

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9636-CPHQGP

Issue Date: April 27, 2023

Fisher Wavy Inc.
1 Ceasar Rd
Sudbury, Ontario
P3E 5P3

Site Location: Dowling Facility Plant ID 25038
Lot 7, Concession 3
Greater Sudbury City, District of Sudbury
P3E 5P3

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) ready mix concrete batching plant, having a maximum concrete production rate of 86 tonnes per hour, and consisting of the following sources discharging to the air:
 - one (1) silo for the storage of cement, slag, and cement supplement, having a storage capacity of 40 tonnes, and served by one (1) silo vent dust collector, equipped with 28.3 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging to the air at a maximum volumetric flow rate of 0.71 cubic metres per second, having an average exit dimensions of 0.02 metre by 1.0 metre, and extending 6.6 metres above grade;
 - mixer truck loading operations equipped with a rubber sock;
 - one (1) diesel-fired generator, rated at 349 horsepower;
 - 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 Fisher Wavy Inc., dated December 9, 2021 and signed by Venessa Felix, Environmental Manager; the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by Golder Associates Ltd., dated December 16, 2021 and signed by Julia Trautmann; and the additional information provided in the email from Julia Trautmann of Golder Associates Ltd., dated March 6, 2023; the Acoustic Assessment Report prepared by Golder Associates Ltd., dated December 16, 2021 and signed by Timothy Gully; and the additional information provided in the emails from Timothy Gully of Golder Associates Ltd., dated December 5, 2022 and February 15, 2023.

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 Facility. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Golder Associates Ltd., dated December 16, 2021 and signed by Timothy Gully;
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 Fisher Wavy Inc. 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 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. It also means the noise control measures outlined in the Acoustic Assessment

Report;

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;
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;
15. "Truck(s)" means ready-mix truck(s), aggregate truck(s), or cementitious material tanker truck(s).

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. 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 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. implement the Noise Control Measures as outlined in the Acoustic Assessment Report;
 - b. ensure, at all times, that the noise emissions from the Facility comply with the limits set out 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;
 - d. limit Truck arrivals and departures during the day-time hours of 7 a.m. to 7 p.m., in accordance with the following:
 - i. a maximum of three (3) ready-mix trucks per sixty (60) minute period;
 - ii. a maximum of one (1) aggregate truck per sixty (60) minute period;
 - iii. a maximum of one (1) cementitious material tanker truck per sixty (60) minute period;
 - e. ensure that the operations of the cementitious material tanker trucks and the ready-mix trucks do not occur within the same sixty (60) minute period.
2. The Company shall restrict the operation of the Facility to the day-time hours from 7 a.m. to 7 p.m.

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

1. Condition No. 1 is 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 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. Condition No. 3 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 No. 4 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 No. 5.1 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
6. Condition No. 5.2 is included to ensure that operation of the Facility is not extended beyond the stated hours to prevent an adverse effect resulting from the operation of the Equipment.

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

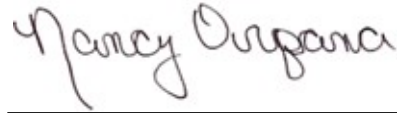
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 27th day of April, 2023



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

ML/

c: District Manager, MECP Sudbury
Julia Trautmann, Golder Associates Ltd.