

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 2180-C8THVW
Issue Date: December 7, 2022

J. Harrison Excavating and Pipeline Ltd.
21 Steve Fonyo Drive Dr
Kingston, Ontario
K7M 8P1

Site Location: Mobile Facility

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) portable crushing plant to process crushed recycled asphalt and waste such as construction debris at the maximum rate of 200 tonnes per hour, consisting of:

- one (1) Pegson 428 Trakpactor crusher equipped with water spray bars and powered by a Caterpillar C9 Diesel Engine rated at 261 kilowatts;
- one (1) transfer conveyor equipped with spray bars for loading materials to the crusher;
- one (1) stacker conveyor equipped with spray bars for transfer of materials from the crusher; and
- fugitive emissions from the handling, temporary storage and transfer of materials associated with the portable crushing operations;

all in accordance with the Application Environmental Compliance Approval dated February 24, 2021 and signed by Ann Harrison, the ESDM Report dated December 17, 2020, revised ESDM Report dated September 30, 2022, prepared by Trinity Consultants Ontario Inc., emails dated October 28 and November 2, 2022, signed by Karina E. Kenigsberg; the Acoustic Assessment Report prepared by Trinity Consultants, dated October 14, 2021 and signed by Lourdes Ortega; and all supporting information associated with 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 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Plant. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Trinity Consultants, dated October 14, 2021 and signed by Lourdes Ortega;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Equipment and the noise sensitive Points of Reception continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metre;
3. "Approval" means this Environmental Compliance Approval, including the application and all supporting documentation;
4. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
5. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
 - a. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
 - b. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
6. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:
 - a. a small community;
 - b. agricultural area;
 - c. a rural recreational area such as a cottage or a resort area; or
 - d. a wilderness area;
7. "Company" means J. Harrison Excavating and Pipeline Ltd. 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 by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;
9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, at the geographic location where the Plant is operated;

10. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
11. "Equipment" means the equipment described in the Company's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval;
12. "Manual" means a document or a set of documents that provides written instructions to staff of the Company;
13. "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;
14. "Noise Control Measures" means measures to reduce the noise emissions from the Plant / Equipment including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers, described in the Company's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval;
15. "Plant" means the entire portable crushing operations, incorporating the Equipment;
16. "Point of Reception" means a Point of Reception as defined in Publication NPC-300;
17. "Publication NPC-233" means Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995;
18. "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
19. "Sensitive Receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the Plant to the atmosphere, including one or a combination of:
 - a. private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.),
 - b. institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.),
 - c. outdoor public recreational areas (e.g.: trailer parks, play grounds, picnic areas, etc.), and
 - d. other outdoor public areas where there are continuous human activities (e.g.: commercial plazas and office buildings).

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. Noise Emissions

1. The Company shall, at all times, ensure that the noise emissions from the Plant comply with the limits determined in accordance with Ministry Publication NPC-300.

2. Time Restrictions

1. The Company shall ensure that the Plant is not operated more than sixty (60) calendar days per year at any one site.
2. The Company shall ensure that the Acoustic Barrier, when required, is erected within 7 working days of start-up of the Plant and until that time, the Plant operations shall be restricted to the daytime hours of 7 a.m. to 7 p.m., Monday to Friday.

3. Minimum Separation Distance(s) to the Nearest Point of Reception

1. The Company shall ensure a minimum separation distance between the Plant and the nearest Point of Reception as specified in Schedule B.

4. Noise Control Measure

1. The Company shall ensure that the Acoustic Barrier, when required, is implemented at all times during the operation of the Plant.
2. The Company shall ensure that the Acoustic Barrier, when required, is a minimum 5 metres high and 15 metres long or 8 metres high and 20 metres long, continuous without holes, gaps or other penetrations, and having a surface mass density of at least 20 kilograms per square metre, and that it will be positioned in between the Plant and the Points of Reception that require shielding in accordance with the Acoustic Assessment Report.
3. The Company shall ensure that the Acoustic Barrier, when required, is positioned in between the Plant and the Points of Reception that require shielding, in such a way that the distance from the Acoustic Barrier to the Plant is not greater than 20 metres as per Schedule B.
4. The Company shall ensure that the Acoustic Barrier, when required, is properly maintained and continues to provide the acoustical performance outlined in the Acoustic Assessment Report.

5. Minimum Separation Distance to the Nearest Sensitive Receptor

1. The Company shall ensure a minimum separation distance of 5,000 metres between the Plant and the nearest Sensitive Receptor.

6. Operation and Maintenance Manual

1. The Company shall ensure that the Plant/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 Plant/Equipment, including:
 - i. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
 - ii. emergency procedures;
 - iii. procedures for determining the separation distances to the nearest Point of Reception and the nearest Sensitive Receptors;
 - iv. the frequency of inspection and maintenance of water spray bar systems controlling fugitive particulate emissions from the Equipment;
 - v. procedures for any record keeping activities relating to operation and maintenance of the Plant/Equipment; and
 - vi. all appropriate measures to minimize noise and fugitive dust emissions from all potential sources;
 - b. implement the recommendations of the Manual; and
 - c. retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.
2. The Company shall ensure that:
 - a. the Plant operates at a maximum of 10 hours per day;
 - b. at any one operating site, at any one time, only one portable screening/crushing Plant, approved by the Ministry, is operational; and
 - c. water sprays are operating at all times when processing material.

7. FUGITIVE DUST CONTROL

1. The Company shall provide and maintain effective dust suppression for the Equipment and any other sources of fugitive dust emissions from the Plant.

8. Marking of Portable Plant

1. The Company shall post a legible sign in a location which is accessible to the public, clearly identifying:
 - a. the Company name;
 - b. the number of this Approval;
 - c. a brief description of the nature of the operation;
 - d. a Company contact name and telephone number for the public to provide comments;
 - e. hours of operation; and
 - f. length of time the Company intends to operate the Plant at that location.

9. Keeping a Valid Approval

1. The Company shall ensure that a copy of this Approval, as well as any subsequent Amended Approvals or Notices that amend this Approval, are available for inspection by a Provincial Officer at each site where the Plant is operated.

10. 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 Plant/Equipment, including:
 - i. daily production rate;
 - ii. daily start-up and shut-down times of the Plant/Equipment;
 - c. all records of any upset conditions associated with the operation of the Plant/Equipment;
 - d. all records on the environmental complaints, including:
 - i. a description, time, date and location of each incident;
 - 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.

11. 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.

12. Change of Owner

1. The Company shall notify the Director and the District Manager, in writing, of any of the following changes within thirty (30) days of the change occurring:
 - a. change of owner or operating authority, or both;
 - b. change of address of owner or operating authority or address of new owner or operating authority;
 - c. change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c. B.17, as amended, shall be included in the notification;
 - d. change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.
2. The Company shall notify any succeeding new owner, in writing, of the existence of this Approval, as well as any subsequent Amended Approvals or Notices that amend this Approval and, shall forward a copy of such a notice to the Director and the District Manager together with the notification required under Condition 12.1.

13. Relocation

1. The Company shall notify the District Manager, in writing, at least ten (10) business days in advance of any intended location of the Plant at each operating site, by submitting a completed Form 1, outlined in Schedule A.

SCHEDULE A

NOTICE OF RELOCATION FOR PORTABLE EQUIPMENT

1. Owner and/or Operator
 - a. Company name :
 - b. Contact person :
 - c. Telephone number :
2. Proposed Location
 - a. Municipality/Township:
 - b. Site information (complete as applicable):
 - i. Civic address:
 - ii. Lot/Concession:
 - iii. Geo Reference (UTM):
3. Operation
 - a. Date of commencement and completion of operation: from to
 - b. Hours of operation: from to
 - c. Identification of the Plant and the operating scenario as defined in Schedule B of this Approval
 - d. Maximum processing rate (tonnes/hour):
 - e. Type of material to be processed:

Please attach the following:

1. A copy of the Approval.
2. A plot plan or sketch of the proposed location showing the following:
 - a. the entire operating site
 - b. distance between the Equipment and the nearest off-property Point of Reception

- c. distance between the Equipment and the nearest Sensitive Receptor
- d. land use within 5,000 metres from the Equipment.

SCHEDULE B

MINIMUM REQUIRED SEPARATION DISTANCES FROM THE PLANT TO THE POINT OF RECEPTION

Table 1: Operating Scenario 1 – Portable Crusher - without Acoustic Barrier

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	1,067
Class 1	Evening (7 p.m. to 11 p.m.)	50	1,067
Class 1	Night (11 p.m. to 7 a.m.)	45	1,682
Class 2	Day (7 a.m. to 7 p.m.)	50	1,067
Class 2	Evening (7 p.m. to 11 p.m.)	45	1,682
Class 2	Night (11 p.m. to 7 a.m.)	45	1,682
Class 3	Day (7 a.m. to 7 p.m.)	45	1,682
Class 3	Evening (7 p.m. to 11 p.m.)	40	2,503
Class 3	Night (11 p.m. to 7 a.m.)	40	2,503

Table 2: Operating Scenario 2 - Portable Crusher - with Acoustic Barrier 5 metres high and 15 metres long

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	651
Class 1	Evening (7 p.m. to 11 p.m.)	50	651
Class 1	Night (11 p.m. to 7 a.m.)	45	1,107
Class 2	Day (7 a.m. to 7 p.m.)	50	651
Class 2	Evening (7 p.m. to 11 p.m.)	45	1,107
Class 2	Night (11 p.m. to 7 a.m.)	45	1,107
Class 3	Day (7 a.m. to 7 p.m.)	45	1,107
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,724
Class 3	Night (11 p.m. to 7 a.m.)	40	1,724

Table 3: Operating Scenario 3 - Portable Crusher - with Acoustic Barrier 8 metres high and 20 metres long

Publication NPC-300 Acoustical Area	Time of Operation	Sound Level Limit (dBA)	Minimum Separation Distance (metres)
Class 1	Day (7 a.m. to 7 p.m.)	50	617
Class 1	Evening (7 p.m. to 11 p.m.)	50	617
Class 1	Night (11 p.m. to 7 a.m.)	45	1,071
Class 2	Day (7 a.m. to 7 p.m.)	50	617
Class 2	Evening (7 p.m. to 11 p.m.)	45	1,071
Class 2	Night (11 p.m. to 7 a.m.)	45	1,071
Class 3	Day (7 a.m. to 7 p.m.)	45	1,071
Class 3	Evening (7 p.m. to 11 p.m.)	40	1,716
Class 3	Night (11 p.m. to 7 a.m.)	40	1,716

Notes:

The Acoustic Barrier shall have a minimum 5 metres high and 15 metres long or 8 metres high and 20 metres long such that it will break the line-of-sight between the Plant and all Points of Reception. The Acoustic Barrier must be located at a distance of not more than 25 metres from the portable crusher.

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

1. Conditions No. 1 to 9, inclusive, are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Plant/Equipment and to emphasize that the Plant/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. 10 is included to require the Company to keep records and to provide information to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.
3. Conditions No. 11 to 13, inclusive, are included to require the Company to notify/report to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.

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**

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 7th day of December, 2022



Nancy E Orpana, P.Eng.

Director

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

AA/

c: District Manager, MECP Kingston District Office
Karina E. Kenisberg, Trinity Consultants Ontario Inc.