

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4884-DGGKJB
Issue Date: October 1, 2025

Fowler Construction Company Limited
1206 Rosewarne Dr
Bracebridge, Ontario
P1L 1T9

Site Location: Rosewarne Quarry
1206 Rosewarne Dr
Bracebridge Town, District Municipality of Muskoka

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) aggregate crushing plant, having a maximum processing rate of 400 tonnes per hour, consisting of the following processes and equipment:

- two (2), secondary and tertiary, cone crushing units, each equipped with water sprays;
- one (1) screening unit; equipped with water sprays;
- conveyors and/or stackers, equipped with water sprays;
- one (1) diesel generator, having a rating of 1,000 kilowatts, discharging to the air through a stack having an exit diameter of 0.91 metre and a height of 4.1 metres above grade;
- one (1) diesel generator, having a rating of 545 kilowatts, discharging to the air through a stack having an exit diameter of 0.25 metre and a height of 4.1 metres above grade;
- two (2) diesel engines, each having a rating of 8 kilowatts; and
- fugitive emissions from the delivery, storage and handling of materials associated with crushing plant operations

one (1) batch hot-mix asphalt (HMA) plant, operating at a maximum production rate of 122 tonnes of HMA per

hour, consisting of the following processes and equipment:

- one (1) natural gas-fired rotary drum dryer, with a maximum heat input of 70,000,000 kilojoules per hour, equipped with one (1) baghouse dust collector for the control of particulate matter, having 630 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging into the atmosphere at a maximum volumetric flow rate of 16.52 cubic metres per second at an approximate temperature of 121 degrees Celsius, through a stack having an exit diameter of 1.07 metres extending 11.9 metres above the grade;
- three (3) liquid asphalt cement storage tanks, operating at a maximum temperature of 163 degrees Celsius, each with a storage capacity of 82,800 litres;
- one (1) natural gas fired heater serving the liquid asphalt storage tank, having a maximum heat input of 2,000,000 kilojoules per hour, discharging to the atmosphere;
- two (2) hot mix asphalt storage silos; and
- fugitive emissions from the delivery, storage and transfer of materials associated with the HMA operations;

all in accordance with the Environmental Compliance Approval Application dated March 1, 2024 and signed by James Gordon, Sales and Technical Manager, Fowler Construction Company Limited, and all supporting information associated with the application including Emission Summary and Dispersion Modelling Report, dated January 4, 2024, provided by Pinchin Ltd., Revised Emission Summary and Dispersion Modelling Report, dated August 5, 2025, provided by Pinchin Ltd., Operations Summary Letter, dated September 4, 2025 and signed by James Gordon; and Acoustic Assessment Report, prepared by Pinchin Ltd., dated October 6, 2023 and signed by Aidan Maher and Weidong Li.

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

1. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
2. "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;
3. "Best Management Practices for industrial sources of odour" means the Ministry publication "Best Management Practices for industrial sources of odour", January 31, 2017, as amended;
4. "Company" means Fowler Construction Company 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;
5. "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;

6. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
7. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
8. "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;
9. "Facility" means the entire operation located on the property where the Equipment is located;
10. "Fugitive Dust" means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person;
11. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
12. "Method 22" means the United States Environmental Protection Agency document titled "Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares" dated January 14, 2019, as amended;
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. "Odour Management Plan" means a document or a set of documents which describes the measures to prevent odour emissions from the Facility and/or Equipment;
15. "Operations Summary Letter" means the letter from Fowler Construction Company Limited, dated September 4, 2025, signed by James Gordon and forms the part of this Approval;
16. "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;
17. "Raw Materials" means unprocessed materials that are received by the aggregate crushing plant and fed to the crushing units; and
18. "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 determining the type of Raw Materials;
 - iv. all necessary procedures and undertaken measures to ensure compliance with Condition 3.1;
 - v. procedures for any record keeping activities relating to operation and maintenance of the Equipment;
 - vi. all appropriate measures to minimize noise, dust and odorous emissions from all potential sources; and
 - vii. the frequency of inspection and replacement of the filter material and the water spray systems, controlling Fugitive Dust emissions from the Equipment; and
 - b. implement the recommendations of the Manual.
2. The Company shall prepare and implement procedures to determine and keep records of the temperatures of hot-mix asphalt as it leaves the mixing process to ensure the mixer does not operate above 163 degrees Celsius.
3. The Company shall prepare and implement procedures to monitor and keep records of each liquid asphalt cement storage tank temperature, to ensure that the liquid asphalt cement storage tanks do not operate above 163 degrees Celsius.
4. The Company shall ensure that the only Raw Materials that are processed at the aggregate crushing plant are Granite from Central/Southwestern Ontario.
5. The Company shall restrict the operations of the aggregate crushing plant to the hours from 5:00

am to 1:00 am.

6. The Company shall restrict the transport operations related to the transfer of aggregate from the aggregate crushing plant to the onsite batch hot-mix asphalt (HMA) plant to the hours from 7:00 am to 9:00 pm.

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;
 - b. include a list of all necessary procedures and undertaken control measures to ensure compliance with Condition No. 3.1 of this Approval; and
 - c. 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 (3) 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.
5. The Company shall retain the latest version of the Best Management Practices Plan and shall provide it to any employee or agent of the Ministry upon request.

3. VISIBLE FUGITIVE DUST EMISSIONS

1. The Company shall ensure that visible Fugitive Dust emissions from activities where material is dropped:
 - a. will not extend more than 30 metres in any direction from the activities, excluding no more than 6 minutes in any hour; and

- b. will not extend beyond the property boundary at any time.
- 2. The Company shall determine visible Fugitive Dust emissions, referred to in Condition 3.1, using Method 22, at the closest practical observation location as described in Method 22.

4. ODOUR CONTROL MANAGEMENT

- 1. The Company shall ensure that, at all times, take all reasonable measures to prevent odorous emissions and odour impacts from all potential sources at the Facility.
- 2. The Company shall submit to the District Manager, an Odour Management Plan that includes measures in place and proposed, to prevent odour impacts of the Facility buildings on nearby receptors, no later than three (3) months after the date of this Approval or as otherwise indicated by the District Manager. If the District Manager does not accept the Odour Management Plan, then the District Manager may require the Odour Management Plan to be revised and re-submitted.
- 3. The Odour Management Plan shall include:
 - a. Facility and process descriptions including a list of all potential sources of odour;
 - b. best management practices described in Ministry's Best Management Practices for Industrial Sources of Odour to ensure the effective implementation of the odour impact reduction measures, including:
 - i. periodic preventative activities and their frequency;
 - ii. inspection and maintenance procedures; and
 - iii. record keeping practices for odour complaints and steps taken to address each complaint, including corrective actions and monitoring of corrective actions to ensure the effectiveness of the corrective actions.
- 4. The Company shall:
 - a. update and revise the Odour Management Plan within three (3) months of the implementation of any proposed modifications that may impact odour emissions;
 - b. review and evaluate the Odour Management Plan for the control of odour emissions once every twelve (12) months from the date of this Approval, or at a frequency directed, or agreed to in writing by the District Manager;
 - c. record the results of each annual review and evaluation, and update the Odour Management Plan accordingly; and

- d. maintain the updated Odour Management Plan at the Facility and make it available to Ministry staff upon request.

5. 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 of processing rates and the type and region of Raw Materials;
 - c. all records of the temperatures of hot-mix asphalt as it leaves the mixing process;
 - d. all records of each liquid asphalt cement storage tank temperature; and
 - e. 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.

6. 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.

7. NOISE

1. 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.

8. 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.

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

1. Condition Nos. 1, 2, 3 and 4 are included to emphasize that the Facility/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. 5 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.
3. Condition No. 6 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.
4. Condition No. 7 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Condition No. 8 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 4027-8W5QQG issued on October 19, 2012.

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*
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

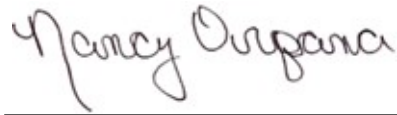
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 1st day of October, 2025



Nancy E Orpana, P.Eng.

Director

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

AA/

c: District Manager, MECP Barrie District Office
Jenzo Galang, Pinchin Ltd.