

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5516-DAHHS7
Issue Date: November 1, 2024

King & Benton Canal Bank Regeneration Lands Inc.
65 Canal Bank St
Welland, Ontario
L3B 5R8

Site Location: 65 Canal Bank Street
Welland 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:

A material recovery facility conducting the extraction of graphite and slag materials from the landfill area and screening extracted material at the processing area, with a maximum processing capacity of 200 tonnes per day of extracted materials, including the following activities and sources discharging to the air:

- Landfill Area
 - One (1) excavator to load raw material into haul trucks
 - One (1) material stockpile at working face of landfill

- Processing Area
 - One (1) excavator to load material onto screener
 - One (1) screener controlled by water sprayer

- Roadways
 - Unpaved haul route between paved road and processing area
 - Unpaved haul route between paved road and working face
 - Paved haul route for transportation of materials between processing area and working face

all in accordance with the Application for an Approval (Air & Noise) dated July 25, 2022 and signed by Steve Charest, President and CEO; the ESDM Report dated October 10, 2024 prepared by SONAIR Environmental Inc. and signed by Thomas Li; additional information dated October 28, 2024 prepared by SONAIR Environmental Inc. and signed by Thomas Li; the Acoustic Assessment Report dated October 25, 2024 prepared by SONAIR Environmental Inc. and signed by Thomas Li.

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 SONAIR Environmental Inc., dated October 25, 2024 and signed by Thomas Li;
2. "Acoustic Barrier" means a barrier or berm positioned such that it completely interrupts the line of sight between the Equipment and the noise sensitive Points of Reception continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metre;
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 **King & Benton Canal Bank Regeneration Lands 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;
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. "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;
12. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;

13. "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;
14. "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;
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 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;
17. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
18. "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.
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.

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, before commencement of operation of the Equipment, 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. 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.

3. 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.

4. 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 before commencement of operation of the Equipment.
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.
5. The Company shall retain on-site the latest version of the Best Management Practices Plan and shall provide it to any employee or agent of the Ministry upon request.

5. VISIBLE FUGITIVE DUST EMISSIONS

1. The Company shall ensure that visible Fugitive 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 six (6) minutes in any hour; and
 - b. will not extend beyond the property boundary at any time.
2. The Company shall determine visible Fugitive Dust emissions, referred to in Condition 5.1, using Method 22, at the closest practical observation location as described in Method 22.

6. NOISE

1. The Company shall:
 - a. implement, prior to the commencement of operation of the Facility, the Noise Control Measures as outlined in the Acoustic Assessment Report;
 - b. ensure, at all times, that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-300;
 - c. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report; and
 - d. maintain the Acoustic Barriers as depicted in Appendix D of the Acoustic Assessment Report at all times that the Facility is operating.
2. The Company shall restrict the operation of the Facility to the day-time hours from 7 a.m. to 7 p.m.

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.

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

1. Condition number 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 number 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 number 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 numbers 4 and 5 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.
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

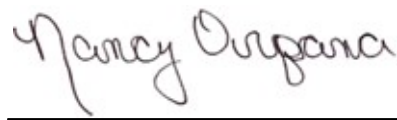
The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment,
Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* 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 1st day of November, 2024



Nancy E Orpana, P.Eng.

Director

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

VA/

c: District Manager, MECP Niagara
Thomas Li, SONAIR Environmental Inc.