

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9681-CR9JWX
Issue Date: June 14, 2023

Miller Waste Systems Inc.
8050 Woodbine Ave
Markham, Ontario
L3R 2N8

Site Location: Mobile Facility
Clarington Municipality, 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) Rotochopper B66 mobile grinder unit to process wood materials, including leaf & yard waste, clean wood from construction, wood waste, natural wood materials, and land clearing materials, at a maximum throughput of 120 tonnes per hour, and powered by a USEPA Tier 4 diesel engine rated at 559 kilowatts, discharging to the air at a maximum volumetric flow rate of 1.0 cubic metre per second through a stack having an exit diameter of 0.15 metre, extending 3.6 metres above grade;
- one (1) Rotochopper B66 mobile grinder unit to process wood materials, including leaf & yard waste, clean wood from construction, wood waste, natural wood materials, and land clearing materials, at a maximum throughput of 120 tonnes per hour, and powered by a USEPA Tier 2 diesel engine rated at 708 kilowatts, discharging to the air at a maximum volumetric flow rate of 1.0 cubic metre per second through a stack having an exit diameter of 0.15 metre, extending 3.6 metres above grade;
- one (1) Morbark Woodhog 6400XT mobile grinder unit to process wood materials, including leaf & yard waste, clean wood from construction, wood waste, natural wood materials, and land clearing materials, at a maximum throughput of 120 tonnes per hour, and powered by a USEPA Tier 4 diesel engine rated at 783 kilowatts, discharging to the air at a maximum volumetric flow rate of 1.0 cubic metre per second through a stack having an exit diameter of 0.15 metre, extending 3.6 metres above grade;

all in accordance with the Environmental Compliance Approval application submitted by Miller Waste Systems Inc., dated March 14, 2022, and signed by Kyle Howes, General Manager; the supporting Emission Summary

and Dispersion Modelling Report prepared by Northern Applied Sciences Inc., dated March 9, 2022, and signed by Chris Scullion and Stephen Kuchma; and the Acoustic Assessment Report prepared by Northern Applied Sciences Inc., dated March 9, 2022, and signed by Chris Scullion and Stephen Kuchma.

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 dated March 9, 2022, prepared and signed by Chris Scullion and Stephen Kuchma of Northern Applied Sciences Inc.;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Plant and the noise sensitive Points of Reception continuous without holes, gaps and other penetrations, and having surface density of at least 20 kilograms per square metres;
3. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
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 Miller Waste Systems Inc. that is responsible for the construction or operation of the Plant and includes any successors and assigns in accordance with section 19 of the EPA;
8. "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;

9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Plant is geographically located;
10. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
11. "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;
12. "Manual" means a document or a set of documents that provide 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 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;
15. "Plant" means the entire mobile grinder operations, incorporating the Equipment;
16. "Point of Reception" means a Point of Reception as defined in Publication NPC-300, and is subject to the same qualifications described in this document;
17. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended;
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;
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 set out in Ministry Publication NPC-300.
- 2. The Company shall restrict operation of the Plant to the daytime period between 7:00 AM and 7:00 PM.

2. TIME RESTRICTION

- 1. The Company shall ensure that the Plant, in operating any combination of the three (3) mobile grinder units approved by this Approval, and as per Condition 2.2 of this Approval, is not operated for more than a total aggregate of sixty (60) calendar days per year at any one site.
- 2. The Company shall ensure, at all times, that only one (1) mobile grinder unit, approved under this Approval, is operating at any one site.

3. MINIMUM SEPARATION DISTANCES

- 1. The Company shall ensure a minimum separation distance between the Plant and the nearest Point of Reception as specified in Schedule "A".
- 2. The Company shall ensure a minimum separation distance of 293 metres is maintained between the Plant and the nearest Sensitive Receptor.

4. NOISE CONTROL MEASURES

- 1. The Company shall ensure that the Acoustic Barrier described in the Acoustic Assessment Report, 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 continuous, without holes, gaps or other penetrations, and having a surface density of at least 20 kilograms per square metre, and that it will be positioned in between the Plant and Points of Reception that require shielding, according to the Acoustic Assessment Report.

3. 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. OPERATION AND MAINTENANCE

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, including spill clean-up procedures;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the Plant/Equipment;
 - iv. all appropriate measures to minimize noise and fugitive emissions from all potential sources;
 - v. procedures for recording and responding to environmental complaints relating to the operation of the Plant/Equipment; and
 - vi. procedure for record keeping activities identifying separation distances between the Plant and Points of Reception and Sensitive Receptors;
 - 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 Plant/Equipment, and make these records available for review by staff of the Ministry upon request.

6. FUGITIVE DUST CONTROL

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

7. MARKING OF PORTABLE PLANT

1. The Company shall post a legible sign and/or notice 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. RELOCATION

1. The Company shall notify the District Manager, in writing, at least five (5) business days in advance of any intended location of the Plant at each operating site, by submitting a completed Form 1, outlined in Schedule "B".

SCHEDULE "A"

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

Grinding Plant Operation Setback Requirements (Metres)

Scenario 1: without an Acoustic Barrier

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	925
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	1409

Scenario 2: with a 4 metres high Acoustic Barrier located not more than 30 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	643
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	1011

Scenario 3: with a 6 metres high Acoustic Barrier located not more than 30 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	603
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	987

Scenario 4: with an 8 metres high Acoustic Barrier located not more than 30 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	457
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	887

Scenario 5: with a 4 metres high Acoustic Barrier located not more than 10 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	634
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	1007

Scenario 6: with a 6 metres high Acoustic Barrier located not more than 10 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	400
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	740

Scenario 7: with an 8 metres high Acoustic Barrier located not more than 10 metres from the mobile grinder unit

Point of Reception Location	Time of Plant Operation	Sound Level Limits (dBA)	Minimum Separation Distance (metres)
Class 1 & 2 Areas (Urban)	7:00 AM - 7:00 PM	50	309
Class 3 Areas (Rural)	7:00 AM - 7:00 PM	45	560

SCHEDULE "B"

Form 1 Environmental Protection Act

NOTICE OF INTENDED RELOCATION FOR PORTABLE FACILITY

1. Owner and/or Operator
 - a. Company name: _____
 - b. Contact person: _____
 - c. Telephone number: () _____

2. Proposed Location
 - a. Municipality: _____
 - b. Lot number: _____
 - c. Concession number: _____

3. Operation
 - a. Date of commencement and completion of operation:
from: _____ to: _____
 - b. Days of operation: from: _____ to: _____
 - c. Hours of operations: from: _____ to: _____
 - d. Maximum production rate: _____ (tonnes/hr)
 - e. Type of material to be processed:

Please attach the following:

1. A copy of the Approval.
2. A plot plan and a map of the proposed location, showing the following:
 - a. the entire operating site;
 - b. distance between the Plant and the nearest off-property Point of Reception;
 - c. distance between the Plant and the nearest off-property Sensitive Receptor;
 - d. land use within the minimum separation distances from the Plant as prescribed in Condition No. 3 of the Approval.

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

1. Conditions No. 1 to 8, 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. 9 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. 10 to 12, 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 14th day of June, 2023



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

ES/

c: District Manager, MECP York-Durham
Chris Scullion & Stephen Kuchma, Northern Applied Sciences Inc.