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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 3349-BEER74

Issue Date: February 21, 2020

Simtor Environmental Ltd.
113 Warren Rd
Whitby, Ontario
L1N 2C4

Site Location: 113 Warren Road
Whitby Town, Regional Municipality of Durham
L1N 2C4

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:

- two (2) outdoor woodwaste storage piles; each with a maximum storage capacity of 350 tonnes of wood;
- one (1) wood chipper, equipped with a water suppressant system, discharging indoors;
- fugitive emissions associated with the delivery, storage, processing and transfer of waste and recyclable materials at the facility;

all in accordance with the Application for Approval (Air & Noise) submitted by Simtor Environmental Ltd., dated June 29, 2019, and signed by Gordon Kerr, President; and the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by Golder Associates Ltd., dated June 30, 2018, and signed by Camille Taylor, the Acoustic Assessment Report prepared by Golder Associates Ltd., dated June 2019 and signed by Jeremy Schmitt; and the additional information submitted by Golder Associates Ltd., dated March 14, 2019 and sent via e-mail by Gordon Kerr.

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 Golder Associates Ltd., dated June 2019 and signed by Jeremy Schmitt;

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. "*Company*" means Simtor Environmental Ltd., that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
7. "*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*;
8. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
9. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
10. "*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*;
11. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
12. "*Fugitive Dust Best Management Practices Plan*" means the document titled "Simtor Environmental Ltd. - Dust Best Management Practice Plan", dated June 21, 2018 and prepared by Golder Associates Ltd.;
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. "*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;
16. "*Ministry*" means the ministry of the *Minister*;
17. "*Noise Control Measures*" means measures to reduce the noise emission from the *Facility* including, but not limited to silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers;
18. "*Odour Best Management Practices Plan*" means the document titled "Simtor Environmental Ltd. - Odour Best Management Practice Plan", dated June 21, 2018 and prepared by Golder Associates Ltd.;
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; and
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.

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*;
- iv. all appropriate measures to minimize noise and odorous emissions from all potential sources; and
- v. the frequency of inspection of the wood chipper, including the water suppressant system;

b. implement the recommendations of the *Manual*.

2. FUGITIVE DUST CONTROL

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

3. FUGITIVE ODOUR CONTROL

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

4. RECORD RETENTION

- 1. The *Company* shall retain, for a minimum of five (5) 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 speed, wind direction, and ambient temperature 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.

5. 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 and date of the incident to which the complaint relates; and,
 - c. wind speed, wind direction, and ambient temperature at the time of the incident to which the complaint relates;

6. 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*.

7. 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*;
 - 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 twelve (12) months from the date of this *Approval*.
2. The *Director*:
 - a. may not accept the results of the *Acoustic Audit* if the requirements of *Publication NPC-233* were not followed;
 - b. may require the *Company* to repeat the *Acoustic Audit* if the results of the *Acoustic Audit* are found unacceptable to the *Director*.

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. Conditions No. 2 and 3 are 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. 4 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. 5 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. 6 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. 7 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 21st day of February,
2020

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

AB/
c: District Manager, MECP York-Durham
Camille Taylor, Golder Associates Ltd.