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

**NOTICE OF REFUSAL  
to issue an environmental compliance approval**  
REFERENCE NUMBER 9643-9H4NNL

Ontario Grain Terminals Inc.  
11680 Lakeshore Dr  
South Dundas, Ontario  
K0E 1K0

Site Location: 11680 Lakeshore Drive  
11680 Lakeshore Dr  
South Dundas Township, United Counties of Stormont, Dundas and Glengarry  
K0E 1K0

*In accordance with Section 139(1)(c) of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act), I hereby give notice that, under Section 20.3 of the Act, I have refused to issue an environmental compliance approval for your application for approval dated 2014/03/03, for a grain transfer and storage facility, located in South Dundas, Ontario.*

The reason(s) for this refusal is (are) as follows:

The Ministry of the Environment and Climate Change (the "MOECC") has not received a satisfactory response to our letter dated October 22, 2015 regarding your application under Section 9 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, (the "Act") for the above referenced project.

Since October 1, 1998 the MOECC has required that an Emission Summary and Dispersion Modelling ("ESDM") Report be submitted in support of an application for an environmental compliance approval under Section 9 of the EPA. The ESDM Report must be prepared in accordance with the MOECC's "Procedure for Preparing an Emission Summary and Dispersion Modelling Report", dated March 2009 (the "Procedure Document").

Your submitted ESDM Report was not prepared in accordance with the Procedure Document because it does not address a potential operating scenario that, for the relevant averaging period, would result in the highest concentration of the contaminant at a point of impingement. Furthermore, no supporting documentation has been provided for control efficiencies used in the assessment of ship loading activities.

In correspondence dated October 22, 2015, we requested that you provide the Director with supporting documentation for the 99% control efficiency applied to the ship loadout emission rates. You were advised that the Director might use his authority to refuse to issue an Environmental Compliance Approval for your application and close your file if the requested documentation was not provided to the Director by November 12, 2015.

The response received November 12, 2015 failed to provide the required documentation.

*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 grounds on which you intend to rely at the hearing considering your appeal.

*The Notice should also include:*

2. The name of the appellant;
3. The address of the appellant;
4. The application reference number;
5. The name of the Director;

*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, Suite  
1500  
Toronto, Ontario  
M5G 1E5

AND

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

AND

The Director appointed for the  
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](http://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](http://www.ebr.gov.on.ca), you can determine when the leave to appeal period ends.*

DATED AT TORONTO this 4th day of December,  
2015

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

JM/  
c: Area Manager, MOECC Cornwall  
c: District Manager, MOECC Ottawa  
Vishma Singh, Pinchin Environmental Ltd.