

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 2487-CGWQEY

Issue Date: September 30, 2022

John Zubick Limited  
105 Clarke Rd  
Post Office Box, No. 4364  
London, Ontario  
N5W 5C9

Site Location: 105 Clarke Road  
London City, County of Middlesex  
N5W 5C9

*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) Hammer Mill controlled by a baghouse dust collector, discharging to the air at a volumetric flow rate of 4.17 cubic metres per second through a stack (Source ID: HMR) having an exit diameter of 0.5 metre and extending 14.82 metres above grade and 6.82 metres above the roof;
- one (1) Wire Granulator controlled by a baghouse dust collector, discharging to the air at a volumetric flow rate of 8.33 cubic metres per second through a stack (Source ID: GRL) having an exit diameter of 0.8 metre and extending 12.83 metres above grade and 4.83 metres above the roof;
- one (1) Auto Shredder controlled by a baghouse dust collector, discharging to the air at a volumetric flow rate of 8.47 cubic metres per second through a stack (Source ID: SHRED1) having an exit diameter of 1.13 metre and extending 9.00 metres above grade;
- one (1) Auto Shredder controlled by a baghouse dust collector, discharging to the air at a volumetric flow rate of 8.47 cubic metres per second through a stack (Source ID: SHRED2) having an exit diameter of 1.13 metre and extending 9.00 metres above grade;
- one (1) Metal Shearer with a maximum processing rate of 15.1 tonnes per hour discharging fugitively to the air;

- indoor and outdoor maintenance welding operations using a total of 20 kilograms per day of mild steel electrodes, with the indoor welding operations discharging to the air through two (2) stacks (Source IDs WELD1 and WELD2) each with a volumetric flow rate of 0.42 cubic metres per second having an exit diameter of 0.15 metre and extending 6.65 metres above grade and 0.65 metres above the roof; and (b) outdoor welding operations discharging fugitively to the air (Source ID WELD3);
- natural gas fired comfort heaters in the warehouse and garage and hotwater tank having a total maximum thermal input of 760,699 kilojoules per hour discharging through dedicated stacks and vents;
- propane fired equipment discharging to the air at a volumetric flow rate of 0.0782 cubic metres per second through a stack (Source ID: HOTSYS) having an exit diameter of 0.3 metre and extending 7.67 metres above grade and 1.67 metres above the roof;

all in accordance with the application for an Approval submitted by John Zubick Limited, dated November 29, 2021, signed by Matt Zubick, and the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by RWDI Air Inc., dated December 2, 2021 and signed by Sarah Pellatt and Ben Zubick, the Acoustic Assessment Report (AAR) prepared by RWDI, dated November 26, 2021 and signed by Gillian Redman, P.Eng.; and

all in accordance with the application for an Approval submitted by John Zubick Limited, dated March 25, 2019, signed by Keith Albion, and the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by RWDI Air Inc., dated March 21, 2019 and signed by Sarah Pellatt and Keith Albion, the Acoustic Assessment Report (AAR) prepared by RWDI, dated March 21, 2019 and signed by Kyle Hellewell, P.Eng.; and the additional air emissions information provided on February 10, 2020 by RWDI Air Inc, signed by Melissa Annett.

*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 and Appendix A of the Basic Comprehensive User Guide, prepared by RWDI, dated November 26, 2021 and signed by Gillian Redman, P.Eng., submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility;
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 John Zubick 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. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
9. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
10. "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;
11. "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;
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. "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;
16. "Noise Control Measures" means measures to reduce the noise emission from the Facility and/or Equipment including, but not limited to silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures outlined in the Acoustic Assessment Report;
17. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended;
18. "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 Golder Associates Ltd. and dated July 18, 2016 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*;

19. "Procedure Document" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated February 2017, as amended;
20. "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;
21. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
22. "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.
23. "Technical Bulletin: Management Approaches for Industrial Fugitive Dust Sources" means the Ministry publication "Technical Bulletin: management approaches for industrial fugitive dust sources", March 8, 2017, 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 from 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 baghouse dust collectors;
- b. implement the recommendations of the Manual.

## **2. FUGITIVE DUST CONTROL**

1. The Company shall develop a Best Management Practices Plan for the control of fugitive dust emissions from sources including but not limited to Facility roads, storage piles and material handling operations at the Facility. This Best Management Practices Plan shall:
  - a. at a minimum, be prepared in accordance with the Ministry document "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 from 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:
  - a. review and evaluate on an annual basis, the Best Management Practices Plan for the control of fugitive dust emissions;
  - b. record the results of each annual review and update as required the Best Management Practices Plan within two (2) months of the completion of the annual review;
  - c. maintain the updated Best Management Practices Plan at the Facility and if changes were made to any practices, provide a copy to the District Manager within one (1) month of the update;
  - d. implement, at all times, the most recent version of the Best Management Practices Plan.
5. 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 implemented, 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.

### **3. ROAD DUST SAMPLING AND ANALYSIS**

1. The Company shall implement a sampling and analysis program during snow free season for monitoring the silt content and metal concentrations of the dust/surface material on each Facility road subject to vehicular traffic. The metals to be analysed shall include at a minimum manganese, nickel, chromium, iron and lead.
2. The silt content determination shall be carried out in accordance with the Appendix C1 and C2 of the document "AP-42 - Compilation of Air Pollution Emission Factors, Volume 1: Stationary Point and Area Sources, January 1995, U.S Environmental Protection Agency", as amended.
3. The dust sampling and analysis plan outlined in Condition 3 of this Approval shall be prepared in consultation with the District Manager and submitted to the District Manager not later than three (3) months from the date of this Approval, or not later than a time frame agreed in writing with the District Manager. At a minimum the plan shall include:
  - a. definition of the areas to be sampled and analysed;
  - b. number of paved/unpaved road samples to be collected;
  - c. proposed frequency of sampling with consideration given to seasonal and/or meteorological conditions;
  - d. proposed equipment and methodology for conducting the sampling program; and
  - e. proposed methodology for analysing the dust/surface material samples.
4. Upon acceptance of the dust/surface material sampling and analysis plan by the District Manager, the Company shall carry out sampling and analysis for the silt content and metals in accordance with the approved plan within twelve (12) months from the date of this Approval, or not later than a time frame agreed in writing with the District Manager.
5. The Company shall submit a report on the road dust sampling and analysis to the District Manager not later than two (2) months after completing the sampling and analysis, or not later than a time frame agreed in writing with the District Manager.

6. If the results of the dust/surface material analysis for the silt content and metals indicate that emission rates of metals from the Facility are higher than the maximum emission rates identified in the Original ESDM Report, the Company shall update the ESDM Report with the emission rates derived from this analysis. The updated ESDM Report shall be submitted with the report on the road dust sampling and analysis.

#### **4. 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 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.
  - c. records related to fugitive dust control as required by the section titled "Fugitive Dust Control" of this Approval.

#### **5. NOTIFICATION OF COMPLAINTS**

1. If at any time the Company receives any complaints about the Facility operations, the Company respond to these complaints according to the following procedure:
  - a. The Company shall record and number each complaint, either electronically or in a log book, and shall include the following information:
    - i. the nature of the complaint;
    - ii. the name, address and the telephone number of the complainant (if provided); and
    - iii. the time and date of the complaint.
  - b. The Company, upon notification of the complaint:

- i. shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and
  - ii. in writing, notify the District Manager of the complaint within two (2) business days.
- c. The Company shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

## **6. NOISE**

1. The Company shall:
  - a. implement by not later than a hundred and twenty (120) months 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 Noise Control Measures, that the noise emissions from the Facility comply with the limits set in Ministry Publication NPC-300;
  - c. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

## **7. 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 shall:
  - a. carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103;
  - b. 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 six (6) 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.



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

1. Condition number 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 number 3 is included to require the Company to gather and retain accurate information so that compliance with the EPA, Regulation 419/05 and this Approval may be verified.
3. Condition number 4 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.
4. Condition number 5 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.
5. Condition number 6 is included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Facility.
6. Condition number 7 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).  
3095-BMLPXM issued on March 31, 2020**

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

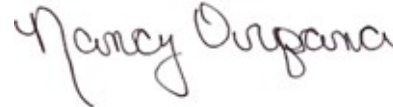
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* 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](http://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 30th day of September, 2022



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Nancy E Orpana, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

SA/

c: District Manager, MECP London - District  
Melissa Annett, RWDI Air Inc.