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**Wilmot Woods Developments Inc.
Land Use Compatibility Study**

**Proposed Residential Development
Wilmot Woods Development
Township of Wilmot**



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Land Use Compatibility Study**

**Proposed Residential Development
Wilmot Woods Development
Township of Wilmot**

**R.J. Burnside & Associates Limited
1465 Pickering Parkway
Pickering ON L1V 7G7 CANADA**

**March 2022
300040085.0000**

Distribution List

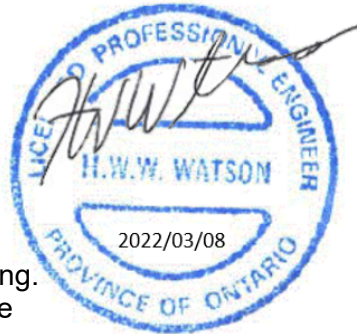
No. of Hard Copies	PDF	Email	Organization Name
1	Yes	Yes	Township of Wilmot
1	Yes	Yes	The Regional Municipality of Waterloo

Record of Revisions

Revision	Date	Description
0	December 2017	Draft Submission to NH Properties Inc.
1	March 2022	Final Submission to Township of Wilmot and Wilmot Woods Developments Inc.

R.J. Burnside & Associates Limited

Report Prepared By:



Harvey Watson, P.Eng.
Manager, Air & Noise
HW:lam

Report Reviewed By:


Brent Miller, P.Eng.
Air & Noise Engineer
BM:lam

Executive Summary

R.J. Burnside & Associates Limited (Burnside) was retained by Wilmot Woods Development Inc (Wilmot Woods) to assess and document the potential air emissions, odour, and noise impacts from surrounding commercial/industrial operations on the Wilmot Woods Development (formerly Pfenning Farm) property in the Township of Wilmot. Potential vibration impact due to nearby rail line has been assessed in a separate study. A residential development including parks and trails is proposed for this property.

The Land Use Compatibility Study (Compatibility Study) was prepared to demonstrate the compatibility of the proposed residential development with the surrounding land uses in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines.

All industrial and commercial operations were summarized within 300 m of the proposed development. In addition, an area within 1,000 m was screened for Class III or any other facility that would fall under a different D-Series Guideline. Twelve operations were located in the vicinity of the proposed development and included in the assessment.

Based on the Industrial class designation and the actual separation distance, three facilities were identified as having potential adverse impact on the proposed development (Riverside Brass & Aluminum Foundry Limited, Don J. Pestell Limited, and Nachurs Alpine Solutions Inc.). An assessment of the vacant surrounding lands is included in this Compatibility Study as well.

Based on the publicly available data (e.g., facility website, Environmental Registry, etc.), direct observations during Burnside's site visits and communication with the nearby facilities, the proposed residential development can be compatible with the existing surrounding environment assuming some considerations and mitigation measures will be implemented.

Based on this assessment, no potential air or odour impact is expected due the existing operations in the area. The potential noise impact can be reduced with mitigation measures such as provision for installation of central air conditioning, upgrade exterior wall of the first row of dwelling next to railway tracks and warning clauses as suggested in Environmental Noise Feasibility Assessment also prepared by Burnside, dated March 2022.

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1.0 Introduction

R.J. Burnside & Associates Limited (Burnside) was retained by Wilmot Woods Developments Inc. (Wilmot Woods) to assess and document the potential air emissions, odour, and noise impacts from surrounding commercial/industrial operations on the Wilmot Woods Development property in the Township of Wilmot. A residential development including parks and trails is proposed for this property.

The Land Use Compatibility Study (Compatibility Study) was prepared to demonstrate the compatibility of the proposed residential development with the surrounding land uses in accordance with Ministry of the Environment, Conservation, and Parks (MECP) D-Series Guidelines:

- Guideline D-1: Land Use Compatibility; and
- Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses.

Assessment was based on publicly available data (e.g., facility website, Environmental Registry, etc.), direct observations during site visits and communication with some of the nearby facilities.

2.0 Study Area

The study area is shown in Figure 3.

According to Guideline D-6¹, the impact from all surrounding potential influence areas has to be evaluated on the proposed sensitive land uses. Residential land use is considered sensitive land 24 hours/day. Potential influence areas are defined as the areas within which adverse effects may be experienced.

MECP recommends that the category designation of Class I, Class II, or Class III be indicated for the industrial land use (see Appendix A for the summary of industrial categorization criteria). Based on the industrial categorization criteria, a minimum recommended separation distance and a potential influence area are assigned to each facility. Following minimum separation distance / potential influence area values are defined as per Guideline D-6, Procedure D-6-1²:

- Class I – 20 m / 70 m.
- Class II – 70 m / 300 m.
- Class III – 300 m / 1,000 m.

¹ MECP, Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses.

² MECP, Guideline D-6, Procedure D-6-1, Appendix A: Industrial Categorization Criteria.

Facilities that do not fall under any of the category definition (e.g., school) are not expected to have an adverse effect and are noted as “n/a” under Industrial Class in Table 1.

All industrial and commercial operations were summarized within 300 m of the proposed development as shown in Table 1. In addition, an area within 1,000 m was screened for Class III or any other facility that would fall under different D-Series Guideline (e.g., sewage treatment plant would fall under D-2 Guideline³). Twelve operations were located in the vicinity of the proposed development and included in the above-mentioned table. The location of the site is presented in Figure 1: Site Location Map.

Facility name, physical address, nature of their operation, and direction relative to the proposed development are summarized in the above table. Based on the nature of the operations and the expected contaminants, an Industrial class was assigned to each of the facilities. Based on actual separation distance and industrial Class it was determined whether each of the facilities has potential of an adverse effect on the proposed development.

Although the D-6 Guideline suggests that distances are normally measured from property line to property line, there is an allowance for measuring from a specific source to sensitive receptors or include non-sensitive lands areas as a buffers, e.g. the distance between the proposed development and Don J. Pestell Limited was measured from their northern property line to the proposed development nearest southern property line as the woodlot north of the rail will remain on the Wilmot Woods Development property.

There are several vacant lands surrounding Wilmot Woods Development property. Lands to the north and east are designated as agricultural. There are vacant lands south, southeast, and southwest of the proposed developments. According to both the Regional Official Plan and Township Official Plan most of the vacant lands south of the property are designated for open space purposes and zoned to permit agricultural uses only. These designations should pose no potential adverse effect on the proposed development.

3.0 Potential Air and Odour Emission Impact Assessment

Based on the Industrial class designation and the actual separation distance, 3 facilities were identified as having a potential adverse impact on the proposed development:

- Riverside Brass & Aluminum Foundry Limited.
- Don J. Pestell Limited.
- Nachurs Alpine Solutions Inc.

Each of these facilities is discussed in more details below.

³ MOECC, Guideline D-2, Compatibility between Sewage Treatment and Sensitive Land Use.

3.1 Riverside Brass & Aluminum Foundry

Riverside Brass & Aluminum Foundry (Riverside) is an aluminum, copper, and zinc-based alloys casting facility. Processes at their facility include sand handling, melting and charging, fluxing, mold and core production, grinding, shot blasting, and core making. Based on the nature of the operation, suspended particulate matter, which includes various metals and metal compounds, and volatile organic compounds are expected to be emitted from this facility.

It is appropriate to consider Riverside as Class II category facility based on the scale and process of their operation as per MECP, Guideline D-6, Procedure D-6-1⁴. The minimum separation distance for Class II facilities is 70 m. Riverside is 135 m away from the proposed development, which is outside the minimum recommended separation distance, but within 300 m of the potential influence area. The potential influence area is defined as an area within which an adverse effect may be experienced; therefore, the impact from facilities located within this area should be assessed on the proposed development.

Riverside is a holder on an Environmental Compliance Approval (ECA) issued by the Ministry of the Environment (MECP)(see Appendix B). As part of this approval an Emission Summary and Dispersion Modelling (ESDM) report was prepared. An ESDM report provides an assessment of all the on-site emissions and comparison of the resulting ground level concentrations to the MECP limits. In order for MECP to issue an ECA, the facility has to show that emissions at any off-property point of impingement (POI) are below MECP limits.

The facility is registered to the Technical Standards Registry – Air Pollution (Technical Standards Registry) for the Foundries – Industry Standard under O. Regulation 419/05: Air Pollution – Local Air Quality (O. Reg. 419/05). Registration to a technical standard means that this facility must adhere to all technical and operational requirements in the Foundries – Industry Standard.

Registration to the Technical Standards Registry is a compliance option under O. Reg. 419/05. It requires that the company demonstrate compliance on an ongoing basis with O. Reg. 419/05 through applicable technical standard requirements set out in the Foundries – Industry Standard.

Considering Riverside demonstrates that the maximum predicted off-property ground level concentration is below the applicable technical standards, no adverse effect is expected from this facility.

⁴ MOECC, Guideline D-6, Procedure D-6-1, Appendix A: Industrial Categorization Criteria

There are no odour emissions associated with Riverside operation; therefore, no further assessment is required.

3.2 Don J. Pestell Limited

Several operations are located on Don J. Pestell Limited property and were assessed together (Pestell). Pestell Pet Products manufactures small animal bedding and cat litter products. Pestell Minerals & Ingredients is a distributor of minerals, feed ingredients, additives, fertilizers, nutrients and salts for the animal feed and agricultural industry. There are wood shaving and transport operations happening at this location as well. The wood shavings operation receives wood chips through transport trucks. According to the EASR (see Appendix B), the wood shavings are stored in holding bins from which they are transported to the packaging equipment. The transport operation provides trucking transportation within Pestell and for other unrelated customers. It also consists of a maintenance station for trucks and other vehicles.

Pestell was designated as Class II category facility based on the nature of their operation, which is mainly packaging and distribution. Pestell is located 90 m south of the proposed development measuring from the southern residential property line as the developer intends to keep an existing woodlot at the southwest area. The actual separation distance is even larger as the norther part of Pestell's property is zoned as an Open Space and industrial operations are not permitted in that area. The proposed residential development is further away than the required minimum separation distance for Class II facilities (70 m), but within the potential influence area of 300 m.

Based on Pestell's EASR (Registration Number R-010-8110298402, dated December 5, 2017), all emitted contaminants are at or below MECP limits or toxicological assessment values. There are no on-site fugitive dust sources. By registering on EASR, Pestell confirmed that all the emissions from their operations are below applicable limits at their property line and not expected to pose an adverse effect to the surrounding environment.

As part of the EASR process the Odour Screening Report indicated that a Best Management Practice Plan (BMPP) for odour had to be prepared for the facility. Considering the BMPP for odour should exist and have been implemented, no adverse impact is expected on the proposed new development.

3.3 Nachurs Alpine Solutions Inc.

Nachurs Alpine Solutions Inc. (Alpine) is a liquid fertilizer manufacturing facility. They received raw material and produce various formulations of liquid fertilizer. Emissions to the air from this facility include ammonia, VOCs, and particulate matter.

According to Industrial categorization criteria, Alpine falls under the definition of Class II category as it does not comply with Class I description and none of Class III criteria is applicable to their operation. The minimum separation distance for Class II is 70 m. The southeast corner of the property where the new residential development is proposed is 35 m away from the northwestern point of Alpine's western most property and 234 m to the developed property. While there is a large existing wooded area on the west side of Alpine property, there is a potential that Alpine might wish to use that area for their operation in the future; therefore, it would not be appropriate to use that distance in the separation measurement. The separation distance should be extended onto the proposed development property. Based on the preliminary site plan, there is a storm water pond planned along the southern property on the east side, thus keeping a minimum of 70 m from Alpine's property. Based on this separation of more than 70 m, the property is outside the minimum separation distance.

The proposed development might still experience a potential adverse effect from Alpine operations as it is within the potential influence area of 300 m and, therefore, further assessment is required.

Alpine has an ECA (see Appendix B), which obligates them to show that ground level concentrations predicted from emissions from their facility are below MECP air quality standards at any off-property receptor at any time. Based on the air Emissions Summary Table, it was confirmed that all the contaminants are below their applicable criteria; therefore, no adverse effect is expected from air emissions.

Due to the nature of Alpine's operations, odour has a potential to cause an adverse effect on the proposed development, even though maximum ground level concentration predicted for ammonia is below the criteria.

MECP does not have an odour-based limit for ammonia. The odour detection threshold for ammonia is reported to be as low as 0.04 ppm and as high as 53 ppm⁵ according to different literature sources. The majority of the sources (including OSHA) refer to 5 ppm as the threshold or an average value where humans start to detect ammonia, while 20 ppm is considered a complained level⁶. Considering this extremely wide range of the values, 1 ppm was chosen as a conservative value for the odour detection level for ammonia⁷.

According to Alpine's Emission Summary Table, the maximum predicted off-property ground level concentration for ammonia is below 1 ppm for 10-minute averaging period. Odour is typically modelled at the locations where human activities regularly occur.

⁵ Haz-Map® occupational health database. <https://hazmap.nlm.nih.gov/> accessed on March 3, 2017.

⁶ Alberta Environment (2004) Assessment Report on Ammonia for Developing Ambient Air Quality Objectives. Volume I.

⁷ AIHA (2014) Emergency Response Planning Guideline. Ammonia.

Based on the contour plot for ammonia along the east and south sides of the proposed property, the concentration on a 10-minute average basis will always be below 0.1 ppm. Therefore, there is no reason to believe, there will be any adverse effect due to ammonia on Alpine's property.

3.4 Vacant Surrounding Lands Zoned for Industrial Use

Vacant lands south of the Wilmot Woods property and south of the lands designated as Open Space are lands designated as General Industrial. The predominant use of these lands is expected to be for industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage. The shortest distance between the General Industrial land property and the nearest residential property will be about 205 m. Based on the surrounding industry, it is anticipated that a Class II facility might operate on this land. The minimum separation distance is 70 m, and potential influence area is 300 m for this facility class. The 205 m distance is outside the minimum separation distance, but within the potential influence area. According to Guideline D-6, the outside range of potential influence is recommended to be used to determine an appropriate separation distance between the development and the vacant lot. In this case it would be 300 m; however, it is up to the Township of Wilmot to allow less than the recommended separation distance. Since the lands are vacant, the minimum separation distance of 300 m is based on the hypothetical "worst case scenario".

Two possible options would be based on the restrictions on the proposed residential development or future industrial operations. In order to satisfy the 300 m separation distance, the development of residential properties might be restricted so that no residence is within 300 m of the vacant property zoned for industrial use. Alternatively, residential properties would be allowed as proposed (currently 205 m north of the vacant property), but the Township of Wilmot would ensure that any proposed new industrial facility will prepare a compatibility study that shows no adverse effect within the potential influence.

The recommendation on separation distance is more conservative for the vacant lands than for existing industrial facilities as it is hard to predict the exact nature of their operations. However, based on the nature of operations of existing surrounding industry it is very likely that they will not have an adverse effect beyond the minimum separation distance. Also, if the new facility will choose to have their air and/or noise emission sources at least 80 m away from their northern property line, they will be outside potential influence area as well and no further assessment will be necessary.

4.0 Potential Noise Impact

The proposed residential development is located on the northeast side of New Hamburg, Ontario. Based on the location and surrounding environment, the area was designated

as Class 2 area. A Class 2 area is an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:

- Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours).
- Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).

The potential noise sources that might have an adverse effect on the proposed development include road and rail traffic and stationary noise sources at the surrounding industrial facilities.

Full assessment of potential noise impact on the proposed development was conducted in the Environmental Noise Feasibility Assessment Burnside prepared in March 2022. The Noise report shall accompany this D-6 submission wherever distributed.

5.0 Conclusions

Based on the publicly available data (e.g., facility website, Environmental Registry, etc.), direct observations during site visits and communication with the nearby facilities, the proposed residential development can be compatible with the existing surrounding environment assuming some considerations and mitigation measures will be implemented.

Based on this assessment, no potential air or odour impact is expected due the existing operations in the area. The potential noise impact can be reduced with mitigation measures such as provision for installation of central air conditioning, upgrade exterior wall of the first row of dwelling next to railway tracks and warning clauses as suggested in Burnside's March 2022 Environmental Noise Feasibility Assessment provided alongside this report.

6.0 Limitation and Use of Report

R.J. Burnside & Associates Limited (Burnside) has completed this report in accordance with generally accepted standards and practices. The conclusions and recommendations in this report are professional opinions based upon our understanding of anticipated Site conditions at the time of this assessment. To the best of our knowledge, the information contained in our report is accurate; however, Burnside does not guarantee the accuracy and reliability of the information provided by other persons or agencies. Burnside is not responsible for environmental concerns that are not visible or otherwise disclosed to us.

Land Use Compatibility Study
March 2022

This report was prepared for the exclusive use of Wilmot Woods Developments Inc. and the Township of Wilmot. Any use or reliance on or decisions based on this report by a third party, are the responsibility of such third parties. Burnside accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.



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Tables

ID	Facility	Business Description	Address	Relative Direction	Separation Distance (m)	Potential Contaminants	MOE Industrial Class ¹	Does the facility meet the minimum separation distance?	Comments
1	Pfenning's Organic Vegetables Inc.	Farming and Distribution of organic produce	1209 Waterloo Street, New Hamburg, ON N3A 1T1	N	220	None	I	Yes	No Adverse Effects
2	Nith Valley Apiaries Inc.	Apiary	1041 Christner Rd, New Hamburg, ON N3A 3K7	NW	225	None	I	Yes	No Adverse Effects
3	Riverside Farm	Horse boarding & training	1140 Waterloo St, New Hamburg, N3A1T3	NW	70	Odour	n/a	n/a	No Adverse Effects
4	Forest Glen Public School	School	437 Waterloo St, New Hamburg, ON N3A 1S9	W	270	None	n/a	n/a	No Adverse Effects
5	Space at Hand	Self storage facility	60 Nevilles Street, New Hamburg, ON N3A 4G7	SW	420	None	I	Yes	No Adverse Effects
6	Advance Concrete Form Inc.	Plywood forming system manufacturing	100 Nevilles Street, New Hamburg, N2O 2G0	SW	300	None	I	Yes	No Adverse Effects Does not appear to perform any manufacturing activities
7	Riverside Brass & Aluminum Foundry Limited	Manufacturing of brass, bronze, aluminum, and zinc castings	55 Hamilton Road, New Hamburg, ON N3A 2H1	SW	120	Metals, Particulate, noise	II	Yes	Minimum separation distance met, but within potential influence area
8	Livestock Feedmatch	Animal feed & supplement manufacturing	1-95 Hamilton Road, New Hamburg, ON N3A 2H1	S	340	Particulate	II	Yes	Minimum separation distance met, outside potential influence area
9	Nith Valley Butcher & Deli	Butcher Shop	125 Hamilton Rd, New Hamburg, ON N3A 2K1	S	440	None	I	Yes	No Adverse Effects
10	Don J. Pestell Limited	Agricultural feed distribution Manufacturing of small animal bedding and cat litter products	141 Hamilton Rd, New Hamburg, ON N3A 2H1	S	90 ²	Particulate, noise	II	Yes	Minimum separation distance met, but within potential influence area
11	Fellowship Bible Church	Church	150 Hamilton Rd, New Hamburg, ON N3A 2K1	S	500	None	n/a	n/a	No Adverse Effects
12	Nachurs Alpine Solutions Inc.	Chemical fertilizer manufacturing	1356 Nafziger Rd., New Hamburg, ON N3A 3G8	SE	>70 ³	Particulate, odour, noise	II	Yes	Minimum separation distance met, but within potential influence area

1. MOE Procedure D-6-1 Appendix A: Industrial Categorization Criteria. Last Revision July 1995. Page 2

2. Measured from Pestell's northern property line to the nearest proposed southern development property line as there is still woodlot north of the rail.

3. Measured from Alpine's northwestern property line to the nearest proposed southern development property line.



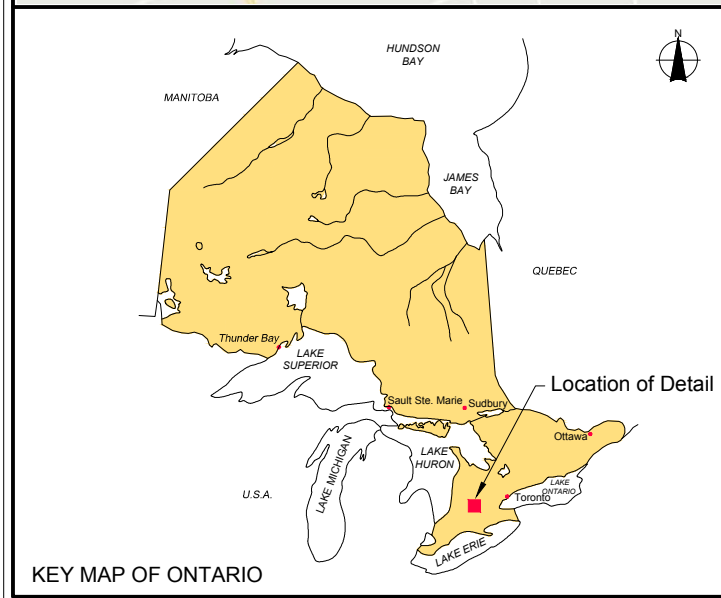
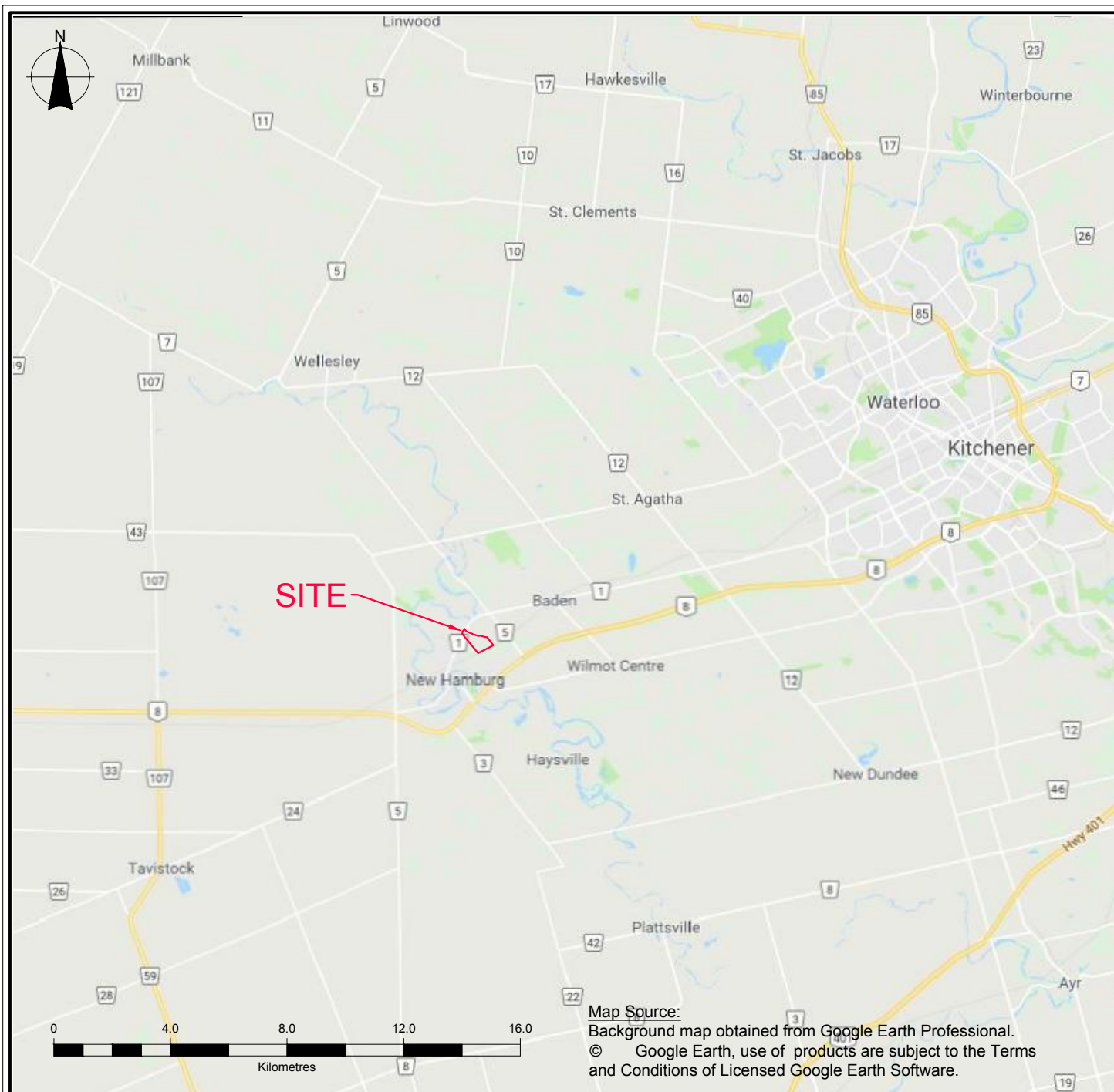
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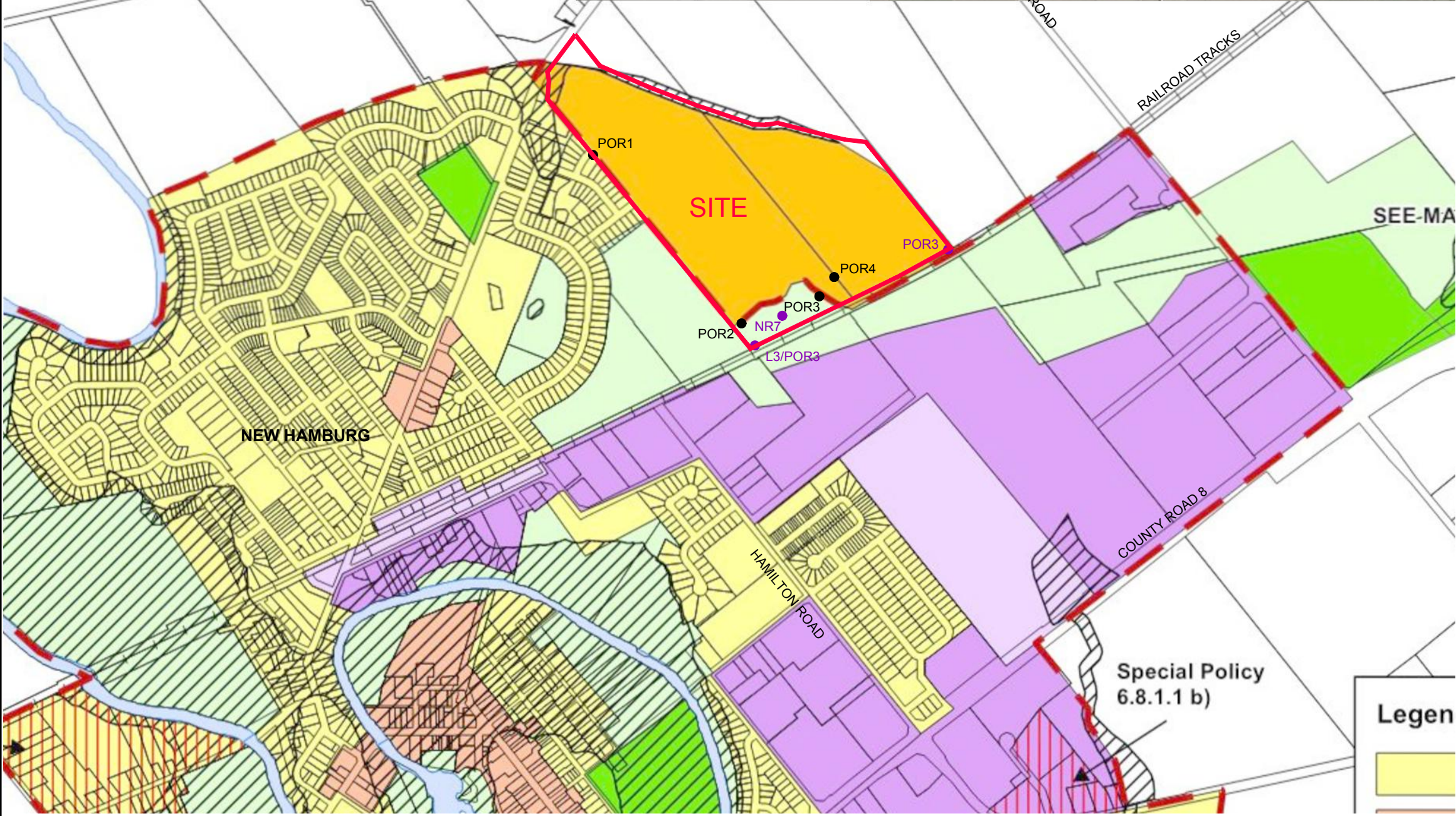


Figures

Figures



 BURNSIDE			
Client NH PROPERTIES INC. PFENNING FARM, TOWNSHIP OF WILMOT			
Figure Title LAND USE COMPATIBILITY STUDY SITE LOCATION MAP			
Drawn C.S.	Checked K.Z.	Date DECEMBER 2017	Figure No. 1
Scale 1:200,000	Project No. 300040085		

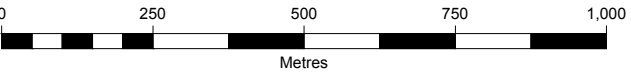


LEGEND

- APPROXIMATE SITE BOUNDARY
- POINTS OF RECEPTION (Transportation)
- POINTS OF RECEPTION (Stationary Sources)

Legend

- Urban Residential
- Urban Core
- Open Space
- Major Recreation
- Future Land Use Area
- Highway Commercial
- General Industrial
- Light Industrial
- Environmentally Constrained Lands
- Special Policy
- New Hamburg Urban Area



Zoning Map Source:
Background Official Plan Map 5; dated June 2012 obtained from
the Township of Wilmot.

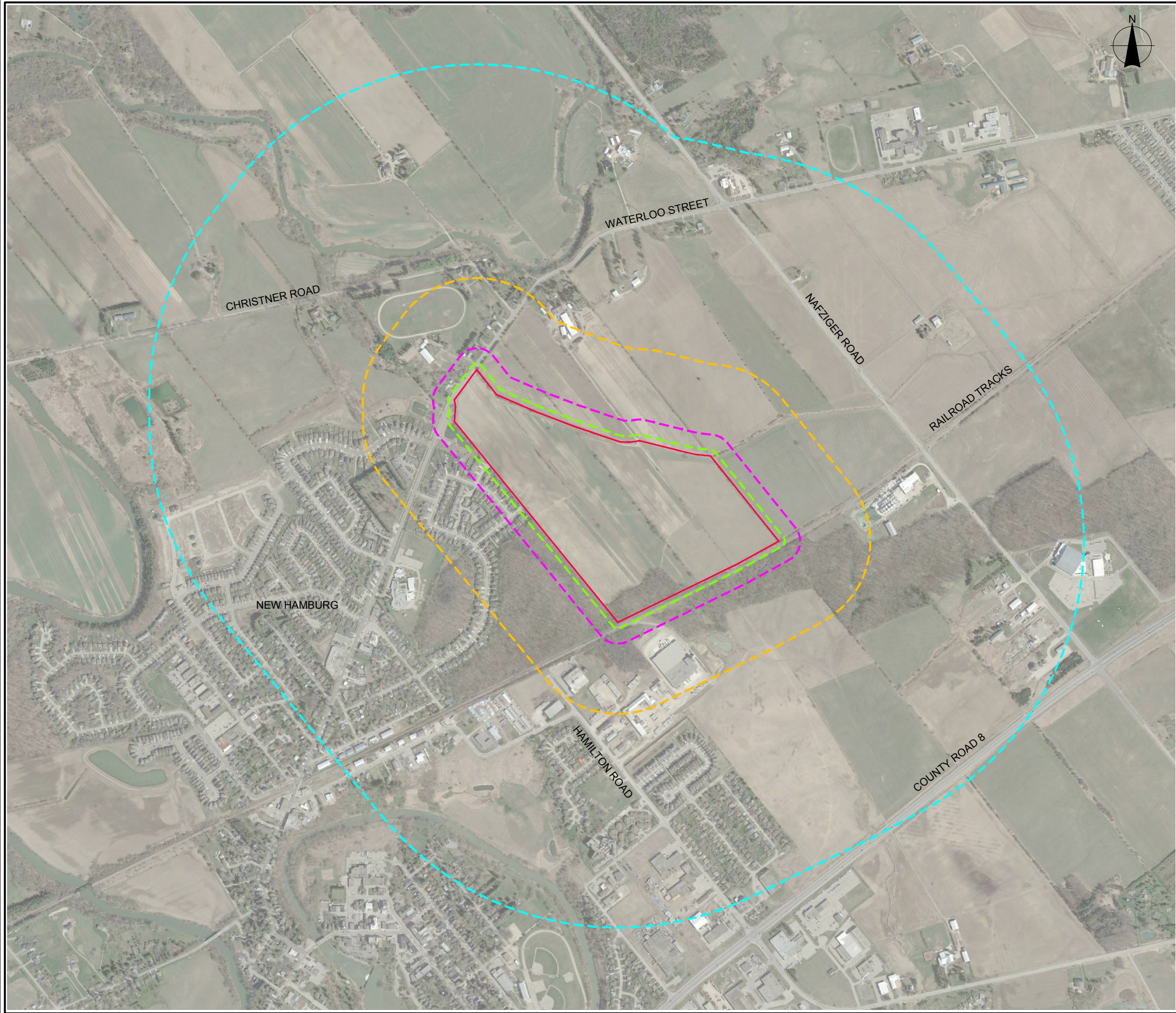


Client
NH PROPERTIES INC.

Figure Title
LAND USE COMPATIBILITY STUDY
TOWNSHIP OF WILMOT OFFICIAL PLAN

Drawn C.S.	Checked K.Z.	Date DECEMBER 2017
Scale 1:12,500	Project No. 300040085	

Figure No.
2



LEGEND

- APPROXIMATE SITE BOUNDARY
- 20m - MINIMUM SEPARATION DISTANCE (CLASS I)
- 70m - MINIMUM SEPARATION DISTANCE (CLASS II) AND POTENTIAL INFLUENCE AREA (CLASS I)
- 300m - MINIMUM SEPARATION DISTANCE (CLASS III) AND POTENTIAL INFLUENCE AREA (CLASS II)
- 1000m - POTENTIAL INFLUENCE AREA (CLASS III)

0 250 500 750 1,000
Metres

Satellite & Air Photo Source:
Background satellite / air photo circa 2016 obtained from Google Earth Professional
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Client

NH PROPERTIES INC.

Figure Title

LAND USE COMPATIBILITY STUDY

STUDY AREA

Drawn C.S.	Checked K.Z.	Date DECEMBER 2017	Figure No. 3
Scale 1:12,500		Project No. 300040085	



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Appendix A

Industrial Categorization Criteria

MOECC D-6-1

Proposed Residential Development

Land Use Compatibility Study
March 2022

Category	Outputs	Scale	Process	Operation / Intensity	Possible Examples**
Class I	NOISE: Sound not audible off property DUST and/or ODOUR: Infrequent and not intense VIBRATION: No ground borne vibration on plant property	- No outside storage - Small scale plant or scale is irrelevant in relation to all other criteria for this Class	- Self-contained plant or building which produces/stores a packaged product - Low probability of fugitive emissions	- Daytime operations only - Infrequent movement of products and/or heavy trucks	- Electronics manufacturing and repair - Furniture repair and refinishing - Beverages bottling - Auto parts supply - Packaging and crafting services - Distribution of dairy products - Laundry and linen supply
Class II	NOISE: Sound occasionally audible off property DUST and/or ODOUR: Frequent and occasionally intense VIBRATION: Possible ground borne vibration, but cannot be perceived off property	- Outside storage permitted - Medium level of production allowed	- Open process - Periodic outputs of minor annoyance - Low probability of fugitive emissions	- Shift operations permitted - Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours	- Magazine printing - Paint spray booths - Metal command - Electrical production manufacturing - Manufacturing of dairy products - Dry cleaning services - Feed packing plant
Class III	NOISE: sound frequently audible off property DUST and/or ODOUR: Persistent and/or intense VIBRATION: Ground borne vibration can frequently be perceived off property	- Outside storage of raw and finished products - Large production levels	- Open process - Frequent outputs of major annoyances - High probability of fugitive emissions	- Continuous movement of products and employees - Daily shift operations permitted	- Manufacturing of paint and varnish - Organic chemicals manufacturing - Breweries - Solvent recovery plants - Soaps and detergent manufacturing - Manufacturing of resins and costing - Metal manufacturing



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Appendix B

Environmental Approvals

Riverside Brass & Aluminum Foundry Limited

Don J. Pestell Limited

Nachurs Alpine Solutions Inc.


AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

 NUMBER 5063-8MMKNH
 Issue Date: January 23, 2012

 Riverside Brass & Aluminum Foundry Limited
 55 Hamilton Rd
 New Hamburg, Ontario
 N3A 2H1

 Site Location: 55 Hamilton Road
 55 Hamilton Rd New Hamburg
 Wilmot Township, Regional Municipality of Waterloo
 N3A 2H1

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:

Description Section

An aluminum, copper, and zinc-based alloys casting facility, consisting of the following processes and support units:

- sand handling;
- melting and charging;
- fluxing;
- mold and core production;
- grinding;
- shot blasting; and
- core making;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to **16,982,784 Kilograms of aluminum, copper and zinc-based alloys per year** exhausting to the atmosphere as described in the *ESDM Report*.

For the purpose of this environmental compliance approval, the following definitions apply:

1. "Acceptable Maximum Ground Level Concentration" means a concentration accepted by the *Ministry*, as described in the *Guide to Applying for Approval (Air & Noise)*, for a *Compound of Concern* listed in the *Original ESDM Report* that has no *Ministry Point of Impingement Limit* and no *Jurisdictional Screening Level*, or the concentration at a *Point of Impingement* exceeds the *Jurisdictional Screening Level*.
2. "Acoustic Assessment Report" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by Stephen Kuchma, Church & Trought Inc. and dated December 19, 2011 submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility* and includes all up-dated *Acoustic Assessment Reports* as required by the Documentation Requirements conditions of this *Certificate* to demonstrate continued compliance with the *Performance Limits* following the implementation of any *Modification*
3. "Acoustic Assessment Summary Table" means a table prepared in accordance with the *Basic Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report*, up-dated as required by the Documentation Requirements conditions of this *Approval*.
4. "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*.

5. "*Acoustic Audit Report*" means a report presenting the results of an *Acoustic Audit*, prepared in accordance with *Publication NPC-233*.

6. "*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*.

7. "*Air Standards Manager*" means the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, or any other person who represents and carries out the duties of the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, as those duties relate to the conditions of this Approval.

8. "*Approval*" means this entire *Approval* document and any Schedules to it, including the application and *Supporting Documentation*.

9. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended.

10. "*Company*" means Riverside Brass & Aluminum Foundry Limited operating as Riverside Brass & Aluminum Foundry 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*.

11. "*Compound of Concern*" means a contaminant that, based on generally available information, may be emitted to the atmosphere in a quantity from the *Facility* that is non-negligible in accordance with section 8 of *O. Reg. 419/05* either in comparison to the relevant *Ministry Point of Impingement Limit* or if a *Ministry Point of Impingement Limit* is not available for the compound then, based on generally available toxicological information, the compound may cause an adverse effect as defined by the *EPA* at a *Point of Impingement*.

12. "*Description Section*" means the section on page one of this *Approval* describing the *Company's* operations and the *Equipment* located at the *Facility* and specifying the *Facility Production Limit* for the *Facility*.

13. "*Director*" means a person appointed by the Minister pursuant to section 5 of the *EPA*.

14. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located.

15. "*Emission Summary Table*" means the most updated table contained in the *ESDM Report*, which is prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* listing the appropriate *Point of Impingement* concentration for each *Compound of Concern* from the *Facility* and providing comparison to the corresponding *Ministry Point of Impingement Limit* or *Maximum Concentration Level Assessment*, or *Jurisdictional Screening Level*.

16. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c.E.18, as amended.

17. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.

18. "*Equipment*" means equipment or processes described in the *ESDM Report*, the *Acoustic Assessment Report*, this *Approval* and in the *Supporting Documentation* referred to herein and any other equipment or processes.

19. "*Equipment with Specific Operational Limits*" means any *Equipment* related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other *Equipment* that is specifically referenced in any published *Ministry* document that outlines specific operational guidance that must be considered by the *Director* in issuing an *Approval*.

20. "*ESDM Report*" means the most current Emission Summary and Dispersion Modelling Report that describes the *Facility*. The *ESDM Report* is based on the *Original ESDM Report*, is prepared after the issuance of this *Approval* in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by the *Company* or its consultant, and is periodically updated to incorporate all *Modifications* to and changes on discharge from the *Facility*, as required by the *Documentation Requirements* conditions of this *Approval*.

21. "*Facility*" means the entire operation located on the property where the *Equipment* is located.
22. "*Facility Production Limit*" means the production limit placed on the main product(s) or raw materials used by the *Facility* that represents the design capacity of the *Facility* and assists in the definition of the operations approved by the *Director*.
23. "*Independent Acoustical Consultant*" means an *Acoustical Consultant* not representing the *Company*, and not involved in the noise impact assessment or the design/implementation of *Noise Control Measures* for the *Facility/Equipment*. The *Independent Acoustical Consultant* shall not be retained by the consultant involved in the noise/vibration impact assessment or the design/implementation of noise/vibration control measures for the *Facility/Equipment*.
24. "*Jurisdictional Screening Level*" means a screening level for a *Compound of Concern* that is listed in the Ministry publication titled "Jurisdictional Screening Level (JSL) List, A Screening Tool for Ontario Regulation 419: Air Pollution - Local Air Quality", dated February 2008, as amended.
25. "*Log*" means the up-to-date log that is used to track all *Modifications* to the *Facility* since the date of this *Approval* as required by the Documentation Requirements conditions of this *Approval*.
26. "*Maximum Concentration Level Assessment*" means the Maximum Concentration Level Assessment for the purposes of an *Approval*, described in the *Basic Comprehensive User Guide*, prepared by a *Toxicologist* using currently available toxicological information, that demonstrates that the concentration at any *Point of Impingement* for a *Compound of Concern* that does not have a *Ministry Point of Impingement Limit* is not likely to cause an adverse effect as defined by the *EPA*. The concentration at *Point of Impingement* for a *Compound of Concern* must be calculated in accordance with *O. Reg. 419/05*.
27. "*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.
28. "*Ministry Point of Impingement Limit*" means the applicable Standard listed in Schedule 2 or 3 of *O. Reg. 419/05* or a limit listed in the *Ministry* publication titled "Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution - Local Air Quality (including Schedule 6 of O. Reg. 419 on Upper Risk Thresholds)", dated February 2008, as amended.
29. "*Modification*" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the *Facility* that may discharge or alter the rate or manner of discharge of a *Compound of Concern* to the atmosphere or discharge or alter noise or vibration emissions from the *Facility*.
30. "*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, described in the *Company's* application, this *Approval* and in the supporting documentation referred to herein, to the extent approved by this *Approval*.
31. "*O. Reg. 419/05*" means the Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended.
32. "*Original ESDM Report*" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by Church & Trought inc. and dated August 24, 2011 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*.
33. "*Performance Limits*" means the performance limits specified in Condition 3.2 of this *Approval* titled Performance Limits.
34. "*Point of Impingement*" has the same meaning as in section 2 of *O. Reg. 419/05*.
35. "*Point of Reception*" means Point of Reception as defined by *Publications NPC-205* and *NPC 232*, as applicable.
36. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2009, as amended.

37. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge a contaminant or contaminants into the atmosphere at an amount which is not considered as negligible in accordance with section 8 of *O. Reg. 419/05* and the *Procedure Document*.

38. "*Publication NPC-103*" means *Ministry* Publication NPC-103, *Procedures*, August 1978.

39. "*Publication NPC-205*" means the *Ministry* Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995 as amended.

40. "*Publication NPC-207*" means the *Ministry* draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry*.

41. "*Publication NPC-232*" means the *Ministry* Publication NPC-232, "Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", October, 1995 as amended.

42. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended.

43. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:

Schedule A - *Supporting Documentation*.

44. "*Supporting Documentation*" means the documents listed in Schedule A of this *Approval* which forms part of this *Approval*.

45. "*Toxicologist*" means a qualified professional currently active in the field of risk assessment and toxicology that has a combination of formal university education, training and experience necessary to assess the *Compound of Concern* in question.

46. "*Written Summary Form*" means the electronic questionnaire form, available on the *Ministry* website, and supporting documentation, that documents the activities undertaken at the *Facility* in the previous calendar year that must be submitted annually to the *Ministry* as required by the section of this *Approval* titled Reporting Requirements.

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. GENERAL

1.1 Except as otherwise provided by this *Approval*, the *Facility* shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this *Approval* and in accordance with the following *Schedules* attached hereto:

Schedule A - *Supporting Documentation*

2. LIMITED OPERATIONAL FLEXIBILITY

2.1 Pursuant to section 20.6(1) of the *EPA* and subject to Conditions 2.2 and 2.3 of this *Approval*, future alterations, extensions or replacements are approved in this *Approval* if the future alterations, extensions or replacements are *Modifications* to the *Facility* that:

(a) are within the scope of the intended operations of the *Facility* as described in the *Description Section* of this *Approval*;

(b) do not result in an increase of the *Facility Production Limit* above the level specified in the *Description Section* of this *Approval*; and

(c) result in compliance with the *Performance Limits*.

2.2 Condition 2.1 does not apply to:

(a) the addition of any new *Equipment with Specific Operational Limits* or to the *Modification* of any existing *Equipment with Specific Operational Limits* at the *Facility*. The *Company* shall operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the *Original ESDM Report* and Conditions in this *Approval*; or

(b) *Modifications* to the *Facility* that would be subject to the *Environmental Assessment Act*.

2.3 Condition 2.1 of this *Approval* shall expire February 1, 2013, unless this *Approval* is revoked prior to the expiry date. The *Company* may apply for renewal of Condition 2.1 of this *Approval* by including an *ESDM Report* that incorporate all *Modifications* made to the *Facility* as of the date of the renewal application and an Acoustic Assessment Report, if required, in the application as supporting information.

3. REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS

3.1 REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT

3.1.1 If the *Company* proposes to make a *Modification* to the *Facility*, the *Company* shall determine if the proposed *Modification* will result in:

(a) a discharge of a *Compound of Concern* that was not previously discharged; or

(b) an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*.

3.1.2 If a proposed *Modification* mentioned in Condition 3.1.1 will result in the discharge of a *Compound of Concern* that was not previously discharged, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

(a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

(c) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern* and the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(d) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern*. Additionally, the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.3 If a proposed *Modification* mentioned in Condition 3.1.1 will result in an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

(a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the *Acceptable Maximum Ground Level Concentration*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the most recently accepted *Maximum Concentration Level Assessment* submitted under Condition 3.1.2 or this Condition.

(c) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the *Acceptable Maximum Ground Level Concentration*.

(d) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the most recently accepted *Maximum Concentration Level*

Assessment submitted under Condition 3.1.2 or this Condition.

(e) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit*, *Acceptable Maximum Ground Level Concentration* or a *Maximum Concentration Level Assessment* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.4 Subject to the Operational Flexibility set out in Condition 2 of this *Approval*, the *Company* may make the *Modification* if the submission of a *Maximum Concentration Level Assessment* under Condition 3.1.2 or 3.1.3 is not required.

3.1.5 A *Company* that is required to submit an assessment under Condition 3.1.2 or 3.1.3 shall submit the assessment at least thirty (30) days before the proposed *Modification* occurs.

3.1.6 The *Ministry* shall provide to the *Company* written confirmation of the receipt of the assessment under Condition 3.1.2 or 3.1.3.

3.1.7 If the *Ministry* notifies the *Company* that it does not accept the assessment submitted under Condition 3.1.2 or 3.1.3, the *Company* shall:

(a) revise and resubmit the assessment; or

(b) notify the *Ministry* that the *Company* will not be modifying the *Facility*.

3.1.8 The re-submission under Condition 3.1.7(a) is considered by the *Ministry* as a new submission.

3.1.9 If an assessment is submitted under Condition 3.1.2, the *Company* shall not modify the *Facility* unless the *Ministry* accepts the assessment.

3.1.10 If an assessment is submitted under Condition 3.1.3, the *Company* shall not modify the *Facility* unless the *Ministry*:

(a) accepts the assessment; or

(b) does not respond to the *Company* with respect to the assessment within thirty (30) days from the date of the written confirmation mentioned in Condition 3.1.6.

3.2. **PERFORMANCE LIMITS**

3.2.1 Subject to Condition 3.2.2, the *Company* shall, at all times, ensure that all *Equipment* that is a source of a *Compound of Concern* is operated to comply with the following *Performance Limits*:

(a) for a *Compound of Concern* that has a *Ministry Point of Impingement Limit*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Ministry Point of Impingement Limit*;

(b) for a *Compound of Concern* that has an *Acceptable Maximum Ground Level Concentration* and no *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Acceptable Maximum Ground Level Concentration*;

(c) for a *Compound of Concern* that has a *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the most recently accepted corresponding *Maximum Concentration Level Assessment*.

3.2.2 If the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, the *Company* shall, at all times, ensure that all *Equipment* that is a source of the *Compound of Concern* is operated such that the maximum concentration of the *Compound of Concern* shall not exceed the concentration listed for the *Compound of Concern* in the most recent version of the *ESDM Report*. *ESDM Reports* are required to be updated to reflect all *Modifications* under Condition 4.1(a).

3.2.3 The *Company* shall:

- (a) implement by July 1, 2013 the *Noise Control Measures* as outlined in the *Acoustic Assessment Report*, dated December 19, 2011 and the letter (e-mail) dated January 10, 2012, both signed by Steve Kuchma, Church & Trought Inc.;
- (b) ensure, subsequent to the implementation of proposed *Noise Control Measures* that the noise emissions from the *Facility* comply with the limits set in *Ministry Publications NPC-205*; and
- (c) ensure that the *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

3.2.4 The *Company* shall, at all times, ensure that the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

4. DOCUMENTATION REQUIREMENTS

4.1 The *Company* shall, at all times, maintain documentation that describes the current operations of the *Facility*, including but not limited to:

- (a) a current *ESDM Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding all *Compounds of Concern* and reflects all *Modifications* made at the *Facility*;

- (b) an up-to-date *Log* that describes each *Modification* to the *Facility*; and

- (c) a record of the changes to the *ESDM Report* that documents how each *Modification* is in compliance with the *Performance Limits*.

4.2 The *Company* shall, during regular business hours, make the current *Emission Summary Table* available for inspection at the *Facility* by any interested member of the public.

4.3 Subject to Condition 4.5, the *Company* shall prepare and complete no later than April 15 of each year documentation that describes the activities undertaken at the *Facility* in the previous calendar year, including but not limited to:

- (a) a list of all *Compounds of Concern* for which a *Maximum Concentration Level Assessment* was submitted to the *Director* for review by the *Air Standards Manager* pursuant to Condition 3.1.2 or 3.1.3 of this *Approval*;

- (b) if the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, a list and concentration level of all such *Compounds of Concern*;

- (c) a review of any changes to *Ministry Point of Impingement Limits* that affect any *Compounds of Concern* emitted from the *Facility*; and

- (d) a table of the changes in the emission rate of any *Compound of Concern* and the resultant increase or decrease in the *Point of Impingement* concentration reported in the *ESDM Report*.

4.4 Subject to Condition 4.5, the *Company* shall, at all times, maintain the documentation described in Condition 4.3.

4.5 Conditions 4.3 and 4.4 do not apply if Condition 2.1 has expired.

4.6 The *Company* shall, within three (3) months after the expiry of Condition 2.1 of this *Approval*, update the *ESDM Report* such that it describes the *Facility* as it was at the time that Condition 2.1 of this *Approval* expired.

5. REPORTING REQUIREMENTS

5.1 Subject to Condition 5.2, the *Company* shall provide the *Ministry* and the *Director* no later than April 15 of each year, a *Written Summary Form* that shall include the following:

- (a) a declaration that the *Facility* was in compliance with section 9 of the *EPA, O.Reg. 419/05* and the conditions of this *Approval*;

- (b) a summary of each *Modification* that took place in the previous calendar year that resulted in a change in the

previously calculated concentration at the *Point of Impingement* for any *Compound of Concern*.

5.2 Condition 5.1 does not apply if Condition 2.1 has expired.

6. OPERATION AND MAINTENANCE

6.1 The *Company* shall prepare and implement, not later than three (3) months from the date of this *Approval*, operating procedures and maintenance programs for all *Processes with Significant Environmental Aspects*, which shall specify as a minimum:

- (a) frequency of inspections and scheduled preventative maintenance;
- (b) procedures to prevent upset conditions;
- (c) procedures to minimize all fugitive emissions;
- (d) procedures to prevent and/or minimize odorous emissions;
- (e) procedures to prevent and/or minimize noise emission; and
- (f) procedures for record keeping activities relating to the operation and maintenance programs.

6.2 The *Company* shall ensure that all *Processes with Significant Environmental Aspects* are operated and maintained at all times in accordance with this *Approval*, the operating procedures and maintenance programs.

7. COMPLAINTS RECORDING PROCEDURE

7.1 If at any time, the *Company* receives any environmental complaints from the public regarding the operation of the *Equipment* approved by this *Approval*, the *Company* shall respond to these complaints according to the following procedure:

- (a) the *Company* shall record and number each complaint, either electronically or in a log book, and shall include the following information: the time and date of the complaint and incident to which the complaint relates, the nature of the complaint, wind direction at the time and date of the incident to which the complaint relates and, if known, the address of the complainant;
- (b) the *Company*, upon notification of a complaint, shall initiate appropriate steps to determine all possible causes of the complaint, and shall proceed to take the necessary actions to appropriately deal with the cause of the subject matter of the complaint; and
- (c) the *Company* shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to appropriately deal with the cause of the subject matter of the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

8. RECORD KEEPING REQUIREMENTS

8.1 Any information requested by any employee in or agent of the *Ministry* concerning the *Facility* and its operation under this *Approval*, including, but not limited to, any records required to be kept by this *Approval*, shall be provided to the employee in or agent of the *Ministry*, upon request, in a timely manner.

8.2 The *Company* shall retain, for a minimum of seven (7) years from the date of their creation, except as noted below, all reports, records and information described in this *Approval* and shall include but not be limited to:

- (a) If the *Company* has updated the *ESDM Report* in order to comply with Condition 4.1(a) of this *Approval*, a copy of each new version of the *ESDM Report*;
- (b) supporting information used in the emission rate calculations performed in the *ESDM Reports* to document compliance with the *Performance Limits* (superseded information must be retained for a period of three (3) years after *Modification*);
- (c) the *Log* that describes each *Modification* to the *Facility*;

- (d) all documentation prepared in accordance with Condition 4.3 of this *Approval*;
- (e) copies of any *Written Summary Forms* provided to the *Ministry* under Condition 5.1 of this *Approval*;
- (f) the operating procedures and maintenance programs, including records on the maintenance, repair and inspection of the *Equipment* related to all *Processes with Significant Environmental Aspects*; and
- (g) the complaints recording procedure, including records related to all environmental complaints made by the public as required by Condition 7.1 of this *Approval*.

9. REVOCATION OF PREVIOUS APPROVALS

9.1 This *Approval* replaces and revokes all Certificates of Approval (Air) issued under section 9 EPA.

10. ACOUSTIC AUDIT

10.1 The *Company* shall carry out *Acoustic Audit* measurements on the actual noise emissions due to the operation of the *Facility*, following the implementation of the *Noise Control Measures*. The *Company*:

- (a) shall carry out *Acoustic Audit* measurements in accordance with the procedures in *Publication*

NPC-103; and

- (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 three (3) months after the completion of the *Noise Control Measures* implementation.

10.2. 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*.

SCHEDULE A

Supporting Documentation

- (a) Application for Approval (Air & Noise), dated August 24, 2011, signed by David Seyler and submitted by the *Company*;
- (b) Emission Summary and Dispersion Modelling Report, prepared by Church & Trought inc. and dated August 24, 2011.
- (c) Acoustic Assessment Report dated August 24, 2011 and signed by Steve Kuchma, Church & Trought Inc.
- (d) Revised Acoustic Assessment Report dated December 19, 2011 and signed by Steve Kuchma, Church & Trought Inc.
- (e) Letter (e-mail) dated January 11, 2012 and provided by Steve Kuchma, Church & Trought Inc.(CTI).
- (f) Letter (e-mail) dated January 12, 2012 and signed by Ulla Jokinen of Church & Trought Inc.(CTI).

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

1. GENERAL

Condition No. 1 is included to require the *Approval* holder to build, operate and maintain the *Facility* in accordance with

the *Supporting Documentation* considered by the *Director* in issuing this *Approval*.

2. LIMITED OPERATIONAL FLEXIBILITY, REQUEST FOR *MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS*

Conditions No. 2 and 3 are included to limit and define the *Modifications* permitted by this *Approval*, and to set out the circumstances in which the *Company* shall submit a *Maximum Concentration Level Assessment* prior to making *Modifications*. The holder of the *Approval* is approved for operational flexibility for the *Facility* that is consistent with the description of the operations included with the application up to the *Facility Production Limit*. In return for the operational flexibility the *Approval* places performance based limits that cannot be exceeded under the terms of this *Approval*. *Approval* holders will still have to obtain other relevant approvals required to operate the *Facility*, including requirements under other environmental legislation such as the *Environmental Assessment Act*.

3. DOCUMENTATION REQUIREMENTS

Condition No. 4 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the *Performance Limits* of this *Approval* and allows the *Ministry* to monitor on-going compliance with these *Performance Limits*. The *Company* is required to have an up to date *ESDM Report* that describes the *Facility* at all times and make the *Emission Summary Table* from that report available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the *Facility*.

4. REPORTING REQUIREMENTS

Condition No. 5 is included to require the *Company* to provide a yearly *Written Summary Form* to the *Ministry* to assist the *Ministry* with the review of the site's compliance with the *EPA*, the regulations and this *Approval*.

5. OPERATION AND MAINTENANCE

Condition No. 6 is included to require the *Company* to properly operate and maintain the *Processes with Significant Environmental Aspects* to minimize the impact to the environment from these processes.

6. COMPLAINTS RECORDING PROCEDURE

Condition No. 7 is included to require the *Company* to respond to any environmental complaints regarding the operation of the *Equipment*, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

7. RECORD KEEPING REQUIREMENTS

Condition No. 8 is included to require the *Company* to retain all documentation related to this *Approval* and provide access to employees in or agents of the *Ministry*, upon request, so that the *Ministry* can determine if a more detailed review of compliance with the *Performance Limits* is necessary.

8. REVOCATION OF PREVIOUS APPROVALS

Condition No. 9 is included to identify that this *Approval* replaces all Section 9 Certificate(s) of Approval.

9. ACOUSTIC AUDIT

Condition No. 10 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 the *EPA*, the regulation and this *Approval* can be verified.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 2029-7FFKBX issued on September 2, 2008

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the

Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. 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;
2. 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:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Environmental Commissioner
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director appointed for the purposes of Part II.1 of
the Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at:
Tel: (416) 212-6349, Fax: (416) 314-4506 or www.ert.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 www.ebr.gov.on.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 23rd day of January, 2012

Ian Parrott, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

FC/
c: District Manager, MOE Guelph
Ulla Jokinen, B.Sc., C.E.T., Church & Trought Inc. (CTI)



Ministry of the Environment and Climate Change
Operations Division

Confirmation of Registration

Registration Number: R-010-8110298402

Version Number: 001

Date Registration Filed: Dec 05, 2017 09:41:30 AM

Dear Sir/Madam,

DON J PESTELL LIMITED

141 HAMILTON RD
NEW HAMBURG ON N3A 2H1

You have registered, in accordance with Section 20.21(1) (a) of the *Environmental Protection Act*, the use, operation, construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing that is located at the facility noted below, or the alteration of a process or rate of production at the facility, including the activities set out in schedule 'A'.

141 HAMILTON Road NEW HAMBURG ON N3A 2H1

Please note that the facility noted above is subject to the applicable provisions of O. Reg. 245/11, and O. Reg.1/17.

The activity related information provided during the registration process is included as part of the confirmation of registration as schedule 'A'.

Dated on Dec 05, 2017

Director

Environmental Approvals Access and Service Integration Branch
Ministry of the Environment and Climate Change
135 St. Clair Avenue West, 1st Floor
Toronto ON M4V 1P5

Any questions related to this registration and the Environmental Activity and the Sector Registry should be directed to:

Ministry of the Environment and Climate Change

Customer Service Representative

Environmental Approvals Access and Service Integration Branch

Phone:(416) 314-8001

Toll free: 1-800-461-6290

Schedule 'A'

Part 3 - Activity Information

3.1 Industry Eligibility Check

a. Please select the facility's primary North American Industry Classification System (NAICS) code.	418390
b. Does the facility have any other applicable NAICS codes?	☒ Yes ☐ No
b. i. If yes, please select the facility's secondary NAICS code(s), and confirm any other applicable NAICS code(s).	418910,325999
c. Are you engaged in an activity at the facility that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water?	☒ Yes ☐ No
d. Is the activity exempt from requiring an Environmental Compliance Approval (ECA) under section 9 (1) of the Environmental Protection Act (EPA) other than an activity that has been prescribed by an EASR regulation under Part II.2 of the Act?	☐ Yes ☒ No
e. Are the only activities engaged in at the facility, other than activities described in question 3.1d above, prescribed under a single other EASR regulation?	☐ Yes ☒ No
f. Is an alternative low-carbon fuel site within the meaning of Ontario Regulation (O. Reg.) 79/15 (Alternative Low-Carbon Fuels) operated at the facility?	☐ Yes ☒ No
g. Is the activity a renewable energy project as defined in the EPA?	☐ Yes ☒ No
h. Is an end-of-life vehicle waste disposal site within the meaning of O. Reg. 85/16 operated at the facility?	☐ Yes ☒ No

3.2 Facility Related Information

a. Has a site-specific air standard ever been set for a contaminant discharged from the facility? (section 35 of O. Reg. 419/05 (Air Pollution -- Local Air Quality))	☐ Yes ☒ No
b. Has a person ever been registered in the Ministry's Technical Standards Registry – Air Pollution under section 39 of O. Reg. 419/05 (Air Pollution – Local Air Quality) in respect of the facility?	☐ Yes ☒ No
c. Do all of the activities to be registered occur exclusively at the site? <i>Please Note: Discrete activities that involve the use of equipment that is intended to be moved from one site to another to perform the same function (such as the use of mobile rock crushing equipment or mobile PCB destruction equipment) are not prescribed for the purpose of the Environmental Activity and Sector Registry, and an Environmental Compliance Approval may be required.</i>	☒ Yes ☐ No
d. Is the facility located on a property that has been deemed a single property under subsection 4 (2) of O. Reg. 419/05?	☐ Yes ☒ No
e. Is the facility located in an area of development control within the Niagara Escarpment Planning Area?	☐ Yes ☒ No
e. i. If yes, has a development permit required under section 24 of the Niagara Escarpment Planning and Development Act (NEPDA) in respect of the facility been issued?	☐ Yes ☐ No
f. Is there a landfilling site that is no longer permitted to accept waste for disposal located on the site on which the facility is located?	☐ Yes ☒ No
g. Is the activity part of an undertaking to which the Environmental Assessment Act applies?	☐ Yes ☒ No
g. i. If yes, is one or more of the following conditions met: - All class EA requirements have been completed, including decisions on any Part II order requests; OR - The facility has received approval to proceed with the undertaking.	☐ Yes ☐ No

h. Please provide a description of the facility. The description should include a summary of operations and activities at the facility that discharge contaminants, as well as what is produced, if applicable.

The facility is a multibuilding site in which four different operations are based. The operations are minerals and feed ingredients, pet products, wood shavings and transport. The minerals and feed ingredients operation purchases packaged products from north American and international sources, which are then distributed to customers. The pet products operation receives bentonite in bulk through rail cars. The bentonite is then combined with scents and other additives to manufacture pet products. The wood shavings operation receives wood chips through transport trucks. The wood shavings are stored in holding bins from which they are transported to the packaging equipment.

Finally, the transport operation provides trucking transportation within Pestell and for other unrelated customers. It also consists of a

maintenance station for trucks and other vehicles.

i. Please enter the date on which the facility commenced or will commence operations.

2006-09-01

j. Is the facility located in a multi-tenant building?

☐ Yes ☒ No

3.3 Activity Related Information

a. Does the land disposal of waste as defined in Regulation 347 General – Waste Management occur at the facility?

☐ Yes ☒ No

b. Does the facility process or dispose of waste by way of thermal treatment, other than the thermal treatment of wood fuel that meets the specifications in Chapter 5 of the EASR publication in a wood-fired combustor?

☐ Yes ☒ No

c. Does the facility use a wood-fired combustor?

☐ Yes ☒ No

c. i. If yes, does the wood-fired combustor have a nominal load heat input capacity of less than 3 megawatts?

☐ Yes ☐ No

c. ii. If yes, was the wood-fired combustor installed at the facility on or after January 31, 2017?

☐ Yes ☐ No

c. iii. If yes, does the wood-fired combustor exclusively use one or more of the following as fuel:

- Wood chips that meet the specifications set out in Chapter 5 of the EASR publication.
- Wood briquettes that meet the specifications set out in Chapter 5 of the EASR publication.
- Wood pellets that meet the specifications set out in Chapter 5 of the EASR publication.

☐ Yes ☐ No

d. Does the facility have any plating processes that use cadmium, cyanide, chromium or nickel, including chrome plating, electroplating or electroless plating?

☐ Yes ☒ No

e. Is an electrolytic stripping process that removes cadmium, chromium or nickel from an object used at the facility?

☐ Yes ☒ No

f. Are metals processed outdoors at the facility, including torching, shearing, shredding or plasma cutting, other than for the purpose of routine maintenance carried out at the facility on any plant, structure, equipment, apparatus or thing?

☐ Yes ☒ No

g. Is a fossil-fuel electric power generation facility with a maximum electrical power output capacity equal to or greater than 25 megawatts operated at the facility?

☐ Yes ☒ No

h. Is a combustion source that uses biogas, biomass, coal, petroleum coke or waste as a fuel, or that uses a fuel derived from biogas, biomass, coal, petroleum coke or waste other than a small wood-fired combustor operated at the facility?

☐ Yes ☒ No

i. Is a combustion turbine used at the facility?

☐ Yes ☒ No

Part 4 - Operational Information

4.1 Air

a. Does the EASR Emission Summary and Dispersion Modelling (ESDM) Report provide for modifications that have not yet been implemented at the facility?	☐ Yes	☒ No
a. i. If yes, please provide the date on which the modifications will be completed.		
b. Has an instrument under O. Reg. 419/05 been issued in respect of the facility?	☐ Yes	☒ No
b. i. If yes, what type(s) of instruments (including any notices, orders or approvals) has (have) been issued? (select all that apply)		
ss. 7(1) Specified Dispersion Models	☐	
ss. 8(2) Negligible Sources	☐	
ss. 10(2) Operating Conditions	☐	
ss. 11(2) Refined Emission Rates	☐	
ss. 13.1 Value of Dispersion Modelling Parameters	☐	
ss. 13(1) Meteorological Data	☐	
ss. 14(6) Area of Modelling Coverage	☐	
ss. 20(5) Speed-up Order	☐	
Other	☐	
List all that have been issued		
c. To what standard did the licensed engineering practitioner assess compliance of the facility's emissions (please select the applicable box(es)):		
Section 19 of O. Reg. 419/05 (Schedule 2)	☒	
Section 20 of O. Reg. 419/05 (Schedule 3)	☒	
N/A – The amount of any contaminant discharged from the site is negligible	☐	
N/A – Source(s) discharge only sound as a contaminant	☐	
N/A – Source(s) discharge sound as a contaminant and the amount of any other contaminant discharged is negligible	☐	
d. Please select all applicable boxes that apply to a discharge of a contaminant(s) to air from the facility:		
Contaminant(s) belonging to Benchmark 1 category of ACB list is at or below the concentration for each specified averaging period set out for the contaminant	☒	
Contaminant(s) belonging to Benchmark 2 category of ACB list is at or below the concentration for each specified averaging period set out for the contaminant	☒	
Contaminant(s) belonging to Benchmark 2 category of ACB list is above the concentration for a specified averaging period set out for the contaminant	☐	
The concentration of the contaminant(s) does not have a Ministry standard, guideline, or screening level set out for the contaminant	☒	

N/A – The amount of any contaminant discharged from the site is negligible	☐		
N/A – Source(s) discharge only sound as a contaminant	☐		
N/A – Source(s) discharge sound as a contaminant and the amount of any other contaminant discharged is negligible	☐		
e. Does the facility operate a generator for non-emergency purposes?	☐ Yes ☒ No		
f. Does the facility use or operate a large boiler or heater greater than 10.5 gigajoules per hour?	☐ Yes ☒ No		
g. Will an Emissions Summary Table be uploaded? <i>Please Note: An Emissions Summary Table is required to be uploaded at the time of registration. An Emissions Summary Table is also required to be uploaded if any modifications to the facility require an update to the EASR ESDM. Additionally, as part of the 10 year review required by O. Reg. 1/17, an updated Emissions Summary Table is required to be uploaded.</i>	☒ Yes ☐ No		
h. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the EASR ESDM Report and made statements in the EASR ESDM Report Supplement and the date signed.			
First Name	Last Name	Licence Number(s)	Date Signed
Brian	Sulley	100080398	2017-09-20

4.2 Fugitive Dust Control

a. Does the EASR ESDM Report prepared for the facility identify a source of fugitive dust?	☐ Yes ☒ No		
a. i. If yes, has a licensed engineering practitioner signed and sealed a Best Management Practice Plan (BMPP) for fugitive dust control?	☐ Yes ☐ No		
b. Has a BMPP for fugitive dust control been prepared as a result of a written notice from the Director issued under O. Reg. 1/17?	☐ Yes ☒ No		
c. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the BMPP for fugitive dust control and the date signed and sealed.			
First Name	Last Name	Licence Number(s)	Date Signed

4.3 Noise

a. Please select the noise assessment method that was completed for the facility:	
The facility meets the 1000m setback distance	☐
Primary Noise Screening Method	☐
Secondary Noise Screening Method	☐
Acoustic Assessment Report	☒
a. i. If the Primary Noise Screening Method was used, is the actual separation distance from the facility to the closest Point of Noise Reception equal to or greater than the minimum separation distance as determined by the Primary Noise Screening Method?	☐ Yes ☐ No
a. ii. If the Secondary Noise Screening Method was used, is the combined sound level from the facility at each affected Point of Noise Reception as determined by the Secondary Noise Screening Method less than or equal to the applicable sound level limit set out in Chapter 3 of the EASR publication?	☐ Yes ☐ No
a. iii. If an acoustic assessment was completed, did the acoustic assessment determine that the combined sound level from the facility at each affected Point of Noise Reception less than or equal to of the applicable sound level limit set out in Chapter 3 of the EASR publication?	☐ Yes ☒ No

a. iii. a) If no, has a Noise Abatement Action Plan been developed for the facility? ☒ Yes ☐ No

a. iii. b) If yes, please provide the title of the Noise Abatement Action Plan and the date it was prepared.

Name of NAAP	Date Prepared
EASR Acoustic Assessment	2017-09-21

b. Has an Acoustic Audit Report been prepared as a result of a written notice from the Director? ☐ Yes ☒ No

b. i. If yes, please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the acoustic audit report, and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed

c. Will an Acoustic Assessment Summary Table be uploaded? ☒ Yes ☐ No
Please Note: An Acoustic Assessment Summary Table is required to be uploaded at the time of registration if an Acoustic Assessment was completed for the facility. An Acoustic Assessment Summary Table is also required to be uploaded if any modifications to the facility require an update to the facility's noise report. Additionally, as part of the 10 year review required by O. Reg. 1/17, an updated Acoustic Assessment Summary Table is required to be uploaded.

d. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the noise report, and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed
Kyle	Hellewell	100089707	2017-09-21

4.4 Odour

a. Did the Odour Screening Report indicate that a circumstance which requires a BMPP for odour to be prepared exists at the facility? ☒ Yes ☐ No

b. Did the Odour Screening Report indicate that a circumstance which requires an Odour Control Report (OCR) to be prepared exists at the facility? ☐ Yes ☒ No

b. i. If yes, please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the Odour Control Report and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed

c. Has a BMPP for odour been prepared as a result of a written notice from the Director issued under O. Reg. 1/17? ☐ Yes ☒ No

d. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the BMPP for odour and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed
Brian	Sulley	100080398	2017-09-22


AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4817-9KHKEX

Issue Date: July 7, 2014

Nachurs Alpine Solutions Inc.
 30 Nevilles Street
 New Hamburg, Ontario
 N3A 4G7

Site Location: 1356 Nafziger Road
 Wilmot Township, Regional Municipality of Waterloo

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:

Description Section

A liquid fertilizer manufacturing facility, consisting of the following processes and support units:

- raw materials receiving and handling;
- mixers/batch reactors;
- storage and shipping operations;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to **218 tonnes of fertilizer per day**, discharging to the air as described in the *Original ESDM Report*.

For the purpose of this environmental compliance approval, the following definitions apply:

1. "Acceptable Maximum Ground Level Concentration" means a concentration accepted by the Ministry, as described in the Guide to Applying for Approval (Air & Noise), for a *Compound of Concern* listed in the *Original ESDM Report* that:

(a) has no *Ministry Point of Impingement Limit* and no *Jurisdictional Screening Level*, or

(b) has a concentration at a *Point of Impingement* that exceeds the *Jurisdictional Screening Level*.

2. "Acoustic Assessment Report" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by Colin Novak, P.Eng. / Akoustik Engineering Limited, and dated June 24, 2014, submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility* and includes all up-dated *Acoustic Assessment Reports* as required by the Documentation Requirements conditions of this *Approval* to demonstrate continued compliance with the *Performance Limits* following the implementation of any *Modification*.

3. "Acoustic Assessment Summary Table" means a table prepared in accordance with the *Basic Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report*, up-dated as required by the Documentation Requirements conditions of this *Approval*.

4. "Air Standards Manager" means the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, or any other person who represents and carries out the duties of the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, as those duties relate to the conditions of this *Approval*.

5. "Approval" means this entire Environmental Compliance Approval and any *Schedules* to it.

6. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended.
7. "*Company*" means Nachurs Alpine Solutions Inc. operating as Nachurs Alpine Solutions 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*.
8. "*Compound of Concern*" means a contaminant that, based on generally available information, may be discharged to the air in a quantity from the *Facility* that:
- (a) is non-negligible in accordance with section 26(1)4 of *O. Reg. 419/05* in comparison to the relevant *Ministry Point of Impingement Limit*; or
- (b) if a *Ministry Point of Impingement Limit* is not available for the compound, may cause an adverse effect at a *Point of Impingement* based on generally available toxicological information.
9. "*Description Section*" means the section on page one of this *Approval* describing the *Company's* operations and the *Equipment* located at the *Facility* and specifying the *Facility Production Limit* for the *Facility*.
10. "*Director*" means a person appointed by the Minister pursuant to section 5 of the *EPA*.
11. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located.
12. "*Emission Summary Table*" means the most updated table contained in the *ESDM Report*, which is prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* listing the appropriate *Point of Impingement* concentration for each *Compound of Concern* from the *Facility* and providing comparison to the corresponding *Ministry Point of Impingement Limit* or *Maximum Concentration Level Assessment*, or *Jurisdictional Screening Level*.
13. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c.E.18, as amended.
14. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.
15. "*Equipment*" means equipment or processes described in the *ESDM Report*, this *Approval* and in the *Schedules* referred to herein and any other equipment or processes.
16. "*Equipment with Specific Operational Limits*" means any *Equipment* related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other *Equipment* that is specifically referenced in any published *Ministry* document that outlines specific operational guidance that must be considered by the *Director* in issuing an *Approval*.
17. "*ESDM Report*" means the most current Emission Summary and Dispersion Modelling Report that describes the *Facility*. The *ESDM Report* is based on the *Original ESDM Report*, is prepared after the issuance of this *Approval* in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by the *Company* or its consultant.
18. "*Facility*" means the entire operation located on the property where the *Equipment* is located.
19. "*Facility Production Limit*" means the production limit placed by the *Director* on the main product(s) or raw materials used by the *Facility*.
20. "*Jurisdictional Screening Level*" means a screening level for a *Compound of Concern* that is listed in the *Ministry* publication titled "Jurisdictional Screening Level (JSL) List, A Screening Tool for Ontario Regulation 419: Air Pollution - Local Air Quality", dated February 2008, as amended.
21. "*Log*" means the up-to-date log that is used to track all *Modifications* to the *Facility* since the date of this *Approval* as required by the Documentation Requirements conditions of this *Approval*.
22. "*Maximum Concentration Level Assessment*" means the Maximum Concentration Level Assessment for the purposes of an *Approval*, described in the *Basic Comprehensive User Guide*, prepared by a *Toxicologist* using currently available toxicological information, that demonstrates that the concentration at any *Point of Impingement* for a *Compound of*

Concern that does not have a *Ministry Point of Impingement Limit* is not likely to cause an adverse effect as defined by the *EPA*.

23. "*Ministry*" means the ministry of the government of Ontario responsible for the *EPA* and its regulations and includes all officials, employees or other persons acting on its behalf.

24. "*Ministry Point of Impingement Limit*" means the applicable Standard set out in Schedule 2 or 3 of *O.Reg. 419/05* or a limit set out in the *Ministry* publication titled "Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution - Local Air Quality (including Schedule 6 of O. Reg. 419 on Upper Risk Thresholds)", dated April 2012, as amended.

25. "*Modification*" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the *Facility* that may discharge or alter the rate or manner of discharge of a *Compound of Concern* to the air or discharge or alter noise or vibration emissions from the *Facility*.

26. "*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.

27. "*O. Reg. 419/05*" means the Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended.

28. "*Original ESDM Report*" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by Harvey Watson (R.J. Burnside & Associates Limited) and dated February 15, 2013 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*.

29. "*Performance Limits*" means the performance limits specified in Condition 3.2 of this *Approval* titled Performance Limits.

30. "*Point of Impingement*" has the same meaning as in section 2 of *O. Reg. 419/05*.

31. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-205* and/or *Publication NPC-232*, as applicable.

32. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2009, as amended.

33. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge a contaminant or contaminants into the air at an amount which is not considered as negligible in accordance with section 26(1)4 of *O. Reg. 419/05* and the *Procedure Document*.

34. "*Publication NPC-205*" means the *Ministry* Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995, as amended.

35. "*Publication NPC-207*" means the *Ministry* draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the *Ministry*, August 1978, as amended.

36. "*Publication NPC-232*" means the *Ministry* Publication NPC-232, "Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", October, 1995, as amended.

37. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended.

38. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:

Schedule A - Supporting Documentation

39. "*Toxicologist*" means a qualified professional currently active in the field of risk assessment and toxicology that has a

combination of formal university education, training and experience necessary to assess contaminants.

40. "*Written Summary Form*" means the electronic questionnaire form, available on the *Ministry* website, and supporting documentation, that documents the activities undertaken at the *Facility* in the previous calendar year that must be submitted annually to the *Ministry* as required by the section of this *Approval* titled Reporting Requirements.

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. GENERAL

1.1 Except as otherwise provided by this *Approval*, the *Facility* shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this *Approval* and in accordance with the following *Schedules* attached hereto:

Schedule A - Supporting Documentation

2. LIMITED OPERATIONAL FLEXIBILITY

2.1 Pursuant to section 20.6(1) of the *EPA* and subject to Conditions 2.2 and 2.3 of this *Approval*, future construction, alterations, extensions or replacements are approved in this *Approval* if the future construction, alterations, extensions or replacements are *Modifications* to the *Facility* that:

- (a) are within the scope of the operations of the *Facility* as described in the *Description Section* of this *Approval*;
- (b) do not result in an increase of the *Facility Production Limit* above the level specified in the *Description Section* of this *Approval*; and
- (c) result in compliance with the *Performance Limits*.

2.2 Condition 2.1 does not apply to:

- (a) the addition of any new *Equipment with Specific Operational Limits* or to the *Modification* of any existing *Equipment with Specific Operational Limits* at the *Facility*; or
- (b) *Modifications* to the *Facility* that would be subject to the *Environmental Assessment Act*.

2.3 Condition 2.1 of this *Approval* shall expire ten (10) years from the date of this *Approval*, unless this *Approval* is revoked prior to the expiry date. The *Company* may apply for renewal of Condition 2.1 of this *Approval* by including an *ESDM Report* and an *Acoustic Assessment Report* that describes the *Facility* as of the date of the renewal application.

3. REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS

3.1 REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT

3.1.1 If the *Company* proposes to make a *Modification* to the *Facility*, the *Company* shall determine if the proposed *Modification* will result in:

- (a) a discharge of a *Compound of Concern* that was not previously discharged; or
- (b) an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*.

3.1.2 If a proposed *Modification* mentioned in Condition 3.1.1 will result in the discharge of a *Compound of Concern* that was not previously discharged, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

- (a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

(c) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern* and the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(d) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern*. Additionally, the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.3 If a proposed *Modification* mentioned in Condition 3.1.1 will result in an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

(a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the *Acceptable Maximum Ground Level Concentration*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the most recently accepted *Maximum Concentration Level Assessment* submitted under Condition 3.1.2 or this Condition.

(c) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the *Acceptable Maximum Ground Level Concentration*.

(d) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the most recently accepted *Maximum Concentration Level Assessment* submitted under Condition 3.1.2 or this Condition.

(e) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit*, *Acceptable Maximum Ground Level Concentration* or a *Maximum Concentration Level Assessment* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.4 Subject to the Operational Flexibility set out in Condition 2 of this *Approval*, the *Company* may make the *Modification* if the submission of a *Maximum Concentration Level Assessment* under Condition 3.1.2 or 3.1.3 is not required.

3.1.5 A *Company* that is required to submit an assessment under Condition 3.1.2 or 3.1.3 shall submit the assessment at least thirty (30) days before the proposed *Modification* occurs.

3.1.6 The *Ministry* shall provide to the *Company* written confirmation of the receipt of the assessment under Condition 3.1.2 or 3.1.3.

3.1.7 If an assessment is submitted under Condition 3.1.2 or 3.1.3, the *Company* shall not modify the *Facility* unless the *Ministry* accepts the assessment.

3.1.8 If the *Ministry* notifies the *Company* that it does not accept the assessment submitted under Condition 3.1.2 or 3.1.3, the *Company* shall:

(a) revise and resubmit the assessment; or

(b) notify the *Ministry* that the *Company* will not be modifying the *Facility*.

3.1.9 The re-submission under Condition 3.1.8 (a) is considered by the *Ministry* as a new submission.

3.2. **PERFORMANCE LIMITS**

3.2.1 Subject to Condition 3.2.2, the *Company* shall, at all times, ensure that all *Equipment* that is a source of a *Compound*

of Concern is operated to comply with the following *Performance Limits*:

- (a) for a *Compound of Concern* that has a *Ministry Point of Impingement Limit*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Ministry Point of Impingement Limit*;
- (b) for a *Compound of Concern* that has an *Acceptable Maximum Ground Level Concentration* and no *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Acceptable Maximum Ground Level Concentration*; and
- (c) for a *Compound of Concern* that has a *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the most recently accepted corresponding *Maximum Concentration Level Assessment*.

3.2.2 If the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, the *Company* shall, at all times, ensure that all *Equipment* that is a source of the *Compound of Concern* is operated such that the maximum concentration of the *Compound of Concern* shall not exceed the concentration listed for the *Compound of Concern* in the most recent version of the *ESDM Report*.

3.2.3 The *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-205* or *Publication NPC-232*.

3.2.4 The *Company* shall, at all times, ensure that the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

3.2.5 The *Company* shall, at all times, operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the *Original ESDM Report* and Conditions in this *Approval*.

4. DOCUMENTATION REQUIREMENTS

4.1 The *Company* shall, at all times, maintain documentation that describes the current operations of the *Facility*, including but not limited to:

- (a) an *ESDM Report* that demonstrates compliance with the *Performance Limits* for the *Facility*;
- (b) an *Acoustic Assessment Report* that demonstrates compliance with the *Performance Limits* for the *Facility*;
- (c) an up-to-date *Log* that describes each *Modification* to the *Facility*; and
- (d) a record of the changes to the *ESDM Report* and the *Acoustic Assessment Report* that documents how each *Modification* is in compliance with the *Performance Limits*.

4.2 The *Company* shall, during regular business hours, make the current *Emission Summary Table* and *Acoustic Assessment Summary Table* available for inspection at the *Facility* by any interested member of the public.

4.3 Subject to Condition 4.5, the *Company* shall prepare and complete no later than May 15 of each year documentation that describes the activities undertaken at the *Facility* in the previous calendar year, including but not limited to:

- (a) a list of all *Compounds of Concern* for which a *Maximum Concentration Level Assessment* was submitted to the *Director* for review by the *Air Standards Manager* pursuant to Condition 3.1.2 or 3.1.3 of this *Approval*;
- (b) if the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, a list and concentration level of all such *Compounds of Concern*;
- (c) a review of any changes to *Ministry Point of Impingement Limits* that affect any *Compounds of Concern* emitted from the *Facility*; and
- (d) a table of the changes in the emission rate of any *Compound of Concern* and the resultant increase or decrease in the

Point of Impingement concentration reported in the *ESDM Report*.

4.4 Subject to Condition 4.5, the *Company* shall, at all times, maintain the documentation described in Condition 4.3.

4.5 Conditions 4.3 and 4.4 do not apply if Condition 2.1 has expired.

4.6 The *Company* shall, within three (3) months after the expiry of Condition 2.1 of this *Approval*, update the *ESDM Report* and the *Acoustic Assessment Report* such that they describe the *Facility* as it was at the time that Condition 2.1 of this *Approval* expired.

5. REPORTING REQUIREMENTS

5.1 Subject to Condition 5.2, the *Company* shall provide the *Ministry* and the *Director* no later than May 15 of each year, a *Written Summary Form* that shall include the following:

(a) a declaration of whether the *Facility* was in compliance with section 9 of the *EPA, O.Reg. 419/05* and the conditions of this *Approval*;

(b) a summary of each *Modification* that took place in the previous calendar year that resulted in a change in the previously calculated concentration at the *Point of Impingement* for any *Compound of Concern* or resulted in a change in the sound levels reported in the *Acoustic Assessment Summary Table* at any *Point of Reception*.

5.2 Condition 5.1 does not apply if Condition 2.1 has expired.

6. OPERATION AND MAINTENANCE

6.1 The *Company* shall prepare and implement, not later than three (3) months from the date of this *Approval*, operating procedures and maintenance programs for all *Processes with Significant Environmental Aspects*, which shall specify as a minimum:

(a) frequency of inspections and scheduled preventative maintenance;

(b) procedures to prevent upset conditions;

(c) procedures to minimize all fugitive emissions;

(d) procedures to prevent and/or minimize odorous emissions;

(e) procedures to prevent and/or minimize noise emissions; and

(f) procedures for record keeping activities relating to the operation and maintenance programs.

6.2 The *Company* shall ensure that all *Processes with Significant Environmental Aspects* are operated and maintained at all times in accordance with this *Approval*, the operating procedures and maintenance programs.

7. COMPLAINTS RECORDING PROCEDURE

7.1 If at any time, the *Company* receives any environmental complaints from the public regarding the operation of the *Equipment* approved by this *Approval*, the *Company* shall respond to these complaints according to the following procedure:

(a) the *Company* shall record and number each complaint, either electronically or in a log book, and shall include the following information: the time and date of the complaint and incident to which the complaint relates, the nature of the complaint, wind direction at the time and date of the incident to which the complaint relates and, if known, the address of the complainant;

(b) the *Company*, upon notification of a complaint, shall initiate appropriate steps to determine all possible causes of the complaint, and shall proceed to take the necessary actions to appropriately deal with the cause of the subject matter of the complaint; and

(c) the *Company* shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to appropriately deal with the cause of the subject matter of the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

8. RECORD KEEPING REQUIREMENTS

8.1 Any information requested by any employee in or agent of the *Ministry* concerning the *Facility* and its operation under this *Approval*, including, but not limited to, any records required to be kept by this *Approval*, shall be provided to the employee in or agent of the *Ministry*, upon request, in a timely manner.

8.2 The *Company* shall retain, for a minimum of five (5) years from the date of their creation, except as noted below, all reports, records and information described in this *Approval* and shall include but not be limited to:

(a) If the *Company* has updated the *ESDM Report* in order to comply with Condition 4.1(a) of this *Approval*, a copy of each new version of the *ESDM Report*;

(b) If the *Company* has updated the *Acoustic Assessment Report*, in order to comply with Condition 4.1(b) of this *Approval*, a copy of each new version of the *Acoustic Assessment Report*;

(c) supporting information used in the emission rate calculations performed in the *ESDM Reports* and *Acoustic Assessment Reports* to document compliance with the *Performance Limits* (superseded information must be retained for a period of three (3) years after *Modification*);

(d) the *Log* that describes each *Modification* to the *Facility*;

(e) all documentation prepared in accordance with Condition 4.3 of this *Approval*;

(f) copies of any *Written Summary Forms* provided to the *Ministry* under Condition 5.1 of this *Approval*;

(g) the operating procedures and maintenance programs, including records on the maintenance, repair and inspection of the *Equipment* related to all *Processes with Significant Environmental Aspects*; and

(h) the complaints recording procedure, including records related to all environmental complaints made by the public as required by Condition 7.1 of this *Approval*.

9. REVOCATION OF PREVIOUS APPROVALS

9.1 This *Approval* replaces and revokes all Certificates of Approval (Air) issued under section 9 *EPA* and Environmental Compliance Approvals issued under Part II.1 *EPA* to the *Facility* in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

SCHEDULE A

Supporting Documentation

(a) Application for Approval (Air & Noise), dated February 27, 2013, signed by Neil Dolson, President & CEO, and submitted by the *Company*;

(b) Emission Summary and Dispersion Modelling Report, prepared by Harvey Watson (R.J. Burnside & Associates Limited) and dated February 15, 2013;

(c) The letter from Dietmar Walch, P.Eng. Director of Engineering (Nachurs Alpine Solutions Inc.) dated May 22, 2014;

(d) The letter from R.J. Burnside & Associates Limited dated May 23, 2014 and signed by Kathleen Alexander, B.Sc. Environmental Scientist and Harvey Watson, P.Eng. Group Leader, Air and Noise;

(e) Two letters (emails including updated ESDM Report and updated modelling files) from Kathleen Alexander, B.Sc. Environmental Scientist (R.J. Burnside & Associates Limited) dated May 26, 2014; and

(f) Acoustic Assessment Report prepared by Akoustik Engineering Limited, dated June 24, 2014 and signed by Colin Novak, P.Eng.

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

GENERAL

1. Condition No. 1 is included to require the *Approval* holder to build, operate and maintain the *Facility* in accordance with the Supporting Documentation in Schedule A considered by the *Director* in issuing this *Approval*.

LIMITED OPERATIONAL FLEXIBILITY, REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS

2. Conditions No. 2 and 3 are included to limit and define the *Modifications* permitted by this *Approval*, and to set out the circumstances in which the *Company* shall submit a *Maximum Concentration Level Assessment* prior to making *Modifications*. The holder of the *Approval* is approved for operational flexibility for the *Facility* that is consistent with the description of the operations included with the application up to the *Facility Production Limit*. In return for the operational flexibility, the *Approval* places performance based limits that cannot be exceeded under the terms of this *Approval*. *Approval* holders will still have to obtain other relevant approvals required to operate the *Facility*, including requirements under other environmental legislation such as the *Environmental Assessment Act*.

DOCUMENTATION REQUIREMENTS

3. Condition No. 4 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the *Performance Limits* of this *Approval* and allows the *Ministry* to monitor on-going compliance with these *Performance Limits*. The *Company* is required to have an up to date *ESDM Report* and *Acoustic Assessment Report* that describe the *Facility* at all times and make the *Emission Summary Table* and *Acoustic Assessment Summary Table* from these reports available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the *Facility*.

REPORTING REQUIREMENTS

4. Condition No. 5 is included to require the *Company* to provide a yearly *Written Summary Form* to the *Ministry*, to assist the *Ministry* with the review of the site's compliance with the *EPA*, the regulations and this *Approval*.

OPERATION AND MAINTENANCE

5. Condition No. 6 is included to require the *Company* to properly operate and maintain the *Processes with Significant Environmental Aspects* to minimize the impact to the environment from these processes.

COMPLAINTS RECORDING PROCEDURE

6. Condition No. 7 is included to require the *Company* to respond to any environmental complaints regarding the operation of the *Equipment*, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

RECORD KEEPING REQUIREMENTS

7. Condition No. 8 is included to require the *Company* to retain all documentation related to this *Approval* and provide access to employees in or agents of the *Ministry*, upon request, so that the *Ministry* can determine if a more detailed review of compliance with the *Performance Limits* is necessary.

REVOCATION OF PREVIOUS APPROVALS

8. Condition No. 9 is included to identify that this *Approval* replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 3153-5NFNKZ issued on June 14, 2003.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. 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;
2. 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:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. 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:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Environmental Commissioner
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director appointed for the purposes of Part II.1 of
the Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at:
Tel: (416) 212-6349, Fax: (416) 314-4506 or www.ert.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 www.ebr.gov.on.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 7th day of July, 2014

Rudolf Wan, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

JK/
c: District Manager, MOE Guelph
Harvey Watson, R.J. Burnside & Associates Limited

