


**AMENDED CERTIFICATE OF APPROVAL**
**AIR**

NUMBER 9843-89HJQG

Issue Date: March 21, 2011

Omstead Foods Limited  
 303 Milo Rd  
 Wheatley, Ontario  
 N0P 2P0

Site Location: Omstead Foods Limited  
 303 Milo Rd Wheatley  
 Chatham-Kent Municipality,

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

a facility producing frozen food products, mainly coated vegetables (onion rings and mushrooms) and appetizers (cheese sticks), consisting of the following processes and equipment;

- four (4) exhaust systems (sources S-1a; S-1b, S-1c and S-1d), serving six (6) onion butt peel and slice lines, each venting into the atmosphere through a nominal volumetric flow rate of 1.75 actual cubic metres per second through a stack, each having a rectangular exit of 0.50 metre by 0.40 metre, each extending 1.9 metres above the roof and 10.0 metres above grade;
- two (2) natural gas fired fryers (source S-2a Fryer #1 and S-2b Fryer #2) used to par-fry onion rings at the maximum processing rate of 1,636 kilograms per hour, each equipped with a hood and high efficiency mist eliminator, each venting into the atmosphere through a stack, each having an exit diameter of 0.41 metre, each extending 18.1 metres above the roof and 28.5 metres above grade;
- two (2) natural gas fired burners (source S-3a and S-3b), each serving one fryer (Fryer #1 and Fryer #2), each having a maximum heat input of 4,747,500 kilojoules per hour, each venting into the atmosphere through a stack, each having an exit diameter of 0.44 metre, each extending 7.6 metres above the roof and 18.0 metres above grade;
- one (1) natural gas fired fryer (source S-2c, Fryer #3) used to par-fry onion rings at the maximum processing rate of 682 kilograms per hour and cheese sticks at the maximum processing rate of 1,364 kilograms per hour, equipped with a hood and high efficiency mist eliminator, venting into the atmosphere through a stack, having an exit diameter of 0.41 metre, extending 18.1 metres above the roof and 28.5 metres above grade;
- one (1) natural gas fired burner (source S-3c), serving Fryer #3, having a maximum heat input of 5,275,000 kilojoules per hour, venting into the atmosphere through a stack, having an exit diameter of 0.44 metre, extending 6.1 metres above the roof and 16.5 metres above grade;
- one (1) natural gas fired steam boiler (source S-9), having a maximum heat input of 13,082,000 kilojoules per hour, venting into the atmosphere through a stack, having an exit diameter of 0.68 metre, extending 2.4 metres above the roof and 6.7 metres above grade;
- one (1) natural gas fired ammonia compressor (source S-5a, Compressor #1), having a rating of 160 kilowatts, venting into the atmosphere through a stack, having an exit diameter of 0.22 metre, extending 3.0 metres above the roof and 7.6 metres above grade;
- one (1) natural gas fired ammonia compressor (source S-5b, Compressor #2), having a rating of 503 kilowatts, venting into the atmosphere through a stack, having an exit diameter of 0.16 metre, extending 3.0 metres above the roof and 7.6 metres above grade;

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- three (3) cooling towers, having a maximum total circulation water flow rate of 353.3 litres per second;
- one (1) natural gas fired make-up air unit, having a maximum heat input of 1,318,750 kilojoules per hour;
- various natural gas fired comfort heating equipment, having a total maximum heat input of 6,766,770 kilojoules per hour;
- maintenance welding operations performed on an as-required basis;
- two (2) fume hoods located in a quality assurance/quality control laboratory, operating on an as-required basis;
- battery charging stations and chlorine storage room ventilation;

all in accordance with the Application for Approval (Air & Noise) submitted by Omstead Foods Limited dated July 25, 2009, and signed by Dill Stafford, President, the letter from Dillon Consulting Limited dated October 5, 2010 and signed by J.P. Baillargeon, P.Eng., the letters (e-mails) from J.P. Baillargeon, P.Eng. (Dillon Consulting Limited) dated October 22, 2010 and October 26, 2010, the Acoustic Assessment Report dated December 15, 2010, prepared and signed by David Cmar, Dillon Consulting Limited, the Noise Abatement Action Plan dated January 10, 2011, submitted by Bill Stafford, Omstead Foods Limited, and all 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. "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;
2. "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 dated December 15, 2010, prepared and signed by David Cmar, Dillon Consulting Limited;
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 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;
4. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;
5. "Act" means the Environmental Protection Act;
6. "Certificate" means this Certificate of Approval (Air), issued in accordance with Section 9 of the Act;
7. "Company" means Omstead Foods Limited;
8. "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the Act;
9. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
10. "Equipment" means the fryers, described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;
11. "Facility" means the entire operation located on the property where the Company is located;
12. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was

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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 a set of documents that provide written instructions to staff of the Company;

14. "Ministry" means the Ontario Ministry of Environment;

15. "Manager" means the Manager, Technical Services Section, Standards Development Branch, or any other person who represents and carries out the duties of the Manager, as those duties relate to the conditions of this Certificate;

16. "Noise Abatement Action Plan" means the noise abatement program developed by the Company and includes Noise Abatement Action Plan dated January 10, 2011, prepared by Omstead Foods Limited and signed by Bill Stafford; 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-205;

17. "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, described in the Company's application, Schedule "A" of this Certificate and in the supporting documentation referred to herein, including the Noise Abatement Action Plan, to the extent approved by this Certificate;

18. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution - Local Air Quality;

19. "Performance Limits" means the performance limits specified in the section of this Certificate titled Performance Limits;

20. "Point of Impingement" means any point outside the facility in the natural environment and as defined by s. 2 of O. Reg. 419/05. The point of impingement for the purposes of verifying compliance with the Act shall be chosen as the point located outside the company's property boundaries at which the highest concentration is expected to occur, when that concentration is calculated in accordance with the Ontario Regulation 419/05, or any other method accepted by the Director;

21. "Pre-test Information" means the information outlined in Section 1 of the Source Testing Code;

22. "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;

23. "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;

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

25. "Source Testing Code" means the Source Testing Code, Version 2, Report No. ARB-66-80, dated November 1980, prepared by the Ministry, as amended;

26. "Source Testing" means sampling and testing to measure emissions resulting from the operation of the Facility, identified in this Certificate and when the associated production lines and equipment are operating at a maximum production levels; and

27. "Test Contaminants" means total suspended particulate matter (SPM).

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

### **TERMS AND CONDITIONS**

### **OPERATION AND MAINTENANCE**

1. 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 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) the frequency of inspection and replacement of the filter material in the Equipment;
- (d) procedures for any record keeping activities relating to operation and maintenance of the Equipment;
- (d) all appropriate measures to minimize noise, fugitive dust and odorous emissions from all potential sources; and

(2) Implement the recommendations of the Manual.

### **PERFORMANCE LIMITS**

2. The Company shall:

(1) implement the Noise Control Measures as proposed in the Noise Abatement Action Plan and as detailed in Schedule "A" of this Certificate;

(2) ensure, subsequent to the completion of the Noise Abatement Action Plan, that the noise emissions from the Facility comply with the limits set out in Ministry Publication NPC-205; and

(3) ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Noise Abatement Action Plan.

### **ACOUSTIC AUDIT**

3. 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 four (4) months after the full implementation of the Noise Abatement Action Plan.

4. 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.

### **RECORD RETENTION**

5. The Company shall retain, for a minimum of two (2) years from the date of their creation, all records related to recording activities required by this Certificate, and make these records available for review by staff of the Ministry upon request. The Company shall retain all records of process upsets causing increased emissions to the atmosphere, failure of air pollution control equipment and any environmental complaints, including:

- (1) a description, time and date of the incident causing the complaint;
- (2) wind direction and wind speed at the time of the incident;
- (3) a description of the measures taken to address the cause of incident and to prevent a similar occurrence in the future.

#### **NOTIFICATION OF COMPLAINTS**

6. 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.

#### **SOURCE TESTING**

7. The Company shall perform Source Testing to determine the rates of emission of the Test Contaminants as follows;  
- SPM from the Fryer #1 or Fryer #2 and Fryer #3.

7.1 The Company shall submit, not later than three (3) months after the date of this Certificate, to the Manager a test protocol, including the Pre-Test Information for the Source Testing required by the Source Testing Code.

7.2 The Company shall finalize the test protocol in consultation with the Manager.

7.3 The Company shall not commence the Source Testing until the Manager has accepted the test protocol.

7.4 The Company shall complete the Source Testing not later than six (6) months after the Manager has accepted the test protocol.

#### **Notification of Upcoming Source Testing**

7.5 The Company shall notify the District Manager and the Manager, in writing, of the location, date and time of any impending Source Testing required by this Certificate, at least ten (10) business days prior to the Source Testing.

#### **Report on Source Testing**

7.6 The Company shall submit a report on the Source Testing to the District Manager and the Manager not later than two (2) months after completing the Source Testing. The report shall be in the format described in the Source Testing Code, and shall also include:

- (1) an executive summary;
- (2) records of all operating conditions;
- (3) results of the Source Testing; and
- (4) the results of dispersion calculations in accordance with the dispersion model accepted by the Director, indicating the maximum concentration of the Test Contaminant at the Point of Impingement.

#### **Refusal of Source Testing**

7.7 The Director may not accept the results of the Source Testing if:

- (1) the Source Testing Code or the requirements of the Manager were not followed; or
- (2) the Company did not notify the District Manager and the Manager of the Source Testing; or

(3) the Company failed to provide a complete report on the Source Testing.

7.8 If the Director does not accept the results of the Source Testing, the Director may require re-testing.

**SCHEDULE "A"**

**Noise Abatement Action Plan**

**Phase 1 – to be completed six (6) months after the date of issuance of this Certificate**

1. One (1) acoustic silencer for the maintenance shop general ventilation exhaust fan identified as noise Source EF12, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1,000	2,000	4,000	8,000
Insertion-Loss (decibel)	7	8	13	20	17	19	17	12

2. One (1) acoustic silencer for the compressor room general ventilation exhaust fan identified as noise Source EF14, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1,000	2,000	4,000	8,000
Insertion-Loss (decibel)	7	8	13	20	17	19	17	12

3. One (1) acoustic silencer for each of the intake blowers in the waste treatment plant identified as noise Sources BL\_IN\_1, BL\_IN\_2 and BL\_IN\_3, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1,000	2,000	4,000	8,000
Insertion-Loss (decibel)	5	11	20	30	41	45	37	35

4. One (1) 2 metres high L-shaped acoustic barrier to mitigate the sound of the oil cooler identified as noise Source OIL\_CL. The acoustic barrier shall be constructed along the north and west edge of the oil cooler and extending at least 4 metres long as depicted in Figure 9 of the Acoustic Assessment Report, continuous without holes, gaps or other penetrations, and having surface mass at least 20 kilograms per square metre.

5. One (1) 2 metres high L-shaped acoustic barrier to mitigate the sound of the exhaust fan identified as noise Sources EF5. The acoustic barrier shall be constructed along the north and west edge of the exhaust fan and extending at least 4 metres long as depicted in Figure 9 of the Acoustic Assessment Report, continuous without holes, gaps or other penetrations, and having surface mass at least 20 kilograms per square metre.

**Phase 2 – to be completed twelve (12) months after the date noted on this Certificate**

6. One (1) 7.5 metres high L-shaped acoustic barrier to mitigate the sound of the two cooling towers identified as noise Sources CT3 and CT4. The acoustic barrier shall be constructed along the north and west edge of the Compressor Room roof and extending at approximately 30 metres long as depicted in Figure 8 of the Acoustic Assessment Report, continuous without holes, gaps or other penetrations, and having surface mass at least 20 kilograms per square metre.

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

1. Condition No.1 is included to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the Act, the regulations and this Certificate.

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

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3. Condition Nos. 3 and 4 are 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 the Act, the regulation and this Certificate can be verified.
4. Condition No. 5 is included to require the Company 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.
5. Condition No. 6 is included to require the Company to notify staff of the Ministry so that compliance with the Act, the Regulations and this Certificate can be verified.
6. Condition No. 7 is included to require the Company to gather accurate information so that compliance with the Act, the regulations and this Certificate can be verified.

**This Certificate of Approval revokes and replaces Certificate(s) of Approval No. 8-1111-92-006, 1914-5DWV8T, 8-1094-95-006, 8-1157-93-006, 8-1078-96-006 issued on August 31, 1992, September 12, 2002, August 8, 1995, December 8, 1993, July 16, 1996 respectively.**

*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](http://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](http://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.*

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DATED AT TORONTO this 21st day of March, 2011

Victor Low, P.Eng.  
Director  
Section 9, *Environmental Protection Act*

JK/  
c: District Manager, MOE Windsor  
Dave Cmar, Dillon Consulting Limited