

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 3493-BDZLJJ

Issue Date: October 30, 2019

And-Son Contracting & Gravel Enterprises Incorporated  
106 Yourchuk Rd .  
Fenwick, Ontario  
P0S 1E0

**Site Location:** Mobile Plant

*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 wood chipper, having a maximum wood processing rate of 50 tonnes per hour, equipped with a diesel fired engine rated at 522 kilowatts; and
- one (1) mobile wood grinder, having a maximum wood processing rate of 35 tonnes per hour, equipped with a diesel fired engine rated at 403 kilowatts;

all in accordance with the Environmental Compliance Approval Application dated January 25, 2019 and signed by Jody Yourchuk, (General Manager), And-Son Contracting & Gravel Enterprises Incorporated, and all supporting information associated with the application including Emission Summary and Dispersion Modelling Report provided by AECOM Canada Ltd., dated September 28, 2018, and signed by Yvonne Chiu; the Acoustic Assessment Report dated March 25, 2019, and signed by Brian Bulnes and Alan Oldfield, AECOM Canada Ltd., and additional information within the letter (e-mail) dated March 25, 2019, also provided by Brian Bulnes and Alan Oldfield, AECOM Canada Ltd.

*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

March 25, 2019, and signed by Brian Bulnes and Alan Oldfield, AECOM Canada Ltd.;

2. "*Acoustic Barrier*" means a barrier or berm positioned such that it completely interrupts the line of sight between the *Equipment* and the noise sensitive *Points of Reception* continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metre;
3. "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above; "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
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 And-Son Contracting & Gravel Enterprises Incorporated, that is responsible for the construction or operation of the *Plant* and includes any successors and assigns;
8. "*Director*" means any *Ministry* employee appointed by the *Minister* pursuant to Section 5 of the *EPA*;
9. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, at the geographic location where the *Plant* is operated;
10. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.
11. "*Equipment*" means mobile wood chipper and mobile wood grinder described in

the *Company's* application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval*;

12. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
13. "*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;
14. "*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;
15. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Plant / Equipment* including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers, described in the *Company's* application, this *Approval* and in the supporting documentation referred to herein, to the extent approved by this *Approval*;
16. "*Plant*" means the mobile waste wood processing plant, incorporating the *Equipment*;
17. "*Point of Reception*" means a Point of Reception as defined in *Publication NPC-300*;
18. "*Publication NPC-233*" means *Ministry* Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995;
19. "*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;
20. "*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 determined in accordance with *Ministry Publication NPC-300*.
2. Except as noted in Condition 2.1, the *Company* shall ensure that the *Acoustic Barrier*, when required, is implemented at all times during the operation of the *Plant*.
3. The *Company* shall ensure that the *Acoustic Barrier*, when required, is constructed to the minimum height and length as specified in Schedule "B", is continuous without holes, gaps or other penetrations, has a surface mass density of at least 20 kilograms per square metre; and will be positioned in between the *Plant* and *Points of Reception* that require shielding as specified in Schedule "B".
4. The *Company* shall ensure that the *Acoustic Barrier*, when required, is positioned in between the *Plant* and the *Points of Reception* that require shielding, in such a way that it is breaking the line of sight between the *Equipment* and the *Points of Reception*, and that the distance from the *Acoustic Barrier* to the *Plant* is not greater than that specified in Schedule "B".
5. The *Company* shall ensure that the *Acoustic Barrier*, when required, is properly maintained and continues to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

### **2. Time Restriction**

1. The *Company* shall ensure that the *Equipment* is not operated more than sixty (60) calendar days per year at any one site.
2. The *Company* shall ensure that the *Acoustic Barrier*, when required, is erected within seven (7) working days of start-up of the *Equipment* and until that time, the *Plant* operations shall be restricted to the daytime hours of 7 a.m. to 7 p.m., Monday to Friday.

### **3. Minimum Separation Distance**

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

*Plant* and the nearest *Sensitive Receptor* as specified in Schedule "C".

#### **4. Operation and Maintenance Manual**

1. The *Company* shall ensure that the *Plant/Equipment* are 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*;
    - iv. procedures for identifying separation distances between the *Plant* and *Points of Reception*, and between the *Plant* and *Sensitive Receptors*;
    - v. all appropriate measures to minimize noise and dust emissions from all potential sources;
    - vi. the frequency of inspection of the *Equipment*; and
    - vii. procedures for recording and responding to environmental complaints relating to the operation of the *Plant*; and
  - b. implement the recommendations of the *Manual*.

#### **5. Fugitive Dust Control**

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

#### **6. 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.

## **7. 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 at each site where the *Plant* is operated.

## **8. 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 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 separation distances between the *Plant* and *Points of Reception*, and between the *Plant* and *Sensitive Receptors* at each operating site;
  - e. 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

## **9. 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.

## 10. Change of Owner

1. The *Company* shall notify the *Director* and the *District Manager*, in writing, of any of the following changes within one (1) month 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 if the owner or operating authority is or at any time becomes a partnership, with a copy of the most recent declaration filed under the *Partnerships Registration Act* included in the notification to the *Director* and the *District Manager*;
  - d. change of name of the corporation if the owner or operating authority is or at any time becomes a corporation, with a copy of the "Initial Notice" or the most recent "Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* included in the notification to the *Director* and the *District Manager*.
2. The *Company* shall notify any succeeding new owner, in writing, of the existence of this *Approval*, as well as any subsequent Amended Approval 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 No. 9.1.

## 11. Relocation

1. The *Company* shall notify the *District Manager*, in writing, at least three (3) 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. Maximum production rate: \_\_\_\_\_ (tonnes/hour)
- d. 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 *Plant* and the nearest off-property *Point of Reception*;
  - c. distance between the *Plant* and the nearest off-property *Sensitive Receptor*;
  - d. land use within the minimum separation distances from the *Equipment* specified in Conditions No. 3 of this *Approval*.

## SCHEDULE "B"

### Setback requirements for unmitigated operation

<b>NPC-300 Acoustical Area</b>	<b>Time of <i>Equipment</i> Operation</b>	<b>Sound Level Limit</b>	<b>Grinder Only Minimum Separation Distance</b>	<b>Chipper Only Minimum Separation Distance</b>	<b>Grinder and Chipper Minimum Separation Distance</b>
Class 1 Areas (Urban)	between 7:00 am and 7:00 pm	50 dBA	710 metres	870 metres	1045 metres



Class 1 Areas (Urban)	between 7:00 pm and 11:00 pm	50 dBA	710 metres	870 metres	1045 metres
Class 1 Areas (Urban)	between 11:00 pm and 7:00 am	45 dBA	1130 metres	1335 metres	1595 metres
Class 2 Areas (Urban)	between 7:00 am and 7:00 pm	50 dBA	710 metres	870 metres	1045 metres
Class 2 Areas (Urban)	between 7:00 pm and 11:00 pm	45 dBA	1130 metres	1335 metres	1595 metres
Class 2 Areas (Urban)	between 11:00 pm and 7:00 am	45 dBA	1130 metres	1335 metres	1595 metres
Class 3 Areas (Rural)	between 7:00 am and 7:00 pm	45 dBA	1130 metres	1335 metres	1595 metres
Class 3 Areas (Rural)	between 7:00 pm and 11:00 pm	40 dBA	1720 metres	1980 metres	2335 metres
Class 3 Areas (Rural)	between 11:00 pm and 7:00 am	40 dBA	1720 metres	1980 metres	2335 metres

**Setback requirements for operation with at least 6 metres high and 30 metres long *Acoustic Barrier*; top of *Acoustic Barrier* within 20 meters of *Equipment***

<b>NPC-300 Acoustical Area</b>	<b>Time of <i>Equipment</i> Operation</b>	<b>Sound Level Limit</b>	<b>Grinder Only Minimum Separation Distance</b>	<b>Chipper Only Minimum Separation Distance</b>	<b>Grinder and Chipper Minimum Separation Distance</b>
Class 1 Areas (Urban)	between 7:00 am and 7:00 pm	50 dBA	325 metres	435 metres	580 metres
Class 1 Areas (Urban)	between 7:00 pm and 11:00 pm	50 dBA	325 metres	435 metres	580 metres
Class 1 Areas (Urban)	between 11:00 pm and 7:00 am	45 dBA	655 metres	830 metres	1045 metres
Class 2	between 7:00 am and	50 dBA	325 metres	435 metres	580 metres

Areas (Urban)	7:00 pm				
Class 2 Areas (Urban)	between 7:00 pm and 11:00 pm	45 dBA	655 metres	830 metres	1045 metres
Class 2 Areas (Urban)	between 11:00 pm and 7:00 am	45 dBA	655 metres	830 metres	1045 metres
Class 3 Areas (Rural)	between 7:00 am and 7:00 pm	45 dBA	655 metres	830 metres	1045 metres
Class 3 Areas (Rural)	between 7:00 pm and 11:00 pm	40 dBA	1145 metres	1340 metres	1630 metres
Class 3 Areas (Rural)	between 11:00 pm and 7:00 am	40 dBA	1145 metres	1340 metres	1630 metres

## **SCHEDULE "C"**

**Minimum Required Separation Distances from *Plant* to *Sensitive Receptors* when both Chipper and Grinder are in operation**

<b>Equipment</b>	<b>Distance (meters)</b>
Chipper	300
Grinder	100

**Minimum Required Separation Distance from *Plant* to *Sensitive Receptors* when only Chipper is in operation**

<b>Equipment</b>	<b>Distance (meters)</b>
Chipper	300

**Minimum Required Separation Distance from *Plant* to *Sensitive Receptors* when only Grinder is in operation**

<b>Equipment</b>	<b>Distance (meters)</b>
Grinder	100

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

1. Condition Nos. 1 to 6, 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 Nos. 7 and 8 are 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. Condition Nos. 9 to 11, 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). 5800-6JCKFG issued on March 31, 2006.**

*In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:*

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*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:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

AND

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

AND

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

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.*

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 30th day of  
October, 2019

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

AA/  
c: Area Manager, MECP Sault Ste. Marie Area Office  
c: District Manager, MECP Sudbury District Office  
Yvonne Chiu, AECOM Canada Ltd.