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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 0192-BKVVAJ

Issue Date: March 24, 2020

Baiocco Construction Corp.
393 Rymal Road West, No. 305
Hamilton, Ontario
L9B 1V2

Site Location: Mobile within Ontario

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 screening unit, used to separate non-hazardous solid waste materials by size and /or magnetic qualities, the materials to be processed including soils, solid materials, and wastes at landfill sites, the mobile screening unit having a maximum production rate of 300 tonnes per hour, consisting of the following equipment and emission sources:

- one (1) screening unit, having a maximum production rate of 300 tonnes per hour, associated with conveyors and one (1) diesel engine having a maximum engine power rate of 130 kilowatts, and equipped with a water spray system to control the dust emissions;
- either one (1) excavator equipped with one (1) diesel engine, having a maximum engine power rate of 175 kilowatts; or one (1) wheel loader, equipped with one (1) diesel engine, having a maximum engine power rate of 321 kilowatts;
- fugitive emissions resulting from the delivery, storage, and transfer of raw materials associated with the screening operations.

all in accordance with the application for an Environmental Compliance Approval (Air and Noise) submitted by Baiocco Construction Corp. dated March 12, 2019, and signed by Don Baiocco, President; Emission Summary and Dispersion Modelling Report prepared by Tim Boose, Environmental Compliance Services Inc., dated February 25, 2019; revised Emission Summary and Dispersion Modelling Report prepared by Tim Boose, Environmental Compliance Services Inc., dated August, 2019; the Secondary Noise Screening Method prepared by Environmental Compliance Services Inc., dated October 17, 2019, and signed by Tim Boose; as well as the additional information provided by Tim Boose of Environmental Compliance Services Inc. in the emails dated August 30, 2019, October 17, 2019 and February 12, 2020; and all the information associated with the application.

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

1. "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.
2. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above.
3. "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";
4. "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).
5. "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 the following:
 - 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.
6. "Company" means Baiocco Construction Corp. that is responsible for the construction or operation of the Plant and includes any successors and assigns in accordance with section 19 of the EPA.
7. "Director" means a person appointed 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 Plant 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 referred to herein, to the extent approved by this Approval.

11. "Manual" means a document or a set of documents that provides written instructions to staff of the Company.
12. "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.
13. "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.
14. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended.
15. "Original ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by Environmental Compliance Services Inc. and dated February 25, 2019 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval.
16. "Plant" means the portable screening plant, incorporating the Equipment.
17. "Point of Reception" means a Point of Reception as defined in Publication NPC-300.
18. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated February 2017, as amended.
19. "Publication NPC-233" means Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995.
20. "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.
21. "Secondary Noise Screening Method" means the Ministry Secondary Noise Screening Method form as described in the "Secondary Noise Screening Method Guide", January 31, 2017, as amended.
22. "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 /or
 - 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 set out in Ministry Publication NPC-300.

2. Time Restriction(s)

- 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 restrict the operation of the Plant to the daytime hours from 7 a.m. to 7 p.m.
- 3. 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 from Monday to Friday.

3. Minimum Separation Distance(s) to the Nearest Point of Reception

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

4. Noise Control Measures

- 1. Except as noted in Condition 2.3, the Company shall ensure that the Acoustic Barrier, when required, is implemented at all times during the operation of the Plant.
- 2. The Company shall ensure that the Acoustic Barrier, when required, is a

minimum 5 metres high, continuous without holes, gaps or other penetrations, having 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 in accordance with the Secondary Noise Screening Method and this Approval.

3. 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 the distance from the Acoustic Barrier to the Plant is not greater than 70 metres as per Schedule B of this Approval.
4. The Company shall ensure that the Acoustic Barrier, when required, is properly maintained and continues to provide the acoustical performance outlined in the Secondary Noise Screening Method.
5. The Company shall not operate more than one (1) screener at the same time.

5. Minimum Separation Distance(s) to the Nearest Sensitive Receptor

1. The Company shall ensure a minimum separation distance is maintained between the Plant and the nearest Sensitive Receptor as specified in Schedule "C".

6. Operation and Maintenance Manual

1. The Company shall ensure that the Plant 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;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the Equipment and identifying separation distances between the Plant and Points of Reception and Sensitive Receptors;
 - iv. all appropriate measures to minimize dust and noise emissions from all potential sources; and
 - v. procedures for recording and responding to environmental complaints relating to the operation of the Plant.
 - b. implement the recommendations of the Manual.

7. 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.

8. 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.

9. Keeping a Valid Approval

1. The Company shall ensure that a copy of this Approval, as well as any subsequent Amended Approval or Notices that amend this Approval, are available at each site where the Plant is operated.

10. 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 any upset conditions associated with the operation of the Equipment;
 - c. 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.

11. Notice 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.

12. 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 Environmental Compliance 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. 11.1.

13. Relocation

1. The Company shall notify the District Manager, in writing, at least ten (10) 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".

14. Location

1. The Company shall ensure that the Plant is only operated in an area which is under the land use identified as Forest or Crops Land.

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:
- d. Street name and number:

3. Operation

- a. Date of commencement and completion of operation: from to
- b. Hours of operation: from to
- c. Maximum processing rate: (tonnes/hour)
- d. Type of material to be processed:

Please attach the following:

- a. A copy of the Approval.
- b. A plot plan or sketch of the proposed location showing the following:
 - i. the entire operating site

- ii. distance between the Equipment and the nearest off-property Point of Reception
- iii. distance between the Equipment and the nearest Sensitive Receptor
- iv. land use within 3,000 metres from the Equipment

SCHEDULE "B"

Minimum required setback distances from Points of Reception

Operation setback requirements for unmitigated operation, screener operating with sound emission level of 91 dBA at 7.3 metres

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance
Class 1 Areas (Urban)	7:00 AM - 7:00 PM	50	900 metres
Class 1 Areas (Urban)	7:00 PM - 11:00 PM	50	No Operation
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 2 Areas (Urban)	7:00 AM - 7:00 PM	50	900 metres
Class 2 Areas (Urban)	7:00 PM - 11:00 PM	45	No Operation
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	1600 metres
Class 3 Areas (Rural)	7:00 PM - 11:00 PM	40	No Operation
Class 3 Areas (Rural)	11:00 PM - 7:00 AM	40	No Operation

Operation setback requirements for screener operating with sound emission level of 91 dBA at 7.3 m with a 5 metre high Acoustic Barrier at a distance of 70 metres from the Plant

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance
Class 1 Areas (Urban)	7:00 AM - 7:00 PM	50	500 metres
Class 1 Areas (Urban)	7:00 PM - 11:00 PM	50	No Operation
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 2 Areas (Urban)	7:00 AM - 7:00 PM	50	500 metres
Class 2 Areas (Urban)	7:00 PM - 11:00 PM	45	No Operation
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	900 metres
Class 3 Areas (Rural)	7:00 PM - 11:00 PM	40	No Operation
Class 3 Areas (Rural)	11:00 PM - 7:00 AM	40	No Operation

Operation setback requirements for unmitigated operation, screener operating with sound emission level of 84 dBA at 7.3 metres

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance
Class 1 Areas (Urban)	7:00 AM - 7:00 PM	50	500 metres
Class 1 Areas (Urban)	7:00 PM - 11:00 PM	50	No Operation
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 2 Areas (Urban)	7:00 AM - 7:00 PM	50	500 metres
Class 2 Areas (Urban)	7:00 PM - 11:00 PM	45	No Operation
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 3 Areas	7:00 AM - 7:00 PM	45	900 metres

(Rural)			
Class 3 Areas (Rural)	7:00 PM - 11:00 PM	40	No Operation
Class 3 Areas (Rural)	11:00 PM - 7:00 AM	40	No Operation

Operation setback requirements for screener operating with sound emission level of 84 dBA at 7.3 m with a 5 metre high Acoustic Barrier at a distance of 70 metres from the Plant

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance
Class 1 Areas (Urban)	7:00 AM - 7:00 PM	50	300 metres
Class 1 Areas (Urban)	7:00 PM - 11:00 PM	50	No Operation
Class 1 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 2 Areas (Urban)	7:00 AM - 7:00 PM	50	300 metres
Class 2 Areas (Urban)	7:00 PM - 11:00 PM	45	No Operation
Class 2 Areas (Urban)	11:00 PM - 7:00 AM	45	No Operation
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	500 metres
Class 3 Areas (Rural)	7:00 PM - 11:00 PM	40	No Operation
Class 3 Areas (Rural)	11:00 PM - 7:00 AM	40	No Operation

SCHEDULE "C"

Minimum Separation Distance(s) to the Nearest Sensitive Receptor

Scenario	Ministry District /Area	Land use	Max. production rate (tonnes/h)	Minimum Separation Distance (m)

1	Any area in Ontario	Forest	300	40
2	Southwest region, including: London, Windsor, Sarnia West Central Region, including: Hamilton, Niagara, Guelph Central region, including: Toronto, York-Durham, Halton- Peel, Barrie, Owen Sound North 1 region, including: Thunder Bay, Kenora East 2 region, including: Ottawa, Peterborough, Belleville	Crops	200	80
3	Southwest region, including: London, Windsor, Sarnia West Central Region, including: Hamilton, Niagara, Guelph Central region, including: Toronto, York-Durham, Halton- Peel, Barrie, Owen Sound North 1 region, including: Thunder Bay, Kenora	Crops	100	70
4	North 2 region, including: Sudbury, North Bay, Sault ste. Marie, Timmins East 1 region, including: Kingston, Cornwall	Crops	300	80

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

1. Conditions No. 1 to 8 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Plant and to emphasize that the Plant 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. 9 is 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. Conditions No. 10 to 12 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.
4. Conditions No. 13 and No. 14 is included to ensure the Plant is not operated outside the area defined in the Original ESDM Report.

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 24th day of March, 2020

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

JL/
c: District Manager, MECP Hamilton District Office
Tim Boose, Environmental Compliance Services Inc.