


CERTIFICATE OF APPROVAL
AIR

NUMBER 0383-8J4Q8P

Issue Date: October 25, 2011

Robert M. Simon Construction Ltd.
 Robert M. Simon Construction Ltd.
 20 Concession 6, Townsend Township, Waterford Norfolk, Ontario N0E 1Y0

Site Location: Mobile Facility

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

one (1) portable crushing plant, processing aggregates, reclaimed asphalt pavement, asphalt, sand and gravel and limestone at a maximum rate of 300 tonnes per hour, and consisting of the following emission sources:

- one (1) impact crusher;
- one (1) double deck sizing screen;
- three (3) conveyors, feeders and other related equipment; material;
- one (1) diesel fired engine rated at 242 kilowatts used to power impact crusher and conveyors, discharging products of combustion to the atmosphere through a stack, having an exit diameter of 0.17 metre, extending about 2.9 metres above grade;
- fugitive emissions resulting from the delivery, storage, and transfer of raw materials associated with crushing operations;

all in accordance with the Application for Approval (Air & Noise) submitted by Robert M. Simon Construction Ltd., dated November 15, 2010 and signed by Brian Simon, Vice President; the Emission Summary and Dispersion Modelling Report, prepared by Menshari Associates Inc., dated November 15, 2010, signed by Hooman (Henry) Menshari and all other information associated with the application.

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

1. "Certificate" means this Certificate of Approval, issued in accordance with Section 9 of the EPA.
2. "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 urban hum.
3. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low background sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours. Other characteristics which may indicate the presence of a Class 2 Area include:
 - (a) absence of urban hum between 19:00 and 23:00 hours;

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- (b) evening background sound level defined by natural environment and infrequent human activity; and
- (c) no clearly audible sound from stationary sources other than from those under impact assessment.

4. "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 the following:

- (a) a small community with less than 1000 population;
- (b) agricultural area;
- (c) a rural recreational area such as a cottage or a resort area; or
- (d) a wilderness area.

5. "Company" means Robert M. Simon Construction Ltd.

6. "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the EPA.

7. "District Manager" means the District Manager of the appropriate local district office of the Ministry, at the geographic location where the Plant is operated.

8. "EPA" means the Environmental Protection Act.

9. "Equipment" means the equipment and processes described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate.

10. "Manual" means a document or a set of documents that provides written instructions to staff of the Company.

11. "Ministry" means the Ontario Ministry of the Environment.

12. "Ministry Point of Impingement Limit" means the appropriate Standard listed in Schedule 2 or 3 of O.Reg. 419/05 or the appropriate criteria 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.

13. "O. Reg. 419/05" means the Ontario Regulation 419/05, Air Pollution – Local Air Quality.

14. "Plant" means the portable crushing plant, incorporating the Equipment.

15. "Point of Impingement" means any point outside the Facility in the natural environment and as defined by s.2 of O. Reg. 419/05;

16. "Point of Reception" means:

(a) for Class 1 and Class 2 Areas, any point on the premises of a person where sound or vibration originating from other than those premises is received;

(b) for Class 3 Areas, a point on the premises of a person within 30 m of a dwelling or a camping area, where sound or vibration originating from other than those premises is received;

(c) for the purpose of approval of new sources, including verifying compliance with Section 9 of the Environmental Protection Act, the point of reception may be located on any of the following existing or zoned for future use premises:

- (i) permanent or seasonal residences,
- (ii) hotels/motels,
- (iii) nursing/retirement homes,
- (iv) rental residences,
- (v) hospitals,
- (vi) camp grounds,
- (vii) noise sensitive buildings such as schools and places of worship.

(d) for equipment/facilities proposed on premises such as nursing/retirement homes, rental residences, hospitals, and schools, the point of reception may be located on the same premises.

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

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

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

20. "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 (eg: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.),

(b) institutional facilities (eg: schools, churches, community centres, day care centres, recreational centres, etc.),

(c) outdoor public recreational areas (eg: trailer parks, play grounds, picnic areas, etc.), and

(d) other outdoor public areas where there are continuous human activities (eg: commercial plazas and office buildings).

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

TERMS AND CONDITIONS

Noise Performance

1. The Company shall ensure that the noise emissions from the Plant comply with the limits determined in accordance with Publications NPC-205 or NPC-232, where applicable.

2. The Company shall ensure that the Equipment is not operated outside the hours of 07:00 and 19:00.

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

3. The Company shall ensure a minimum separation distance of 1000 metres between the Plant and the nearest Point of Reception (This separation distance is based on noise compliance).

Time Restrictions

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

Minimum Separation Distance(s) to the Nearest Sensitive Receptor

5. The Company shall ensure a minimum separation distance of 175 metres between the Plant and the nearest Sensitive Receptor (This separation distance is based on air compliance).

Fugitive Dust Control

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

Operation and Maintenance Manual

7. The Company shall ensure that the Plant is properly operated and maintained at all times. The Company shall:

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(1) prepare, not later than three (3) months after the date of this Certificate, 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 and identifying separation distances between the Plant and Points of Reception and Sensitive Receptors;
- (d) all appropriate measures to minimize noise emissions from all potential sources;
- (f) procedures for recording and responding to environmental complaints relating to the operation of the Plant; and

(2) implement the recommendations of the Manual; and

Marking of Portable Plant

8. The Company shall post a legible sign in a location which is accessible to the public, clearly identifying:

- (1) the Company name;
- (2) the number of this Certificate;
- (3) a brief description of the nature of the operation;
- (4) a Company contact name and telephone number for the public to provide comments;
- (5) hours of operation; and
- (6) length of time the Company intends to operate the Plant at that location.

Keeping a Valid Certificate

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

RECORD RETENTION

10. 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 Certificate, and make these records available for review by staff of the Ministry upon request. The Company shall retain:

- (1) all records on the maintenance, repair and inspection of the Equipment;
- (2) all records on the daily operation of the Equipment, including:
 - (a) daily production rate;
 - (b) daily start-up and shut-down times of the Equipment;
- (3) all records of any upset conditions associated with the operation of the Equipment;
- (4) all records on the environmental complaints, including:

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- (a) a description, time, date and location of each incident;
- (b) operating conditions (e.g. upset conditions, etc.) at the time of the incident;
- (c) wind direction and other weather conditions at the time of the incident;
- (d) the name(s) of Company personnel responsible for handling the incident;
- (e) the cause of the incident;
- (f) the Company response to the incident; and
- (g) 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.

NOTIFICATION REQUIREMENTS

Notification of Complaints

11. 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:

- (1) a description of the nature of the complaint;
- (2) the time, date and location of the incident;
- (3) the wind direction and other weather conditions at the time of the incident; and
- (4) the name(s) of Company personnel responsible for handling the incident.

Change of Owner

12. 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:

- (1) change of owner or operating authority, or both;
- (2) change of address of owner or operating authority or address of new owner or operating authority;
- (3) 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;
- (4) 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.

13. The Company shall notify any succeeding new owner, in writing, of the existence of this Certificate, as well as any subsequent Amended Certificates of Approval or Notices that amend this Certificate 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.

Relocation

14. 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".

SCHEDULE "A"

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**NOTICE OF RELOCATION
FOR
PORTABLE EQUIPMENT**

1. Owner and/or Operator

- (a) Company name :
- (b) Contact person :
- (c) Telephone number : ()

2. Proposed Location

- (a) Municipality :
- (b) Lot number :
- (c) Concession number : -

3. Operation

Date of commencement and completion of operation:

from to

(b) Hours of operation:

from to

(c) Maximum production rate: (tonnes/hour)

Type of material to be processed:

Please attach the following:

1. A copy of the certificate.
2. A plot plan or sketch of the proposed location showing the following:
 - (a) the entire operating site
 - (b) distance between the Equipment and the nearest off-property Point of Reception
 - (c) distance between the Equipment and the nearest off-property Sensitive Receptor
 - (d) land use within the minimum separation distances from Equipment specified in Conditions Nos. 2 and 4 of this Certificate.

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

1. Conditions Nos. 1 to 9, inclusive, 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

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and operated according to a procedure that will result in compliance with the EPA, the regulations and this Certificate.

2. Condition No. 10 is included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the Act, the Regulations and this Certificate can be verified.

3. Conditions Nos. 11 to 14, inclusive, are included to require the Company to notify/report to the Ministry so that compliance with the EPA, 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, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, S.O. 1993, Chapter 28, 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 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 Environmental Commissioner
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

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**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 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.ene.gov.on.ca, you can determine when the leave to appeal period ends.

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

DATED AT TORONTO this 25th day of October, 2011

Ian Parrott, P.Eng.
Director
Section 9, *Environmental Protection Act*

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c: District Manager, MOE Hamilton - District
Mr. Hooman (Henry) Menshari, Menshari Associates Inc.