

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7860-C9FSPV

Issue Date: December 19, 2021

Ruby Farms Strathroy Limited
9204 Glengyle Dr
Strathroy-Caradoc, Ontario
N7G 3H3

Site Location: Mobile

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) mobile Horizontal Grinding Plant, processing wood waste and general waste debris into mulch and smaller materials, having a maximum production rate of 115 cubic metres per hour, consisting of the following equipment and emission sources:

- one (1) Mobile Vermeer HG6000TX Horizontal Grinder, discharging to the air from a conveyor system during the grinding operations, the conveyor system extending 3.4 metres above grade;
- one (1) diesel fired engine associated with the Mobile Vermeer HG6000TX Horizontal Grinder, having a maximum power rating of 565 kilowatts, discharging to the air at a volumetric flow rate of 2.38 cubic metres per second through a stack, having an exit diameter of 0.2 metre and extending 2.7 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with the grinding operations;

all in accordance with the application for an Environmental Compliance Approval (Air and Noise) submitted by Ruby Farms Strathroy Limited, dated October 28, 2020, and signed by Josh Ruby, President; Emission Summary and Dispersion Modelling Report prepared by Greg Fullarton from Fulco Environmental Inc., dated October 27, 2020; e-mails dated September 2, October 20 and November 29, 2021, prepared by Fulco Environmental Inc. from Fulco Environmental Inc.; the Acoustic Assessment Report prepared by Fulco Environmental Inc., dated September 2, 2021 and signed by Greg Fullarton; the e-mail sent by Greg Fullarton / Fulco Environmental Inc. dated December 13, 2021; 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 Plant. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Fulco Environmental, dated September 2, 2021 and signed by Greg Fullarton;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Plant 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 metres;
3. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;4.
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:
 1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 2. 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:
 1. a small community;
 2. agricultural area;
 3. a rural recreational area such as a cottage or a resort area; or
 4. a wilderness area;
7. "Company" means Ruby Farms Strathroy Limited 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 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 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 / Equipment including, but not limited to, silencers, acoustic louvers, 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 portable Vermeer HG6000TX Horizontal Grinder, 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; and
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.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

OPERATION AND MAINTENANCE

Noise Emissions

1. The Company shall ensure that the noise emissions from the Plant comply with the limits determined in accordance with Ministry Publication NPC-300.

Time Restrictions

2. The Company shall ensure that the Acoustic Barrier, when required, is erected within 7 working days of start-up of the Plant 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. The Company shall restrict the operation of the Plant to the daytime hours from 7 a.m. to 7 p.m.
4. The Company shall ensure that the Equipment is not operated more than sixty (60) calendar days per year at any one site.

Minimum Separation Distances to the Nearest Point of Reception

5. The Company shall ensure a minimum separation distance between the Plant and the nearest Point of Reception as specified in Schedule "A".

Noise Control Measures

6. The Company shall ensure that the Acoustic Barrier, when required, is implemented at all times during the operation of the Plant.
7. The Company shall ensure that the Acoustic Barrier, when required, has minimum heights and lengths as specified in Tables 2 and 3 in Schedule "A", continuous without holes, gaps or other penetrations, and having a surface mass density of at least 20 kilograms per square metre, and that it will be 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 distances specified in Tables 2 and 3 of Schedule "A".
8. 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.

Minimum Separation Distance to the Nearest Sensitive Receptor

9. The Company shall ensure:
 - (1) a minimum separation distance of 140 metres between the Plant and the nearest Sensitive Receptor when the Plant operates at the maximum production rate of 76 cubic metres per hour; and
 - (2) a minimum separation distance of 180 metres between the Plant and the nearest Sensitive Receptor when the Plant operates at the maximum production rate of 115 cubic metres per hour.

Operation and Maintenance Manual

10. The Company shall ensure that the Plant is properly operated and maintained at all times. The Company shall:

- (1) 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:
 - (a) routine operating and maintenance procedures in accordance with good engineering practices, and as recommended by the Equipment suppliers;
 - (b) emergency procedures;
 - (c) procedures for any record keeping activities relating to operation and maintenance of the Equipment and identifying separation distances between the Plant and Points of Reception and Sensitive Receptors;
 - (d) all appropriate measures to minimize noise emissions from all potential sources; and
 - (e) procedures for recording and responding to environmental complaints relating to the operation of the Plant.
- (2) implement the recommendations of the Manual.

Fugitive Dust Control

11. The Company shall provide effective dust suppression to the Equipment and any other sources of fugitive dust emissions from the Plant.

Marking of Portable Plant

12. The Company shall post a legible sign in a location which is accessible to the public, clearly identifying:
 - (1) the Company name;
 - (2) the number of this Approval;
 - (3) a brief description of the nature of the operation;
 - (4) a Company contact name and telephone number for the public to provide comments;
 - (5) hours of operation; and
 - (6) length of time the Company intends to operate the Plant at that location.

Keeping a Valid Approval

13. The Company shall ensure that a copy of this Approval, as well as any subsequent Amended Approval or Notices that amend this Approval, are available at each site where the Plant is operated.

RECORD RETENTION

14. 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:
- (1) all records on the maintenance, repair and inspection of the Equipment;
 - (2) all records of any upset conditions associated with the operation of the Equipment;
 - (3) all records on the environmental complaints, including:
 - (a) a description, time, date and location of each incident;
 - (b) operating conditions (e.g. upset conditions, etc.) at the time of the incident;
 - (c) wind direction and other weather conditions at the time of the incident;
 - (d) the name(s) of Company personnel responsible for handling the incident;
 - (e) the cause of the incident;
 - (f) the Company response to the incident; and
 - (g) 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.

NOTIFICATION REQUIREMENTS

Notification of Complaints

15. 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:
- (1) a description of the nature of the complaint;
 - (2) the time, date and location of the incident;
 - (3) the wind direction and other weather conditions at the time of the incident; and
 - (4) the name(s) of Company personnel responsible for handling the incident.

Change of Owner

16. The Company shall notify the Director and the District Manager, in writing, of any of the following changes within one (1) month of the change occurring:

- (1) change of owner or operating authority, or both;
 - (2) change of address of owner or operating authority or address of new owner or operating authority;
 - (3) change of partners if the owner or operating authority is or at any time becomes a partnership, with a copy of the most recent declaration filed under the Partnerships Registration Act included in the notification to the Director and the District Manager;
 - (4) change of name of the corporation if the owner or operating authority is or at any time becomes a corporation, with a copy of the "Initial Notice" or the most recent "Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the Corporations Information Act included in the notification to the Director and the District Manager.
17. The Company shall notify any succeeding new owner, in writing, of the existence of this Approval, as well as any subsequent Amended Environmental Compliance Approval 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 No. 16.

Relocation

18. 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 "B".

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

1. Conditions No. 1 to 13, inclusive, are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Plant and to emphasize that the Plant 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. 14 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. 15 to 18, inclusive, 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.

Schedules Section

SCHEDULE "A"

Minimum Required Separation Distances from the Plant to the Points of Reception

Table 1: Without Acoustic Barrier

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	1,385
Class 2	Day (7 a.m. to 7 p.m.)	50	1,385
Class 3	Day (7 a.m. to 7 p.m.)	45	2,103

Table 2: With Acoustic Barrier 1

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	666
Class 2	Day (7 a.m. to 7 p.m.)	50	666
Class 3	Day (7 a.m. to 7 p.m.)	45	1,259

Notes for Table 2:

The Acoustic Barrier shall have a height of not less than 7 metres above local grade and a length of not less than 29 metres such that it will break the line-of-sight between the Plant and all Points of Reception. The Acoustic Barrier must be located at a distance of not more than 12 metres from the Plant.

Table 3: With Acoustic Barrier 2

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	902
Class 2	Day (7 a.m. to 7 p.m.)	50	902
Class 3	Day (7 a.m. to 7 p.m.)	45	1,452

Notes for Table 3:

The Acoustic Barrier shall have a height of not less than 4 metres above local grade and a length of not less than 46 metres such that it will break the line-of-sight between the Plant and all Points of Reception. The Acoustic Barrier must be located at a distance of not more than 500 metres from the Plant.

SCHEDULE "B"

**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

(d) Date of commencement and completion of operation:

from _____ to _____

(b) Hours of operation:

from _____ to _____

(c) Maximum production rate: _____ (tonnes/hour)

(d) 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 off-property Sensitive Receptor

(d) land use within the minimum separation distances from Equipment specified in Conditions No. 5 and 6 of this Approval.

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
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

ML/

c: District Manager, MECP London - District
Greg Fullarton, Fulco Environmental Inc.