

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5464-C3MPTC
Issue Date: June 11, 2021

Coco Paving Inc.
949 Wilson Ave
Toronto, Ontario
M3K 1G2

Site Location: Westbrook Quarry - Asphalt Plant
1610 Westbrook Rd
Kingston City, County of Frontenac

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) permanent batch mix hot mix asphalt plant, operating with a maximum production rate of 300 tonnes of HMA per hour, 5,000 tonnes of HMA per day, and 384,000 tonnes of HMA per year, and consisting of the following sources discharging to the air:
 - one (1) natural-gas fired batch dryer and mixing tower, equipped with one (1) burner having a maximum thermal input rating of 69.6 million kilojoules per hour, with particulate matter controlled by one (1) baghouse dust collector equipped with 760 square metres of aramid filter material and a pulse jet cleaning mechanism, discharging to the air at a maximum volumetric flow rate of 28.3 cubic metres per second, through a stack having an exit diameter of 1.1 metres, extending 10.7 metres above grade;
 - four (4) liquid asphalt cement storage tanks, having a combined storage capacity of 290 tonnes and operating at a maximum tank temperature of 350 degrees Fahrenheit (177 degrees Celsius);
 - one (1) natural gas fired hot oil heater serving the liquid asphalt cement storage tanks, having a maximum thermal input rating of 2.2 million kilojoules per hour, discharging to the air at a maximum volumetric flow rate of 0.2 cubic metre per second, through a stack having exit cross sectional dimensions of 0.2 metre by 0.3 metre, extending 5.0 metres above grade;
 - two (2) hot mix asphalt storage silos, each having a capacity of 200 tonnes and operating at a

maximum temperature of 347 degrees Fahrenheit (175 degrees Celsius);

- o fugitive emissions resulting from the delivery, storage, and transfer of raw materials and products associated with hot mix asphalt production operations;
- one (1) aggregate depot, operating with a maximum delivery and shipping rate of 3,000 tonnes and 2,400 tonnes, respectively of reclaimed asphalt pavement (RAP) material per day, and consisting of the following sources discharging to the air:
 - o fugitive emissions resulting from the delivery, storage, transfer, and shipping of materials associated with the aggregate depot operations;

all in accordance with the Application for Approval (Air & Noise) submitted by Coco Paving Inc., dated July 6, 2020 and signed by Anthony Rossi, Director - Land Development & Government Relations; and the supporting information, including the Emission Summary and Dispersion Modelling Report submitted by BCX Environmental Consulting, dated July 6, 2020 and signed by Roxana Ungureanu, the Acoustic Assessment Report prepared by HGC Engineering, dated November 30, 2020, and signed by Nathan Gara and Corey Kinart.

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 dated November 30, 2020, and signed by Nathan Gara and Corey Kinart, HGC Engineering;
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. "Best Management Practices Plan" means a document or a set of documents which describe

measures to minimize dust emissions from the Facility and/or Equipment;

7. "Company" means Coco Paving Inc. 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;
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 Facility is geographically located;
10. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
11. "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;
12. "Facility" means the entire operation located on the property where the Equipment is located;
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. "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;
16. "Noise Control Measures" means measures to reduce the noise emissions from the Facility and/or Equipment including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers. It also means the Noise Control Measures, as outlined in the Acoustic Assessment Report dated November 30, 2020, and signed by Nathan Gara and Corey Kinart, HGC Engineering; and detailed in the Schedule "A" of this Approval;
17. "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;
18. "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;

19. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
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; and
21. "Technical Bulletin: Management Approaches for Industrial Fugitive Dust Sources" means the Ministry publication "Technical Bulletin: management approaches for industrial fugitive dust sources", March 8, 2017, as amended;
22. "Truck(s)" means hot-mix asphalt truck(s), asphalt cement truck(s), recycled asphalt product truck(s), and/or aggregate truck(s).

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;
 - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources; and
 - v. the frequency of inspection and replacement of the filter material in the Equipment;
 - b. implement the recommendations of the Manual.

2. The Company shall ensure that the maximum temperatures for the liquid asphalt cement storage tanks and HMA silo mentioned above in this Approval are not exceeded.
3. The Company shall ensure the third party portable crushing plant, including associated equipment and operations, is located at the Facility in accordance with the ESDM Report.

2. FUGITIVE DUST CONTROL

1. The Company shall develop a Best Management Practices Plan for the control of fugitive dust emissions. This Best Management Practices Plan shall:
 - a. at minimum, be prepared in accordance with Ministry Technical Bulletin: Management Approaches for Industrial Fugitive Dust Sources; and
 - b. include a list of all Ministry comments received, if any, on the development of the Best Management Practices Plan, and a description of how each Ministry comment was addressed in the Best Management Practices Plan.
2. The Company shall submit the Best Management Practices Plan to the District Manager not later than three (3) months after the date of this Approval or as otherwise indicated by the District Manager.
3. Upon acceptance of the Best Management Practices Plan by the District Manager, the Company shall immediately implement the Best Management Practices Plan for the control of fugitive dust emissions to provide effective dust suppression measures to any potential sources of fugitive dust emissions resulting from the operation of the Facility.
4. The Company shall update the Best Management Practices Plan as necessary or at the direction of the District Manager.

3. 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 on the temperatures of the liquid asphalt cement tanks and HMA silo; and,
 - c. 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.

4. 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; and
 - b. the time and date of the incident to which the complaint relates.

5. NOISE

1. The Company shall:
 - a. at all times operate the Equipment/Facility as presented in the Acoustic Assessment Report dated November 30, 2020, and signed by Nathan Gara and Corey Kinart, HGC Engineering;
 - b. implement the Noise Control Measures, as outlined in the Acoustic Assessment Report, and detailed in the Schedule "A" of this Approval;
 - c. ensure that any and all Trucks arrive at and depart from the Facility in accordance with the information presented in Table 1 of the Acoustic Assessment Report;
 - d. ensure that the operation of the mobile Recycling Asphalt Product (RAP) crushing plant:
 - i. is limited to operation of only one (1) crushing plant per sixty (60) minute period and only during the hours of 7 a.m. to 7 p.m.;
 - ii. is restricted to the location north-west of the Facility, as depicted in Figure 3a of the Acoustic Assessment Report; and
 - iii. is conducted at the Facility property only if the stockpile/barrier is already constructed on the north-west side of the crushing plant, as detailed in the Schedule "A" of this Approval.
 - e. ensure that, after full implementation of the Noise Control Measures, the combined noise emissions from the Facility and the third-party RAP crushing plant comply at all times and at all receptors with the limits set out in Ministry Publication NPC-300;
 - f. ensure that the Noise Control Measures are properly maintained and continue to provide the

acoustical performance outlined in the Acoustic Assessment Report.

2. The Company shall ensure that the vibration emissions from the Facility comply with the limits set out in Ministry Publication NPC-207.

6. ACOUSTIC AUDIT

1. The Company:
 - a. shall carry out Acoustic Audit measurements of all noise sources detailed in Table A1 of the Acoustic Assessment Report, in accordance with the procedures in Ministry 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 Ministry Publication NPC-233, to the District Manager and the Director, not later than twelve (12) months after the date of this Approval.
2. The Director:
 - a. may not accept the results of the Acoustic Audit if the requirements of Ministry 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.

"SCHEDULE A"

Noise Control Measures

1. RAP Crushing Plant barrier/berm/stockpile

Receptor(s) to the north-west should be shielded from the RAP crushing plant noise impact by the noise barrier/berm/stockpile. The stockpile shall have a minimum height of 5 metres and a minimum length of 25 metres, and be located as depicted in Figure 3a of the *Acoustic Assessment Report*. The peak of the stockpile shall be located no more than 25 metres from the north-west edge of the crusher/screen. The stockpile shall be continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metre.

The Company shall implement above noted Noise Control Measure prior to commencement of operation of the RAP crushing plant.

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

1. Condition Nos. 1 and 2 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.
2. Condition No. 3 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. 4 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. 5 is included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Condition No. 6 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.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s).
7861-7QWNST issued on June 19, 2009**

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**

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 11th day of June, 2021



Neryed Ragbar, P.Eng.
Director

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

AB/

c: District Manager, MECP Kingston - District
Roxana Ungureanu, BCX Environmental Consulting