

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 8520-CDTKQK

Issue Date: May 19, 2022

Lavis Contracting Co. Limited
37462A Huron Rd
Central Huron, Ontario
N0M 1L0

Site Location: Clinton Facility
37462A Huron Rd
Central Huron Municipality, County of Huron
N0M 1L0

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) permanent drum mix hot mix asphalt plant, operating with a maximum production rate of 300 tonnes of HMA per hour, 3,600 tonnes of HMA per day, and 220,000 tonnes of HMA per year, and consisting of the following sources discharging to the air:
 - one (1) rotary drum mixer equipped with one (1) natural-gas fired burner having a maximum thermal input rating of 105.5 million kilojoules per hour, controlled by one (1) baghouse dust collector equipped with 1,400 square metres of Nomex filter material and a reverse air cleaning mechanism, discharging to the air at a maximum volumetric flow rate of 35 cubic metres per second and a temperature of 125 degrees Celsius, through a stack having an exit diameter of 1.4 metres, extending 15.2 metres above grade;
 - one (1) baghouse dust collector to control emissions from the dust silo, having a filtering area of 24.5 square metres and a pulse-jet type cleaning system, passively discharging to the air at a maximum volumetric flow rate of 0.8 cubic metre per second, through a stack having an exit diameter of 0.3 metre, extending 15.5 metres above grade;
 - three (3) liquid asphalt cement storage tanks, each individually heated by direct electric heaters, each having a maximum storage capacity of 125.3 tonnes and operating at a maximum tank temperature of 325 degrees Fahrenheit (163 degrees Celsius);

- o one (1) emulsion storage tank with a maximum storage capacity of 17.1 tonnes;
- o three (3) hot mix asphalt storage silos, each having a capacity of 181.4 tonnes and operating at a maximum temperature of 325 degrees Fahrenheit (163 degrees Celsius); and,
- o fugitive emissions resulting from the delivery, storage, and transfer of raw materials and products associated with hot mix asphalt production operations;
- one (1) aggregate depot, operating with a maximum delivery and shipping rate of 640 tonnes and 100 tonnes, respectively of reclaimed asphalt pavement (RAP) and/or aggregate material per day, and consisting of the following sources discharging to the air:
 - o fugitive emissions resulting from the delivery, storage, transfer, and shipping of materials associated with the aggregate depot operations;

all in accordance with the Application for Approval (Air & Noise) submitted by Lavis Contracting Co. Limited, dated November 1, 2021 and signed by Bill Kasper, Vice President - Engineering & Facilities; and the supporting information, including the Emission Summary and Dispersion Modelling Report submitted by BCX Environmental Consulting, dated November 12, 2021 and signed by Megan Ostronic, and the additional information submitted by BCX Environmental Consulting, dated March 31, 2022 and signed by Bridget Mills, and the Acoustic Assessment Report prepared by HGC Engineering, dated November 11, 2021, and signed by Swetha Kulandaivelan, 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 Facility. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by HGC Engineering, dated November 11, 2021 and signed by Swetha Kulandaivelan, P.Eng.;
2. "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;
3. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;
4. "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;

5. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
6. "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;
7. "Company" means Lavis Contracting Co. 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 for the purpose of section 20.3 of the EPA 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. "Facility" means the entire operation located on the property where the Equipment is located;
13. "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;
14. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
15. "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;
16. "Ministry" means the ministry of the Minister;
17. "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. It also means the noise control measures outlined in section 6 of the Acoustic Assessment Report;
18. "Publication NPC-103" means the Ministry Publication NPC-103 of the Model Municipal Noise

Control By-Law, Final Report, August 1978, published by the Ministry, as amended;

19. "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
20. "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, 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 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. The Company shall ensure that the maximum temperatures for the liquid asphalt cement storage tanks and HMA silo mentioned above in this Approval are not exceeded.

3. The Company shall prepare and implement procedures to monitor and keep records of the loss on heating (ASTM Method D2872 - Rolling Thin Film Oven Test) of the received liquid asphalt cement to ensure the annual average loss on heating for the received liquid asphalt cement is not greater than 0.50%.
4. The Company shall ensure the portable crushing plant, including associated equipment and operations, is:
 - a. located at the Facility in accordance with the ESDM Report; and,
 - b. only operated between the months of April to November, inclusive.

2. FUGITIVE DUST CONTROL

1. The Company shall develop 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 (3) 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;

- b. all records on the daily operation of the Equipment, including:
 - i. temperatures required to ensure Condition 1.2 is met; and,
 - ii. daily production rate;
- c. all records of any upset conditions associated with the operation of the Equipment;
- d. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - 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.

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;
 - 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.

5. NOISE

- 1. The Company shall:
 - a. implement, prior to the commencement of operation of the Equipment, the Noise Control Measures as outlined in section 6 of the Acoustic Assessment Report;

- b. at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300; and
 - c. properly maintain the Noise Control Measures ensuring that they continue to meet the acoustical performance outlined in the Acoustic Assessment Report.
2. The Company shall restrict the operation of the crushing plant to the daytime hours from 7 a.m. to 7 p.m.

6. 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; and
 - 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 twelve (12) months after the commencement of operation of the Equipment.
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.

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

1. Condition No. 1 and 2 are 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. 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.
3. 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.
4. Condition No. 5.1 is included to provide the minimum performance requirement considered

necessary to prevent an adverse effect resulting from operation of the Facility.

5. Condition No. 5.2 is included to ensure that operation of the crushing plant is not extended beyond the stated hours to prevent an adverse effect resulting from the operation of the crushing plant.
6. Condition No. 6 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 8-1009-86-006 issued on March 13, 1986

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

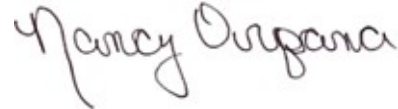
* Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.gov.on.ca

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 May, 2022



Nancy E Orpana, P.Eng.

Director

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

AB/

c: District Manager, MECP Owen Sound
Bridget Mills, BCX Environmental Consulting