

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 9595-CWAHE4

Issue Date: December 15, 2023

St. Marys Cement Inc. (Canada)  
55 Industrial Street  
Toronto, Ontario  
M4G 3W9

Site Location: 4949 Bank Street  
Lots 23, 24, 25 Concession 5  
Ottawa City

*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 facility having a maximum production rate of 1,200 cubic metres per day and consisting of the following:

- one (1) baghouse dust collector, to control emissions from the cementitious material storage silos, cement weigh scale and loading point, complete with polyester filter material, and pulse-jet type cleaning system, discharging to the atmosphere with a flow rate of 3.8 cubic metres per second through a vent having an exit diameter of 0.4 metre and extending 4.0 metres above grade;
- one (1) natural gas fired hot water boiler having a maximum thermal input rating of 8,018,424 kilojoules per hour, discharging to the atmosphere through a stack having an exit diameter of 0.25 metre and extending 3.7 metres above grade;
- fugitive emissions from the delivery, storage, and transfer of materials associated with the ready-mix concrete batching operations;

all in accordance with the Environmental Compliance Approval Application submitted by St. Marys Cement Inc. (Canada), dated November 28, 2019 and signed by Colin Evans, Director, Lands and Environment; and the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by BCX Environmental Consulting, dated November 2019 and signed by Roxana Ungureanu on November 29, 2019 and additional information provided by Roxana Ungureanu of BCX Environmental Consulting in a memo dated August 31, 2023; and the Acoustic Assessment Report prepared by HGC Engineering, dated July 8, 2020 and signed by Corey Kinart.

*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 HGC Engineering, dated July 8, 2020 and signed by Corey Kinart;
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 with the performance limits 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" means the document titled "EOP 1.1 CBM Plant and Yard Dust Management", prepared by the Company and included in Attachment 2 of the August 31, 2023 memo from BCX Environmental Consulting;
7. "Company" means St. Marys Cement Inc. (Canada) operating as CBM Ready Mix 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 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 Facility 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. "Facility" means the entire operation located on the property where the Equipment is located;
13. "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;
14. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
15. "Memorandum of Understanding" means the "Memorandum of Understanding between the Aecon Construction Ontario East Limited Quarry and Hot Mix Asphalt Plant and the St. Mary's Cement Inc Ready-Mix Concrete Plant", dated June 18, 2020 and signed by Rick Levitsky, Aecon Group Inc., and Miguel Hernandez, St. Mary's Cement Inc., developed to jointly manage and achieve compliance with the sound level limits set in Publication NPC-300, as per the Memorandum of Understanding;
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. "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;
18. "Publication NPC-103" means the Ministry Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the Ministry as amended;
19. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
20. "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;
21. "Related Facility" means GIP Construction and Materials Limited Quarry and Hot Mix Asphalt Plant; and
22. "Truck(s)" means ready-mix truck(s), aggregate truck(s) and/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 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. VISIBLE FUGITIVE DUST EMISSIONS**

1. The Company shall ensure that visible 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 dust emissions, referred to in Condition 2.1, using Method 22, at the closest practical observation location as described in Method 22.

## **3. FUGITIVE DUST CONTROL**

1. The Company shall implement the Best Management Practices Plan for the control of fugitive dust emissions resulting from the operation of the Facility. The Company shall update the Best Management Practices Plan as necessary or at the direction of the District Manager.

## **4. 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.

## **5. 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.

## **6. NOISE**

1. The Company shall:
  - a. at all times, operate the Equipment/Facility as presented in the Acoustic Assessment Report and the Memorandum of Understanding;
  - b. ensure that the combined noise emissions from the Facility and the Related Facility jointly comply at all times with the limits set out in Ministry Publication NPC-300;
  - c. ensure that any and all Trucks arrive at and depart from the Facility in accordance with the following:
    - i. limit Trucks arrivals and departures during the daytime hours of 7 a.m. to 7 p.m., in accordance with the following:
      - A. a maximum of twelve (12) ready-mix trucks per sixty (60) minute period;
      - B. a maximum of three (3) aggregate trucks per sixty (60) minute period; and
      - C. a maximum of one (1) cementitious material tanker truck per sixty (60) minute

period;

- ii. limit Trucks arrivals and departures during the evening and night-time hours of 7 p.m. to 7 a.m., to a maximum of four (4) ready-mix trucks per sixty (60) minute period.
- d. ensure that the cementitious material tanker trucks unloading operation, using a truck mounted blower, is limited to;
  - i. one (1) cementitious material tanker truck per sixty (60) minute period during the daytime hours between 7 a.m. and 7 p.m; and
  - ii. the location and orientation as depicted in Figure 3c of the Acoustic Assessment Report; and
- e. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

## 7. ACOUSTIC AUDIT

1. The Company shall carry out Acoustic Audit measurements on the combined noise emissions from the Facility and Related Facility. The Company::
  - a. shall carry out Acoustic Audit measurements in accordance with the procedures in Ministry 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 Ministry Publication NPC-233, to the District Manager and the Director, not later than eighteen (18) months after the date of this Approval.
2. The Director:
  - a. may not accept the results of the Acoustic Audit if the requirements of Ministry Publication NPC-233 were not followed; and
  - 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 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 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. 3 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
4. Conditions No. 4 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.
5. Condition No. 5 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.
6. Condition No. 6 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
7. Condition No. 7 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.

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

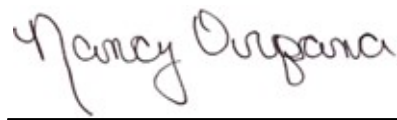
The Director appointed for the purposes of  
Part II.1 of the *Environmental Protection Act*  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

\* 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](http://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 15th day of December, 2023



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

KS/

c: District Manager, MECP Ottawa  
Roxana Ungureanu, BCX Environmental Consulting