



CERTIFICATE OF APPROVAL

AIR

NUMBER 9920-7FFK2A

Issue Date: June 9, 2008

756694 Ontario Ltd.
890 Dawson Point Road
New Liskeard, Ontario
P0J 1P0

Site Location: Tim Horton Donut
883307 Highway No.65 East
Temiskaming Shores City, District of Timiskaming, Ontario
P0J 1P0

You have applied in accordance with Section 9 of the Environmental Protection Act for approval of:

- one (1) standby natural gas generator set, having a rating of 100 kilowatts, to provide power for the restaurant during emergency situations;

all in accordance with the Application for Approval (Air & Noise) dated January 15, 2008 and signed by Brent Gabbani, (Owner), 756694 Ontario Ltd., and all supporting information associated with the application including additional information provided by Steven Challoner, (Environmental Consultant), dated April 02, 2008 and signed by Steven Challoner.

For the purpose of this Certificate of Approval and the terms and conditions specified below, the following definitions apply:

- (1) "Act" means the *Environmental Protection Act*;
- (2) "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act;
- (3) "Equipment" means the natural gas generator set described in the Owner's application, this Certificate and in the supporting documentation submitted with the application, to the extent approved by this Certificate;
- (4) "Manual" means a document or a set of documents that provide written instructions to staff of the Owner;
- (5) "Ministry" means the Ontario Ministry of the Environment;
- (6) "Owner" means 756694 Ontario Ltd., and includes its successors and assignees; and
- (7) "Publication NPC-205" means Ministry Publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), October, 1995.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Certificate, application for approval of the Equipment and the

submitted supporting documents and plans and specifications as listed in this Certificate.

2. Where there is a conflict between a provision of any submitted document referred to in this Certificate and the Conditions of this Certificate, the Conditions in this Certificate shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

PERFORMANCE

3. The Owner shall ensure that the noise emissions from the Equipment comply with the limits set out in Publication NPC-205.

OPERATION AND MAINTENANCE

4. The Owner shall ensure that no other standby generator sets, located at 883307 Highway No.65 East Temiskaming Shores City, Ontario, are operational during the periodic testing of the Equipment.

5. The Owner shall restrict the periodic testing of the Equipment to the daytime hours from 7:00 am to 7:00 pm.

6. The Owner shall ensure that the Equipment is properly operated and maintained at all times. The Owner shall:

(1) prepare, not later than three (3) months after the date of this Certificate or the date of commissioning of the Equipment, and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Equipment, including:

(a) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;

(b) emergency procedures;

(c) procedures for any record keeping activities relating to operation and maintenance of the Equipment;

(d) all appropriate measures to minimize noise and odorous emissions from all potential sources;

(2) implement the recommendations of the Manual; and

(3) retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.

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

1. Condition Nos. 1 and 2 are imposed to ensure that the Equipment is built and operated in the manner in which it was described for review and upon which approval was granted. These conditions are also included to emphasize the precedence of Conditions in the Certificate and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.

2. Condition No. 3 is included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Equipment.

3. Condition No. 4 is included to ensure that the nitrogen oxide emissions will not result in an adverse effect at a sensitive receptor.

4. Condition No. 5 is included to ensure that the proposed operation, excluding emergency situations, is not extended beyond specific daytime hours to prevent an adverse effect resulting from the operation of the Equipment.

5. Condition No. 6 is included to emphasize that the Equipment must be maintained and operated according to a procedure

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that will result in compliance with the Act, the regulations and this Certificate. In addition the Owner is required to keep records and provide information to staff of the Ministry so that compliance with the Act, the regulations and this Certificate can be verified.

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the 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.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

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, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The Director
Section 9, *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) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 9th day of June, 2008

Zafar Bhatti, P.Eng.
Director
Section 9, *Environmental Protection Act*

UI/
c: District Manager, MOE North Bay
Steven Challoner, P.Eng., Environmental Consultant