December 27, 2019

**Ronald Kanter**

rkanter@msmlaw.ca

416.361.2619

**Yasamin Rahmani, Assistant**

yrahmani@msmlaw.ca

416.361.2619

**By Email**

Environmental Registry of Ontario

ERO # 019-0877

109 Ingram Drive

Toronto M6M 2L6

Dear Sir or Madam,

**RE: Tiago Investments Ltd. – Comments on Optimum Environmental Corp. Application to Expand Waste Transfer & Processing Facility, 109 Ingram Drive**

**ERO # 019-0877**

We are counsel for Tiago Investments Ltd. (“Tiago”). We are writing to comment on the application by Optimum Environmental Corp. (“Optimum”) updated on December 9, 2019, to expand the amount of incoming and outgoing waste, hours of operation and outdoor storage (the “Application”) at 109 Ingram Drive (the “Site”). Tiago owns a number of properties to the west of the Site, including 31 Densley Avenue, 2301 Keele Street, 15-21 Milford Avenue, and 18, 24 & 28 Ingram Drive. A property data map showing the lands owned by Tiago and the Site is attached as Schedule 1.

We have reviewed the Application summary and supporting documentation. We understand that Optimum is proposing to increase incoming waste from 799 tonnes to 2,400 tonnes, extend operating hours from 3 am to 12 am to 24 hours per day including statutory holidays, and increase outdoor storage at the Site.

On behalf of Tiago, we have the following comments:

**1. Proposed Increase: Significant Adverse Environmental Impacts**

The increase in capacity by 1,600 tonnes daily, extension of operating hours from 9 hours to 24 hours per day and increase in outdoor storage would result in a significant increase to the environmental impact of the operation at this Site. We note that the continuous movement of products and employees is a characteristic of Class III rather than Class II Facility, according to Guide D-6, *Ontario Industrial Categorization Criteria*, attached as Schedule 2. We question whether a Class III Facility, which may result in adverse impacts over an area of 1,000 metres, should be permitted on the Site. See Guideline D-6, *Compatibility between Industrial Facilities and Sensitive Land Uses*, attached as Schedule 3

**2. Odour**

The *Design & 0perations Report* in support of the Application (the “*DOR*”) acknowledges that waste odour problems may arise from the acceptance of small quantities of putrescible waste inherent within the accepted waste streams (S. 1.2.16.3). Increasing the capacity by three times will increase the risk of odours.

**3. Noise**

The *DOR* states that “potential noise impacts would generally arise from the operation of the Site equipment . . . Operation of the Site equipment will only be carried out only during the approved operating hours for the facility, in order to reduce noise impacts to neighbouring properties.” (S. 1.2.16.4). However, the proposed operating hours would be continuous 24 hours a day, 7 days a week, including statutory holidays. Such continuous operations would provide no relief from noise to businesses adjacent to the Site, or residents who live nearby.

**4. Outdoor Open Storage**

The *DOR* states that outdoor open storage should be increased, to initial (emphasis added) outdoor storage capacity of 1,500 tonnes. See Chart A-3C, attached as Schedule 4. Given Optimum’s history at this Site, the initial proposed amount of outdoor storage could soon be exceeded. It is Tiago’s experience that strict regulation of open storage is necessary to minimize adverse environmental impacts.

**5. Traffic**

The Application states that existing street congestion would be reduced by the addition of an inbound vehicle queuing lane (S.2.1). However, it does not account for the significant increase in traffic arising from the threefold expansion of capacity. The Applicant’s site plan, attached as Schedule 5, shows four (4) large trucks obstructing the northbound lane on Sheffield, with the proposed inbound lane. At the very least, the applicant should be required to provide a traffic study by a reputable traffic consultant before the Application is considered.

**6. Cumulative Impact of Optimum Proposal on Ingram Industrial Zone**

The Ontario Court of Justice recently fined an asphalt plant immediately south of Optimum (municipal address 103 Ingram Drive) $175,000 for serious breaches of the *Environmental Protection Act.* See MECP News Release attached as Schedule 6. The asphalt plant operates independently of Optimum. However, allowing Optimum to expand to 3 times its current size would add to the cumulative adverse environmental impacts from this portion of Ingram Drive.

**7. Public Consultation**

The Application states that neighbour notification requirements have been completed, and includes a notice apparently distributed to neighbours, including Tiago. The Notice, attached as Schedule 7 is densely worded, and refers to “a gradual increase” of permitted capacity. However, if approved, the Application would permit an immediate increase to maximum capacity of 2,400 tonnes per day immediately, without further application by Optimum. We recommend, at a minimum, that the Applicant sponsor at least one (1) public meeting before the Ministry reconsiders this Application.

**8. Summary & Conclusion**

Tiago owns six (6) parcels of land lands close to the Site which are also zoned for industrial use. It opposes the Application in its current form. Tiago requests the Ministry not to approve the Application without further consultation and the addition of terms and conditions resulting in greater environmental protection and compatibility with surrounding uses, including the Tiago lands.

Yours truly,  
Macdonald Sager Manis LLP



Per: Ronald M. Kanter

CC: Director, Waste Unit, Environmental Assessment & Approvals Branch, MECP

Manager, Toronto District Office, MECP

Tiago Investments Ltd.