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Ministry of the Environment, Conservation and Parks
 Ministère de l'Environnement, de la Protection de la nature et des Parcs

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7851-BGRLYN

Issue Date: December 17, 2019

Scotland Agromart Limited
 218 Oakland Road, R.R. 1
 Brant, Ontario
 N0E 1R0

Site Location: 218 Oakland Road
 Lot 3, Concession 2
 Brant County,
 N0E 1R0

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:

A facility for the production of customized fertilizer mixes, consisting of the equipment and processes discharging to the air described in Table 1:

Table 1

Source ID	Description	Exhaust Volumetric Flow Rate (cubic metre per second)	Stack Exit Diameter (metre) or Emission Area (metre by metre)	Stack Height Above Roof (metre)	Stack Height Above Grade (metre)
S1	Rye Cleaning Exhaust	3.35	0.305	1.2	not applicable
S2	Fertilizer Receiving Pit	fugitive	1.22 by 2.44 (emission area)	not applicable	not applicable
S2A	Receiving Pit Door	fugitive	6.1 by 5.3 (emission area)	not applicable	not applicable
S2B	Receiving Pit Door	fugitive	6.1 by 5.3 (emission area)	not applicable	not applicable
S3	Fertilizer Loading Chute System	natural draft	0.15	not applicable	3.7
S3A	Fertilizer Loading Area Exhaust	4.01	0.76	not applicable	3.66

Table 1 continued

Source ID	Description	Exhaust Volumetric	Stack Exit Diameter	Stack Height	Stack Height
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		Flow Rate (cubic metre per second)	(metre) or Emission Area (metre by metre)	Above Roof (metre)	Above Grade (metre)
S3B	Fertilizer Loading Area Overhead Door 1	fugitive	6.1 by 5.3 (emission area)	not applicable	not applicable
S3C	Fertilizer Loading Area Overhead Door 2	fugitive	6.1 by 5.3 (emission area)	not applicable	not applicable
S4A	Fertilizer Storage Wall Exhaust 1	16.99	1.4	not applicable	10.7
S4B	Fertilizer Storage Wall Exhaust 2	16.99	1.4	not applicable	3.0

all in accordance with the application dated June 31, 2019 and signed by Randy Cronmiller for an Environmental Compliance Approval, the Acoustic Assessment Report dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger, Wood Environment & Infrastructure Solutions; additional information within the letters (e-mails) dated October 18, November 1, 14, 15, 27 and 28, 2019, all provided by Shivraj Sagar and Buddy Ledger, Wood Environment & Infrastructure Solutions, and the supporting 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 *Facility*. "*Acoustic Assessment Report*" also means the *Acoustic Assessment Report* prepared by Wood Environment & Infrastructure Solutions, dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger;
2. "*Acoustic Audit*" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the *Facility*, assessed to determine compliance with the *Performance Limits* for the *Facility* regarding noise emissions, completed in accordance with the procedures set in *Publication NPC-103* and reported in accordance with *Publication NPC-233*;
3. "*Acoustic Audit Report*" means a report presenting the results of an *Acoustic Audit*, prepared in accordance with *Publication NPC-233*;
4. "*Acoustical Consultant*" means a person currently active in the field of environmental acoustics and noise/vibration control, who is familiar with *Ministry* noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from a

Facility;

5. "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
6. "*Building Code Act, 1992*" means the Building Code Act, S.O. 1992, c.23, as amended and any replacement or successor legislation;
7. "*Company*" means Scotland Agromart Limited that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
8. "*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*;
9. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
10. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended ;
11. "*Equipment*" means the equipment 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. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
13. "*Independent Acoustical Consultant*" means an *Acoustical Consultant* who is not representing the *Company* and was not involved in preparing the *Acoustic Assessment Report* or the design/implementation of *Noise Control Measures* for the *Facility* and/or *Equipment*. The *Independent Acoustical Consultant* shall not be retained by the *Acoustical Consultant* involved in the noise impact assessment or the design/implementation of *Noise Control Measures* for the *Facility* and/or *Equipment*;
14. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
15. "*Ministry*" means the ministry of the government of Ontario responsible for the *EPA* and includes all officials, employees or other persons acting on its behalf;
16. "*Noise Abatement Action Plan*" means the noise abatement program developed by the *Company*, submitted to the *Director* and *District Manager* and approved by the *Director*, designed to achieve compliance with the applicable *Ministry* sound level limits;
17. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Facility* and/or *Equipment* including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers. It also means the *Noise Control Measures* as detailed in the *Acoustic Assessment Report* prepared

by Wood Environment & Infrastructure Solutions, dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger;

18. "*Property*" means the vacant land to the east of the Facility zoned as "A - Agricultural area" which may allow the development of future building(s) containing noise sensitive spaces; "*Publication NPC-103*" means the *Ministry Publication NPC-103* of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry* as amended;
19. "*Publication NPC-103*" means the *Ministry Publication NPC-103* of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry* as amended;
20. "*Publication NPC-233*" means the *Ministry Publication NPC-233*, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
21. "*Publication NPC-300*" means the *Ministry Publication NPC-300*, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended; and
22. "*Trucks*" means delivery truck(s) and shipping trucks(s).

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

1. OPERATION AND MAINTENANCE

1. The *Company* shall ensure that the *Equipment* is properly operated and maintained at all times. The *Company* shall:
 - a. prepare, not later than three (3) months after the date of this *Approval*, and update, as necessary, a *Manual* outlining the operating procedures and a maintenance program for the *Equipment*, including:
 - i. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the *Equipment* suppliers;
 - ii. emergency procedures;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the *Equipment*; and
 - iv. all appropriate measures to minimize noise and dust emissions

from all potential sources;

b. implement the recommendations of the *Manual*.

2. RECORD RETENTION

1. The *Company* shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this *Approval*, and make these records available for review by staff of the *Ministry* upon request. The *Company* shall retain:
 - a. all records on the maintenance, repair and inspection of the *Equipment*; and
 - b. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. wind direction at the time of the incident to which the complaint relates; and
 - iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

3. 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.

4. NOISE

1. The *Company* shall:
 - a. operate and maintain the *Facility/Equipment* in accordance with the *Acoustic Assessment Report*;
 - b. ensure that that any and all *Trucks* arrive at and depart from the *Facility* in accordance with the following:
 - i. limit *Trucks* arrivals and departures during the daytime hours of 7 a.m. to 7 p.m., in accordance with the following:
 - A. a maximum of five (5) delivery trucks per sixty (60) minute period; and

- B. a maximum of five (5) shipping trucks per sixty (60) minute period;
 - ii. limit *Trucks* arrivals and departures during the evening time hours of 7 p.m. to 11 p.m., in accordance with the following:
 - A. a maximum of three (3) delivery trucks per sixty (60) minute period; and
 - B. a maximum of three (3) shipping trucks per sixty (60) minute period;
 - c. ensure that the forklifts (both, diesel and propane) and the loaders movements along the *Facility* property are in accordance to the maximum pass-by quantities as detailed in Table 2 of the *Acoustic Assessment Report*;
 - d. limit/restrict operations of the following noise sources:
 - i. the water pump 1 to the daytime hours of 7 a.m. to 7 p.m., and not more than thirty (30) minutes per sixty (60) minute period during all hours;
 - ii. the water pump 2 to hours of 7 a.m. to 11 p.m., and not more than twenty (20) minutes per sixty (60) minute period during all hours;
 - iii. the Fertilizer Warehouse Conveyor 1 to hours of 7 a.m. to 11 p.m., and not more than twenty (20) minutes per sixty (60) minute period during all hours;
 - iv. the Fertilizer Warehouse Conveyor 2 to the daytime hours of 7 a.m. to 7 p.m., and not more than twenty (20) minutes per sixty (60) minute period during all hours;
 - v. idling of *Trucks* beside the Fertilizer Warehouse conveyors to locations and orientations as depicted in Figure 2 from the *Acoustic Assessment Report*, and in accordance with the following;
 - vi. idling of the *Trucks* beside the Fertilizer Warehouse conveyor 1 to hours of 7 a.m. to 11 p.m., and not more than five (5) minutes per sixty (60) minute period during all hours;
 - vii. idling of *Trucks* beside the Fertilizer Warehouse conveyor 2 to the daytime hours of 7 a.m. to 7 p.m., and not more than twenty (20) minutes per sixty (60) minute period during all hours; and
 - e. implement Phase 1 *Noise Control Measures*, as outlined in the *Acoustic Assessment Report* dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger, Wood Environment & Infrastructure Solutions,

and detailed in the *Schedule "A"* of this *Approval*.

2. Should a zoning by-law come into force and effect for the *Property* to permit buildings containing noise sensitive spaces, the *Company* shall:
 - a. confirm Phase 2 *Noise Control Measures* detailed in *Schedule A* of this *Approval*, or, if needed develop and submit an updated Phase 2 *Noise Control Measures* of the *Noise Abatement Action Plan* that is acceptable to the *Director* and the *District Manager*, not later than three (3) months after the issuance of an above grade building permit under the *Building Code Act, 1992*, for a building containing noise sensitive spaces in respect of the *Property* or part thereof; and
 - b. implement the Phase 2 of the *Noise Abatement Action Plan*, as approved by the *Director*, not later than six (6) months after the *Director* has approved the updated *Noise Abatement Action Plan* or twelve (12) months after the issuance of an above grade building permit under the *Building Code Act, 1992*, for a building containing noise sensitive spaces in respect of the *Property* or part thereof, whichever occurs later.
3. The *Company* shall:
 - a. ensure at all times, after implementation of the *Noise Control Measures*, that the noise emissions from the *Facility/Equipment* comply with the limits set out in *Ministry Publication NPC-300*;
 - b. ensure that all *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

5. ACOUSTIC AUDIT

1. The *Company* shall carry out *Acoustic Audit* measurements on the actual noise emissions due to the operation of the *Facility*. The *Company*:
 - a. shall carry out *Acoustic Audit* measurements in accordance with the procedures in *Publication NPC-103*; and
 - b. shall submit an *Acoustic Audit Report* on the results of the *Acoustic Audit*, prepared by an *Independent Acoustical Consultant*, in accordance with the requirements of *Publication NPC-233*, to the *District Manager* and the *Director*, not later than eighteen (18) months after the date of this *Approval*, in order to verify that the noise emissions from the *Facility/Equipment* comply with the limits set out in *Ministry Publication NPC-300* at all existing receptors.
2. The *Director*:
 - a. may not accept the results of the *Acoustic Audit* if the requirements of

Publication NPC-233 were not followed; and

- b. may require the *Company* to repeat the *Acoustic Audit* if the results of the *Acoustic Audit* are found unacceptable to the *Director*.

SCHEDULE A

NOISE CONTROL MEASURES

Phase 1

1. Administrative measures

1. The *Company* shall:

- a. limit *Trucks* arrivals and departures during the evening time hours of 7 p.m. to 11 p.m., in accordance with the following:
 - i. a maximum of one (1) delivery truck per sixty (60) minute period; and
 - ii. a maximum of one (1) shipping truck per sixty (60) minute period;
- b. limit the number of the forklifts (both, diesel and propane) and the loaders movements along the Mobile Equipment Route (MER), as detailed in Figure 2A from the *Acoustic Assessment Report*, during the evening time hours of 7 p.m. to 11 p.m. to a maximum of one (1) pass-by per sixty (60) minute period.

2. Full Enclosure the Fertilizer Warehouse Conveyor 1 (FW_C1)

The *Company* shall fully fully enclose the Fertilizer Warehouse Conveyor 1 (FW_C1) by means of an extension to the fertilizer warehouse. The addition of the warehouse must have a minimum height of 6 metres. Trucks may enter the loading area through a bay door which must remain closed during the loading process and should exit through the Fertilizer Warehouse Bay Door 1 (FW_BD1). The specific location of the warehouse extension is shown in in the location shown in Figure 7 from the *Acoustic Assessment Report* dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger, Wood Environment & Infrastructure Solutions. The walls and roof of the building addition should be continuous without any holes, gaps or other penetrations, and have a surface mass of at least 20 kilograms per square metre.

3. Barrier for the Water Pump 1 (WP1)

The *Company* shall construct a noise barrier in order to enclose all open sides of Water Pump 1 (WP1). The barrier may share a wall with the existing concrete wall adjacent to WP1 and shall be located as depicted in the Figure 8 from the

Acoustic Assessment Report the *Acoustic Assessment Report* dated November 27, 2019, and signed by Shivraj Sagar and Buddy Ledger, Wood Environment & Infrastructure Solutions. The barrier shall be constructed with a total length of approximately 5.7 metres and with a minimum height of 2 metres. The barrier shall be continuous without any holes, gaps or other penetrations, and have a surface mass of at least 20 kilograms per square metre.

4. Reduction of noise emission from Seed Warehouse Open Bay Door 1

The *Company* shall reduce the noise emissions through Seed Warehouse Open Bay Door 1 (SW_OB1) by replacement of the indoor conveyor motor and/or cleaner. The replacement the following minimum amount through shall have at least the following minimum acoustical performance specifications in terms of sound transmission loss as shown in Table 1 from Schedule B. After above noted replacement the resultant sound power level emitting through Seed Warehouse Open Bay Door 1 (SW_OB1) should not exceed 93 dBA. Noise emissions should not increase through Seed Warehouse Open Bay Door 2 (SW_OB2) and additional openings in the seed warehouse which would allow for noise to emit to the outdoors should not be created.

The *Company* shall implement the above noted Phase 1 Noise Control Measures not later than twelve (12) months after the date of this Approval.
Phase 2

5. Silencer for the Fertilizer Warehouse Exhaust Elbow (FW_E)

The *Company* shall install a silencer on the Fertilizer Warehouse Exhaust Elbow (FW_E). The silencer shall have at least the minimum acoustical performance specifications in terms of sound insertion loss (IL) as shown in Table 2 from Schedule B.

6. Silencer for the Shop Exhaust Elbow 1 (S_E1)

The *Company* shall install a silencer on the Shop Exhaust Elbow 1 (S_E1). The silencer shall have at least the minimum acoustical performance specifications in terms of sound insertion loss (IL) as shown in Table 3 from Schedule B.

The *Company* shall implement the Phase 2 Noise Control Measures as required in Condition 11 of this Approval.

SCHEDULE B

TABLES

Table 1 - Minimum Noise Reduction (NR) due to the replacement

Source ID	Source name and description	OBCF (Hz)	63	125	250	500	1 k	2 k	4 k	8 k
SW_OB1	Seed Warehouse Open Bay Door 1	NR	0	0	0	10	10	10	0	0

Table 2 - Minimum Insertion Losses (IL) for the Silencer

Source ID	Source name and description	OBCF (Hz)	63	125	250	500	1 k	2 k	4 k	8 k
FW_E	Fertilizer Warehouse Exhaust Elbow	IL	0	0	3	3	3	0	0	0

Table 3 - Minimum Insertion Losses (IL) for the Silencer

Source ID	Source name and description	OBCF (Hz)	63	125	250	500	1 k	2 k	4 k	8 k
S_E1	Shop Exhaust Elbow 1	IL	0	3	3	7	6	5	0	0

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

1. Condition No. 1 is included to emphasize that the *Equipment* must be maintained and operated according to a procedure that will result in compliance with the *EPA*, the Regulations and this *Approval*.
2. Condition No. 2 is included to require the *Company* to 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. 3 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. 4 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility*.
5. Conditions No. 5.1 and 5.2 and are included to require the *Company* to gather accurate information and submit an *Acoustic Audit Report* in accordance with procedures set in the *Ministry's* noise guidelines, so that the environmental impact and subsequent compliance with this *Approval* can be verified.

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.

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
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*** 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**

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 17th day of
December, 2019

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

AH/
c: District Manager, MECP Guelph
Justin Tayles, Wood Environment & Infrastructure Solutions