

**AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 6003-BXY6C7  
Issue Date: June 16, 2022

Redpath Sugar Ltd.  
95 Queens Quay East  
Toronto, Ontario  
M5E 1A3

Site Location: 95 Queens Quay East, Toronto, Ontario.

*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 sugar refining facility, consisting of the following processes and support units:

- sugar refining operations, blending operations and the manufacturing of sugar and sugar related products;
- materials handling, including dockside unloading cranes, and storage operations;
- products packaging operations;
- power generation complete with three (3) steam power turbines generating 5.6 MW, 3.8 MW and 1.0 MW of electricity, equipped with two (2) steam boilers, each having a heat input of 145,168,000 kilojoules per hour and three (3) standby steam boilers, each having a heat input of 22,073,878 kilojoules per hour, firing natural gas or No. 2 diesel oil;

including the *Equipment* and any other ancillary and support processes and activities, operating at a *Facility Production Limit* of up to 1,000,000 tonnes per year of raw sugar, discharging into the air as described in the *Original ESDM Report*.

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

1. "*ACB list*" means the document entitled "Air Contaminants Benchmarks (ACB) List: Standards, guidelines and screening levels for assessing point of impingement concentrations of air contaminants", as amended from time to time and published by the *Ministry* and available on a Government website;

2. "*Acceptable Point of Impingement Concentration*" means a concentration accepted by the *Ministry* as not likely to cause an adverse effect for a *Compound of Concern* that,
  - a. is not identified in the *ACB list*, or
  - b. is identified in the *ACB list* as belonging to the category "Benchmark 2" and has a concentration at a *Point of Impingement* that exceeds the concentration set out for the contaminant in that document.

With respect to the *Original ESDM Report*, the *Acceptable Point of Impingement Concentration* for a *Compound of Concern* mentioned above is the concentration set out in the *Original ESDM Report*;

3. "*Acoustic Assessment Report*" means the report, prepared in accordance with *Publication NPC-233* and Appendix A of the *Basic Comprehensive User Guide*, by Al Lightstone, P.Eng. / Valcoustics Canada Ltd. and dated July 23, 2020 submitted in support of the application, that documents all sources of noise emissions and *Noise Control Measures* present at the *Facility*, as updated in accordance with Condition 5 of this *Approval*;
4. "*Acoustic Assessment Summary Table*" means a table prepared in accordance with the *Basic Comprehensive User Guide* summarising the results of the *Acoustic Assessment Report*, as updated in accordance with Condition 5 of this *Approval*;
5. "*Approval*" means this entire Environmental Compliance Approval including the *Schedules*;
6. "*Basic Comprehensive User Guide*" means the *Ministry* document titled "Basic Comprehensive Certificates of Approval (Air) User Guide" dated March 2011, as amended;
7. "*Best Management Practices Plan*" means the plan that is a consolidation outlining the efforts at the *Facility* to minimize the nuisance impacts of noise, odour and fugitive dusts that may result from all operations at the *Facility* and sources associated with the *Facility*, but also references all agreements and Decisions/Orders, including those listed in Schedule B, that specify substantive and process requirements for mitigation measures at *Points of Impingement* and *Points of Reception*, to minimize the potential for complaint in relation to noise, odour and fugitive dusts from the *Facility* and sources associated with the *Facility*;
8. "*Company*" means Redpath Sugar Ltd. 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*;
9. "*Compound of Concern*" means a contaminant described in paragraph 4 subsection 26 (1) of *O. Reg. 419/05*, namely, a contaminant that is discharged from the *Facility* in an amount that is not negligible;
10. "*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*;

11. "*Director*" means a person appointed for the purpose of section 20.3 of the *EPA* by the *Minister* pursuant to section 5 of the *EPA*;
12. "*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located;
13. "*Emission Summary Table*" means a table described in paragraph 14 of subsection 26 (1) of *O. Reg. 419/05*;
14. "*Environmental Assessment Act*" means the Environmental Assessment Act, R.S.O. 1990, c. E.18;
15. "*EPA*" means the Environmental Protection Act, R.S.O. 1990, c. E.19;
16. "*Equipment*" means equipment or processes described in the *ESDM Report*, this *Approval* and in the *Schedules* referred to herein and any other equipment or processes;
17. "*Equipment with Specific Operational Limits*" means 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*;
18. "*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* and is updated after the issuance of this *Approval* in accordance with section 26 of *O. Reg. 419/05* and the *Procedure Document*;
19. "*Facility*" means the entire operation located on the property where the *Equipment* is located;
20. "*Facility Production Limit*" means the production limit placed by the *Director* on the main product(s) or raw materials used by the *Facility*;
21. "*Log*" means a document that contains a record of each change that is required to be made to the *ESDM Report* and *Acoustic Assessment Report*, including the date on which the change occurred. For example, a record would have to be made of a more accurate emission rate for a source of contaminant, more accurate meteorological data, a more accurate value of a parameter that is related to a source of contaminant, a change to a *Point of Impingement* and all changes to information associated with a *Modification* to the *Facility* that satisfies Condition 2;
22. "*Minister*" means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of the *EPA* under the Executive Council Act;

23. "*Ministry*" means the ministry of the *Minister*;
24. "*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 air or discharge or alter noise or vibration emissions from the *Facility*;
25. "*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 outlined in the *Acoustic Assessment Report*;
26. "*O. Reg. 419/05*" means Ontario Regulation 419/05: (Air Pollution – Local Air Quality), made under the *EPA*;
27. "*Ontario Municipal Board* " means the Administrative Tribunal that adjudicates matters related to land use planning, among other things, as replaced by the Local Planning Appeal Tribunal, as replaced by the Ontario Land Tribunal, and as may be replaced by an Administrative Tribunal in the future;
28. "*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 Wood Environment & Infrastructure Solutions and dated July 24, 2020, submitted in support of the application, and includes any changes to the report made up to the date of issuance of this *Approval*;
29. "*Point of Impingement*" has the same meaning as in section 2 of *O. Reg. 419/05*;
30. "*Point of Reception*" means Point of Reception as defined by *Publication NPC-205* and/or *Publication NPC-300* as applicable;
31. "*Procedure Document*" means *Ministry* guidance document titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated March 2018, as amended;
32. "*Processes with Significant Environmental Aspects*" means the *Equipment* which, during regular operation, would discharge one or more contaminants into the air in an amount which is not considered as negligible in accordance with section 26 (1) 4 of *O. Reg. 419/05* and the *Procedure Document*;
33. "*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;
34. "*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;

35. "*Publication NPC-233*" means the *Ministry* Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October, 1995, as amended;
36. "*Publication NPC-300*" means the *Ministry* Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August 2013, as amended;
37. "*Schedules*" means the following schedules attached to this *Approval* and forming part of this *Approval* namely:
  - Schedule A - Supporting Documentation
  - Schedule B - Geographically Specific Noise Compliance and Minimizing the Potential for Complaints About Noise, Odour and Fugitive Dust Emissions Principles
38. "*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 contaminants; and
39. "*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.

*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. 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
  - Schedule B - Geographically Specific Noise Compliance and Minimizing the Potential for Complaints About Noise, Odour and Fugitive Dust Emissions Principles

### **2. LIMITED OPERATIONAL FLEXIBILITY**

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

- a. are within the scope of the 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 as specified in Condition 4.
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*; and
  - b. *Modifications* to the *Facility* that would be subject to the *Environmental Assessment Act*.
3. Condition 2.1 of this *Approval* shall expire ten (10) years from the date of this *Approval*, 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 describes the *Facility* as of the date of the renewal application.

### **3. REQUIREMENT TO REQUEST AN *ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION***

- 1. Prior to making a *Modification* to the *Facility* that satisfies Condition 2.1.a. and 2.1.b., the *Company* shall prepare a proposed update to the *ESDM Report* to reflect the proposed *Modification*.
- 2. The *Company* shall request approval of an *Acceptable Point of Impingement Concentration* for a *Compound of Concern* if the *Compound of Concern* is not identified in the *ACB list* as belonging to the category “Benchmark 1” and a proposed update to an *ESDM Report* indicates that one of the following changes with respect to the concentration of the *Compound of Concern* may occur:
  - a. The *Compound of Concern* was not a *Compound of Concern* in the previous version of the *ESDM Report* and
    - i. the concentration of the *Compound of Concern* exceeds the concentration set out for the contaminant in the *ACB list*; or
    - ii. the *Compound of Concern* is not identified in the *ACB list*; or
  - b. The concentration of the *Compound of Concern* in the updated *ESDM Report* exceeds the higher of,
    - i. the most recent *Acceptable Point of Impingement Concentration*, and

- ii. the concentration set out for the contaminant in the *ACB list*, if the contaminant is identified in that document.
3. The request required by Condition 3.2 shall propose a concentration for the *Compound of Concern* and shall contain an assessment, performed by a *Toxicologist*, of the likelihood of the proposed concentration causing an adverse effect at *Points of Impingement*.
4. If the request required by Condition 3.2 is a result of a proposed *Modification* described in Condition 3.1, the *Company* shall submit the request, in writing, to the *Director* at least 30 days prior to commencing to make the *Modification*. The *Director* shall provide written confirmation of receipt of this request to the *Company*.
5. If a request is required to be made under Condition 3.2 in respect of a proposed *Modification* described in Condition 3.1, the *Company* shall not make the *Modification* mentioned in Condition 3.1 unless the request is approved in writing by the *Director*.
6. If the *Director* notifies the *Company* in writing that the *Director* does not approve the request, the *Company* shall,
  - a. revise and resubmit the request; or
  - b. notify the *Director* that it will not be making the *Modification*.
7. The re-submission mentioned in Condition 3.6 shall be deemed a new submission under Condition 3.2.
8. If the *Director* approves the request, the *Company* shall update the *ESDM Report* to reflect the *Modification*.
9. Condition 3 does not apply if Condition 2.1 has expired.

#### 4. PERFORMANCE LIMITS

1. Subject to Condition 4.2, the *Company* shall not discharge or cause or permit the discharge of a *Compound of Concern* into the air if,
  - a. the *Compound of Concern* is identified in the *ACB list* as belonging to the category "Benchmark 1" and the discharge results in the concentration at a *Point of Impingement* exceeding the Benchmark 1 concentration; or
  - b. the *Compound of Concern* is not identified in the *ACB list* as belonging to the category "Benchmark 1" and the discharge results in the concentration at a *Point of Impingement* exceeding the higher of,
    - i. if an *Acceptable Point of Impingement Concentration* exists, the most recent *Acceptable*

*Point of Impingement Concentration, and*

- ii. the concentration set out for the contaminant in the *ACB list*, if the contaminant is identified in that document.
2. Condition 4.1 does not apply if the benchmark set out in the *ACB list* has a 10-minute averaging period and no ambient monitor indicates an exceedance at a *Point of Impingement* where human activities regularly occur at a time when those activities regularly occur.
3. The *Company* shall:
  - a. implement the *Facility-* based *Noise Control Measures* as outlined in the *Acoustic Assessment Report*; and,
  - b. ensure that the *Facility-* based *Noise Control Measures* are properly maintained and continue to provide the acoustical performance outlined in the *Acoustic Assessment Report*.
4. The compliance of the noise emissions of the *Facility* shall be determined in accordance with the limits set out in *Ministry Publication NPC-300* (or its successor) and any other geographically specific principles that have been, or may in the future be, endorsed by the *Ministry* relative to negotiated settlements and/or resolutions of the City of Toronto and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility*. Schedule B of this *Approval* describes geographically specific principles related to the *Facility* that have been established prior to the date of this *Approval*.
5. The *Company* shall ensure that the noise emissions of the *Facility* do not exceed the applicable sound level limits at any *Point of Reception* and, in particular, that the operation of the hydraulic crane does not produce impulsive sounds above the applicable sound level limits at any *Point of Reception*.
6. 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*.
7. The *Company* shall operate any *Equipment with Specific Operational Limits* approved by this *Approval* in accordance with the *Original ESDM Report*.

## **5. DOCUMENTATION REQUIREMENTS**

1. The *Company* shall maintain an up-to-date *Log*.
2. No later than June 30 in each year, the *Company* shall update the *Acoustic Assessment Report* and shall update the *ESDM Report* in accordance with section 26 of *O. Reg. 419/05* so that the information in the reports is accurate as of December 31 in the previous year.
3. The *Company* shall make the *Emission Summary Table* (see section 27 of *O. Reg. 419/05*) and



*Acoustic Assessment Summary Table* available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the *Facility*.

4. 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 the information in the reports is accurate as of the date that Condition 2.1 of this *Approval* expired.
5. Conditions 5.1 and 5.2 do not apply if Condition 2.1 has expired.

## 6. REPORTING REQUIREMENTS

1. Subject to Condition 6.2, the *Company* shall provide the *Director* no later than August 31 of each year, a *Written Summary Form* to be submitted through the *Ministry's* website that shall include the following:
  - a. a declaration of whether 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* satisfying Condition 2.1.a. and 2.1.b. that took place in the previous calendar year that resulted in a change in the previously calculated concentration at a *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*.
2. Condition 6.1 does not apply if Condition 2.1 has expired.

## 7. OPERATION AND MAINTENANCE

1. The *Company* shall prepare, continue to update as necessary 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 dust emissions;
  - d. procedures to prevent and/or minimize odorous emissions;
  - e. procedures to prevent and/or minimize noise emissions; and
  - f. procedures for record keeping activities relating to the operation and maintenance programs.
2. The *Company* shall ensure that all *Processes with Significant Environmental Aspects* are operated and maintained in accordance with this *Approval*, the operating procedures and

maintenance programs.

3. The *Company* shall continue to update as necessary and implement, in consultation with the *District Manager* and to the satisfaction of the *Director*, a revised *Best Management Practices Plan* for the control of noise, odour and fugitive dust emissions from the *Facility* and to minimize the potential for complaint in relation to noise, odour and fugitive dusts from the *Facility* and sources associated with the *Facility*. The *Best Management Practices Plan* shall include:
  - a. identification of sources of noise, odour and fugitive dust emissions, including, but not limited to:
    - i. on-site traffic, paved/unpaved roads/areas;
    - ii. loading/unloading areas and equipment and loading/unloading techniques;
    - iii. materials transferring, handling and storage;
    - iv. building general ventilation systems; and
    - v. exposed openings in process and storage buildings.
  - b. description of the preventative and control measures to minimize odour and fugitive dust emissions from the identified sources.
  - c. an implementation schedule for the implementation of the *Best Management Practices Plan*, including training of facility personnel.
  - d. inspection and maintenance procedures to ensure effective implementation of the *Best Management Practices Plan*.
  - e. procedures for verification and recording the progress of the implementation of the *Best Management Practices Plan*.
  - f. references to all agreements and Decisions/Orders, including those in Schedule B, that specify substantive and process requirements for mitigation measures at *Points of Impingement* and *Points of Reception*, to minimize the potential for complaint in relation to noise, odour and fugitive dusts from the *Facility* and sources associated with the *Facility*.
  - g. a summary of the actions taken and achievements made under the *Best Management Practices Plan* and references to all new or amended agreements and Decisions/Orders as of December 31 of the previous calendar year.
4. The *Company* shall submit the updated *Best Management Practices Plan* to the *District Manager* and *Director* not later than three months after the date of this *Approval*.
5. The *Company* shall continue to update the *Best Management Practices Plan*, as necessary. The *Company* shall provide the *Director*, no later than August 31 of each year, with any updates to the *Best Management Practices Plan* and with the summary required in Condition 7.3(g), to be

submitted through the *Ministry's* website.

## 8. COMPLAINTS RECORDING AND REPORTING

1. If at any time, the *Company* receives an environmental complaint from the public regarding the operation of the *Equipment* approved by this *Approval*, the *Company* shall take the following steps:
  - a. Record and number each complaint, either electronically or in a log book. The record 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. Notify the *District Manager* of the complaint in writing within two (2) business days after the complaint is received, or in a manner acceptable to the *District Manager*.
  - c. Initiate appropriate steps to determine all possible causes of the complaint, and take the necessary actions to appropriately deal with the cause of the subject matter of the complaint.
  - d. Complete and retain on-site a report written within one (1) week of the complaint date. The report shall list the actions taken to appropriately deal with the cause of the complaint and set out steps to be taken to avoid the recurrence of similar incidents.

## 9. RECORD KEEPING REQUIREMENTS

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.
2. Unless otherwise specified in this *Approval*, the *Company* shall retain, for a minimum of five (5) years from the date of their creation all reports, records and information described in this *Approval*, including,
  - a. a copy of the *Original ESDM Report* and each updated version;
  - b. a copy of each version of the *Acoustic Assessment Report*;
  - c. supporting information used in the emission rate calculations performed in the *ESDM Reports* and *Acoustic Assessment Reports*;
  - d. the records in the *Log*;
  - e. copies of each *Written Summary Form* provided to the *Ministry* under Condition 6.1 of this

*Approval;*

- f. records of maintenance, repair and inspection of *Equipment* related to all *Processes with Significant Environmental Aspects*; and
- g. all records related to environmental complaints made by the public as required by Condition 8 of this *Approval*.

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

- 1. This *Approval* replaces and revokes all Certificates of Approval (Air) issued under section 9 *EPA* and Environmental Compliance Approvals issued under Part II.1 *EPA* to the *Facility* in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

## **SCHEDULE A**

### **Supporting Documentation**

- 1. Environmental Compliance Approval Application, dated July 24, 2020, signed by Angelo Foti and submitted by the *Company*;
- 2. Emission Summary and Dispersion Modelling Report, prepared by Wood Environment & Infrastructure Solutions and dated July 24, 2020;
- 3. *Acoustic Assessment Report*, prepared by Al Lightstone, P.Eng. of Valcoustics Canada Ltd. and dated July 23, 2020;
- 4. Additional information provided by Al Lightstone, P.Eng. of Valcoustics Canada Ltd. in the letter dated June 4, 2021; and
- 5. Additional information provided by Calvin Lantz of Stikeman Elliott LLP in the letter dated May 25, 2022.

## SCHEDULE B

### Geographically Specific Noise Compliance and Minimizing the Potential for Complaints About Noise, Odour and Fugitive Dust Emissions Principles

#### 1. Receptors South of Queens Quay East and East of Facility (East Bayfront Precinct Area)

1. The compliance of the noise emissions of the *Facility* with *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception* south of Queens Quay East and east of the *Facility* to Parliament Street, shall be determined according to:
  - a. The principles described in the *Ontario Municipal Board* Decisions/Orders issued on July 6, 2007, November 27, 2007, May 28, 2012 and November 19, 2012, Case File PL030412;
  - b. Minutes of Settlement dated November 15, 2007, between Redpath Sugar Ltd., Toronto Waterfront Revitalization Corporation, City of Toronto and City of Toronto Economic Development Corporation, registered on July 29, 2008 as Instrument No. AT1847636, with particular reference to Section 12 (a)-(d), Schedule "D" - "Evaluation Method and Matrix of Design Features, dated November 12, 2007" and Schedule "E" - "Letter from MOE to the City and Redpath, dated November 15, 2007";
  - c. Minutes of Settlement dated June 7, 2007, between Redpath Sugar Ltd., City of Toronto and City of Toronto Economic Development Corporation, registered on April 2, 2008 as Instrument No. AT1746996;
  - d. Agreement dated June 11, 2010, between George Brown College and Redpath Sugar Ltd.;
  - e. Amending Agreement dated October 30, 2014, between Redpath Sugar Ltd., Toronto Waterfront Revitalization Corporation and the City of Toronto, registered on November 13, 2014 as Instrument No. AT3739199, with particular reference to Schedule "F" - "Letter from MOE to the City and Redpath dated January 28, 2014" - Amendment to the November 15, 2007 MOE letter;
  - f. Block 3 Supplementary Settlement Agreement dated January 7, 2021 between Redpath Sugar Ltd. and The George Brown College of Applied Arts and Technology, registered on January 11, 2021 as Instrument No. AT5618280; and

- g. The applicable requirements of *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception*, and any other principles that may be endorsed by the *Ministry* relative to other negotiated settlements and/or resolutions of the City of Toronto and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility*. Such other principles may include, but are not limited to, *Point of Reception* noise mitigation features in the design of the development (receptor), for example, inoperable windows, that otherwise may be beyond the scope of *Publication NPC-300*. At any *Point of Reception* at which no settlement or resolution exists between the *Company* and the *Point of Reception* and/or the City of Toronto, the *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Publication NPC-300*.

## 2. Receptors North of Queens Quay East and East of Facility (East Bayfront Precinct Area)

1. The compliance of the noise emissions of the *Facility* with *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception* north of Queens Quay East, south of Lake Shore Boulevard East and east of the *Facility*, shall be determined according to:
  - a. The principles described in the *Ontario Municipal Board* Decisions/Orders issued on January 16, 2012, December 18, 2014, January 28, 2015, May 1, 2015 and April 6, 2016, Case File PL030412 and October 23, 2018 and January 28, 2019, Case File PL030514;
  - b. Minutes of Settlement dated November 14, 2011, between Redpath Sugar Ltd., Toronto Waterfront Revitalization Corporation and City of Toronto, registered on February 15, 2012 as Instrument No. AT2946308, with particular reference to Schedule "D" - "Evaluation Method and Matrix of Design Features, dated November 11, 2011 for Development of Lands in East Bayfront - West Precinct" and Schedule "E" - "Letter from MOE to the City and Redpath", dated November 14, 2011;
  - c. Agreement dated May 15, 2014, between Redpath Sugar Ltd., Daniels HR Corporation, Daniels QQ Corporation, QQE 162 Inc. and the City of Toronto, registered as Instrument No. AT3815608, with particular reference to Schedule "E" - "Noise Matrix - Evaluation Method and Matrix of Design Features, dated May 15, 2014 Hybrid Matrix/NPC-300", Schedule "F" - "Letter from MOE to the City and Redpath, dated May 15, 2014" and Schedule "G" Odour Matrix - Matrix of Design Features, dated May 15, 2014;
  - d. Amending Agreement dated March 18, 2016, between Redpath Sugar Ltd., Daniels Waterfront Corporation, Daniels QQ Corporation, QQE 162 Inc. and the City of Toronto, registered as Instrument No. AT4718236, with particular reference to Schedule "D" - "Revised Noise Matrix Sketch";
  - e. Three Party Agreement between Greenland Lakeside Development Company Limited, Redpath Sugar Ltd. and City of Toronto, dated December 29, 2017, registered as Instrument No. AT4939422;
  - f. Three Party Agreement between Rom-Grand Waterfront Ltd., Redpath Sugar Ltd. and City of Toronto, dated December 29, 2017, registered on February 11, 2018 as Instrument No. AT4997819; and

- g. The applicable requirements of *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception*, and any other principles that may be endorsed by the *Ministry* relative to other negotiated settlements and/or resolutions of the City of Toronto and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility*. Such other principles may include, but are not limited to, *Point of Reception* noise mitigation features in the design of the development (receptor), for example, inoperable windows, that otherwise may be beyond the scope of *Publication NPC-300*. At any *Point of Reception* at which no settlement or resolution exists between the *Company* and the *Point of Reception* and/or the City of Toronto, the *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Publication NPC-300*.

### 3. Receptors South of Queens Quay East and West of Facility ("MT27", "Pier 27" Phase I and "Pier 27" Phase II)

- 1. The compliance of the noise emissions of the *Facility* with *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception* south of Queens Quay East and west of the *Facility* to Yonge Street shall be determined according to:
  - a. The applicable requirements of City of Toronto Zoning By-law No. 438-86, as amended by Zoning By-law No. 1996-0483 (and successors thereto);
  - b. Three Party Agreement dated April 20, 1998, between City of Toronto, Avro Quay Limited and Redpath Industries Limited, registered on October 25, 2001 as Instrument No. CA746493;
  - c. Three Party Amending Agreement dated March 13, 2009, between City of Toronto, Pier 27 Toronto Inc. and Redpath Sugar Ltd., registered on September 25, 2009 as Instrument No. AT2186439, with particular reference to Schedule "E-1" - "Façade Sound Isolation Requirements";
  - d. The principles described in the *Ontario Municipal Board* Decisions/Orders issued on March 31, 1998 and August 5, 2005, Case File PL970027, March 17, 2009 and October 15, 2009, Case File PL080561, and June 30, 2015, Case File PL120635;
  - e. E-mail from M. Faieta, Counsel, Ministry of the Environment, dated April 16, 2008, regarding the *Ministry*'s acceptance of full height glass on bridge floors of Pier 27 Phase I. Embedded in the attached e-mail chain, an e-mail from M. Faieta, Counsel, Ministry of the Environment, dated April 9, 2008, confirming that the *Ministry* has no objection to the proposed light shaft of Pier 27 Phase I and that the shaft will not be considered to be a *Point of Reception* under *Publication NPC-205*;
  - f. E-mail from M. Faieta, Counsel, Ministry of the Environment, dated October 24, 2007, confirming that the *Ministry* has no objection to the proposed clerestory windows of Pier 27 Phase I and that such windows will not be considered to be a *Point of Reception* under *Publication NPC-205*;
  - g. 2015 Phase II Three Party Agreement, dated May 19, 2015, between Pier 27 Toronto (North) Inc., Redpath Sugar Ltd. and City of Toronto, registered on May 19, 2015 as Instrument No. AT3885525; and

- h. The applicable requirements of *Publication NPC-205* or *Publication NPC-300*, as applicable to each *Point of Reception*, and any other principles that may be endorsed by the *Ministry* relative to other negotiated settlements and/or resolutions of the City of Toronto and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility*. At any *Point of Reception* at which no settlement or resolution exists between the *Company* and the *Point of Reception* and/or the City of Toronto, the *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Publication NPC-300*.

#### **4. All Other Noise Sensitive Lands**

1. At any *Point of Reception* outside of the specific properties referenced above in Sections 1 to 3, the *Company* shall, at all times, ensure that the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-300* and with any other principles that may be endorsed by the *Ministry* relative to other negotiated settlements and/or resolutions of the City of Toronto and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility*. Such other principles may include, but are not limited to, *Point of Reception* noise mitigation features in the design of the development (receptor), for example, inoperable windows, that otherwise may be beyond the scope of *Publication NPC-300*.

#### **5. Minimizing the Potential for Complaint**

1. The negotiated settlements and Decisions/Orders of the *Ontario Municipal Board* stated above, and such other negotiated settlements and Decisions/Orders of the *Ontario Municipal Board* related to the *Facility* specify substantive and process requirements for mitigation measures at *Points of Impingement* and *Points of Reception*, to minimize the potential for complaint in relation to noise, odour and fugitive dusts from the *Facility* and sources associated with the *Facility*. Such mitigation, processes and/or requirements have been reviewed and/or endorsed by the *Ministry*.

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

##### **1. GENERAL**

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



**2. LIMITED OPERATIONAL FLEXIBILITY, REQUIREMENT TO REQUEST AN ACCEPTABLE POINT OF IMPINGEMENT CONCENTRATION AND PERFORMANCE LIMITS**

Conditions No. 2, 3 and 4 are included to limit and define the *Modifications* permitted by this *Approval*, and to set out the circumstances in which the *Company* shall request approval of an *Acceptable Point of Impingement Concentration* 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*.

**3. DOCUMENTATION REQUIREMENTS**

Condition No. 5 is included to require the *Company* to maintain ongoing documentation that demonstrates compliance with the performance limits as specified in Condition 4 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*.

**4. REPORTING REQUIREMENTS**

Condition No. 6 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*.

**5. OPERATION AND MAINTENANCE**

Condition No. 7 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.

**6. COMPLAINTS RECORDING AND REPORTING PROCEDURE**

Condition No. 8 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.

**7. RECORD KEEPING REQUIREMENTS**

Condition No. 9 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 as specified in Condition 4 of this *Approval* is necessary.

## 8. REVOCATION OF PREVIOUS APPROVALS

Condition No. 10 is included to identify that this *Approval* replaces all Section 9 Certificate(s) of Approval and Part II.1 Approvals in regards to the activities mentioned in subsection 9(1) of the *EPA* and dated prior to the date of this *Approval*.

**Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 8067-AD3KEH issued on May 15, 2017.**

*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, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks 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:*

- a. 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;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.*

*The Notice should also include:*

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

*And the Notice should be signed and dated by the appellant.*

*This Notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

AND

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

AND

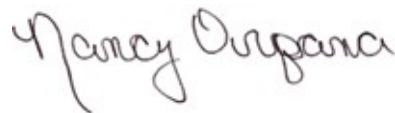
The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or [www.ert.gov.on.ca](http://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 <https://ero.ontario.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 16th day of June, 2022



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Nancy E Orpana, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

AM/

c: District Manager, MECP Toronto - District  
Mano Narayanan, Wood Environment & Infrastructure Solutions