

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3811-C5XHX
Issue Date: August 22, 2023

763535 Ontario Inc.
831 Drive In Rd Site 21b Comp 3
West Nipissing, Ontario
P0H 2G0

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, having a maximum aggregate processing rate of 3,600 tonnes/day, including the following processes and associated equipment exhausting into the air:

- one (1) primary jaw crusher equipped with a water spray bar and powered by a diesel fired engine Tier 1 rated 555.5 kilowatts, discharging to the air through a stack having an exit diameter of 0.2 metre and a height of 5.5 metres above grade;
- one (1) secondary cone crusher equipped with a water spray bar and powered by a diesel fired engine Tier 3 rated 320 kilowatts, discharging to the air through a stack having an exit diameter of 0.2 metre and a height of 2.1 metres above grade;
- one (1) screening unit and powered by a diesel fired engine Tier 3 rated 98 kilowatts, discharging to the air through a stack having an exit diameter of 0.2 metre and a height of 1.5 metres above grade; and
- fugitive emissions from the handling, temporary storage and transfer of aggregate materials associated with the portable crushing operations;

all in accordance with the Environmental Compliance Approval Application dated December 9, 2020 and signed by Gilles Labelle, 763535 Ontario Inc., and all supporting information associated with the application including Emission Summary and Dispersion Modelling Report provided by BCX Environmental Consulting, dated December 23, 2020, emails dated April 25 and May 30, 2023, and signed by Xiaoxi (Winnie) Song, email dated June 27, 2023 and signed by Sejal Mistry, containing Best Management Practice Plan for the Control of Fugitive Dust Emissions at Labelle Bros Construction, dated June 2023, the letter (Operations Summary) dated July 26, 2023 and signed by Gilles Labelle, and the Acoustic Assessment Report prepared by HGC Engineering, dated December 8, 2020 and signed by Corey D. Kinart, MBA, P.Eng.

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 HGC Engineering, dated December 8, 2020 and signed by Corey D. Kinart, MBA, P.Eng.;
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 Point of Reception continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metres;
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 763535 Ontario 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;
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. "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 Consulting, dated December 23, 2020, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
13. "Forest" means Forest surface characteristics as determined by the "Air Dispersion Modelling Guide for Ontario", Version 3.0, February 2017, as amended;
14. "Fugitive Dust" means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person;
15. "Manual" means a document or a set of documents that provides written instructions to staff of the Company;
16. "Method 22" means the United States Environmental Protection Agency document titled "Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares" dated January 14, 2019, as amended;
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 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;

20. "Operations Summary" means the letter dated July 26, 2023, signed by Gilles Labelle and forms the part of this Approval;
21. "Plant" means the entire portable screening operations, incorporating the Equipment;
22. "Point of Reception" means a Point of Reception as defined in Publication NPC-300;
23. "Publication NPC-233" means Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995;
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. "Raw Materials" means unprocessed materials that are received by the Plant and fed to the crusher; and
26. "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.

3. Minimum Separation Distance(s)

1. The Company shall ensure a minimum separation distance between the boundary of the Plant and the nearest Point of Reception as specified in Schedule B and C.
2. The Company shall ensure a minimum separation distance between the Plant and the nearest Sensitive Receptor as specified in Schedule D.

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 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 and as specified in Schedules B and C of this Approval.
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;
 - iii. procedures for determining the separation distances to the nearest Point of Reception and the nearest Sensitive Receptors;
 - iv. procedures for determining the type and region of Raw Materials;

- v. all appropriate measures to minimize noise and Fugitive Dust emissions from all potential sources;
 - vi. the frequency of inspection and maintenance of water spray bar systems controlling Fugitive Dust emissions from the Equipment; and
 - vii. procedures for any record keeping activities relating to operation and maintenance of the Plant/Equipment;
 - 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 at any one operating site, at any one time, only one portable crushing Plant, approved by the Ministry, is operational.
3. The Company shall ensure that the only Raw Materials that are processed by the Equipment are mixed stone/gravel or granite from northern Ontario.

6. 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 Equipment.
2. The Company shall ensure that visible Fugitive Dust emissions from activities where material is dropped;
 - a. will not extend more than 30 metres in any direction from the activities, excluding no more than 6 minutes in any hour; and
 - b. will not extend, at any time, beyond the separation distance as specified in Schedule D.
3. The Company shall determine visible Fugitive Dust emissions, referred to in Condition 6.2, using Method 22, at the closest practical observation location as described in Method 22.

7. 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.

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;
 - iii. the type and region of Raw Materials;
 - 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 11.1.

12. 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 and documentation that confirms the type and region of Raw Materials to be processed.

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 Schedules B, C and D 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 the minimum separation distances from the Equipment specified in Condition No. 3 of this Approval.

SCHEDULE B

Minimum Separation Distance(s) to the Nearest Point of Reception For the Operation of the Jaw Crusher, Cone Crusher and Screen

Location of Point of Reception	Time of Equipment Operation	Minimum Separation Distance
Class 1 and Class 2 Areas (Urban)	between 7:00 am and 11:00 pm	885 metres
Class 1 and Class 2 Areas (Urban)	between 11:00 pm and 7:00 am	1,345 metres
Class 3 Areas (Rural)	between 7:00 am and 7:00 pm	1,345 metres
Class 3 Areas (Rural)	between 7:00 pm and 7:00 am	2,050 metres
Class 1 and Class 2 Areas (Urban) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 am and 11:00 pm	360 metres
Class 1 and Class 2 Areas (Urban) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 11:00 pm and 7:00 am	730 metres
Class 3 Areas (Rural) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 am and 7:00 pm	730 metres
Class 3 Areas (Rural) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 pm and 7:00 am	1,335 metres

SCHEDULE C

Minimum Separation Distance(s) to the Nearest Point of Reception For the Operation of the Cone Crusher and Screen

Location of Point of Reception	Time of Equipment Operation	Minimum Separation Distance
Class 1 and Class 2 Areas (Urban)	between 7:00 am and 11:00 pm	635 metres
Class 1 and Class 2 Areas (Urban)	between 11:00 pm and 7:00 am	995 metres
Class 3 Areas (Rural)	between 7:00 am and 7:00 pm	995 metres
Class 3 Areas (Rural)	between 7:00 pm and 7:00 am	1,515 metres
Class 1 and Class 2 Areas (Urban) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 am and 11:00 pm	195 metres
Class 1 and Class 2 Areas (Urban) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 11:00 pm and 7:00 am	415 metres
Class 3 Areas (Rural) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 am and 7:00 pm	415 metres
Class 3 Areas (Rural) with 8 metres-tall acoustic barrier located no further than 30 metres from the Equipment	between 7:00 pm and 7:00 am	900 metres

SCHEDULE D

Minimum Required Separation Distances from Sensitive Receptors

Surface Characteristic	Minimum Separation Distance
Forest	180 meters
Non-Forest	550 meters

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

1. Conditions No. 1 to 8 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 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 Environmental Review 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 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

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 Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.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 22nd day of August, 2023



Nancy E Orpana, P.Eng.

Director

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

AA/

- c: Area Manager, MECP North Bay Area Office
- c: District Manager, MECP Timmins District Office
- Xiaoxi (Winnie) Song, BCX Environmental Consulting