

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0412-A2LR4V

Notice No. 1

Issue Date: July 18, 2022

New Gold Inc.
5967 11/71 Hwy
Post Office Box, No. 5
Emo, Ontario
P0W 1E0

Site Location: Rainy River Mine
5967 11/71 Hwy
Emo Township, District of Rainy River
P0W 1E0

You are hereby notified that I have amended Approval No. 0412-A2LR4V issued on September 24, 2015 for changing the Facility Production Limit , as follows:

The following Description Section is revoked:

A gold mining and processing facility, consisting of the following processes and support units:

- Open pit and underground mining operations.
- Ore handling, crushing and grinding operations.
- Ore processing facility consisting of leaching and carbon-in-pulp gold adsorption, carbon stripping, electrowinning and refining operations.
- Tailings management and treatment including cyanide destruction.
- Propane fired heaters.

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to **32,000 tonnes of ore processed per day**, discharging to the air as described in the *Original ESDM Report*.

and replaced with the following Description Section:

A gold mining and processing facility, consisting of the following processes and support units:

- Open pit and underground mining operations.
- Ore handling, crushing and grinding operations.
- Ore processing facility consisting of leaching and carbon-in-pulp gold adsorption, carbon stripping, electrowinning and refining operations.
- Tailings management and treatment including cyanide destruction.
- Propane fired heaters.

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to **32,400 tonnes of ore processed per day**, discharging to the air as described in the *Original ESDM Report*.

The following Definition is revoked:

2. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by AMEC Environment & Infrastructure, dated September 2014 and signed by Mohammed Salim, P.Eng., submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility* and includes all up-dated *Acoustic Assessment Reports* as required by the Documentation Requirements conditions of this *Approval* to demonstrate continued compliance with the *Performance Limits* following the implementation of any *Modification*.

and replaced with the following Definition:

2. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by Trinity Consultants, dated July 5, 2022 and signed by Shubham Shringi, submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility* and includes all up-dated *Acoustic Assessment Reports* as required by the Documentation Requirements conditions of this *Approval* to demonstrate continued compliance with the *Performance Limits* following the implementation of any *Modification*.

The following Schedule is revoked:

SCHEDULE A

Supporting Documentation

- (a) Application for Approval (Air & Noise), dated July 23, 2014, signed by Kyle L. Stanfied and submitted by the *Company*;
- (b) Emission Summary and Dispersion Modelling Report, prepared by AMEC Environment & Infrastructure, a division of AMEC Americas Limited and dated September 12, 2014;
- (c) Updated air emissions and modelling information provided by AMEC Environment & Infrastructure, a division of AMEC Americas Limited and dated March 27, 2015 and April 14, 2015;

- (d) Acoustic Assessment Report, prepared by AMEC Environment & Infrastructure, dated September 2014 and signed by Mohammed Salim, P.Eng.

and replaced with the following Schedule:

SCHEDULE A

Supporting Documentation

- (a) Application for Approval (Air & Noise), dated July 23, 2014, signed by Kyle L. Stanfield and submitted by the *Company*;
- (b) Emission Summary and Dispersion Modelling Report, prepared by AMEC Environment & Infrastructure, a division of AMEC Americas Limited and dated September 12, 2014;
- (c) Updated air emissions and modelling information provided by AMEC Environment & Infrastructure, a division of AMEC Americas Limited and dated March 27, 2015 and April 14, 2015;
- (d) Acoustic Assessment Report, prepared by Trinity Consultants, dated July 5, 2022 and signed by Shubham Shringi.

All other Terms and Conditions in Approval No. 0412-A2LR4V remain unchanged.

All in accordance with:

- The application for amendment submitted by New Gold Inc., dated August 5, 2021 and signed by Garnet Cornell
- Email dated April 29, 2022 from Karina Kenigsberg, Trinity Consultants with information supporting the requested amendment.

This Notice shall constitute part of the approval issued under Approval No. 0412-A2LR4V dated September 24, 2015

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 18th day of July, 2022



Nancy E Orpana, P.Eng.

Director

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

SA/

c: Area Manager, MECP Kenora

c: District Manager, MECP Thunder Bay - District
Karina Kenigsberg, Trinty Consultants