

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 6179-BMJRTH

Issue Date: March 18, 2020

John Cress Contracting
16 Pic River Road
Thunder Bay, Ontario
P0T 1R0

Site Location: Mobile - limited to a Specified Geographic Area

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) portable aggregate crushing plant operating at a maximum rate of 300 tonnes per hour and consisting of the following:

One (1) primary jaw crusher powered by a diesel engine rated at 224 kilowatts, meeting US EPA Tier 4 emission standards, and discharging to the air at a volumetric flow rate of 0.89 cubic metres per second through a stack having an exit diameter of 0.2 metre and extending 3.4 metres above grade;

One (1) secondary cone crusher powered by a diesel engine rated at 310 kilowatts, meeting US EPA Tier 4 emission standards, and discharging to the air at a volumetric flow rate of 1.08 cubic metres per second through a stack having an exit diameter of 0.2 metre and extending 3.4 metres above grade;

One (1) screening plant powered by a diesel engine rated at 75 kilowatts, meeting US EPA Tier 4 emission standards, and discharging to the air at a volumetric flow rate of 0.3 cubic metres per second through a stack having an exit diameter of 0.1 metre and extending 2 metres above grade;

One (1) radial stacker powered by a diesel engine rated at 22 kilowatts, meeting US EPA Tier 4 emission standards, and discharging to the air at a volumetric flow rate of 0.14 cubic metres per second through a stack having an exit diameter of 0.1 metre and extending 2 metres above grade;

Three (3) conveyors;

Material handling operations;

all in accordance with the Environmental Compliance Approval application signed by John Cress, dated February 26, 2019, and submitted by the *Company*; the Emission Summary and Dispersion Modelling Report prepared by Karri Legarrie & Brian Sulley,

P.Eng. of RWDI Air Inc., dated February 12, 2019, and submitted in support of the application, information submitted by Alison Gonano of RWDI Air Inc. on March 3, 2020, the Acoustic Assessment Report prepared by RWDI AIR Inc., dated February 22, 2019 and signed by Nghi Nguyen; and all other supporting information and documentation submitted in support of 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 *Plant*. "*Acoustic Assessment Report*" also means the Acoustic Assessment Report prepared by RWDI AIR Inc., dated February 22, 2019 and signed by Nghi Nguyen;
2. "*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 metres;
3. "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. "*Company*" means John Cress Contracting, that is responsible for the construction or operation of the *Plant* and includes any successors and assigns;
5. "*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";
6. "*Class 2 Area*" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 2. 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);
7. "*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:
 1. a small community;
 2. agricultural area;
 3. a rural recreational area such as a cottage or a resort area; or

4. a wilderness area;
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 *Plant* is geographically operated;
10. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
11. "*Equipment*" means the processes and 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. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
13. "*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;
14. "*Ministry*" means the ministry of the *Minister*;
15. "*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*;
16. "*Plant*" means the portable crushing plant, incorporating the *Equipment*;
17. "*Point of Reception*" means a Point of Reception as defined in *Publication NPC-300*;
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;
20. "*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:
 1. private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.);

2. institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.);
 3. outdoor public recreational areas (e.g.: trailer parks, play grounds, picnic areas, etc.); and
 4. other outdoor public areas where there are continuous human activities (e.g.: commercial plazas and office buildings).
21. "*Silica*" means cristobalite, quartz or tridymite;
22. "*Specified Geographic Area*" means the area defined by the North_1 and North_2 Regional meteorological data which is published by the *Ministry* and used for air dispersion modelling purposes.

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. procedures for identifying and recording separation distances between the *Equipment* and *Points of Reception*;
 - v. procedures for identifying and recording separation distances between the *Equipment* and *Sensitive Receptors*, and the height above *Plant* grade of *Sensitive Receptors*;
 - vi. procedures for determining whether an operating site is within the *Specified Geographic Area*;

4. FUGITIVE DUST CONTROL

1. The *Company* shall provide effective dust suppression for the *Equipment* and any other sources of fugitive dust emissions related to the operation of the *Plant* and *Equipment*.

5. MARKING OF PORTABLE PLANT

1. The *Company* shall post a legible sign at any site where the *Plant* is operated, 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.

6. KEEPING A VALID APPROVAL

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

7. 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 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.

- c. all records on the separation distances between the *Equipment* and *Points of Reception* and between the *Equipment* and *Sensitive Receptors*, and on the heights of the *Sensitive Receptors*, for each operating site;
- d. all records regarding the *Silica* content of the material processed at each operating site.

8. NOTIFICATION

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 an operating site, by submitting a completed Form 1, as outlined in Schedule C of this *Approval*.
2. 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.
3. The *Company* shall notify the *Director* and the *District Manager*, in writing, of any of the following changes within thirty (30) days 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 where the owner is or at any time becomes a partnership, with a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B.17, as amended;
 - d. change of name of the corporation where the owner is or at any time becomes a corporation, with a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C.39.
4. The *Company* shall notify any succeeding new owner, in writing, of the existence of this *Approval*, as well as any subsequent amended *Approvals* 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 8.3.
- 5.

SCHEDULE A

Minimum Separation Distances from the *Equipment* to *Sensitive Receptors*

Scenario	Controls	<i>Sensitive Receptor</i>	Minimum
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		Height Above Plant Grade (metres)	Separation Distance (metres)
1	None	≤ 5	800
2	None	>5	1000
3	Water sprays on jaw crusher, jaw crusher discharge belt, cone crusher, & cone crusher discharge belt	Any	300

SCHEDULE B

Minimum Required Separation Distances from the *Equipment* to the *Points of Reception*

Table 1: Operating Scenario 1 - without *Acoustic Barrier*

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	940
Class 1	Evening (7 p.m. to 11 p.m.)	50	940
Class 1	Night (11 p.m. to 7 a.m.)	45	1,390
Class 2	Day (7 a.m. to 7 p.m.)	50	940
Class 2	Evening (7 p.m. to 11 p.m.)	45	1,390
Class 2	Night (11 p.m. to 7 a.m.)	45	1,390
Class 3	Day (7 a.m. to 7 p.m.)	45	1,390
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,990
Class 3	Night (11 p.m. to 7 a.m.)	40	1,990

Table 2: Operating Scenario 2 - with 6 metres high *Acoustic Barrier*

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	630
Class 1	Evening (7 p.m. to 11 p.m.)	50	630
Class 1	Night (11 p.m. to 7 a.m.)	45	960
Class 2	Day (7 a.m. to 7 p.m.)	50	630
Class 2	Evening (7 p.m. to 11 p.m.)	45	960
Class 2	Night (11 p.m. to 7 a.m.)	45	960

Class 3	Day (7 a.m. to 7 p.m.)	45	960
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,420
Class 3	Night (11 p.m. to 7 a.m.)	40	1,420

Notes

- The *Acoustic Barrier* may consist of an engineered barrier, an embankment, or a quarry / pit working face, with a height of not less than 6 metres above local grade, such that the barrier or embankment will break the line-of-sight to all *Points of Reception*. The *Acoustic Barrier* must be located at a distance of not more than 15 metres from the centre of the crusher and must extend at least 15 metres from both sides of the crusher (i.e. a total length of 30 metres plus the width of the crusher).

SCHEDULE C
Notice of Relocation for Portable *Plant*

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. Is the location within the *Specified Geographic Area* as defined in the ECA (Yes/No)?:
- e. *Silica* content (weight percentage) in the PM10 fraction of the material to be processed:

3. Operation

- a. Date of commencement and completion of operation: from to
- b. Hours of operation: from to
- c. Applicable operating scenarios and required separation distances as defined in Schedule A and Schedule B of the ECA:

Please attach the following:

- a. A copy of the ECA.
- 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. height above *Plant* grade of *Sensitive Receptors* within the distance specified in item iii above;
 - v. land use within the distance specified in items ii and iii above;
 - vi. a copy of the Safety Data Sheet(s) for the material to be processed, if available, showing *Silica* content.

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

1. Conditions No. 1 to 6 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Plant* and *Equipment* and to emphasize that the *Plant* and *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. 7 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. 8 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.

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 18th day of March, 2020

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

NR/

c: District Manager, MECP Thunder Bay - District

Karri Legarrie, RWDI