

Land Use Compatibility Report

**338 & 338 ½ Cumberland Ave
Hamilton, Ontario**

PN# 25017658

Prepared For

Matthew LeBlanc, MPL, BA (Hons)

**Urban Solutions
3 Studebaker Place, Unit 1
Hamilton, ON L8L 0C8**

Prepared By

Robert Fuller, P.Eng.

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April 29, 2024

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1.0 Introduction

At the request of Urban Solutions (Client), Thornton Tomasetti (TT) presents this Land Use Compatibility Report regarding the proposed development at 338 & 338 ½ Cumberland Avenue in Hamilton Ontario (the Project).

The purpose of this study is to assess the potential land use compatibility impacts between the Project and the surrounding commercial and industrial land uses.

2.0 Site and Surrounding Area

2.1 Project Location

The Project is located on the south side of Cumberland Avenue, between Norway Avenue to the west and Lorne Avenue to the east.

The Project is bordered on the south by the CP Kinnear Yard, and on the east and west by “restricted light industrial” lands, and is otherwise in a generally residential neighbourhood.

An illustration of the Project location and surrounding area is provided in Figure 1.

2.2 Zoning & Official Plan

The majority of the Project site, and the adjacent properties on either side of it are currently zoned as JJ – Restricted Light Industrial.

The properties adjacent to the north of the Property (still south of Cumberland) as well as the majority of the surrounding area is zoned for residential and institutional uses.

The CP rail yard adjacent to the south is zoned as J – Light & Limited Heavy Industry.

The official plan illustrates the Project site and surrounding area as “neighbourhoods”, with the rail yard noted as “utility”.

Copies of the referenced zoning and official plan maps are provided in Figure 2 and Figure 3.

2.3 Planned Development

The proposed development will include 12 townhouse units on the west portion of the Project Site, each of which will be approximately 3 stories tall, with parking to the south (adjacent to the rail yard) and an amenity area located on the east portion of the Project Site.

A copy of the proposed Site Plan is provided in Figure 4.

3.0 Land Use Compatibility

Industrial and sensitive land uses are commonly separated by Land Use Planning Authorities (LUPAs) in their official plans and zoning by-laws. When these types of land use occur near each other there is a potential for conflict due to contaminants such as noise, dust and odours from the industrial land use(s). While industrial facilities are required to limit their impacts on surrounding sensitive land uses and are often designed with mitigation measures intended to address existing neighbors, the introduction of new sensitive receptors can lead to increased complaints, and more stringent mitigation requirements for existing facilities.

3.1 Regulatory Background

3.1.1 Provincial Policy Statement

The Provincial Planning Statement, 2024 Under the Planning Act (PPS), published by the government of Ontario came into effect on October 20, 2024. Section 3.5 of the PPS reads as follows:

3.5.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Ontario's Planning Act requires that land use planning decisions "shall be consistent" with the Provincial Policy Statement.

3.1.2 Environmental Protection Act

Section 9 of *Ontario's Environmental Protection Act* (EPA) requires that industrial facilities obtain an approval to operate from the MECP.

Approval, plant or production process

9 (1) No person shall, except under and in accordance with an environmental compliance approval,
(a) use, operate, construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water; or
(b) alter a process or rate of production with the result that a contaminant may be discharged into any part of the natural environment other than water or the rate or manner of discharge of a contaminant into any part of the natural environment other than water may be altered.

In order to obtain and maintain this approval, industrial facilities are required to demonstrate that their emissions (including noise emissions) are within applicable limits at nearby sensitive receptors.

It should be noted that certain facilities, such as rail yards, are exempted from these requirements, as they fall under federal jurisdiction.

3.2 Recommended Setbacks

The *D-6 Compatibility Between Industrial Facilities* (D6) guideline published by the MECP was last revised in July 1995, and sets out potential influence areas, as well as minimum recommended separation distances for industrial facilities from sensitive land uses.

The D6 guidelines are generally accepted as applicable screening standards for demonstrating compliance with the PPS and GP requirements for land use compatibility. In cases where a sensitive land use would be located within the identified influence area or minimum recommended separation distance, additional consideration and mitigation is required to ensure that the sensitive land use is not subject to adverse effects, and the industrial facility is not unreasonably limited in its operations.

The separation distances may be determined from different points on the properties depending on the site conditions; however, the typical measurement is based on the property lines. Table 1 provides the potential influence area and recommended minimum separation distance from the industrial facility to the sensitive land use. Table 2 is a list of applicable criteria for the categorization of the industrial facilities.

Table 1: D-6 Separation Distances for Industry Classes

Category	Potential Influence Area	Recommended Minimum Separation Distance
Class I	70m	20m
Class II	300m	70m
Class III	1000m	300m

Table 2: D-6 Industrial Categorization Criteria

Category	Outputs	Scale	Process	Operation/Intensity
Class I	<ul style="list-style-type: none"> - Sound not audible off property - No ground borne vibration on plant property - Infrequent and not intense dust and/or odour 	<ul style="list-style-type: none"> - No outside storage - Small scale plant or scale is irrelevant in relation to all other criteria for this Class 	<ul style="list-style-type: none"> - Self-contained plant or building which produces/stores a packaged product - Low probability of fugitive emissions 	<ul style="list-style-type: none"> - Daytime operations only - Infrequent movement of products and/or heavy trucks
Class II	<ul style="list-style-type: none"> - Sound occasionally audible off property - Possible ground borne vibration, but cannot be perceived off property - Frequent and occasionally intense dust and/or odour 	<ul style="list-style-type: none"> - Outside storage permitted - Medium level of production allowed 	<ul style="list-style-type: none"> - Open process - Periodic outputs of minor annoyance - Low probability of fugitive emissions 	<ul style="list-style-type: none"> - Shift operations permitted - Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours
Class III	<ul style="list-style-type: none"> - Sound frequently audible off property - Ground borne vibration can frequently be perceived off property - Persistent and/or intense dust and/or odour. 	<ul style="list-style-type: none"> - Outside storage of raw and finished products - Large production levels 	<ul style="list-style-type: none"> - Open process - Frequent outputs of major annoyances - High probability of fugitive emissions 	<ul style="list-style-type: none"> - Continuous movement of products and employees - Daily shift operations permitted

In addition to the D6 guidelines, the *Federation of Canadian Municipalities and Railway Association of Canada (FCM/RAC) Guidelines for New Development in Proximity to Railway Operations* provides Canada

wide guidance regarding the assessment of rail impacts, including noise and vibration, on new developments. A summary of these recommendations is provided in Table 3.

Table 3: FCM/RAC Guidelines

Rail Infrastructure	Potential Noise Influence Radius	Recommended Minimum Separation*	Recommended Minimum Noise Barrier Height**	Potential Vibration Influence Radius	Recommended Maximum Vibration Impact
Freight Rail Yard	1000 m	300 m	Varies	75 m	0.14 mm/s RMS between 4 Hz and 200 Hz.
Principle Main Line	300 m	30 m	5.5 m		
Secondary Main Line	250 m	30 m	4.5 m		
Principle Branch Line	150 m	15 m	4.0 m		
Secondary Branch Line	75 m	15 m	N/A		
Spur Line	75 m	15 m	N/A		

*Measured from closest rail property line to new building façade.

**Height relative to top of rail. For developments directly adjacent to rail facilities, to be constructed adjoining & parallel to the railway right-of-way, with returns at both ends.

Based on the FCM/RAC guidelines, a freight rail yard should be treated similarly to a Class III industrial facility for the purposes of potential influence area and recommended minimum separation distance.

The D6 guideline also states that: *“When a change in land use is proposed for either industrial or sensitive land use, less than the minimum separation distance ... may be acceptable subject to either the municipality or the proponent providing a justifying impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses). Mitigation is the key to dealing with less than the minimum to the greatest extent possible.”*

3.3 Surrounding Commercial and Industrial Facilities

Based on a review of satellite imagery, zoning maps, and existing MECP approvals in the vicinity of the Project area, TT has identified the actual or potential commercial and industrial facilities listed in Table 4 and illustrated in Figure 5 and Figure 6 for consideration.

Table 4: Actual or Potential Industrial Facilities Surrounding the Project

Category	Location	Distance (Property Line)	Description	Inside Potential Influence Area?	Inside Recommended Setback Distance?
Class I	324 Cumberland Avenue	0m	Restricted Light Industrial Zoning	Yes	Yes
Class I	358 Cumberland Avenue	0m	Hamilton Hydronics Ltd.	Yes	Partially
Class I	318 Cumberland Avenue	15m	Beautiful Bathrooms & Kitchens	Yes	Partially

Category	Location	Distance (Property Line)	Description	Inside Potential Influence Area?	Inside Recommended Setback Distance?
Class I	312 Cumberland Avenue	25m	Commander Lift Equipment	Yes	No
Class I	400 Cumberland Avenue	40m	Notre-Dame Catholic Elementary School	Yes	No
Class I	88 Maplewood Avenue	130m	St. Peter's Hospital	No	No
Class I	711 Concession Street	450m	Hamilton Health Sciences & Henderson Cogeneration Facility	No	No
Class III	Adjacent to South	0m	CP Kinnear Yard	Yes	Yes

Environmental Approvals (where applicable) for these facilities are included in Appendix B.

3.4 Facilities within Potential Influence Area

3.4.1 312 Cumberland Avenue

312 Cumberland Avenue are occupied by Commander Lift Equipment. Based on TT's observations from publicly accessible areas and online research, this business appears to have no outdoor storage, to operate within a self-contained building and have daytime operations only, therefore it is considered a Class I industry. Other existing noise sensitive residential land uses are located closer to this industry, in a similar direction as the Project.

The Project is not expected to represent a land use conflict with this industry.

3.4.2 Notre-Dame Catholic Elementary School

Although an elementary school is a potential source of noise emissions (bells, announcements, children playing, etc.) these types of facilities are frequently located within residential areas, and are not expected to result in any significant noise complaints or land use compatibility issues.

Other facilities whose potential influence area includes the Project site are addressed in Section 3.5

3.5 Facilities within Recommended Minimum Setback

3.5.1 324 Cumberland Avenue

324 Cumberland Avenue does not appear to be currently occupied by any commercial / industrial activities.

3.5.2 358 Cumberland Avenue

358 Cumberland Avenue, occupied by Hamilton Hydronics Limited does not operate under an Environmental Compliance Approval. Based on TT's observations made from publicly accessible areas, as well as satellite imagery, the property appears to be occupied by a workshop with rooftop ventilation.

This business appears to have no outdoor storage, to operate within a self-contained building and have daytime operations only, therefore it is considered a Class I industry.

Although the properties are adjacent, the visible equipment at 358 Cumberland Avenue is located approximately 45m from the closest façade of the Project building.

Other existing noise sensitive residential land uses are located closer to this industry, in a similar direction as the Project.

The Project is not expected to represent a land use conflict with this industry.

3.5.3 318 Cumberland Avenue

318 Cumberland Avenue, occupied by Beautiful Bathrooms & Kitchens appears to be operated as a warehouse / showroom, and is not expected to house activities which are a source of significant noise, dust or odour emissions.

The Project is not expected to represent a land use conflict with this industry.

3.5.4 Adjacent CP Kinneer Yard

The adjacent CP Kinneer Yard is within both its 1000m setback and 300m recommended minimum separation distances of the Project.

Based on the other surrounding land uses (residential, elementary school, hospital, etc.) sensitive development within these guideline distances would not be unusual for the area. The Project will represent one of the closest sensitive receptors, but other residential properties to the east and west are also located adjacent to the rail yard.

In order to mitigate potential land use compatibility issues, the following nuisance effects from the rail yard should be addressed:

Noise & Vibration

Noise and vibration impacts from the rail yard operations on the Project are discussed in detail under separate cover (338 & 338 ½ Cumberland Ave Hamilton ON Noise and Vibration Impact Study Report, dated July 11, 2025).

Air Quality, Dust & Odour

Exhaust from locomotives, as well as physical rail yard activities are potential sources of air quality, dust and odour impacts on the Project.

The Project should include central HVAC systems, with air intakes located on the north side of the buildings (facing away from the rail yard). These systems should be fitted with filters suitable to remove fine particulate matter (HEPA filter) and odours from makeup air intakes.

4.0 Concluding Comments

The Project is located adjacent to the CP Kinnear Yard, although this proximity is not unusual for the neighborhood.

Because rail yards are not subject to provincial air or noise limits, and other existing noise sensitive properties in the vicinity are also adjacent to the rail yard, the Project is not expected to result in new or unusual challenges for CP's rail yard operations.

Other restricted light industrial activities in the vicinity of the Project are not expected to be of significant land use compatibility concern, as they are primarily warehousing and small workshops, with daytime operations and self contained activities.

To minimize the likelihood of future complaints the mitigation measures, and other recommendations identified in Section 3.5.4 of this report and the Noise and Vibration Impact Study report provided under separate cover should be implemented in the Project's design.

Please do not hesitate to contact us if there are any questions.

Yours Truly,

Thornton Tomasetti



Robert Fuller, P.Eng.
Project Engineer

5.0 Disclaimers

This report is provided in accordance with the contractual agreement between TT and the Client. In addition to our contractual obligations TT notes the following general disclaimers and qualifications regarding the content of this report.

In preparing this report, TT has relied upon the accuracy and completeness of information provided by the Client and other third parties (manufacturers, other consultants, etc.) and accepts no responsibility for errors or omissions by other parties in the information provided to TT.

This report has been prepared solely for the benefit of the Client and the content of this report is intended for informational purposes only. This report shall not be relied upon by any other parties, including but not limited to other consultants retained by the Client, or utilized for any other purposes.

Ultimate responsibility for the design and construction remains solely with the architect/engineer of record and/or the contractor(s). Achieving the required mitigation requirements relies on correct incorporation of mitigation recommendations into Architectural and Mechanical drawings and specifications, as well as correct installation during construction. It is recommended that the implementation of mitigation measures be reviewed by a qualified consultant.

On request, TT will provide a proposal for additional work such as to peer review mitigation measures or observe on-site conditions as appropriate; however, notwithstanding the foregoing, it is expressly understood and agreed that TT shall not have control or charge of, and shall not be responsible for the

acts or omissions, including but not limited to means, methods, techniques, sequences and procedures, of the Design Professionals and/or Contractors performing design and/or construction on the Project. Accordingly, TT shall not be held responsible for the failure of any party to properly incorporate the mitigation measures stated in this report.

Appendix A - Figures

Figure 1: Project Location

Figure 2: Zoning Map

Figure 3: Official Plan Map

Figure 4: Site Plan

Figure 5: Facilities Within Influence Area

Figure 6: Facilities Within Recommended Setback



Norway Avenue
 Residential
 Lorne Avenue
 Project Site
 Cumberland Avenue
 School
 Restricted Light Industrial
 CP Kinnear Yard

Thornton Tomasetti
 366 Revus Avenue, Unit 23
 Mississauga, ON Canada L5G 4S5
 Tel: 905.271.7888 Fax: 905.271.1846
 www.thorntontomasetti.com

SITE LOCATION & SURROUNDINGS
338 Cumberland Avenue
 PROJECT NUMBER: 25017658

DATE: 2025/07/11 SCALE: NTS

No.1	LAND USE COMPATIBILITY STUDY
No.2	
No.3	
	INFORMATION ONLY
	NOT FOR CONSTRUCTION

July 11, 2025

DRAWING NUMBER
FIGURE 1
 © THORNTON TOMASETTI, Inc. 2014

Figure 2 - Zoning Map

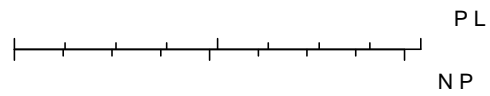
& LW \ RI + DPLOWRQ = RQLQJ 0DS



30

Zoning Legend:

A - Conservation, open space, park and recreation	E - Multiple dwellings, lodges, clubs, etc.
C - Urban protected residential, etc.	I1 - Neighbourhood institutional
D - Urban protected residential - one and two family dwellings, etc.	I3 - Major institutional
DE-H/S-1472 - Low density multiple dwellings	J - Light and limited heavy industry, etc.
D/S-476 - Urban protected residential - one and two family dwellings, etc.	JJ - Restricted light industrial district
	M-14 - Prestige industrial
	P1 - Neighbourhood park



& LW \ RI + DPLOWRQ & LW \ RI + DPLOWRQ :HE *,6)UDP

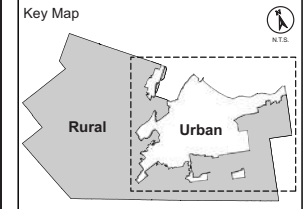
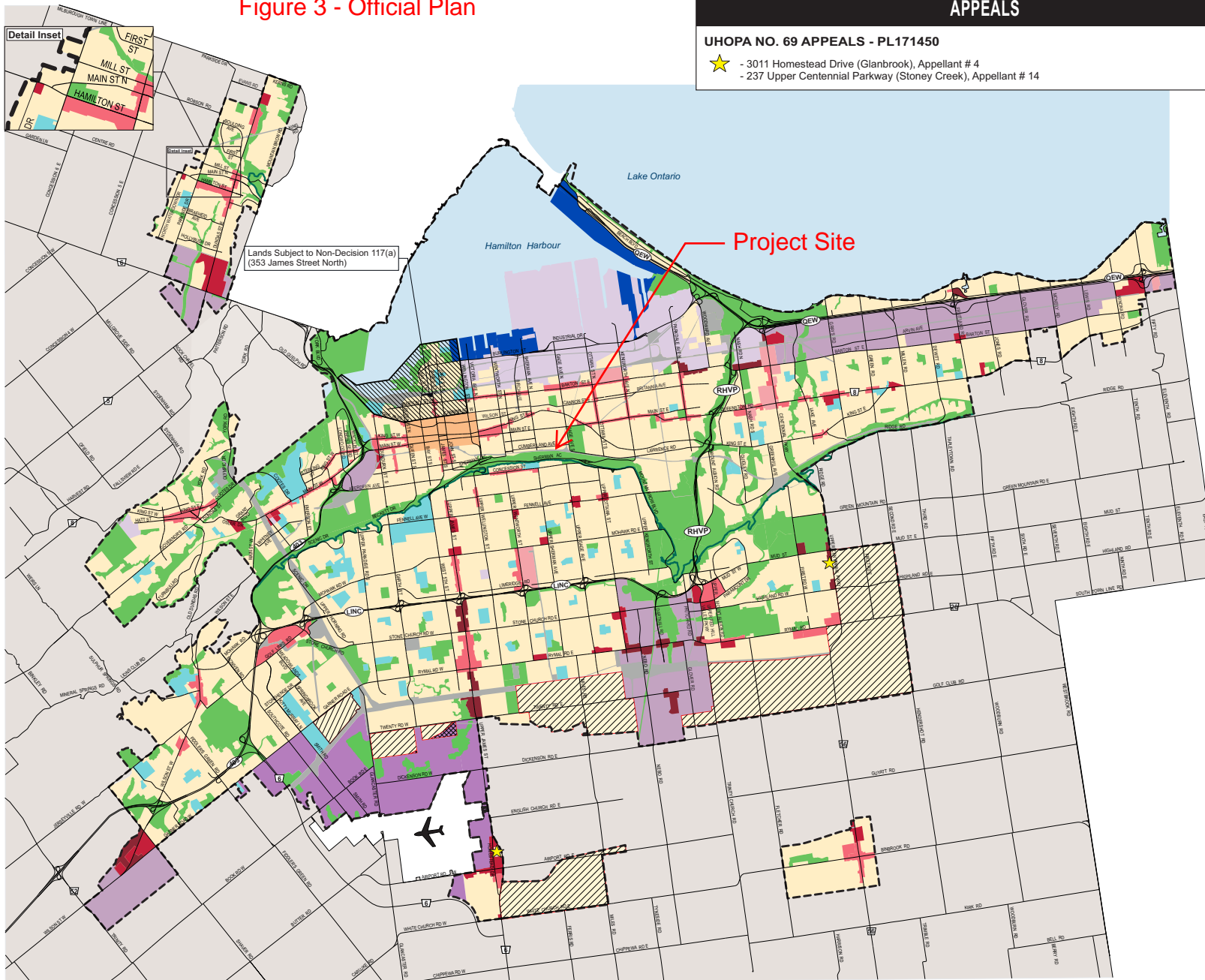
7KH & LW \ RI + DPLOWRQ LV QRW OLDEOH IRU DQ \ GDP
7KLV SURGXFW LV IRU LQIRUPDWLRQDO SXUSRVHV DQG PD \ QRW KDYH EHHQ SUHSDUHG IR

Figure 3 - Official Plan

APPEALS

UHOPA NO. 69 APPEALS - PL171450

- ★ - 3011 Homestead Drive (Glanbrook), Appellant # 4
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Legend**
- Neighbourhoods
 - Open Space
 - Institutional
 - Utility
 - Urban Expansion Area - Neighbourhoods
 - Urban Expansion Area - Employment
- Commercial and Mixed Use Designations**
- Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Arterial Commercial
- Employment Area Designations**
- Industrial Land
 - Business Park
 - Airport Employment Growth District
 - Shipping & Navigation
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non-Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Schedule E-1
 Urban Land Use Designations**

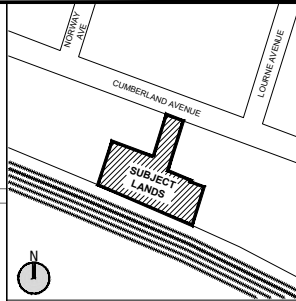
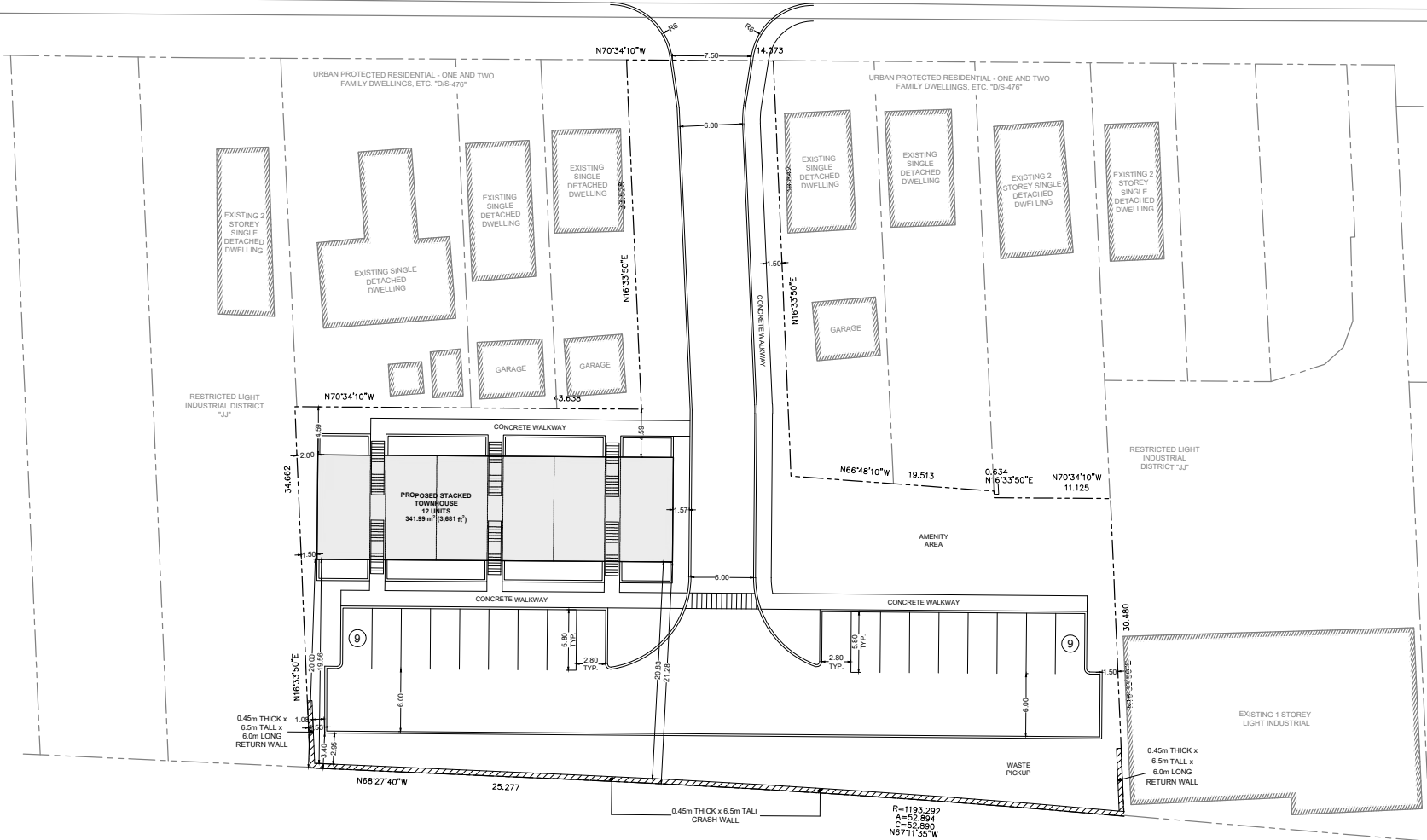


Date: Oct. 2023
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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CUMBERLAND AVENUE

SCALE 1:400



SCALE 1:400
METRES

LEGEND

- SUBJECT LANDS
- PROPOSED BUILDING

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON CHECKED BY: M. JOHNSTON
DRAWN BY: S. ERICKSON DATE: JUNE 11, 2025

URBAN SOLUTIONS
est. 2004
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
338 & 338 1/2
CUMBERLAND AVENUE
CITY OF HAMILTON

CLIENT:
2115616 ONTARIO INC.

TITLE:
CONCEPT PLAN

LUS FILE NUMBER: SHEET NUMBER:
349-20 1



88 Maplewood Avenue
St. Peter's Hospital
ECA #5238-92RP6T

318 Cumberland Avenue
Beautiful Bathrooms & Kitchens

312 Cumberland Avenue
Commander Lift Equipment

CP Rail Yard

70m

358 Cumberland Avenue
Hamilton Hydronics Ltd.

400 Cumberland Ave
Noire-Dame Catholic Elementary School

300m

711 Concession St.
Hamilton Health Sciences
EASR #R-010-5113321671
Henderson Cogeneration Facility
CofA #3481-65PN4F

1000m

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FACILITIES AND POTENTIAL INFLUENCE AREA

338 Cumberland Avenue
PROJECT NUMBER: 25017658

DATE: 2025/07/11 SCALE: ON DRAWING

No.1	LAND USE COMPATIBILITY STUDY
No.2	
No.3	
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July 11, 2025

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FIGURE 5
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 Tel: 905.271.7888 Fax: 905.271.1846
 www.thorntontomasetti.com

**FACILITIES AND MINIMUM
RECOMMENDED SEPARATION**

338 Cumberland Avenue
 PROJECT NUMBER: 25017658

DATE: 2025/07/11 SCALE: ON DRAWING

No.1	LAND USE COMPATIBILITY STUDY
No.2	
No.3	
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July 11, 2025

DRAWING NUMBER
FIGURE 6

© THORNTON TOMASETTI, Inc. 2014

Appendix B – Environmental Approvals



AMENDMENT TO CERTIFICATE OF APPROVAL

AIR

NUMBER 3481-65PN4F

Notice No. 1

Issue Date: July 26, 2008

Bay Area Health Trustee Corp.
1200 Main St W
Hamilton, Ontario
L8N 3Z5

Site Location: Henderson Cogeneration Facility
711 Concession Street
Hamilton City,

You are hereby notified that I have amended Certificate of Approval No. 3481-65PN4F issued on April 13, 2005 for the extension of the date to cease operation of the Diesel Generators, as follows:

The following Condition:

2. The Company shall cease operation of the Diesel Generators by June 1, 2007.

is revoked and replaced by the following:

2. The Company shall cease operation of the Diesel Generators by July 31, 2009.

all in accordance with the application for amendment to Certificate of Approval dated July 31, 2007, signed by John T. Pappain, Vice President Energy Services, and supporting information and documentation prepared by John Chandler of A.J. Chandler and Associates Ltd.

All other Terms and Conditions remain the same.

This Notice shall constitute part of the approval issued under Certificate of Approval No. 3481-65PN4F dated April 13, 2005

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 and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. 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;

CONTENT COPY OF ORIGINAL

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 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**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 26th day of July, 2008

Ian Greason, P.Eng.
Director
Section 9, *Environmental Protection Act*

AS/
c: District Manager, MOE Hamilton - District
John Chandler, A.J. Chandler & Associates Ltd.



Ministry
of the
Environment

Ministère
de
l'Environnement

CERTIFICATE OF APPROVAL
AIR
NUMBER 3481-65PN4F

Bay Area Health Trust
711 Concession Street
Hamilton, Ontario
L8V 1C3

Site Location: Henderson Cogeneration Facility
711 Concession Street, Hamilton, Ontario.

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

- four (4) natural gas fired reciprocating engine co-generation systems, each generating 1750 kilowatts of electrical power, equipped with a natural gas fired heat recovery steam generator firing at a maximum heat input of 6.86 Gigajoules per hour. When the generators are off line, the fired heat recovery steam generator will operate at a maximum of 10 gigajoules per hour. Each system discharges into the atmosphere through a separate stack having an exit diameter of 0.51 metre, extending 35 metres above grade. The generators and the generator building are equipped with Noise Control Measures specified in Schedule A;
- a natural gas fired supplemental boiler having a maximum heat input of 22 Gigajoules per hour, exhausting into the atmosphere via a stack having an exit diameter of 0.71 metre, extending 35 metres above grade;
- one (1) cooling tower with three cells, Low Sound Fan model, each cell has a water flow rate of 141 litres per second and a volumetric flow rate of 103 actual cubic metres per minute, discharging at 14 metres above grade, equipped with Noise Control Measures specified in Schedule A;
- chiller room containing one (1) chiller, acoustically designed as specified in the Noise Study and equipped with Noise Control Measures specified in Schedule A;

all in accordance with the application for a Certificate of Approval (Air), dated October 3, 2004, signed by J. Pappain, and all supporting information including the Noise Study and letter dated January 28, 2005, signed by J. Pappain.

SCHEDULE A

Schedule A forms part of this Certificate of Approval (Air)

Noise Control Measures - Natural Gas Generators

The natural gas generators and the boiler building shall be designed in accordance with the Noise Study and equipped with the following Noise Control Measures, specified in the Noise Study:

- absorptive ceiling as specified in the Noise Study;
- external walls of the generator room within the boiler building as specified in the Noise Study;
- one (1) silencer for the air supply (intake) plenum of each of the four (4) generators, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	18	35	36	43	55	45	33	32

CONTENT COPY OF ORIGINAL

- one (1) silencer for the air exhaust plenum of each of the four (4) generators, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	8	14	20	12	6	6	5	3

- one (1) exhaust muffler (silencer) for the combustion exhaust of each of the four (4) generators, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	23	37	40	38	37	37	41	41

- exterior doors as specified in the Noise Study;

SCHEDULE A (continued)

Noise Control Measures - Cooling Tower and Chiller Room

Each cooling tower cell shall be designed in accordance with the Noise Study and equipped with the following measures, as specified in the Noise Study:

- one (1) silencer for each of the two (2) air intake openings, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	3	6	10	11	12	11	10	8

- one (1) silencer for air outlet located on the top of the cooling tower, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	1	4	8	12	8	7	6	4

The chiller room shall be designed as specified in the Noise Study.

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

1. "Act" means the *Environmental Protection Act*;
2. "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act;
3. "Company" means Bay Area Health Trust;
4. "Diesel Generators" means the Wing 15 Diesel Generator, the Wing 90 Diesel Generator and the Cancer Wing Diesel Generator, described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;
5. "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the Act;
6. "District Manager" means the District Manager, Hamilton District Office, West Central Region of the Ministry;
7. "Equipment" means the four (4) natural gas generator sets, one (1) cooling tower with three cells and one (1) chiller, described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;
8. "Facility" means the entire operation located on the property where the Equipment is located;

9. "Independent Acoustical Consultant" means an Acoustical Consultant not representing the Company and not involved in the noise/vibration assessment or the design/implementation of noise control measures for the Facility/Equipment. The Independent Acoustical Consultant shall not be retained by the Consultant involved in the noise/vibration impact assessment or the design/implementation of noise/vibration control measures for the Facility/Equipment;

10. "Manual" means a document or a set of document that provides written instruction to staff of the Company;

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

12. "Noise Control Measures" means: - four (4) air intake silencers, four (4) air exhaust silencers, four (4) combustion mufflers silencers) and additional acoustic treatment for the gas generator building;

- one (1) air exhaust silencer and additional acoustic design/treatment for the chiller room;

- six (6) air intake silencers and three (3) exhaust silencers for the cooling towers;

- fenestration requirements of the maternity building, Wing 40, of the hospital;

described in the Company's application, this Certificate and in the supporting documentation referred to herein, including the Noise Study, to the extent approved by this Certificate;

13. "Noise Study" means the Noise Study for Henderson General Hospital Co-generation Project prepared for Bay Area Health Trust, prepared by J.E. Coulter Associates Limited, dated September 7, 2004, supplemented by a letter, prepared by J.E. Coulter Associates Limited, dated January 14, 2005;

14. "Publication NPC-103" means Ministry Publication NPC-103 "Procedures" of the Model Municipal Noise Control By-Law, Final Report, August 1978;

15. "Publication NPC-205" means Ministry Publication NPC-205 "Sound level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995; or "Publication NPC-232" means Ministry Publication NPC-232 "Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", October 1995;

16. "Publication NPC-233" means Ministry Publication NPC-233 "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995.

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

TERMS AND CONDITIONS

OPERATION AND MAINTIENANCE

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 commencement of operation of the Equipment 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) procedures for any record keeping activities relating to operation and maintenance of the Equipment;

(d) procedures for optimizing the operation of the Equipment to minimize the emissions from the Equipment;

(e) all appropriate measures to minimize odour, noise and visible emissions from all potential sources from the Facility;

(2) implement the recommendations of the operating and maintenance Manual; and

(3) retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.

2. The Company shall cease operation of the Diesel Generators by June 1, 2007.

3. The Company shall restrict periodic testing of the Diesel Generators to the daytime period between 7 AM and 7 PM.

4. The Company shall ensure that only one (1) of the Diesel Generators is periodically tested at any one time.

5. The Company shall carry out the periodic testing of the Diesel Generators at a reduced load of 50% or less.

6. The Company shall fully implement the Noise Control Measures prior to commencement of operations of the Equipment.

PERFORMANCE

7. The Company shall ensure that the noise emissions from the Facility comply with the limits set in Publication NPC-205.

ACOUSTIC AUDIT

8. 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 a 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 three (3) months after the commencement of operation of the Equipment;

(3) the submitted report shall include sound levels representing the noise between the west wall of the boiler building and the adjacent maternity building, Wing 40, of the Henderson General Hospital, measured at representative locations, and comparison with the predicted sound levels in the Noise Study.

9. 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.

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

1. Conditions Nos. 1, 2, 3, 4, 5 and 6 are 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. Conditions No. 7 are included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Facility.

3. Condition No. 8 is included to require the Company to gather accurate information so that the environmental noise impact and subsequent compliance with the Act, the regulation and this Certificate can be verified.

4. Condition No. 9 is included to ensure that the acoustic audit is carried out in accordance with procedures set in the Ministry's Noise Guidelines.

CONTENT COPY OF ORIGINAL

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
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 13th day of April, 2005

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

QN/
c: District Manager, MOE Hamilton - District
A. John Chandler, A.J. Chandler & Associates Ltd.


CERTIFICATE OF APPROVAL
AIR

NUMBER 4670-8GKRZK

Issue Date: May 16, 2011

City of Hamilton
 77 James Street North, Suite 400
 Hamilton, Ontario
 L8R 2K3

Site Location: Scott Park Arena & Jimmy Thompson Pool
 876 Cannon Street East & 1099 King Street East
 Hamilton, Ontario
 L8M 1E2

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

- Six (6) natural gas-fired boilers having a combined maximum thermal input of 6,059,000 kilojoules per hour; and
- One (1) natural gas-fired hot water heater having a maximum thermal input of 644,000 kilojoules per hour;

all in accordance with the Application for a Certificate of Approval (Air) dated September 9, 2010 and signed by Kevin Berry, Project Manager, Recreation, City of Hamilton, and all supporting information associated with the application including additional information provided by AMEC Earth & Environmental, dated September 10, 2010, and signed by Chantal McCollum, and Connie Lum.

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

- (1) "Act" means the *Environmental Protection Act*;
- (2) "Certificate" means this Certificate of Approval issued in accordance with Section 9 of the Act;
- (3) "Equipment" means heating, ventilation and air conditioning unit, radiant heater, and hot water tank, described in the Owner's application(s), this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate;
- (4) "Owner" means City of Hamilton, and includes its successors and assignees; and
- (5) "Publication NPC-205" means Ministry Publication NPC-205 "Sound level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995.

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

TERMS AND CONDITIONS

1. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Certificate, the application for approval of the Equipment and the submitted supporting documents and plans and specifications as listed in this Certificate.
2. Where there is a conflict between a provision of any submitted document referred to in this Certificate and the Conditions of this Certificate, the Conditions in this Certificate shall take precedence, and where there is a conflict between

the listed submitted documents, the document bearing the most recent date shall prevail.

3. The Company shall ensure that the noise emissions from the Equipment comply with the limits set in Publication NPC-205.

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

1. Conditions No. 1 and 2 are imposed to ensure that the Equipment is built and operated in the manner in which they were described for review and upon which approval was granted. These conditions are also included to emphasize the precedence of Conditions in the Certificate and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.

2. Condition No. 3 is included to provide minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility/Equipment.

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 and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. 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 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**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 16th day of May, 2011

Sherif Hegazy, P.Eng.
Director
Section 9, *Environmental Protection Act*

NB/
c: District Manager, MOE Hamilton District Office

Chantal McCollum, AMEC Earth and Environmental

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

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 5238-9ZRP6T

Issue Date: August 28, 2015

Hamilton Health Sciences Corporation
1200 Main Street West
Hamilton, Ontario
L8N 3Z5

Site Location: St. Peter's Hospital
88 Maplewood Avenue
Hamilton City
L8M 1W9

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:

- one (1) cooling tower, having a maximum water flow rate of 90.85 litres per second, exhausting to the atmosphere at a total maximum volumetric flow rate of 56.5 cubic metres per second, through two (2) attenuation hoods, each having dimensions of 1.67 metres by 2.01 metres, terminating 6.14 metres above the roof and 12.2 metres above grade;

- one (1) duct silencer for the cooling tower inlet capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	1	5	10	17	15	16	13	9

- one (1) duct silencer for the cooling tower discharge capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	1	1	2	7	11	8	9	7

- one (1) standby diesel generator set, having a rating of 400 kilowatts, to provide power for general building loads during emergency situations, exhausting to the atmosphere through a stack having an exit diameter of 0.203 metre, extending 23 metres above grade;

- one (1) muffler for the 400 kilowatt engine combustion exhaust, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	16	30	38	35	30	28	28	30

- one (1) standby diesel generator set, having a rating of 100 kilowatts, to provide power for general building loads during emergency situations, exhausting to the atmosphere through a stack having an

exit diameter of 0.1524 metre, extending 6.161 metres above the roof and 12.161 metres above grade;

- one (1) muffler for the 100 kilowatt engine combustion exhaust, capable of providing the following values of Insertion-Loss in 1/1 octave frequency bands:

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Insertion-Loss (decibel)	1	14	25	27	20	17	16	14

- two (2) natural gas or No. 2 fuel oil fired hot water boilers, each having a maximum heat input of 8,836,100 kilojoules per hour, one (1) natural gas fired hot water boiler, having a maximum heat input 3,270,700 kilojoules per hour and two (2) natural gas or No. 2 fuel oil fired steam boilers, each having a maximum heat input of 2,110,200 kilojoules per hour, discharging to the atmosphere at a maximum volumetric flow rate of 3.65 actual cubic metres per second at an approximate temperature of 150 degrees Celsius, through the boiler plant smokestack having an exit diameter of 1.0 metre, extending 29 metres above grade;

- one (1) double walled fixed-roof storage tank used for the storage of No. 2 fuel oil, located outside, having a storage capacity of 25 cubic metres, discharging to the atmosphere through a single vent having an exit diameter of 0.08 metre, extending 3.5 metres above grade; and

- two (2) double walled fixed-roof storage tanks used for the storage of No. 2 fuel oil, located inside the Emergency Generator Room, each tank having a storage capacity of 2.27 cubic metres, both discharging to the atmosphere through a common vent having an exit diameter of 0.076 metre, extending 0.3 metre above the roof and 3.5 metres above grade;

all in accordance with the following:

1. Environmental Compliance Approval Application dated December 10, 2013 and signed by Kelly Campbell, Vice President of Corporate Services and Chief Planning, and all supporting information associated with the application including the Emission Summary and Dispersion Modelling Report prepared by A.J. Chandler & Associates Ltd., dated December 6, 2013 and signed by John Chandler and Memorandum dated August 24, 2015 and signed by John Chandler;
2. Application for Approval (Air & Noise) dated February 24, 2010, and signed by Bob Harris, (Site Manager), Hamilton Health Sciences Corporation, and all supporting information associated with the application provided by Virtual Engineers, dated March 11, 2010, and signed by Bhagwant Singh, P.Eng.; and
3. Application for Certificate of Approval (Air), and all supporting information signed by Bernard F. Shaw and dated July 16, 1999, as well as additional information provided by Group Eight Engineering Limited, dated July 28, 1999, August 9, 1999, and August 24, 1999, and signed by Greg Siddles.

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

1. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
2. "Company" means Hamilton Health Sciences Corporation that is responsible for the construction or operation of the Facility and includes any successors and assigns;
3. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;
4. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

5. "Equipment" means equipment described in the Company's application, this Approval and in the supporting documentation submitted with the application, to the extent approved by this Approval;
6. "Facility" means the entire operation located on the property where the Equipment is located;
7. "Manual" means a document or set of documents that provide written instructions to staff of the Company;
8. "Ministry" means the ministry of the government of Ontario responsible for the EPA and includes all officials, employees or other persons acting on its behalf; and
9. "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.

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

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these Conditions, the Company shall design, build, install, operate and maintain the Equipment in accordance with the description given in this Approval, application for approval of the Equipment and the submitted supporting documents and plans and specifications as listed in this Approval.
2. Where there is a conflict between a provision of any submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.

PERFORMANCE

3. The Company shall ensure that the noise emissions from the Facility comply with the limits set out in Publication NPC-300.

OPERATION AND MAINTENANCE

4. The Company shall ensure that only one (1) of the two (2) standby diesel generator sets approved under this Approval is periodically tested at any one time.
5. The Company shall restrict the periodic testing of the standby diesel generator sets to the daytime hours from 9:00 am to 12:00 pm and 3:00 pm to 6:00 pm.
6. 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 Approval or the date of commissioning of the Equipment, 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) procedures for any record keeping activities relating to operation and maintenance of the Equipment;
- (d) all appropriate measures to minimize noise and odorous emissions from all potential sources;

(2) implement the recommendations of the Manual; and

(3) retain, for a minimum of two (2) years from the date of their creation, all records on the maintenance, repair and inspection of the Equipment, and make these records available for review by staff of the Ministry upon request.

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

1. Condition Nos. 1 and 2 are imposed to ensure that the Equipment is built and operated in the manner in which it was described for review and upon which approval was granted. These conditions are also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Condition Nos. 3 and 4 are included to provide the minimum performance requirement considered necessary to prevent an adverse effect resulting from the operation of the Equipment.
3. Condition No. 5 is included to ensure that the proposed operation, excluding emergency situations, is not extended beyond specific daytime hours to prevent an adverse effect resulting from the operation of the standby generator sets.
4. Condition No. 6 is included to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the EPA, the regulations and this Approval. In addition the Company is required to keep records and provide information to staff of the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 9368-84SQQ5 issued on May 11, 2010.

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 and Climate Change 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** 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**

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, 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 28th day of August, 2015

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

TT/
c: District Manager, MOECC Hamilton - District Office
John Chandler, A.J. Chandler & Associates Ltd.