

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-3110216792

Version: 1.0

Issue Date: April 14, 2022

Pursuant to section 20.3 of the Environmental Protection Act, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:

COVIA CANADA LTD./COVIA CANADA LTEE

260 UNIMIN ROAD
HAVELOCK ONTARIO
K0L 1Z0

For the following site:

260 Unimin Road , Havelock Belmont Methuen, HAVELOCK-BELMONT-METHUEN, ONTARIO,
CANADA, K0L 1Z0

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s) 7510-AE7M77, issued on March 21, 2017.

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:

Description Section

A mineral processing facility, which mines and processes raw nepheline syenite, consisting of the following processes and support units:

- crushing,
- drying,
- conveying,
- screening,
- milling,
- classification and shipping of processed nepheline syenite;
- quality control and quality assurance mineral testing laboratories;
- petroleum storage tanks;
- maintenance activities including welding stations and other miscellaneous operations; and
- fugitive sources, including mechanical building vents, tailings, stockpiles, roads and quarries.

including the Equipment and any other ancillary and support processes and activities, operating at a Facility Production Limit of up to 2,978,400 tons per year of nepheline syenite discharging to the air as described in the Original ESDM Report.

DEFINITIONS

For the purpose of this environmental compliance approval, the following definitions apply:

1. "ACB list" means the document entitled "Air Contaminants Benchmarks (ACB) List: Standards, guidelines and screening levels for assessing point of impingement concentrations of air contaminants", as amended from time to time and published by the Ministry and available on a Government website;
2. "Acceptable Point of Impingement Concentration" means a concentration accepted by the Ministry as not likely to cause an adverse effect for a Compound of Concern that,
 - a. is not identified in the ACB list, or
 - b. is identified in the ACB list as belonging to the category "Benchmark 2" and has a concentration at a Point of Impingement that exceeds the concentration set out for the contaminant in that document.

With respect to the Original ESDM Report, the Acceptable Point of Impingement Concentration for a Compound of Concern mentioned above is the concentration set out in the Original ESDM Report;

3. "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 and proposed at the Facility. "Acoustic Assessment Report" also means the report prepared by Dillon Consulting Limited, dated March 23, 2022 and signed by Amir A. Iravani, Ph.D., P.Eng.;
4. "Acoustic Assessment Summary Table" means a table prepared in accordance with the Basic Comprehensive User Guide summarising the results of the Acoustic Assessment Report, as updated in accordance with Condition 5 of this Approval;
5. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;
6. "Acoustic Audit" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the Facility, assessed to determine compliance with the performance limits for the Facility regarding noise emissions, completed in accordance with the procedures set in Publication NPC-103 and reported in accordance with Publication NPC-233;
7. "Acoustical Consultant" means a person currently active in the field of environmental acoustics and noise/vibration control, who is familiar with Ministry noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from a Facility;
8. "Approval" means this entire Environmental Compliance Approval and any Schedules to it;
9. "Basic Comprehensive User Guide" means the Ministry document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended;
10. "Best Management Practices Plan" means the most current version of the document titled Fugitive Dust Best Management Practices Plan (BMPP Reference Number: BMP Ver. 9.3) dated November 2020 that Company has developed for the control of fugitive dust that describe measures to minimize dust emissions from the Facility and/or Equipment;
11. "Company" means COVIA CANADA LTD./COVIA CANADA LTEE 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;
12. "Compound of Concern" means a contaminant that is described in paragraph 4 subsection 26 (1) of O. Reg. 419/05, namely, a contaminant that is discharged from the Facility in an amount that is not negligible;
13. "Description Section" means the section on page one of this Approval describing the Company's operations and the Equipment located at the Facility and specifying the Facility Production Limit for the Facility;
14. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of part II.1 of the EPA;

15. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
16. "Emission Summary Table" means a table described in paragraph 14 of subsection 26 (1) of O. Reg. 419/05;
17. "Environmental Assessment Act" means the *Environmental Assessment Act*, R.S.O. 1990, c.E.18;
18. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
19. "Equipment with Specific Operational Limits" means two dual fuel fired (propane and natural gas) dryers, designated as source DR-01 and DR-202; and any Equipment related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other Equipment that is specifically referenced in any published Ministry document that outlines specific operational guidance that must be considered by the Director in issuing an Approval;
20. "Equipment" means equipment or processes described in the ESDM Report, this Approval and in the Schedules referred to herein and any other equipment or processes;
21. "ESDM Report" means the most current Emission Summary and Dispersion Modelling Report that describes the Facility. The ESDM Report is based on the Original ESDM Report and is updated after the issuance of this Approval in accordance with section 26 of O. Reg. 419/05 and the Procedure Document;
22. "Facility Production Limit" means the production limit placed by the Director on the main product(s) or raw materials used by the Facility;
23. "Facility" means the entire operation located on the property where the Equipment is located;
24. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was not involved in preparing the Acoustic Assessment Report or the design/implementation of Noise Control Measures for the Facility and/or Equipment. The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment or the design/implementation of Noise Control Measures for the Facility and/or Equipment;
25. "Log" means a document that contains a record of each change that is required to be made to the ESDM Report and Acoustic Assessment Report, including the date on which the change occurred. For example, a record would have to be made of a more accurate emission rate for a source of contaminant, more accurate meteorological data, a more accurate value of a parameter that is related to a source of contaminant, a change to a Point of Impingement and all changes to information associated with a Modification to the Facility that satisfies Condition 2;
26. "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;
27. "Ministry" means the ministry of the Minister;
28. "Modification" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the Facility that may discharge or alter the rate or manner of discharge of a Compound of Concern to the air or discharge or alter noise or vibration emissions from the Facility;
29. "Noise Control Measures" means measures to reduce the noise emission from the Facility including, but not limited to silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers, as outlined in the Acoustic Assessment Report;
30. "O. Reg. 419/05" means Ontario Regulation 419/05: Air Pollution – Local Air Quality, made under the EPA;
31. "Original ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of O. Reg. 419/05 and the Procedure Document by Shelby R.Hudgens of Frontier Environment, LLC and dated August 14, 2020 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
32. "Point of Impingement" has the same meaning as in section 2 of O. Reg. 419/05;
33. "Point of Reception" means Point of Reception as defined by Publication NPC-300;

34. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2018, as amended;
35. "Processes with Significant Environmental Aspects" means the Equipment which, during regular operation, would discharge one or more contaminants into the air in an amount which is not considered as negligible in accordance with section 26 (1) 4 of O. Reg. 419/05 and the Procedure Document;
36. "Professional Engineer" means Professional Engineer as defined within the Professional Engineers Act, R.S.O. 1990, as amended.
37. "Public Liaison Committee" (PLC) means the committee that is being established to monitor the construction and operation of any activity described in this Approval at the Facility and consist of the members from the following groups where possible:
 - a. Kasshabog Lake area residents and/or their representatives; and
 - b. one (1) staff member in a management position from the Company.
38. "Publication NPC-103" means the Ministry Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, as amended;
39. "Publication NPC-207" means the Ministry draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the Ministry, August 1978, as amended;
40. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995, as amended;
41. "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;
42. "Schedules" means the following schedules attached to this Approval and forming part of this Approval namely:
 - Schedule 1 - Supporting Documentation;
43. "Tailings Dust Control Action Plan" means a document that Company has developed for the control of fugitive dust from the Tailings and describe measures to minimize dust emissions from the Tailings.
44. "Technology Benchmarking Report (TBR)" means a document that the Company has developed dated April 4, 2013 to identify technically feasible options to reduce off-property impacts of fugitive dust from the tailings.
45. "Toxicologist" means a qualified professional currently active in the field of risk assessment and toxicology that has a combination of formal university education, training and experience necessary to assess contaminants;
46. "Written Summary Form" means the electronic questionnaire form, available on the Ministry website, and supporting documentation, that documents the activities undertaken at the Facility in the previous calendar year;

TERMS AND CONDITIONS

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

1. GENERAL

1. Except as otherwise provided by this Approval, the Facility shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this Approval and in accordance with the following Schedules attached hereto:
 - Schedule 1 - Supporting Documentation

2. LIMITED OPERATIONAL FLEXIBILITY

1. Pursuant to section 20.6 (1) of the EPA and subject to Conditions 2.2 and 2.3 of this Approval, future construction, alterations, extensions or replacements are approved in this Approval if the future construction, alterations, extensions or replacements are Modifications to the Facility that:
 - a. are within the scope of the operations of the Facility as described in the Description Section of this Approval;
 - b. do not result in an increase of the Facility Production Limit above the level specified in the Description Section of this Approval; and
 - c. result in compliance with the performance limits as specified in Condition 4.
2. Condition 2.1 does not apply to,
 - a. the addition of any new Equipment with Specific Operational Limits or to the Modification of any existing Equipment with Specific Operational Limits at the Facility; and
 - b. Modifications to the Facility that would be subject to the Environmental Assessment Act.
3. Condition 2.1 of this Approval shall expire on March 20, 2027, unless this Approval is revoked prior to the expiry date. The Company may apply for renewal of Condition 2.1 of this Approval by including an ESDM Report and an Acoustic Assessment Report that describe the Facility as of the date of the renewal application.

3. REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION

1. Prior to making a Modification to the Facility that satisfies Condition 2.1.a and 2.1.b, the Company shall prepare a proposed update to the ESDM Report to reflect the proposed Modification.
2. The Company shall request approval of an Acceptable Point of Impingement Concentration for a Compound of Concern if the Compound of Concern is not identified in the ACB list as belonging to the category "Benchmark 1" and a proposed update to an ESDM Report indicates that one of the following changes with respect to the concentration of the Compound of Concern may occur:
 - a. The Compound of Concern was not a Compound of Concern in the previous version of the ESDM Report and
 - i. the concentration of the Compound of Concern exceeds the concentration set out for the contaminant in the ACB list; or
 - ii. the Compound of Concern is not identified in the ACB list; or
 - b. The concentration of the Compound of Concern in the updated ESDM Report exceeds the higher of,
 - i. the most recent Acceptable Point of Impingement Concentration, and
 - ii. the concentration set out for the contaminant in the ACB list, if the contaminant is identified in that document.
3. The request required by Condition 3.2 shall propose a concentration for the Compound of Concern and shall contain an assessment, performed by a Toxicologist, of the likelihood of the proposed concentration causing an adverse effect at Points of Impingement.
4. If the request required by Condition 3.2 is a result of a proposed Modification described in Condition 3.1, the Company shall submit the request, in writing, to the Director at least 30 days prior to commencing to make the Modification. The Director shall provide written confirmation of receipt of this request to the Company.
5. If a request is required to be made under Condition 3.2 in respect of a proposed Modification described in Condition 3.1, the Company shall not make the Modification mentioned in Condition 3.1 unless the request is approved in writing by the Director.
6. If the Director notifies the Company in writing that the Director does not approve the request, the Company shall,
 - a. revise and resubmit the request; or

b. notify the Director that it will not be making the Modification.

7. The re-submission mentioned in Condition 3.6 shall be deemed a new submission under Condition 3.2.

8. If the Director approves the request, the Company shall update the ESDM Report to reflect the Modification.

9. Condition 3 does not apply if Condition 2.1 has expired.

4. PERFORMANCE LIMITS

1. Subject to Condition 4.2, the Company shall not discharge or cause or permit the discharge of a Compound of Concern into the air if,

2. the Compound of Concern is identified in the ACB list as belonging to the category "Benchmark 1" and the discharge results in the concentration at a Point of Impingement exceeding the Benchmark 1 concentration; or

3. the Compound of Concern is not identified in the ACB list as belonging to the category "Benchmark 1" and the discharge results in the concentration at a Point of Impingement exceeding the higher of,

a. if an Acceptable Point of Impingement Concentration exists, the most recent Acceptable Point of Impingement Concentration, and

b. the concentration set out for the contaminant in the ACB list, if the contaminant is identified in that document.

4. Condition 4.1 does not apply if the benchmark set out in the ACB list has a 10-minute averaging period and no ambient monitor indicates an exceedance at a Point of Impingement where human activities regularly occur at a time when those activities regularly occur.

5. The Company shall:

a. implement by not later than four (4) years from the date of this Approval, the Noise Control Measures as outlined in the Acoustic Assessment Report;

b. ensure, subsequent to the implementation of the proposed 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..

6. The Company shall ensure that the vibration emissions from the Facility comply with the limits set out in Ministry Publication NPC-207.

7. The Company shall operate any Equipment with Specific Operational Limits approved by this Approval in accordance with the Original ESDM Report.

5. DOCUMENTATION REQUIREMENTS

1. The Company shall maintain an up-to-date Log.

2. No later than March 31 in each year, the Company shall update the Acoustic Assessment Report and shall update the ESDM Report in accordance with section 26 of O. Reg. 419/05 so that the information in the reports is accurate as of December 31 in the previous year.

3. The Company shall make the Emission Summary Table (see section 27 of O. Reg. 419/05) and Acoustic Assessment Summary Table available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the Facility.

4. The Company shall, within three (3) months after the expiry of Condition 2.1 of this Approval, update the ESDM Report and the Acoustic Assessment Report such that the information in the reports is accurate as of the date that Condition 2.1 of this Approval expired.

5. Conditions 5.1 and 5.2 do not apply if Condition 2.1 has expired.

6. REPORTING REQUIREMENTS

1. Subject to Condition 6.2, the Company shall provide the Director no later than June 30 of each year, a Written Summary Form to be submitted through the Ministry's website that shall include the following:
 - a. a declaration of whether the Facility was in compliance with section 9 of the EPA, O. Reg. 419/05 and the conditions of this Approval;
 - b. a summary of each Modification satisfying Condition 2.1.a and 2.1.b that took place in the previous calendar year that resulted in a change in the previously calculated concentration at a Point of Impingement for any Compound of Concern or resulted in a change in the sound levels reported in the Acoustic Assessment Summary Table at any Point of Reception.
2. Condition 6.1 does not apply if Condition 2.1 has expired.

7. OPERATION AND MAINTENANCE

1. The Company shall prepare and implement, not later than three (3) months from the date of this Approval, operating procedures and maintenance programs for all Processes with Significant Environmental Aspects, which shall specify as a minimum:
 - a. frequency of inspections and scheduled preventative maintenance;
 - b. procedures to prevent upset conditions;
 - c. procedures to minimize all fugitive emissions;
 - d. procedures to prevent and/or minimize odorous emissions;
 - e. procedures to prevent and/or minimize noise emissions; and
 - f. procedures for record keeping activities relating to the operation and maintenance programs.
2. The Company shall ensure that all Processes with Significant Environmental Aspects are operated and maintained in accordance with this Approval, the operating procedures and maintenance programs.
3. The Company shall perform a daily visual check of each point source and fugitive source of dust at the Facility and shall record the results in a log book in paper and/or electronic format.

8. COMPLAINTS RESPONSE PROCEDURE

1. A designated representative of the Company shall be available to receive complaints twenty-four (24) hours per day, seven (7) days per week.
2. If at any time, the Company receives any environmental complaints from the public regarding the operation of the Facility approved by this Approval, the Company shall respond to these complaints according to the following procedures:
3. Step 1: Record of Complain: The Company shall record each complaint in a computerized tracking system. The information to be recorded shall include the following:
 - a. name, address and the telephone number of the complainant, if known;
 - b. time and date of the complaint; and
 - c. details of the complaint.
4. Step 2: Investigation and Handling of Complaint: After the complaint has been received by the Company, the Company shall immediately report, either to the District Manager by phone during office hours or to the Ministry's Spills Action Centre at 1-800-268-6060 off office hours, on the receipt of the complaint. The Company

shall immediately initiate investigation of the complaint. The investigation shall include, as a minimum, the following:

- a. determination of the activities undertaken in the Facility at the time of the complaint;
 - b. meteorological conditions including, but not limited to the ambient temperature, approximate wind speed and its direction;
 - c. determination if the complaint is attributed to activities in the Facility and if so, the possible cause(s) of the complaint;
 - d. determination of the remedial action(s) to address the cause(s) of the complaint, and implementation of the remedial action(s) as soon as practicably possible.
5. The Company shall document the response provided to the complainant, if known, and shall make the document(s) available for inspection by staff of the Ministry upon request. The response shall include the results of the investigation of the complaint, the action(s) taken or planned to be taken to address the cause(s) of the complaint, and if follow-up response(s) would be provided.
 6. The Company shall, within three (3) business days, submit a report to the District Manager on that complaint, and all proposed action(s) to prevent recurrence of the complaint in the future.
 7. All the information collected and action(s) taken in this step have to be recorded in the computerized tracking system.

9. RECORD KEEPING REQUIREMENTS

1. Any information requested by any employee in or agent of the Ministry concerning the Facility and its operation under this Approval, including, but not limited to, any records required to be kept by this Approval, shall be provided to the employee in or agent of the Ministry, upon request, in a timely manner.
2. Unless otherwise specified in this Approval, the Company shall retain, for a minimum of five (5) years from the date of their creation all reports, records and information described in this Approval, including,
 - a. a copy of the Original ESDM Report and each updated version;
 - b. a copy of each version of the Acoustic Assessment Report;
 - c. supporting information used in the emission rate calculations performed in the ESDM Reports and Acoustic Assessment Reports;
 - d. the records in the Log;
 - e. copies of each Written Summary Form provided to the Ministry under Condition 6.1 of this Approval;
 - f. records of maintenance, repair and inspection of Equipment related to all Processes with Significant Environmental Aspects; and
 - g. all records related to environmental complaints made by the public as required by Condition 8 of this Approval.

10. FUGITIVE DUST CONTROL

1. The Company shall review and update the Best Management Practices Plan as necessary or as a minimum annually and submit a copy to the District Manager upon written request.
2. The Company shall implement the updated Best Management Practices Plan immediately. The District Manager may require the Best Management Practices Plan to be revised and re-submitted.
3. The Company shall record, either electronically or in a log book, each time a specific preventative and control measure described in the Best Management Practices Plan is implemented. The Company shall record, as a minimum:

- a. the date when each emission control measure is installed, including a description of the control measure;
 - b. the date when each new preventative measure or operating procedure to minimize emissions is implemented, including a description of the preventative measure or operating procedure; and
 - c. the date, time of commencement, and time of completion of each periodic activity conducted to minimize emissions, including a description of the preventative measure/procedure and the name of the individual performing the periodic activity.
4. The Company shall review the Tailings Dust Control Action Plan annually, prepare and submit a report to the District Manager by March 15 summarizing:
- a. the progress of the implementation of the measures contained in the Best Management Practices Plan and Tailings Dust Control Action Plan for the previous year;
 - b. the results of fugitive dust emissions reduction achieved; and
 - c. (c) a proposed Tailings Dust Control Action Plan for the upcoming year.
5. The Company shall implement the updated Tailings Dust Control Action Plan immediately.
6. The Company shall update and implement the Technology Benchmarking Report (TBR) upon written request by the District Manager.
7. The Company shall control the tailing emissions at all times.

11. AIR QUALITY MONITORING PROGRAM

1. The Company shall:
- a. upon the request of the District Manager, develop and submit to the District Manager, an air quality monitoring program in accordance with the requirements set out in the Operations Manual for Air Quality Monitoring in Ontario, 2018, as amended that may include continuous ambient air quality monitoring for the measurement of:
 - i. suspended particulate matter (PM),
 - ii. suspended particulate matter less than 10 µm in aerodynamic diameter (PM10); and
 - iii. dustfall (30-day)
 - b. implement the air quality monitoring program approved by the District Manager immediately.
2. If the District Manager does not accept the ambient air quality monitoring program, the District Manager may require the Company to revise and re-submit the ambient air quality monitoring program.
3. All aspects of the ambient air quality program are subject to audit at any time by Ministry designated personnel.
4. Within sixty (60) days of the completion of any air quality monitoring program the Company shall submit to the District Manager a written report summarizing the results of the air quality monitoring program in accordance with the Operations Manual for Air Quality Monitoring in Ontario, 2018, as amended, prepared by a Professional Engineer.
5. The Company shall after the completion of any air quality monitoring program post the results of the air quality monitoring program on the Company's corporate website within three (3) months of receipt of the report, and provide a hard copy upon request, for inspection by any interested member of the public.

12. NOTIFICATION

The Company shall maintain and update the dust event notification procedure dated September 2013 as directed by the District Manager to report all visible dust discharges that cross its property boundary.

13. CONSULTATION

1. During the process of submission of an application to amend this Approval and/or any future amendments to this Approval for the Facility, the Company shall:
 - a. discuss with PLC the proposed application prior to submission of the application to the Director;
 - b. provide the same documents to PLC that are provided to the Director in respect of the amendment or alternate documents as requested and/or agreed upon by the PLC; and
 - c. provide the Director with a statement indicating how PLC comments were considered by the Company before it submitted the application to the Ministry.

14. ACOUSTIC AUDIT

1. The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:
 - a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103;
 - b. shall submit an Acoustic Audit Report on the results of the Acoustic Audit, prepared by an Independent Acoustical Consultant, in accordance with the requirements of Publication NPC-233, to the District Manager and the Director not later than three (3) months after the full implementation of the Noise Control Measures.
2. The Director:
 - a. may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed;
 - b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

15. REVOCATION OF PREVIOUS APPROVALS

1. This Approval replaces and revokes all Certificates of Approval (Air) issued under section 9 EPA and Environmental Compliance Approvals issued under Part II.1 EPA to the Facility in regards to the activities mentioned in subsection 9(1) of the EPA and dated prior to the date of this Approval.

REASONS

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

1. GENERAL

Condition No. 1 is included to require the Approval holder to build, operate and maintain the Facility in accordance with the Supporting Documentation in Schedule 1 considered by the Director in issuing this Approval.

2. LIMITED OPERATIONAL FLEXIBILITY, REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION AND PERFORMANCE LIMITS

Conditions No. 2, 3 and 4 are included to limit and define the Modifications permitted by this Approval, and to set out the circumstances in which the Company shall request approval of an Acceptable Point of Impingement Concentration prior to making Modifications. The holder of the Approval is approved for operational flexibility for the Facility that is consistent with the description of the operations included with the application up to the Facility Production Limit. In return for the operational flexibility, the Approval places performance based limits that cannot be exceeded under the terms of this Approval. Approval holders will still have to obtain other relevant approvals required to operate the Facility, including requirements under other environmental legislation such as the Environmental Assessment Act.

3. DOCUMENTATION REQUIREMENTS

Condition No. 5 is included to require the Company to maintain ongoing documentation that demonstrates compliance with the performance limits as specified in condition 4 of this Approval and allows the Ministry to monitor on-going compliance with these performance limits. The Company is required to have an up to date ESDM Report and Acoustic Assessment Report that describe the Facility at all times and make the Emission Summary Table and Acoustic Summary Table from these reports available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the Facility.

4. REPORTING REQUIREMENTS

Condition No. 6 is included to require the Company to provide a yearly Written Summary Form to the Ministry, to assist the Ministry with the review of the site's compliance with the EPA, the regulations and this Approval.

5. OPERATION AND MAINTENANCE

Condition No. 7 is included to require the Company to properly operate and maintain the Processes with Significant Environmental Aspects to minimize the impact to the environment from these processes.

6. COMPLAINTS RECORDING AND REPORTING PROCEDURE

Condition No. 8. is included to require the Company to respond to any environmental complaints regarding the operation of the Equipment, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

7. RECORD KEEPING REQUIREMENTS

Condition No. 9 is included to require the Company to retain all documentation related to this Approval and provide access to employees in or agents of the Ministry, upon request, so that the Ministry can determine if a more detailed review of compliance with the performance limits as specified in condition 4 of this Approval is necessary.

8. FUGITIVE DUST CONTROL

Condition No. 10 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.

9. AIR QUALITY MONITORING PROGRAM

Condition No 11 is included to prevent an adverse effect resulting from the operation of the Facility.

10. Condition No. 12 is included for the Company to notify the identified authorities and/or concerned groups about all visible dust discharges that cross its property boundary.

11. CONSULTATION

Condition No. 13 is included in order to ensure that consultation with Public Liaison Committee is undertaken during the submission of any application to amend this Approval and/or any future amendments to this Approval for the Facility.

12. Acoustic Audit

Condition No. 14 is included to require the Company to gather accurate information and submit an Acoustic Audit Report in accordance with procedures set in the Ministry's noise guidelines, so that the environmental impact and subsequent compliance with this Approval can be verified.

13. REVOCATION OF PREVIOUS APPROVALS

Condition No. 15 is included to identify that this Approval replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the EPA and dated prior to the date of this Approval.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights, 1993* who 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:

- I. 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;
- II. 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:

- I. The name of the appellant;
- II. The address of the appellant;
- III. The environmental compliance approval number;
- IV. The date of the environmental compliance approval;
- V. The name of the Director, and;
- VI. 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 <i>Environmental Protection Act</i> Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** 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 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 14th day of April, 2022



Denton Miller

Director

appointed for the purposes of Part II.1 of the Environmental Protection Act

c: Amir Iravani, Dillon Consulting Limited
Shelby Hudgens, Frontier Environment
Douglas Losee

The following schedules are a part of this environmental compliance approval:

SCHEDULE 1

Supporting Documentation

- (a) Application for Approval (Air & Noise), dated December 17, 2020, Certified By Douglas Losee of the Company;
- (b) Original ESDM Report; and email updates provided by Cynthia Jamieson, Unimin Canada Ltd. on August 11 and September 22, 2016 and email updates provided by Michele Oxlade of the Company on July 27, 2021; January 21 and February 04, 2022; and email updates provided by Shelby Hudgens, PE, of Frontier Environment, LLC on August 06, 17 and 23, 20121; and
- c) Acoustic Assessment Report prepared by Dillon Consulting Limited, dated March 23, 2022 and signed by Amir A. Iravani, Ph.D., PEng.