

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 8539-C85K7W

Issue Date: November 16, 2021

Peters Crushing & Recycling Inc.
3976 Bowen Rd
Fort Erie, Ontario
L0S 1S0

Site Location: Mobile Facility

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 crushing/screening plant, operating at a maximum material throughput of 450 tonnes per hour, processing virgin stone, aggregates, concrete, and asphalt, consisting of the following sources discharging to the air:

- one (1) crusher/dual screen unit (Source ID CR), equipped with a diesel fired engine rated 363 kilowatts, discharging products of combustion to the air through a stack extending 4.3 metres above grade;
- one (1) screen deck (Source ID SC);
- one (1) hopper (Source ID H1);
- one (1) return conveyor (Source ID RC);
- one (1) stacker conveyor (Source ID S1) equipped with a diesel fired engine rated 34 kilowatts ;
- one (1) stacker conveyor (Source ID S2) equipped with a diesel fired engine rated 36 kilowatts ;
- one (1) stacker conveyor (Source ID S3) equipped with a diesel fired engine rated 93 kilowatts ; and
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with crushing/screening operations;

all in accordance with the Application for Approval submitted by Peters Crushing & Recycling Inc., dated September 15, 2020 and signed by Todd West, Accredited Safety Manager; and the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by Pinchin Ltd., dated November 2020 and signed by Timothy Reyes and Acoustic Assessment Report submitted by Pinchin Ltd., dated November 17, 2020 and signed by Aidan Maher, P.Eng.

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 Pinchin Ltd., dated November 17, 2020 and signed by Aidan Maher, P.Eng.;
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 metre;
3. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. "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";
5. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 - a. sound levels characteristic of Class 1 Area during daytime (07:00 to 19:00 or to 23:00 hours); and
 - b. 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);
6. "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:
 - a. a small community;
 - b. agricultural area;
 - c. a rural recreational area such as a cottage or a resort area; or
 - d. a wilderness area;
7. "Company" means Peters Crushing & Recycling 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 any Ministry employee appointed 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. "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 Plant and/or Equipment including, but not limited to, silencers, acoustic louvres, 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;
15. "Plant" means the entire portable crushing/screening plant, incorporating the Equipment;
16. "Point of Reception" means a Point of Reception as defined in Publication NPC-300;
17. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
18. "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."
19. "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:
 - a. private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.),
 - b. institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.),
 - c. outdoor public recreational areas (e.g.: trailer parks, play grounds, picnic areas, etc.), and
 - d. other outdoor public areas where there are continuous human activities (e.g.:

commercial plazas and office buildings).

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. Noise Emissions

1. The Company shall, at all times, ensure that the noise emissions from the Plant comply with the limits set out in Ministry Publication NPC-300.
2. Except as noted in Condition 2.1, the Company shall ensure that the Acoustic Barrier, when required, is implemented at all times during the operation of the Plant.
3. The Company shall ensure that the Acoustic Barrier, when required, is constructed to a minimum height as specified in Schedule B, is continuous without holes, gaps or other penetrations, has a surface mass density of at least 20 kilograms per square metre, and will be positioned in between the Plant and Points of Reception that require shielding as specified in Schedule B.
4. The Company shall ensure that the Acoustic Barrier, when required, is positioned in between the Plant and the Points of Reception that require shielding, in such a way that the distance from the Acoustic Barrier to the Plant is not greater than that specified in Schedule B.
5. The Company shall ensure that the Acoustic Barrier, when required, is properly maintained and continues to provide the acoustical performance outlined in the Acoustic Assessment Report.

2. Time Restriction(s)

1. The Company shall ensure that the Acoustic Barrier, when required, is erected within seven (7) working days of start-up of the Equipment and until that time, the Plant operations shall be restricted to the daytime hours of 7 a.m. to 7 p.m., Monday to Friday.

3. Minimum Separation Distance(s) to the Nearest Point of Reception

1. The Company shall ensure a minimum separation distance is maintained between the Plant and the nearest Point of Reception as specified in Schedule B.

4. Site-Specific Operational Limits

1. The Company shall ensure that the Equipment is not operated more than sixty (60) calendar days per year at any one site.

5. Minimum Separation Distance to the Nearest Sensitive Receptor

1. The Company shall ensure a minimum separation distance of 500 metres between the boundary of the Plant and the nearest Sensitive Receptor.

6. Operation and Maintenance Manual

1. The Company shall ensure that the Plant/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 Plant/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 recording the duration of operation of the Equipment at any one operating site;
 - v. procedures for identifying separation distances between the Plant and Points of Reception, and between the Plant and Sensitive Receptors;
 - vi. all appropriate measures to minimize noise and fugitive dust emissions from all potential sources;
 - vii. the frequency of inspection and replacement of the filter material in the Equipment;
 - b. implement the recommendations of the Manual.

7. Fugitive Dust Control

1. The Company shall provide effective dust suppression for the Plant / Equipment and any other sources of fugitive dust emissions from the Plant / Equipment.

8. Marking of Portable Plant

1. The Company shall post a legible sign 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/Equipment at that location.

9. 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 for inspection by a Provincial Officer at each site where the Plant/Equipment is operated.

10. 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 daily operation of the Plant/Equipment, including:
 - i. daily production rate;
 - ii. daily start-up and shut-down times of the Plant/Equipment;
 - c. all records of any upset conditions associated with the operation of the Plant/Equipment;
 - d. all records on the environmental complaints, including:
 - i. a description, time, date and location of each incident;
 - ii. operating conditions (e.g. upset conditions, etc.) at the time of the incident;
 - iii. wind direction and other weather conditions at the time of the incident;
 - iv. the name(s) of Company personnel responsible for handling the incident;
 - v. the cause of the incident;

- vi. the Company response to the incident; and
- vii. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future, and the outcome of the measures taken.

11. 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;
 - b. the time, date and location of the incident;
 - c. the wind direction and other weather conditions at the time of the incident; and
 - d. the name(s) of Company personnel responsible for handling the incident.

12. Change of Owner

1. 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, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B.17, as amended, shall be included in the notification;
 - d. change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.
2. 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 12.1.

13. Relocation

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 each operating site, by submitting a completed Form 1, outlined in Schedule A.

SCHEDULE A

FORM 1 - NOTICE OF RELOCATION FOR PORTABLE EQUIPMENT

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:

3. Operation
 - a. Date of commencement and completion of operation: from to

 - b. Hours of operation: from to
 - c. Identification of the Plant and the operating scenario as defined in **Schedule B** of this Approval
 - d. Maximum processing rate (tonnes/hour):
 - e. Type of material to be processed:

Please attach the following:

1. A copy of the Approval.
2. A plot plan or sketch of the proposed location showing the following:
 - a. the entire operating site
 - b. distance between the Equipment and the nearest off-property Point of Reception
 - c. distance between the Equipment and the nearest Sensitive Receptor
 - d. land use within 500 metres from the Equipment.

SCHEDULE B

MINIMUM SEPARATION DISTANCE BETWEEN PLANT AND POINTS OF RECEPTION

Setback requirements for unmitigated operation

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance (m)
Class 1 Area (Urban)	7:00 AM - 7:00 PM	50	680
Class 1 Area (Urban)	7:00 PM - 11:00 PM	50	680
Class 1 Area (Urban)	11:00 PM - 7:00 AM	45	1,075
Class 2 Area (Urban)	7:00 AM - 7:00 PM	50	680
Class 2 Area (Urban)	7:00 PM - 11:00 PM	45	1,075
Class 2 Area (Urban)	11:00 PM - 7:00 AM	45	1,075
Class 3 Area (Rural)	7:00 AM - 7:00 PM	45	1,075
Class 3 Area (Rural)	7:00 PM - 11:00 PM	40	1,625
Class 3 Area (Rural)	11:00 PM - 7:00 AM	40	1,625

Note: "m" means metre(s) measured from the Point of Reception to closest point of the Plant.

Setback requirements for operation with a 6 metre high Acoustic Barrier; top of Acoustic Barrier is within 35 metres of Equipment

Point of Reception Location	Time of Plant Operation	Sound Level Limit (dBA)	Minimum Separation Distance (m)
Class 1 Area (Urban)	7:00 AM - 7:00 PM	50	410
Class 1 Area (Urban)	7:00 PM - 11:00 PM	50	410
Class 1 Area (Urban)	11:00 PM - 7:00 AM	45	695
Class 2 Area (Urban)	7:00 AM - 7:00 PM	50	410
Class 2 Area (Urban)	7:00 PM - 11:00 PM	45	695
Class 2 Area (Urban)	11:00 PM - 7:00 AM	45	695
Class 3 Area (Rural)	7:00 AM - 7:00 PM	45	695
Class 3 Area (Rural)	7:00 PM - 11:00 PM	40	1,100
Class 3 Area (Rural)	11:00 PM - 7:00 AM	40	1,100

Note: "m" means metre(s) measured from the Point of Reception to closest point of the Plant.

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

1. Conditions No. 1 to 9 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Plant/Equipment and to emphasize that the Plant/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. 10 is included to require the Company to keep records and to provide information to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.
3. Conditions No. 11 to 13 are included to require the Company to notify/report to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land 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 ("the Notice") 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:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

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

* Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.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 16th day of November,
2021

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

NB/
c: District Manager, MECP Niagara
Timothy Reyes, Pinchin Ltd.