

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4761-CSRHXX
Issue Date: August 11, 2023

Smith Contracting Inc.
415 Talbot Street West
Leamington, Ontario
N8H 4H3

Site Location: Pillette Rd. Crushing Site
3550 Pillette Road
Windsor City, County of Essex
N8N 2M1

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) crushing facility having a maximum throughput rate of 2,200 tonnes per day, including the following processes and associated equipment exhausting into the air:

- one (1) crushing unit, equipped with water spray bars at the crusher intake hopper;
- one (1) screening unit;
- one (1) Tier 3 diesel fired engine rated 330 kilowatts, providing power to the crushing and screening units, discharging to the air through a stack having an exit diameter of 0.25 metre and a height of 4.1 metres above grade;
- one (1) stacker, powered by a Tier 3 diesel fired engine rated 300 kilowatts, discharging to the air through a stack having an exit diameter of 0.25 metre and a height of 4.6 metres above grade; and
- fugitive emissions from the handling, temporary storage and transfer of aggregate materials associated with the crushing operations;

all in accordance with the Environmental Compliance Approval Application dated August 9, 2022 and signed by Paul Hymus, Smith Contracting Inc., and all supporting information associated with the application including Emission Summary and Dispersion Modelling Report provided by O2E Inc., dated August 5, 2022 and signed by Jeff Campbell; Acoustic Assessment Report prepared by O2E Inc., dated August 4, 2022 and signed by Jakub Wrobel; emails dated June 7 and July 28, 2023 and signed by Jeff Campbell; and the letter (Operations Summary), dated August 8, 2023 and signed by Paul Hymus.

For the purpose of this environmental compliance approval, the following definitions apply:

1. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
2. "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;
3. "Company" means Smith Contracting 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;
4. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
5. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
6. "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;
7. "Facility" means the entire operation located on the property where the Equipment is located;
8. "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;
9. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
10. "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;
11. "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; and
12. "Ministry" means the ministry of the Minister;
13. "Operations Summary" means the letter dated August 8, 2023, signed by Paul Hymus and forms the

part of this Approval;

14. "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;
15. "Raw Materials" means unprocessed materials that are received by the Facility and fed to the crusher; and
16. "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.

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 only Raw Materials that are processed by the Equipment are recycled concrete or reclaimed asphalt from Central or South-west Ontario.
2. 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. procedures for determining the type and region of Raw Materials;
 - v. all appropriate measures to minimize noise and odorous and Fugitive Dust emissions from all potential sources; and

- vi. the frequency of inspection and maintenance of water spray bar systems controlling Fugitive Dust emissions from the Equipment; and
- 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;
 - 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; and
 - c. include a list of all necessary procedures and undertaken control measures to ensure compliance with Condition No. 5.1 of this Approval.
2. The Company shall submit the Best Management Practices Plan to the District Manager not later than three (3) 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.
5. The Company shall retain on-site the latest version of the Best Management Practices Plan and shall provide it to any employee or agent of the Ministry upon request.

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;

- b. production records;
- c. the type and region of Raw Materials; and
- d. 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. VISIBLE FUGITIVE DUST EMISSIONS

1. 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 beyond the property boundary at any time.
2. The Company shall determine visible Fugitive Dust emissions, referred to in Condition 5.1, using Method 22, at the closest practical observation location as described in Method 22.

6. NOISE

1. The Company shall, at all times, ensure that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300.
2. The Company shall restrict the operation of the Equipment to the daytime hours from 7 a.m. to 7 p.m.

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

1. Conditions No. 1 and 2 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.
2. 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.
3. 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.
4. Conditions No. 5 and 6.1 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Condition No. 6.2 is included to ensure that the operation of the Equipment 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

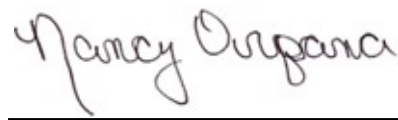
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* 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 11th 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 Windsor Area Office
c: District Manager, MECP Sarnia District Office
Jeff Campbell, O2E Inc.