

Ministry of the Environment
and Climate Change

Ministère de l'Environnement et de
l'Action en matière de changement
climatique



Office of the Minister

Bureau du ministre

77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON M7A 2T5
Tel.: 416-314-6790
Fax: 416-314-6748

77, rue Wellesley Ouest
11^e étage, edifice Ferguson
Toronto ON M7A 2T5
Tél.: 416-314-6790
Télé.: 416-314-6748

NOV 26 2014

ENV1283MC-2014-2050

Al Hamilton
Director
Goderich Port Management Corporation
PO Box 415
Goderich ON N7A 4C6

Dear Mr. Hamilton:

Thank you for the February 21, 2014 submission of the Environmental Assessment for the Proposed Goderich Harbour Wharf Expansion on behalf of the Goderich Port Management Corporation (GPMC). I would like to take this opportunity to inform you that the Ministry of the Environment and Climate Change has completed its review of the Environmental Assessment; and, that I have approved the undertaking as described in the Environmental Assessment, subject to conditions. Please find attached a signed copy of the Notice of Approval to Proceed with the Undertaking, as required by the Environmental Assessment Act.

In giving approval to proceed with the undertaking a number of conditions have been imposed. Please be advised that the GPMC must ensure that the undertaking is designed, constructed and operated in accordance with the commitments set forth in the Environmental Assessment and the conditions outlined in the attached Notice of Approval. In addition, it is the expectation of the Ministry of the Environment and Climate Change that the GPMC notify all members of the public, Aboriginal communities and government agencies that participated in the environmental assessment process that the GPMC has received approval to proceed with the undertaking.

Should you require further assistance please contact Andrew Evers, Project Officer of the Environmental Approvals Branch, at 416-314-7213 or by e-mail at andrew.evers@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Murray".

Glen Murray
Minister of the Environment and Climate Change

Attachment(s)



Ontario
Executive Council
Conseil des ministres

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:


Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

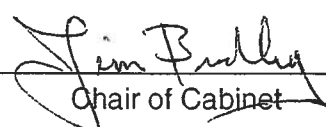
WHEREAS section 9 of the Environmental Assessment Act provides that the Minister of the Environment and Climate Change, with the approval of the Lieutenant Governor in Council, may give approval to proceed with an undertaking, give approval to proceed with an undertaking subject to such conditions as the Minister considers necessary, or refuse to give approval to proceed with the undertaking; and

WHEREAS a Notice of Completion of the Review for the environmental assessment for the Goderich Harbour Wharf Expansion (hereafter "the undertaking") was published on June 20, 2014 and four submissions were received from the public before the prescribed deadline, July 25, 2014 of which none requested a hearing; and

WHEREAS, having considered the purpose of the Act, the environmental assessment of the undertaking, the terms of reference, and the submissions received, the undersigned Minister of the Environment considers that a hearing is unnecessary and is of the opinion that the undertaking should be given approval to proceed, subject to the conditions specified in the attached approval,

THEREFORE, pursuant to section 9 of the Environmental Assessment Act, approval to proceed with the undertaking is given in the form attached, subject to the conditions specified therein.

Recommended 
Minister of the Environment
and Climate Change

Concurred 
Chair of Cabinet

Approved
and Ordered NOV 26 2014
Date


Lieutenant Governor

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

Regarding: The Proposed Goderich Harbour Wharf Expansion Environmental Assessment

Proponent: The Goderich Port Management Corporation

EA File No.: EA 03-10

EAIMS File No.: 09133

TAKE NOTICE that the period for requesting that the application or matters related to the application be referred to the Environmental Review Tribunal for a hearing and decision, provided for in the Notice of Completion of the Ministry Review for the above noted Environmental Assessment, expired on July 25, 2014.

I received no submissions under Subsection 7.2 (3) of the Environmental Assessment Act requesting that the application or matters that relate to the application be referred to the Environmental Review Tribunal for a hearing and decision. I therefore consider referring the application or matters that relate to the application to the Tribunal to be unnecessary.

Having considered the matters, as set forth under Subsection 9(2) of the Environmental Assessment Act, that should be considered when making a decision under Subsection 9 of the Act, I hereby give approval to proceed with the Undertaking subject to the conditions set out below.

REASONS

My reasons for giving approval are:

- (1) The Proponent has complied with the requirements of the Environmental Assessment Act.
- (2) The Environmental Assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the Proponent's Environmental Assessment and the Ministry Review, the Proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
- (4) No other beneficial alternative method of implementing the undertaking was identified.
- (5) The Proponent has demonstrated that the environmental effects of the undertaking can be appropriately prevented, changed, mitigated, or remedied.
- (6) On the basis of the Proponent's Environmental Assessment, the Ministry Review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the Environmental Assessment Act (section 2).
- (7) The government agency, public and Aboriginal review of the Environmental Assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the Environmental Assessment, through the conditions set out below, or future additional approvals that will be required.

CONDITIONS

The approval is subject to the following conditions:

1. **Definitions**

For the purposes of these conditions:

"Director" means the Director of the Environmental Approvals Branch.

"Date of Approval" means the date on which the Order in Council pertaining to the approval of the Environmental Assessment was signed by the Lieutenant Governor-in-Council.

"District Manager" means the Manager of the Ministry's Owen Sound Office.

"EAB" means the Environmental Approvals Branch of the Ministry of the Environment and Climate Change.

"Environmental Assessment" means the document titled Goderich Port Management Corporation Proposed Wharf Expansion Environmental Assessment Report, February 2014

"Ministry" means the Ministry of the Environment and Climate Change.

"Proponent" means the Goderich Port Management Corporation.

"Regional Director" means the Director of the Ministry's Southwestern Regional Office.

"Site" means the expansion of the wharf by 7.69 hectares in the northern portion of the outer harbour

"Start of Construction" means physical construction activities including, site preparation works, but does not include the tendering of contracts.

"Undertaking" means the expansion of the existing harbour as described in the Proponent's Environmental Assessment, which is generally comprised of the following elements:

- The expansion of the wharf by 7.69 hectares in the northern portion of the outer harbour;
- The twin-slip dock expansion will allow for two additional docking spaces along the expanded wharf and an increase in the usable storage space by 6.3 hectares; and
- Wave protection features (i.e., rock berm) as Goderich harbour is located on the windward side of Lake Huron and the outer harbour requires better protection from wave action.

2. General Requirements

- 2.1 The Proponent shall comply with the provisions in the Environmental Assessment; which are hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval or permit that may be issued for the Site.
- 2.2 These conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record

- 3.1 Where a document, plan or report is required to be submitted to the Ministry, the Proponent shall provide two copies of the final document, plan or report to the Director: a copy for filing in the specific public record file maintained for the Undertaking and a copy for staff use.
- 3.2 The Proponent shall provide additional copies of the documents required for the public record file to the following for access by the public:
 - a) Regional Director;
 - b) District Manager; and,
 - c) Chief Administrative Officer of the Town of Goderich.

- 3.3 The EAB file number EA 03-10 and EAIMS File number 09133 shall be quoted on all documents submitted by the Proponent pursuant to Condition 3.1 of this Notice of Approval.
- 3.4 These documents may also be provided through other means as considered appropriate by the proponent.

4. Environmental Management Plan

- 4.1 The Proponent shall prepare and submit to the Director, for the public record, an Environmental Management Plan.
- 4.2 The Environmental Management Plan shall be submitted 60 days before the Start of Construction or such other date as agreed to in writing by the Director.
- 4.3 The Environmental Management Plan shall provide a detailed description of the Undertaking, objectives of the Environmental Management Plan, approval and licensing requirements, design consideration that takes in to affect high and low water levels and resilience to storm events as a result of climate change in Lake Huron, emergency contacts and response plan (including a spill contingency response plan), risk assessment, environmental control plans and/or maps, and environmental training programs.
- 4.4 The Environmental Management Plan shall describe how the Proponent will monitor its fulfilment of the provisions of the Environmental Assessment pertaining to mitigation measures, additional studies and work to be carried out; the fulfilment of all other commitments made by the Proponent during the Environmental Assessment process; fish habitat compensation plan; and, the conditions included in this Notice of Approval.
- 4.5 The Environmental Management Plan must contain an implementation schedule for construction and operations, as well as pre-construction, construction and operations monitoring.
- 4.6 A statement must accompany the Environmental Management Plan when submitted to the Director, indicating that the Program is intended to fulfil condition 4 of this Notice of Approval.
- 4.7 The Director may require the Proponent to amend the Environmental Management Plan at any time. Should an amendment be required, the Director will notify the Proponent, in writing, of the required amendment and date by which the amendment must be completed and submitted to the Director.
- 4.8 The Environmental Management Plan, as it may be amended by the Director, must be carried out by the Proponent.
- 4.9 The Proponent shall make the documentation pertaining to the Environmental Management Plan available to the Ministry or designate upon request, in a timely manner, when so requested by the Ministry during an on-site inspection, audit, response to a pollution incident report or when information concerning compliance is requested by the Ministry.

5. Environmental Management Reporting

- 5.1 The Proponent shall prepare an annual Environmental Management Report which describes its compliance with the conditions of approval set out in this Notice of Approval, and which describes the results of the implementation of the Proponent's Environmental Management Plan required by Condition 4 of this Notice of Approval.
- 5.2 The first annual Environmental Management Report shall be submitted to the Director, for the public record, within one year from start of construction, and shall cover all activities of the previous 12 month period.
- 5.3 Subsequent Environmental Management Reports shall be submitted to the Director, for the public record, on or before the anniversary of the start of construction each year thereafter. Each Environmental Management Report shall cover all activities of the previous 12 month period.
- 5.4 The proponent shall submit annual Environmental Management Reports until construction of the undertaking is completed. Following the completion of construction, the Proponent will keep records for conditions 6, 7 and 8 on Site during operations. The proponent will immediately contact the Ministry's Southwestern Region office if issues arise during operations.
- 5.5 Once all conditions in this Notice of Approval have been satisfied, or have been incorporated into any other Ministry approval, the Proponent shall indicate in its annual Environmental Management Report that the Report is its final Report, and that all conditions in this Notice of Approval have been satisfied.
- 5.6 The Proponent shall retain either on site or in another location approved by the Director, a copy of each of the annual Environmental Management Reports and any associated documentation of compliance monitoring activities.
- 5.7 The Proponent shall make the Environmental Management Reports, and associated documentation, available to the Ministry or designate in a timely manner when requested to do so by the Ministry.

6. Complaint Protocol

- 6.1 The Proponent shall prepare and implement a Complaint Protocol that sets out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the Undertaking.
- 6.2 The Proponent shall submit the Complaint Protocol to the Director, for the public record, 60 days before the Start of Construction or such other date as agreed to in writing by the Director.
- 6.3 The Director may require the Proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the Proponent in writing of the required amendment and date by which the amendment must be completed.

- 6.4 The Complaint Protocol, as it may be amended by the Director, shall be carried out by the Proponent.

7. Noise Monitoring Plan and Noise Mitigation Plan

- 7.1 The Proponent shall prepare and implement a Noise Monitoring Plan and Noise Mitigation Plan for the undertaking to be included in the Environmental Management Plan as indicated in Section 4 of this Notice.
- 7.2 The Proponent shall submit the Noise Monitoring Plan to the Director a minimum of 60 days prior to construction and a Noise Mitigation Plan to the Director a minimum of 60 days prior to the start of operations or such other date as agreed to in writing by the Director.
- 7.3 The Director may require the Proponent to amend the Noise Monitoring Plan and Noise Mitigation Plan at any time. Should an amendment be required, the Director will notify the Proponent, in writing, of the required amendment and date by which the amendment must be completed and submitted to the Director.
- 7.4 The Noise Monitoring Plan and Noise Mitigation Plan shall include a protocol to ensure that the noise emissions from the facility comply with the limits set out in the Ministry's Publication NPC-300 "Stationary and Transportation Sources – Approval and Planning", August 2013, as amended from time to time.
- 7.5 The Proponent shall post the Noise Monitoring Plan and Noise Mitigation Plan on the proponent's web site for the undertaking following submission of the plan to the Director.
- 7.6 The results of the implementation of the Noise Monitoring Plan and Noise Mitigation Plan shall be described in the Environmental Management Report as set out in Condition 5 of this Notice.
- 7.7 If it is determined through the implementation of the Noise Monitoring and Mitigation Plan that the operations at the Site result in sound levels that exceed the limits set out in the Ministry's Publication NPC-300 "Stationary and Transportation Sources – Approval and Planning", August 2013, the Proponent shall implement the noise mitigation measures for the Maitland Valley Marina and Maitland Inlet Marina as identified in the Noise Addendum Letter dated September 12, 2014 or as revised through detailed design in accordance with the Ministry's Publication NPC-300 "Stationary and Transportation Sources – Approval and Planning", August 2013.

8. Air Quality Monitoring and Abatement

- 8.1 The Proponent shall prepare an Air Quality Monitoring Plan to be included in the Environmental Management Plan as indicated in Section 4 of this Notice. This plan must be approved by the ministry before it may be implemented.
- a) The plan will include onsite monitoring stations measuring wind direction and wind speed.

- b) Monitoring will be hourly and will be available to be polled remotely.
- c) Monitors will be placed so as to ensure emissions from separate areas of the facility and background influences may be distinguished.
- d) The ministry may choose to place co-located samplers and/or conduct auditing of the instruments. The monitoring sites should be placed and equipped to allow this to occur.
- e) All operations will comply with the requirements set out in the Operations Manual for Air Quality Monitoring in Ontario.
- f) All network operations will be documented and the documents kept available for review by the ministry without prior notice. Information will include:
 - 8.1.f.1 Specifications and serial numbers of all equipment.
 - 8.1.f.2 Names and contact information of all persons involved in operating, maintaining, or repairing the instruments. Specifications and serial numbers of all equipment.
 - 8.1.f.3 Details of all technical problems, and whatever measures were taken to correct them together with details of measures taken to avoid future occurrences, where appropriate.
- 8.2 The proponent shall conduct pre-construction, construction, and operations monitoring at the Site to determine the concentrations of suspended particulates. Raw (unedited) data will be made available to the ministry upon request.
- 8.3 The proponent will use this data to locate sources of particulate that could cause exceedances of the ministry's suspended particulate point of impingement standard ($120 \mu\text{g}/\text{m}^3$, 24 hour average). This information will be used to prepare an abatement plan which will be submitted for approval by the ministry regional office in London and district office in Owen Sound.
- 8.4 All exceedances of the provincial suspended particulate 24-hour point of impingement standard of $120 \mu\text{g}/\text{m}^3$, shall immediately be reported to the Southwestern Region Office and Owen Sound District Office.
- 8.5 At completion of construction, the proponent will perform at least one year of polycyclic aromatic hydrocarbons monitoring in such a manner as to characterise worst case exposure of the local population. Scheduling, sampling methodology and sampler placement shall be decided in consultation with the ministry.
- 8.6 The Proponent shall document the air quality monitoring results in the Environmental Management Report as indicated in Section 5 of this Notice.
- 8.7 Sufficient materials shall be kept on hand to ensure uninterrupted monitoring.
- 8.8 All monitoring will be performed by an individual or individuals qualified to perform such work.

9. Other Permits and Approvals

9.1 The Proponent will obtain other necessary permits and approvals, including but not limited to, those that are committed to in the Environmental Assessment.

10. Construction, Operation and Maintenance Contracts

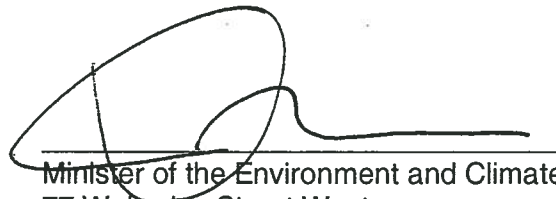
10.1 In carrying out the Undertaking, the Proponent shall require that its contractors, subcontractors and employees:

- a) Fulfil the commitments made by the Proponent in the Environmental Assessment process, including those made in the Environmental Assessment and in the Proponent's responses to comments received during the formal Environmental Assessment comment periods;
- b) Meet applicable regulatory standards, regarding the construction, operation and maintenance of the Undertaking; and
- c) Obtain any necessary approvals, permits or licenses.

11. Amending procedures

11.1 Prior to implementing any proposed changes to the Undertaking, the Proponent shall determine what Environmental Assessment Act requirements are applicable to the proposed changes and shall fulfill those Environmental Assessment Act requirements.

Dated the 14th day of November 2014 at TORONTO.



Minister of the Environment and Climate Change
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, Ontario
M7A 2T5

Approved by O.C. No. _____

Date O.C. Approved _____