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

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 1931-CKZQKC

Issue Date: January 31, 2023

Miller Paving Limited
505 Miller Ave P.O. 4080
Markham, Ontario
L3R 9R8

Site Location: 4615 Thickson Road
Whitby Town, Regional Municipality of Durham

*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) hot mix asphalt plant having a maximum annual production rate of 250,000 tonnes per year, a maximum daily production rate of 6,000 tonnes per day (recycled concrete crushing only), daily production rate of 5,000 tonnes per day (reclaimed asphalt pavement crushing only) and a maximum hourly production rate of 400 tonnes per hour, consisting of the following sources discharging to air:

- one (1) drum dryer equipped with one (1) natural gas-fired burner having a maximum thermal input rating of 106 million kilojoules per hour, controlled by one (1) baghouse dust collector having 1,685 square metres of Nomex filter material and a reverse air cleaning mechanism, discharging to the air at a volumetric flow rate of 44.5 cubic metres per second and a temperature of 120 degrees Celsius, through a stack having exit cross sectional dimensions of 1.32 metres by 1.78 metres, extending 15.0 metres above grade;
- five (5) liquid asphalt cement storage tanks, served by one (1) natural gas-fired hot oil heater having a maximum thermal input rating of 2.11 million kilojoules per hour, discharging to the air through a stack having an exit diameter of 0.25 metre, extending 3.6 metres above the roof and 7.6 metres above grade;
- four (4) hot mix asphalt storage silos, each having a capacity of 227 tonnes;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with hot mix asphalt manufacturing.

one (1) aggregate depot having a maximum delivery rates of 1,000 tonnes per day of reclaimed asphalt pavement and 1,000 tonnes per day of recycled concrete, and a maximum shipping rate of 1,500 tonnes per day of recycled concrete, and consisting of the following sources discharging to the air:

- fugitive emissions resulting from the delivery, storage, transfer, and shipping of materials associated with the aggregate depot operations.

one (1) ready mix concrete batching plant having a maximum production rate of 1,000 tonnes per day, consisting of the following sources discharging to air:

- one (1) baghouse-type dust collector (LPDC) serving the ready mix truck loading operations, equipped with 108 square metres of polyester filter material and an air pulse cleaning mechanism, discharging to the air at a flow rate of 3.0 cubic metres per second, through a stack having an exit diameter of 0.3 metre and extending 8.0 metres above grade;
- one (1) shaker-type baghouse dust collector (RBH1A) equipped with 24.5 square metres of filter material and a shaker cleaning mechanism, discharging to the air at a volumetric flow rate of 0.47 cubic metre per second through a vent having an exit diameter of 0.20 metre, extending 27.8 metres above grade, serving a cementitious materials storage silo compartment having a storage capacity of 105 tonnes;
- one (1) shaker-type baghouse dust collector (RBH1B) equipped with 24.5 square metres of filter material and a shaker cleaning mechanism, discharging to the air at a volumetric flow rate of 0.47 cubic metre per second through a vent having an exit diameter of 0.20 metre, extending 27.8 metres above grade, serving a cementitious materials storage silo compartment having a storage capacity of 45 tonnes;
- one (1) shaker-type baghouse dust collector (RBH2) equipped with 24.5 square metres of filter material and a shaker cleaning mechanism, discharging to the air at a volumetric flow rate of 0.47 cubic metre per second through a vent having an exit diameter of 0.20 metre, extending 28.3 metres above grade, serving a cementitious materials storage silo having a storage capacity of 90 tonnes;

- one (1) natural gas-fired boiler having a maximum thermal input rating of 4.7 million kilojoules per hour, discharging to the air at a volumetric flow rate of 0.1 cubic metre per second, through a stack having an exit diameter of 0.4 metre, extending 1.8 metres above the roof and 7.3 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated with concrete batching operations;

all in accordance with the Application for Approval (Air & Noise) submitted by Miller Paving Limited, dated August 31, 2020 and signed by Bill Kasper, Vice President, Engineering & Facilities; and all the information associated with the application, including the Emission Summary and Dispersion Modelling Report, submitted by BCX Environmental Consulting, dated August 31, 2020 and signed by Megan Ostronic, additional information provided by BCX Environmental Consulting via email, dated November 7, 2022, November 24, 2022; and the Acoustic Assessment Report dated August 21, 2020, prepared and signed by Corey Kinart of HGC Engineering.

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 Corey Kinart of HGC Engineering and dated August 21, 2020, 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 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 for Fugitive Dust Sources" means the document titled "Best Management Practices Plan for Fugitive Dust Control", dated January 2022 and prepared by Miller Paving Limited;
7. "Best Management Practices for Industrial Sources of Odour" means the Ministry Publication "Best Management Practices for Industrial Sources of Odour", dated January 31, 2017, as amended;
8. "Company" means Miller Paving 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;
9. "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;
10. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
11. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
12. "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;
13. "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 BCX Environmental Ltd. and dated August 31, 2020, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
14. "Facility" means the entire operation located on the property where the Equipment is located;
15. "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;
16. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
17. "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;

18. "Ministry" means the ministry of the Minister;
19. "Noise Abatement Action Plan" means the noise abatement program developed by the Company, submitted to the Director and District Manager and approved by the Director, designed to achieve compliance with the sound level limits set in Publication NPC-300, as applicable. "Noise Abatement Action Plan" also means the noise abatement action plan by Corey Kinart of HGC Engineering and dated August 21, 2020;
20. "Noise Control Measures" means measures to reduce the noise emissions 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 identified in the Acoustic Assessment Report;
21. "Odour Management Plan" means a document or a set of documents which describes the measures to minimize odour emissions from the Facility and/or Equipment;
22. "Publication NPC-207" means the Ministry draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the Ministry, August 1978, as amended;
23. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
24. "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;
25. "Sensitive Receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from odour discharges from the *Facility*, 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. commercial areas where there are continuous public 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. 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 prepare and implement procedures to determine and keep records of the temperatures of the hot mix asphalt as it leaves the mixing process to ensure that hot mix asphalt temperature does not exceed 175 degrees Celsius (347 F).
3. The Company shall prepare and implement procedures to monitor and keep records of the liquid asphalt cement storage tanks temperature, to ensure that liquid cement storage tanks do not operate above the 175 degrees Celsius (347 F).
4. The Company shall:
 - a. restrict the production of hot mix asphalt to the months of March to December, inclusive; and
 - b. restrict the production of hot mix asphalt to the period between 5 a.m. to 7 p.m.

5. The Company shall restrict operations associated with the dust collectors (identified as LPDC, RBH1A, RBH1B, and RBH2 in the ESDM Report) to a maximum of 20 hours per day.
6. 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;
 - b. operated under the specifications listed in the ESDM Report;
 - c. only operated between the months of March to December, inclusive; and
 - d. not operated for more than 12 hours per day.

2. FUGITIVE DUST CONTROL

1. The Company shall implement the Best Management Practices Plan for Fugitive Dust Sources for the control of fugitive dust emissions resulting from the operation of the Facility.
2. The Company shall update the Best Management Practices Plan for Fugitive Dust Sources as necessary or at the direction of the District Manager.
3. The Company shall record, and retain such records, each time a specific preventative and control measure described in the Best Management Practices Plan for Fugitive Dust Sources is implemented.

3. ODOUR MANAGEMENT PLAN

1. The Company shall, at all times, take all reasonable measures to minimize odorous emissions and odour impacts from all potential sources at the Facility.
2. The Company shall prepare and submit to the District Manager for review, no later than three (3) months from the date of Approval, an Odour Management Plan that includes measures in place and proposed, to minimize odour impacts due to operations of the Facility at Sensitive Receptors.
3. The Odour Management Plan shall include:
 - a. Facility and process descriptions including a list of potential sources of odour;
 - b. best management practices described in Ministry's Best Management Practices for Industrial Sources of Odour to ensure the effective implementation of odour impact reduction measures, including:
 - i. periodic preventative activities and their frequency;
 - ii. inspection and maintenance procedures;

- iii. monitoring initiatives; and,
- iv. record keeping practices for odour complaints and steps taken to address each complaint.

4. The Company shall:

- a. implement the Odour Management Plan as soon as practicable after the Odour Management Plan is accepted by the District Manager in writing;
- b. update and revise the Odour Management Plan as needed, or at a frequency directed or agreed to in writing by the District Manager.

5. The Company shall record, and retain such records, each time a specific preventative and odour impact reduction measure described in the Odour Management Plan is implemented.

6. If the District Manager does not accept the Odour Management Plan, the District Manager may require the Odour Management Plan to be revised and re-submitted.

4. COMPLAINTS PHONE LINE

- 1. The Company shall maintain a dedicated phone line so that individuals with environmental complaints may contact the Company 24 hours per day.

5. 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 Conditions 1.2 and 1.3 are met;
 - ii. daily production rates;
 - iii. daily start-up and shut-down times of the hot mix asphalt plant, dust collectors (identified as LPDC, RBH1A, RBH1B, and RBH2 in the ESDM Report), and portable crushing plant;
 - iv. the weight percentages of coarse aggregate, sand, reclaimed asphalt paving, and asphalt cement material loaded into the hot mix asphalt plant;
 - c. all records of any upset conditions associated with the operation of the Equipment;

- d. the records required under Condition 2 and 3;
- e. 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.

6. 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.

7. NOISE

1. The Company shall:
 - a. implement the Noise Control Measures as proposed in the Noise Abatement Action Plan;
 - b. ensure subsequent to the completion of the Noise Abatement Action Plan that the noise emissions from the Facility comply with the limits in Ministry Publication NPC-300;
 - c. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustic performance outlined in the Acoustic

Assessment Report;

- d. ensure that any and all trucks arrive at and depart from the Facility in accordance with the information presented in Table 1 of the Acoustic Assessment Report; and
- e. ensure that operations at the Facility are done so in accordance with the information presented in Table 1 of the Acoustic Assessment Report.

2. The Company shall ensure that the vibration emissions from the Facility comply with the limits set out in Ministry Publication NPC-207

8. 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 six (6) months after the completion of the Noise Abatement Action Plan
 - c.
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 Nos. 1 and 7 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
2. Condition Nos. 2 to 4, inclusive, 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..
3. Conditions Nos. 5 and 6 are included to require the Company to gather accurate

information, keep records and provide information, notifications and reports to the Ministry so that the environmental impact and subsequent compliance with the EPA, the regulations and this Approval can be verified.

4. Condition No. 8 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). 2204-A7VQXL issued on December 30, 2016

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 31st day of January,
2023



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

HD/
c: District Manager, MECP York-Durham
Megan Ostronic, BCX Environmental Consulting