

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 0141-D2PS5Z
Issue Date: March 27, 2024

Rankin Construction Inc.
222 Martindale Rd
St. Catharines, Ontario
L2R 7A3

Site Location: Rankin Construction Inc.
3299 Thorold Townline Rd
Thorold City, Regional Municipality of Niagara

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) dual mode (batch or drum) mix hot asphalt (HMA) plant, operating at the maximum production rates as listed in Schedule A, consisting of the following equipment and operations:

- one (1) counter flow drum mixer used to mix hot asphalt or to dry and heat aggregate, complete with a burner firing natural gas, having a maximum heat input of 105,4 gigajoules per hour discharging into a baghouse dust collector;
- one (1) baghouse dust collector, equipped with 1,008 square meters of Nomex filter material and a pulse-jet cleaning mechanism, venting to the atmosphere at a nominal volumetric flow rate of 28.2 actual cubic metres per second at an approximate temperature of 130 degrees Celsius through a stack, having exit diameter of 1.31 metres, extending 10.75 metres above grade;
- two (2) horizontal fully insulated liquid asphalt storage tanks, having a total nominal capacity of 217 tonnes and receiving up to five (5) full liquid asphalt tankers per day;
- three (3) hot mix asphalt storage silos, each having a nominal capacity of 255 tonnes;
- one (1) natural gas fired hot oil heater, to maintain liquid asphalt temperature, having a maximum thermal input of 2.1 gigajoules per hour;
- delivery, storage and transfer of raw materials to support daily HMA production rates;
- maintenance operations;

one (1) crushing plant, having a maximum recycled concrete (RC) processing rate of 1,400 tonnes per day, operating as described in the Operation Summary, consisting of the following equipment and operations;

- one (1) primary crusher, equipped with water spray system to control emissions from the crushing operations;
- one (1) secondary crusher, equipped with water spray system to control emissions from the secondary crushing operations;
- one (1) screening unit, equipped with water spray system to control emissions from screening operations;
- one (1) stacker conveyor, equipped with water spray system to control emissions from stacking operations;
- one (1) common diesel fired generator, alternatively powering RC or reclaimed asphalt pavement (RAP) primary crusher, equipped with Tier 2 (or higher) Engine (as per U.S. EPA Emission Standards) rated at 257 kilowatts, discharging into the atmosphere through a stack, having a nominal diameter 0.2 metre, extending 5.5 metres above grade;
- one (1) diesel fired generator, alternatively powering RC secondary crusher/screening unit or RAP screening unit, equipped with Tier 2 (or higher) Engine (as per U.S. EPA Emission Standards) rated at 295 kilowatts, discharging into the atmosphere through a stack, having a nominal diameter 0.2 metre, extending 5.5 metres above grade;
- one (1) common diesel fired generator, alternatively powering RC or RAP stacker, equipped with Tier 2 (or higher) Engine (as per U.S. EPA Emission Standards) rated at 38 kilowatts, discharging into the atmosphere through a stack, having a nominal diameter 0.1 metre, extending 2.7 metres above grade;
- maintenance and fueling operations of the equipment;

one (1) crushing plant, having a maximum RAP processing rate of 2,200 tonnes per day, operating as described in the Operation Summary, consisting of the following equipment and operations;

- one (1) primary crusher, equipped with water spray system to control emissions from the crushing operations; powered by the common primary crusher generator;
- one (1) screening unit, equipped with water spray system to control emissions from screening operations, powered by the common screening unit generator;;
- one (1) stacker conveyor, equipped with water spray system to control emissions from stacking operations, powered by the common stacker generator;
- maintenance and fueling operations of the equipment;

aggregate depot, operating as described in the Operation Summary, having the maximum receiving rate of uncrushed materials (RAP and RC) of 1,000 tonnes per day, and the maximum shipping rate of 1,000 tonnes per day of crushed RAP and RC;

- the aggregate depot is not operating during days when RAP or RC crushing is performed on the site;

all in accordance with the Application for Approval (Air & Noise) submitted by Rankin Construction Inc. dated October 20, 2020, and signed by Peter Jesik, Plant Manager, the Operation Summary dated March 4, 2024 and signed by Peter Jesik, Plant Manager, the updates to ESDM Report dated August 31, 2023 and prepared by Neil Chan; the letter dated March 25, 2024, signed by Brian Rankin providing details of the purchase of the southern vacant lot and all other supporting information associated.

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, HGC Engineering Limited, entitled: Acoustic Assessment Report, Rankin Hot Mix Asphalt Plant, Thorold, Ontario dated November 29, 2020 submitted in support of the application, that documents all sources of noise emissions and present at the Facility;
2. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
3. "Best Management Practices Plan" or "BMPP" means the document entitled "Dust Management Plan", dated January 18, 2024, prepared by Peter Jesik (updated to v2 on Feb 2024 and submitted by an email on March 8, 2024), as amended;
4. "Company" means Rankin Construction Inc. operating as Rankin Construction 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;
5. "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;
6. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
7. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19;
8. "Equipment" means the equipment described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
9. "Facility" means the entire operation located on the property where the Equipment is located;
10. "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;
11. "Method 22" means US EPA Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares;
12. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
13. "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;
14. "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 outlined in the Acoustic Assessment Report;

15. "Operation Summary" means the document entitled "Operation Summary" dated on March 4, 2024 and signed by Peter Jesik, Plant Manager;
16. "Point of Reception" is defined in Ministry Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, 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.

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, including;
 - ii. frequency of the inspection and replacement of the filter bags in the baghouse;
 - iii. pre-season start-up procedures and inspection of the equipment;
 - iv. emergency procedures, including spill clean-up procedures;
 - v. procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
 - vi. all appropriate measures to minimize noise, fugitive dust and odorous emissions from all potential sources; and
 - b. implement the recommendations of the Manual;
 - c. prepare and implement procedures to monitor and keep records of the loss on heating (standard RTFOT test) of the received liquid asphalt cement to ensure that the annual average loss on heating for the received liquid asphalt cement is not greater than 0.5%;
 - d. prepare and implement procedures to monitor and keep records of the liquid asphalt cement

- storage tanks temperature, to ensure that liquid cement storage tanks do not operate above the 171 degrees Celsius;
- e. prepare and implement procedures to determine and keep records of the HMA temperature (as it leaves the mixing process) to ensure that HMA will be not produced and storage above the 171 degrees Celsius;
 - f. the facility should not start operation unless;
 - i. the annual preseason start-up inspection have been conducted and all required repairs to the Equipment, and any other items related to environmental emissions have been made and;
 - ii. the District Manager has been notified about planned start-up date (annually, or as per agreement with District Manager);
2. Crushing operations and aggregate depot operations and shall be performed at the locations to ensure that the minimum separation distance to the property line will not shorter than presented in the ESDM Report
 3. Raw materials storage piles and crushed RAP and RC piles shall be located on the site to ensure that the minimum separation distance to the property lines will be not shorter than presented in the ESDM Report.

2. 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, including;
 - i. record of the baghouse differential pressure monitoring system and the leak detection and a baghouse performance system;
 - ii. records of shut-down of the dryer/mixer when the differential pressure reading or the leak detection and a baghouse performance system is not within the recommended range;
 - iii. records of the annual preseason start-up inspections;
 - iv. all production records;
 - 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.

3. NOTIFICATION REQUIREMENTS

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.
2. The Company shall notify the District Manager of the baghouse differential pressure system and the leak detection and a baghouse performance system installation schedule, commissioning, verification of performance and a start up of operations.

4. Visible Fugitive Dust Emissions

1. The Facility operations shall be performed to ensure that visible fugitive dust plum from the activities where material is dropped (as described in the Operation Summary and BMPP);
 - a. will not exceed more than 30 metres in any directions from the activities, excluding no more than 6 minutes in any hour; and
 - b. will not extend beyond the minimum separation distance lines at any time.
2. The Company shall determine visible dust emissions, referred in Condition 4.1.a and 4.1.b, as per Method 22, at the shortest practical observation distance as described in the Method 22.

5. Fugitive Dust Control

1. The Company shall implement the BMPP for the control of fugitive dust from any potential sources of fugitive dust emissions resulting from the operations of the Plant at each operating site;
 - a. The Company shall update the BMPP for each operating site as necessary or at the direction of the District Manager;
 - b. The Company shall retain on each operating site the latest version of the BMPP and shall provide it to any employee or agent of the Ministry upon request.

6. NOISE

1. The Company shall:
 - a. Ensure that the noise emissions from the Facility comply with the limits set in Ministry Publication NPC-300; and
 - b. Ensure that the Noise Control Measures specified in Schedule B are properly maintained and continue to provide the acoustical performance specified.

7. 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; and
 - 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

HMA Production rates

Operation months	Maximum Production Rate
May through December	2,800 tonnes per day
January through February	No production
March through April	840 tonnes per day
March through December (Annual)	250,000 tonnes per year

SCHEDULE B

Noise Control Measure

- one (1) 6-metres high and approximately 60-metres long berm comprised of material with a minimum surface mass density of 20 kg/m^2 , without holes, gaps and other penetrations, maintained on the north and east side of the concrete crusher position, as shown in Figure 4a of the Acoustic Assessment Report.

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 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 Nos. 4 to 6 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. 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.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 6254-7F3NWM issued on June 11, 2008.

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.

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:

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 27th day of March, 2024



Nancy E Orpana, P.Eng.

Director

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

JK/

c: District Manager, MECP Niagara
Neil Chan, BCX Environmental Consulting