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Ministry of the Environment, Conservation and Parks  
Ministère de l'Environnement, de la Protection de la nature et des Parcs

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 7471-CLDKAE

Issue Date: November 29, 2022

Thomas Cavanagh Construction Limited  
9094 Cavanagh Road  
Aston, Ontario  
K0A 1B0

**Site Location:** Lanark Pit and Quarry  
1220 Pinegrove Road  
Lanark Highlands Township, County of Lanark

*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) aggregate pit and quarry consisting of the following equipment and emission sources:

- One (1) crushing plant having a maximum processing rate of 600 tonnes per hour, which includes primary, secondary and tertiary crushers, primary and secondary screens, conveyors, and transfer points;
- One (1) wash plant having a maximum processing rate of 200 tonnes per hour, which includes screens, conveyors, wet screens, classifier tank and transfer points;
- Two (2) diesel-fired generators rated at 720 kilowatts discharging to the atmosphere through a stack having an exit diameter of 0.2 metre and extending approximately 4.5 metres above grade;
- One (1) diesel-fired generator rated at 350 kilowatts discharging to the atmosphere through a stack having an exit diameter of 0.15 metre and extending approximately 4.5 metres above grade;
- Fugitive dust emissions from wind erosion and roads;

all in accordance with the Environmental Compliance Approval application submitted by Thomas Cavanagh Construction Limited dated November 27, 2020 and signed by Lori Cavanagh, Vice President; Emission Summary and Dispersion Modelling Report submitted by Golder Associates Ltd. dated November 2020 and signed by Jeff Zywicki and Katherine Armstrong; emails submitted by Golder Associates Ltd. dated October 20 and November 4, 2022 from Jeff Zywicki; Acoustic Assessment Report submitted by

Freefield Ltd. dated November 17, 2020 and signed by Michael Wells and Hugh Williamson; email submitted by Freefield Ltd. dated July 27, 2021 from Michael Wells; and all other supporting information and documentation in support of 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, by Michael Wells / Freefield Ltd. and dated November 17, 2020 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility;
2. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
3. "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;
4. "Company" means Thomas Cavanagh Construction 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;
5. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
6. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
7. "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;
8. "Facility" means the entire operation located on the property where the Equipment is located;
9. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
10. "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;
11. "Noise Control Measures" means measures to reduce the noise emissions from the Facility and/or Equipment including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers, described in the Company's application, and in the supporting documentation referred to herein, including the Acoustic Assessment Report, to the extent approved by this Approval;

12. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
13. "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; and
14. "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 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; and
    - iv. all appropriate measures to minimize noise, fugitive dust and odorous emissions from all potential sources;
  - b. implement the recommendations of the Manual.

### **2. FUGITIVE DUST CONTROL**

1. The Company shall develop in consultation with the District Manager, 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; and
  - 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.

### **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; and

b. the time and date of the incident to which the complaint relates.

## 5. NOISE

1. The Company shall:

- a. ensure, subsequent to the completion of the Noise Control Measures, that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300;
- b. restrict operation of crushing and screening plant to the daytime period between 7:00 am and 7:00 pm; and
- c. restrict operation of rock drills to the daytime period between 7:00 am and 7:00 pm.

## 6. NOISE CONTROL MEASURES

1. The Company shall:

- a. fully implement the Noise Control Measures specified in the Acoustic Assessment Report not later than twelve (12) months after the date of issuance of the Approval; and
- b. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

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

1. Condition Nos. 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. 2 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. 3 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 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Condition No. 6 is included to require the Company to implement a Noise Control Measures designed to ensure that the noise emissions from the Facility will be in

compliance with applicable limits set in the Ministry's noise guidelines.

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](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 29th day of November,  
2022

A handwritten signature in dark ink that reads "Nancy Orpana". The signature is written in a cursive style with a large initial 'N'.

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

MS/  
c: District Manager, MECP Ottawa  
Jeff Zywicki, Golder Associates Ltd.