



Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action en matière de changement
climatique

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 6367-AA5RXX

Issue Date: June 14, 2016

Frontenac Standard Condominium Corporation No. 66
5 Gore Street
Kingston, Ontario
K7L 0A1

Site Location: 5 Gore Street
City of Kingston, County of Frontenac

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) standby diesel generator set, having a rating of 200 kilowatts, to provide power for the facility during emergency situations;
- one (1) cooling tower; and
- natural gas-fired equipment consisting of two (2) boilers and two (2) HVAC units, having a maximum combined thermal input of 4,513,290 kilojoules per hour;

all in accordance with the Environmental Compliance Approval Application dated February 3, 2016 and signed by Henry Pasko, President, Frontenac Standard Condominium Corporation No. 66; and the supporting information, including the Emission Summary and Dispersion Modelling Report prepared by Pinchin Ltd., dated January 26, 2016 and signed by Michelle Blake; the Acoustic Assessment Report prepared by Pinchin Ltd., dated January 27, 2016 and signed by Ryan Matheson; and additional electronic information received from Michelle Blake and Ryan Matheson on May 12, 2016.

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

1. "Acoustic Assessment Report" means the report, prepared in accordance with Publication NPC-233 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility. "Acoustic Assessment Report" also means the Acoustic Assessment Report prepared by Pinchin Ltd., dated January 27, 2016 and signed by Ryan Matheson;
2. "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;
3. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;

4. "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;
5. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
6. "Company" means Frontenac Standard Condominium Corporation No. 66, that is responsible for the construction or operation of the Facility and includes any successors and assigns;
7. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Facility is geographically located;
8. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
9. "Equipment" means equipment described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
10. "Facility" means the entire operation located on the property where the Equipment is located;
11. "Generator Set" means the emergency diesel generator set 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. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Owner and was not involved in preparing the Acoustic Assessment Report or the design/implementation of Noise Control Measures for the Facility and/or Equipment. The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment or the design/implementation of Noise Control Measures for the Facility and/or Equipment;
13. "Manual" means a document or 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 Abatement Action Plan" means the noise abatement program developed by the Company, submitted to the Director and District Manager and approved by the Director, designed to achieve compliance with the sound level limits set in Publication NPC-300. It also means the Noise Abatement Action Plan prepared by Pinchin Ltd. and included in the Acoustic Assessment Report;
16. "Noise Control Measures" means measures to reduce the noise emission from the Facility including, but not limited to silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures outlined in the Noise Abatement Action Plan;
17. "Publication NPC-103" means the Ministry Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the Ministry as amended;
18. "Publication NPC-233" means the Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995 as amended; and
19. "Publication NPC-300" means the Ministry Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning", August 2013, as amended.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Company shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Approval, application for approval of the Equipment and the submitted supporting documents and plans and specifications as listed in this Approval.
2. Where there is a conflict between a provision of any submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

OPERATION AND MAINTENANCE

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

(1) prepare, not later than three (3) months after the date of this Approval 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; and
- (d) all appropriate measures to minimize noise and odorous emissions from all potential sources;

(2) implement the recommendations of the Manual.

RECORD RETENTION

4. 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:

(1) all records on the maintenance, repair and inspection of the Equipment; and

(2) all records of any environmental complaints; including:

- (a) a description, time and date of each incident to which the complaint relates;

(b) wind direction at the time of the incident to which the complaint relates; and

(c) a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

NOTIFICATION OF COMPLAINTS

5. 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; and
- (2) the time and date of the incident to which the complaint relates.

NOISE

6. The Company shall:

- (1) implement the Noise Control Measures outlined in the Noise Abatement Action Plan, not later than twelve (12) months after the date of this Approval;
- (2) ensure, subsequent to the completion of the Noise Abatement Action Plan, that the noise emissions from the Facility comply with the limits set in Ministry Publication NPC-300; and
- (3) ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report and the Noise Abatement Action Plan.

7. The Company shall restrict the periodic testing of the Generator Set to the daytime hours from 7 a.m. to 7 p.m.

ACOUSTIC AUDIT

8.1 The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:

- (1) shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103;
- (2) 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 eighteen (18) months after the date of this Approval.

8.2 The Director:

- (1) may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed;
- (2) may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director .

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

1. Conditions No. 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 Approval 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 emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the EPA, the regulations, and this Approval.
3. Condition No. 4 is included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the EPA, the regulations, and this Approval can be verified.
4. Condition No. 5 is included to require the Company to notify staff of the Ministry so as to assist the Ministry with the review of the site's compliance.
5. Conditions No. 6 and 7 are included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Facility.
6. Condition No. 8 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 this Approval can be verified.

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.

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* AND The Environmental AND The Director appointed for the

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

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

purposes of Part II.1 of the
Environmental Protection Act
Ministry of the Environment and
Climate Change
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 14th day of June, 2016

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

AD/

c: District Manager, MOECC Kingston - District
Michelle Blake, M.A.Sc., EPT and Ryan Matheson, Pinchin Ltd.