



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 6798-5TUQVH

Delphi Canada Inc.
66 Wellington Street West, Suite 4700
Toronto Dominion Bank Tower
Toronto, Ontario
M5K 1E6

Site Location: Oshawa Autoplex
1255 Stevenson Road South
Oshawa City, Regional Municipality Of Durham, Ontario

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

General Description Section

A Battery manufacturing and Automotive Parts manufacturing plant at an automotive and light duty truck manufacturing and assembly facility, consisting of the following process and support units:

Battery Manufacturing :

- lead strip, paste and oxide production;
- battery cell production;
- plastic injection moulding for producing battery cases and covers;
- welding;
- battery charging;
- battery assembly; and
- secondary lead smelter for the recovery of scrap from the Facility;

Automotive Parts Manufacturing :

- welding;
- autophoretic painting; and
- assembly;

including the Equipment, processes and any other ancillary and support processes and activities, **operating at a maximum production rate of up to 10,500 batteries per day, 14,400 control arms per day, and rear suspensions and suspension components to support a maximum production and service rate of 160 cars per hour**, exhausting to the atmosphere as described in the ESDM Report.

All in accordance with the documents set out in Schedule "A" attached to this Certificate.

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

(1) "*Acoustic Assessment Report*" means a report prepared in accordance with *Publication NPC-233*, that documents all sources of noise emissions and *Noise Control Measures* and demonstrates compliance with the *Performance Limits* for the *Facility* regarding noise emissions and includes all supplementary acoustical assessments as required by the Documentation Requirements conditions of this *Certificate* to demonstrate continued compliance with the *Performance Limits* following the implementation of any *Modifications*;

(2) "*Acoustic Assessment Summary Table*" means a table in a format acceptable to the *Director* summarising the results of the *Acoustic Assessment Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding noise emissions, updated as needed;

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- (3) "*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 in comparison to 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*;
- (4) "*Acoustic Audit Report*" means a report presenting the results of an *Acoustic Audit*, prepared in accordance with *Publication NPC-233*;
- (5) "*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 *Certificate*;
- (6) "*Certificate*" means this entire certificate of approval document, issued in accordance with section 9 of the *EPA*;
- (7) "*Company*" means Delphi Canada Inc. and includes any successors and assigns;
- (8) "*Company Production Limit*" means the production limit placed on the main product(s) or raw materials used by the *Company* that represents the capacity of the *Company's* operations at the *Facility* and assists in the definition of the operations approved by the *Director*;
- (9) "*Compound of Concern*" means a contaminant that, based on generally available information, may be emitted to the atmosphere in a quantity from any source at the *Facility* that is significant 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 has the potential to cause an adverse effect as defined by the *EPA* at a *Point of Impingement*;
- (10) "*Director*" means any person appointed in writing by the *Minister* pursuant to section 5 of the *EPA* as a Director for the purposes of section 9 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 and in operation;
- (12) "*Emission Summary Table*" means the table prepared in accordance with the *Procedure Document* listing the maximum half hour average *Point of Impingement* concentrations of each *Compound of Concern* from the *Facility* and providing comparison to the corresponding *Ministry Point of Impingement Limit* or *Maximum Concentration Level*;
- (13) "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E-19, as amended from time to time;
- (14) "*Equipment*" means equipment or processes for Delphi Canada Inc. described in the *ESDM Report*, *Acoustic Audit Report*, *Acoustic Assessment Report* and this *Certificate*;
- (15) "*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 regulations and/or published *Ministry* policies that outlines specific operational guidance that must be considered by the *Director* in issuing this *Certificate*;
- (16) "*ESDM Report*" means the Emission Summary and Dispersion Modelling Report prepared in accordance with the *Procedure Document* by Paul Complin, Canadian ORTECH Environmental Inc., and dated February 14, 2003 submitted in support of the application, and includes all up-dated *ESDM Reports* as required by the Documentation Requirements conditions of this *Certificate* to demonstrate continued compliance with the Performance Limits following the implementation of any *Modifications*;
- (17) "*Facility*" means the entire operation located on the Oshawa Autoplex property where the *Equipment* is located and includes, if the context permits, the property itself;
- (18) "*General Description Section*" means the sub section of the *Certificate* that describes the *Company's* operations, the

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Equipment located at the *Facility* and specifies the *Company Production Limit*;

(19) "*Log*" means the up-to-date log that is used to track all *Modifications* to the Delphi Canada Inc. portion of the *Facility* since the *ESDM Report* submitted with the application, as required by the Documentation Requirements conditions of this *Certificate*;

(20) "*Maximum Concentration Level*" means the assessment for the purposes of a Basic Comprehensive Certificate of Approval, prepared by a *Toxicologist* using currently available toxicological information, that demonstrates that the predicted concentration at a *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*;

(21) "*Ministry*" means the Ontario Ministry of the Environment;

(22) "*Ministry Point of Impingement Limit*" means the Maximum Half Hour Average Point of Impingement Limit listed in the *Ministry* publication titled Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs), September 2001", as amended;

(23) "*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 may alter the noise or vibration emissions from the *Facility*;

(24) "*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;

(25) "*Performance Limits*" means the performance limits specified in the section of this *Certificate* titled Performance Limits;

(26) "*Point of Impingement*" means any point in the natural environment located outside the *Facility's* modelled fence line, at which the highest concentration of a *Compound of Concern* is expected to occur, when that concentration is calculated in accordance with the *Procedure Document* using the dispersion models included in the Appendix to Regulation 346 written under the *EPA*, or any other method accepted in writing by the *Director*;

(27) "*Procedure Document*" means *Ministry* Procedure titled Procedure for Preparing an Emission Summary and Dispersion Modelling Report dated June 1998, as amended from time to time;

(28) "*Processes with Significant Environmental Aspects*" means the *Equipment* that has been identified through an environmental management system as having a significant environmental aspect with respect to air emissions;

(29) "*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;

(30) "*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;

(31) "*Publication NPC-207*" means the *Ministry* draft technical publication Impulse Vibration in Residential Buildings, November 1983, as amended from time to time, supplementing the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry*, as amended;

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

(33) "*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; and

(34) "*Written Summary*" means the written summary that must be submitted annually to the *Ministry* as required by the

Section titled Documentation Requirement of this *Certificate*.

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

TERMS AND CONDITIONS

1. OPERATIONAL FLEXIBILITY

1.1 The *Company* may make *Modifications* to the Delphi Canada Inc. portion of the *Facility*, in accordance with this *Certificate*, so long as the *Modifications* are within the limits of the intended operations of the Delphi Canada Inc. portion of the *Facility* as described in the *General Description Section* and the *Modifications* do not increase the *Company Production Limit* above the level specified in this *Certificate*.

1.2 The *Company* shall not make *Modifications* to the Delphi Canada Inc. portion of the *Facility*, without obtaining an amendment to this *Certificate*, if such *Modifications* result in the *General Description Section* of this *Certificate* no longer properly describing the *Company's* operations.

1.3 Conditions 1.1 and 1.2 of this *Certificate* shall expire five (5) years from the date of this *Certificate*, unless this *Certificate* is replaced or revoked prior to this date. Upon expiry of Conditions 1.1 and 1.2 of this *Certificate*, the then current *ESDM Report* and *Acoustic Audit Report* or *Acoustic Assessment Report* shall be deemed to document the *Equipment* approved by this *Certificate* and any *Modification* there to after such date will require an amendment to this *Certificate*.

1.4 Condition 1.1 does not apply to any *Equipment with Specific Operational Limits*. The *Company* shall operate *Equipment with Specific Operational Limits* in accordance with this *Certificate*. The *Company* shall not add or modify any *Equipment with Specific Operational Limits* without obtaining an amendment to this *Certificate*.

2. PERFORMANCE LIMITS

2.1 The *Company* shall, at all times, ensure that all *Equipment* that are a source of a *Compound of Concern* from the *Facility* are operated to comply with the following:

(a) the maximum half-hour average concentration of any *Compound of Concern* at a *Point of Impingement* shall not be greater than its respective *Ministry Point of Impingement Limit* for all *Compounds of Concern* that have a *Ministry Point of Impingement Limit*; or

(b) for *Compounds of Concern* that do not have a *Ministry Point of Impingement Limit*, the maximum half-hour average concentration of any *Compound of Concern* at a *Point of Impingement* shall not be greater than a level assessed as part of the *ESDM Report* dated February 14, 2003 or a *Maximum Concentration Level* derived by the *Company*, submitted to the *Ministry* and accepted by the *Air Standards Manager*.

2.2 The *Company* shall submit a proposed or revised *Maximum Concentration Level* derived by the *Company* for review by the *Air Standards Manager*, no later than thirty (30) days prior to the introduction of a new *Compound of Concern* that does not have a *Ministry Point of Impingement Limit*, or the increase of the emission rate of a *Compound of Concern* that does not have a *Ministry Point of Impingement Limit* such that the resulting concentration at a *Point of Impingement* will be greater than the corresponding *Maximum Concentration Level* accepted by the *Air Standards Manager*.

2.3 The *Company* may use the *Maximum Concentration Level* derived by the *Company* prior to thirty (30) days from the date of an acknowledgment letter from the *Ministry* upon written acceptance by the *Air Standards Manager*, solely for the purposes of compliance with these *Performance Limits*.

2.4 If the *Air Standards Manager* does not accept the proposed *Maximum Concentration Level* derived by the *Company* then the recommendations of the *Air Standards Manager* shall become the *Point of Impingement* limit solely for the purposes of compliance with these *Performance Limits*.

2.5 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*.

2.6 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. DOCUMENTATION REQUIREMENTS

3.1 The *Company* shall, at all times, maintain documentation, including but not limited to:

(a) a current *ESDM Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding *Compounds of Concern*;

(b) a current *Acoustic Assessment Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding noise emissions;

(c) an up-to-date *Log* that describes all *Modifications* to the Delphi Canada Inc. portion of the *Facility*;

(d) the current operating procedures and maintenance programs; and

(e) the current complaints procedure and response program.

3.2 The *Company* shall, during regular working hours, make the current *Emission Summary Table* and the current *Acoustic Assessment Summary Table* available for inspection at the General Motors of Canada Limited Canadian Headquarters, located at 1908 Colonel Sam Drive in Oshawa, Ontario, by any interested member of the public.

3.3 The *Company* shall provide the *District Manager* and the *Director* no later than June 1 of each year, a *Written Summary* of activities undertaken in the previous calendar year in form and substance satisfactory to the *Ministry* that shall include, but is not limited to, the following:

(a) a signed statement that the *Facility* was in compliance with the *Performance Limits*;

(b) a summary of *Modifications* that have taken place during the past year and have 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 a *Point of Reception*;

(c) a list of all *Compounds of Concern* submitted to the *Air Standards Manager* during the past year for review;

(d) a list of all new compounds used or produced during the past year for those *Processes with Significant Environmental Aspects* at the *Facility* that may be emitted to the atmosphere but were not considered *Compounds of Concern* for the purposes of this *Certificate*;

(e) a review of any changes to any *Ministry Point of Impingement Limit* undertaken in the past year that affect the *Compounds of Concern* emitted from the *Facility*;

(f) a tabulated summary of the changes in the emission rate of all *Compounds of Concern* and the resultant increase or decrease in *Point of Impingement* concentration;

(g) the *Emission Summary Table* for the *Facility* as of December 31 from the previous calendar year; and

(h) the *Acoustic Assessment Summary Table* for the *Facility* as of December 31 from the previous calendar year.

4. OPERATION AND MAINTENANCE

4.1 The *Company* shall ensure that all *Processes with Significant Environmental Aspects* are properly operated and maintained at all times in accordance with prevailing industrial and good engineering practice. The *Company* shall prepare and implement, not later than three (3) months from the date of this *Certificate*, operating procedures and maintenance programs for those *Processes with Significant Environmental Aspects*, and shall consider, where appropriate, (a) through (e) in the development of the operating procedures and maintenance programs.

- (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; and
- (e) procedures for record keeping activities relating to the operation and maintenance programs.

5. COMPLAINTS PROCEDURE/RESPONSE REQUIREMENTS

5.1 The *Company* shall develop and implement a complaint response procedure for receiving external complaints, responding to external complaints and keeping records of external complaint occurrences. The records related to the external environmental complaints related to air, odour, noise or vibration shall include:

- (a) a description of the process and process conditions that most likely resulted in the complaint, including the date and time of occurrence;
- (b) the wind direction at the time and date of the complaint; and
- (c) description of the measures taken, if relevant, to address the cause of the complaint and to prevent a similar occurrence in the future.

5.2 The *Company* shall forthwith notify the *Ministry* of any external environmental complaints related to air quality received by the *Company*. The notification shall include:

- (a) a description of the incident, including the date and time of occurrence;
- and, if possible at the time of the complaint,
- (b) the wind direction at the time and on the date of the incident; and
 - (c) a description of the measures taken to address the cause of the incident and to prevent a similar occurrence in the future.

5.2.1 The *Company* shall, within two (2) business days of receiving an external complaint, provide to the *Ministry* a written description of the measures taken, if relevant, to address the cause of the incident and to prevent a similar occurrence in the future.

6. RECORD KEEPING REQUIREMENTS

6.1 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 *Certificate* and shall include but not be limited to:

- (a) the *ESDM Report*;
- (b) the *Acoustic Audit Report and/or Acoustic Assessment Report*;
- (c) supporting information used in the emission rate calculations performed in the *ESDM Report*, the *Acoustic Audit Report and/or Acoustic Assessment Report* to document compliance with the *Performance Limits* (for a period of three (3) years);
- (d) the *Log* that describes the *Modifications* to the Delphi Canada Inc. portion of the *Facility*;
- (e) the *Written Summaries* provided to the *Ministry*;

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(f) the records on the maintenance, repair and inspection of the *Equipment* related to all *Processes with Significant Environmental Aspects*; and

(g) the records related to all external environmental complaints related to air, odour, noise or vibration received by the *Company*, as required by the Complaints Procedure/Response Requirements.

These records shall be made available, upon request, to the *Ministry*.

7. REVOCATION OF PREVIOUS CERTIFICATES OF APPROVAL(Air)

7.1 This *Certificate* replaces and revokes all *Certificates* issued to the *Facility*, and dated prior to the date of this *Certificate*.

SCHEDULE "A"

Application, dated February 14, 2003 and submitted by the *Company*, for Certificate of Approval (Air);

Emission Summary and Dispersion Modelling Report, dated February 14, 2003;

Other supporting documentation and correspondence, including:

- (a) Environmental Noise Assessment report, dated December 17, 2002, prepared by RWDI consultants;
- (b) An addendum to the Environmental Noise Assessment report, dated August 07, 2003, prepared by RWDI consultants;
- (c) Additional Supporting Information for the Application to Amend Certificate of Approval (Air) #5460-4NGNW2, dated October 31, 2003 and signed by Doug Yates, P.Eng.;
- (d) A facsimile with comments on the DRAFT Comprehensive Certificates of Approval (Air) for Johnson Controls L.P., Delphi Canada Inc., and General Motors of Canada Limited at the Oshawa Autoplex, dated December 19, 2003 and signed by Doug Yates, P.Eng.;
- (e) Revised comments on the DRAFT Comprehensive Certificates of Approval (Air) for Johnson Controls L.P., Delphi Canada Inc., and General Motors of Canada Limited at the Oshawa Autoplex, dated January 20, 2004 and signed by Doug Yates, P.Eng.; and
- (f) An E-mail regarding noise issues at the Delphi Battery Plant prepared by Peter VanDelden, Rowan Williams Davies & Irwin Inc., and dated January 23, 2004.

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

1. OPERATIONAL FLEXIBILITY AND PERFORMANCE LIMITS

Condition Nos. 1 and 2 are included to limit modifications and define the operating envelope permitted by this *Certificate*. The *Certificate* allows for operational flexibility for the *Facility* that is consistent with the description of the operations included with the application up to a *Facility Production Limit* that the *Company* can operate under without the need for further *Certificates*. In return for the operational flexibility the *Certificate* places performance based limits that can not be exceeded under the terms of this *Certificate*. This *Certificate* does not exempt the *Company* from other requirements of any other environmental legislation such as the Environmental Assessment Act.

2. DOCUMENTATION REQUIREMENTS

Condition No. 3 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the *Performance Limits* of this *Certificate* and allow 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. The *Company* is also required to make the *Emission Summary Table* from the *ESDM Report* and the *Acoustic Assessment Summary Table* from the *Acoustic Assessment Report* available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the *Facility*. Further, the *Company* is required to: document compliance with the *Performance Limits*, track *Modifications*, update the *Ministry* on at least a yearly basis and to review any new limits set by the *Ministry* so that the *Company* continues to meet the requirements considered by the *Director* in the issuance of this *Certificate*.

3. OPERATION AND MAINTENANCE

Condition No. 4 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.

4. COMPLAINTS PROCEDURE/RESPONSE REQUIREMENTS

Condition No. 5 is included to require the *Company* to provide notification of any external environmental complaints related to air, odour, noise or vibration so that the *Ministry* can monitor any impacts to the local community

5. RECORD KEEPING REQUIREMENTS

Condition No. 6 is included to require the *Company* to retain, and provide access to *Ministry* staff, all documentation related to this *Certificate* so that the *Ministry* can determine if more detailed review of compliance with the *Performance Limits* is necessary.

6. REVOCATION OF PREVIOUS CERTIFICATES OF APPROVAL (Air)

Condition No. 7 is included to confirm that this *Certificate* replaces all *Certificate(s)* that have been previously issued for this *Facility*.

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:

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The Secretary*
Environmental Review Tribunal
2300 Yonge St., 12th Floor
P.O. Box 2382
Toronto, Ontario
M4P 1E4

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 Environment and Energy
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 19th day of February, 2004

Neil Parrish, P.Eng.
Director
Section 9, *Environmental Protection Act*

CL/
c: District Manager, MOE York-Durham
Doug Yates, General Motors of Canada Limited