

New ECA with LOF Template, Revised March 27, 2015

Description Section

A [??? type of manufacturing i.e., widget manufacturing] facility, consisting of the following processes and support units:

- [???];
- [???];
- [???];

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to [???] per [??? time period] 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 Point of Impingement Concentration" means a concentration accepted by the *Ministry* as not likely to cause an adverse effect for a *Compound of Concern* that,
 - (a) does not have a *Ministry Point of Impingement Limit* or a *Jurisdictional Screening Level*;
or
 - (b) has a concentration at a *Point of Impingement* that exceeds the *Jurisdictional Screening Level*.

With respect to the *Original ESDM Report* the *Acceptable Point of Impingement Concentration* for a *Compound of Concern* mentioned above is the concentration set out in the *Original ESDM Report*.

2. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by [consultant who prepared report / company name] and dated [date of Original AA Report] submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility*, as updated in accordance with Condition 5 of this *Approval*.
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*, as updated in accordance with Condition 5 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 that person 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 [legal name] operating as [business name] 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 described in paragraph 4 subsection 26 (1) of O. Reg. 419/05; namely, a contaminant that is discharged from the Facility in an amount that is not negligible.
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 for the purpose of section 20.3 of the EPA 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 a table described in paragraph 14 of subsection 26 (1) of O. Reg. 419/05; namely a table in the ESDM Report that compares the Point of Impingement concentration for each Compound of Concern to the corresponding Ministry Point of Impingement Limit, Acceptable Point of Impingement Concentration, 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 [specify all equipment with specific operational limits considered as part of the ECA with Limited Operation Flexibility if applicable] 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 and is updated after the issuance of this Approval in accordance with section 26 of O. Reg. 419/05 and the Procedure Document.
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 a document that contains a record of each change that is required to be made to the *ESDM Report* and *Acoustic Assessment Report*, including the date on which the change occurred. For example, a record would have to be made of a more accurate emission rate for a source of contaminant, more accurate meteorological data, a more accurate value of a parameter that is related to a source of contaminant, a change to a *Point of Impingement* and all changes to information associated with a *Modification* to the *Facility* that satisfies Condition 2.
22. "*Minister*" means the Minister of the Environment and Climate Change or such other member of the Executive Council as may be assigned the administration of this EPA under the Executive Council Act.
23. "*Ministry*" means the ministry of the *Minister*.
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 419/05: 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 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 [consultant who prepared report / company name] and dated [date of Original ESDM Report] submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*.
29. "*Point of Impingement*" has the same meaning as in section 2 of *O. Reg. 419/05*.
30. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-205* and/or *Publication NPC-232*, as applicable. (Being updated to NPC-300 – use reference consistent with applicable NPC document.)
31. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2009, as amended.

32. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge one or more contaminants into the air in an amount which is not considered as negligible in accordance with section 26 (1) 4 of *O. Reg. 419/05* and the *Procedure Document*.
33. "*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. (Delete if NPC-300 applies.)
34. "*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.
35. "*Publication NPC-232*" means the *Ministry* Publication NPC-232, "Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", October, 1995, as amended. (Delete if NPC-300 applies.)
36. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended.
37. "Publication NPC-300" means the *Ministry* Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended. (Delete if NPC-205 / NPC-232 applies.)
38. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:
- Schedule "A" - Supporting Documentation;
 - Schedule "B" - **Add as necessary;**
 - Schedule "C" - **Add as necessary; and**
 - Schedule "D" - **Add as necessary.**
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.

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

Schedule “B” - *add as necessary*

Schedule “C” - *add as necessary*

Schedule “D” - *add as necessary*

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 as specified in Condition 4.

- 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 (or date based on O. Reg. 419/05 phase-in dates or other site specific factors) 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. REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION

3.1 Prior to making a *Modification* to the *Facility* that satisfies Condition 2.1 (a) and (b), the *Company* shall prepare a proposed update to the *ESDM Report* to reflect the proposed *Modification*.

3.2 The *Company* shall request approval of an *Acceptable Point of Impingement Concentration* for a *Compound of Concern* if the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and a proposed update to an *ESDM Report* indicates

that one of the following changes with respect to the concentration of the *Compound of Concern* may occur:

- i. The *Compound of Concern* was not a *Compound of Concern* in the previous version of the *ESDM Report* and
 - A. the concentration of the *Compound of Concern* is higher than the *Jurisdictional Screening Level* for the contaminant; or
 - B. there is no *Jurisdictional Screening Level* for the contaminant.
- ii. The concentration of the *Compound of Concern* in the updated *ESDM Report* is higher than:
 - A. the most recent *Acceptable Point of Impingement Concentration*, and
 - B. the *Jurisdictional Screening Level* if a *Jurisdictional Screening Level* exists.

3.3 The request required by Condition 3.2 shall propose a concentration for the *Compound of Concern* and shall contain an assessment, performed by a *Toxicologist*, of the likelihood of the proposed concentration causing an adverse effect at *Points of Impingement*.

3.4 If the request required by Condition 3.2 is a result of a proposed *Modification* described in Condition 3.1, the *Company* shall submit the request, in writing, to the *Director* at least 30 days prior to commencing to make the *Modification*. **The *Director* shall provide written confirmation of receipt of this request to the *Company*.**

3.5 If a request is required to be made under Condition 3.2 in respect of a proposed *Modification* described in Condition 3.1, the *Company* shall not make the *Modification* mentioned in Condition 3.1 unless the request is approved in writing by the *Director*.

3.6 If the *Director* notifies the *Company* in writing that the *Director* does not approve the request, the *Company* shall,

- i. Revise and resubmit the request; or
- ii. Notify the *Director* that it will not be making the *Modification*.

3.7 The resubmission mentioned in Condition 3.7 shall be deemed a new submission under Condition 3.2.

3.8 If the *Director* approves the request, the *Company* shall update the *ESDM Report* to reflect the *Modification*.

3.9 Condition 3 does not apply if Condition 2.1 has expired.

4 PERFORMANCE LIMITS

4.1. Subject to Condition 4.2, the *Company* shall not discharge or cause or permit the discharge of a *Compound of Concern* into the air if,

- (a) the *Compound of Concern* has a *Ministry Point of Impingement Limit* and the discharge results in the concentration at a *Point of Impingement* exceeding the *Ministry Point of Impingement Limit*; or
- (b) the *Compound of Concern* does not have a *Ministry Point of Impingement Limit* and the discharge results in the concentration at a *Point of Impingement* exceeding the higher of,
 - (i) if an *Acceptable Point of Impingement Concentration* exists the most recent *Acceptable Point of Impingement Concentration*, and
 - (ii) the *Jurisdictional Screening Level* if a *Jurisdictional Screening Level* exists.

4.2 Condition 4.1 does not apply if the *Ministry Point of Impingement Limit* has a 10-minute averaging period and no ambient monitor indicates an exceedance at a *Point of Impingement* where human activities regularly occur at a time when those activities regularly occur.

4.3 The *Company* shall ensure that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-205* or *Publication NPC-232*. [select the applicable publication - the NPC documents are being updated to NPC-300].

4.4 The *Company* shall ensure that the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

4.5 The *Company* shall operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the *Original ESDM Report* (if there is any, include “and Conditions (insert relevant condition numbers as necessary) in this *Approval*.”)

5. DOCUMENTATION REQUIREMENTS

5.1. The *Company* shall maintain an up-to-date *Log*.

5.2. No later than [March 31 for Schedule 4 or 5 facilities, June 30 for other facilities] in each year, the *Company* shall update the *Acoustic Assessment Report* and shall update the *ESDM Report* in accordance with section 26 of *O. Reg. 419/05* so that the information in the reports is accurate as of December 31 in the previous year.

- 5.3. The *Company* shall make the *Emission Summary Table* (see section 27 of *O. Reg. 419/05*) and *Acoustic Assessment Summary Table* available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the *Facility*.
- 5.4. 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 the information in the reports is accurate as of the date that Condition 2.1 of this *Approval* expired.
- 5.5. Conditions 5.1 and 5.2 do not apply if Condition 2.1 has expired.

6. REPORTING REQUIREMENTS

- 6.1. Subject to Condition 6.2, the *Company* shall provide the *Director* no later than [June 30 for Schedule 4 or 5 facilities, August 31 for other facilities] of each year, a *Written Summary Form* to be submitted through the *Ministry's* website that shall include the following:
- (i) 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*;
 - (ii) a summary of each *Modification* satisfying Condition 2.1 (a) and (b) that took place in the previous calendar year that resulted in a change in the previously calculated concentration at a *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*.
- 6.2. Condition 6.1 does not apply if Condition 2.1 has expired.

7. OPERATION AND MAINTENANCE

- 7.1. 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.

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

8. COMPLAINTS RECORDING AND REPORTING

If at any time, the *Company* receives an environmental complaint from the public regarding the operation of the *Equipment* approved by this *Approval*, the *Company* shall take the following steps:

- (i) Record and number each complaint, either electronically or in a log book. The record 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.
- (ii) Notify the *District Manager* of the complaint **within two (2) business days after the complaint is received, or in a manner acceptable to the District Manager.**
- (iii) Initiate appropriate steps to determine all possible causes of the complaint, and take the necessary actions to appropriately deal with the cause of the subject matter of the complaint.
- (iv) Complete and retain an on-site a report written within one (1) week of the complaint date. The report shall list the actions taken to appropriately deal with the cause of the complaint and set out steps to be taken to avoid the recurrence of similar incidents.

9. RECORD KEEPING REQUIREMENTS

9.1 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.

9.2 Unless otherwise specified in this *Approval*, the *Company* shall retain, for a minimum of five (5) years from the date of their creation all reports, records and information described in this *Approval*, including,

- (a) a copy of the *Original ESDM Report* and each updated version;
- (b) a copy of each version of the *Acoustic Assessment Report*;
- (c) supporting information used in the emission rate calculations performed in the *ESDM Reports* and *Acoustic Assessment Reports* ;
- (d) the records in the *Log*;
- (e) copies of each *Written Summary Form* provided to the *Ministry* under Condition 6.1 of this *Approval*;

- (f) records of maintenance, repair and inspection of *Equipment* related to all *Processes with Significant Environmental Aspects*; and
- (g) all records related to environmental complaints made by the public as required by Condition 8 of this *Approval*.

10. REVOCATION OF PREVIOUS APPROVALS

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 Environmental Compliance Approval (Air & Noise), dated [???], signed by [???] and submitted by the *Company*;
- (b) Emission Summary and Dispersion Modelling Report, prepared by [???] and dated [???];
- (c) Acoustic Assessment Report, prepared by [???] and dated [???];
- (d) [???]