

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-8224145237

Version: 1.0

Issue Date: March 21, 2024

Pursuant to section 20.3 of the Environmental Protection Act, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:

R. W. TOMLINSON LIMITED

100 CITIGATE DR
NEPEAN ONTARIO
K2J6K7

For the following site:

952 MOODIE Drive , NEPEAN, OTTAWA, ONTARIO, CANADA, K2R 1H3

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s) 9683-8QEMM8, issued on July 17, 2012.

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) hot-mix asphalt plant having a maximum production rate of 360 tonnes per hour, consisting of the following sources discharging to the air:
 - one (1) drum dryer/mixer equipped with one (1) natural gas fired burner having a maximum thermal input rating of 142,433,000 kilojoules per hour;
 - one (1) baghouse dust collector to control the emissions from the dryer/mixer, having 1,328 square metres of filter material, equipped with an air jet pulse cleaning mechanism, discharging to the atmosphere at a volumetric flow rate of 37.8 cubic metres per second, through a stack having exit diameter of 1.37 metres, extending 14 metres above grade;
 - one (1) natural gas fired oil heater having a maximum thermal input rating of 3,165,000 kilojoules per hour;
 - six (6) liquid asphalt storage tanks;
 - four (4) asphalt load out silos; and,
 - fugitive emissions resulting from the delivery, storage, and transfer of materials associated with hot mix asphalt manufacturing;

- one (1) crushing plant, processing aggregate at a maximum rate of 1,000 tonnes per hour, consisting of the following sources discharging to the air:
 - one (1) primary crusher;
 - one (1) primary screener;
 - one (1) secondary crusher;

- two (2) secondary screeners;
 - conveyors, hoppers, and other related equipment; and,
 - fugitive emissions resulting from the delivery, storage, and transfer of materials associated with crushing operations;
- one (1) ready-mix concrete batching plant having a maximum production rate of 150 cubic metres per hour, consisting of the following sources discharging to the air:
 - two (2) silos for the storage of cement, slag, and cement supplement, each having a storage capacity of 150 tonnes, and each served by one (1) silo vent dust collector, equipped with 83.61 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging to the air at a maximum volumetric flow rate of 0.5 cubic metres per second, through two (2) stacks designated 3_1 and 3_2, each having an exit diameter of 0.6 metre, and extending 13.6 metres above grade;
 - one (1) baghouse type dust collector serving the mixer truck loading operations, having a maximum volumetric flow rate of 2.83 cubic metres per second, equipped with 79 square metres of polyester filter material and a pulse jet cleaning mechanism, discharging to the air through a stack having an exit diameter of 0.46 metre and extending 5.0 metres above grade;
 - fugitive emissions resulting from the delivery, storage, and transfer of materials associated with concrete batching operations;

all in accordance with the Application for Approval (Air & Noise) submitted by R. W. Tomlinson Limited, dated May 4, 2023 and signed by Rob Pierce - Vice President Planning and Development, the supporting information, including the Emission Summary and Dispersion Modelling Report, submitted by WSP Canada Inc., dated April 24, 2023 and signed by Patrick Sirnik; the Acoustic Assessment Report submitted by GHD Limited, dated October 3, 2023 and signed by Michael Masschaele and Patrick Chen; and, all other documentation associated with the Application.

DEFINITIONS

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, by Michael Masschaele / GHD Limited, dated October 3, 2023 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 summarizing the results of the Acoustic Assessment Report.
3. "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;
4. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;
5. "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.
6. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
7. "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;

8. "Company" means R. W. Tomlinson 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;
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. "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;
16. "Noise Abatement Action Plan" means the noise abatement program developed by the Company, submitted to the Director and District Manager and approved by the Director, designed to achieve compliance with the sound level limits set in Publications NPC-300.
17. "Noise Control Measures" means measures to reduce the noise emissions from the Facility and/or Equipment including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums, and barriers. It also means the noise control measures as detailed in Noise Abatement Action Plan.
18. "Point of Reception" means Point of Reception as defined by Publication NPC-300;
19. "Publication NPC-103" means Ministry Publication NPC-103 "Procedures" of the Model Municipal Noise Control By-Law, Final Report, August 1978;
20. "Publication NPC-233" means Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995;
21. "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.
22. "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;
23. "Truck(s)" means ready-mix truck(s), aggregate truck(s), cementitious material tanker truck(s), asphalt truck(s), and aggregate yard/depot trucks(s);

TERMS AND CONDITIONS

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

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 odorous emissions from all potential sources;
- v. the frequency of inspection and replacement of the filter material in the Equipment; and,
- vi. procedures for recording and responding to environmental complaints relating to the operation of the Facility.

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 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.

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:
 - i. the maintenance, repair and inspection of the Equipment; and
 - ii. the minimization of fugitive dust, odour, and noise emissions from the Facility;
 - b. all records of any upset conditions associated with the operation of the Facility;
 - c. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. operating conditions (e.g. temperature of asphalt cement and hot mix material being discharged, any upset conditions, spills of hot mix material, etc.) at the time of the incident;
 - iii. wind direction at the time of the incident to which the complaint relates;

- iv. the name(s) of the 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 to which the complaint relates and to prevent a similar occurrence in the future, and the outcome of the measures taken.

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;
 - b. the time and date of the incident to which the complaint relates;
 - c. the wind direction and other weather conditions at the time of the incident; and,
 - d. the name(s) of the Company personnel responsible for handling the incident.

5. NOISE

1. The Company shall:
 - a. at all times operate the Equipment/Facility as presented in the Acoustic Assessment Report;
 - b. implement the Noise Control Measures for vacant lot R10, as outlined in section 5.2.2 of the Acoustic Assessment Report , not later than one (1) year after issuance of an above grade building permit under the Building Code Act, 1992, for a building that will host a noise sensitive space on vacant lot R10;
 - c. ensure, subsequent to the implementation of the Noise Control Measures, that the noise emissions from the Facility operations, comply with the limits set out in Ministry Publication NPC-300;
 - d. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report;
 - e. limit Trucks arrivals and departures during the day-time hours of 7 a.m. to 7p.m., in accordance with the following:
 - i. a maximum of four (4) concrete plant ready-mix truck arrivals and four (4) concrete plant read-mix truck departures per sixty (60) minute period;
 - ii. a maximum of one (1) concrete plant cement powder truck arrivals and one (1) concrete plant cement powder truck departures per sixty (60) minute period;
 - iii. a maximum of thirty (30) east front entrance aggregate truck arrivals and thirty (30) east front entrance aggregate truck departures per sixty (60) minute period;
 - iv. a maximum of eleven (11) west back entrance aggregate truck arrivals and eleven (11) west back entrance aggregate truck departures per sixty (60) minute period;
 - v. a maximum of five (5) asphalt truck arrivals and five (5) asphalt truck departures per sixty (60) minute period;
 - f. limit Trucks arrivals and departures during the evening-time hours of 7 p.m. to 11 p.m., in accordance with the following:
 - i. a maximum of two (2) concrete plant ready-mix truck arrivals and two (2) concrete plant read-mix truck departures per sixty (60) minute period;
 - ii. no concrete plant cement powder truck arrivals and no concrete plant cement powder truck

- departures per sixty (60) minute period;
 - iii. a maximum of six (6) east front entrance aggregate truck arrivals and six (6) east front entrance aggregate truck departures per sixty (60) minute period;
 - iv. a maximum of four (4) west back entrance aggregate truck arrivals and four (4) west back entrance aggregate truck departures per sixty (60) minute period;
 - v. a maximum of two (2) asphalt truck arrivals and two (2) asphalt truck departures per sixty (60) minute period;
- g. limit Trucks arrivals and departures during the night-time hours of 11 p.m. to 7 a.m., in accordance with the following:
- i. a maximum of two (2) concrete plant ready-mix truck arrivals and two (2) concrete plant read-mix truck departures per sixty (60) minute period;
 - ii. no concrete plant cement powder truck arrivals and no concrete plant cement powder truck departures per sixty (60) minute period;
 - iii. a maximum of four (4) east front entrance aggregate truck arrivals and four (4) east front entrance aggregate truck departures per sixty (60) minute period;
 - iv. a maximum of two (2) west back entrance aggregate truck arrivals and two (2) west back entrance aggregate truck departures per sixty (60) minute period;
 - v. a maximum of two (2) asphalt truck arrivals and two (2) asphalt truck departures per sixty (60) minute period;

6. CHANGE OF OWNERSHIP

1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manger, within thirty (30) days of the occurrence of any 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 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.

7. ACOUSTIC AUDIT

1. The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:
 - a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103;
 - 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 Publication NPC-233, to the District Manager and the Director, not later than twelve(12) months after the date of this Approval; and

c. shall submit, in conjunction with an Acoustic Audit Report, an Environmental Compliance Approval application requesting an amendment to the Approval to rescind the requirement for an Acoustic Audit Report as per Condition 7 of this Approval.

2. The Director:

- a. may not accept the results of the Acoustic Audit if the requirements of 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.

REASONS

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 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 number 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. Condition number 5 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Condition number 6 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.
6. Condition number 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.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal, within 15 days after the service of this notice, require a hearing by the Tribunal. You must also provide notice to, the Minister of the Environment, Conservation and Parks in accordance with Section 47 of the *Environmental Bill of Rights, 1993* who 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:

- I. 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;
- II. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the *Environmental Protection Act*, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

- I. The name of the appellant;
- II. The address of the appellant;
- III. The environmental compliance approval number;
- IV. The date of the environmental compliance approval;
- V. The name of the Director, and;
- VI. 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 <i>Environmental Protection Act</i> Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** 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 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 March, 2024



Nancy Orpana

Director

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

c: Rob Pierce, Cumberland Ready Mix

Jeff Zywicki, WSP Canada Inc.

Mike Masschaele, GHD Limited