

Response to Public Comments from Zelinka Priamo Ltd on Behalf of Grain Boys Holdings Inc.

Submitted by: Conrad Richter, owner of 357 Regional Road 47 and president of Richters Herbs

Subject property: 351 Regional Highway 47

Applicant: Grainboys Holdings Inc.

File no.: ZBA 2018-07

Reference to Correspondence Item No. 16 of the January 7, 2019, Council Agenda

Zelinka Priamo Ltd. responded on behalf of Grain Boys Holdings Inc. to a submission I made to Council in June 2018¹. Zelinka's response to my submission appears under the heading "Correspondence No. 95" in the January 7 2019 agenda². I refer to each point using the same numerical references used by Zelinka.

1. Excessive noise levels likely, and Noise Impact Study is severely lacking

The company is citing an earlier response to our noise concerns that was prepared by HGC Engineering³. In that response it was stated that "a cell phone cannot be considered an accurate means of measuring sound levels." We agree that our cell phone is not "ANSI Class 1" equipment; however, we believe it is "somewhat accurate" and we suggest that it can be useful to arrive at a common sense conclusion about noise levels. Below is a link to our recording taken around the Aurora mill which we have posted online:

<https://www.youtube.com/watch?v=i3XhjjnJaI0>

Because you can hear the voice of the recorder along with the sound emanating from the mill, it is possible to make a common sense judgment of the relative volume of sound. It is obvious that the sound levels coming from the mill are high.

The company did not address our major concern that the noise study did not measure actual noise levels on the neighbouring properties around the subject property. Instead, the study amounted to a calculation of expected noise levels around the subject property based on one single weeklong recording made by the roadside. The expected calculated level for our property at 357 Regional Road 47 was calculated to be 45 dB. However we recorded significantly lower levels. The company argued that our 30 second recordings were too short. However, we did other 30 second recordings over an extended period and levels were consistently well below the 45 dB level calculated in the study.

If the study had included a reference recording site where it could check its model calculations against actual readings, and if the calculated levels agreed with the actual reference levels, the study would have been more credible. That there were no checks on the model used to compute the area noise levels is inconceivable.

The company's noise study and its calculations of noise levels around the subject property are badly flawed.

2. Benefit to local agriculture overstated

In its response the company now is stating that the origin of grains and seeds is Ontario 70%, Manitoba and Saskatchewan 20% and 10% USA, for a total of 100%. This is a change from Zelinka's *Planning Justification Report*⁴ in which it stated that "[a]pproximately 80% of the grain is supplied from the grain producing Counties and Regions in Ontario including Durham Region" -- and nothing was said about the remaining 20%. This new 70% number for Ontario does, however, agree with the number given verbally by Mr. Petrovich at the June 4 2018 hearing before the Uxbridge Council Planning Committee⁵.

Here for the first time the company is publicly giving a number for its imports -- 10% from the U.S.

This number is crucially important to us because imported grains and seeds are known to be infested with weed seeds. The company seems to be trying to downplay the amount of grain and seeds that it imports, and until this point it had declined to give an exact number.

But this number -- 10% from the U.S. -- appears again to be a strategic fudge to downplay the extent of the company's imports from outside North America. According to Industry Canada's *Canadian Importers Database*,⁶ the applicant's current operation in Aurora is a "major Canadian importer" from Bulgaria. To qualify as a "major importer" the company has to be among a group of importers that account for 80% of all Canadian imports from Bulgaria. It is hard to imagine that the company's imports from Bulgaria amount to just a round-off error compared to its volumes of Canadian and U.S. sourced material.

When challenged on its imports at the company's public information session recently held at the Goodwood Community Centre (on January 7 2019), the company conceded that it is in fact importing grains and seeds from Third World countries such as Turkey and Peru. It insisted that these Third World imports are "very small." It also admitted that it is importing poppy seeds from the Netherlands.

As noted in my previous submission, according to Industry Canada the company is a "major Canadian importer" of six commodity classes including sesame seeds, poppy seeds and millet.

The reluctance of the company to be clear and upfront about the true extent of its imported seeds and grains makes it difficult to believe the company's origin numbers. The origins of its grains and seeds appear to be highly sensitive to the company, and if the company has not been forthcoming about the true extent of its imports, then how much of the rest of the application should we believe?

The company appears to be understating the extent of its imports.

3. Risk of prohibited noxious weeds

The company states that any possibility of damage due to harmful weeds spreading from the subject property can be dismissed. It argues that the Ontario Weed Control Act⁷ prohibits noxious weeds and empowers weed inspectors to compel property owners to destroy noxious weeds where they occur.

The Weed Control Act cannot be relied upon to prevent an outbreak of dodder.

I spoke to the two area weed inspectors for Durham Region, David Hagler and Brent Drew, and to the chief weed inspector for the province, Mike Cowbrough. All three spoke of the inadequacies of the

Weed Control Act and how it cannot be relied upon to prevent new outbreaks of weeds. Weed inspectors do not have the time or resources to surveil private properties. They described their application of the Act as largely reactive and complaints-based. When they do have some incidental time to surveil weeds while driving, they will look for overt infestations (such as parsnip and hogweed) that are visible from the road. Mr. Hagler noted that “weeds are getting worse” because weed inspectors do not have the resources necessary for adequate control.

From a distance dodder is very difficult or impossible to detect in mixed vegetation. By the time a neighbour becomes aware of an infestation, and a complaint to the weed inspector is lodged, the infestation will already be extensive and spreading on his land. By then the infestation will be difficult and costly to control. Control will require repeated application of herbicides and surveillance for up to 10 years because seeds that fall to the soil last for years.

The company’s response to concerns about prohibited noxious weeds is inadequate.

4. Air quality related to PM_{2.5}

A common core argument repeated in this section and in sections 1 and 3 in response to our concerns is:

Because the company must comply with standard A in regulation B, and will suffer penalty C if it doesn’t comply, we should be reassured that standard A will be met.

Yet the company has provided few details on how the company will meet applicable regulations.

As we have already seen in section 3, regulations are not always enforced -- for a variety of reasons. A key reason is that the authorities do not always have the resources, staff and money to ensure that regulations are met.

We have noted that no PM_{2.5} measurements were taken at the existing plant. The response from MTE Consultants, submitted on behalf of the company, is that “air measurements taken at the Aurora Mill would not be representative of air measurements at the proposed development.”⁸ We suggest that one reason why the company chose not to take measurements at its existing mill is that it suspects the

PM2.5 levels are high. Another may be that it wanted to save money, expecting that its submitted report -- which amounts to nothing more than a set of best practices -- will not be challenged.

The company needs to do a comprehensive air quality study of its existing plant and it needs to outline exactly what it proposes to do to reduce PM2.5 if levels are too high.

5. Fire Suppression

The company reports that the Uxbridge Fire Department has reviewed the proposal and registered no objections.

For complete transparency the company should provide the Uxbridge Fire Department's letter of no objection.

6. Inconsistent and Misleading Scale of Operation

In the company's *Planning Justification Report*, it describes its Aurora location and states: "There are approximately the (10) ingoing and outgoing trucks per day."⁹ (The article "the" is a typographical error and should be read as "ten".)

Now, in its response, the company states: "Incoming and outgoing traffic at the Aurora location is typically 4 trucks per day." It repeated this 4 trucks a day number at the public information session at Goodwood Community Centre on January 7 2019.

Which number is the real one? The company has shifted its numbers, perhaps because it now realizes that the truck traffic through Goodwood has become a concern for residents.

It is important to note that the company never revealed in its submission what the full capacity of the new mill will be. We have suggested the capacity will be at least two and half times that of the Aurora mill, based on the increase in the number of silos and floor space. In addition, the company is claiming that its new plant will be more efficient due to its use of newer technology. With increased efficiency along with the increase physical capacity, the number of trucks could increase well beyond the traffic levels at its Aurora mill.

The company has inexplicably changed its traffic numbers, and has not been forthcoming about the true capacity of the new mill.

Conclusion

There are significant problems with the proposal and significant omissions in the company's reports and responses. We believe Council should not approve this proposal based on the information provided by the applicant.

- 1 Richter, C (2018, June 25). Comments on an Application for a Zoning By-law Amendment for a Proposed Grain Milling and Blending Facility. Uxbridge Township Agenda, June 25, 2018, pp. 282-298. Retrieved from https://town.uxbridge.on.ca/sites/default/files/council_agendas/June%2025%202018%20-%20Council%20Agenda.pdf.
- 2 Zelinka Priamo Ltd (2018, August 13). Re: Zoning By-law Amendment Application ZBA 2018-07 Grain Boys Holdings Inc. (Related items of correspondence were on the September 10, 2018 Council Agenda). Uxbridge Township Agenda, January 7, 2019, pp. 94-102. Retrieved from https://town.uxbridge.on.ca/sites/default/files/council_agendas/January%207%20-%20Committee%20Agenda.pdf.
- 3 Dobson A (2018, July 27). Email to Kresh Petrovich, Port Royal Mills Uxbridge Site-Response to Objection (HGC Engineering). Uxbridge Township Agenda, September 10, 2018, pp. 55-57. Retrieved from https://town.uxbridge.on.ca/sites/default/files/council_agendas/September%2010%202018%20-%20Council%20Agenda.pdf.
- 4 Zelinka Priamo Ltd (2018, April). Planning justification report: 351 Regional Road 47, Township of Uxbridge, Regional Municipality of Durham, p. 1. Retrieved from <http://town.uxbridge.on.ca/sites/default/files/documents/Planning%20Justification%20Report.pdf>.
- 5 Planning & Economic Development Committee (2018, June 4). Planning public meeting – ZBA 2018-07. 23:21.
- 6 Industry Canada (n.d.). Canadian Importers Database (CID). Retrieved from <https://www.ic.gc.ca/app/scr/ic/sbms/cid/searchProduct.html?lang=eng>.
- 7 Province of Ontario, Weed Control Act, R.S.O. 1990, c. W.5. Retrieved from <https://www.ontario.ca/laws/statute/90w05>.
- 8 MTE Consultants (2018, July 20). Response to Comments - Zoning By-Law Amendment. Uxbridge Township Agenda, September 10, 2018, pp. 58-60. Retrieved from https://town.uxbridge.on.ca/sites/default/files/council_agendas/September%2010%202018%20-%20Council%20Agenda.pdf.
- 9 Zelinko Priamo, Planning justification report, p.1.