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Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement, de la Protection de la nature et des Parcs

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5005-C8WN4C

Issue Date: December 19, 2021

St. Marys Cement Inc. (Canada)
55 Industrial Street
Toronto, Ontario
M4G 3W9

Site Location: CBM Whitby Facility
855 Hopkins Street
Whitby Town, Regional Municipality of Durham
Ontario

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:

A ready-mix concrete batching plant, having a maximum ready-mix concrete production rate of 1,100 cubic metres per day, consisting of the following equipment and emission sources:

- one (1) passive baghouse dust collector, used to control emissions from compartment (a) of the silo No. 1, complete with polyester filter bags, having a filtering area of 15 square metres and a pulse air cleaning system, exhausting passively through a stack, having an exit diameter of 0.13 metre, extending 2.0 metres above the roof and 24.0 metres above grade;
- one (1) passive baghouse dust collector, used to control emissions from compartment (b) of the silo No. 1, complete with polyester filter bags, having a filtering area of 15 square metres and a pulse air cleaning system, exhausting passively through a stack, having an exit diameter of 0.13 metre, extending 2.0 metres above the roof and 24.0 metres above grade;
- one (1) passive baghouse dust collector, used to control emissions from silo No. 2, complete with polyester filter bags, having a filtering area of 22 square metres and a pulse air cleaning system, exhausting passively through a stack, having an exit diameter of 0.13 metre, extending 2.0 metres above the roof and 19.0 metres above grade;
- one (1) passive baghouse dust collector, used to control emissions from cement scale, complete with polyester filter bags, having a filtering area of 3 square metres and a pulse air cleaning system, discharging into the air at an approximate volumetric flow rate of 0.002 cubic metre per second, through a side mounted vent, having an exit diameter of 0.25 metre, extending 8.0 metres above grade;

- one (1) baghouse dust collector complete with a fan, used to control emissions from loading point, complete with polyester filter bags, having a filtering area of 37 square metres and a mechanical shaker cleaning system, discharging into the air at an approximate volumetric flow rate of 2.36 cubic metres per second, through a side mounted stack, having an exit diameter of 0.3 metre, extending 11.0 metres above grade;
- one (1) natural gas fired hot water boiler, having a maximum heat input of 6.23 million kilojoules per hour, discharging into the air through a stack, having an exit diameter of 0.5 metre, extending 6.1 metres above the roof and 12.1 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with ready-mix concrete batching operations;

all in accordance with the application for an Environmental Compliance Approval (Air) submitted by St. Marys Cement Inc. (Canada), dated December 17, 2020, and signed by Colin Evans, Director, Lands and Environment; Emission Summary and Dispersion Modelling Report prepared by BCX Environmental Consulting, dated August, 2016; Acoustic Assessment Report prepared by Howe Gastmeier Chapnik Limited, dated December 16, 2020; the letter with updated emission tables dated December 21, 2020, and all the information associated with 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 Facility. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Howe Gastmeier Chapnik Limited, dated December 16, 2020 and signed by Sean M. Richardson and Corey D. Kinart;
2. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
3. "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;
4. "Company" means St. Marys Cement Inc. (Canada) 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;

5. "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;
6. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
7. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
8. "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;
9. "Facility" means the entire operation located on the property where the Equipment is located;
10. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
11. "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;
12. "Ministry" means the ministry of the Minister;
13. "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. It also means the noise control measures outlined in the Acoustic Assessment Report;
14. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
15. "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
16. "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.

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 dust 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. FUGITIVE DUST CONTROL

1. The Company shall develop in consultation with the District Manager, 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 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; 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.

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 PERFORMANCE

1. The Company shall:
 - a. implement, not later than six (6) months after the date of the Approval, the Noise Control Measures outlined in the Acoustic Assessment Report;
 - b. ensure, subsequent to the full implementation of the Noise Control Measures, that the noise emissions from the Facility comply with the limits set in Ministry Publication NPC-300; and
 - c. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

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 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 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.
4. 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.
5. Condition No. 5 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 5683-B3GJWZ issued on August 17, 2018.

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.

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:

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
M4V 1P5

*** 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 19th day of December,
2021

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

JL/
c: District Manager, MECP York-Durham
Neil Chan, BCX Environmental Consulting