

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 8780-BTVLZ7  
Issue Date: February 9, 2021

CMS Ontario Limited  
134 Norfinch Drive  
Toronto, Ontario  
M3N 1X7

Site Location: 134 Norfinch Drive  
Toronto City  
M3N 1X7

*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) natural gas fired process boilers, each having a maximum thermal input rating of 4,220,000 kilojoules per hour, discharging to the air at a volumetric flow rate of 0.41 cubic metre per second, through a stack, having an exit diameter of 0.32 metre, extending 1.75 metres above the roof and 8.75 metres above grade;
- one (1) natural gas fired thermal boiler, having a maximum thermal input rating of 93,800 kilojoules per hour, discharging to the air at a volumetric flow rate of 0.09 cubic metre per second, through a stack, having an exit diameter of 0.31 metre, extending 1.8 metres above the roof and 9.1 metres above grade;
- various combustion units, having a total maximum thermal input rating of 9,112,200 kilojoules per hour;
- three (3) exhausts serving deep-frying process, discharging to the air, each at a volumetric flow rate of 2.97 cubic metres per second, through a stack, having an exit diameter of 0.76 metre, extending 3.0 metres above the roof and 10.3 metres above grade;
- one (1) cooling tower, operating at a maximum water circulation rate of 4,694 litres per minute;
- one (1) cooling tower, operating at a maximum water circulation rate of 12,397 litres per minute;

- test kitchen and test fryer exhausts; and
- general exhausts for fugitive emissions associated with the cleaning process;

all in accordance with the Environmental Compliance Approval Application dated January 30, 2020 and signed by David Gelbloom, (General Counsel), CMS Ontario Limited, and all supporting information associated with the application including Emission Summary and Dispersion Modelling Report provided by R.J. Burnside & Associates Limited, dated February 2, 2020, the Acoustic Assessment Report provided by R.J. Burnside & Associates Limited dated February 2020, and email dated October 13, 2020, signed by Kristina Zeromskiene.

*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* by R.J. Burnside & Associates Limited dated February 2020 submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility*;
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 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 CMS Ontario Limited, that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
7. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
8. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
9. "*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*;

10. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
11. "*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*;
12. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
13. "*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;
14. "*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;
15. "Publication NPC-103" means *Ministry* Publication NPC-103 "Procedures" of the Model Municipal Noise Control By-Law, Final Report, August 1978, as amended;
16. "*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
17. "*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, including spill clean-up procedures;
  - iii. procedures for any record keeping activities relating to operation and maintenance of the *Equipment*; and
  - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources; and
- b. implement the recommendations of the *Manual*.

## 2. 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.

## 3. NOTIFICATION OF COMPLAINTS

1. If at any time, the *Company* receives an environmental complaint from the public regarding the *Facility* and its operations under this *Approval*, the *Company* shall take the following steps:
  - a. Record and number each complaint, either electronically or in a log book. The record shall include the following information: the time and date of the complaint and incident to which the complaint relates; the nature of the complaint; wind direction at the time and date of the incident to which the complaint relates; and, if known, the address of the complainant;
  - b. Initiate appropriate steps to determine all possible causes of the complaint, and take the necessary actions to appropriately deal with the cause of the subject matter of the complaint;
  - c. Complete a written report within two (2) business days after the complaint is received. The report shall list:

- i. a description of the nature of the complaint;
  - ii. the *Equipment* that was operating at the *Facility* at the time and date of the incident to which the complaint relates;
  - iii. the *Equipment* settings at the time and date of the incident to which the complaint relates; and
  - iv. the actions taken to appropriately investigate and deal with the cause of the subject matter of the complaint and the steps taken or to be taken to avoid the recurrence of similar incidents;
- d. Within two (2) business days after the complaint is received provide a written response to the complainant, if known; and
  - e. Within two (2) business days after the complaint is received, submit to the *District Manager* a copy of the written report described in paragraph c. above and a copy of the written response provided as described in paragraph d. above.

#### 4. 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*.

#### 5. 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* ; and
  - 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* by no later than six (6) months after 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; and
  - 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. Condition No. 2 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. 3 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.
4. Condition No. 4 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility*.
5. Condition No. 5 is included to require the *Company* to gather accurate information and submit an *Acoustic Audit Report* in accordance with procedures set in *Ministry* noise guidelines, so that the environmental impact and subsequent compliance with the *EPA*, the regulation and this *Approval* can be verified.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 8309-AX9QCL issued on June 6, 2018.**

*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\*  
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](http://www.ert.gov.on.ca)**

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 9th day of February, 2021



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Rudolf Wan, P.Eng.

Director

appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

AA/

c: District Manager, MECP Toronto District Office  
Kristina Zeromskiene, R.J. Brunside & Associates Limited