

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7042-D83SSS

Issue Date: September 17, 2024

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

Site Location: 437 Sandy Beach Road
Dryden City, District of Kenora
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:

Hot-Mix Asphalt (HMA) Plant

one (1) permanent hot-mix asphalt (HMA) plant, having a maximum production rate of 70 tonnes per hour, 700 tonnes per day and 7,500 tonnes per year, consisting of the following equipment and emission sources:

- one (1) No. 2 fuel oil-fired dryer/ mixer, having a maximum heat input of 25,000,000 kilojoules per hour, with particulate matter controlled by one (1) wet scrubber, discharging to the air at a volumetric flow rate of 14.2 cubic metres per second and a temperature of 93.3 degrees Celsius, through a stack having an exit diameter of 0.7 metre, and extending 12.0 metres above grade;
- one (1) liquid asphalt cement storage tank, having a storage capacity of 75 tonnes, and operating at the maximum temperature of 163 degrees Celsius (325 F); the liquid asphalt cement storage tanks equipped with one (1) No. 2 Fuel Oil hot-oil heater, having a maximum heat input of 1,000,000 kilojoules per hour, venting to the atmosphere at a maximum volumetric flow rate of 0.1 cubic metres per second and a temperature of 236.7 degrees Celsius, through a stack having an exit diameter of 0.4 metres, and extending 3.7 metres above grade;
- one (1) hot-mix asphalt storage silo, having a storage capacity of 30 tonnes;
- fugitive emissions resulting from the delivery, storage, and transfer of raw materials

associated with hot mix asphalt operations.

Aggregate Depot

an aggregate depot having a maximum daily delivery rate of 260 tonnes/day and a maximum daily shipment rate of 2,000 tonnes/day, consisting of the following emission sources:

- fugitive emissions resulting from the reclaimed asphalt pavement receiving/storage, handling and shipping associated with aggregate depot operations.

Sand and Gravel Pit

one (1) sand and gravel pit having a maximum extraction and shipping rate of 3,500 tonnes/day, consisting of the following emission sources:

- fugitive emissions resulting from the extraction of sand and gravel material, and material storage, handling, and shipping.

all in accordance with the application for an Environmental Compliance Approval (Air & Noise) submitted by the Company, dated December 04, 2023, and signed by Bill Kasper, Vice President, Engineering & Facilities; Emission Summary and Dispersion Modeling Report prepared by BCX Environmental Consulting, dated December 2023; Acoustic Assessment Report prepared by HGC Engineering dated July 12, 2024; 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 Danielle Mota. and Corey Kinart / HGC and dated July 12, 2024, submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility;
2. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
3. "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;
4. "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;
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 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;
9. "Facility" means the entire operation located on the property where the Equipment is located;
10. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
11. "Method 22" means US EPA Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares;
12. "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;
13. "Ministry" means the ministry of the Minister;
14. "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;
15. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
16. "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; and
17. "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;
18. "Truck(s)" means hot mix asphalt truck(s), and aggregate 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. NOISE EMISSIONS

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

2. 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.

3. 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.

4. 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.

5. 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.

6. 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, date and location 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 Company personnel responsible for handling the incident.

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 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; or
 - 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

Completion upon issuance of this Approval.

Physical

1. Barrier #1: One(1) 110 metres long, nominally 12.5 metres high, with top of barrier 403 metres above sea level elevation, acoustic barrier positioned as per Figure 4c 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.

Completion twelve(12) months after issuance of this Approval.

Physical

1. Barrier #2: One(1) 17 metres long, 2.6 metres high acoustic barrier positioned as per Figure 4b 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.

Completion five(5) years after issuance of this Approval.

Physical

1. Barrier #3: One(1) 277 metres long, with top of barrier 394 metres above sea level elevation, acoustic barrier positioned as per Figure 4c 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. Barrier #4: One(1) 124 metres long, with top of barrier 400 metres above sea level elevation, acoustic barrier positioned as per Figure 4c 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.

Completion upon issuance of this Approval.

Administrative

Time Period	Administrative Controls
Daytime 07:00 to 19:00	Maximum Four(4) Hot Mix Asphalt Plant Aggregate Truck Arrivals and Four(4) Hot Mix Asphalt Plant Aggregate Truck Departures per sixty minute time period, and
Daytime 07:00 to 19:00	Maximum One(1) Liquid Asphalt Truck Arrivals and One(1) Liquid Asphalt Truck Departures per sixty minute time period, and
Daytime 07:00 to 19:00	Maximum Three(3) Hot Mix Asphalt Truck Arrivals and Three(3) Hot Mix Asphalt Truck Departures per sixty minute time period, and
Daytime 07:00 to 19:00	Maximum Two(2) Front End Loaders in aggregate area 1 or area 2 operating continuously per sixty minute time period, and
Daytime 07:00 to 19:00	Maximum Eight(8) Aggregate Pit Shipping Truck Arrivals and Eight(8) Aggregate Pit Shipping Truck Departures per sixty minute time period, and
Evening and Night time 19:00 to 07:00	No Asphalt Plant or Aggregate Pit operations

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

1. Conditions numbers 1 to 4 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 5 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. Conditions numbers 6 to 7 are 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.

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

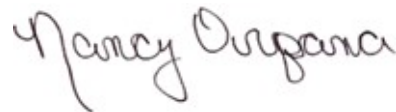
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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 17th day of September, 2024



Nancy E Orpana, P.Eng.

Director

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

JL/

c: Area Manager, MECP Kenora

c: District Manager, MECP Thunder Bay - District
Roxana Ungureanu, BCX Environmental Consulting