# 2280 Dundas Street West

# Air Quality, Dust, & Odour Study Toronto, ON



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# 2280 Dundas Street West Compatibility & Mitigation Study Air Quality, Dust, & Odour Toronto, ON

SLR Project No.: 209.30128.00000

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for

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July 1, 2022

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# **EXECUTIVE SUMMARY**

SLR Consulting (Canada) Ltd. (SLR), was retained by Choice Properties Limited Partnership to conduct a Compatibility/Mitigation Study focusing on air quality, odour, and dust in support of a Zoning By-Law Amendment (ZBA) and a Site Plan Control (SPA) application for a proposed multi-unit, mixed use commercial/residential development located at 105, and 104 Ritchie Avenue, 2238, 2252, 2280, 2288, 2290 Dundas Street West, and 1515 Bloor Street West in Toronto, Ontario ("Project Site"). This assessment is intended to address the air quality, odour, and dust portions of the Terms of Reference of the City of Toronto OPA231 requirements for Land Use Compatibility/Mitigation Studies ("the OPA 231 ToR")<sup>1</sup>.

SLR undertook the environmental noise study which is provided with the planning submission in a separate, stand alone report.

The Project Site currently includes a retail plaza occupied by Loblaws and the LCBO (as well as a large vacant component formerly occupied by Zellers), and a smaller retail area occupied by Pizza Nova and Kal Tire. The southwest corner of the Project Site, fronting Dundas Street West includes a 3-storey residential building, and a 3-storey medical building with multiple retail storefronts at grade and offices above. With the presence of existing residential units on the Project Site, there is already an obligation for surrounding industry to meet the MECP requirements related to fugitive air emissions.

The neighbourhood is also undergoing transition and a number of in-fill, multi-storey residential developments have been approved within 500 m of the Project Site. These applications have the potential to introduce elevated sensitive receptors within the area of the existing employment uses.

Based on the above, the requirement for compatibility with existing industry already exists and the Project Site will not introduce a new "test" related to emissions of fugitive dust and odour.

The current use of diesel engines along the rail corridor have the potential to generate fugitive odour emissions. Given this potential, it is recommended that a Warning Clause and receptor based physical mitigation measures be included in the architectural design of the Project Site structures. A summary of the mitigation measures and Warning Clauses is provided in **Appendix A**.

Based on the review completed, and with the use of the recommended mitigation measures, the proposed Project Site development with elevated sensitive receptors, is anticipated to be compatible with the surrounding land uses from an air quality, perspective. The Project Site is not anticipated to limit surrounding existing, or future industries and their ability to obtain/maintain their required MECP permits and/or approvals.

The requirements of MECP Guideline D-6 are met. As the applicable policies and guidelines are met, the Project Site is:

- Unlikely to result in increased risk of complaint and nuisance claims;
- Unlikely to result in operational constraints for the major facilities;
- Unlikely to result in constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.

<sup>&</sup>lt;sup>1</sup> https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-developmentguide/application-support-material-terms-of-reference/

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# 1. INTRODUCTION

SLR Consulting (Canada) Ltd. (SLR), was retained by Choice Properties Limited Partnership to conduct a Compatibility/Mitigation Study focusing on air quality, odour, and dust in support of a Zoning By-Law Amendment (ZBA) and Site Plan Control (SPA) application for a proposed multi-unit, mixed use commercial/residential development located at 105, and 104 Ritchie Avenue, 2238, 2252, 2280, 2288, 2290 Dundas Street West, and 1515 Bloor Street West in Toronto, Ontario ("Project Site"). This assessment is intended to address the air quality, odour, and dust portions of the Terms of Reference of the City of Toronto OPA231 requirements for Land Use Compatibility/Mitigation Studies ("the OPA 231 ToR")<sup>2</sup>.

SLR also completed the environmental noise study which is provided with the planning submission in a separate, standalone report.

This assessment has considered industrial air quality, odour, and dust emissions. In this assessment, SLR has reviewed the surrounding land uses and major facilities in the area with respect to the following guidelines:

- The City of Toronto Terms of Reference for Compatibility/ Mitigation Studies;
- The Provincial Policy Statement;
- Ministry of the Environment, Conservation and Parks ("MECP") Guidelines D-1 and D-6;
- Ontario Regulation 419/05: *Air Pollution Local Air Quality* and its associated air quality standards and assessment requirements; and
- The MECP draft policies on odour impacts and assessment.

This report is intended to meet the requirements of OPA 231 ToR. This report identifies existing and potential land use compatibility issues and identifies and evaluates options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses, including residential uses, and nearby Employment Areas and/or major facilities.

# **2. DESCRIPTION OF DEVELOPMENT AND SURROUNDINGS**

#### 2.1 PROPOSED DEVELOPMENT

The Project Site is located south of the intersection of Bloor Street West and Dundas Street West in the Roncesvalles neighbourhood of Toronto. The Project Site and context plan is provided in **Figure 1**.

The Project Site currently includes a retail plaza occupied by Loblaws and the LCBO (as well as a large vacant component formerly occupied by Zellers), and a smaller retail area occupied by Pizza Nova and Kal Tire. The southwest corner of the Project Site, fronting Dundas Street West includes a 3-storey residential building, and a 3-storey medical building with multiple retail storefronts at grade and offices above. With the presence of existing residential units on the Project Site, there is already an obligation for surrounding industry to meet the MECP requirements related to fugitive air emissions.

<sup>&</sup>lt;sup>2</sup> https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-developmentguide/application-support-material-terms-of-reference/

The proposed development will include 7 mixed use buildings ranging in height from 6-Storeys to 38-Storeys. The proposed development Site plan is provided in **Figure 2**.

Immediately surrounding the proposed development are mixed-use commercial/residential uses and institutional uses (school).

#### 2.2 LAND USE DESIGNATIONS IN THE AREA

The purpose of this report is to evaluate land use compatibility associated with air quality from potential Project Site uses with neighbouring land uses. The sections to follow outline the current land use designations under the City of Toronto Official Plan (OP) (February 2019 consolidation).

#### 2.2.1 CITY OF TORONTO OFFICIAL PLAN

The City of Toronto OP Map for the area can be seen in **Figure 3**. The Project Site is designated as Mixed Use Areas. The lands north and west of the Project Site are designated as Mixed Use Areas. To the south the lands are designated as Neighbourhoods. The lands east of the Project Site are designated as Utility Corridors.

#### 2.2.2 CITY OF TORONTO ZONING BY-LAW 569-2013

The City of Toronto Zoning Map for the area can be seen in **Figure 4**. The Project Site is zoned both Residential and Commercial Residential. The lands to the south are zoned Residential. To the east, the lands are zoned Utility and Transportation. To the west and north, the lands (in grey) are not included in the current By-law and remain zoned under the Former City of Toronto By-Law No. 438-86.

The City of Toronto passed the new city-wide Zoning By-law No. 569-2013, that is intended to harmonize the many former existing By-laws, including those in the former City of Toronto. The Project Site and surrounding land use on the Former City of Toronto Zoning Map can be seen in **Figure 5**.

The land use to the north and west of the Project Site is zoned Holding (H) 20.0.

# **3.** ASSESSMENT FRAMEWORK

The intent of this report is to identify any existing and potential land use compatibility issues and to identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the surrounding sensitive land uses, including residential uses, and nearby Employment Areas and/or major facilities. Recommended measures intended to eliminate or mitigate negative impacts and adverse effects are provided.

The requirements of the Ontario planning regime are organized such that generic policy is informed by specific policy, guidance, and legislation, as follows:

- The Ontario Planning Act, Section 2.1 sets the ground rules for land use planning in Ontario, whereby planning decisions have regard to matters of provincial interest including orderly development, public health, and safety; then
- The Provincial Policy Statement ("PPS") sets out goals making sure adjacent land uses are compatible from a health and safety perspective and are appropriately buffered; then
- The Provincial Growth Plan, Section 2.2.5 builds on the PPS to establish a unique land use planning framework for the Greater Golden Horseshoe, where the development of sensitive land uses will

avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing, or other uses that are particularly vulnerable to encroachment; then

- The MECP D-series of guidelines set out methods to determine if assessments are required (Areas of Influence, Recommended Minimum Separation Distances, and the need for additional studies); then
- MECP and Municipal regulations, policies, standards, and guidelines then set out the requirements of additional air quality studies and the applicable policies, standards, guidelines, and objectives to ensure that adverse effects do not occur.

### 3.1 ONTARIO PLANNING ACT

The Ontario Planning Act is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them. "The purpose of the Act is to:

- provide for planning processes that are fair by making them open, accessible, timely and efficient;
- promote sustainable economic development in a healthy natural environment within a provincial policy framework;
- provide for a land use planning system led by provincial policy;
- integrate matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Policy Statement and conform/not conflict with provincial plans;
- encourage co-operation and coordination among various interests;
- recognize the decision-making authority and accountability of municipal councils in planning"<sup>3</sup>

Section 2.1 of the Ontario Planning Act describes how approval authorities and Tribunals must have regard to matters of provincial interest including orderly development, public health, and safety.

#### 3.2 PROVINCIAL POLICY STATEMENT

The PPS "provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians."

The PPS is a generic document, providing a consolidated statement of the government policies on land use planning and is issued under section 3 of the Planning Act. Municipalities are the primary implementers of the PPS through policies in their local official plans, zoning by-laws and other planning related decisions, such as OPA 231. The current 2020 PPS came into effect on May 1, 2020. Policy direction concerning land use compatibility is provided in Section 1.2.6 of the PPS.

<sup>&</sup>lt;sup>3</sup> https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act

From the current 2020 version:

#### "1.2.6 Land Use Compatibility

1.2.6.1 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.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, 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 the following are demonstrated in accordance with provincial guidelines, standards, and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing, or other uses are minimized and mitigated."

The goals of the PPS are implemented through Municipal and Provincial policies, as discussed below. Provided the Municipal and Provincial policies, guidelines, standards, and procedures are met, the requirements of the PPS will be met.

#### 3.3 CITY OF TORONTO OFFICIAL PLAN AMENDMENT NO. 231

The City of Toronto has a Terms of Reference for Compatibility/Mitigation Studies, based on the framework developed under Official Plan Amendment No. 231 (OPA 231). The Terms of Reference can be found on the City website at:

https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-development-guide/application-support-material-terms-of-reference/

The purpose of the compatibility/mitigation study is to identify any existing and potential land use compatibility issues and identify and evaluate options to achieve appropriate design, including buffering and/or separation distances between land uses.

The compatibility/mitigation study is to provide a written description of:

- Potential land use compatibility impacts by type (traffic, noise, vibration, dust, odour, etc.), including severity, frequency and duration of impacts that may cause an adverse effect on the proposed development;
- Existing approvals from the MECP;
- Within the immediate area of the proposed development, the history of complaints received by the City or MECP;
- Potential intensification or operational changes such as expansion plans for existing major facilities in the area; and

• Potential land use compatibility issues that may have a negative impact on nearby employment areas and major facilities.

Where a land use compatibility issue is identified, the compatibility/mitigation study should identify options to achieve appropriate design, such as buffering/separation distance, at-source mitigation, or at-receptor mitigation.

### 3.4 D-SERIES OF GUIDELINES

The D-series of guidelines were developed by the MECP in 1995 as a means to assess Recommended Minimum Separation Distances and other control measures for land use planning proposals in an effort to prevent or minimize 'adverse effects' from the encroachment of incompatible land uses where a facility either exists or is proposed. D-series guidelines address sources including sewage treatment (Guideline D-2), gas and oil pipelines (Guideline D3), landfills (Guideline D-4), water services (Guideline D-5) and industries (Guideline D-6).

For this project, the applicable guideline is Guideline D-6 - *Compatibility between Industrial Facilities and Sensitive Land Uses*.

Adverse effect is a term defined in the Environmental Protection Act and "means one or more of

- impairment of the quality of the natural environment for any use that can be made of it,
- injury or damage to property or to plant or animal life,
- harm or material discomfort to any person,
- an adverse effect on the health of any person,
- impairment of the safety of any person,
- rendering any property or plant or animal life unfit for human use,
- loss of enjoyment of normal use of property, and
- interference with the normal conduct of business".

#### 3.4.1 GUIDELINE D-6 REQUIREMENTS

The guideline specifically addresses emissions of air quality, odour, dust, noise, and litter. To minimize the potential to cause an adverse effect, Potential Areas of Influence and Recommended Minimum Separation Distances are included within the guidelines. The Potential Areas of Influence and Recommended Minimum Separation Distances from the guidelines are provided in the table below.

# Table 1: Guideline D-6 - Potential Areas of Influence and Recommended Minimum Separation Distances for Industrial Land Uses

Industry Classification	Potential Areas of Influence	Recommended Minimum Separation Distance	
Class I – Light Industrial	70 m	20 m	
Class II – Medium Industrial	300 m	70 m	
Class III – Heavy Industrial	1000 m	300 m	

Industrial categorization criteria are supplied in Guideline D-6-2, and are shown in the following table:

Category	Outputs	Scale	Process	Operations / Intensity	Possible Examples
Class I Light Industry	<ul> <li>Noise: Sound not audible off-property</li> <li>Dust: Infrequent and not intense</li> <li>Odour: Infrequent and not intense</li> <li>Vibration: No ground-borne vibration on plant property</li> </ul>	<ul> <li>No outside storage</li> <li>Small-scale plant or scale is irrelevant in relation to all other criteria for this Class</li> </ul>	<ul> <li>Self-contained plant or building which produces/ stores a packaged product</li> <li>Low probability of fugitive emissions</li> </ul>	<ul> <li>Daytime operations only</li> <li>Infrequent movement of products and/ or heavy trucks</li> </ul>	<ul> <li>Electronics manufacturing and repair</li> <li>Furniture repair and refinishing</li> <li>Beverage bottling</li> <li>Auto parts supply</li> <li>Packaging and crafting services</li> <li>Distribution of dairy products</li> <li>Laundry and linen supply</li> </ul>
Class II Medium Industry	<ul> <li>Noise: Sound occasionally heard off-property</li> <li>Dust: Frequent and occasionally intense</li> <li>Odour: Frequent and occasionally intense</li> <li>Vibration: Possible ground-borne vibration, but cannot be perceived off-property</li> </ul>	<ul> <li>Outside storage permitted</li> <li>Medium level of production allowed</li> </ul>	<ul> <li>Open process</li> <li>Periodic outputs of minor annoyance</li> <li>Low probability of fugitive emissions</li> </ul>	<ul> <li>Shift operations permitted</li> <li>Frequent movements of products and/ or heavy trucks with the majority of movements during daytime hours</li> </ul>	<ul> <li>Magazine printing</li> <li>Paint spray booths</li> <li>Metal command</li> <li>Electrical production</li> <li>Manufacturing of dairy products</li> <li>Dry cleaning services</li> <li>Feed packing plants</li> </ul>
Class III Heavy Industry	<ul> <li>Noise: Sound frequently audible off property</li> <li>Dust: Persistent and/ or intense</li> <li>Odour: Persistent and/ or intense</li> <li>Vibration: Ground- borne vibration can frequently be perceived off- property</li> </ul>	<ul> <li>Outside storage of raw and finished products</li> <li>Large production levels</li> </ul>	<ul> <li>Open process</li> <li>Frequent outputs of major annoyances</li> <li>High probability of fugitive emissions</li> </ul>	<ul> <li>Continuous movement of products and employees</li> <li>Daily shift operations permitted</li> </ul>	<ul> <li>Paint and varnish manufacturing</li> <li>Organic chemical manufacturing</li> <li>Breweries</li> <li>Solvent recovery plants</li> <li>Soaps and detergent manufacturing</li> <li>Metal refining and manufacturing</li> </ul>

#### Table 2: Guideline D-6 - Industrial Categorization Criteria

#### 3.4.2 REQUIREMENTS FOR ASSESSMENTS

Guideline D-6 requires that studies be conducted to assess impacts where sensitive land uses are proposed within the Potential Area of Influence of an industrial facility. This report is intended to fulfill this requirement.

The D-series guidelines reference previous versions of the air quality regulation (Regulation 346). However, the D-Series of guidelines are still active, still represent current MECP policy and are specifically referenced in numerous other current MECP policies. In applying the D-series guidelines, the current policies, regulations, standards, and guidelines have been used (e.g., Regulation 419).

#### 3.4.3 REQUIREMENTS FOR RECOMMENDED MINIMUM SEPARATION DISTANCES

Guideline D-6 also *recommends* that no sensitive land use be placed within the Recommended Minimum Separation Distance. However, it should be noted that this is a recommendation only. Section 4.10 of the Guideline allows for development within the Recommended Minimum Separation Distance, in cases of redevelopment, infilling, and transitions to mixed use, provided that the appropriate studies are conducted and that the relevant air quality and noise guidelines are met.

# 4. **NEARBY INDUSTRIES**

The Guideline D-6 Separation distances from the Project Site are shown in **Figures 6a** and **6b**. SLR personnel conducted a number of site visits in the vicinity of the Project Site with the most recent being on May 25, 2022. Local industries within 1 km of the Project Site were inventoried. The lands surrounding the Project Site are generally comprised of institutional, commercial, residential and employment uses.

In Ontario, facilities that emit significant amounts of contaminants to the environment are required to obtain and maintain an Environmental Compliance Approval ("ECA") from the MECP or submit an Environmental Activity and Sector Registry ("EASR"). ECAs/ EASRs within 1 km of the Project Site were obtained from the MECP Access Environment website<sup>4</sup>.

A complete detailed table of the identified industries is provided in **Appendix B.** From these, the subset of industries within their applicable Area of Influence with respect to the Project Site are listed in **Table 3**. The location of the industries relative to the Project Site is illustrated on **Figures 6a** and **6b**.

Facility	Type of Operation	Environmental Compliance Approval No.	Industry Class	Area of Influence Dist (m)	Actual Distance to Site (m)	Additional Assessment Required?
Nestle Canada Inc.	Chocolate Factory	4910-8NFRZV (2012) R-002-9157189068	Class II	300	225	Yes
Nitta Gelatin	60 Paton Road	2858-9ZTNDG (2015)	Class III	1000	555	Yes

#### Table 3: Identified Industries Within 1000 m of Proposed Project Site

The following facilities were identified inside their Potential Area of Influence and, therefore, require additional assessment:

- Nestle Canada Inc.; and
- Nitta Gelatin.

Other identified industries are outside of their respective Guideline D-6 Areas of Influence and, therefore, anticipated to be compatible with the Project Site. Further, the Project Site is not anticipated to limit these surrounding existing, or future industries and their ability to obtain/maintain their required MECP permits and/or approvals.

<sup>&</sup>lt;sup>4</sup> https://www.accessenvironment.ene.gov.on.ca/AEWeb/ae/GoSearch.action

### 4.1 GUIDELINE D-6 CLASS III HEAVY INDUSTRIES

The area within 1 km of the Project Site was reviewed. There is one Class III Heavy industries within 1 km of the Project Site.

ADDRESS	60 PATON ROAD
CONTACTS:	N/A
DISTANCE TO PROJECT:	555 m
D-6 CLASSIFICATION:	Ш

#### 4.1.1 NITTA GELATIN CANADA INC.

Nitta Gelatin Canada Inc. produces unflavoured pork-skin gelatine. The facility is located approximately 555 m northeast of the Project Site. The facility operates under EASR registration number R-010-1113159456 (2021). The following description of the operations is provided in the EASR document, the gelatin "product is used in the food industry (marshmallows, gummy candy, dairy products, meat processing), the pharmaceutical industry (soft/hard shell capsules), the cosmetic industry (encapsulation of bath oils, lotions, skin creams), and in various other industry processes (adhesives, matches etc.)". Further, the EASR document outlines that raw materials used in the process include:

- Natural gas and No.2 fuel for combustion equipment;
- Pig skin/rinds and associated additives and reagents (sodium hydroxide, hydrochloric acid, sulphuric acid) used during gelatin processing;
- Two cooling towers;
- Combustion equipment (five process boilers and natural gas fired HVAC equipment);
- Four baghouses; and
- Odour producing processes associated with the gelatin production.

A copy of the MECP EASR information for Nitta Gelatin Canada is provided in Appendix B.01.

The facility is a large-scale operation with continuous movement of products/employees, including shift operations. It is expected that the emission sources have the potential to emit fugitive dust and odour.

Based on the size and nature of the above noted operations, the facility is considered a Class III Heavy Industries under MECP Guideline D-6, with a 1000 m Area of Influence and a Recommended Minimum Separation Distance of 300 m.

The Project lands are located within the 1000 m Area of Influence. Therefore, additional review and further analysis of the sources is warranted. The analysis is provided within Section 5 of this report.

#### 4.2 GUIDELINE CLASS I LIGHT AND CLASS II MEDIUM INDUSTRIES

There are a number of Class I and Class II light and medium scale industries identified in the surroundings. The majority of the identified facilities fall outside of the 70m and 300 m Areas of Influence on the Project Site (detailed in **Appendix B**). However, there is one Class II facility, Nestle Canada, identified within a 300m Area of Influence to the Project Site, as shown in **Figure 6a** and **6b**.

#### 4.2.1 NESTLE CANADA INC.

ADDRESS	72 STERLING ROAD
DISTANCE TO PROJECT:	225 m
D-6 CLASSIFICATION:	П

Nestle Canada Inc. is a confectionary manufacturing facility located approximately 225 m southeast of the Project Site. The operations in this facility include baking chocolate and wafer, packaging, and shipping. The Facility operates under MECP ECA 4910-8NFRZV, dated September 18, 2012 and EASR number R-002-9157189068 dated September 12, 2012. Copies of the MECP permits can be found in **Appendix B.02**.

Air quality sources at the facility include:

- Natural gas fired heating, ventilation and air conditioning equipment;
- Standby power system;
- Two (2) natural gas fired boilers;
- Baking ovens;
- Flour and sugar silos;
- Process dust collectors; and
- The equipment and any other ancillary and support processes and activities that operate at the Facility Production Limit of up to 35,000 tonnes of confectionary products per year exhausting to the atmosphere.

Based on the size and nature of the above noted operations, the facility is considered a Class II Medium Industry under MECP Guideline D-6, with a 300 m Area of Influence and a Recommended Minimum Separation Distance of 70 m.

The Project lands are located within the 300 m Area of Influence. Therefore, additional review and further analysis of the sources is warranted. The analysis is provided within Section 5 of this report.

#### 4.3 FUTURE USES

With the presence of existing residential units and the school to the north of the Project Site, there is already an obligation for surrounding industry to meet the MECP requirements related to fugitive air emissions.

A review of development applications in the area indicated there are 25 active development applications within 500 m of the Project lands. Closed applications, minor variance, consent to severe and minor applications are not included. Table 4 presents a summary of the significant applications as listed online at the City of Toronto applications information centre<sup>5</sup> as of June 8, 2022.

<sup>&</sup>lt;sup>5</sup> <u>Development Applications (toronto.ca)</u>

Address	Date	Development Application Information	Details
1405 Bloor Street West	29/09/2020	20 199975 STE 09 OZ 21 235291 STE 09 CD	The site is proposed to be redeveloped with a mixed-use, predominately residential development having a height of 18 storeys along Bloor Street West then stepping down to 12 and 4 storeys to the south. Below grade parking is proposed under the 12 and 8 storey building component accessed by two car elevators facing Ruttan Street. 326 residential dwelling units and 237 m2 of grade related retail gross floor area is proposed.
278 Sterling Road, and 1435, 1433, 1431, 1429, 1427, 1425, 1425 A, 1423, 1435, and 1437 Bloor Street West	13/04/2021 20/10/2021 20/08/2021	21 139658 STE 09 OZ 21 228139 STE 09 SB 1 201846 STE 09 SA	Proposal for an 18-storey, inclusive of a 6-storey podium, mixed-use building having a non- residential gross floor area of 401.0 square metres, and a residential gross floor area of 14460.4 square metres. A total of 204 residential dwelling units are proposed, of which, 15 will be rental units.
80 and 82 Perth Avenue and 1439 Bloor Street West	14/01/2010	10 104718 STE 18 SA	Proposal for site plan approval for the lands at 1439 Bloor St W and 80 Perth Ave for 14 storey mixed use building with retail at grade - 2 stories below grade parking - 131 parking spaces.
105, and 104 Ritchie Avenue, 2238, 2252, 2280, 2288, 2290 Dundas Street West, 1515 Bloor Street West (Project Site included in this Application)	26/04/2018	18 149172 STE 14 OZ	Official Plan Amendment for the lands at the southeast corner of Bloor Street West and Dundas Street West (2238, 2252, 2280, 2288, 2290 Dundas Street West, 1515 Bloor Street West and 104-105 Ritchie Avenue) to facilitate a proposed mixed-use development containing commercial, retail, employment, residential, institutional and park and open space uses.
1540, 1542, 1546, 1548, 1550, and 1544 Bloor Street West	19/12/2019 26/04/2022	19 263422 STE 04 OZ 22 138585 STE 04 SA	Proposal for a 27-storey mixed-use building comprised of a 6 to 14-storey podium and 13- storey tower element. The proposal will contain approximately 680 m <sup>2</sup> of non-residential gross floor area and 23377 m <sup>2</sup> residential gross floor area for a total of 24057 gfa with a total of 374 residential dwelling units. A total of 93 parking spaces will be provided on two levels in an underground parking garage.

#### **Table 4: Development Applications in the Area**

Address	Date	Development Application Information	Details
1552, 1556, and 1554 Bloor Street West	20/04/2015	15 143757 STE 14 SA	To obtain site plan approval for a 5-storey mixed-use building with medical/dental offices on the ground and second floors, and 11 rental dwelling units on the second, third, fourth and fifth floors. The gross floor area of the altered building will increase from 446.7 m <sup>2</sup> to 1,114.9 m <sup>2</sup> (671.6 m <sup>2</sup> of residential area and 443.3 m <sup>2</sup> of non-residential area).
1630, and 1632 Bloor Street West	07/05/2019	19 150312 STE 04 SA	Site Plan Control Application to permit a 6- storey building with retail at-grade and hotel use at the upper levels. The total gross floor area proposed is 1,574.5 square metres, with a proposed FSI of 2.46. A total of 9 parking spaces will be provided at the rear of the site, which is accessed by a public lane.
6 Howard Park Avenue	27/04/2021 08/11/2021	21 146414 STE 04 OZ 21 235285 STE 04 CD	Proposal for a 10-storey mixed-use building having a non-residential gross floor area of 377 square metres, and a residential gross floor area of 8130 square metres. A total of 128 residential dwelling units are proposed on the lot. 40 underground parking spaces will be providing with 116 long term bicycle parking spaces and 13 short term bicycle parking spaces.
421 Roncensvalles Avenue and 61 Howard Park Avenue	15/12/2016 30/12/2019	16 264775 STE 14 OZ 19 265517 STE 04 SA	Zoning Amendment application to redevelop the site with a five-storey commercial building containing office and retail uses. The existing building will be maintained on the site. No vehicular parking will be provided on site but 30 bicycle parking spaces will be provided on site.
72 Perth Avenue	01/06/2018 15/10/2021	18 170127 STE 18 OZ 21 226455 STE 09 SA	The revised application proposes a 10-storey residential building (9-storeys + mezzanine) with 9,556 sqm of residential GFA. The unit count has increased from 104 to 108 units, of which 3 are proposed to be live/work. The application proposes 47 vehicular parking spaces and 117 bicycle parking spaces. The application also proposes a 156 sqm parkland dedication along the western property line to supplement the existing West Toronto Rail Path.

Based on a review of Table 4, the area is undergoing transition and intensification. There are other development applications currently under consideration and others that have been approved within 500m of the Project Site. These applications have the potential to introduce elevated sensitive receptors within the area of the existing employment uses. Therefore, the requirement for compatibility with existing industry already exists and the Project Site will not introduce a new "test" related to emissions of fugitive dust and odour.

#### 4.4 SUMMARY

From the list of industries identified in **Section 4**, one Class III Heavy Industry and one Class II Medium Industry was identified to require further analysis, as a result of being within their potential Area of Influence:

- Nitta Gelatin Canada; and
- Nestle Canada Inc.

Provided below are comments and findings related to the compatibility between the proposed Project Site development and the above noted identified industrial facilities.

# **5.** AIR QUALITY, DUST AND ODOUR ASSESSMENT

#### 5.1 INDUSTRIAL SOURCES

#### 5.1.1 GUIDELINES AND REGULATIONS

Within Ontario, facilities with sources of air emissions are required to obtain and maintain an ECA from the MECP or submit an EASR. The ECA/ EASR permits within 1 km of the Project were obtained from the MECP *Access Environment* website. Facilities with an ECA/EASR should already meet the MECP guidelines for air quality at their property line.

#### 5.1.1.1 Air Quality Emissions

Under O.Reg. 419/05, a facility is required to meet prescribed standards for air quality at their property boundary line and any location off-site. The MECP does not require industries to assess their emissions at elevated points off-site if a receptor does not exist at that location. While the introduction of high and mid-rise residential properties could trigger a facility to re-assess compliance at new receptor locations, the introduction of new low-rise receptors does not introduce any new receptors, as the facility is already required to comply at grade-level at their property line.

#### 5.1.1.2 Odour

There are a select few compounds that are provincially regulated from an odour perspective; however, there is no formal regulation with respect to mixed odours. Impacts from mixed odours produced by industrial facilities are generally only considered and regulated by the MECP in the presence of persistent complaints (ECO 2010).

The MECP assesses mixed odours, in Odour Units, following draft guidelines. One odour unit (1 OU) has been used as a default threshold. This is the concentration at which 50 % of the population will just detect an odour (but not necessarily identify/recognize or object to it). Recognition of an odour will typically occur between 3 and 5 odour units. The following factors may be considered:

- **Frequency** How often the odour occurs. The MECP typically allows odours to exceed 1 OU with a 0.5 % frequency.
- Intensity The strength of the odour, in odour units. 1 OU is often used in odour assessments in Ontario.
- **Duration –** How long the odour occurs.
- Offensiveness How objectionable the odour is. The MECP may allow for a higher concentration

of pleasant smells such as baking as opposed to off-putting smells such as rotting garbage or rancid meat.

• Location – Where the odour occurs. The MECP assesses at odours where human activity is likely to occur.

The MECP has decided to apply odour-based standards to locations "where human activities regularly occur at a time when those activities regularly occur," which is generally accepted to be places that would be considered sensitive such as residences and public meeting places. As a guide, the MECP has provided proposed clarification of human odour receptors, as shown in the following table:

Receptor Category	Examples	Exposure Type	Type of Assessment
Permanent potential 24-hour sensitivity	Anywhere someone could sleep including any resident or house, motels, hospitals, senior citizen homes, campgrounds, farmhouse, etc.	Individual likely to receive multiple exposures	Considered sensitive 24 hours per day
Permanent daily hours but with definite periods of shutdown/closure	Schools, daycares, community centres, soccer fields, farmland, churches, bicycle paths, hiking areas, lakes, commercial or institutional facilities (with consideration of hours of operation such as night clubs, restaurants, etc.)	Individual could receive multiple exposures	Night-time or daytime exclusion only (consider all other hours)
Seasonal variations with clear restrictions on accessibility during the off season	Golf courses, amusement parks, ski hills, other clearly seasonal private property	Short term potential for exposure	Exclusions allowed for non-seasonal use
Transient	Open fields, roadways, easements, driveways, parking lots, pump houses	Very short-term potential for exposure, may not be a single resident exposed to multiple events	Generally, would not be included as human receptors unless otherwise specified.

#### Table 5: Proposed Clarification of Human Receptors (MECP 2008)

Note that commercial facilities are considered odour sensitive points of reception, as well as community spaces and residences.

#### 5.1.1.3 Dust

Ontario Regulation 419/05 also provides limits for dust, including limits for suspended particulates and dust fall. Under Reg. 419/05, these air quality limits must be met at the property line and all points beyond.

#### 5.1.1.4 Cumulative Assessments

Cumulative impact assessments, examining the combined effects of individual industries, or the combined effects of industry and roadway emissions, are generally not required. Neither the PPS, the D-Series of guidelines, Regulation 419/05, or the current MECP odour assessment protocols require an assessment of cumulative impacts.

Which is not to say that such assessments are never warranted; rather, the need to do so is considered on a case-by-case basis, depending on the nature and intensity of the industrial operation(s), and the nature of the pollutants released. Based on the types of pollutants released by the industries in this area, cumulative effects assessments are not warranted.

#### 5.1.2 LOCAL METEOROLOGY

Surface wind data was obtained to generate a wind rose from data collected at the Toronto Pearson Airport in Toronto from 1986 through 2015, as shown in **Figure 7**. As can be seen in the wind rose, predominant winds are from the southwestern through northern quadrants, while winds from the northeast and southern quadrants may be the least frequent.

#### 5.1.3 SITE VISITS AND ODOUR AND DUST OBSERVATIONS

SLR personnel have conducted site visits in the area on three occasions. The operations in the area have been consistent during each visits. Site visits were conducted by SLR personal to the area on December 10, 2020, July 28, 2021, and May 25, 2022. The purpose of the visits is to identify significant sources of air emissions including odour or dust in the Project Site neighbourhood. During the visits, staff members observed existing industries from the sidewalks and other publicly accessible areas. Wind conditions during the visits are noted as:

- December 10, 2020: north-westerly winds, 22 km/h, -1 °C, 64%RH
- July 28, 2021: east winds, 15 km/h, 20°C, 83%RH
- May 25, 2022: east winds, 20 km/h, 17°C, 52%RH

No visible dust or odour was observed or detected from stationary sources at the Project Site during the visits.

A large road reconstruction project is currently underway along both Bloor Street West and Dundas Street West. Dust and odour from this work was observed at the intersection of the two streets. These emissions are temporary in nature and related to non-stationary sources of equipment.

During the December 10, 2020 visit, odours were detected from the Nestle Canada facility along Sterling Road, on the south side of the facility, and on St. Helens Avenue, east of the facility. The odour is described as a 'sweet' type of odour. The odours were found to be constant. Odour strength was generally considered moderate, with more intense odours occurring for shorter periods of time. Odour measurements were taken using an olfactometer, with detections measuring between 1 OU and 2 OU at various downwind locations from the facility. The strongest odours were detected along Sterling Road, directly on the sidewalk of the facility. Between approximately 250-300 m downwind of the Nestle facility, odours were found to significantly decrease and became undetectable. Odours were not detected north of the facility along Sterling Road. Odours from Nestle Canada were not detected at the Project Site during the May 25, 2022 visit.

Odours were also detected at the Nitta Gelatin Canada facility on Paton Road. Nitta Gelatin manufactures gelatin products which could emit odours from the process. The odour is described as a 'putrid' type of odour. About approximately 250 m downwind of the Nitta Gelatin Facility, odours were found to significantly decrease and become undetectable. Odours from Nitta Gelatin were not detected at the Project Site during the May 25, 2022 visit.

#### 5.1.4 NEIGHBOURHOOD COMPLAINT HISTORY

The Project Site currently includes a retail plaza occupied by Loblaws and the LCBO (as well as a large vacant component formerly occupied by Zellers), and a smaller retail area occupied by Coffee Time and Kal Tire. The southwest corner of the Project Site, fronting Dundas Street West includes a 3-storey residential building, and a 3-storey medical building with multiple retail storefronts at grade and offices above. With the presence of existing residential units on the Project Site, there is already an obligation

for surrounding industry to meet the MECP requirements related to fugitive air emissions.

Ms. Natasa Tomas is the Senior Environmental Officer for the area of Toronto in which the Project Site is located. In email correspondence Ms. Tomas advised that air quality complaints related to industries in the vicinity of the Project Site have not been received in the last two years.

With regard to contacting the City of Toronto for complaint history, SLR was only able to identify complaints associated with City owned and operated sources such as annual reporting of wastewater treatment facilities. SLR contacted City planning staff to request advice related to whom to contact at the City of Toronto regarding complaints. City planning staff directed SLR to the City Clerks office and the FOI process.

#### 5.1.5 ASSESSMENT OF POTENTIAL AIR QUALITY EMISSIONS

#### 5.1.5.1 Nitta Gelatin Canada Inc.

Nitta Gelatin Canada Inc. produces unflavoured pork-skin gelatine. The facility is located approximately 555 m northeast of the Project Site. The facility operates under MECP EASR registration number R-010-1113159456 (2021). The following description of the operations is provided in the EASR document, the gelatin "product is used in the food industry (marshmallows, gummy candy, dairy products, meat processing), the pharmaceutical industry (soft/hard shell capsules), the cosmetic industry (encapsulation of bath oils, lotions, skin creams), and in various other industry processes (adhesives, matches etc.)". Further, the EASR document outlines that raw materials used in the process include:

- Natural gas and No.2 fuel for combustion equipment;
- Pig skin/rinds and associated additives and reagents (sodium hydroxide, hydrochloric acid, sulphuric acid) used during gelatin processing;
- Two cooling towers;
- Combustion equipment (five process boilers and natural gas fired HVAC equipment);
- Four baghouses; and
- Odour producing processes associated with the gelatin production.

A copy of the MECP EASR information for Nitta Gelatin Canada are provided in **Appendix B.01**.

SLR has conducted a number of site visits to the area surrounding the facility. During the July 28, 2021, visit the following observations were made: Odours were detected at the Nitta Gelatin Canada facility on Paton Road. The odour is described as a 'putrid' type of odour. Approximately 250 m downwind of the Nitta Gelatin Facility, odours were found to significantly decrease and become undetectable. Odours from Nitta Gelatin were not detected at the Project Site during the May 25, 2022 visit.

The Nitta facility is surrounded by existing residential land uses that are located closer to Nitta than the Project Site. These residential properties are located on Ranking Crescent (20 m), Paton Road (20 m), and Lansdowne Avenue (130 m). These residential land uses are within the MECP Recommended Minimum Separation Distance of 300 m and closer in proximity to the facilities than the Project Site which is 480 m to the north.

Based on a review of the wind frequency distribution diagram illustrated in **Figure 7**, winds with the potential to direct emissions towards the Project Site from the Nitta Canada operations occur less than 9 percent of the time.

Emissions of odour are known to occur from the facility. Under Part 4.1 of the EASR permit, the facility is required to record and respond to complaints for odour emissions and continuously update their Odour

Action Plan as required.

The facility is required to operate and maintain in compliance with the requirements of their MECP permit. The MECP determines compliance to be required at the property boundary, and any elevated receptor locations. There are sensitive receptors located downwind and closer to the facility than the Project Site.

Based on the size and nature of the above noted operations, the facility is considered a Class III Heavy Industries under MECP Guideline D-6, with a 1000 m Area of Influence and a Recommended Minimum Separation Distance of 300 m. The Project lands are located within the 1000 m Area of Influence but outside the Recommend Minimum Separation Distance of 300 m.

Based on the above analysis and that the facility is outside the Recommended Minimum Separation distance, the proposed Project Site development is anticipated to be compatible with the Nitta Gelatin facility from an air quality perspective. Emissions of dust, and/or odour at the Project Site are not anticipated. Further, the Project Site is not anticipated to limit surrounding existing, or future industries and their ability to obtain/maintain their required MECP permits and/or approvals.

#### 5.1.6 NESTLE CANADA INC.

The Nestle Canada facility is located approximately 225 m southeast of the Project Site and is identified as a Class II Medium Industry. The facility is a confectionary manufacturing facility with operations including baking of chocolate and wafers, packaging, and shipping. The facility holds an MECP ECA (Number 4910-8NFRZV), dated 2012.

SLR has conducted a number of site visits to the area surrounding the facility. During these visits odours were detected from the Nestle Canada facility along Sterling Road, on the south side of the facility, and on St. Helens Avenue, east of the facility. During the December 10, 2020 visit, odours were detected in the vicinity of Nestle but were found to be significantly reduced approximately 250m-300m from the facility. During this visit, odours were detected from the Nestle Canada facility on Sterling Road. The odours is described as a "sweet" scent. The strength of the scent was estimated using a Field Olfactometer known as a Nasal Ranger<sup>6</sup>. The odour was detected to be approximately 2 OU.

The strongest level of odour, 2 OU, was detected from the sidewalk in front the facility. This level was detected every ten minutes for about 30 seconds. Odour measurements of 1 OU were taken about 150 m south of the building along Sterling Road. At the corner of Sterling Road and Dundas Street West odours were present but were not detectable using the olfactometer. Odours were not present beyond Dundas Street West.

Odours were not detected at the Project Site at the time of the May 25, 2022 visit.

Based on the information provided by MECP staff, odour complaints related to Nestle Canada have not been received in the past two years.

There are existing low-rise residential receptors on the east side of the Nestle facility along St. Helens Avenue and Lansdowne Avenue. Immediately east of the Nestle facility there is a school. Schools are considered to be sensitive receptors. These receptors are in closer proximity to the industry than the Project Site.

<sup>&</sup>lt;sup>6</sup> https://www.fivesenses.com/equipment/nasalranger/nasalranger/

As can be seen in the wind rose in **Figure 7**, predominant winds are from the north northwest through to the south southwest quadrants, while winds from the southeast quadrant may be the least frequent. Therefore, the southeasterly winds directing potential odours from the Nestle facility towards the Project Site are infrequent and only occur approximately 13% of the time.

Based on the size and nature of the above noted operations, the facility is considered a Class II Medium Industry under MECP Guideline D-6, with a 300 m Area of Influence and a Recommended Minimum Separation Distance of 70 m. The Project lands are located within the 300 m Area of Influence but outside the Recommend Minimum Separation Distance of 70 m.

The facility is required to operate and maintain in compliance with the requirements of their MECP permit. The MECP determines compliance to be required at the property boundary, and any elevated receptor locations. There are sensitive receptors located downwind and closer to the facility than the Project Site.

Based on the above analysis, and that the facility is outside the Recommended Minimum Separation distance, the proposed Project Site development is anticipated to be compatible with the Nestle Canada facility from an air quality, perspective. Emissions of dust, and/or odour at the Project Site are not anticipated. Further, the Project Site is not anticipated to limit surrounding existing, or future industries and their ability to obtain/maintain their required MECP permits and/or approvals.

#### 5.1.7 EXISTING PROJECT SITE LANDS

The Project Site is currently occupied by a variety of commercial/residential buildings. With the presence of existing residential units, there is already an obligation for surrounding industry to meet the MECP requirements related to fugitive air emissions.

The proposed new buildings will include mechanical heating, ventilation, and air conditioning systems. These systems will be designed to ensure that the applicable MECP air quality regulations, standards and guidelines are met off-site and at the building itself. If required (depending on the type and size of systems used), an MECP ECA or EASR will need to be obtained. This is no different from any other similar development.

Overall, adverse air quality emissions from new facility sources on the surroundings and on itself are not anticipated.

#### 5.2 TRANSPORTATION RELATED AIR POLLUTION

Transportation related air pollution (TRAP) is generally considered in background pollution levels, however, based on recent studies conducted by Toronto Public Health (TPH), the City of Toronto is starting to look more closely at TRAP and its potential air emissions on new residential developments near major highways and roadways. The 2017 Toronto Public Health 'Avoiding the Trap' Technical Report – Land Use Planning at the Project site Level' and "Operational and Behaviour strategies in Buildings" document notes that TRAP is a major local contributor to air pollution in Toronto and can result in adverse health outcomes for people residing near highways and roadways. Common mitigation strategies for TRAP include filtration, strategic intake/amenity location, HVAC system operational procedures (i.e. timing around rush hour), physical barriers and vegetation buffers.

#### 5.2.1 ARTERIAL ROADWAYS

Major arterial roadways near to the Project Site include Dundas Street West and Bloor Street West.

The Project is outside the TRAP exposure zone of 500 m to the Gardiner Expressway. Detailed TRAP studies are typically performed for sites immediately adjacent to major highways (i.e. within ~100 m). On occasion, TRAP studies maybe considered for arterial roads with and average daily traffic volume ("AADT") of 15,000 vehicles or more. The AADT for Bloor Street West is 13,000 and the AADT for Dundas Street West is 9,000.

Therefore, a detailed TRAP assessment is not warranted for the Project Site. A review of the site sensitive uses and incorporation of best management practices to address TRAP is recommended as the design progresses through the planning process.

It is generally a good practice to locate fresh air intakes in rooftop mechanical spaces, or at above-grade locations to provide separation distance from vehicle emissions (roadways, loading bays, on-site parking), and to include standard MERV rated filters on fresh air intakes.

#### 5.2.2 CANADIAN PACIFIC – MACTIER SUBDIVISION AND GO TRANSIT WESTON SUBDIVISION

The CPR MacTier Subdivision and the GO Transit Weston Subdivisions are located along the east property boundary of the Project Site. The subdivision consists of multiple tracks used for through traffic of passenger and freight trains.

The closest and nearest, existing elevated points of reception include the following:

- Bishop Marrocco/Thomas Merton Catholic Secondary School on the corner of Bloor Street West and Dundas Street West (Adjacent);
- Sault College Toronto Campus and Kikkawa College on the corner of Bloor Street West and Dundas Street West (Adjacent); and
- Perth Avenue Housing Co-Operative on Perth Avenue (Adjacent).

The rail operations in this area are predominately through traffic or passby trains. The Bloor GO Transit station is located northeast of the Project Site and immediately north of Bloor Street West. Under routine operating conditions, the potential exists for GO Transit vehicles to idle for a short period of time (less than 10 minutes) while passengers load and unload. There are no storage or yard facilities along this corridor and the rails are continuously used for through traffic, therefore, long-term idling of vehicles is not anticipated.

Based on a review of the Project Site plan provided on **Figure 2**, the potential residential receptor locations are setback from the rail corridor by approximately 25m. The distance from the potential residential receptor locations to the Bloor GO Transit Station is approximately 100m.

As can be seen in the wind rose in **Figure 7**, predominant winds are from the north northwest through to the south southwest quadrants, while winds from the north northeast through to the south southeast quadrants may be the least frequent. Therefore, the winds directing potential emissions from the rail corridor towards the Project Site are infrequent and only occur approximately 29% of the time.

Electrification by Metrolinx is under consideration, however timing related to implementation is not confirmed. The current use of diesel engines along the rail corridor have the potential to generate

fugitive odour emissions. Given this potential, it is recommended that a Warning Clause and receptor based physical mitigation measures be included in the architectural design of the Project Site structures. A summary of the mitigation measures and Warning Clauses is provided in **Appendix A**.

#### 5.2.3 TORONTO TRANSIT COMMISSION BLOOR-DANFORTH LINE AND THE KEELE YARD

The Toronto Transit Commission (TTC) operates the Bloor-Danforth line approximately 140 m north of the Project Site. For the most part, the subway line is underground. A portion of track and the Keele Yard (formerly known as the Vincent Yard) is open to atmosphere between the Dundas West and Keele TTC stations. The yard is located approximately 215 m northwest of the Project Site.

According to available on-line information, the yard, on the Bloor Danforth line, is primarily used to service four trains overnight. The following describes the operations of the Keele Yard:

"The yard consists of four tracks each long enough to hold two six-car trains. Each track enters an underground carhouse at the east end of the yard providing interior storage for half of the yard's eight train capacity. There is a locked passage for TTC staff between the carhouse and Dundas West Station. The tracks of the Keele Yards join the mainline about 80 metres east of Keele Station near Indian Road.

Since the Keele Yard's 2017 re-opening, most activity occurs in the late evenings and early mornings. Four trains plus some work cars use the yard. Each night, subway workcars typically leave the Keele Yard before 2 a.m. when the four passenger trains start to arrive. At night, the trains are tested and prepared for morning service with some system check tests occurring on the outdoor storage tracks. Workcars will return to the yard before 5:45 a.m. at which time the passenger trains start to go into morning service. The first westbound train is scheduled to go past the Keele Yard at about 6:00 a.m. The number of work cars using the yard will vary depending on work scheduled at the west end of Line 2."<sup>7</sup>

Based on the size and nature of the Keele Yard operations, the facility is considered a Class I Light Industry under MECP Guideline D-6, with a 70 m Area of Influence and a Recommended Minimum Separation Distance of 20 m. The Project lands are located outside the 70 m Area of Influence and outside the Recommend Minimum Separation Distance of 20 m.

Based on the above discussion, the Bloor-Danforth line and Keele Yard is anticipated to be compatible with the Project lands, from an air quality perspective, for the following reasons:

- It is an electrified system therefore, air emissions associated with the operation of combustion engines will not occur; and
- Servicing of the rail cars occurs within the carhouse. Therefore potential emissions are controlled within the building.

<sup>&</sup>lt;sup>7</sup> https://en.wikipedia.org/wiki/Keele\_Yard

# 6. CONCLUSIONS

A compatibility/mitigation assessment has been completed, examining the potential for air quality, dust, and odour emissions from surrounding roadways and nearby industrial land uses to affect the proposed Project Site development.

SLR undertook an environmental noise study which is provided with the planning submission in a separate, standalone report.

The Project Site currently includes a retail plaza occupied by Loblaws and the LCBO (as well as a large vacant component formerly occupied by Zellers), and a smaller retail area occupied by Pizza Nova and Kal Tire. The southwest corner of the Project Site, fronting Dundas Street West includes a 3-storey residential building, and a 3-storey medical building with multiple retail storefronts at grade and offices above. With the presence of existing residential units on the Project Site, there is already an obligation for surrounding industry to meet the MECP requirements related to fugitive air emissions.

The neighbourhood is also undergoing transition and a number of in-fill, multi-storey residential developments have been approved within 500 m of the Project Site. These applications have the potential to introduce elevated sensitive receptors within the area of the existing employment uses.

Based on the above, the requirement for compatibility with existing industry already exists and the Project Site will not introduce a new "test" related to emissions of fugitive dust and odour.

The current use of diesel engines along the rail corridor have the potential to generate fugitive odour emissions. Given this potential, it is recommended that a Warning Clause and receptor based physical mitigation measures be included in the architectural design of the Project Site structures. A summary of the mitigation measures and Warning Clauses is provided in **Appendix A**.

Based on the review completed, and with the use of the recommended mitigation measures, the proposed Project Site development with elevated sensitive receptors, is anticipated to be compatible with the surrounding land uses from an air quality, perspective. The Project Site is not anticipated to limit surrounding existing, or future industries and their ability to obtain/maintain their required MECP permits and/or approvals.

The requirements of MECP Guideline D-6 are met. As the applicable policies and guidelines are met, the Project Site is:

- Unlikely to result in increased risk of complaint and nuisance claims;
- Unlikely to result in operational constraints for the major facilities;
- Unlikely to result in constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.

# 7. **REFERENCES**

Environmental Commissioner of Ontario (ECO, 2010), *Review of Posted Decision: Developing an Odour Policy Framework*, April 2010.

Ontario Ministry of the Environment, Conservation & Parks (MECP, 1995), Guideline D-1: Land Use Compatibility

Ontario Ministry of the Environment, Conservation & Parks (MECP, 1995), Guideline D-6: *Compatibility Between Industrial Facilities and Sensitive Land Uses* 

Ontario Ministry of the Environment, Conservation & Parks (MECP, 2008), *Technical Bulletin, Standards Development Branch, Methodology For Modelling Assessments Of Contaminants With 10-Minute Average Standards And Guidelines Under O. Reg. 419/05*, April 2008.

Ontario Ministry of the Environment, Conservation & Parks (MECP, 2021) Ontario Regulation 419/05 – *Local Air Quality*.

Ontario Ministry of Municipal Affairs and Housing (MMAH, 2014). *Provincial Policy Statement* <u>http://www.ontario.ca/document/provincial-policy-statement-2014</u>

Ontario Ministry of Municipal Affairs and Housing (MMAH, 2019). Draft *Provincial Policy Statement*. <u>https://prod-</u> environmental-registry.s3.amazonaws.com/2019-07/EN\_PPS Proposed Policies\_July2019.pdf

# 8. STATEMENT OF LIMITATIONS

This report has been prepared and the work referred to in this report has been undertaken by SLR Consulting (Canada) Ltd. (SLR) for Choice Properties Limited Partnership, hereafter referred to as the "Client". It is intended for the sole and exclusive use of the Client. The report has been prepared in accordance with the Scope of Work and agreement between SLR and the Client. Other than by the Client and by the City of Toronto in their role as land use planning approval authorities, copying or distribution of this report or use of or reliance on the information contained herein, in whole or in part, is not permitted unless payment for the work has been made in full and express written permission has been obtained from SLR.

This report has been prepared in a manner generally accepted by professional consulting principles and practices for the same locality and under similar conditions. No other representations or warranties, expressed or implied, are made.

Opinions and recommendations contained in this report are based on conditions that existed at the time the services were performed and are intended only for the client, purposes, locations, time frames and project parameters as outlined in the Scope or Work and agreement between SLR and the Client. The data reported, findings, observations and conclusions expressed are limited by the Scope of Work. SLR is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. SLR does not warranty the accuracy of information provided by third party sources.



# 2280 Dundas Street West

# Toronto, Ontario

Compatibility & Mitigation Study SLR Project No.: 209.30128.00000

www.slrconsulting.com



Aerial Photography from Google Earth

CHOICE PROPERTIES LIMITED PARTNERSHIP	True North	Scale: 1:1,00	METRES	
2280 DUNDAS STREET WEST- TORONTO	$\bigcirc$	Date: July 1, 2022 Rev 0.	Figure No.	SLR
		Project No. 209.30128.00000		global environmental solutions











Aerial Photography from Google Earth



Aerial Photography from Google Earth



# Appendix A Mitigation and Warning Clause Summary

## 2280 Dundas Street West

# Toronto, Ontario

Compatibility & Mitigation Study SLR Project No.: 209.30128.00000

## SUMMARY OF MITIGATION MEASURES AND WARNING CLAUSES

## **Warning Clauses**

Warning Clauses may be used individually or in combination. The following Warning Clauses should be included in agreements registered on Title for the residential units, and included in all agreements of purchase and sale or lease, and all rental agreements:

#### Transportation Sources (Roadway & Railway)

#### Air Quality, Odour, Dust Emissions

"Purchasers/tenants are advised that due to the proximity of adjacent transportation corridors and industries, dust and odours from these facilities may at times be perceptible."

## **Receptor-Based Physical Mitigation Measures**

#### Ventilation System Design

#### Air Intake Locations (Entire Building)

General building fresh-air intakes should be on facades facing away from the railway corridor (i.e., should be located on the western facades), or behind a significant intervening building or structure.

#### Mandatory Carbon/ Dust Filters (Entire Building)

All air intakes for building mechanical systems, make-up air units, HVAC units, central air conditioning units and heat recovery units shall include carbon and/or dust filters. The filtration system is to be designed to supply the space with 100% odour filtered air drawn from outside the building envelope.

#### Positive Pressurization (All Occupied Areas of the Building)

The building mechanical systems, make-up air units, HVAC units, central air conditioning units and heat recovery units shall be designed to maintain positive pressurization under normal weather conditions of all occupied areas, in accordance with current ASHRAE recommendations.

# Appendix B Industrial Information

# 2280 Dundas Street West

# Toronto, Ontario

Compatibility & Mitigation Study SLR Project No.: 209.30128.00000



			MECHECA or EASP No	MECP Guideline D-6					
Name	Address	Description	(Date)	Class	A of I	RMS	Actual Dist.	Within A of I?	Within R M S?
Nestle Canada Inc.	Chocolate Factory	72 Sterling Road	4910-8NFRZV (2012) R-002-9157189068	II	300	70	225	Yes	-
Nitta Gelatin	60 Paton Road	Meat Processor	2858-9ZTNDG (2015)	111	1000	300	555	Yes	-
213 Sterling Road Commerical Office Building	213 Sterling Road	Office Building	-	I	70	20	195	-	-
Mocar Centre	1405 Bloor Street West	Auto Repair Shop	3306-53FHB7 (2001) 8-3406-93-006 (2002)	I	70	20	245	-	-
Rio Motors	231A Sterling Road	Auto Repair Shop	-	I	70	20	180	-	-
Atlantic Auto Collison	229 Sterling Road	Auto Repair Shop	6691-5EHRH4 (2002) 1296-5EGLLC (2002)	I	70	20	180	-	-
KWL Automotive Centre	1405 Bloor Street West	Auto Repair Shop	-	I	70	20	245	-	-
Universal Transmission	1405 Bloor Street West	Auto Repair Shop	-	I	70	20	245	-	-
1 Four 0 Nine	1407 Bloor Street West	Auto Repair Shop	-	I.	70	20	245	-	-
Kontakt Films	284 St Helens Avenue	Film Production Company	-	I	70	20	370	-	-
ABS Movers & Storage	17 Dora Avenue	Mover	-	I	70	20	330	-	-
Marbles of Portgual	11 Dublin Street	Countertop Manufacturer	-	I	70	20	345	-	-
Viso Auto Body	192 St Helens Avenue	Auto Repair Shop	-	I	70	20	405	-	-
Mavros Foods & Distributors Inc.	182 St Helens Avenue	Food and Beverage Consultant	-	I	70	20	405	-	-
Henderson Brewing Co	128 Sterling Avenue	Brewery & Restaurant	R-010-8111234362 (2019)	I	70	20	190	-	-
Besi Auto Collision	77 Perth Avenue	Auto Repair Shop	1998-78FGQG (2007)	I	70	20	105	-	-
Master Mechanic	2 Howard Park Avenue	Auto Repair Shop	n/a	I	70	20	230	-	-
Galaxy Auto	70-76 Wade Avenue	Auto Repair Shop	-	I	70	20	555	-	-
Scythes Inc.(Closed)	128 Sterling Road	Printing Operations	9576-5P5NSL (2003)	n/a	n/a	n/a	n/a	n/a	n/a
Alcan/Algoods Inc. (Closed)	158 Sterling Road	Currently Museum of Contemporary Art	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Henderson Brewing Co	128 Sterling Road	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maloney Electric (Closed)	213 Sterling Road	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1407257 Ontario Corp (Closed)	2125-2131 Dundas Street West	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Notes:

A of I - Area of Influence

RMS - Recommended Minimum Separtion Distance

# Appendix B.01 Nitta Gelatin Canada Inc. MECP Permit

2280 Dundas Street West

# Toronto, Ontario

Compatibility & Mitigation Study SLR Project No.: 209.30128.00000





Ministry of the Environment, Conservation and Parks Operations Division

## **Confirmation of Registration**

Registration Number: R-010-1113159456 Version Number: 001 Date Registration Filed: Apr 30, 2021 13:54:53 PM

Dear Sir/Madam,

NITTA GELATIN CANADA, INC.

H-60 PATON Road TORONTO ON M6H 1R8

You have registered, in accordance with Section 20.21(1) (a) of the *Environmental Protection Act*, the use, operation, construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing that is located at the facility noted below, or the alteration of a process or rate of production at the facility, including the activities set out in schedule 'A'.

60 PATON Road TORONTO ON M6H 1R8

Please note that the facility noted above is subject to the applicable provisions of O. Reg. 245/11, and O. Reg.1/17.

The activity related information provided during the registration process is included as part of the confirmation of registration as schedule 'A'.

Dated on Apr 30, 2021

#### Director

Environmental Approvals Access and Service Integration Branch Ministry of the Environment, Conservation and Parks 135 St. Clair Avenue West, 1st Floor Toronto ON M4V 1P5

Any questions related to this registration and the Environmental Activity and the Sector Registry should be directed to:

Ministry of the Environment, Conservation and Parks Customer Service Representative Environmental Approvals Access and Service Integration Branch Phone:(416) 314-8001 Toll free: 1-800-461-6290

#### Schedule 'A'

Part 3 - Activity Information		
3.1 Industry Eligibility Check		
a. Please select the facility's primary North American Industry Classification System (NAICS) code.	311990	
b. Does the facility have any other applicable NAICS codes?	Yes	√ No
b. i. If yes, please select the facility's secondary NAICS code(s), and confirm any other applicable NAICS code(s).		
c. Are you engaged in an activity at the facility that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water?	V Yes	No
d. Is the activity exempt from requiring an Environmental Compliance Approval (ECA) under section 9 (1) of the Environmental Protection Act (EPA) other than an activity that has been prescribed by an EASR regulation under Part II.2 of the Act?	Yes	No
e. Are the only activities engaged in at the facility, other than activities described in question 3.1d above, prescribed under a single other EASR regulation?	Yes	<b>√</b> No
f. Is an alternative low-carbon fuel site within the meaning of Ontario Regulation (O. Reg.) 79/15 (Alternative Low-Carbon Fuels) operated at the facility?	Yes	√ No
g. Is the activity a renewable energy project as defined in the EPA?	Yes	No
h. Is an end-of-life vehicle waste disposal site within the meaning of O. Reg. 85/16 operated at the facility?	Yes	✓ <sup>No</sup>
3.2 Facility Related Information		
a. Has a site-specific air standard ever been set for a contaminant discharged from the facility? (section 35 of O. Reg. 419/05 (Air Pollution Local Air Quality))	Yes	√ No
b. Has a person ever been registered in the Ministry's Technical Standards Registry – Air Pollution under section 39 of O. Reg. 419/05 (Air Pollution – Local Air Quality) in respect of the facility?	Yes	No
c. Do all of the activities to be registered occur exclusively at the site? Please Note: Discrete activities that involve the use of equipment that is intended to be moved from one site to another to perform the same function (such as the use of mobile rock crushing equipment or mobile PCB destruction equipment) are not prescribed for the purpose of the Environmental Activity and Sector Registry, and an Environmental Compliance Approval may be required.	Ves Yes	No
d. Is the facility located on a property that has been deemed a single property under subsection 4 (2) of O. Reg. 419/05?	Yes	No
e. Is the facility located in an area of development control within the Niagara Escarpment Planning Area?	Yes	<b>√</b> No
e. i. If yes, has a development permit required under section 24 of the Niagara Escarpment Planning and Development Act (NEPDA) in respect of the facility been issued?	Yes	No
f. Is there a landfilling site that is no longer permitted to accept waste for disposal located on the site on which the facility is located?	Yes	✓ <sup>No</sup>
g. Is the activity part of an undertaking to which the Environmental Assessment Act applies?	Yes	√ No
<ul> <li>g. i. If yes, is one or more of the following conditions met:</li> <li>All class EA requirements have been completed, including decisions on any Part II order requests; OR</li> <li>The facility has received approval to proceed with the undertaking.</li> </ul>	Yes	No

h. Please provide a description of the facility. The description should include a summary of operations and activities at the facility that discharge contaminants, as well as what is produced, if applicable.

The facility manufactures unflavoured pork-skin gelatine. This product is used in the food industry (marshmallows, gummy candy, dairy products, meat processing), the pharmaceutical industry (soft/hard shell capsules), the cosmetic industry (encapsulation of bath oils, lotions, skin creams), and in various other industry processes (adhesives, matches etc.). Raw

materials include natural gas and No.2 fuel for combustion equipment, in addition to pig skin/rinds and associated additives and reagents (sodium hydroxide, hydrochloric acid, sulphuric acid) used during gelatin processing. The primary sources at the facility include two cooling towers, combustion equipment (five process boilers and natural gas fired HVAC equipment), four baghouses, and odour producing processes associated with the gelatin process.

i. Please enter the date on which the facility commenced or will commence operations.	1990-04-04		
j. Is the facility located in a multi-tenant building?	Yes	No	
3.3 Activity Related Information			
a. Does the land disposal of waste as defined in Regulation 347 General – Waste Management occur at the facility?	Yes	No	
b. Does the facility process or dispose of waste by way of thermal treatment, other than the thermal treatment of wood fuel that meets the specifications in Chapter 5 of the EASR publication in a wood-fired combustor?	Yes	No	
c. Does the facility use a wood-fired combustor?	Yes	No	
c. i. If yes, does the wood-fired combustor have a nominal load heat input capacity of less than 3 megawatts?	Yes	No	
c. ii. If yes, was the wood-fired combustor installed at the facility on or after January 31, 2017?	Yes	No	
<ul> <li>c. iii. If yes, does the wood-fired combustor exclusively use one or more of the following as fuel:</li> <li>Wood chips that meet the specifications set out in Chapter 5 of the EASR publication.</li> <li>Wood briquettes that meet the specifications set out in Chapter 5 of the EASR publication.</li> <li>Wood pellets that meet the specifications set out in Chapter 5 of the EASR publication.</li> </ul>	Yes	No	
d. Does the facility have any plating processes that use cadmium, cyanide, chromium or nickel, including chrome plating, electroplating or electroless plating?	Yes	No	
e. Is an electrolytic stripping process that removes cadmium, chromium or nickel from an object used at the facility?	Yes	√ No	
f. Are metals processed outdoors at the facility, including torching, shearing, shredding or plasma cutting, other than for the purpose of routine maintenance carried out at the facility on any plant, structure, equipment, apparatus or thing?	Yes	No	
g. Is a fossil-fuel electric power generation facility with a maximum electrical power output capacity equal to or greater than 25 megawatts operated at the facility?	Yes	No	
h. Is a combustion source that uses biogas, biomass, coal, petroleum coke or waste as a fuel, or that uses a fuel derived from biogas, biomass, coal, petroleum coke or waste other than a small wood-fired combustor operated at the facility?	Yes	No	
i. Is a combustion turbine used at the facility?	Yes	√ No	

Part 4 - Operational Information		
4.1 Air		
a. Does the EASR Emission Summary and Dispersion Modelling (ESDM) Report provide for modifications that have not yet been implemented at the facility?	✓ Yes	No
a. i. If yes, please provide the date on which the modifications will be completed.	2021-12-	31
b. Has an instrument under O. Reg. 419/05 been issued in respect of the facility?	V Yes	No
b. i. If yes, what type(s) of instruments (including any notices, orders or approvals) has (have) been issued?	(select all the	at apply)
ss. 7(1) Specified Dispersion Models		
ss. 8(2) Negligible Sources		
ss. 10(2) Operating Conditions		
ss. 11(2) Refined Emission Rates		
ss. 13.1 Value of Dispersion Modelling Parameters		
ss. 13(1) Meteorological Data		
ss. 14(6) Area of Modelling Coverage		
ss. 20(5) Speed-up Order		
Other	$\checkmark$	
List all that have been issued		
Notice of Violation No. 1-13379907 1. The Company must continue to follow the procedures for recording and responding to complaints for odou 2. The Company shall notify MECP Toronto district office when the Stage 2 Noise Control Measures are cor 3. The Company must continue to update their Odour Action Plan as required.	ur emissions. npleted.	
c. To what standard did the licensed engineering practitioner assess compliance of the facility's emissions (p box(es)):	please select	the applicable
Section 19 of O. Reg. 419/05 (Schedule 2)		
Section 20 of O. Reg. 419/05 (Schedule 3)	$\checkmark$	
N/A – The amount of any contaminant discharged from the site is negligible		
N/A – Source(s) discharge only sound as a contaminant		
N/A – Source(s) discharge sound as a contaminant and the amount of any other contaminant discharged is negligible		
d. Please select all applicable boxes that apply to a discharge of a contaminant(s) to air from the facility:		
Contaminant(s) belonging to Benchmark 1 category of ACB list is at or below the concentration for each specified averaging period set out for the contaminant	$\checkmark$	
Contaminant(s) belonging to Benchmark 1 category of ACB list is above the concentration for a specified averaging period set out for the contaminant By exceeding a Benchmark 1 contaminant limit(s), you must also notify your local District Office and take		

appropriate action in accordance with Reg. 419/05. Please see https://www.ontario.ca/page/rules-airquality-and-pollution#section-4 for more details under "Notification

Contaminant(s) belonging to Benchmark 2 category of ACB list is at or below the concentration for each specified averaging period set out for the contaminant		
Contaminant(s) belonging to Benchmark 2 category of ACB list is above the concentration for a specified averaging period set out for the contaminant		
The concentration of the contaminant(s) does not have a Ministry standard, guideline, or screening level set out for the contaminant		
N/A – The amount of any contaminant discharged from the site is negligible		
N/A – Source(s) discharge only sound as a contaminant		
N/A – Source(s) discharge sound as a contaminant and the amount of any other contaminant discharged is negligible		
e. Does the facility operate a generator for non-emergency purposes?	Yes	√ <sup>No</sup>
f. Does the facility use or operate a large boiler or heater greater than 10.5 gigajoules per hour?	Ves Yes	No
g. Will an Emissions Summary Table be uploaded? Please Note: An Emissions Summary Table is required to be uploaded at the time of registration. An Emissions Summary Table is also required to be uploaded if any modifications to the facility require an update to the EASR ESDM. Additionally, as part of the 10 year review required by O. Reg. 1/17, an updated Emissions Summary Table is required to be uploaded.	Ves Yes	No

h. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the EASR ESDM Report and made statements in the EASR ESDM Report Supplement and the date signed. .

First Name	Last Name	Licence Number(s)	Date Signed				
AKHTER	IQBAL	100106827	2021-04-21				
4.2 Fugitive Dust Control	1	1					
a. Does the EASR ESDM Report p	prepared for the facility identify a so	urce of fugitive dust?	Yes Vo				
a. i. If yes, has a licensed engineering practitioner signed and sealed a Best Management Practice Plan							
b. Has a BMPP for fugitive dust control been prepared as a result of a written notice from the Director Ves V <sup>No</sup> issued under O. Reg. 1/17?							
c. Please provide the Name(s) and fugitive dust control and the date s	I Licence Number(s) of the Licensed igned and sealed.	d Engineering Practitioner(s) that s	igned and sealed the BMF	PP for			
First Name	Last Name	Licence Number(s)	Date Signed				
4.3 Noise							
a. Please select the noise assessn	nent method that was completed for	r the facility:					
The facility meets the 1000m setback distance							

Primary Noise Screening Method		
Secondary Noise Screening Method		
Acoustic Assessment Report	$\checkmark$	
a. i. If the Primary Noise Screening Method was used, is the actual separation distance from the facility to	Yes No	

a. i. If the Primary Noise Screening Method was used, is the actual separation distance from the facility to the closest Point of Noise Reception equal to or greater than the minimum

# ] No

•	, , , ,				
a. ii. If the Secondary Noise Scree each affected Point of Noise Rece than or equal to the applicable sou	ning Method was used, is the comb ption as determined by the Seconda nd level limit set out in Chapter 3 of	ined sound level from the facility a ary Noise Screening Method less f the EASR publication?	t Yes	No	
a. iii. If an acoustic assessment was sound level from the facility at each applicable sound level limit set out	as completed, did the acoustic asse h affected Point of Noise Reception in Chapter 3 of the EASR publication	ssment determine that the combine less than or equal to of the on?	ed 🗸 Yes	No	
a. iii. a) If no, has a Noise Abateme	Yes	No			
a. iii. b) If yes, please provide the t	itle of the Noise Abatement Action I	Plan and the date it was prepared.			
Name of NAAP		Date Prepared			
b. Has an Acoustic Audit Report be	Ves Yes	No			
b. i. If yes, please provide the Nam acoustic audit report, and the date	ne(s) and Licence Number(s) of the signed and sealed.	Licensed Engineering Practitioner	(s) that signed an	d sealed the	
First Name	Last Name	Licence Number(s)	Date Signed		
Corey	Kinart	100079328	202	1-04-01	
c. Will an Acoustic Assessment Su Please Note: An Acoustic Assessm registration if an Acoustic Assessm Table is also required to be upload noise report. Additionally, as part of Assessment Summary Table is red	Immary Table be uploaded? Inent Summary Table is required to Inent was completed for the facility. In Ined if any modifications to the facility of the 10 year review required by O. Iquired to be uploaded.	be uploaded at the time of An Acoustic Assessment Summary y require an update to the facility's Reg. 1/17, an updated Acoustic	V Yes	No	
d. Please provide the Name(s) and and the date signed and sealed.	Licence Number(s) of the License	d Engineering Practitioner(s) that s	signed and sealed	the noise repor	
First Name	Last Name	Licence Number(s)	Date Signed		
Corey	Kinart	100079328	202	1-04-01	
4.4 Odour	1				
a. Did the Odour Screening Repor	t indicate that a circumstance which	requires a BMPP for odour to be	Yes	No	

separation distance as determined by the Primary Noise Screening Method?

prepared exists at the facility?			V	
b. Did the Odour Screening Report indicate that a circumstance which	ch requires an Odour Control Report	Yes	No	

(OCR) to be prepared exists at the facility?

b. i. If yes, please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the Odour Control Report and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed	
c. Has a BMPP for odour been pre Reg. 1/17?	pared as a result of a written notice	from the Director issued under O.	Yes	No

#### d. Please provide the Name(s) and Licence Number(s) of the Licensed Engineering Practitioner(s) that signed and sealed the BMPP for odour and the date signed and sealed.

First Name	Last Name	Licence Number(s)	Date Signed



**Emission Summary Table** 

#### Nitta Gelatin Canada Inc. 60 Paton Road, Toronto, Ontario M6H1R8

#### Dated: April 21, 2021

Contaminant	CAS	Total Emission Rate (g/s)	Model Used	Max. POI Conc. (μg/m <sup>3</sup> )	Averaging Period (hours)	MECP Criteria, (μg/m³)	Limiting Effect	Category (as per ACB list)	Percentage of MECP Criteria (%)
со	630-08-0	0.24	AERMOD Ver.19191	86.40	0.5	6,000	Health	B1 (Standard)	1.44
NO	10102 44 0	0.04	AERMOD Ver.19191	287.96	1	400	Health	B1 (Standard)	71.99
NOx	10102-44-0	0.94	AERMOD Ver.19191	170.73	24	200	Health	B1 (Standard)	85.37
PM	N/A	0.78	AERMOD Ver.19191	95.46	24	120	Visibility	B1 (Standard)	79.55
50	7446.00 5	0.01	AERMOD Ver.19191	3.07	1	690	Health & Vegetation	B1 (Standard)	0.44
502	7446-09-5	0.01	AERMOD Ver.19191	1.82	24	275	Health & Vegetation	B1 (Standard)	0.66
Ozone	10028-15-6	0.04	AERMOD Ver.19191	7.88	1	165	Health	B1 (Standard)	4.77
Notes: N/A - not avail	able								
ACB - Air Contaminan	ts Benchmarks								
Benchmark 1 (B1) Valu	ues: Standards and qui	deline values							

#### Nitta Gelatin Canada Inc. Acoustic Assessment Summary Tables

#### Table 1: Acoustic Assessment Summary Table - Existing

Point of Reception	Point of Reception Description	Sound Level at Point of Reception, $L_{EQ}$ [dBA]			Performance Limit, L <sub>EQ</sub> [dBA]			Compliance with Performance Limit	Acoustical Classification	Verified by Acoustic
		Day	Eve	Night	Day	Eve	Night		Alea	Audit
R1	Second storey window of home approx. 45 m west of Nitta	58	58	58	53	53	47	No/No/No	Class 1	No
R2	Upper storey window of two storey home approx. 45 m northeast of Nitta	53	53	53	53	53	47	Yes/Yes/No	Class 1	No
R3	Upper storey window of two storey home approx. 25 m southeast of Nitta	46	44	44	53	53	47	Yes/Yes/Yes	Class 1	No
R4	Upper storey window of home approx. 45 m west of Nitta with no patio barrier	59	59	59	53	53	47	No/No/No	Class 1	No
R5	Upper storey window of home approx. 45 m west of Nitta with no patio barrier	59	59	59	53	53	47	No/No/No	Class 1	No
R6	Upper storey window of two storey home approx. 150 m east of Nitta	50	49	49	53	53	47	Yes/Yes/No	Class 1	No

Table 1: Acoustic Assessment Summary Table - Future, Fully Mitigated

Point of Reception	Point of Reception Description	Sound Level at Point of Reception, L <sub>EQ</sub> [dBA]		Performance Limit, L <sub>EQ</sub> [dBA]			Compliance with Performance Limit	Acoustical Classification	Verified by Acoustic	
		Day	Eve	Night	Day	Eve	Night		, iicu	riddie
R1	Second storey window of home approx. 45 m west of Nitta	48	48	47	53	53	47	Yes/Yes/Yes	Class 1	No
R2	Upper storey window of two storey home approx. 45 m northeast of Nitta	47	47	46	53	53	47	Yes/Yes/Yes	Class 1	No
R3	Upper storey window of two storey home approx. 25 m southeast of Nitta	45	43	43	53	53	47	Yes/Yes/Yes	Class 1	No
R4	Upper storey window of home approx. 45 m west of Nitta with no patio barrier	48	48	47	53	53	47	Yes/Yes/Yes	Class 1	No
R5	Upper storey window of home approx. 45 m west of Nitta with no patio barrier	48	48	47	53	53	47	Yes/Yes/Yes	Class 1	No
R6	Upper storey window of two storey home approx. 150 m east of Nitta	44	44	43	53	53	47	Yes/Yes/Yes	Class 1	No





# Appendix B.02 Nestle Canada Inc. MECP Permit

2280 Dundas Street West

# Toronto, Ontario

Compatibility & Mitigation Study SLR Project No.: 209.30128.00000

www.slrconsulting.com



#### Ministry of the Environment Ministère de l'Environnement

## AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 4910-8NFRZV Issue Date: September 18, 2012

	Nestlé Canada Inc. 72 Sterling Road Toronto, Ontario M6R 2B6			
Site Location:	72 Sterling Road Street	100 Sterling Road	113 Sterling Road	and 1900 Dundas
	City of Toronto, M6R 2B6	City of Toronto, M6R 2B6	City of Toronto, M6R 2B2	City of Toronto, M6R 3B6

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

## **Description Section**

A confectionary manufacturing facility, consisting of the following processes and support units:

- two (2) natural gas fired boilers, having a maximum combined thermal input of 37.3 Gigajoules per hour;

- baking ovens;
- flour and sugar silos; and
- process dust collectors;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to 35,000 tonnes of confectionary products per year exhausting to the atmosphere as described in the *ESDM Report*.

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

1. "Acceptable Maximum Ground Level Concentration" means a concentration accepted by the *Ministry,* as described in the *Guide to Applying for Approval (Air & Noise),* for a *Compound of Concern* listed in the *Original ESDM Report* that has no *Ministry Point of Impingement* Limit and no *Jurisdictional Screening Level,* or the concentration at a *Point of Impingement* exceeds the *Jurisdictional Screening Level.* 

2. "Acoustic Assessment Report" means the report, prepared in accordance with Publication NPC-233 and Appendix A of the Basic Comprehensive User Guide, by Stephen Kuchma of Church & Trought Inc. and dated June 11, 2010 submitted in support of the application, that documents all sources of noise emissions and Noise Control Measures present at the Facility and includes all updated Acoustic Assessment Reports as required by the Documentation Requirements conditions of this Approval to demonstrate continued compliance with the Performance Limits following the implementation of any Modification.

3. "Acoustic Assessment Summary Table" means a table prepared in accordance with the Basic

*Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report,* up-dated as required by the Documentation Requirements conditions of this *Approval.* 

4. "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*.

5. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233.

6. "*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*.

7. "*Air Standards Manager*" means the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, or any other person who represents and carries out the duties of the Manager, Human Toxicology and Air Standards Section, Standards Development Branch, as those duties relate to the conditions of this *Approval*.

8. "*Approval"* means this entire Approval document and any Schedules to it, including the application and *Supporting Documentation*.

9. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended.

10. "*Company*" means Nestlé Canada Inc. 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. "*Compound of Concern*" means a contaminant that, based on generally available information, may be emitted to the atmosphere in a quantity from the *Facility* that is non-negligible in accordance with section 8 of *O. Reg. 419/05* either in comparison to the relevant *Ministry Point of Impingement Limit* or if a *Ministry Point of Impingement Limit* is not available for the compound then, based on generally available toxicological information, the compound may cause an adverse effect as defined by the *EPA* at a *Point of Impingement*.

12. "Description Section" means the section on page one of this Approval describing the Company's operations and the Equipment located at the Facility and specifying the Facility Production Limit for the Facility.

13. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA.

14. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located.

15. "*Emission Summary Table*" means the most updated table contained in the *ESDM Report*, which is prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* listing the appropriate *Point of Impingement* concentration for each *Compound of Concern* from the *Facility* and providing comparison to the corresponding *Ministry Point of Impingement Limit* or *Maximum Concentration Level Assessment*, or *Jurisdictional Screening Level*.

16. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c.E.18, as amended.

17. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.

18. "*Equipment*" means equipment or processes described in the *ESDM Report*, this *Approval* and in the *Supporting Documentation* referred to herein and any other equipment or processes.

19. "*Equipment with Specific Operational Limits*" means the two (2) boilers, fired by natural gas, having a maximum combined thermal input of 37.3 Gigajoules per hour and any *Equipment* related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any other *Equipment* that is specifically referenced in any published *Ministry* document that outlines specific operational guidance that must be considered by the *Director* in issuing an *Approval*.

20. "*ESDM Report*" means the most current Emission Summary and Dispersion Modelling Report that describes the *Facility*. The *ESDM Report* is based on the *Original ESDM Report*, is prepared after the issuance of this *Approval* in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by the *Company* or its consultant, and is periodically updated to incorporate all *Modifications* to and changes on discharge from the *Facility*, as required by the Documentation Requirements conditions of this *Approval*.

21. "Facility" means the entire operation located on the property where the Equipment is located.

22. "*Facility Production Limit*" means the production limit placed on the main product(s) or raw materials used by the *Facility* that represents the design capacity of the *Facility* and assists in the definition of the operations approved by the *Director*.

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. The Independent assessment or the design/implementation of Noise Control Measures for the Facility and/or Equipment.

24. "*Jurisdictional Screening Level*" means a screening level for a *Compound of Concern* that is listed in the Ministry publication titled "Jurisdictional Screening Level (JSL) List, A Screening Tool for Ontario Regulation 419: Air Pollution - Local Air Quality", dated February 2008, as amended.

25. "Log" means the up-to-date log that is used to track all *Modifications* to the *Facility* since the date of this *Approval* as required by the Documentation Requirements conditions of this *Approval*.

26. "*Maximum Concentration Level Assessment*" means the Maximum Concentration Level Assessment for the purposes of an *Approval*, described in the *Basic Comprehensive User Guide*, prepared by a *Toxicologist* using currently available toxicological information, that demonstrates that the concentration at any *Point of Impingement* for a *Compound of Concern* that does not have a *Ministry Point of Impingement Limit* is not likely to cause an adverse effect as defined by the *EPA*. The concentration at *Point of Impingement* for a *Compound of Concern* must be calculated in accordance with *O. Reg.* 419/05.

27. "*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.

28. "*Ministry Point of Impingement Limit*" means the applicable Standard listed in Schedule 2 or 3 of *O.Reg. 419/05* or a limit listed in the *Ministry* publication titled "Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution - Local Air Quality (including Schedule 6 of O. Reg. 419 on Upper Risk Thresholds)", dated February 2008, as amended.

29. "*Modification*" means any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism or thing, or alteration of a process or rate of production at the *Facility* that may discharge or alter the rate or manner of discharge of a *Compound of Concern* to the atmosphere or discharge or alter noise or vibration emissions from the *Facility*.

30. "*Noise Control Measures*" means measures to reduce the noise emissions from the *Facility* and/or *Equipment* including, but not limited to, silencers, acoustic louvres, enclosures, absorptive treatment, plenums and barriers. It also means the noise control measures detailed in the *Acoustic Assessment Report.* 

31. "O. Reg. 419/05" means the Ontario Regulation 419/05, Air Pollution – Local Air Quality, as amended.

32. "Original ESDM Report" means the Emission Summary and Dispersion Modelling Report which was prepared in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document* by Christopher Scullion of Church & Trought Inc. and dated June 23, 2010 submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval.* 

33. "*Performance Limits*" means the performance limits specified in Condition 3.2 of this *Approval* titled Performance Limits.

34. "Point of Impingement" has the same meaning as in section 2 of O. Reg. 419/05.

35. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-205* and/or *Publication NPC-232,* as applicable.

36. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2009, as amended.

37. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge a contaminant or contaminants into the atmosphere at an amount which is not considered as negligible in accordance with section 8 of *O. Reg. 419/05* and the *Procedure Document.* 

38. "*Publication NPC-103*" means the *Ministry* Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the *Ministry* as amended.

39. "*Publication NPC-205*" means the *Ministry* Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995, as amended.

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

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

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

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

Schedule A - Supporting Documentation.

44. "*Supporting Documentation*" means the documents listed in Schedule A of this *Approval* which forms part of this *Approval*.

45. "*Toxicologist*" means a qualified professional currently active in the field of risk assessment and toxicology that has a combination of formal university education, training and experience necessary to assess the *Compound of Concern* in question.

46. "*Written Summary Form*" means the electronic questionnaire form, available on the *Ministry* website, and supporting documentation, that documents the activities undertaken at the

*Facility* in the previous calendar year that must be submitted annually to the *Ministry* as required by the section of this *Approval* titled Reporting Requirements.

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

## **TERMS AND CONDITIONS**

## 1. GENERAL

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

Schedule A - Supporting Documentation.

# 2. LIMITED OPERATIONAL FLEXIBILITY

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

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

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

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

2.2 Condition 2.1 does not apply to:

(a) the addition of any new Equipment with Specific Operational Limits or to the Modification of any existing Equipment with Specific Operational Limits at the Facility. The Company shall operate any Equipment with Specific Operational Limits approved by this Approval in accordance with the Original ESDM Report and Conditions in this Approval; or

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

2.3 Condition 2.1 of this *Approval* shall expire February 1, 2020, unless this *Approval* is revoked prior to the expiry date. The *Company* may apply for renewal of Condition 2.1 of this *Approval* by including an *ESDM Report* and an *Acoustic Assessment Report* that incorporate all *Modifications* made to the *Facility* as of the date of the renewal application in the application as supporting information.

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

## 3.1 REQUEST FOR MAXIMUM CONCENTRATION LEVEL ASSESSMENT

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

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

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

3.1.2 If a proposed *Modification* mentioned in Condition 3.1.1 will result in the discharge of a *Compound of Concern* that was not previously discharged, the *Company* shall submit a *Maximum* 

*Concentration Level Assessment* to the *Director* for review by the *Air Standards Manager* in the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) revise and resubmit the assessment; or

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

3.1.8 The re-submission under Condition 3.1.7(a) is considered by the *Ministry* as a new submission.

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

3.1.10 If an assessment is submitted under Condition 3.1.3, the *Company* shall not modify the *Facility* unless the *Ministry:* 

(a) accepts the assessment; or

(b) does not respond to the *Company* with respect to the assessment within thirty (30) days from the date of the written confirmation mentioned in Condition 3.1.6.

## 3.2. PERFORMANCE LIMITS

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

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

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

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

3.2.2 If the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, the *Company* shall, at all times, ensure that all *Equipment* that is a source of the *Compound of Concern* is operated such that the maximum concentration of the *Compound of Concern* shall not exceed the concentration listed for the *Compound of Concern* in the most recent version of the *ESDM Report. ESDM Reports* are required to be updated to reflect all *Modifications* under Condition 4.1(a).

3.2.3 The Company shall:

(a) implement by not later than December 31, 2014, the *Noise Control Measures* as proposed in the *Acoustic Assessment Report* prepared by Church & Trought Inc., dated June 11, 2010 and signed by Stephen Kuchma;

(b) ensure, subsequent to the implementation of the proposed *Noise Control Measures* that the noise emissions from the *Facility* comply with the limits set in *Ministry Publication NPC-205; and* 

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

3.2.4 The *Company* shall, at all times, ensure that the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

# 4. DOCUMENTATION REQUIREMENTS

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

(a) a current *ESDM Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding all *Compounds of Concern* and reflects all *Modifications* made at the *Facility;* 

(b) a current *Acoustic Assessment Report* that demonstrates compliance with the *Performance Limits* for the *Facility* regarding noise emissions;

(c) an up-to-date Log that describes each Modification to the Facility; and

(d) a record of the changes to the *ESDM Report* and *Acoustic Assessment Report* that documents how each *Modification* is in compliance with the *Performance Limits*.

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

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

(a) a list of all *Compounds of Concern* for which a *Maximum Concentration Level Assessment* was submitted to the *Director* for review by the *Air Standards Manager* pursuant to Condition 3.1.2 or 3.1.3 of this *Approval;* 

(b) if the *Company* has modified the *Facility* and was not required to submit a *Maximum Concentration Level Assessment* with respect to a *Compound of Concern* under Condition 3.1.2 or 3.1.3, a list and concentration level of all such *Compounds of Concern*:

(c) a review of any changes to *Ministry Point of Impingement Limits* that affect any *Compounds of Concern* emitted from the *Facility*;and

(d) a table of the changes in the emission rate of any *Compound of Concern* and the resultant increase or decrease in the *Point of Impingement* concentration reported in the *ESDM Report*.

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

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

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

## **5. REPORTING REQUIREMENTS**

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

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

(b) a summary of each *Modification* that took place in the previous calendar year that resulted in a change in the previously calculated concentration at the *Point of Impingement* for any *Compound of Concern* or resulted in a change in the sound levels reported in the *Acoustic Assessment Summary Table* at any *Point of Reception*.

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

# 6. OPERATION AND MAINTENANCE

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

(a) frequency of inspections and scheduled preventative maintenance;

- (b) procedures to prevent upset conditions;
- (c) procedures to minimize all fugitive emissions;
- (d) procedures to prevent and/or minimize odorous emissions;
- (e) procedures to prevent and/or minimize noise emission; and

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

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

## 7. COMPLAINTS RECORDING PROCEDURE

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

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

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

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

## 8. RECORD KEEPING REQUIREMENTS

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

8.2 The *Company* shall retain, for a minimum of seven (7) years from the date of their creation, except as noted below, all reports, records and information described in this *Approval* and shall include but not be limited to:

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

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

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

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

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

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

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

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

## 9. ACOUSTIC AUDIT

9.1 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 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 June 30, 2015.

9.2 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*.

## **10. REVOCATION OF PREVIOUS APPROVALS**

10.1 This Approval replaces and revokes all Certificates of Approval (Air) issued under section 9 EPA.

## SCHEDULE A

## Supporting Documentation

(a) Application for Approval (Air & Noise), dated June 23, signed by Mike Perpete and submitted by the C *ompany;* 

(b) Emission Summary and Dispersion Modelling Report, prepared by Christopher Scullion of Church & Trought Inc. and dated June 23, 2010;

(c) "*Acoustic Assessment Report"* prepared by Stephen Kuchma of Church & Trought Inc. and dated June 11, 2010; and

(d) Documents prepared by Christopher Scullion of Church & Trought Inc. and dated November 29, 2011.

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

# GENERAL

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

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

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

## **DOCUMENTATION REQUIREMENTS**

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

## **REPORTING REQUIREMENTS**

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

# **OPERATION AND MAINTENANCE**

Condition No. 6 is included to require the *Company* to properly operate and maintain the *Processes with Significant Environmental Aspects* to minimize the impact to the environment from these processes.

## COMPLAINTS RECORDING PROCEDURE

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

## **RECORD KEEPING REQUIREMENTS**

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

# ACOUSTIC AUDIT

Condition No. 9 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.

# **REVOCATION OF PREVIOUS APPROVALS**

Condition No. 10 is included to identify that this Approval replaces all Section 9 Certificate(s) of Approval.

# Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 4386-796UHH issued on March 20, 2008

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:

 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;
 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 ANI 1500 Toronto, Ontario M5G 1E5	The Environmental Commissioner 1075 Bay Street, Suite 605 Toronto, Ontario M5S 2B1	The Director appointed for the purposes of Part II.1 of the Environmental Protection Act Ministry of the Environment 2 St. Clair Avenue West, Floor 12A Toronto, Ontario M4V 1L5
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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) 314-4506 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 18th day of September, 2012

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

JM/ c: District Manager, MOE Toronto - District Christopher Scullion, Church & Trought Inc.



#### **Confirmation of Registration**

Registration Number: R-002-9157189068 Version Number: 001 Date Registration Filed: Sep 13, 2012 5:16:20 PM

Dear Sir/Madam,

Nestle Canada Inc. 25 SHEPPARD AVE W 19TH FLOOR NORTH YORK NORTH YORK ON M2N6S8

You have registered, in accordance with Section 20.21(1)(a) of the Environmental Protection Act, the use, operation, construction, alteration, extension and/or replacement of a standby power system located at:

72 STERLING ROAD TORONTO ON M6R 2B6

Please note that the standby power system is subject to the applicable provisions of O. Reg. 245/11, including operational requirements and a mandatory update of your registration information on or before every fifth anniversary from the date you receive this confirmation.

Any questions related to this registration and the Environmental Activity and Sector Registry should be directed to:

Ministry of the Environment Customer Service Representative Environmental Approvals Access and Service Integration Branch 2 St. Clair Avenue West, Floor 12A Toronto ON M4V 1L5 Phone: (416) 314-8001 Toll free: 1-800-461-6290