

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 8531-D29AYH

Issue Date: February 21, 2024

Miller Paving Limited
281 Hillmount Road, Suite 101
Markham, Ontario
L6C 2S3

Site Location: Port Elgin RMC Plant and Aggregate Depot
115 Concession Road 10
Saugeen Shores Town, County of Bruce
Ontario

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:

Ready-mix Concrete Batching Plant

A ready-mix concrete batching plant, having a maximum ready-mix concrete production rate of 600 cubic metres per day, consisting of the following equipment and emission sources:

- one (1) baghouse dust collector, used to control dust emissions from Silo #1 having a storage capacity of 45 tonnes, and control dust emissions from cement weigh scale, the dust collector having 24.5 square metres of polyester filter bags and a reverse pulse-jet cleaning system, passively discharging into the air, through a stack having an exit diameter of 0.8 metre, and extending 15.8 metres above grade;
- one (1) baghouse dust collector, used to control dust emissions from Silo #2 having a storage capacity of 90 tonnes, having 24.5 square metres of polyester filter bags and a reverse pulse-jet cleaning system, passively discharging into the air, through a stack having an exit diameter of 0.8 metre, and extending 18.0 metres above grade;
- one (1) No. 2 fuel oil-fired boiler, having a maximum thermal input rating of 2,843,376 Kilojoules per hour, discharging to the air at a maximum volumetric flow rate of 0.31 cubic metre per second, through a stack having an exit diameter of 0.25 metre, and extending 5.5 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of materials associated

with the concrete batching operations.

Aggregate Depot

one (1) aggregate depot, having a maximum combined delivery/shipping rate of 3000 tonnes of aggregate per day, consisting of the following equipment and emission sources:

- fugitive emissions resulting from the delivery, storage, and shipping of materials associated with the aggregate depot operations.

all in accordance with the application for an Environmental Compliance Approval (Air) submitted by Miller Paving Limited, dated February 27, 2023, and signed by Bill Kasper, Vice President, Engineering and Facilities; Emission Summary and Dispersion Modelling Report prepared by BCX Environmental Consulting, dated February, 2023; Acoustic Assessment Report prepared by HGC Engineering Ltd., dated February 27, 2023; and all the information associated with the application.

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 and Appendix A of the Basic Comprehensive User Guide, prepared by HGC Engineering Ltd., dated February 27, 2023 and signed by Corey Kinart and Andrew Dobson, submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility;
2. "Acoustic Assessment Summary Table" means a table prepared in accordance with the Basic Comprehensive User Guide summarising the results of the Acoustic Assessment Report;
3. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. "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;
5. "Company" means Miller Paving Limited 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;
6. "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;
7. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
8. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
9. "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;

10. "Facility" means the entire operation located on the property where the Equipment is located;
11. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
12. "Method 22" means US EPA Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares;
13. "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;
14. "Ministry" means the ministry of the Minister;
15. "Noise Control Measures" means measures to reduce the noise emissions from the Facility and/or Equipment including, but not limited to, silencers, acoustic louvers, enclosures, absorptive treatment, plenums and barriers. It also means the Noise Control Measures, as outlined in the Acoustic Assessment Report and detailed in Schedule A of this Approval;
16. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
17. "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;
18. "Schedules" means the following schedules attached to this Approval and forming part of this Approval:
 - Schedule A - Noise Control Measures;
19. "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;
20. "Truck(s)" means concrete ready-mix truck(s), aggregate truck(s), recycled concrete truck(s) and cement powder 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 dust 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 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.

3. VISIBLE FUGITIVE DUST EMISSIONS

1. The facility operations shall be performed to ensure that visible fugitive dust plume from activities where material is dropped;
 - a. will not exceed 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 lines at any time.
2. The company shall determine visible fugitive dust emissions as per Method 22, at the shortest practical observation distance as described in the Method 22.

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. implement the physical Noise Control Measures as outlined in Schedule A of this Approval, by not later than twelve(12) months from the issuance of this Approval;

- b. implement the administrative Noise Control Measures as outlined in Schedule A of this Approval upon issuance of this Approval;
- c. ensure that the facility operate in accordance with the Acoustic Assessment Report and Schedule A of this Approval;
- d. ensure that any and all Trucks arrive at and depart from the Facility in accordance with Schedule A of this Approval;
- e. comply with the limits set out in Publication NPC-300, following the implementation of the Noise Control Measures; and
- f. ensure that all Noise Control Measures, are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

7. CHANGE OF OWNERSHIP

1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any of the following changes to facility operations;
 - a. the ownership of the Facility;
 - b. the operator of the Facility;
 - c. the address of the Company;
 - d. the partners, where the Company 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, shall be included in the notification;
 - e. the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C.39, shall be included in the notification.
2. In the event of any change in ownership of the Facility, the Company shall notify the successor of the existence of this Approval and provide the successor with a copy of this Approval, and the Company shall provide a copy of the notification to the District Manager and the Director.

SCHEDULE A

NOISE CONTROL MEASURES

The Company shall implement the following physical Noise Control Measures not later than twelve (12) months after issuance of this Approval.

Physical

1. Ready-Mix Concrete Batching Plant Barrier #1: One(1) 20 metres long, 2.5 metres high acoustic barrier positioned as per Figure 4 of the Acoustic Assessment Report, continuous without any holes, gaps and other penetrations, and having a surface mass of at least 20 kilograms per square metre.
2. Crusher Barrier #1: One(1) 40 metres long, 6 metres high acoustic barrier as per Figure 3B of the Acoustic Assessment Report, continuous without any holes, gaps and other penetrations, and having a surface mass of at least 20 kilograms per square metre.
3. Crusher Barrier #2: One(1) 15 metres long, 4 metres high acoustic barrier as per Figure 3B of the Acoustic Assessment Report, continuous without any holes, gaps and other penetrations, and having a surface mass of at least 20 kilograms per square metre.

The Company shall implement the following administrative Noise Control Measures upon issuance of this Approval.

Administrative

Operating Scenario 1 and 2: Ready-Mix Concrete Batching Plant and Aggregate Depot Screen/Crushing Plant, Daytime hours 07:00 to 19:00

Administrative Controls
Maximum Two(2) Bulk Cement Delivery Truck arrivals and Two(2) Bulk Cement Delivery Truck departures per sixty minute time period
Maximum One(1) Bulk Cement Truck Unloading per sixty minute time period
Maximum Six(6) Ready-Mix Truck arrivals and Six(6) Ready-Mix Truck departures per sixty minute time period
Maximum One(1) Loading/Slumping Ready-Mix Truck operating continuously per sixty minute time period
Maximum of Four(4) Ready Mix Aggregate Truck arrivals and Four(4) Ready Mix Aggregate Truck departures per sixty minute time period
Maximum of One(1) Ready Mix Front End Loader operating 30 minutes during a sixty minute time period
Maximum of One(1) Aggregate Depot Screen or Crusher (not both) operating 60 minutes during a sixty minute time period
Maximum of One(1) Aggregate Depot Front End Loader for Screen or Crusher (not both) operating 60 minutes during a sixty minute time period
Maximum of Two(2) Aggregate Depot Import Truck arrivals and Two(2) Aggregate Depot Import Truck departures per sixty minute time period
Maximum of One(1) Aggregate Depot Export Truck arrivals and One(1) Aggregate Depot Export Truck departures per sixty minute time period

Ready-Mix Concrete Batching Plant: Evening/Night-time hours 19:00 to 07:00

Administrative Controls
No Bulk Cement Delivery Truck arrivals and departures
No Bulk Cement Truck Unloading
Maximum Four(4) Ready-Mix Truck arrivals and Four(4) Ready-Mix Truck departures per sixty minute time period
Maximum One(1) Loading/Slumping Ready-Mix Truck operating 40 minutes per sixty minute time period
No Ready Mix Aggregate Truck arrivals and departures
Maximum of One(1) Ready Mix Front End Loader operating 20 minutes during a sixty minute time period
No Aggregate Depot Front End Loader for Screen or Crusher
No Aggregate Depot Screen or Crusher
No Aggregate Depot Import Truck arrivals and departures
No Aggregate Depot Export Truck arrivals and departures

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

1. Condition number 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 number 3 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
3. Condition number 4 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 number 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.
5. Condition number 6 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
6. Condition number 7 is 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 21st day of February, 2024



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

JL/

c: District Manager, MECP Owen Sound
Sejal Mistry, BCX Environmental Consulting