
From: Jesse Walden <email address removed>
Sent: Friday, June 5, 2026 10:59 AM
To: Ministre / Minister (ECCC)
Cc: information@iaac-aeic.gc.ca
Subject: Request under Impact Assessment Act section 9 to designate the Napanee Generating Station Expansion
Attachments: 01 IAAC Designation Request.pdf; 05 Evidence Appendix - Federal Files.pdf; ECA_A-500-1716089792_Version_3_or_active_2025-12-22.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Minister Dabrusin and IAAC:

Please find attached a request under section 9(1) of the Impact Assessment Act to designate the Napanee Generating Station Expansion in Greater Napanee, Ontario.

The request concerns a major, near-threshold fossil-fuel power expansion beside Lake Ontario, with potential federal effects relating to fish and fish habitat, drainage and cooling-water pathways, migratory birds, Indigenous rights/interests connected to environmental change, and unresolved cumulative pollution issues. The request is urgent because public materials indicate construction was anticipated to begin in Q3 2025, Atura's March 25, 2026 public meeting boards describe the expansion as under construction or development, and my contemporaneous correspondence/observations indicate expansion construction appeared to be underway by April 2026.

Please confirm receipt and advise whether IAAC requires any additional information to treat the request as complete.

Sincerely,

Jesse Walden

Draft - Request Under Impact Assessment Act Section 9

Submission route: Send to ministre-minister@ec.gc.ca and copy information@iaac-aeic.gc.ca.

Subject: Request under Impact Assessment Act section 9 to designate the Napanee Generating Station Expansion

Date: June 5, 2026

The Honourable Julie Dabrusin Minister of Environment, Climate Change and Nature Government of Canada

Email: ministre-minister@ec.gc.ca

Copy: Impact Assessment Agency of Canada

Email: information@iaac-aeic.gc.ca

Dear Minister:

I request that you designate the Napanee Generating Station Expansion under section 9(1) of the Impact Assessment Act.

Requester contact details:

Name: Jesse Walden

Mailing address: <personal information removed>

Email:<email address removed>

Telephone: <personal information removed>

Canadian resident: Yes

Requested Decision

I request that the Minister designate the Napanee Generating Station Expansion because the carrying out of the expansion may cause adverse effects within federal jurisdiction, including effects on fish and fish habitat, migratory birds, Indigenous rights/interests connected to the affected environment, and potentially transboundary waters caused by pollution. I also request that IAAC treat this as urgent because public materials indicate construction was expected to begin in Q3 2025, Atura's March 25, 2026 public meeting boards describe the NGS Expansion as a project under construction or development, my contemporaneous correspondence/observations indicate expansion construction appeared to be underway by April 2026, operations are expected in 2028, and IAAC's jurisdiction to designate is limited once the physical activity has "substantially begun" within the meaning of section 9(7). I can provide the underlying correspondence/observations on request.

At minimum, I ask IAAC to:

1. Confirm whether the project is not on the Project List but is near the fossil-fuel power expansion threshold;
2. Confirm whether a section 9(7) limitation applies and what facts IAAC considered in making that determination;

3. Require any necessary information from the proponent and federal authorities under section 9(3);
4. Seek input from Environment and Climate Change Canada, Fisheries and Oceans Canada, and potentially affected Indigenous groups;
5. Provide a reasoned response within the 90-day statutory period if IAAC accepts this request as complete; and
6. Advise the proponent and relevant federal authorities that proceeding with additional construction before the designation decision is at the proponent's risk.

Project Description

The proposed physical activity is the Napanee Generating Station Expansion by Portlands Energy Centre L.P. / Atura Power, a subsidiary of Ontario Power Generation. Atura's public project page states that the expansion is located north of the Lake Ontario shoreline in Greater Napanee, Ontario, between the existing Napanee Generating Station and Lennox Generating Station, and that it will add a simple-cycle gas turbine generator unit providing up to 405 MW of electricity.

Atura's April 2025 Air Quality and Greenhouse Gas Technical Report describes the proposed unit as a simple-cycle combustion turbine generator with nameplate capacity of 430 MW and gross output capacity of approximately 420 MW. It states construction was anticipated to start in Q3 2025, the construction phase was assumed to take 26 months, operations are anticipated to start in 2028, and decommissioning is anticipated in 2040. Atura's March 25, 2026 public meeting boards list "Napanee Generating Station Expansion (420 MW)" among projects "under construction or development." My contemporaneous correspondence/observations indicate Phase 1 construction appeared to be underway in April 2026; I can provide those underlying materials on request.

The amended Ontario Environmental Compliance Approval for the facility approves a natural gas generation facility with nominal net output of 1,379 MW, including the existing 970 MW combined-cycle unit and a new CTG-1C simple-cycle turbine with nominal net output of 409 MW. The amended ECA also identifies a 14-cell wet-dry cooling tower with maximum circulating water flow of 60,216 cubic metres per hour.

Why Discretionary Designation Is the Correct Federal Path

I am not asking IAAC to treat the project as automatically designated. The Physical Activities Regulations list an expansion of an existing fossil fuel-fired power generating facility if the expansion would increase production capacity by 50 percent or more and total capacity would be 200 MW or more. On the public and ECA numbers, the expansion appears to be approximately 409 to 420 MW added to an existing 970 MW facility, which is below 50 percent. That makes the strongest federal path a discretionary section 9 designation request.

The project is nevertheless close enough to the federal threshold, large enough, and located in a sensitive Lake Ontario setting such that federal review would add value. IAAC guidance expressly recognizes discretionary designation for exceptional circumstances, including environmentally sensitive locations, near-threshold projects, cumulative federal effects, and public concerns related to federal effects.

Potential Adverse Federal Effects

Fish, fish habitat, and deleterious substances

The project is directly beside Lake Ontario and within an industrial power-generation complex whose water systems connect to Lake Ontario pathways. The local project record states that NGS water is supplied from the Lennox Generating Station existing forebay and discharged to the Lennox Generating Station discharge channel. It also states that the cooling tower optimizes use of circulating water supplied from Lake Ontario, that a raw water system treats raw water from the Lennox GS intake channel for cooling, fire protection, and process uses, and that cooling-tower blowdown from the cooling-water circuit will be treated.

Atura's Natural Heritage Existing Conditions and Impact Assessment states there are two channels within the project site that could be affected by erosion and sediment from construction. It states that uncontrolled runoff could transport deleterious substances into the channels or increase erosion, and that increased sediment particles can bury and suffocate fish eggs and carry toxic industrial compounds into watercourses causing reduced fitness and/or death of fish.

These facts identify credible pathways for adverse effects within federal jurisdiction, including fish and fish habitat under the Impact Assessment Act and matters regulated under the Fisheries Act.

Air emissions, cumulative effects, and unresolved mitigation

Atura's Air Quality and Greenhouse Gas Technical Report predicts that cumulative 1-hour NO₂ reaches 107 percent of the Canadian Ambient Air Quality Standards and extends beyond the east and north property boundaries and outside Lennox Generating Station lands. The report nevertheless concludes no additional operations-phase mitigation is required.

Separately, Atura's March 25, 2026 site-specific standard public boards state that NGS is seeking a 10-year site-specific standard for CO because modelling indicates potential occasional exceedances of the general CO air standards when the turbines operate below 60 percent full load coincident with poor-dispersion meteorology. The amended ECA also requires an abatement plan for NO_x and CO, a site-specific standard application by May 31, 2026, and an ECA review application by March 31, 2027.

Those records show the expansion is being advanced before all pollution-control questions are resolved. They do not by themselves establish a federal air offence. They do support designation because federal decision-makers should assess whether a major new fossil-fuel generating unit beside Lake Ontario may contribute to cumulative federal effects and whether other mechanisms can adequately address those effects before construction and commissioning proceed.

Migratory birds and Indigenous interests

Atura's Natural Heritage report states vegetation removals will occur outside the active breeding bird season or will require nest checks for compliance with the Migratory Birds Convention Act. This acknowledges a federal migratory-bird issue. Atura's public technical materials also acknowledge that the lands are within the traditional and treaty territory of the Mississauga Anishinaabeg and reference other Indigenous peoples and communities with historical and ongoing connections to the area, including Williams Treaties signatories and the Mohawks of the Bay of Quinte in neighbouring Tyendinaga.

I do not purport to speak for any Indigenous Nation or rights-holder. I ask IAAC to seek input from potentially affected Indigenous groups before concluding that the provincial process has adequately addressed federal effects or Indigenous rights/interests connected to the affected environment.

Public concern and inadequacy of existing mechanisms

The provincial record shows unresolved site-impact questions at the time expansion was approved. In particular, the amended ECA requires a NOx/CO abatement plan, future site-specific standard process, CEMS implementation, acoustic audits at sensitive receptors, and noise controls that may not be completed until December 2038. Noise is not the standalone federal hook, but it is evidence that the provincial process accepted a major expansion while significant site effects remained unresolved and dependent on later audits and abatement.

In deciding whether other means can address the adverse federal effects, IAAC should consider whether the available provincial mechanisms have actually required timely mitigation or whether they allow the expansion to proceed first and resolve pollution controls later.

Requested Outcome

I request that the Minister designate the Napanee Generating Station Expansion under section 9(1) of the Impact Assessment Act. If the Minister declines designation, I request a reasoned response addressing:

1. Why the Lake Ontario shoreline location and drainage/cooling-water pathways do not warrant federal impact assessment;
2. Why the project is not exceptional despite being a large, near-threshold fossil-fuel power expansion beside fish-bearing waters;
3. What information IAAC obtained from Atura, ECCC, DFO, and affected Indigenous groups;
4. Whether IAAC concluded section 9(7) applies, and the facts supporting that conclusion; and
5. What federal mechanism, if any, will ensure mitigation before construction or commissioning proceeds.

Sincerely,

Jesse Walden

Attachments / source materials:

1. Evidence Appendix - The Federal Files.
2. Amended Environmental Compliance Approval A-500-1716089792, Version 3.
3. Atura Power public project page:
<https://www.aturapower.com/our-projects/natural-gas/napanee-generating-station-expansion/>
4. Atura Power Air Quality and Greenhouse Gas Technical Report: https://www.aturapower.com/wp-content/uploads/2025/04/2025-04-16-RPT-NGS-Expansion_Air-Quality-Technical-Report_FINAL_compressed.pdf
5. Atura Power Natural Heritage Existing Conditions and Impact Assessment: https://www.aturapower.com/wp-content/uploads/2025/04/2025-04-11-RPT-NGSE_Natural-Heritage-IA_v0_Final_compressed.pdf
6. Atura Power Site-Specific Standard public meeting boards:
https://www.aturapower.com/wp-content/uploads/2026/03/2026-03-25_PDM-NGS-SSS-Mtng-Boards.pdf

Evidence Appendix - The Federal Files

Purpose: This is the shared evidence spine for federal escalation only. Provincial MECP materials are used here as evidence of project design, approvals, timing, unresolved pollution controls, and regulatory gaps. They are not the strategy track, addressee, or requested decision-maker for this Federal Files package.

Federal Pathways Being Advanced

1. Impact Assessment Agency of Canada / federal Minister discretionary designation request under Impact Assessment Act, section 9.
2. Commissioner of the Environment and Sustainable Development environmental petition to require written answers from federal ministers within the statutory process.
3. Environment and Climate Change Canada Fisheries Act pollution-prevention request under section 36(3), with a request that the Minister consider section 37 information and restriction powers.
4. Fisheries and Oceans Canada Fish and Fish Habitat Protection Program referral/request for determination under Fisheries Act sections 34.4 and 35.

Federal Pathways Not Being Advanced

1. No standalone federal noise complaint. Noise is used only as supporting evidence of unresolved cumulative effects and regulatory inadequacy.
2. No standalone Health Canada pathway.
3. No claim that the project automatically required federal impact assessment under the Project List. The strongest reading is discretionary designation because the expansion appears below the 50 percent expansion threshold for an existing fossil fuel-fired power generating facility.
4. No standalone CEPA international air/water letter. CEPA and transboundary air/water questions can be included in the CESD petition, but the current public record does not prove a slam-dunk cross-border pollution violation.

Public Source Facts

Project identity, location, size, and schedule

Atura Power states that the Napanee Generating Station Expansion is located north of the Lake Ontario shoreline in Greater Napanee, between the existing Napanee Generating Station and Lennox Generating Station. Atura states the expansion will add a simple-cycle gas turbine generator unit providing up to 405 MW to Ontario's grid. Atura also states that an Environmental Review Report found no significant environmental effects and that Atura submitted a Statement of Completion to MECP on October 9, 2025.

Source: Atura Power, Napanee Generating Station Expansion,
<https://www.aturapower.com/our-projects/natural-gas/napanee-generating-station-expansion/>

Atura's April 2025 Air Quality and Greenhouse Gas Technical Report describes the project as a simple-cycle combustion turbine generator unit with nameplate capacity of 430 MW and gross output of approximately 420

MW. It states that the project is located north of the Lake Ontario shoreline, west of the existing NGS, within existing OPG/Lennox Generating Station boundaries. It states construction was anticipated to start in Q3 2025, take approximately 26 months, with operations anticipated to start in 2028 and decommissioning anticipated in 2040.

Source: Atura Power, Air Quality and Greenhouse Gas Technical Report, April 2025, https://www.aturapower.com/wp-content/uploads/2025/04/2025-04-16-RPT-NGS-Expansion_Air-Quality-Technical-Report_FINAL_compressed.pdf

Atura's March 25, 2026 site-specific standard public meeting boards identify "Napanee Generating Station Expansion (420 MW)" and describe starred items, including that expansion, as "Projects under construction or development." Jesse Walden's contemporaneous correspondence/observations indicate Phase 1 construction appeared to be underway in April 2026; underlying materials can be provided on request. This makes the Impact Assessment Act section 9(7) "substantially begun" issue time-sensitive and supports asking IAAC to determine the construction record promptly.

Source: Atura Power, Napanee Generating Station Public Meeting, Site-Specific Standard Request, March 25, 2026, https://www.aturapower.com/wp-content/uploads/2026/03/2026-03-25_PDM-NGS-SSS-Mtng-Boards.pdf

Federal impact assessment threshold context

The Physical Activities Regulations list a new fossil fuel-fired power generating facility of 200 MW or more, and the expansion of an existing fossil fuel-fired power generating facility if the expansion would result in a production capacity increase of 50 percent or more and total production capacity of 200 MW or more. The current project is therefore best framed as a near-threshold, non-listed project for discretionary designation, not as an automatic designated project.

Source: Physical Activities Regulations, items 30 and 31, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-285/FullText.html>

Air emissions and federal air-quality context

The Air Quality and Greenhouse Gas Technical Report identifies NO_x, CO, particulate matter, SO₂, cadmium, benzo(a)pyrene, ethylene, and propanal as constituents of potential concern. It states that MECP AAQC and Canadian Ambient Air Quality Standards were used as assessment criteria.

The report predicts a maximum cumulative 1-hour NO₂ concentration of 85.8 ug/m³, or 107 percent of the CAAQS, and states the predicted exceedance extends beyond the east and north property boundary and outside Lennox Generating Station lands. It nevertheless states that no operations-phase mitigation is required, relying in part on background concentration assumptions and the position that CAAQS are regional air-quality management indicators rather than individual-facility compliance standards.

Source: Atura Power, Air Quality and Greenhouse Gas Technical Report, April 2025, Table 19 and section 4.2, https://www.aturapower.com/wp-content/uploads/2025/04/2025-04-16-RPT-NGS-Expansion_Air-Quality-Technical-Report_FINAL_compressed.pdf

Carbon monoxide site-specific standard

Atura's March 25, 2026 public meeting boards state that NGS is undertaking Ontario's site-specific standard process. They state that during startup, shutdown, and operating under 60 percent full load, the turbines emit higher CO emissions, and that modelling indicates potential occasional exceedances of the general air standards for CO when turbines operate below 60 percent load coincident with poor-dispersion meteorology. Atura is requesting a 10-year site-specific standard for CO. The boards show the general half-hour CO standard of 6,000

ug/m3, maximum point-of-impingement concentration of 18,304 ug/m3, maximum receptor concentration of 8,765 ug/m3, and requested site-specific standard of 18,304 ug/m3.

Source: Atura Power, Napanee Generating Station Public Meeting, Site-Specific Standard Request, March 25, 2026, https://www.aturapower.com/wp-content/uploads/2026/03/2026-03-25_PDM-NGS-SSS-Mtng-Boards.pdf

Fish, channels, runoff, and migratory birds

Atura's Natural Heritage Existing Conditions and Impact Assessment states there are two channels within the project site that could be affected by construction-related erosion and sediment. It states that uncontrolled runoff could transport deleterious substances into the channels or increase erosion, and that increased sediment can bury/suffocate fish eggs and carry toxic industrial compounds into watercourses that can reduce fish fitness or cause death. The same report states vegetation removals will occur outside the active breeding bird season or require nest checks for compliance with the Migratory Birds Convention Act.

Source: Atura Power, Natural Heritage Existing Conditions and Impact Assessment, April 2025, sections 4.1.1 and 4.1.2, https://www.aturapower.com/wp-content/uploads/2025/04/2025-04-11-RPT-NGSE_Natural-Heritage-IA_v0_Final_compressed.pdf

Local Project Record Facts

Amended ECA project scale and components

The amended Environmental Compliance Approval approves a natural gas generation facility with nominal net output of 1,379 MW. It identifies the existing 970 MW combined-cycle unit and a new simple-cycle CTG-1C with nominal net output of 409 MW. It also identifies a parallel path wet-dry cooling tower with maximum circulating water flow of 60,216 cubic metres per hour and 14 cells.

Source: Source Documents/MECP/ECA_A-500-1716089792_Version_3_or_active_2025-12-22.txt, lines 23-68.

Air abatement and monitoring in the amended ECA

The amended ECA defines an "Abatement Plan" for nitrogen oxides and carbon monoxide, including pollution prevention, process modification, continuous emissions monitoring, and add-on controls. It requires a continuous monitoring plan for NOx, CO, and O2, installation/operation of the continuous monitoring system after manager approval or prior to commissioning, implementation and updating of the NOx/CO Abatement Plan, a site-specific standard application by May 31, 2026, and an ECA review application by March 31, 2027.

Source: Source Documents/MECP/ECA_A-500-1716089792_Version_3_or_active_2025-12-22.txt, lines 107-114 and 437-504.

Noise as supporting evidence only

The amended ECA requires noise control measures no later than 13 years after approval, and words NPC-300 compliance as applying after implementation of those measures. It also requires acoustic audits at R1, R2, R5, R6, and R7, including early April 2026 and post-expansion audits, with the post-expansion audit to measure worst-case normal and startup operations. Schedule 3 lists 5 dB acoustic lagging measures with completion by December 2038, subject to the Phase 1 acoustic audit.

Source: Source Documents/MECP/ECA_A-500-1716089792_Version_3_or_active_2025-12-22.txt, lines 365-382, 507-597, and 788-799.

Federal use: This does not create a standalone federal noise claim. It supports the Impact Assessment Act and CESD arguments that provincial review allowed expansion while site impacts and mitigation remain unresolved.

Water supply, discharge, and cooling-water pathways

The earlier NGS record states water is supplied from the Lennox Generating Station existing forebay and discharged to the Lennox Generating Station discharge channel. It states the cooling tower optimizes use of circulating water supplied from Lake Ontario, and that a raw water system treats raw water from the Lennox GS intake channel for cooling, fire protection, and process uses. It states cooling-tower blowdown from the cooling-water circuit will be treated.

Source: A2024-05150 Records Release.txt, lines 8020-8028, 8078-8101, 8129-8135, and 8183-8187.

Chemical storage and spill risk

The project record identifies two approximately 123,000 L ammonia storage tanks containing 19 percent ammonia in water, in secondary containment with ammonia vapour leak detection. The record states the tanks are not expected to vent except potentially in an emergency and that displaced vapours during delivery are returned to the truck.

Source: A2024-05150 Records Release.txt, lines 408-416.

Federal use: This is not evidence of an actual Fisheries Act offence. It supports a request that ECCC require plans, specifications, monitoring, emergency/spill prevention information, and stormwater/wastewater details sufficient to determine whether deleterious substances are likely to be deposited into fish-bearing waters or places where they may enter such waters.

Federal Legal Hooks

Impact Assessment Act section 9

Section 9 allows the Minister, on request or on the Minister's own initiative, to designate a non-listed physical activity if the carrying out of the activity may cause adverse effects within federal jurisdiction or direct/incidental adverse effects. If that threshold is met, the Minister may consider public concerns, Indigenous rights impacts, whether another means can address federal effects, and any other relevant factor. The Minister must respond with reasons within 90 days.

Source: Impact Assessment Act, section 9, <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/section-9.html>

IAAC guidance states a designation request must be sent to the Minister at ministre-minister@ec.gc.ca, with a copy to IAAC at information@iaac-aeic.gc.ca. IAAC guidance also says the Minister may consider exceptional circumstances such as environmentally sensitive locations, near-threshold projects, cumulative federal effects, and public concern.

Source: IAAC designation guidance, <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>

Fisheries Act pollution prevention - ECCC

Fisheries Act section 36(3) prohibits depositing or permitting the deposit of a deleterious substance into water frequented by fish or any place under any conditions where it may enter such water. ECCC states that actual fish harm is not required for the prohibition to apply. ECCC is the lead department for administration and enforcement of the pollution-prevention provisions.

Sources:

- Fisheries Act, section 36, <https://laws-lois.justice.gc.ca/eng/acts/F-14/section-36.html>
- ECCC Fisheries Act pollution prevention FAQ, <https://www.canada.ca/en/environment-climate-change/corporate/transparency/acts-regulations/fisheries-act-registry/frequently-asked-questions.html>

Fisheries Act section 37 permits the Minister to require plans, specifications, studies, procedures, schedules, analyses, samples, evaluations, and other information if a work, undertaking, or activity is likely to result in fish death, harmful alteration, disruption or destruction of fish habitat, or a deleterious-substance deposit. After review, the Minister may require modifications or additions, restrict the work/activity, or personally direct closure/ending of the activity for a necessary period.

Source: Fisheries Act, section 37, <https://laws-lois.justice.gc.ca/eng/acts/F-14/section-37.html>

ECCC Fisheries Act pollution-prevention contact: FPFA-PFLP@ec.gc.ca.

Source: ECCC Fisheries Act Registry,
<https://www.canada.ca/en/environment-climate-change/corporate/transparency/acts-regulations/fisheries-act-registry.html>

DFO fish and fish habitat protection

Fisheries Act section 34.4 prohibits works, undertakings, or activities that result in the death of fish unless an exception or authorization applies. Section 35 prohibits works, undertakings, or activities that result in harmful alteration, disruption, or destruction of fish habitat unless an exception or authorization applies.

Sources:

- Fisheries Act, section 34.4, <https://laws-lois.justice.gc.ca/eng/acts/F-14/section-34.4.html>
- Fisheries Act, section 35, <https://laws-lois.justice.gc.ca/eng/acts/F-14/section-35.html>

DFO's project-review process says DFO reviews project plans to determine whether a project may affect aquatic species at risk, result in fish death or harmful alteration/disruption/destruction of fish habitat, or require authorization under the Fisheries Act and/or Species at Risk Act. Ontario FFHPP contact: FisheriesProtection@dfo-mpo.gc.ca.

Sources:

- DFO request review page,
<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html>
- DFO FFHPP contact page, <https://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>

CESD environmental petition

Any Canadian resident can submit an environmental petition on matters related to sustainable development within federal responsibility. The Auditor General sends eligible petitions to relevant ministers within 15 days, and ministers must respond within 120 days after receiving the petition. The OAG cannot itself order action.

Sources:

- Environmental petitions overview, <https://www.canada.ca/en/auditor-general/environmental-petitions.html>
- Before submitting a petition,
<https://www.canada.ca/en/auditor-general/environmental-petitions/before-submitting-a-petition.html>

CESD/OAG petition contact: petitions@oag-bvg.gc.ca.

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A-500-1716089792

Version: 3.0

Issue Date: December 22, 2025

Pursuant to section 20.3 of the *Environmental Protection Act*, Revised Statutes of Ontario (R.S.O.) 1990, c. E. 19 and subject to all other applicable Acts or regulations this Environmental Compliance Approval is issued to:

PORTLANDS ENERGY CENTRE L.P.

1415 JOSHUAS CREEK DRIVE 200

OAKVILLE ONTARIO

L6H 7G4

For the following site:

Napanee Generating Station

7143 Loyalist Parkway , RR #1, Township of Greater Napanee, Loyalist,

Ontario, K0H 1G0

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s) A-500-1716089792 version 2.0, issued on March 8, 2024.

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:

A natural gas generation facility, with a nominal net output of 1,379 megawatts of electrical power, consisting of the following major components:

- one (1) natural gas fired combined cycle electricity generation unit, with a nominal net output of 970 megawatts of electrical power, consisting of the following:
 - two (2) combustion turbine generators (CTG-1A and CTG-1B), each rated at 271 megawatts (nominal output), and firing natural gas at a nominal rate of 82,545 cubic metres per hour, or approximately 3,119 gigajoules per hour (higher heating value);
 - two (2) heat recovery steam generators, each equipped with a selective catalytic reduction system and a low NOx duct burner, firing natural gas at a rate of 23,236 cubic metres per hour, or approximately 878 gigajoules per hour (higher heating value), and each discharging to the air through a stack having an exit diameter of 6.4

metres and extending 61 metres above grade;

- one (1) steam turbine generator rated at 457 megawatts (nominal output);
- one (1) natural gas fired simple cycle electricity combustion turbine generator (CTG-1C), with a nominal net output of 409 megawatts of electrical power, and firing natural gas at a nominal rate of 3,951 gigajoules per hour (higher heating value), and discharging to the air through a stack having an exit diameter of 7.47 metres and extending 47.4 metres above grade;
- one (1) natural gas fired auxiliary boiler equipped with low NOx burners, having a nominal heat input of 101.6 gigajoules per hour (higher heating value), discharging to the air at a maximum volumetric flow rate of 40.9 cubic metres per second through a stack having an exit diameter of 1.7 metres and extending 40 metres above grade;
- one (1) dew point heater rated at 11.1 gigajoules per hour, firing 392 cubic metres per hour of natural gas, and discharging to the air at a maximum volumetric flow rate of 3.39 cubic metres per second through a stack having an exit diameter of 0.46 metre and extending 4.6 metres above grade;
- one (1) dew point heater rated at 16.9 gigajoules per hour, firing 438 cubic metres per hour of natural gas, and discharging to the air at a maximum volumetric flow rate of 2.56 cubic metres per second through a stack having an exit diameter of 0.86 metre and extending 7.5 metres above grade;
- one (1) parallel path wet-dry cooling tower having a maximum circulating water flow rate of 60,216 cubic metres per hour, and consisting of fourteen (14) cells, each cell discharging to the air at a maximum volumetric flow rate of 761 cubic metres per second through a stack having an exit diameter of 10 metres and extending 24.7 metres above grade;
- one (1) ultra-low sulphur diesel fired emergency generator rated at 1.5 megawatts, discharging to the air at a maximum volumetric flow rate of 5.7 cubic metres per second through a stack having an exit diameter of 0.36 metre and extending 4.6 metres above grade;
- one (1) ultra-low sulphur diesel fired emergency diesel generator rated at 1.25 megawatts, discharging to the air through two (2) exhaust stacks, each at a volumetric flow rate of 2.36 cubic metres per second, and each having an exit diameter of 0.24 metre and extending 4.3 metres above grade;
- one (1) 227.5 kilowatt emergency diesel fire pump discharging to the air at a maximum volumetric flow rate of 0.7 cubic metres per second through a stack having an exit diameter of 0.15 metre and extending 4.6 metres above grade;
- natural gas fired comfort heating sources having a combined maximum heat input of 31.7

gigajoules per hour;

- one (1) gas regulating area;
- five (5) gas compressor aftercoolers;
- five (5) gas compressor lube oil coolers;
- three (3) oil-filled auxiliary electrical transformers;
- four (4) oil-filled Generator Step-up electrical transformers;
- five (5) electric compressors used to boost natural gas pressure;
- louvres and fans for general building ventilation as described in the Acoustic Assessment Report;

All in accordance with the Environmental Compliance Approval application signed by Stephen Smith and dated May 07, 2025, the ESDM Report prepared by Independent Environmental Consultants, signed by Jen Hodowsky, and dated May 07, 2025, the Acoustic Assessment Report prepared by Independent Environmental Consultants, signed by Nick Shinbin, and dated December 11, 2025, and all other supporting information and documentation submitted in support of the application.

DEFINITIONS

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

1. "Abatement Plan" means the document titled "O. Reg. 419/05 Abatement Plan" dated October 2025 (as amended), developed by the Company and approved by the District Manager, that includes the identification and assessment of preventative and control measures to reduce the maximum Point of Impingement concentration of nitrogen oxides and carbon monoxide, and that includes, but is not limited to, methods such as pollution prevention, material conservation, material substitution, process modification, alternative production methods, product modification, product substitution, continuous emissions monitoring, and/or add-on controls;
2. "Acoustical Consultant" means a person currently active in the field of environmental acoustics and noise/vibration control, who is familiar with Ministry noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from a Facility;
3. "Acoustic Assessment Report" means the report, prepared in accordance with Publication NPC-233 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility. "Acoustic Assessment Report" also means the report prepared by Independent Environmental Consultants,

signed by Nick Shinbin, and dated December 11, 2025;

4. "Acoustic Assessment Summary Table" means a table prepared in accordance with the Basic Comprehensive User Guide summarizing the results of the Acoustic Assessment Report, as updated in accordance with Condition 4 of this Approval;
5. "Acoustic Audit" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the Facility, assessed to determine compliance with the Performance Limits for the Facility regarding noise emissions, completed in accordance with the procedures set in Publication NPC-103 and reported in accordance with Publication NPC-233;
6. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233;
7. "Approval" means this Environmental Compliance Approval, including the application and supporting documentation listed above;
8. "Combustion Turbine Facility" means the simple cycle combustion turbine generator, combined cycle combustion turbine generators, heat recovery steam generators, duct burners, and steam turbine generator as described in the Company's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval;
9. "Commissioning Date" means the first day on which the Equipment begins to produce electricity;
10. "Company" means **Portlands Energy Centre L.P. operating as Atura Power** 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;
11. "Continuous Monitoring Plan" means a written document outlining a series of steps that provides instructions, resources and timing to staff of the Company for the operation and maintenance of the Continuous Monitoring System;
12. "Continuous Monitoring System" means the continuous monitoring equipment, data acquisition system and associated operating, maintenance, verification and auditing procedures described in the Continuous Monitoring Plan;
13. "CTG Units" means the natural gas-fired combustion turbine generators CTG-1A, CTG-1B, and CTG-1C, as described in the Company's application, this Approval, and the ESDM Report, to the extent approved by this Approval;
14. "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;
15. "District Manager" means the District Manager of the appropriate local district office of the Ministry, where the Facility is geographically located;

16. "Emergency Plan for Fogging Events" means the document titled "NGS Plume/Fogging Response Procedure", dated January 01, 2025, and prepared by Atura Power, as amended;
17. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
18. "Equipment" means the Combustion Turbine Facility, Continuous Monitoring System, selective catalytic reduction system, dew point heater, auxiliary boiler, cooling tower, emergency generators, emergency fire pump, comfort heating sources, transformers, compressors, coolers, gas regulating area, louvers, fans and other 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;
19. "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 Independent Environmental Consultants, signed by Jen Hodowsky, dated May 07, 2025, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this Approval;
20. "Fuel Flow Rate" means flow rate of the fuel, expressed in cubic metres per second at standard temperature and pressure, or kilograms per second;
21. "Heat Input" means the gross heat input provided by the fuel to the Equipment reported on a higher heating value basis in gigajoules per hour (GJ/hr) or megawatts (MW);
22. "Higher Heating Value" means the higher heating value of the fuel, which is the total amount of heat released during combustion including the latent heat content of the water vapour component of the flue gas, expressed in megajoules per cubic metre at standard temperature and pressure, or megajoules per kilogram;
23. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was not involved in preparing the Acoustic Assessment Report or the design/implementation of Noise Control Measures for the Facility and/or Equipment. The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment or the design/implementation of Noise Control Measures for the Facility and/or Equipment;
24. "ISO-10494:2018" means the International Organization for Standardization, standard ISO-10494:2018 Turbines and turbine sets- Measurement of emitted airborne noise - Engineering/survey method, as amended;
25. "ISO-1996-2:2017" means the International Organization for Standardization, standard ISO-1996-2:2017 Acoustics - Description, measurement and assessment of environmental noise - Part 2: Determination of sound pressure levels, as amended;
26. "ISO-3744:2010" means the International Organization for Standardization, standard ISO 3744:2010 Acoustics - Determination of sound power levels and sound energy levels of noise sources using sound pressure - Engineering methods for an essentially free field over a reflecting plane, as amended;

27. "ISO-9614-2:1996" means the International Organization for Standardization, standard ISO-9614-2:1996 Acoustics - Determination of sound power levels of noise sources using sound intensity - Part 2: Measurement by scanning, as amended;
28. "ISO / TS 20065:2022" means the International Organization for Standardization, technical specification ISO/TS 20065:2022 Acoustics - Objective method for assessing the audibility of tones in noise - Engineering method, as amended;
29. "Lower Heating Value" means the energy released during combustion of the fuel, excluding the latent heat content of the water vapour component of the products of combustion, expressed in megajoules per cubic metre at standard temperature and pressure, or megajoules per kilogram;
30. "Manager" means the Manager, Technology Standards Section, Technical Assessment and Standards Development Branch of the Ministry, or any other person who represents and carries out the duties of the Manager, as those duties relate to the conditions of this Approval;
31. "Manual" means a document or a set of documents that provide written instructions to staff of the Company;
32. "Noise Abatement Action Plan" means the noise abatement program developed by the Company, submitted to the Director and District Manager and approved by the Director, designed to achieve compliance with the sound level limits set in Publications NPC-300;
33. "NOx" means oxides of nitrogen, including nitric oxide (NO) and nitrogen dioxide (NO₂);
34. "O. Reg. 1/17" means Ontario Regulation 1/17: Registrations Under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions, made under the EPA;
35. "O. Reg. 419/05" means Ontario Regulation 419/05: Air Pollution – Local Air Quality, made under the EPA;
36. "Point of Reception" has the same meaning as in Publication NPC-300, and is subject to the same qualifications described in this document;
37. "Power Output" means the gross electrical power output of the CTG Units, reported in gigajoules per hour (GJ/hr) or megawatts (MW);
38. "Publication NPC-103" means Ministry Publication NPC-103, "Procedures of the Model Municipal Noise Control By-Law, Final Report", August 1978;
39. "Publication NPC-233" means Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995;
40. "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;
41. "Shut-down" has the same meaning as in O. Reg. 1/17;

42. "Site-Specific Standard" means an air standard, approved by a Director designated under section 35 of O. Reg. 419/05 and has the same meaning as in section 32 and section 35 of O. Reg. 419/05;
43. "Start-up" has the same meaning as in O. Reg. 1/17; and
44. "Thermal Efficiency" means the thermal efficiency of the CTG Units calculated according to the formulas described in Schedule 2 of this Approval.

TERMS AND CONDITIONS

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

1. OPERATION AND MAINTENANCE

1. The Company shall ensure that the Equipment is properly operated and maintained at all times. The Company shall:
 - a. prepare, not later than three (3) months after the date of this Approval, and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Equipment, including:
 - i. routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
 - ii. emergency procedures, including spill clean-up procedures;
 - iii. procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
 - iv. all appropriate measures to minimize noise and odorous emissions from all potential sources;
 - b. implement the recommendations of the Manual.
2. The Company shall:
 - a. record, either electronically or in a log book, each occurrence when the load of CTG-1A, CTG-1B, or CTG-1C falls below sixty (60) percent of full load. The Company shall maintain this record up-to-date, and submit it to the Ministry on a quarterly basis;
 - b. not operate CTG-1A and CTG-1B concurrently at loads below sixty (60) percent of full load during the period from April 1 to September 30, between the hours of 7:00 a.m. and 6:00 p.m.;
 - c. not operate CTG-1C at loads below sixty (60) percent of full load when either CTG-1A or CTG-1B is operating at loads below sixty (60) percent of full load.

2. RECORD RETENTION

1. The Company shall retain, for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the recording activities required by this Approval, and make these records available for review by staff of the Ministry upon request. The Company shall retain:
 - a. all records on the maintenance, repair and inspection of the Equipment;
 - b. all records produced by the Continuous Monitoring System;
 - c. all records of the Thermal Efficiency tests, including calculations of the Thermal Efficiencies of the CTG Units;
 - d. all records of measured Heat Input, and Power Output;
 - e. all records produced by the Performance Assessment;
 - f. all records of any environmental complaints, including:
 - i. a description, time and date of each incident to which the complaint relates;
 - ii. wind direction at the time of the incident to which the complaint relates; and
 - iii. a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

3. NOTIFICATION OF COMPLAINTS

1. The Company shall notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - a. a description of the nature of the complaint; and
 - b. the time and date of the incident to which the complaint relates.

4. NOISE

1. at all times operate the Equipment/Facility as presented in the Acoustic Assessment Report;
2. implement the Noise Control Measures as outlined in the Noise Abatement Action Plan section of the Acoustic Assessment Report , and detailed in Schedule 3 of this Approval not later than thirteen (13) years after issuance of this Approval;
3. ensure, subsequent to the implementation of the Noise Control Measures, that the noise emissions from the Facility operations, comply with the limits set out in

Ministry Publication NPC-300;

4. ensure that the Noise Control Measures are properly maintained and continue to provide the acoustical performance outlined in the Acoustic Assessment Report.

5. PERFORMANCE LIMITS

1. The Company shall ensure that each of the CTG Units is designed and operated to comply with the following performance requirements:
 - a. the concentrations of nitrogen oxides and carbon monoxide, in the undiluted gas emitted from each of the CTG Units are not greater than the limits specified in Schedule 1 of this Approval; and
 - b. the Thermal Efficiency of each of the CTG Units is not less than the efficiency specified in Schedule 1 of this Approval.
2. Condition 5.1 does not apply during the Start-up and Shut-down periods of the CTG Units, if the Start-up or Shut-down is conducted according to a written plan that minimizes discharges into the air during the period of Start-up or Shut-down.
3. The Company shall, within six (6) months of the Commissioning Date, install, operate and maintain continuous monitoring devices to measure the Heat Input and Power Output of the CTG-1C, and record the integrated averages on an hourly basis with a known date and time reference.
4. The Company shall continuously record, on an hourly basis, the Thermal Efficiency of CTG-1C using the measured Heat Input and Power Output, in accordance with the formula in Schedule 2 of this Approval.

6. PERFORMANCE ASSESSMENT

1. The Company shall complete a performance assessment, every two (2) calendar years, in accordance with the following:
 - a. The Company shall operate the CTG Units for a minimum of one (1) hour during the testing at as close to 100 percent of the maximum Power Output as possible, with a minimum load of 70 percent of the maximum Power Output.
 - b. The Company shall record the concentrations of nitrogen oxides, carbon monoxide and oxygen measured using the Continuous Monitoring System during the performance assessment.
 - c. The Company shall calculate the Thermal Efficiencies of the CTG Units on an hourly basis using the monitored Heat Input and Power Output according to the procedure in Schedule 2 of this Approval.
 - d. The Company shall complete the Performance Assessment concurrently with the Relative Accuracy Test Audit (RATA).

- e. The Company shall include the measured Nitrogen oxides (NO_x), Carbon monoxide (CO), and Oxygen (O₂) concentrations and the results of the Thermal Efficiency calculations in the RATA report and make the report available for review by staff of the Ministry upon request.

7. CONTINUOUS MONITORING SYSTEM

1. The Company shall submit, to the Manager, not later than sixty (60) days after the date of this Approval, a Continuous Monitoring Plan for the Continuous Monitoring Systems that will continuously monitor the following chemical concentrations in the undiluted gases leaving the CTG Units stacks:
 - a. Nitrogen oxides (NO_x);
 - b. Carbon monoxide (CO);
 - c. Oxygen (O₂).
2. The Continuous Monitoring Plan shall include descriptions of, but not be limited to:
 - a. sources and air pollutants / parameters requiring continuous monitoring and associated targets and in-stack limits (when applicable);
 - b. sample probe and gas calibration port location(s) and associated flue gas conditions;
 - c. sample extraction, transport and conditioning system;
 - d. analyzer performance specifications;
 - e. calibration strategies;
 - f. relative accuracy and reference method for test audit;
 - g. performance indicators and monitoring frequency;
 - h. communication protocol(s) and corrective action(s) regarding malfunctions;
 - i. preventative maintenance and spare parts;
 - j. service contractor and staff responsibilities including training;
 - k. other operating and maintenance procedures to ensure availability;
 - l. data acquisition system, and
 - m. data verification procedures.
3. The Company shall finalize the Continuous Monitoring Plan in consultation with the

Manager.

4. The Company shall procure, install, operate, and maintain the Continuous Monitoring System no later than six (6) months after the Manager has approved the Continuous Monitoring Plan, or prior to the Commissioning Date, whichever occurs later. A current copy of the Continuous Monitoring Plan shall be kept at an accessible location for easy access by persons responsible for supervising, operating and maintaining the Continuous Monitoring System and associated data as well as by a Ministry representative, upon request.
5. The Company shall conduct Relative Accuracy Test Audits (RATA) on the Continuous Monitoring System in accordance with the method and timeline in the approved Continuous Monitoring Plan.

8. EMERGENCY PLAN FOR FOGGING EVENTS

1. The Company shall, implement, at all times, the most recent version of the Emergency Plan for Fogging Events.
2. The Company shall update the Emergency Plan for Fogging Events as necessary or at the direction of the District Manager.

9. ABATEMENT PLAN

1. The Company shall implement the Abatement Plan for the mitigation of nitrogen oxides and carbon monoxide emissions.
2. The Company shall update the Abatement Plan as necessary, in consultation with the District Manager, or at the direction of the District Manager.
3. The Company shall submit an application for Site-Specific Standard, in accordance with the Abatement Plan, no later than May 31, 2026.

10. ENVIRONMENTAL COMPLIANCE APPROVAL APPLICATION

1. The Company shall submit an application for review of the Approval no later than March 31, 2027.

11. ACOUSTIC AUDIT

1. The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:
 - a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103, NPC-300, ISO 1996-2:2017: Annex J and ISO/TS 20065:2022, at noise sensitive Points of Reception R1, R2, R5, R6 and R7 during early April 2026;
 - b. shall submit an Acoustic Audit 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 completion of the April 2026 noise measurements; and

- c. shall submit, in conjunction with an Acoustic Audit Report, an Environmental Compliance Approval application requesting an amendment to the Approval to rescind the requirement for an Acoustic Audit Report as per Condition 11.1 of this Approval.

2. The Director:

- a. may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed; and
- b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

3. The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility after installation of expansion equipment. The Company:

- a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103, NPC-300, ISO 1996-2:2017:Annex J and ISO/TS 20065:2022, ISO 3744, ISO 9614-2, and ISO 10494. The Independent Acoustical Consultant shall measure the worst case normal and startup scenario operations at Points of Reception R1, R2, R5, R6 and R7. The Independent Acoustical Consultant shall also measure the top twenty-five (25) dominant noise sources. Noise from dominant stacks shall be measured by the Independent Acoustical Consultant using ISO 10494;
- b. shall submit an Acoustic Audit 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 six (6) months after the expansion facility completion; and
- c. shall submit, in conjunction with an Acoustic Audit Report, an Environmental Compliance Approval application requesting an amendment to the Approval to rescind the requirement for an Acoustic Audit Report as per Condition 11.3 of this Approval.

4. The Director:

- a. may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed; and
- b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

5. The Company shall carry out Acoustic Audit measurements on the actual noise emissions due to the operation of the Facility. The Company:
 - a. shall carry out Acoustic Audit measurements in accordance with the procedures in Publication NPC-103, NPC-300, ISO 1996-2:2017:Annex J and ISO/TS 20065:2022, at noise sensitive Points of Reception R1, R2, R5, R6 and R7;
 - b. shall submit an Acoustic Audit 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 six (6) months after completion of the Noise Abatement Action Plan; and
 - c. shall submit, in conjunction with an Acoustic Audit Report, an Environmental Compliance Approval application requesting an amendment to the Approval to rescind the requirement for an Acoustic Audit Report as per Condition 11.5 of this Approval.
6. The Director:
 - a. may not accept the results of the Acoustic Audit if the requirements of Publication NPC-233 were not followed; and
 - b. may require the Company to repeat the Acoustic Audit if the results of the Acoustic Audit are found unacceptable to the Director.

12. CHANGE OF OWNERSHIP

1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any of the following changes to the Facility operations:
 - a. the ownership of the Facility;
 - b. the operator of the Facility;
 - c. the address of the Company;
 - d. the partners, where the Company is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c. B.17, shall be included in the notification; or
 - e. the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39, shall be included in the notification.
2. In the event of any change in ownership of the Facility, the Company shall notify the successor of the existence of this Approval and provide the successor with a copy of

this Approval, and the Company shall provide a copy of the notification to the District Manager and the Director.

REASONS

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

1. Condition No. 1 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.
2. Condition No. 2 is included to require the Company to keep records and to provide information to staff of the Ministry so that compliance with the EPA, the Regulations and this Approval can be verified.
3. Condition No. 3 is included to require the Company to notify staff of the Ministry so as to assist the Ministry with the review of the site's compliance.
4. Condition No. 4 is included to provide the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
5. Conditions Nos. 5, 6, and 7 are included to require the Company to gather accurate information so that the environmental impact and subsequent compliance with the EPA, the regulations and this Approval can be verified.
6. Condition No. 8 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.
7. Condition No. 9 is included to require the Company to implement an Abatement Plan designed to appropriately manage contaminant emissions from the Facility to achieve compliance with the EPA, O. Reg. 419/05 and this Approval.
8. Condition No. 10 is included as a result of efforts by the Ministry to reduce the point of impingement for nitrogen oxides and carbon monoxide and to provide an opportunity, at a future date, for the Company and Ministry to review the predicted impacts of nitrogen oxides and carbon monoxide emissions from the Facility to prevent an adverse effect resulting from the operation of the Equipment.
9. Condition No. 11 is included to require the Company to gather accurate information and submit an Acoustic Audit Report in accordance with procedures set in the Ministry's noise guidelines, so that the environmental impact and subsequent compliance with this Approval can be verified.
10. Condition No. 12 is included to require the Company to notify/report to the Ministry so that compliance with the EPA, the regulations and this Approval can be verified.

APPEAL PROVISIONS

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land 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 ("the Notice") 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:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. 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:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

The Director appointed for the purposes of Part II.1 of
the *Environmental Protection Act*
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or [Ontario Land Tribunal's](#)**

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

Dated at Toronto this 22nd day of December, 2025

<original signed by>

Nancy Orpana

Director

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

c: Neil Finnerty, PORTLANDS ENERGY CENTRE L.P.

Jennifer Hodowsky, INDEPENDENT ENVIRONMENTAL CONSULTANTS (IEC)

Stephen Smith, PORTLANDS ENERGY CENTRE L.P.

Nicholas Shinbin, Independent Environmental Consultants

The following schedules are a part of this environmental compliance approval:

SCHEDULE 1

Emission and Thermal Efficiency Limits

Parameter	Limits CTG-1A ⁽⁴⁾	Limits CTG-1B ⁽⁴⁾	Limits CTG-1C ⁽⁵⁾
Nitrogen Oxides	48 ppmv ⁽¹⁾ , ⁽²⁾	48 ppmv ⁽¹⁾ , ⁽²⁾	20 ppmv ⁽¹⁾ , ⁽²⁾
Carbon Monoxide	60 ppmv ⁽¹⁾ , ⁽²⁾	60 ppmv ⁽¹⁾ , ⁽²⁾	50 ppmv ⁽¹⁾ , ⁽²⁾
Thermal Efficiency	58 % ⁽³⁾	58 % ⁽³⁾	37.5 % ⁽³⁾

⁽¹⁾ Compliance shall be demonstrated on a 24-hour rolling average, calculated on an hourly basis. The emission limits apply at all times when the unit is operating, except during start-up and shut-down periods.

⁽²⁾ "ppmv" means parts per million by volume at Reference Conditions (ambient temperature at 15 degrees Celsius, 60 percent relative humidity and 101.3 kiloPascals barometric pressure) on a dry volume basis normalized to 15 percent oxygen.

⁽³⁾ The calculated Thermal Efficiency shall be converted to Reference Conditions.

⁽⁴⁾ Combined cycle electricity generation unit.

⁽⁵⁾ Simple cycle electricity generation unit.

SCHEDULE 2

Thermal Efficiency Calculations

CTG-1A and CTG-1B (combined cycle electricity generation unit)

Parameters to be tested/measured:

1. Power Output
2. Fuel Flow Rate
3. Lower Heating Value
4. a) Ambient air temperature (expressed in degrees of Celsius), b) Barometric pressure (expressed in kilopascal), and c) Relative humidity (expressed in percent)
5. Date, time, and duration of test

Formula:

$$\text{Thermal Efficiency} = \frac{\text{Power Output}}{\text{Fuel Flow Rate} \times \text{Lower Heating Value}} \times 100\%$$

CTG-1C (simple cycle electricity generation unit)

Parameters to be tested/measured:

1. Heat Input
2. Power Output
3. Date, time, and duration of test

Formula:

$$\text{Thermal Efficiency} = \frac{\text{Power Output}}{\text{Heat Input}} \times 100\%$$

SCHEDULE 3

Noise Control Measure

Completion by December 2038, subject to the findings of the Noise Abatement Action Plan, Phase 1, Acoustic Audit.

1. Physical Controls

- a. Acoustic lagging applied to Gas Turbine Exhaust Duct (Top) [NGE_001_ED_Top], to achieve an overall source acoustic insertion loss of 5 dB;
- b. Acoustic lagging applied to Gas Turbine Vertical Duct (Top and West Side) [NGE_001_VD_Top and NGE_001_VD_Side2], to achieve an overall source acoustic insertion loss of 5 dB.