

Content Copy Of Original



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 7842-C7APL5

Issue Date: December 19, 2021

Messer Canada Inc.
5860 Chedworth Way
Mississauga, Ontario
L5R 0A2

Site Location: 530 Watson Street East
Whitby Town, Regional Municipality of Durham
L1N 1A7

*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:*

- ten (10) gas filling stations for filling cylinders with non-corrosive gases, discharging to the atmosphere passively, through a vent, designated as S-1, having an exit diameter of 0.5 metres, extending 3.9 metres above grade;
- one (1) wet scrubber serving four (4) gas filling stations associated with corrosive gases, discharging to the atmosphere at a volumetric flow rate of 4.25 cubic metres per second, through a stack, designated as S-2, having an exit diameter of 0.5 metres, extending 5.6 metres above grade;
- one (1) spray paint booth with filter, discharging to the atmosphere at a volumetric flow rate of 4.25 cubic metres per second, through a stack, designated as S-3, having an exit diameter of 0.6 metres, extending 2.4 metres above roof and 6.1 metres above grade;
- two (2) caustic potash tanks for scrubber solution, discharging to the atmosphere passively, through a vent, designated as S-4, having an exit diameter of 0.03 metres, extending 5.4 metres above grade;
- one (1) natural gas fired hot water boiler having a maximum thermal input capacity of 2,171,305 kilojoules per hour, discharging to the atmosphere, through a stack, designated as S-5B, having an exit diameter of 0.25 metres, extending 5.4 metres above grade; and
- one (1) QA/QC laboratory, discharging to the atmosphere, through the wet scrubber system, designated as S-2, described above.

All in accordance with the Environmental Compliance Approval Application submitted by Messer Canada Inc., dated August 5, 2020 and signed by Alberto Donzelli, Operations Manager and all supporting information associated with the application including the Emission Summary and Dispersion Modelling Report provided by AECOM

Canada Ltd., dated July 30, 2020 and signed by Danielle Arsenault, additional information provided by Danielle Arsenault in two emails dated September 17, 2021 and October 14, 2021 and the Acoustic Assessment Report by AECOM Canada Ltd., dated July 28, 2020 and signed by Danielle Arsenault.

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 Messer Canada 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;
3. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
5. "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;
6. "Facility" means the entire operation located on the property where the Equipment is located;
7. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
8. "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;
9. "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;
 - 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. 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. 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.

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.
2. The Company shall restrict operations to the daytime hours of 7:00 am to 7:00 pm.

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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 23/4/55, 8/300/344/86/866, 0532-547K5R, 1265-5D6HXC issued on February 27, 1973, October 8, 1986, November 13, 2001, August 19, 2002

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 19th day of December,
2021

Neryed Ragbar, P.Eng.
Director
appointed for the purposes of Part

II.1 of the *Environmental
Protection Act*

EH/

c: District Manager, MECP York-Durham
Danielle Arsenault, AECOM Canada Ltd.