

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 0637-C3CRAE  
Issue Date: June 21, 2021

GC Project, Inc., as general partner for and on behalf of GC  
Project L.P.  
330 Bay St, No. 1210  
Toronto, Ontario  
M5H 2S8

Site Location: 6940 Morrison Street  
6940 Morrison St  
Niagara Falls City, Regional Municipality of Niagara  
L2E 7K5

*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) natural gas-fired Generac SG750 reciprocating engine generator, used for electricity generation during hours of peak demand (i.e., peak shaving) or for emergency power, having a maximum power rating of 750 kilowatts of electrical output, equipped with three way catalyst technology, and discharging to the air at a maximum volumetric flow rate of 2.57 actual cubic metres per second through a stack having an exit diameter of 0.305 metre and extending 6.56 metres above grade;

all in accordance with the Environmental Compliance Approval application signed by Clarke D. Herring, dated October 15, 2019, and submitted by GC Project, Inc., as general partner for and on behalf of GC Project L.P., the Emission Summary and Dispersion Modelling Report signed by Limin Sun of Ortech Consulting Inc. and dated April 27, 2020; the Acoustic Assessment Report prepared by Aercoustics Engineering Limited, dated June 2, 2020 and signed by Kohl Clark and Derek Flake; 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. "Approval " means this Environmental Compliance Approval, including the application and supporting documentation listed above;

2. "*Company* " means GC Project, Inc., as general partner for and on behalf of GC Project L.P., that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
3. "*Director* " means a person appointed by the Minister pursuant to section 5 of the *EPA*;
4. "*District Manager* " means the *District Manager* of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
5. "*EPA* " means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
6. "*Equipment* " means the natural gas-fired power generator equipped with a non-selective catalytic reduction system described in the *Company's* application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval* ;
7. "*ESDM Report* " means the Emission Summary and Dispersion Modelling Report prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by Ortech Consulting Inc. and dated April 27, 2020, submitted in support of the application including any addendum submissions made during the *Ministry's* review of the *Company's* application;
8. "*Facility* " means the entire operation belonging to the *Company* and located on the *Property* where the *Equipment* is located;
9. "*Manager* " means the *Manager*, Technology Standards Section, Technical Assessment and Standards Development Branch, or any other person who represents and carries out the duties of the *Manager*, Technology Standards Section, Technical Assessment and Standards Development Branch, as those duties relate to the conditions of this *Approval*;
10. "*Manual* " means a document or a set of documents that provide written instructions to staff of the *Company*;
11. "*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;
12. "*O. Reg. 419/05* " means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended;
13. "*Point of Impingement* " has the same meaning as in section 2 of *O. Reg. 419/05*;
14. "*Pre-Test Plan* " means a plan for the *Source Testing* including the information required in Section 5 of the *Source Testing Code*;
15. "*Procedure Document* " means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report", dated February 2017, as amended;

16. "*Property* " means, in accordance with s.4 O. Reg 419/05, the single property jointly occupied by GC Project, Inc., as general partner for and on behalf of GC Project L.P. and Loblaw Inc., as described in the *Company's* application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval*;
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;
18. "*Site* " means the *Facility* located at 6940 Morrison Street, Niagara Falls, Ontario;
19. "*Source Testing* " means sampling and testing to measure emissions resulting from operating the *Targeted Sources* at a level of typical maximum production within the approved operating range of the *Targeted Sources* which satisfies paragraph 1 of subsection 11(1) of *O. Reg. 419/05* ;
20. "*Source Testing Code* " means the Ontario Source Testing Code, dated June 2010, prepared by the *Ministry* , as amended;
21. "*Targeted Source* " means the reciprocating engine referred to in the *Company's* application, this *Approval*, and in the supporting documentation submitted with the application, to the extent approved by this *Approval* ; and
22. "*Test Contaminant* " means Nitrogen Oxides (expressed as nitrogen dioxide equivalent).

*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. PERFORMANCE REQUIREMENTS

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*.
2. The *Company* shall ensure that the *Equipment* meets the in-stack maximum emission limits specified in Schedule "A" of this *Approval* during peak shaving operations.

### 2. OPERATION AND MAINTENANCE

1. The *Company* shall ensure that the *Equipment* is properly operated and maintained at all times. The *Co*
  - 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;
- b. implement the recommendations of the *Manual* .

### **3. SOURCE TESTING**

1. The *Company* shall perform *Source Testing* in accordance with the procedures in Schedule "B" to determine the rates of emissions of the *Test Contaminant* from the *Targeted Source* .

### **4. 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 related to the *Source Testing*; 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.

### **5. 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.

## SCHEDULE "A"

### Emission Limits for Internal Combustion Engines used for Non-Emergency Power Generation

Contaminant	Maximum Limit <sup>(1)</sup>
Nitrogen Oxides	0.4 kg/MWh
Suspended Particulate Matter	0.02 kg/MWh
Total Hydrocarbons Excluding Methane	0.19 kg/MWh
Carbon Monoxide	3.5 kg/MWh

(1) "kg/MWh" means kilogram per megawatt hour.

## SCHEDULE "B"

### Source Testing Procedures

1. The *Company* shall submit, not later than three (3) months after the date of this *Approval*, to the *Manager* a *Pre-Test Plan* for the *Source Testing* of the *Targeted Source*. The *Company* shall finalize the *Pre-Test Plan* in consultation with the *Manager*.
2. The *Company* shall not commence the *Source Testing* required under this *Approval* until the *Manager* has approved the *Pre-Test Plan*.
3. The *Company* shall complete the *Source Testing* not later than three (3) months after the *Manager* has approved the *Pre-Test Plan* or within a period directed or agreed to in writing by the *Manager* and the *District Manager*.
4. The *Company* shall notify the *Manager*, the *District Manager* and the *Director* in writing of the location, date and time of any impending *Source Testing* required by this *Approval*, at least fifteen (15) days prior to the *Source Testing*.
5. The *Company* shall submit a report (hardcopy and electronic format) on the *Source Testing* to the *Manager*, the *District Manager* and the *Director* not later than three (3) months after completing the *Source Testing*. The report shall be in the format described in the *Source Testing Code*, and shall also include, but not be limited to:
  - a. an executive summary;
  - b. an identification of the applicable North American Industry Classification System code (NAICS) for the *Facility*;
  - c. records of operating conditions at the time of *Source Testing*, including but not limited to the following:
    - i. production data;
    - ii. *Facility* /process information related to the operation of the *Targeted Source*;

- iii. description of the emission sources controlled by the *Targeted Source* at the time of testing; and
- iv. operational description of the general building ventilation at the time of testing;
- d. results of *Source Testing* , including the emission rate, emission concentration, and relevant emission factor of the *Test Contaminant* from the *Targeted Source* ; and
- e. a tabular comparison of *Source Testing* results for the *Targeted Source* and *Test Contaminant* to original emission estimates described in the *Company's* application and the *ESDM Report* .
- f. The *Director* may not accept the results of the *Source Testing* if:
  - i. the *Source Testing Code* or the requirements of the *Manager* were not followed;
  - ii. the *Company* did not notify the *Manager* , the *District Manager* and *Director* of the *Source Testing* ; or
  - iii. the *Company* failed to provide a complete report on the *Source Testing*.
- 6. If the *Director* does not accept the results of the *Source Testing* , the *Director* may require re-testing. If re-testing is required, the *Pre-Test Plan* strategies need to be revised and submitted to the *Manager* for approval. The actions taken to minimize the possibility of the *Source Testing* results not being accepted by the *Director* must be noted in the revised *Pre-Test Plan* submission to the *Manager*.
- 7. If the *Source Testing* results indicate the emission estimates are higher than the original emission estimates described in the *Company's* application and the *ESDM Report* , the *Company* shall update their *ESDM Report* in accordance with Section 26 of *O. Reg. 419/05* with the emission estimates from the *Source Testing* report and make these records available for review by staff of the *Ministry* upon request. The updated Emission Summary Table from the updated *ESDM Report* shall be submitted with the report on the *Source Testing*.
- 8. The *Company* shall perform *Source Testing* once every two (2) years to determine the rate of emission of the *Test Contaminant* from the *Targeted Source*.
- 9. The *District Manager* may not require subsequent *Source Testing* or relax the frequency of subsequent *Source Testing* if the results of the *Source Testing* indicate that the environmental impact from the *Test Contaminant* are insignificant.

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

- 1. Condition No. 1 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility* .

2. Condition No. 2 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* .
3. Condition No. 3 is included to require the *Company* to gather and retain accurate information so that compliance with the *EPA* , the regulations, and this *Approval* can be verified.
4. Condition No. 4 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.
5. Condition No. 5 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](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 21st day of June, 2021



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

SM/  
c: District Manager, MECP Niagara  
Derek Flake, Aercoustics Engineering Limited