

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3189-BCVLYX

Issue Date: June 17, 2019

L.T.L. Contracting Ltd.
227 Highway 527
Shuniah, Ontario
P7A 0N4

Site Location: Mobile within Northern Ontario

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

one (1) mobile crushing plant, used to process aggregate material, consisting of the following equipment and emission sources:

- one (1) primary jaw crusher, having a maximum processing rate of 350 tonnes per hour;
- one (1) secondary cone crusher, having a maximum processing rate of 350 tonnes per hour;
- one (1) conveyor from primary jaw crusher to secondary cone crusher;
- one (1) conveyor from secondary cone crusher to screen plant;
- one (1) screen plant, having a maximum processing rate of 350 tonnes per hour;
- one (1) stacker;
- two (2) loaders;
- one (1) diesel generator, having a power rating of 501 kilowatts; and
- fugitive emissions resulting from the delivery, storage, and transfer of raw materials associated with the screening and crushing operations.

all in accordance with the application for an Environmental Compliance Approval (Air and Noise) submitted by L.T.L. Contracting Ltd., dated July 03, 2018, and signed by Wayne Ahola, Superintendent; Emission Summary and Dispersion Modelling Report prepared by RWDI Air Inc., dated July 05, 2018; and all the information associated with the application.

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

1. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Plant*. "*Acoustic Assessment Report*" also means the *Acoustic Assessment Report* prepared by RWDI, dated July 9, 2018 and submitted by Nghi Nguyen;
2. "*Acoustic Barrier*" means a barrier or berm positioned such that it completely interrupts the line of sight between the *Equipment* and the noise sensitive *Point of Reception* continuous without holes, gaps and other penetrations, and having surface mass of at least 20 kilograms per square metres;
3. "*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
4. "*Class 1 Area*" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
5. "*Class 2 Area*" means an area with an acoustical environment that has qualities representative of both *Class 1 and Class 3* areas:
 - a. sound levels characteristic of *Class 1* during daytime (7 a.m. to 7 p.m. or to 11 p.m.); and
 - b. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 7 p.m. (7 p.m. or 11 p.m. to 7 a.m.);
6. "*Class 3 Area*" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:
 - a. a small community;
 - b. agricultural area;
 - c. a rural recreational area such as a cottage or a resort area; or
 - d. a wilderness area;
7. "*Company*" means L.T.L. Contracting Ltd., that is responsible for the construction or operation of the *Facility* and includes any successors and assigns;
8. "*Director*" means a person appointed by the Minister pursuant to section 5 of the *EPA*.
9. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
10. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended
;
11. "*Equipment*" means the equipment and processes described in the *Company's*

application, this *Approval* and in the supporting documentation submitted with the application, to the extent approved by this *Approval*;

12. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
13. "*Manual*" means a document or a set of documents that provide written instructions to staff of the *Company*;
14. "*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;
15. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Plant / 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, including the *Acoustic Assessment Report*, to the extent approved by this *Approval*;
16. "*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 RWDI AIR Inc. and dated July 05, 2018 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*;
17. "*Plant*" means the entire portable crushing/screening operations, incorporating the *Equipment*;
18. "*Point of Reception*" means a Point of Reception as defined in *Publication NPC-300*;
19. "*Procedure Document*" means Ministry guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated February 2017, as amended.
20. "*Publication NPC-233*" means the *Ministry* Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995; as amended;
21. "*Publication NPC-300*" means the *Ministry* Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended.
22. "*Sensitive Receptor*" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from discharges from the *Plant* to the atmosphere, including one or a combination of:
 - a. private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping

- grounds, etc.);
- b. institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.);
 - c. outdoor public recreational areas (e.g.: trailer parks, play grounds, picnic areas, etc.); and /or
 - d. other outdoor public areas where there are continuous human activities (e.g.: commercial plazas and office buildings).

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

TERMS AND CONDITIONS

1. **Noise Emissions**

1. The *Company* shall, at all times, ensure that the noise emissions from the *Plant* comply with the limits determined in accordance with *Ministry Publication NPC-300*.
2. The *Company* shall ensure that the *Acoustic Barrier*, when required, is implemented at all times during the operation of the *Plant*.
3. The *Company* shall ensure that the *Acoustic Barrier*, when required, is continuous, without holes, gaps or other penetrations, and having a surface density of at least 20 kilograms per square metre, and that it will be positioned in between the *Plant* and *Points of Reception* that require shielding, as specified in Schedule "B" of this *Approval*.
4. The *Company* shall ensure that the *Acoustic Barrier*, when required, is properly maintained and continues to provide the acoustical performance outlined in the *Acoustic Assessment Report*.

2. **Time Restriction(s)**

1. The *Company* shall ensure that the *Equipment* is not operated more than sixty (60) calendar days per year at any one site.

3. **Minimum Separation Distance(s) to the Nearest *Point of Reception***

1. The *Company* shall ensure a minimum separation distance between the boundary of the *Plant* and the nearest *Point of Reception* as specified in Schedule "B".

4. Minimum Separation Distance(s) to the Nearest *Sensitive Receptor*

1. The *Company* shall ensure a minimum separation distance of 1,000 metres between the *Plant* and the nearest *Sensitive Receptor*.

5. Operation and Maintenance *Manual*

1. The *Company* shall ensure that the *Plant* is properly operated and maintained at all times. The *Company* shall:
 - a. prepare, before commencement of operation of the *Equipment*, and update, as necessary, a *Manual* outlining the operating procedures and a maintenance program for the *Equipment*, including:
 - i. routine operating and maintenance procedures in accordance with good engineering practices, and as recommended by the *Equipment* suppliers;
 - ii. emergency procedures;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the *Equipment* and identifying separation distances between the *Plant* and *Points of Reception* and *Sensitive Receptors*;
 - iv. all appropriate measures to minimize noise emissions from all potential sources; and
 - v. procedures for recording and responding to environmental complaints relating to the operation of the *Plant*.
 - b. implement the recommendations of the *Manual*.
2. The *Company* shall ensure that the maximum silica content in the crushed aggregate material is not more than 10%.

6. Fugitive Dust Control

1. The *Company* shall provide effective dust suppression to the *Equipment* and any other sources of fugitive dust emissions from the *Plant*.

7. Marking of Portable *Plant*

1. The *Company* shall post a legible sign in a location which is accessible to the public, clearly identifying:
 - a. the *Company* name;
 - b. the number of this *Approval*;
 - c. a brief description of the nature of the operation;
 - d. a *Company* contact name and telephone number for the public to provide comments;

- e. hours of operation; and
- f. length of time the *Company* intends to operate the *Plant* at that location.

8. Keeping a Valid *Approval*

1. The *Company* shall ensure that a copy of this *Approval*, as well as any subsequent Amended *Approval* or Notices that amend this *Approval*, are available at each site where the *Plant* is operated.

9. Record Retention

1. The *Company* shall retain, for a minimum of two (2) years from the date of their creation, all records and information related to or resulting from the recording activities required by this *Approval*, and make these records available for review by staff of the *Ministry* upon request. The *Company* shall retain:
 - a. all records on the maintenance, repair and inspection of the *Equipment*;
 - b. all records of any upset conditions associated with the operation of the *Equipment*;
 - c. all records on the environmental complaints, including:
 - i. a description, time, date and location of each incident;
 - ii. operating conditions (e.g. upset conditions, etc.) at the time of the incident;
 - iii. wind direction and other weather conditions at the time of the incident;
 - iv. the name(s) of *Company* personnel responsible for handling the incident;
 - v. the cause of the incident;
 - vi. the *Company* response to the incident; and
 - vii. a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future, and the outcome of the measures taken.

10. Notice of Complaints

1. The *Company* shall notify the *District Manager*, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - a. a description of the nature of the complaint;
 - b. the time, date and location of the incident;

- c. the wind direction and other weather conditions at the time of the incident; and
- d. the name(s) of *Company* personnel responsible for handling the incident.

11. Change of Owner

1. The *Company* shall notify the *Director* and the *District Manager*, in writing, of any of the following changes within one (1) month of the change occurring:
 - a. change of owner or operating authority, or both;
 - b. change of address of owner or operating authority or address of new owner or operating authority;
 - c. change of partners if the owner or operating authority is or at any time becomes a partnership, with a copy of the most recent declaration filed under the *Partnerships Registration Act* included in the notification to the *Director* and the *District Manager*;
 - d. change of name of the corporation if the owner or operating authority is or at any time becomes a corporation, with a copy of the "Initial Notice" or the most recent "Notice of Change" (Form 1, 2 or 3 of O. Reg. 189, R.R.O. 1980, as amended from time to time), filed under the *Corporations Information Act* included in the notification to the *Director* and the *District Manager*.
2. The *Company* shall notify any succeeding new owner, in writing, of the existence of this *Approval*, as well as any subsequent Amended Environmental Compliance Approval or Notices that amend this *Approval* and, shall forward a copy of such a notice to the *Director* and the *District Manager* together with the notification required under Condition No. 11.1.

12. Relocation

1. The *Company* shall notify the *District Manager*, in writing, at least ten (10) business days in advance of any intended location of the *Plant* at each operating site, by submitting a completed Form 1, outlined in Schedule "A".

13. Location

1. The *Company* shall ensure that the *Plant* is only operated in an area which is under the jurisdiction of one of the following Ministry District Offices:
 - a. Thunder Bay District Office;
 - b. Kenora District Office;
 - c. Sudbury District Office;

iv. land use within 2000 metres from the *Equipment*

SCHEDULE "B"

Minimum Required Separation Distances between the Plant and the Nearest Point of Reception

Location of Point of Reception	Time of Equipment Operation	Minimum Separation Distance
Class 1 and Class 2 Areas (Urban)	between 7:00 am and 11:00 pm	945 metres
Class 1 and Class 2 Areas (Urban)	between 11:00 pm and 7:00 am	1,545 metres
Class 3 Areas (Rural)	between 7:00 am and 7:00 pm	1,545 metres
Class 3 Areas (Rural)	between 7:00 pm and 7:00 am	2,445 metres
Class 1 and Class 2 Areas (Urban) with a 7 metre-tall barrier located no further than fifteen metres from the Equipment	between 7:00 am and 11:00 pm	635 metres
Class 1 and Class 2 Areas (Urban) with a 7 metre-tall barrier located no further than fifteen metres from the Equipment	between 11:00 pm and 7:00 am	1,060 metres
Class 3 Areas (Urban) with a 7 metre-tall barrier located no further than fifteen metres from the Equipment	between 7:00 am and 7:00 pm	1,060 metres
Class 3 Areas (Urban) with a 7 metre-tall barrier located no further than fifteen metres from the Equipment	between 7:00 pm and 7:00 am	1,730 metres

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

1. Conditions No. 1 to 8 are included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Plant* and to emphasize that the *Plant* must be maintained and operated according to a procedure that will result in compliance with the *EPA*, the regulations and this *Approval*.
2. Condition No. 9 is included to require the *Company* to keep records and to provide information to the *Ministry* so that compliance with the *EPA*, the regulations and this *Approval* can be verified.
3. Conditions No. 10 to 12 are included to require the *Company* to notify/report to the *Ministry* so that compliance with the *EPA*, the regulations and this *Approval* can be verified.
4. Condition No. 13 is included to ensure the *Plant* is not operated outside the area defined in the *Original ESDM Report*.

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, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal AND The Minister of the Environment,
Conservation and Parks AND The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act

655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

Ministry of the Environment, Conservation
and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** 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) 326-5370 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 17th day of June, 2019

Christina Labarge, P.Eng.
Director
appointed for the purposes of Part
II.1 of the *Environmental
Protection Act*

JL/
c: District Manager, MECP Thunder Bay - District
Brian Sulley, B.A.Sc, P. Eng., RWDI