

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0433-BHWP4X

Issue Date: December 19, 2019

KW Ready Mix Inc.
38 Forwell Road
Kitchener, Ontario
N2B 3E8

Site Location: 38 Forwell Road
Kitchener City, Regional Municipality of Waterloo
N2B 3E8

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) ready-mix concrete batching facility having a maximum production rate of 175 cubic metres per day when the loading point dust collector is not operating and 1,000 cubic metres per day when the loading point dust collector is operating, and consisting of the following:

- one (1) baghouse dust collector, to control emissions from the loading point (loading point dust collector), complete with polyester filter material, and a reverse-type cleaning system, discharging to the atmosphere with a flow rate of 2.36 cubic metres per second through a stack having an exit diameter of 0.4 metre and extending 3 metres above grade;
- two (2) cementitious material storage silos each with a storage capacity of 120 tonnes, each equipped with a reverse-pulse jet type baghouse dust collector having a polyester filter material, each discharging through a vent having an exit diameter of 0.8 metre and extending 18 metres above grade;
- one (1) dust collector, to control emissions from the cement weigh scale, discharging passively through a vent having an exit diameter of 0.3 metre and extending 6.1 metres above grade;
- one (1) natural gas fired boiler having a maximum thermal input rating of 201,516 kilojoules per hour, discharging to the atmosphere through a vent having an exit diameter of 0.3 metre and extending 6.7 metres above grade;
- fugitive emissions from the delivery, storage, and transfer of materials associated with the ready-mix concrete batching operations;

all in accordance with the Environmental Compliance Approval Application submitted by KW Ready Mix Inc., dated April 30, 2019 and signed by Joe Forese, President; and

the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by BCX Environmental Consulting, dated April 30, 2019 and signed by Neil Chan and additional information provided by Chris Sabaziotis of BCX Environmental Consulting in emails dated October 3, 2019, October 8, 2019, October 31, 2019 and November 13, 2019; the Acoustic Assessment Report dated December 8, 2019, and signed by Corey Kinart and Robert Stevens, HGC Engineering, and additional information provided within the letters (e-mails) dated July 30, September 10, October 10, November 13, 25 and 26, December 4, 8, 9 and 10, 2019, provided by Corey Kinart, HGC Engineering, and the letters (e-mails) dated October 10, November 13 and 20, 2019 provided by Catherine Cooper, Land Planner, Planning Solutions.

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* dated December 8, 2019, and signed by Corey Kinart, and Robert Stevens, HGC Engineering;
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. "*Best Management Practices Plan*" means the document titled "Best Management Practices Plan for the Control of Fugitive Dust Emissions", dated October 2019 and prepared by the *Company*;
7. "*Building Code Act, 1992*" means the Building Code Act, S.O. 1992, c.23, as amended and any replacement or successor legislation;

8. "*Company*" means KW Ready Mix Inc., that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
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 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*;
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 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 outlined in the *Acoustic Assessment Report* dated December 8, 2019, and signed by Corey Kinart, and Robert Stevens, HGC Engineering, and detailed in the Schedule "A" of this *Approval*;
17. "*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
18. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
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; and

20. "*Truck(s)*" means ready-mix truck(s), aggregate truck(s), and/or cementitious material tanker truck(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, before commencement of operation of the *Equipment*, 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 any record keeping activities relating to operation and maintenance of the *Equipment*;
 - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources; and
 - v. the frequency of inspection and replacement of the filter material in the *Equipment*;
 - b. implement the recommendations of the *Manual*.

2. FUGITIVE DUST CONTROL

1. The *Company* shall implement the *Best Management Practices Plan* for the control of fugitive dust emissions resulting from the operation of the *Facility*. The *Company* shall update the *Best Management Practices Plan* as necessary or at the direction of the *District Manager*.

3. 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.

4. 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.

5. NOISE

1. The *Company* shall:
 - a. construct the *Facility*, implement and operate the *Equipment/Facility* as outlined in the *Acoustic Assessment Report*;
 - b. implement the *Noise Control Measures*, as outlined in the *Acoustic Assessment Report* and Schedule "A" of this *Approval*, prior to commencement of operations of the *Equipment/Facility*;
 - c. ensure at all times that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-300*;
 - d. ensure 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 hours of 7 a.m. to 11 p.m., in accordance with the following:
 - A. a maximum of eleven (11) ready-mix trucks per sixty (60) minute period;
 - B. a maximum of two (2) aggregate trucks per sixty (60) minute period;
 - C. a maximum of one (1) cementitious material tanker trucks per

sixty (60) minute period.

- ii. limit *Trucks* arrivals and departures during the night-time hours of 11 p.m. to 7 a.m., in accordance with the following:
 - A. a maximum of five (5) ready-mix trucks per sixty (60) minute period; and
 - B. a maximum of two (2) aggregate trucks per sixty (60) minute period;
- e. ensure that the cementitious material tanker truck unloading operation, using a truck-mounted blower, is limited to:
 - i. one (1) cementitious material tanker truck per sixty (60) minute period;
 - ii. the hours between 7 a.m. and 11 p.m; and
 - iii. the location and orientation as depicted in Figure 3 of the *Acoustic Assessment Report*;
- f. ensure that the ready-mix trucks slumping operation is limited to:
 - i. only one (1) ready-mix truck slumping at a time; and
 - ii. the location immediately east of the *Facility* building and the orientation as depicted in Figure 3 of the *Acoustic Assessment Report*;
- g. limit operations of the front end loader to not more than ten (10) minutes per sixty (60) minute period during all hours; and
- h. ensure that the *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

6. **ACOUSTIC AUDITS**

1. The *Company* shall:

- a. shall carry out *Acoustic Audit* measurements in accordance with the procedures in Publication NPC-103;
- b. shall submit an *Acoustic Audit Report* on the results of the *Acoustic Audit*, prepared by an *Acoustical Consultant*, in accordance with the requirements of *Publication NPC-233*, to the *District Manager* and the *Director* not later than six (6) months after the commencement of operation of the *Facility*; and
- c. 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 twelve (12) months after the issuance of an above grade building permit under the *Building Code Act, 1992*, for a noise sensitive building on the residentially zoned vacant lots east of Otterbein Road (denoted VL1 and VL2 in Figure 2 of the *Acoustic Assessment Report*).

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

1. Tanker Truck Unloading Barrier

Receptors to the south-west and west should be shielded from the tanker truck unloading operation by the barrier. The barrier shall have a minimum height of 2.5 metres and a minimum length of 10 metres, and be located on the west side of the tanker truck unloading position, as depicted in Figure 4 of the *Acoustic Assessment Report*. The barrier shall be continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metre.

Company shall implement above *Noise Control Measure* prior commencement of operations of the *Facility*.

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 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*.
3. Condition No. 3 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.

4. Condition No. 4 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.
5. Condition No. 5 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility*.
6. Condition No. 6 is 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

* 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 19th day of
December, 2019

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

KS/
c: District Manager, MECP
Guelph
Chris Sabaziotis, BCX Environmental Consulting