

Dela Pena, Samantha

From: Benedetti, Anne <abenedetti@goodmans.ca>
Sent: 2024/10/28 10:10 AM
To: Rea, Matthew
Cc: Dela Pena, Samantha; Ambrico, Angelo; Rosengarten, Joanna; Benedetti, Anne
Subject: RE: [EXTERNAL]April 23, 2024, from Mike Everard re: City File No. OZS-2023-0020, 69 Bramalea Holdings Ltd.

Hi Matthew,

Thank you for the email.

I can confirm that the Peer Reviews provided are not privileged nor confidential. Our client and SLR have no objection to the Peer Reviews being posted on the City's website and being referenced or disclosed publicly in a future staff report or meeting of a Committee or Council.

Thank you,
Anne

Anne Benedetti

She/Her
Goodmans LLP

416.597.5929
abenedetti@goodmans.ca
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From: Rea, Matthew <Matthew.Rea@brampton.ca>
Sent: Monday, October 21, 2024 3:17 PM
To: Benedetti, Anne <abenedetti@goodmans.ca>
Cc: Dela Pena, Samantha <Samantha.DeLaPena@brampton.ca>; Ambrico, Angelo <Angelo.Ambrico@brampton.ca>
Subject: FW: [EXTERNAL]April 23, 2024, from Mike Everard re: City File No. OZS-2023-0020, 69 Bramalea Holdings Ltd.

Hello Anne,

Your email below and the attached Environmental Noise report and Air Quality report authored by SLR ("Peer Reviews") were shared with me.

Please confirm the following regarding your disclosure of these Peer Reviews to the City Planning Department:

- Are the Peer Reviews being submitted to the City without any qualifiers of privilege or confidentiality?
- Do your client and SLR Consulting (Canada) Ltd. consent to the Peer Reviews being posted to the City's publicly accessible webpage for OZS-2023-0020?
- Do your client and SLR Consulting (Canada) Ltd. consent to the Peer Reviews being referenced and/or disclosed publicly in a future staff report or meeting of Committee or Council?

We would appreciate clarification on these points, particularly given our attached exchange this past summer.

Thank you,
Matt

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From: Benedetti, Anne <abenedetti@goodmans.ca>
Sent: Wednesday, September 25, 2024 8:42 AM
To: Dela Pena, Samantha <Samantha.DeLaPena@brampton.ca>; Mike Everard <everard@rogers.com>
Cc: Leibel, Allan <aleibel@goodmans.ca>; 'Mark Bank' <mark@bankbros.com>; Ambrico, Angelo <Angelo.Ambrico@brampton.ca>; Rosengarten, Joanna <rosengarten@goodmans.ca>; Benedetti, Anne <abenedetti@goodmans.ca>
Subject: RE: [EXTERNAL]April 23, 2024, from Mike Everard re: City File No. OZS-2023-0020, 69 Bramalea Holdings Ltd.

Good morning Sam,

As you will recall, we act for Bank Bros & Son Limited in respect of their processing and packaging facility located at 109 East Drive in Brampton (the "Facility"). We remain concerned about the residential development is proposed for 69 Bramalea Road, located approximately 85 m from the Facility.

To assist and further to your email, we have attached peer review reports, prepared by our client's consultant, SLR Consulting (Canada) Ltd. (SLR), in respect of the Environmental Noise Impact Assessment and the Air Quality Assessment reports that were prepared for 69 Bramalea by its consultants. SLR identified a number of deficiencies in the Environmental Noise Assessment and concluded that there is insufficient information to determine whether the proposed noise mitigation measures at 69 Bramalea will be adequate to address existing or future noise impacts from the Facility. It is SLR's conclusion that further information is required to determine whether noise emissions from the Facility will result in noise exceedances at the proposed residential development.

SLR also concluded that the introduction of residential points of reception, such as balconies and outdoor spaces, may lead to odour complaints and put current and future expanded operations at the Facility at risk. Based on the information currently available, SLR disagrees that the proposed redevelopment is compatible with operations at the Facility, due to potential odour issues.

We hope the attached are helpful as the City of Brampton considers the proposed redevelopment of 69 Bramalea Road. Please do not hesitate to contact us with any questions.

Thank you,
Anne

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September 23, 2024

City of Brampton
Planning, Building and Growth Management
2 Wellington Street West
Brampton, ON L6Y 4R2

SLR Project No.: 241.031400.00001

Revision: 0

**RE: Peer Review Comments – Environmental Noise from 109 East Drive,
Brampton (Bank Brothers Sustainable Ingredients)
69 Bramalea Road, Brampton, ON**

Introduction

SLR Consulting (Canada) Ltd. (“SLR”) was retained by Bank Brothers Sustainable Ingredients (“BBSI”) to conduct a peer review of an environmental noise impact assessment submitted to the City of Brampton for the proposed 69 Bramalea Road, Brampton development. The scope of the peer review is limited to assessment of stationary noise from the BBSI facility (the “Facility”, located at 109 East Drive, Brampton) onto the proposed 69 Bramalea Road development.

The following report was reviewed as a part of this limited-scope peer review:

- “Environmental Noise Impact Assessment – 69 Bramalea, Phase 1 & 2, Proposed Mixed Use Development, 69 Bramalea Road – May 30, 2023” by Valcoustics Canada Ltd. (“VCL”), herein referred to as “the VCL Noise Report”.

SLR has also been retained by BBSI to prepare an updated Acoustic Assessment Report (“AAR”) as part of a planned application for an Environmental Compliance Approval (“ECA”) with Limited Operational Flexibility to replace the current Certificate of Approval (“CofA”) issued for the Facility.

Overview

The purpose of this peer review is to provide an opinion on the accuracy of the environmental noise impact assessment as it relates to the Facility, and whether the report satisfies the following guidelines:

- MECP Publication NPC-300, Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning.

This review is limited to assessing the methodology, findings, recommendations and/or alignment with the above noted applicable standards and guidelines. Calculations and detailed modelling were not duplicated as part of this review.

SLR completed the review in alignment with Professional Engineers Ontario Guideline for Reviewing Work Prepared by Another Professional Engineer, October 2011.

Stationary Noise Assessment of 109 East Drive, Brampton

Assessment Methods

The Facility was assessed independently from other surrounding facilities, in accordance with NPC-300 guidelines. Noise from other surrounding stationary sources was also assessed, but other facilities are not the focus of this review.

VCL provided BBSI with a 'Survey of Facility Operations' document, completed December 13, 2022 and included in Appendix F of the VCL Noise Report. The stationary noise assessment was based on a combination of observations from aerial imagery, data from the Survey of Facility Operations document, and assumptions. Sound level measurements of Facility sources were not performed, and the assessment is based on historical VCL data for similar sources.

Comments on Stationary Noise Assessment and Conclusions

The VCL assessment does not fully address Part C of the NPC-300 guidelines, particularly with respect to the following:

Part C – Land Use Planning – Part C1.1. Scope

2. to protect the lawful operations of any stationary source(s) located close to a proposed noise sensitive land use (stationary sources need to be able to maintain compliance with the legal requirements of their MOE approval, when the development of new noise sensitive land uses are introduced in their proximity); ...

4. to create compatible land uses and avoid potential adverse effects due to noise.

The following comments are applicable to the stationary noise assessment in consideration of Part C of MECP Publication NPC-300 as noted above.

- 1 The Facility currently holds a CofA, Number 5180-877PSA, Issued August 31, 2010. The VCL Noise Report does not identify that the Facility currently holds an environmental approval from the MECP.
- 2 The CofA was reviewed by the MECP, and the Facility was determined to meet applicable sound level limits in force at the time (i.e., limits prescribed in MECP Publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & Class 2 Areas (Urban)).
 - a) Note: NPC-205 has since been superseded by MECP Publication NPC-300. The minimum exclusionary limits in NPC-205 for a Class 1 area were lower during evening hours compared to NPC-300 (i.e., 47 dBA vs. 45 dBA).
 - b) Note: The Acoustic Assessment Report (AAR) prepared as part of the CofA application is not available.
- 3 The proposed development at 69 Bramalea Road introduces a new noise sensitive land use that is more exposed to the Facility than any other existing noise sensitive land use. The distance from the Facility to the proposed 69 Bramalea Road development is approximately 85 m. In comparison the nearest existing noise sensitive land uses to the Facility are located more than 220 m to the west and north. As the 69 Bramalea Road lot is zoned for industrial uses, it did not constitute a noise sensitive use and would not have been assessed when the CofA for the Facility was obtained.



The Facility was not and is not currently required to meet any sound level limits at 69 Bramalea Road.

- 4 The VCL Noise Report does not indicate that introduction of the proposed 69 Bramalea Road development would introduce a new noise sensitive land use that may introduce a new compliance status for the Facility. Class 1 MECF sound level limits may not be achieved at the proposed 69 Bramalea Road development, even if they are met at all other existing noise sensitive land uses.
- 5 The VCL Noise Report does not include an assessment of Outdoor Points of Reception (OPORs) associated with the proposed development, considering either Class 1 or Class 4 limits. Only Plane of Window PORs have been assessed. The VCL Noise Report does not show that adverse effects due to noise are avoided at OPORs associated with the proposed development.
- 6 With respect to interpretation of the Survey of Facility Operations included in Appendix F of the VCL Noise Report, BBSI indicated the Facility operates 24 hours per day. Appendix G of the VCL Noise Report indicates that 'the facility operates during the daytime only'. This is incorrect and should be reflected in the environmental noise assessment. The Facility operates 24 hours per day, 7 days per week.
- 7 The VCL Noise Report does not consider the potential for the Facility to expand operations in the future and whether the proposed 69 Bramalea Road development will inhibit BBSI's ability to expand operations; nor does it consider actual Facility source sound levels. These details must both be considered to accurately assess noise impacts of the Facility at the proposed 69 Bramalea Road development.

Also, the following information regarding the Facility should be noted:

- 8 BBSI will be applying for an ECA with Limited Operational Flexibility, intended to replace the existing CofA. The Facility is being reassessed in detail as part of preparing an AAR for the application. The AAR is being prepared by SLR and will be submitted to the MECF for review.

Conclusions

VCL presented the following conclusions with respect to noise impacts from the Facility (obtained from Table 6):

- Predicted sound levels exceed Class 1 guideline limits (the higher of Class 1 minimum exclusionary limits or ambient sound levels due to road traffic) for both continuous and impulsive noise; and
- Predicted sound levels meet Class 4 guideline limits (the higher of Class 4 minimum exclusionary limits or ambient sound levels due to road traffic) for both continuous and impulsive noise.

As SLR has not yet completed a detailed update to the AAR for the Facility, further comment cannot be provided at this time regarding the above-noted conclusions.



VCL also outlined the following recommended mitigation measures for the proposed development:

- Class 4 designation is recommended for the proposed development site.
- Due to predicted sound levels from other surrounding industries also exceeding Class 4 limits, Enclosed Noise Buffers (ENBs) are indicated as being included in the building design (Section 3.2.5 of the VCL Noise Report).
 - Note: It is unclear exactly what locations will include ENBs, and whether Figures 5a and 5b illustrate impacts/excess locations that are due to stationary source noise from all facilities combined, or whether the excesses include locations of excesses from individual facility noise impacts.
- Further detailed studies of the surrounding commercial/industrial uses should also be done as part of the future applications, to confirm details of the operations and noise impact assessment.

Based on the VCL Noise Report, we cannot confirm if recommended mitigation measures for the proposed development will be sufficient to address existing or future noise impacts from the Facility. Further comment could only be provided if the extent of recommended ENBs can be confirmed, and if an assessment of OPORs for the proposed 69 Bramalea Road development is provided.

SLR agrees that further detailed study is required. BBSI/SLR will provide VCL with detailed modelling inputs and a copy of the AAR for the Facility upon review of the AAR by the MECP, that can be used in further detailed assessment. Modelling inputs will include source locations, sound power levels, operating duration during worst-case daytime/evening/nighttime hours, and trucking volumes. These details will be provided in the future at the appropriate time (i.e., following review of the AAR by the MECP).

Statement of Limitations

This report has been prepared by SLR Consulting (Canada) Ltd. (SLR) for Bank Brothers Sustainable Ingredients (“Client”) in accordance with the scope of work and all other terms and conditions of the agreement between such parties. SLR acknowledges and agrees that the Client may provide this report to government agencies, interest holders, and/or Indigenous communities as part of project planning or regulatory approval processes. Copying or distribution of this report, in whole or in part, for any other purpose other than as aforementioned is not permitted without the prior written consent of SLR.

Any findings, conclusions, recommendations, or designs provided in this report are based on conditions and criteria that existed at the time work was completed and the assumptions and qualifications set forth herein.

This report may contain data or information provided by third party sources on which SLR is entitled to rely without verification and SLR does not warranty the accuracy of any such data or information.

Nothing in this report constitutes a legal opinion nor does SLR make any representation as to compliance with any laws, rules, regulations, or policies established by federal, provincial or local government bodies, other than as specifically set forth in this report. Revisions to legislative or regulatory standards referred to in this report may be expected over time and, as a result, modifications to the findings, conclusions, or recommendations may be necessary.



Closure

Should you have questions on the above report, please contact the undersigned.

Regards,

SLR Consulting (Canada) Ltd.



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September 24, 2024

City of Brampton, Planning and Growth Management
2 Wellington Street West
Brampton, ON L6J 4R2

SLR Project No.: 241.031410.00002

Revision: 0

**RE: Peer Review Comments – Land Use Compatibility
Air Quality from 109 East Drive, Bank Brothers Sustainable Ingredients
69 Bramalea, Brampton, ON**

Introduction

SLR Consulting (Canada) Ltd. (“SLR”) was retained by Bank Brothers Sustainable Ingredients (“BBSI”) to conduct a peer review of an air quality impact assessment submitted to the City of Brampton (“the City”) for the proposed 69 Bramalea Road development. The scope of this peer review is limited to assessing air emissions from the BBSI facility (the “Facility”), located at 109 East Drive, onto the proposed 69 Bramalea Road development (the “Development”) per described in this document:

- Dillion Consulting (23-6955) - 69 Bramalea Road, Updated Air Quality Assessment, 69 Bramalea Holdings Limited, dated June 17, 2024 (the “Report”).

Overview

The SLR peer review is prepared in accordance with guidance from the City and includes an opinion on the accuracy of the land use compatibility, noise and vibration studies listed above and whether such studies satisfy the following requirements:

- The Provincial Policy Statement, 2020;
- The Provincial Growth Plan;
- Ministry of the Environment, Conservation and Parks (“MECP”) D-Series Guidelines including D-1 and D-6;
- Ontario Regulation 419/05: Air Pollution – Local Air Quality and its associated air quality standards and assessment requirements;
- Ontario Environmental Protection Act (EPA); and
- The MECP draft policies on odour impacts and assessment.

This peer review is limited to assessing the methodology, findings, recommendations in the study and the alignment with the above noted applicable standards and guidelines. Further, calculations and detailed modelling were not duplicated as part of this peer review.

SLR completed the review in alignment with Professional Engineers Ontario Guideline for Reviewing Work Prepared by Another Professional Engineer, October 2011.

Air Quality Assessment Peer Review Overview

The Air Quality Assessment and Report were completed for 69 Bramalea Holdings Limited in support of an Official Plan Amendment and Zoning By-Law Amendment for the Development.

The peer review is limited to reviewing the methodology Dillon Consulting used to assess the emissions from the Facility, which were modelled using the MECP approved dispersion model, with information obtained through a Freedom of Information (“FOI”) request. Emissions were obtained from the emission summary and dispersion modelling (“ESDM”) report prepared for the 2010 Certificate of Approval, Number 5180-877PSA issued to Hubbert’s Processing and Sales Ltd.

Dillon Consulting also completed a nuisance contaminants assessment, described in Section 5.3.5.3 of the Report, to evaluate the predicted level of odour at the Development from the Facility.

The following presents our comments of the Report.

Comments on Section 5.3.5 – Bank Brothers Sustainable Ingredients

- C1. The Report outlines the information obtained through the FOI request for the Facility. BBSI took ownership of the Facility in 2017. The incident reports, MECP inspection reports, and the ESDM that were obtained as part of the FOI process were prepared for the previous owners of the Facility. Since Bank Brothers & Sons Ltd. have taken ownership, there have been no recorded odour complaints and no incident reports logged with the MECP.
- C2. SLR has no concerns related to how the assessment of the regulated contaminants was completed. However, SLR notes that several sources and contaminants listed in Table 4 and in Table 5 of the Report are no longer used at the Facility. Also, Bank Brothers & Sons Ltd. is proposing to undertake several upgrades to the Facility that may differ from the Facility emissions assessed in the report. SLR understands that compliance with O.Reg. 419/05 at existing points of reception will be maintained once these upgrades are completed.
- C3. The Report notes in Section 5.3.5.3 on page 24 that “... it is expected that an odour abatement plan will be included in Bank Brothers’ future ECA application. While the requirements of the odour abatement plan are not included in the documentation, it is expected that the plan would provide operating procedures and maintenance programs to prevent or minimize odour emissions from all potential sources and include a methodology for handling odour complaints”. SLR emphasizes that the Facility is currently required to control odour levels at existing points of reception. The introduction of the Development will put additional pressure on the Facility to mitigate odours to a neighbouring property that is not currently a point of reception, as defined by the MECP. The introduction of the sensitive use proposed by the Development may impose a financial burden on the Facility and require it to expend resources to implement additional measures to control fugitive odours to a level that is not currently necessary to maintain operations and compliance.
- C4. We have several concerns with the odour dispersion modelling assessment presented in the Report. The Report presents two model scenarios that reflect the tiered approach to odour compliance for the Facility.
- a. “Scenario 1: Odour impacts were assessed at the Proposed Development, assuming that the 1 OU threshold is met at the MECP receptor grid”.



- b. The first scenario is irrelevant as there are no requirements for an industrial facility to comply with mixed-odour standards at a property line if no sensitive land use is located adjacent to the Facility. Currently, there is no sensitive land use located adjacent to the Facility. Further, the current zoning will not permit the development of a sensitive land use adjacent to the Facility.
- c. “Scenario 2: Odour impacts were assessed at the Proposed Development, including at elevated receptors, assuming that the 1 OU threshold on a 99.5% percentile basis is achieved at the existing residential building at 64 and 68 Bramalea Road”.
 - i. Scenario 2 only compares the screening odour levels to a singular existing sensitive receptor location and does not confirm if this presents the worst-case predicted odour level at all existing receptors. As the Report shows the development is predicted to experience odours at 1.84 OU, scaling the model to meet the 1 OU at a different worst-case receptor may lead to higher OU predictions at the Development.

The odour modelling also does not consider the frequency at which odours are predicted to impact the proposed Development in comparison to impacts at existing sensitive uses. As such, the Report does not consider if the Development may experience odours more frequently than existing receptors due to the closer proximity of the Development to the Facility. Further, the potential offensiveness of the odour should also be considered, as the Facility processes animal by-products that can produce offensive odours, which, if detected, may lead to a higher likelihood of complaint. In addition, the Report does not consider fugitive odours from the Facility that are likely to be emitted during routine operations, such as waste removal, that can result in temporary but strong odours.

- C5. The odour levels presented in Table 7 of the Report should note that they are for screening purposes only and do not reflect actual predicted point of impingement levels for odours.
- C6. The proximity of the Development is a concern for potential resident complaints against the Facility. The Development will be located approximately 85 m from the Facility, while the nearest existing point of reception is currently located more than 220 m from the Facility. This closer proximity of the Development limits the dispersion of odours and may lead to higher odour concentrations at the Development than are currently perceived by nearby existing sensitive uses.

Comments on Section 6.0 – Mitigation

- C7. The Report outlines proposed mitigation measures to reduce the potential for complaints related to emissions at the Facility. While SLR agrees that these measures should be implemented by the Development, the Report does not guarantee that these measures will be adopted. In addition, these mitigation measures do not limit the points of reception facing the Facility, as the Development includes outdoor amenity spaces and private balconies that face the Facility. The existence of these outdoor spaces increases the likelihood of complaints being made regarding emissions from the Facility.
- C8. As discussed in Section 4.6.3 of MECP Guideline D-6, “Odorous contaminants are particularly difficult to control on-site. Although the contaminants emitted may meet the Ministry’s standards and interim standards, experience indicates that complaints may still be received from residents living in proximity to the industry”.

The introduction of nearby points of reception including balconies and outdoor amenity spaces will put the operations of the Facility at risk, including the ability of the Facility to expand operations in the future without incurring additional financial burden.



Conclusion

SLR does not agree with the Dillon Consulting conclusion that the Proposed Development is expected to be compatible with the operations of the Facility, based on the results of the odour assessment provided.

Due to the proximity of the proposed Development to the Facility and the fact that the Development includes outdoor amenity areas and balconies facing the Facility, there is potential for future odour complaints. This puts the current Facility operations and the ability to expand the operations in the future at risk. The Report does not confirm whether the recommended mitigation measures for the proposed Development will be undertaken and whether they will be sufficient to address potential existing and/or future odour emissions from the Facility.

Statement of Limitations

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Closure

Should you have questions on the above report, please contact the undersigned.

Regards,

SLR Consulting (Canada) Ltd.



Laura Clark, P.Eng.
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A handwritten signature in black ink, appearing to read "Diane Freeman".

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