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Ministry of the Environment  
Ministère de l'Environnement

### AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3137-9KDQH9

Issue Date: July 8, 2014

Boart Longyear Manufacturing Canada Ltd.  
50 Exeter St, No. 1&2  
North Bay, Ontario  
P1B 8G5

Site Location: Boart Longyear Inc. Site #2  
50 Exeter St  
North Bay City, District of Nipissing  
P1B 8G5

*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:*

#### Description Section

A drill rig parts and drill rods manufacturing facility, consisting of the following processes and support units:

- parts machining;
- parts heat treating;
- products marking;
- products storage, handling and shipping;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to **9,700 drill rods per week and up to 500,000 drill rods per year**; discharging to the air as described in the *Original ESDM Report*.

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

1. "*Acceptable Maximum Ground Level Concentration*" means a concentration accepted by the *Ministry*, as described in the Guide to Applying for Approval (Air & Noise), for a *Compound of Concern* listed in the *Original ESDM Report* that:

(a) has no *Ministry Point of Impingement Limit* and no *Jurisdictional Screening Level*, or

(b) has a concentration at a *Point of Impingement* that exceeds the *Jurisdictional Screening Level*.

2. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by Jakub Wrobel (O2E Inc.) and dated September 25, 2013 submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility* and includes all up-dated *Acoustic Assessment Reports* as required by the Documentation Requirements conditions of this *Approval* to demonstrate continued compliance with the *Performance Limits* following the implementation of any

*Modification.*

3. "*Acoustic Assessment Summary Table*" means a table prepared in accordance with the *Basic Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report*, up-dated as required by the Documentation Requirements conditions of this *Approval*.
4. "*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 *Approval*.
5. "*Approval*" means this entire Environmental Compliance Approval and any *Schedules* to it.
6. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended.
7. "*Company*" means Boart Longyear Manufacturing Canada Ltd. operating as Boart Longyear Manufacturing Canada Ltd. that is responsible for the construction or operation of the *Facility* and includes any successors and assigns in accordance with section 19 of the *EPA*.
8. "*Compound of Concern*" means a contaminant that, based on generally available information, may be discharged to the air in a quantity from the *Facility* that:
  - (a) is non-negligible in accordance with section 26(1)4 of *O. Reg. 419/05* in comparison to the relevant *Ministry Point of Impingement Limit*; or
  - (b) if a *Ministry Point of Impingement Limit* is not available for the compound, may cause an adverse effect at a *Point of Impingement* based on generally available toxicological information.
9. "*Description Section*" means the section on page one of this *Approval* describing the *Company's* operations and the *Equipment* located at the *Facility* and specifying the *Facility Production Limit* for the *Facility*.
10. "*Director*" means a person appointed by the Minister pursuant to section 5 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.
12. "*Emission Summary Table*" means the most updated table contained in the *ESDM Report*, which is prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* listing the appropriate *Point of Impingement* concentration for each *Compound of Concern* from the *Facility* and providing comparison to the corresponding *Ministry Point of Impingement Limit* or *Maximum Concentration Level Assessment*, or *Jurisdictional Screening Level*.
13. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c.E.18, as amended.
14. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.
15. "*Equipment*" means equipment or processes described in the *ESDM Report*, this *Approval* and in the *Schedules* referred to herein and any other equipment or processes.
16. "*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 published *Ministry* document that outlines specific operational guidance that must be considered by the *Director* in issuing an *Approval*.
17. "*ESDM Report*" means the most current Emission Summary and Dispersion Modelling Report that

describes the *Facility*. The *ESDM Report* is based on the *Original ESDM Report*, is prepared after the issuance of this *Approval* in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by the *Company* or its consultant.

18. "*Facility*" means the entire operation located on the property where the *Equipment* is located.
19. "*Facility Production Limit*" means the production limit placed by the *Director* on the main product(s) or raw materials used by the *Facility*.
20. "*Jurisdictional Screening Level*" means a screening level for a *Compound of Concern* that is listed in the *Ministry* publication titled "Jurisdictional Screening Level (JSL) List, A Screening Tool for Ontario Regulation 419: Air Pollution - Local Air Quality", dated February 2008, as amended.
21. "*Log*" means the up-to-date log that is used to track all *Modifications* to the *Facility* since the date of this *Approval* as required by the Documentation Requirements conditions of this *Approval*.
22. "*Maximum Concentration Level Assessment*" means the Maximum Concentration Level Assessment for the purposes of an *Approval*, described in the *Basic Comprehensive User Guide*, prepared by a *Toxicologist* using currently available toxicological information, that demonstrates that the concentration at any *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*.
23. "*Ministry*" means the ministry of the government of Ontario responsible for the *EPA* and its regulations and includes all officials, employees or other persons acting on its behalf.
24. "*Ministry Point of Impingement Limit*" means the applicable Standard set out in Schedule 2 or 3 of *O.Reg. 419/05* or a limit set out 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 April 2012, as amended.
25. "*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 air or discharge or alter noise or vibration emissions from the *Facility*.
26. "*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.
27. "*O. Reg. 419/05*" means the Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended.
28. "*Original ESDM Report*" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by Tim Logan (O2E Inc.) and dated September 25, 2015 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*.
29. "*Performance Limits*" means the performance limits specified in Condition 3.2 of this *Approval* titled Performance Limits.
30. "*Point of Impingement*" has the same meaning as in section 2 of *O. Reg. 419/05*.
31. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-205* and/or *Publication NPC-232*, as applicable.
32. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2009, as amended.

33. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge a contaminant or contaminants into the air at an amount which is not considered as negligible in accordance with section 26(1)4 of *O. Reg. 419/05* and the *Procedure Document*.

34. "*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.

35. "*Publication NPC-207*" means the *Ministry* draft technical publication "Impulse Vibration in Residential Buildings", November 1983, supplementing the Model Municipal Noise Control By-Law, Final Report, published by the *Ministry*, August 1978, as amended.

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

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

38. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:

Schedule A - Supporting Documentation

39. "*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 contaminants.

40. "*Written Summary Form*" means the electronic questionnaire form, available on the *Ministry* website, and supporting documentation, that documents the activities undertaken at the *Facility* in the previous calendar year that must be submitted annually to the *Ministry* as required by the section of this *Approval* titled Reporting Requirements.

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

## **TERMS AND CONDITIONS**

### **1. GENERAL**

1.1 Except as otherwise provided by this *Approval*, the *Facility* shall be designed, developed, built, operated and maintained in accordance with the terms and conditions of this *Approval* and in accordance with the following *Schedules* attached hereto:

Schedule A - Supporting Documentation

### **2. LIMITED OPERATIONAL FLEXIBILITY**

2.1 Pursuant to section 20.6(1) of the *EPA* and subject to Conditions 2.2 and 2.3 of this *Approval*, future construction, alterations, extensions or replacements are approved in this *Approval* if the future construction, alterations, extensions or replacements are *Modifications* to the *Facility* that:

(a) are within the scope of the operations of the *Facility* as described in the *Description Section* of this *Approval*;

(b) do not result in an increase of the *Facility Production Limit* above the level specified in the *Description Section* of this *Approval*; and

(c) result in compliance with the *Performance Limits*.

2.2 Condition 2.1 does not apply to:

(a) the addition of any new *Equipment with Specific Operational Limits* or to the *Modification* of any existing *Equipment with Specific Operational Limits* at the *Facility*; or

(b) *Modifications* to the *Facility* that would be subject to the *Environmental Assessment Act*.

2.3 Condition 2.1 of this *Approval* shall expire ten (10) years from the date of this *Approval*, unless this *Approval* is revoked prior to the expiry date. The *Company* may apply for renewal of Condition 2.1 of this *Approval* by including an *ESDM Report* and an *Acoustic Assessment Report* that describes the *Facility* as of the date of the renewal application.

### **3. REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS**

#### **3.1 REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT**

3.1.1 If the *Company* proposes to make a *Modification* to the *Facility*, the *Company* shall determine if the proposed *Modification* will result in:

(a) a discharge of a *Compound of Concern* that was not previously discharged; or

(b) an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*.

3.1.2 If a proposed *Modification* mentioned in Condition 3.1.1 will result in the discharge of a *Compound of Concern* that was not previously discharged, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

(a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

(c) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern* and the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*.

(d) Prior to the proposed *Modification*, a contaminant was discharged in a negligible amount and the proposed *Modification* will result in the discharge of the contaminant being considered a *Compound of Concern*. Additionally, the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.3 If a proposed *Modification* mentioned in Condition 3.1.1 will result in an increase in the concentration at a *Point of Impingement* of a *Compound of Concern*, the *Company* shall submit a *Maximum Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

(a) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the *Acceptable Maximum Ground Level Concentration*.

(b) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level* and the concentration at a *Point of Impingement* will exceed the most recently accepted *Maximum Concentration Level Assessment* submitted under Condition 3.1.2 or this

Condition.

(c) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the *Acceptable Maximum Ground Level Concentration*.

(d) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level* and the most recently accepted *Maximum Concentration Level Assessment* submitted under Condition 3.1.2 or this Condition.

(e) The *Compound of Concern* does not have a *Ministry Point of Impingement Limit*, *Acceptable Maximum Ground Level Concentration* or a *Maximum Concentration Level Assessment* and the concentration at a *Point of Impingement* will exceed the *Jurisdictional Screening Level*.

3.1.4 Subject to the Operational Flexibility set out in Condition 2 of this *Approval*, the *Company* may make the *Modification* if the submission of a *Maximum Concentration Level Assessment* under Condition 3.1.2 or 3.1.3 is not required.

3.1.5 A *Company* that is required to submit an assessment under Condition 3.1.2 or 3.1.3 shall submit the assessment at least thirty (30) days before the proposed *Modification* occurs.

3.1.6 The *Ministry* shall provide to the *Company* written confirmation of the receipt of the assessment under Condition 3.1.2 or 3.1.3.

3.1.7 If an assessment is submitted under Condition 3.1.2 or 3.1.3, the *Company* shall not modify the *Facility* unless the *Ministry* accepts the assessment.

3.1.8 If the *Ministry* notifies the *Company* that it does not accept the assessment submitted under Condition 3.1.2 or 3.1.3, the *Company* shall:

(a) revise and resubmit the assessment; or

(b) notify the *Ministry* that the *Company* will not be modifying the *Facility*.

3.1.9 The re-submission under Condition 3.1.8 (a) is considered by the *Ministry* as a new submission.

## 3.2. **PERFORMANCE LIMITS**

3.2.1 Subject to Condition 3.2.2, the *Company* shall, at all times, ensure that all *Equipment* that is a source of a *Compound of Concern* is operated to comply with the following *Performance Limits*:

(a) for a *Compound of Concern* that has a *Ministry Point of Impingement Limit*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Ministry Point of Impingement Limit*;

(b) for a *Compound of Concern* that has an *Acceptable Maximum Ground Level Concentration* and no *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the corresponding *Acceptable Maximum Ground Level Concentration*; and

(c) for a *Compound of Concern* that has a *Maximum Concentration Level Assessment*, the maximum concentration of that *Compound of Concern* at any *Point of Impingement* shall not exceed the most recently accepted corresponding *Maximum Concentration Level Assessment*.

3.2.2 If the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, the *Company* shall, at all times, ensure that all *Equipment* that is a source of the *Compound of Concern* is operated such that the maximum concentration of the *Compound of Concern* shall not

exceed the concentration listed for the *Compound of Concern* in the most recent version of the *ESDM Report*.

3.2.3 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* or *Publication NPC-232*.

3.2.4 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*.

3.2.5 The *Company* shall, at all times, operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the *Original ESDM Report* and Conditions in this *Approval*.

#### **4. DOCUMENTATION REQUIREMENTS**

4.1 The *Company* shall, at all times, maintain documentation that describes the current operations of the *Facility*, including but not limited to:

- (a) an *ESDM Report* that demonstrates compliance with the *Performance Limits* for the *Facility*;
- (b) an *Acoustic Assessment Report* that demonstrates compliance with the *Performance Limits* for the *Facility*;
- (c) an up-to-date *Log* that describes each *Modification* to the *Facility*; and
- (d) a record of the changes to the *ESDM Report* and the *Acoustic Assessment Report* that documents how each *Modification* is in compliance with the *Performance Limits*.

4.2 The *Company* shall, during regular business hours, make the current *Emission Summary Table* and *Acoustic Assessment Summary Table* available for inspection at the *Facility* by any interested member of the public.

4.3 Subject to Condition 4.5, the *Company* shall prepare and complete no later than May 15 of each year documentation that describes the activities undertaken at the *Facility* in the previous calendar year, including but not limited to:

- (a) a list of all *Compounds of Concern* for which a *Maximum Concentration Level Assessment* was submitted to the *Director* for review by the *Air Standards Manager* pursuant to Condition 3.1.2 or 3.1.3 of this *Approval*;
- (b) if the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, a list and concentration level of all such *Compounds of Concern*;
- (c) a review of any changes to *Ministry Point of Impingement Limits* that affect any *Compounds of Concern* emitted from the *Facility*; and
- (d) a table of the changes in the emission rate of any *Compound of Concern* and the resultant increase or decrease in the *Point of Impingement* concentration reported in the *ESDM Report*.

4.4 Subject to Condition 4.5, the *Company* shall, at all times, maintain the documentation described in Condition 4.3.

4.5 Conditions 4.3 and 4.4 do not apply if Condition 2.1 has expired.

4.6 The *Company* shall, within three (3) months after the expiry of Condition 2.1 of this *Approval*, update the *ESDM Report* and the *Acoustic Assessment Report* such that they describe the *Facility* as it was at the time that Condition 2.1 of this *Approval* expired.

#### **5. REPORTING REQUIREMENTS**

5.1 Subject to Condition 5.2, the *Company* shall provide the *Ministry* and the *Director* no later than May 15 of each year, a *Written Summary Form* that shall include the following:

(a) a declaration of whether the *Facility* was in compliance with section 9 of the *EPA, O.Reg. 419/05* and the conditions of this *Approval*;

(b) a summary of each *Modification* that took place in the previous calendar year that 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 any *Point of Reception*.

5.2 Condition 5.1 does not apply if Condition 2.1 has expired.

## **6. OPERATION AND MAINTENANCE**

6.1 The *Company* shall prepare and implement, not later than three (3) months from the date of this *Approval*, operating procedures and maintenance programs for all *Processes with Significant Environmental Aspects*, which shall specify as a minimum:

(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;

(e) procedures to prevent and/or minimize noise emissions; and

(f) procedures for record keeping activities relating to the operation and maintenance programs.

6.2 The *Company* shall ensure that all *Processes with Significant Environmental Aspects* are operated and maintained at all times in accordance with this *Approval*, the operating procedures and maintenance programs.

## **7. COMPLAINTS RECORDING PROCEDURE**

7.1 If at any time, the *Company* receives any environmental complaints from the public regarding the operation of the *Equipment* approved by this *Approval*, the *Company* shall respond to these complaints according to the following procedure:

(a) the *Company* shall record and number each complaint, either electronically or in a log book, and shall include the following information: the time and date of the complaint and incident to which the complaint relates, the nature of the complaint, wind direction at the time and date of the incident to which the complaint relates and, if known, the address of the complainant;

(b) the *Company*, upon notification of a complaint, shall initiate appropriate steps to determine all possible causes of the complaint, and shall proceed to take the necessary actions to appropriately deal with the cause of the subject matter of the complaint; and

(c) the *Company* shall complete and retain on-site a report written within one (1) week of the complaint date, listing the actions taken to appropriately deal with the cause of the subject matter of the complaint and any recommendations for remedial measures, and managerial or operational changes to reasonably avoid the recurrence of similar incidents.

## **8. RECORD KEEPING REQUIREMENTS**

8.1 Any information requested by any employee in or agent of the *Ministry* concerning the *Facility* and



its operation under this *Approval*, including, but not limited to, any records required to be kept by this *Approval*, shall be provided to the employee in or agent of the *Ministry*, upon request, in a timely manner.

8.2 The *Company* shall retain, for a minimum of five (5) years from the date of their creation, except as noted below, all reports, records and information described in this *Approval* and shall include but not be limited to:

(a) If the *Company* has updated the *ESDM Report* in order to comply with Condition 4.1(a) of this *Approval*, a copy of each new version of the *ESDM Report*;

(b) If the *Company* has updated the *Acoustic Assessment Report*, in order to comply with Condition 4.1(b) of this *Approval*, a copy of each new version of the *Acoustic Assessment Report*;

(c) supporting information used in the emission rate calculations performed in the *ESDM Reports* and *Acoustic Assessment Reports* to document compliance with the *Performance Limits*(superseded information must be retained for a period of three (3) years after *Modification*);

(d) the *Log* that describes each *Modification* to the *Facility*;

(e) all documentation prepared in accordance with Condition 4.3 of this *Approval*;

(f) copies of any *Written Summary Forms* provided to the *Ministry* under Condition 5.1 of this *Approval*;

(g) the operating procedures and maintenance programs, including records on the maintenance, repair and inspection of the *Equipment* related to all *Processes with Significant Environmental Aspects*; and

(h) the complaints recording procedure, including records related to all environmental complaints made by the public as required by Condition 7.1 of this *Approval*.

## **9. REVOCATION OF PREVIOUS APPROVALS**

9.1 This *Approval* replaces and revokes all Certificates of Approval (Air) issued under section 9 *EPA* and Environmental Compliance Approvals issued under Part II.1 *EPA* to the *Facility* in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

## **SCHEDULE A**

### **Supporting Documentation**

(a) Application for Approval (Air & Noise), dated November 19, 2013, signed by Christopher Parkin, Manufacturing Engineering Manager, and submitted by the *Company*;

(b) Emission Summary and Dispersion Modelling Report, prepared by Tim Logan (O2E Inc.) and dated September 25, 2013;

(c) Acoustic Assessment Report prepared by Jakub Wrobel (O2E Inc.) and dated September 25, 2013.

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

## **GENERAL**

1. Condition No. 1 is included to require the *Approval* holder to build, operate and maintain the *Facility* in accordance with the Supporting Documentation in Schedule A considered by the *Director* in issuing this *Approval*.

## **LIMITED OPERATIONAL FLEXIBILITY, REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT AND PERFORMANCE LIMITS**

2. Conditions No. 2 and 3 are included to limit and define the *Modifications* permitted by this *Approval*, and to set out the circumstances in which the *Company* shall submit a *Maximum Concentration Level Assessment* prior to making *Modifications*. The holder of the *Approval* is approved for operational flexibility for the *Facility* that is consistent with the description of the operations included with the application up to the *Facility Production Limit*. In return for the operational flexibility, the *Approval* places performance based limits that cannot be exceeded under the terms of this *Approval*. *Approval* holders will still have to obtain other relevant approvals required to operate the *Facility*, including requirements under other environmental legislation such as the *Environmental Assessment Act*.

## **DOCUMENTATION REQUIREMENTS**

3. Condition No. 4 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the *Performance Limits* of this *Approval* and allows the *Ministry* to monitor on-going compliance with these *Performance Limits*. The *Company* is required to have an up to date *ESDM Report* that describes the *Facility* at all times and make the *Emission Summary Table* from that report available to the public on an ongoing basis in order to maintain public communication with regard to the emissions from the *Facility*.

## **REPORTING REQUIREMENTS**

4. Condition No. 5 is included to require the *Company* to provide a yearly *Written Summary Form* to the *Ministry*, to assist the *Ministry* with the review of the site's compliance with the *EPA*, the regulations and this *Approval*.

## **OPERATION AND MAINTENANCE**

5. Condition No. 6 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.

## **COMPLAINTS RECORDING PROCEDURE**

6. Condition No. 7 is included to require the *Company* to respond to any environmental complaints regarding the operation of the *Equipment*, according to a procedure that includes methods for preventing recurrence of similar incidents and a requirement to prepare and retain a written report.

## **RECORD KEEPING REQUIREMENTS**

7. Condition No. 8 is included to require the *Company* to retain all documentation related to this *Approval* and provide access to employees in or agents of the *Ministry*, upon request, so that the *Ministry* can determine if a more detailed review of compliance with the *Performance Limits* is necessary.

## **REVOCAION OF PREVIOUS APPROVALS**

8. Condition No. 9 is included to identify that this *Approval* replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 9737-7MSM5M issued on August 27, 2009.**

*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.

*Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.*

*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\*  
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  
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) 212-6349, 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, 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.*

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 8th day of July, 2014

Rudolf Wan, P.Eng.

Director

appointed for the purposes of Part II.1 of  
the *Environmental Protection Act*

JK/

c: Area Manager, MOE North Bay  
c: District Manager, MOE Sudbury  
Tim Logan/jakub Wrobel, O2E Inc.