

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 8367-BJJMAK

Issue Date: March 5, 2020

ESCO Limited  
185 Hope St S  
Port Hope, Ontario  
L1A 3W4

**Site Location:** ESCO Port Hope  
185 Hope St S  
Port Hope Municipality, County of Northumberland

*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:*

## **Description Section**

A foundry facility, registered on the *Technical Standards Registry* consisting of the following processes and support units:

- material handling activities;
- material preparation activities;
- metal melting;
- furnace tapping;
- molten metal pouring;
- casting and cooling activities;
- metal casting finishing activities;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of 130.7 tonnes of metal melted per day and 125.2 tonnes of metal poured per day discharging to the air as described in:

- i. The application made for this Approval under subsection 20.2 (1) of the *EPA* by the *Company*, dated July 20, 2018 and signed by Pat Hannigan, Site Manager.
- ii. The application for registration on the *Technical Standards Registry* as set out in s.39 of *O. Reg. 419/05* and any change to the information provided on the application for registration in accordance with s. 39 (6) of *O. Reg. 419/05* submitted by the *Company*, dated September 18, 2017 and signed by Pat Hannigan, Site Manager.

iii. Schedule A to this *Approval*.

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* and Appendix A of the *Basic Comprehensive User Guide*, by HGC Engineering, dated July 23, 2018 and signed by Andrew Dobson submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility*, as updated in accordance with Condition 4 of this *Approval*;
2. "*Acoustic Assessment Summary Table*" means a table prepared in accordance with the *Basic Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report*, as updated in accordance with Condition 4 of this *Approval*;
3. "*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*;
4. "*Acoustic Audit Report*" means a report presenting the results of an *Acoustic Audit*, prepared in accordance with *Publication NPC-233*;
5. "*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*;
6. "*Approval*" means this entire Environmental Compliance Approval and any *Schedules* to it;
7. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended;
8. "*Company*" means ESCO Limited that is responsible for the construction or operation of the *Facility* and includes any successors and assigns in accordance with section 19 of the *EPA*;
9. "*Director*" means a person appointed by the *Minister* pursuant to section 5 of the *EPA* for the purpose of Part II.1 of the *EPA*;

10. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
11. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c.E.18, as amended;
12. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
13. "*Equipment*" means equipment or processes described in the *Technical Standard(s)* for which the *Company* is registered on the *Technical Standards Registry*, this *Approval* and any other equipment or processes at the *Facility*;
14. "*Equipment with Specific Operational Limits*" means any *Equipment* related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other *Equipment* that is specifically referenced in any published *Ministry* document that outlines specific operational guidance that must be considered by the *Director* in issuing an *Approval*;
15. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
16. "*Facility Production Limit*" means the production limit placed by the *Director* on the main product(s) produced by or raw materials used by the *Facility*;
17. "*Foundries - Industry Standard*" means the industry standard titled "Foundries – Industry Standard" published in the *Technical Standards publication*;
18. "*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*;
19. "*Log*" means a document that contains a record of each change that is required to be made to the *Acoustic Assessment Report*, including the date on which the change occurred;
20. "*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;
21. "*Ministry*" means the ministry of the *Minister*;
22. "*Modification*" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the *Facility* that may discharge or alter the rate or

manner of discharge of a contaminant to the air;

23. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Facility* and/or *Equipment* including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers, as outlined in the *Acoustic Assessment Report*;
24. "*O. Reg. 419/05*" means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended;
25. "*Publication NPC-103*" means the *Ministry* Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, as amended;
26. "*Publication NPC-207*" means the *Ministry* draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the *Ministry*, August 1978, as amended;
27. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
28. "*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;
29. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:
  - Schedule A - Supporting Documentation
  - Schedule B - *Technical Standards* for which the *Company* is registered;
30. "*Technical Standard*" has the same meaning as in section 1 of *O. Reg. 419/05*;
31. "*Technical Standards publication*" has the same meaning as in section 1 of *O. Reg. 419/05*;
32. "*Technical Standards Registry*" means the *Ministry's* Technical Standards Registry – Air Pollution for *Technical Standard* registrations described in section 39 of *O. Reg. 419/05* made under the *EPA*;
33. "*Written Summary Form*" means the electronic questionnaire form, available on the *Ministry* website, and supporting documentation, that documents the activities undertaken at the *Facility* in the previous calendar year.

*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. GENERAL

1. The *Facility* shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this *Approval* and the supporting documentation listed in Schedule A.
2. In addition to complying with section 17 of the *Foundries – Industry Standard*, a table identifying managed sources shall be provided to the employee or agent of the *Ministry*, upon request, in a timely manner.

## 2. LIMITED OPERATIONAL FLEXIBILITY

1. Pursuant to section 20.6 (1) of the *EPA* and subject to Conditions 2.2 and 2.3 of this *Approval*, a future *Modification* is approved in this *Approval* if the *Modification*:
  - a. fits within the description of operations and *Equipment* set out in the Description Section of this *Approval*;
  - b. does not result in an increase of the *Facility Production Limit* above the level specified in the Description Section of this *Approval*;
  - c. results in compliance with the performance limits specified in Condition 3 of this *Approval*; and
  - d. results in compliance with the requirements of each *Technical Standard* for which the *Facility* is registered on the *Technical Standards Registry*.
2. Condition 2.1 does not apply to,
  - a. a *Modification* involving *Equipment with Specific Operational Limits*, unless the *Modification* is necessary in order to comply with a requirement of a *Technical Standard* for which the *Facility* is registered; or
  - b. *Modifications* to the *Facility* that would be subject to the *Environmental Assessment Act*.
3. Condition 2.1 of this *Approval* shall expire ten (10) years from the date of this *Approval*, unless this *Approval* is revoked prior to the expiry date.
4. The *Company* shall notify the *District Manager* of the expiry date of Condition 2.1, on a date that is no more than one (1) year prior to the expiry and no less than 10 months prior to the expiry.

## 3. PERFORMANCE LIMITS

1. The *Company* shall operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the supporting documentation listed in Schedule A, unless such operation is addressed by requirement in a *Technical Standard* for which the *Facility* is registered.

2. The *Company* shall:
  - a. implement by not later than five (5) years from the date of this *Approval*, the *Noise Control Measures* as outlined in the *Acoustic Assessment Report*;
  - b. ensure, subsequent to the implementation of the proposed *Noise Control Measures* that the noise emissions from the *Facility* comply with the limits set in *Ministry Publication NPC-300*; and
  - c. ensure that the *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.
3. The *Company* shall at all times, ensure that the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

#### 4. DOCUMENTATION REQUIREMENTS

1. The *Company* shall maintain a *Log*, that contains a record of each change that is associated with a *Modification* to the *Acoustic Assessment Report* for the *Facility*, that is made in accordance with Condition 2 of this *Approval*.
2. No later than March 31 in each year, the *Company* shall update the *Acoustic Assessment Report* so that the information in the report is accurate as of December 31 in the previous year.
3. The *Company* shall make the *Acoustic Assessment Summary Table* available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the *Facility*.
4. The *Company* shall, within three (3) months after the expiry of Condition 2.1 of this *Approval*, update the *Acoustic Assessment Report* such that the information in the reports is accurate as of the date that Condition 2.1 of this *Approval* expired.
5. Conditions 4.1 and 4.2 do not apply if Condition 2.1 of this *Approval* has expired.

#### 5. REPORTING REQUIREMENTS

1. The *Company* shall provide the *Director* no later than June 30 of each year, a *Written Summary Form* to be submitted through the *Ministry's* website that sets out a summary of each *Modification* satisfying Condition 2.1 that took place in the previous calendar year that resulted in a change in the sound levels reported in the *Acoustic Assessment Summary Table* at any Point of Reception as defined by *Publication NPC-300*.

#### 6. OPERATION AND MAINTENANCE

1. The *Company* shall prepare and implement, not later than three (3) months from the date of this *Approval*, operating procedures and maintenance programs for all sources of contaminant that are part of a process not listed in the Preamble of the *Foundries - Industry Standard*, which shall specify as a minimum:
  - a. frequency of inspections and scheduled preventative maintenance;
  - b. procedures to prevent upset conditions;
  - c. procedures to prevent all fugitive emissions;
  - d. procedures to prevent and/or minimize odorous emissions;
  - e. procedures to prevent and/or minimize noise emissions; and
2. The *Company* shall ensure that all sources of contaminant mentioned in Condition 6.1 of this *Approval* are operated and maintained in accordance with this *Approval*, and the operating procedures and maintenance programs.

## **7. COMPLAINTS RECORDING AND REPORTING**

1. In addition to complying with section 16 of the *Foundries – Industry Standard*, the *Company* shall comply with that section in respect of any environmental complaint received by the *Company* from the public regarding the operation of the *Equipment* approved by this *Approval*.

## **8. RECORD KEEPING REQUIREMENTS**

1. In addition to complying with section 19 of the *Foundries – Industry Standard*, any information requested by any employee or agent of the *Ministry* concerning the *Facility* and its operation under this *Approval*, including, but not limited to, any records required to be kept by this *Approval*, shall be provided to the employee or agent of the *Ministry*, upon request, in a timely manner.
2. Unless otherwise specified in the *Approval*, the *Company* shall retain, for a minimum of five (5) years from the date of their creation all reports, records and information described in this *Approval*, including,
  - a. a copy of each version of the *Acoustic Assessment Report*;
  - b. supporting information used in the emission rate calculations performed in the *Acoustic Assessment Report*;
  - c. the records in the *Log*;
  - d. copies of each *Written Summary Form* provided to the *Ministry* under Condition 5.1 of this *Approval*; and
  - e. records of maintenance, repair and inspection for all sources of contaminant as required under Condition 6.1 of this *Approval*.

## 9. 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 three (3) months after the full implementation of the *Noise Control Measures*.
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*.

## 10. REVOCATION OF PREVIOUS APPROVALS

1. This *Approval* replaces and revokes all Certificates of Approval (Air) issued under section 9 *EPA* and Environmental Compliance Approvals issued under Part II.1 *EPA* to the *Facility* in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

## SCHEDULE A

### Supporting Documentation

1. The approval of the application for registration issued in accordance with subsection 39 (4) of *O. Reg. 419/05*.
2. All supporting information and documentation submitted in support of the application made for this *Approval* including the Report titled "Application to Amend Comprehensive Environmental Compliance Approval (Air) #6537-6ZRQX8" dated July 24, 2018 and prepared by BluMetric Environmental Inc.
3. Copies of annual reporting required under section 18 of the *Foundries - Industry Standard* for the previous five years.
4. *Acoustic Assessment Report*, prepared by HGC Engineering, dated July 23, 2018 and signed by Andrew Dobson.

## SCHEDULE B



## Technical Standards for which the Company is Registered

1. Foundries Industry Standard - Registration Number 401-12-393-rv1

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

### 1. GENERAL

Condition No. 1 is included to require the *Approval* holder to build, operate and maintain the *Facility* in accordance with the Supporting Documentation in Schedule A considered by the *Director* in issuing this *Approval*.

### 2. LIMITED OPERATIONAL FLEXIBILITY and PERFORMANCE LIMITS

Conditions No. 2 and 3 are included to limit and define the *Modifications* permitted by this *Approval*. The holder of the *Approval* is approved for operational flexibility for the *Facility* that is consistent with the description of the operations included with the application up to the *Facility Production Limit*. In return for the operational flexibility, the *Approval* places performance-based limits that cannot be exceeded under the terms of this *Approval*. *Approval* holders will still have to obtain other relevant approvals required to operate the *Facility*, including requirements under other environmental legislation such as the *Environmental Assessment Act*.

### 3. DOCUMENTATION REQUIREMENTS

Condition No. 4 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the performance limits as specified in Condition 3 of this *Approval* and allows the *Ministry* to monitor on-going compliance with these performance limits. The *Company* is required to have an up-to-date *Acoustic Assessment Report* that describes the *Facility* and make the *Acoustic Assessment Summary Table* available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the *Facility*.

### 4. REPORTING REQUIREMENTS

Condition No. 5 is included to require the *Company* to provide a yearly *Written Summary Form* to the *Ministry*, to assist the *Ministry* with the review of the site's compliance with the *EPA*, the regulations and this *Approval*.

### 5. OPERATION AND MAINTENANCE

Condition No. 6 is included to require the *Company* to properly operate and maintain the sources of contaminant that are part of a process not listed in the Preamble of the *Foundries - Industry Standard* to minimize the impact to the environment from these processes.

### 6. COMPLAINTS RECORDING AND REPORTING PROCEDURE

Condition No. 7 is included to require the *Company* to respond to any

environmental complaint in the same way that other complaints are required to be handled pursuant to section 16 of the *Foundries – Industry Standard*.

#### **7. RECORD KEEPING REQUIREMENTS**

Condition No. 8 is included to require the *Company* to retain all documentation related to this *Approval* and provide access to employees in or agents of the *Ministry*, upon request, so that the *Ministry* can determine if a more detailed review of compliance with the performance limits as specified in Condition 3 of this *Approval* is necessary.

#### **8. ACOUSTIC AUDIT**

Condition No. 9 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.

#### **9. REVOCATION OF PREVIOUS APPROVALS**

Condition No. 10 is included to identify that this *Approval* replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 6537-6ZRQX8 issued on March 30, 2007**

*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*		The Minister of the Environment,		The Director appointed for the purposes of
Environmental Review Tribunal		Conservation and Parks		Part II.1 of the Environmental Protection Act
655 Bay Street, Suite 1500	AND	777 Bay Street, 5th Floor	AND	Ministry of the Environment, Conservation
Toronto, Ontario		Toronto, Ontario		and Parks
M5G 1E5		M7A 2J3		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 5th day of March, 2020

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

MS/  
c: District Manager, MECP Peterborough  
Philippa McPhee, BluMetric Environmental Inc.