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**File No: 12069**

**VIA ELECTRONIC MAIL**

May 18, 2023

Client Services and Permissions Branch  
135 St Clair Ave West, 1<sup>st</sup> Floor  
Toronto, ON  
M4V 1P5

Dear Sirs/Mesdames:

**RE: Millbank Sawmill ECA Application**  
**6870 Perth Road 121, Millbank, Ontario**  
**ERO Number: 019-6909**  
**Ministry Reference Number: 6608-CP9LAH**

I am legal counsel to Mr. Tony Gerber, who owns lands neighbouring the property municipally known as 6870 Perth Road 121, Millbank in the Township of Perth East (the “**Subject Property**”) and subject to the above-referenced environmental compliance approval (“**ECA**”) application. Mr. Gerber retained our firm with respect to impacts arising from the sawmill operation on the Subject Property (the “**Millbank Sawmill**”) and his ongoing complaints related thereto. Mr. Gerber’s property is municipally known as 6896 Perth Road 121, Millbank, in the Township (the “**Gerber Property**”).

**Background**

Since its inception in 2015, the Millbank Sawmill has been operating in contravention of applicable regulatory requirements, including the requirement for an ECA in section 9 of the *Environment Protection Act*, RSO 1990, c E19. The Sawmill has grown since 2015, leading to increased offsite impacts. As a result of this expansion and the lack of compliance with applicable regulations, Mr. Gerber and his wife, Cathy Steckly, began experiencing dust, odour, and noise impacts from the Millbank Sawmill in 2020. Mr. Gerber and Ms. Steckly have continuously reported adverse impacts to their health and the use and enjoyment of their property.

Mr. Gerber has accordingly made a series of complaints to the owners of the Sawmill, the Township of Perth East (the “**Township**”), and the Ministry of the Environment, Conservation and Parks (the “**Ministry**”) requesting that the Sawmill cease to operate until measures are in place to prevent impacts to the Gerber Property.

In November 2020, Mr. Gerber first complained to the owners of the Millbank Sawmill, the Martins, about impacts from the Sawmill. This complaint did not lead to any action by the

Martins to reduce offsite impacts.

In May 2021, Mr. Gerber made complaints to the Ministry and the Township. As a result, a Provincial Officer from the Ministry attended at the site and indicated to the Martins that there should be no offsite impacts from the Sawmill and made recommendations for mitigating air emissions from the Sawmill. However, these discussions did not lead to changes on the site or any reduction in offsite dust, noise, or odour impacts.

On September 1, 2021, our firm submitted a complaint to the Township on behalf of Mr. Gerber. The complaint indicated that the Sawmill was operating in contravention of the Township Zoning By-law and without an ECA and continued to cause impacts to the Gerber Property.

Based on this complaint, the Township required the Martins to submit applications for zoning by-law and official plan amendments. These applications were approved in July 2022. The rezoning approval, through, By-law No. 204-2022, permitted the Sawmill Operation with the following: an increased maximum combined floor area for the Sawmill Operation buildings, an increased maximum sawmill accessory outdoor storage area, and a reduction in the minimum sawmill side yard setback.

Following the planning approvals, portions of the sawmill were enclosed in a building but this measure has not reduced the impacts experienced by Mr. Gerber and Ms. Steckly.

Mr. Gerber and Ms. Steckly continue to experience air, odour, and noise impacts from the Millbank Sawmill. Mr. Gerber's description of the impacts and the related history can be found in Appendix 'A' to this letter.

### **Technical Review**

Mr. Gerber has retained Mr. Doug Lyons, a licensed professional engineer in the province of Ontario with over 30 years of experience as an industrial air quality consultant. Mr. Lyons was initially retained to review and provide technical comments with respect to the planning applications in 2022. He has continued in his retainer to review the ECA application and supporting documents (obtained from the applicant) and provide technical comments thereon.

Mr. Lyons has reviewed the documents submitted in support of the Martin ECA application. He concludes that that the supporting technical reports submitted with the ECA application are inadequate. Mr. Lyon's technical comments are attached as Appendix 'B' to this letter. Mr. Lyons' two overriding comments are as follows:

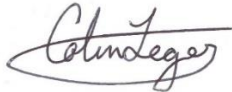
- The Emission Summary and Dispersion Modelling report *"is incomplete as it does not address all possible sources of air emissions from the Millbank Sawmill, and fails to provide any support for ongoing controls or mitigations of dust impacts from the property"*; and
- *"[t]he report contains no discussion regarding best management practices for the sawmill to mitigate against any potential adverse air quality impacts on the surrounding residents."*

Therefore, it is our position that the ECA application and supporting documents are insufficient to properly prevent impacts to the Gerber property from Millbank Sawmill. You are welcome to contact Mr. Lyons directly to discuss the attached comments.

**Conclusion**

Based on the above, we request that Mr. Gerber's comments be considered and Mr. Lyons' technical comments be incorporated into the ECA if approved by the Ministry. Specifically, we request that (1) proper controls be implemented to prevent impacts that are being experienced by the neighbouring properties, and (2) a Best Management Practices plan be implemented requiring ongoing maintenance of the Sawmill and a mechanism for neighbouring property owners to submit comments to the Sawmill operators regarding impacts. Details of these requests are contained in the attached technical comments of Mr. Lyons.

Yours truly,

A handwritten signature in cursive script that reads "Colin Léger". The signature is written in black ink and is enclosed within a thin, hand-drawn oval border.

Colin Léger

Cc: Tony Gerber  
Doug Lyons, P.Eng., Air Quality Management Services

## **Appendix 'A'**

To whom this may concern,

**Re: ECA Application for Millbank Sawmill**

I own the property known as 6896 Perth Road 121, Millbank, in the Township of Perth-East, immediately west of the property subject to the ECA application made on behalf of the Millbank Sawmill.

Due to the impacts from the Millbank Sawmill, myself as well as my family, have been negatively impacted on our property for the last three years.

- We do not spend family time outside or even take the children out to play safely due to all the emissions both odor and contaminants in the air.
- We do not have company over for BBQ's or campfires or any outdoor gatherings due to the impact on our health and property.
- We feel it is not safe for children to play outside with all the emissions and dust etc. on our property and especially not our baby at just 8 months old.
- There are days when there is no smell or contaminants for a couple hours then the fugitive dust/contaminants are back and strong with no warning. There is very rarely even half a day with no emissions affecting us.
- There are also times it is too loud to be outside or have the baby outside and it is also loud in the house and shops on our property. Primarily these noise factors are when they are cleaning out bark chips and sawdust and the metal buckets are slamming into the concrete and they are scraping with metal on concrete. This is done during the day occasionally and more often in the evening up to approximately 9:30pm
- The debarker you can hear. When the doors are open in the shop/mulch storage you can hear the saws running as well.
- We also experience odor. Today for example they are opening and closing both of the doors frequently. And within a few minutes of them opening the building doors especially the mulch storage area the odor gets very strong here and we have to get inside. This happened twice to my baby and me between 11:00 and 11:45. We were out walking the dog and suddenly the odor got so strong we had to go inside and when I looked over the doors where open. 20 minutes later we tried again and were out about 5 min and the same happened again. And you could clearly hear the saw when either door was open.

To expand on the above:

- I am the sole provider for my family and having my health impacted almost daily and being sick from it is affecting our lives: financially, health wise as well as our mental health as this has been going on for three years now. Also, my wife cannot be out to help me because of the impacts to all our health including a baby.
- The air in our yard almost always has an odor and feels dirty. It is hard for adults to breathe let alone babies and small children. We even have customers talking about it when they come because they can smell and feel the contaminants in the air on our property. So if people notice it who are here only a couple minutes how can we safely be outside on our own property and enjoy outdoor family time with our 8 month old? We have a great property and love to spend time outside but we feel that we cannot even be outside without experiencing impacts and at risk of major health issues.

- We cannot have doors open for ventilation or air flow in the shops and we cannot work without air flow. Which also means we cannot move farm equipment outside or work on it to get it ready for field work with having breathing issues. Only having a couple days a month is not realistic to be able to have a livable income or get farm equipment ready for the field. Also, if I open the doors it affects my workspace due to the contaminated air which gets inside and is dangerous for my health. This has been going on for three years and it is making me get sicker and sicker as the time goes on. It has been so bad at different times the emissions get into shops and sheds which is a huge problem as well.
- When we are in the fields harvesting or getting fields ready and planted. And in the last couple years as they are growing the sawmill and getting progressively bigger and bigger, the impacts to everything we do on our property is getting worse. The sawmill is just way to big and close and the wind blows everything directly onto our property almost all the time. As they are so big and close it takes a very strong North or East wind to keep our property from being negatively impacted
- We cannot open windows in the house due to the contamination of fugitive dust. It changes fast, you can have no smell for a couple hours and suddenly it's back with no warning, and it's in the house before you can get everything tightly closed which means we have no safe space on our own property. Up until the sawmill started up and started to grow, we had a safe property and could open windows anytime and enjoy outside time and have people over anytime etc.
- We cannot invite people over for outdoor gatherings because of this ongoing issue. We are totally dependent on the weather even to play outside with our baby. Spring, summer, and fall are the worst time for the impacts and any thaws in the winter make it much worse. Now that the sawmill is so big, we are even impacted with a north or east wind unless it is a very strong wind.

I work from home and am the sole provider for my family. I farm and have a small secondary farm business fixing tractors.

The sawmill is directly West of my property, and the prevailing wind is in the West. When the wind is in the West or Southwest the odors and contaminants are very bad all the time. As the sawmill became bigger now even when the wind is in the South or Northwest we are impacted most of the time. In the summer months when it is hot and humid, it does not matter where the wind is from, we are impacted 24/7 from the from the sawmill operation. For example, the middle of April this year had been bad since it started to get warm and it does not matter if the sawmill is operating or not with all the wood (raw logs, debarker chips, mulch, finished lumber etc.) it is all off gassing and being picked up by the wind and carried over. The sawmill frequently has doors open or partially open when the sawmill is in operation during the day for hours and last summer it was open for days when it was hot. There have been numerous nights since January when the overhead door in the mulch and fine dust area of the building was open all night. The large overhead door was open with lights still on at 9:00pm and still open at 6:00am when we had the dog out and it was shut around 7:30am. Also, quite frequently the same overhead door is open from approximately 10:00am-7:00pm on Saturdays as well as evenings all winter. In the Winter months when it is cold and frozen, when the wind is in the North or East it is more tolerable. But if it gets warm and thaws or rains the wet moldy wood smells are terrible.

From the sawmill to my house it is approximately 786.00 feet and to my small business shop the sawmill is approximately 702.00 feet away and it does not matter where on my property, we are impacted. To my closest farm storage shed/shop it is approximately 506.00 feet. I spend a lot of time in this building, and even with all my doors and windows shut I can hear the noise of the sawmill, and debarker. In my

storage shed the noise is much louder and there is sometimes a vibration when the debarker is running. We can hear the sawmill and debarker running as well when we are outside. When they are cleaning out the pit or the debarker pit or all the other messes on the concrete etc. it is very loud as they slam down the metal loader buckets and scrape metal on concrete. It is really loud outside and it is even loud in the house and shop. This is a major noise concern, which makes us all very unhappy because outdoor time and exercise is very import to us all.

I feel the sawmill is too big and too close to my property and the prevailing wind and sawmill buildings are both directly West which means we are affected most of the time without any other factors.

In the Fall of 2020 we approached the Martins' (sawmill owners), about our concerns with the sawdust/odors from their operation; at that time the sawmill was half the size that it is now. The owners tried a few things such as putting a fence around some mulch and sawdust piles, but it did not reduce the dust and odor impacts.

In May of 2021 I made a complaint about the impacts to the Township of Perth East, and Township staff told me to file a complaint with the Ministry of Environment, Conservation and Parks. That month I filed a complaint with the Ministry, though the Martins did not implement the what was indicated by the Ministry officer who visited the sawmill property. In September of 2021, I hired a Lawyer, Colin Leger, from Garrod Pickfield LLP to assist us with the impacts from the sawmill.

The Symptoms that I get from the sawmill are shortness of breath, tight on chest, itchy/sore throat, red itchy eyes, stress and it is greatly impacting my mental health (as my business, my income, my quality of life and my family's lives are all negatively impacted for years now) due to this problem.

In the winter when it is cold and frozen the only time I can move my farm tractors or equipment into my farm shop is when the wind is in the North or East. Any other wind direction if I open the overhead door to move equipment into my shop then the odors from the sawmill are in my shop and I cannot get away from it. As soon as spring comes and the weather gets warmer, it does not seem to matter where the wind direction is from, there is always a bad odor of sawdust, moldy wet wood, and processed lumber coming across to my property. When it is hot and humid the odor is much worse. I cannot have my shop door open at all and it gets really hot and hard to function in there when you are trying to work with no air flow.

I also have a small business that I am trying to run, but it's been very difficult due to the fact I don't feel good from the emissions of the sawmill, and I am trying to provide for my family.

The log piles and the fresh cut finished lumber off gasses and blows onto my property. The fresh cut lumber is stored by a fence surrounding the sawmill and that is towards my property.

The debarker is not fully enclosed. To the South West the debarker is wide open and to the North East there are rubber strips that hang down (I have pictures to show this). There is a pit area under the debarker and when it gets full the sawmill owners clean it out with a skid steer and dump it on a pile in their yard. The bark from the debarker also off gasses and I can smell the odors. We have proof of bark chips, from the debarker, that we found in the snow on our lawn this past January and picked up. We also have pictures of the chips too fine to pick up that look like waves in the snow.

The sawmill runs 5 days a week, 10-12 hours a day, and often longer than 7:00 AM to 1:00 PM on Saturdays and on Holidays. Everything off gasses 24/7 and that is also blown over along with any fugitive dust and wood laying around or drawn out of the buildings and half covered areas. When it rains the piles outside, the fresh cut lumber, and the logs smell as well. There is no getting away from it on our property day or night.

For an example how much I am impacted, the week of April 10th-15th 2023, the weather was nice and warm out 20-25 degrees throughout the week and I should have been working on my farm equipment for spring work, some of my machinery is too big to fit inside my shop and I need to work on it outside, I could not do this because of the sawdust / odors blowing onto my property, and to wear a respirator in that heat and try to work is just too much.

On April the 12th 2023, my pickup truck was sitting outside in front of my farm storage shed for about 30 mins, and when I went to move it, there was fine particles of sawdust all over it. I especially noticed dust on the windshield, so I cleaned the windshield and left the truck outside for approximately 20 minutes. When I went back, the truck was covered in fine sawdust particles. There was no other source of contamination, it was sawdust.

This is what we are breathing in on a daily basis, and my wife Cathy and I just had a baby on August 15th 2022.

All last summer the sawmill ran with the doors wide open most of the time. This year, the sawmill already has its doors open frequently. We documented quite a few times at that the overhead door for the mulch storage area was open for several hours. For instance:

- Dec 31 2022 door to enclosure open all day,
- Jan 1st 2023, door was open, and they were running the sawmill
- Jan 2nd 2023 door was open overnight and then shut at 12 noon.
- Jan 27 2023 door open at 8 pm.
- Jan 28 2023 door open, 7:30 am,
- Jan 31 2023 door open at 9 pm,
- Feb 4 2023 door open 10 am – 6:40 pm
- Feb 24 2023 door open 7:40 pm,
- Feb 25 2023, door open at 6:30pm
- Mar 21 2023 door open at 6am,
- Mar 23 2023 door open at 8 pm,
- Mar 22 2023 door open 9:30am to 11:30 am and then from 3pm-6pm,
- April 6 2023 door open at 8:30 pm,
- April 15 2023 door open at 6 am was open all night.
- April 21 2023 door open at 6:53 pm
- April 27 2023 door open from 3pm-9 pm,
- April 28 2023 door open at 8am-12noon, 6pm-9pm

Below I have included three photos of the sawmill property, taken from my property over the past year.

Thank you,  
Tony Gerber and Cathy Steckly – May 18, 2023







## **Appendix 'B'**

May 18, 2023

Colin Léger, Associate  
Garrod Pickfield LLP  
9 Norwich Street W.  
Guelph, ON N1H 2G8

**RE: *Comments Regarding the Millbank Sawmill ESDM Report and ECA Application.***

Dear Mr. Léger:

As requested, I am providing the following comments regarding the Emission Summary and Dispersion Modelling (ESDM) report for the Millbank Sawmill located at 6870 Perth Road 121, Millbank, Ontario. The ESDM report was submitted in support of their application for an Environmental Compliance Approval (ECA).

#### **Overview**

It is my opinion that the above noted ESDM report is incomplete as it does not address all possible sources of air emissions from the Millbank Sawmill, and fails to provide any support for ongoing controls or mitigations of dust impacts from the property. Furthermore, the report contains no discussion regarding best management practices for the sawmill to mitigate against any potential adverse air quality impacts on the surrounding residents. This omission is of particular importance as there are current and historic complaints by the neighbouring residents against the sawmill regarding dust and odour impacts.

#### **Detailed Comments**

The ESDM report in support of the Millbank Sawmill ECA application has several significant omissions.

- The report does not include all potential sources of particulate emissions from the sawmill operations. The analysis considers particulate emissions from the debarker and the cutting saw, but does not include particulate emissions from the sawdust conveyors, material handling operations, vehicle operations, material stockpiles or fugitive emissions. These omissions would significantly underestimate the potential for particulate emissions from the sawmill and sawmill operations.
- The ESDM report assumes 50% emissions control of the debarker, which is outdoors and fully open on one side, and assumes 90% emissions control on the sawmill cutting saw, which is in an unventilated building with roof openings and openable doors. These assumed emission controls do not have any support in the ESDM report as to why they were selected. Further, it has been noted by the local residents that the sawmill operators routinely leave the building high bay doors open during the work day, negating any effective emissions control from the enclosed building. These assumptions regarding emissions control would again underestimate the emissions from the debarker and cutting saw operations.
- The ESDM report does not include any assessment of fugitive dust emissions and screens out fugitive emissions as negligible without sufficient justification. Fugitive emission sources can only be screened out as negligible if they (a) either pose no human health risk, or (b) if are minimal or can be shown to be properly mitigated. Sawmill dust is composed primarily of fine

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particulate matter (defined as PM<sub>2.5</sub> and PM<sub>10</sub>), so it is considered a human health risk and should not be screened out as negligible. No assessment is made of the size, location or potential to emit contaminants from the stockpiles or any other fugitive process sources, such as the building vents, and therefore no conclusion can be made as to whether or not they are emitted in small amounts. No discussion is provided in the ESDM report of a best management practices plan for particulates, and therefore no conclusion can be drawn as to whether or not they are properly mitigated.

- Volatile organic compounds (VOCs) and odour are also regulated contaminants under O.Reg 419 and are known emissions from the wood products industry. VOCs and odour are not addressed in the ESDM report. This is especially relevant in this case as there is a history of both odour and dust impact complaints regarding the facility from the nearby residents.

The most significant omission in the application is the lack of any requirement for a Best Management Practices (BMP) plan for the control of fugitive emissions. A detailed BMP plan is crucial for the continued operation of this facility as there is a history of odour and dust complaints from the surrounding community going back to 2021. The plan should include guidance from the MECP document "Management Approaches for Industrial Fugitive Dust Sources", dated February 2017 and include:

- Relocation of material stockpiles as far away as practical from the impacted property.
- Reduction of the potential dust emissions from material stockpiles using enclosures, designed specifically to reduce off property dust emissions, fixed tarpaulin or plastic sheeting, or the use of water or other dust suppression materials such as soil or latex binders.
- Relocation of any outdoor cutting, debarking, wood chipping or other dust emitting operations to an indoor, properly ventilated building with dedicated dust collectors.
- Any unpaved roads used for heavy truck traffic should be either paved, or covered in crushed aggregate to minimize dust accumulation and wind scavenging. Paved roads should be regularly swept to reduce dust accumulation, and unpaved roads should be routinely sprayed with water to reduce dust emissions.
- A mechanism for community liaison and feedback to allow the community to communicate with the company when they are being impacted and for the company to take immediate steps to mitigate the impact.

It is also worth noting that the local MECP district office had visited the sawmill in the summer of 2021, responding to dust complains from a nearby resident. The MECP field officer recommended in email correspondence with the resident that a Best Management Practices plan for dust control should be applied to the sawmill, however apparently no follow-up to this recommendation was undertaken by the sawmill operators or the District Office.

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***Personal Qualifications***

I am a licensed professional engineer in the province of Ontario with over 30 years of experience as an industrial air quality consultant. My specific areas of expertise include air emission inventories, air quality impact studies, atmospheric dispersion modelling, preparation of Environmental Compliance Approval (ECA) applications, greenhouse gas emission inventories and verifications, air emission measurement and control strategies and technologies.

Yours very truly,

A handwritten signature in black ink, appearing to read 'D. Lyons', with a large loop at the top and a horizontal line extending to the right.

Douglas Lyons, P.Eng.