. The Company may request a modification in frequency or discontinuation of the Source Testing from the District Manager. The District Manager, may not require subsequent Source Testing or may relax its frequency, if the results indicate that the environmental impact of the contaminants is insignificant.

## **10. REPORTING REQUIREMENTS**

1. The Company shall retain a Licensed Engineering Practitioner to prepare and submit to the Manager:
  - a. Annual report; by June 30 following the end of each operating year;  
  
or as directed or agreed by the Manager on how the operation of the Facility complied with requirements of EPA and the terms and conditions of this Approval in that period. The annual reports shall summarize the activities that have been undertaken in that period and the discharge from the Facility. The annual reports shall include the information as required by the Approval (Waste), and the following:
    - i. an executive summary;
    - ii. average and maximum daily quantity and the total quantity, and the type of waste batteries received and processed by the Facility in that period;
    - iii. Continuous Monitoring Systems availability, and reporting of malfunctions and/or exceedance and their resolution strategy;
    - iv. results of the Continuous Monitoring Systems, complete with a summary of the maximum concentration monitored and recorded for each contaminant in that period;
    - v. date(s) and time(s) and the results if available of any Source Testing if conducted in that period; and
    - vi. details of planned maintenance or failure of Equipment in the Facility.

- b. The annual report shall include the following:
  - i. the measures taken to ensure compliance with all terms and conditions of this Approval, Approval (Waste) and EPA; and
  - ii. compliance and non-compliance with all terms and conditions of this Approval, Approval (Waste), and EPA.
2. The Company shall ensure that copies of the annual reports are available for inspection at the Facility by any member of the public during normal business hours without charge.
3. The frequency of annual reporting may be reduced, eliminated or otherwise modified by the Manager, if requested by the Company in writing with appropriate rationale.

## **11. COMPLAINTS RECORDING AND REPORTING**

1. If at any time, the Company receives an environmental complaint from the public regarding the operation of the Equipment approved by this Approval, the Company shall take the following steps:
  - a. Record and number each complaint, either electronically or in a log book. The record shall include the following information: the time and date of the complaint and incident to which the complaint relates, the nature of the complaint, wind direction at the time and date of the incident to which the complaint relates and, if known, the address of the complainant.
  - b. Notify the District Manager of the complaint within two (2) business days after the complaint is received, or in a manner acceptable to the District Manager.
  - c. Initiate appropriate steps to determine all possible causes of the complaint, and take the necessary actions to appropriately deal with the cause of the subject matter of the complaint.
  - d. Complete and retain on-site a report written within five (5) business days of the complaint date. The report shall list the actions taken to appropriately deal with the cause of the complaint and set out steps to be taken to avoid the recurrence of similar incidents.

## **12. RECORD KEEPING REQUIREMENTS**

1. Any information requested by any employee in or agent of the Ministry concerning the Facility and its operation under this Approval, including, but not limited to, any records required to be kept by this Approval, shall be provided to the employee in or agent of the Ministry, upon request, in a timely manner.
2. Unless otherwise specified in this Approval, the Company shall retain, for a minimum of five (5) years from the date of their creation all reports, records and information described in this Approval, including,
  - a. a copy of the Original ESDM Report and each updated version;
  - b. supporting information used in the emission rate calculations performed in the ESDM Reports;
  - c. the records in the Log;
  - d. copies of each Written Summary Form prepared under Condition 6.1 of this Approval;
  - e. records of maintenance, repair and inspection of Equipment related to all Processes with Significant Environmental Aspects;
  - f. all records related to environmental complaints made by the public as required by Condition 8 of this Approval;
  - g. all records produced by the Continuous Monitoring System; and
  - h. all records on the calibration of the Continuous Monitoring System.

## **13. 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 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.

#### **14. REVOCATION OF PREVIOUS APPROVALS**

1. This Approval replaces and revokes all Certificates of Approval (Air) issued under section 9 EPA and Environmental Compliance Approvals issued under Part II.1 EPA to the Facility in regards to the activities mentioned in subsection 9(1) of the EPA and dated prior to the date of this Approval.

### **SCHEDULE A**

#### **Supporting Documentation**

1. Environmental Compliance Approval Application, dated January 06, 2025, signed by Ian Peres (Chief Executive Officer), and submitted by the Company;
2. Emission Summary and Dispersion Modelling Report, prepared by O2E Inc., and signed by Jeff Campbell and dated January 06, 2025;
3. Primary Noise Screening Method, prepared by O2E Inc., dated December 17, 2024, and signed by Jeff Campbell.
4. Additional information, prepared by O2E Inc., and signed by Jeff Campbell, submitted by email on January 27, 2025.

## SCHEDULE B

### Emission Limits - Equipment Exhaust Stack (Source ID: EX)

| Contaminant   | Maximum Limit                                      | Comments  |
|---|--|---|
| Nitrogen oxides   | 105 ppm <sub>dv</sub><br>(198 mg/Rm <sup>3</sup> ) | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Hydrogen chloride   | 18 ppm <sub>dv</sub><br>(27 mg/Rm <sup>3</sup> )   | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Organic matter<br>(expressed as equivalent methane)   | 50 ppm <sub>dv</sub><br>(33 mg/Rm <sup>3</sup> )   | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods in undiluted gas stream                                       |
| Sulphur dioxide   | 21 ppm <sub>dv</sub><br>(56 mg/Rm <sup>3</sup> )   | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Carbon monoxide   | 35 ppm <sub>dv</sub><br>(40 mg/Rm <sup>3</sup> )   | Calculated as the rolling arithmetic average <sup>(1)</sup> of 4 hours of data from a continuous emission monitoring system in undiluted gas stream               |
| Particulate matter  | 14 mg/Rm <sup>3</sup>                              | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Mercury   | 20 ug/Rm <sup>3</sup>                              | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Cadmium   | 7 ug/Rm <sup>3</sup>                               | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Lead  | 60 ug/Rm <sup>3</sup>                              | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods   |
| Dioxins, Furans and Dioxin-like PCBs<br>(Polychlorinated Biphenyls)<br>(expressed as I-TEQ) | 80 pg/Rm <sup>3</sup>                              | Calculated as the arithmetic average of 3 stack tests conducted in accordance with standard methods and in accordance with the rules identified in O. Reg. 419/05 |

Note:

(1) 4-hour rolling average mean that the average is adjusted hourly, and the hour average is based on approximately one-minute intervals of data generated from a Continuous Monitoring System.

## **SCHEDULE C**

### **Test Contaminants**

- Nitrogen oxides
- Hydrogen chloride
- Organic matter (expressed as equivalent methane)
- Sulphur dioxide
- Carbon monoxide
- Particulate matter
- Dioxins, Furans and Dioxin-like PCBs (Polychlorinated Biphenyls) (expressed as I-TEQ)
- Volatile organic compounds contained in Schedule D of this Approval
- Benzo(a)pyrene
- Sulphuric acid
- Chlorine
- Lithium carbonate

#### **List of Metals:**

- Aluminum
- Cadmium
- Cobalt
- Copper
- Chromium
- Iron
- Lead
- Lithium
- Manganese
- Mercury
- Nickel
- Zinc

## SCHEDULE D

### Volatile Organic Compounds

- acetaldehyde
- acetone
- acrolein
- benzene
- bromodichloromethane
- bromoform
- bromomethane
- butadiene, 1,3 -
- butanone, 2 -
- carbon tetrachloride
- chloroform
- cumene
- dibromochloromethane
- dichlorodifluoromethane
- dichloroethane, 1,2 -
- dichloroethene, trans - 1,2 -
- dichloroethene, 1,1 -
- dichloropropane, 1,2 -
- ethylbenzene
- ethylene dibromide
- formaldehyde
- heptafluoropropane, 1,1,1,2,3,3,3
- mesitylene
- methylene chloride
- styrene
- tetrachloroethene
- toluene
- trichloroethane, 1,1,1 -
- trichloroethene
- trichloroethylene, 1,1,2 -
- trichlorofluoromethane
- trichlorotrifluoroethane
- vinyl chloride
- xylenes, m-, p- and o-

## **SCHEDULE E**

### **Source Testing Procedures**

1. The Company shall submit, not later than three (3) months after the date of this Approval, to the Manager a Pre-Test Plan for the Source Testing required under this Approval. The Company shall finalize the Pre-Test Plan in consultation with the Manager.
2. The Company shall not commence the Source Testing required under this Approval until the Manager has approved the Pre-Test Plan.
3. The Company shall notify the Manager, the District Manager and the Director in writing of the location, date and time of any impending Source Testing required by this Approval, at least fifteen (15) days prior to the Source Testing.
4. The Company shall submit a report on the Source Testing to the Manager (electronic format), the District Manager and the Director (electronic and hard copy formats) not later than three (3) months after completing the Source Testing. The report shall be in the format described in the Source Testing Code, and shall also include, but not be limited to:
  1. an executive summary;
  2. an identification of the applicable North American Industry Classification System code (NAICS) for the Facility;
  3. records of operating conditions at the time of Source Testing, including but not limited to the following:
    - a. production data and equipment operating rate as a percentage of maximum capacity;
    - b. Facility/process information related to the operation of the Equipment;
    - c. Continuous Monitoring System data at the time of Source Testing; and
    - d. temperature and residence time of the secondary combustion chamber.
  4. results of Source Testing, including the emission rate, emission concentration, and relevant emission factor of the Test Contaminants from the Equipment stack (Source ID: EX);
  5. a tabular comparison of calculated emission rates and emission factors based on Source Testing results for the Test Contaminants to relevant estimates described in the ESDM Report.
5. The Director may not accept the results of the Source Testing if:
  1. the Source Testing Code or the requirement of the Manager were not followed;
  2. the Company did not notify the Manager, the District Manager and Director of the Source Testing; or
  3. the Company failed to provide a complete report on the Source Testing.

6. If the Director does not accept the result of the Source Testing, the Director may require re-testing. If re-testing is required, the Pre-Test Plan strategies need to be revised and submitted to the Manager for approval. The actions taken to minimize the possibility of the Source Testing results not being accepted by the Director must be noted in the revision.
7. The Company shall update their ESDM Report in accordance with Section 26 of O. Reg. 419/05 and the Procedure Document with the results from the Source Testing, not later than three (3) months after the submission of the Source Testing report and make these records available for review by staff of the Ministry upon request.

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

**1. GENERAL**

Condition No. 1 is included to require the Approval holder to build, operate and maintain the Facility in accordance with the Supporting Documentation in Schedule A considered by the Director in issuing this Approval.

**2. OPERATIONAL FLEXIBILITY, REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION AND PERFORMANCE LIMITS**

Conditions No. 2, 3 and 4 are included to limit and define the Modifications permitted by this Approval, and to set out the circumstances in which the Company shall request approval of an Acceptable Point of Impingement Concentration prior to making Modifications. The holder of the Approval is approved for operational flexibility for the Facility that is consistent with the description of the operations included with the application up to the Facility Production Limit. In return for the operational flexibility, the Approval places performance based limits that cannot be exceeded under the terms of this Approval. Approval holders will still have to obtain other relevant approvals required to operate the Facility, including requirements under other environmental legislation such as the Environmental Assessment Act.

**3. DOCUMENTATION REQUIREMENTS**

Condition No. 5 is included to require the Company to maintain ongoing documentation that demonstrates compliance with the performance limits as specified in Condition 4 of this Approval and allows the Ministry to monitor on-going compliance with these performance limits. The Company is required to have up to date Noise Screening Documents and an up to date ESDM Report that describes the Facility at all times and make the Emission Summary Table from that report and the Noise Screening Documents available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the Facility.

**4. WRITTEN SUMMARY FORM**

Condition No. 6 is included to require the Company to prepare, and make available to the Ministry upon request, a yearly Written Summary Form, to assist the Ministry with the review of the site's compliance with the EPA, the regulations and this Approval.

**5. OPERATION AND MAINTENANCE**

Condition No. 7 is included to require the Company to properly operate and maintain the Processes with Significant Environmental Aspects to minimize the impact to the environment from these processes.

**6. CONTINUOUS MONITORING SYSTEMS**

Conditions No.8 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

**7. SOURCE TESTING**

Condition No. 9 is included to require the Company to gather accurate information so that the environmental impact and subsequent compliance with the EPA, the regulations and this Approval.

**8. REPORTING REQUIREMENTS**

Condition No. 10 is included to require the Company to gather accurate information so that compliance with the EPA, the regulations and this Approval can be verified.

**9. COMPLAINTS RECORDING AND REPORTING PROCEDURE**

Condition No. 11 is included to require the Company to respond to any environmental complaints regarding the operation of the Equipment, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

**10. RECORD KEEPING REQUIREMENTS**

Condition No. 12 is included to require the Company to retain all documentation related to this Approval and provide access to employees in or agents of the Ministry, upon request, so that the Ministry can determine if a more detailed review of compliance with the performance limits as specified in Condition 4 of this Approval is necessary.

**11. CHANGE OF OWNERSHIP**

Condition No. 13 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.

**12. REVOCATION OF PREVIOUS APPROVALS**

Condition No. 14 is included to identify that this Approval replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the EPA and dated prior to the date of this Approval.

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](http://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 4th day of March, 2025



---

Nancy E Orpana, P.Eng.

Director

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

VA/

c: District Manager, MECP Niagara  
Jeff Campbell, O2E Inc.