

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0695-DFP7RH

Issue Date: May 15, 2025

Miller Paving Limited
281 Hillmount Rd, Suite No. 101
Markham, Ontario
L6C 2S3

Site Location: Mobile within 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) mobile hot-mix asphalt plant with drum process, having a maximum production rate of 272 tonnes per hour, 3,000 tonnes per day, and 100,000 tonnes per year, consisting of the following equipment and emission sources:

- one (1) rotary counter flow-drum hot mix asphalt dryer/mixer, equipped with one (1) No. 2 fuel oil fuelled burner or natural gas fuelled burner, having a maximum heat input of 105 million kilojoules per hour, with particulate emissions controlled by one (1) baghouse dust collector equipped with 1,264 square metres of Nomex filter bags and roto-step differential pressure cleaning system, discharging into the air at a volumetric flow rate of 16.7 cubic metres per second at an approximate temperature of 135 degrees Celsius, through a stack having an exit dimension of 1.09 metres by 1.46 metres, and extending 8.0 metres above grade;
- two (2) liquid asphalt cement storage tanks, each having a storage capacity of 128 cubic metres, and operating at the maximum temperature of 163 degrees Celsius (325 F);
- one (1) No. 2 fuel oil fired asphalt cement heater, used to maintain working temperature of the two (2) asphalt cement storage tanks, having a maximum heat input of 2.11 million kilojoules per hour, discharging into the air through a stack, having an exit diameter of 0.24 metre and extending 7.3 metres above grade;
- one (1) hot-mix asphalt storage silo, having storage capacity of 100 tonnes;

- one (1) diesel fired generator rated at 800 kilowatts, used to operate the hot-mix asphalt plant, discharging to the air through a stack, having an exit diameter of 0.3 metre and extending 7.0 metres above grade;
- one (1) auxiliary diesel fired generator rated at 90 kilowatts, used to maintain the hot-mix asphalt plant during non-productive periods;
- fugitive emissions resulting from the delivery, storage, and transfer of raw materials associated with hot mix asphalt operations.

all in accordance with the application for an Environmental Compliance Approval (Air and Noise) submitted by the Company, dated May 22, 2024, and signed by Henry Kasper; Emission Summary and Dispersion Modelling Report prepared by BCX Environmental, dated May, 2024; Acoustic Assessment Report prepared by HGC Engineering, dated May 28, 2024; the previous approved ECA No. 1242-AMTSXM, dated May 25, 2018; 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 Plant. "Acoustic Assessment Report" also means the Acoustic Assessment Report dated May 28, 2024, prepared and signed by Corey D. Kinart and Andrew Dobson, HGC Engineering;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Plant and the noise sensitive Points of Reception continuous without holes, gaps and other penetrations, and having surface density of at least 20 kilograms per square metres;
3. "Approval" means this Environmental Compliance Approval, including the application and all supporting documentation;
4. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
5. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 - a. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 - b. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
6. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural

sounds having little or no road traffic, such as:

- a. a small community;
 - b. agricultural area;
 - c. a rural recreational area such as a cottage or a resort area; or
 - d. a wilderness area;
7. "Company" means Miller Paving Limited that is responsible for the construction or operation of the Plant and includes any successors and assigns in accordance with section 19 of the EPA;
 8. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;
 9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, at the geographic location where the Plant is operated;
 10. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
 11. "Equipment" means the equipment described in the Company's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval;
 12. "Manual" means a document or a set of documents that provides written instructions to staff of the Company;
 13. "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;
 14. "Plant" means the entire portable hot-mix asphalt operations, incorporating the Equipment;
 15. "Point of Reception" means a Point of Reception as defined in Publication NPC-300, and is subject to the same qualifications described in this document;
 16. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
 17. "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;
 18. "Sensitive Receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the Plant to the atmosphere,

including one or a combination of:

- a. private residences or public facilities where people sleep (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, play grounds, 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. Noise Emissions

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

2. Noise Control Measures

1. The Company shall:
 - a. ensure that the Acoustic Barrier described in the Acoustic Assessment Report, when required, is implemented at all times during the operation of the Plant;
 - b. ensure that the Acoustic Barrier, when required, is continuous, without holes, gaps or other penetrations, and having a surface density of at least 20 kilograms per square metre, and that it will be positioned in between the Plant and Points of Reception that require shielding, according to the Acoustic Assessment Report;
 - c. ensure that the Acoustic Barrier, when required, is positioned in such a way that the distance from the Acoustic Barrier to the burner is not greater than that specified in Schedule B; and
 - d. ensure that the Acoustic Barrier, when required, is properly maintained and continues to provide the acoustical performance outlined in the Acoustic Assessment Report.

3. Time Restrictions

1. The Company shall ensure that the Plant is not operated more than sixty (60) calendar days per year at any one site.

4. Minimum Separation Distance(s) to the Nearest Point of Reception

1. The Company shall ensure a minimum separation distance between the Plant and the nearest Point of Reception as specified in Schedule B.

5. Minimum Separation Distance to the Nearest Sensitive Receptor

1. The Company shall ensure a minimum separation distance of 360 metres is maintained between the boundary of the Plant and the nearest Sensitive Receptor.

6. Operation and Maintenance Manual

1. The Company shall ensure that the Plant/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 Plant/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 Plant/Equipment; and
 - iv. all appropriate measures to minimize noise and fugitive dust emissions from all potential sources;
 - v. the frequency of inspection and replacement of the filter material in the Equipment.
 - b. implement the recommendations of the Manual;
 - c. prepare and implement procedures to monitor and keep records of the temperatures of the asphalt as it leaves the mixing process; and.
 - d. ensure that the liquid asphalt cement storage tanks do not operate above the maximum operating temperatures.

7. Fugitive Dust Control

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

8. Marking of Portable Plant

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

9. Keeping a Valid Approval

1. The Company shall ensure that a copy of this Approval, as well as any subsequent Amended Approvals or Notices that amend this Approval, are available for inspection by a Provincial Officer at each site where the Plant is operated.

10. Record Retention

1. The Company shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this Approval, and make these records available for review by staff of the Ministry upon request. The Company shall retain:
 - a. all records on the maintenance, repair and inspection of the Equipment;
 - b. all records on the daily operation of the Plant/Equipment, including:
 - i. daily production rate;
 - ii. daily start-up and shut-down times of the Plant/Equipment;
 - c. all records of any upset conditions associated with the operation of the Plant/Equipment;
 - d. all records on the environmental complaints, including:
 - i. a description, time, date and location of each incident;
 - ii. operating conditions (e.g. upset conditions, etc.) at the time of the incident;
 - iii. wind direction and other weather conditions at the time of the incident;
 - iv. the name(s) of Company personnel responsible for handling the incident;
 - v. the cause of the incident;

- vi. the Company response to the incident; and
- vii. 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.

11. 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; and
 - d. the name(s) of Company personnel responsible for handling the incident.

12. Change of Owner

1. The Company shall notify the Director and the District Manager, in writing, of any of the following changes within thirty (30) days of the change occurring:
 - a. change of owner or operating authority, or both;
 - b. change of address of owner or operating authority or address of new owner or operating authority;
 - c. change of partners where the Owner is or at 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, as amended, shall be included in the notification;
 - d. change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.
2. The Company shall notify any succeeding new owner, in writing, of the existence of this Approval, as well as any subsequent Amended Approvals or Notices that amend this Approval and, shall forward a copy of such a notice to the Director and the District Manager together with the notification required under Condition 12.1.

13. Relocation

1. The Company shall notify the District Manager, in writing, at least ten (10) business days in advance of any intended location of the Plant at each operating site, by submitting a completed Form 1, outlined in **Schedule "A"**.

SCHEDULE "A"

NOTICE OF RELOCATION FOR PORTABLE EQUIPMENT

1. Owner and/or Operator
 - a. Company name :
 - b. Contact person :
 - c. Telephone number :
2. Proposed Location
 - a. Municipality:
 - b. Lot number:
 - c. Concession number:
3. Operation
 - a. Date of commencement and completion of operation: from to
 - b. Hours of operation: from to
 - c. Identification of the Plant and the operating scenario as defined in **Schedule "B"** of this Approval
 - d. Maximum processing rate (tonnes/hour):
 - e. Type of material to be processed:

Please attach the following:

1. A copy of the Approval.
2. A plot plan or sketch of the proposed location showing the following:
 - a. the entire operating site
 - b. distance between the Equipment and the nearest off-property Point of Reception
 - c. distance between the Equipment and the nearest Sensitive Receptor
 - d. land use within 1,000 metres from the Equipment.

SCHEDULE B

Hot Mix Asphalt Plant Operation Setback Requirements (Metres)

Scenario 1: without an Acoustic Barrier/Berm

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (Metres)
Class 1 Areas (Urban)	7:00 AM - 11:00 PM	50	740
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	1190
Class 2 Areas (Urban)	7:00 AM - 11:00 PM	50	740
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	1190
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	1190
Class 3 Areas (Rural)	7:00 PM - 7:00 AM	40	1840

Scenario 2: with a 6 metres high Acoustic Barrier/Berm located 40 metres from the burner

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (Metres)
Class 1 Areas (Urban)	7:00 AM - 11:00 PM	50	460
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	800
Class 2 Areas (Urban)	7:00 AM - 11:00 PM	50	460
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	800
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	800
Class 3 Areas (Rural)	7:00 PM - 7:00 AM	40	1275

Scenario 3: with a 9 metres high Acoustic Barrier/Berm located 40 metres from the burner

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (Metres)
Class 1 Areas (Urban)	7:00 AM - 11:00 PM	50	330
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	655
Class 2 Areas (Urban)	7:00 AM - 11:00 PM	50	330
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	655
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	655
Class 3 Areas (Rural)	7:00 PM - 7:00 AM	40	1200

Scenario 4: with a 12 metres high Acoustic Barrier/Berm located 40 metres from the burner

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (Metres)
Class 1 Areas (Urban)	7:00 AM - 11:00 PM	50	195
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	420
Class 2 Areas (Urban)	7:00 AM - 11:00 PM	50	195
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	420
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	420
Class 3 Areas (Rural)	7:00 PM - 7:00 AM	40	920

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

1. Conditions No. 1 to 9, inclusive, are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Plant/Equipment and to emphasize that the Plant/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. 10 is included to require the Company to keep records and to provide information to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.
3. Conditions No. 11 to 13, inclusive, are 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.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).
1242-AMTSXM issued on May 25, 2018.**

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.

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:

Registrar*

The Minister of the Environment,

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

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

and


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 15th day of May, 2025



Nancy E Orpana, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

JL/

c: District Manager, MECP Ottawa
Sejal Mistry, BCX Environmental Consulting