

## **Investigation of Impacts Related to ML Ready Mix**

<b>Date:</b>	March 20, 2014
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Medical Officer of Health
<b>Wards:</b>	Ward 6
<b>Reference Number:</b>	

### **SUMMARY**

---

This report provides a summary of the activities undertaken by Toronto Public Health (TPH) with other City Divisions, and the Ministry of the Environment (Ministry) to address community concerns related to the ML Ready Mix located at 29 Judson Street. Since 2012, in collaboration with other City Divisions and the Ministry, TPH has responded to potential environmental and health impacts associated with the concrete batching activities at the site. The most commonly reported concerns related to noise, air quality impacts, dust, and vehicular traffic. Additional concerns raised by the community related to hours of operations, planning and construction, and esthetic issues. Due to the complexity of regulatory oversight and jurisdiction issues, responses have entailed a multi-divisional and multi-agency approach. This collaborative approach has addressed many of the concerns related to impacts of dust, noise, and vehicular traffic. Toronto Public Health is committed to continue this collaborative work with its City and provincial partners to respond to ongoing and future community concerns.

#### **Financial Impact**

There are no direct financial implications arising from this report.

---

### **DECISION HISTORY**

On November 19, 2013, the Etobicoke York Community Council approved a motion requesting the Medical Officer of Health to work with staff from Municipal Licensing and Standards and the Ministry of the Environment on issues related to 29 and 145 Judson Street, and to report back to the Community Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY29.46>

## **ISSUE BACKGROUND**

ML Ready mix is a concrete batching facility located at 29 Judson Street and it has been operating in its current form since the late 2000's. The Ministry of the Environment first became aware of the operation in 2008 and requested the facility to submit an application for environmental approvals. Starting in September 2011, the Ministry began receiving complaints from the area residents related to various impacts from the activities at the site. In 2012, TPH began receiving health related complaints about the facility mainly pertaining to dust and air quality impacts. Additional concerns received by other city divisions pertained to noise, vehicular traffic, planning and construction, and esthetics. Various city divisions such as Municipal Licensing and Standards, Transportation Services, Buildings, and City Planning responded to the community concerns and several community meetings were organized to discuss the issues.

On October 30, 2012, ML Ready Mix submitted an application for an Environmental Compliance Approval (ECA) from the Ministry. The application was posted on the Environmental Bill of Rights (EBR) Registry for a 45 day public comment and review period; eleven comments (including one petition with over 100 signatures) were received and all were considered in the Ministry's decision on the issuance of the ECA. After consultation with the community and the company, the Ministry issued the finalized ECA on September 19, 2013. It contained provisions for air quality, dust, and noise impacts associated with the emission sources from the facility.

Since the issuance of the ECA, the Ministry of the Environment has taken the lead with the regulatory oversight of the facility and the Ministry staff routinely monitor its operations for compliance with the ECA requirements.

## **COMMENTS**

Over the last two years, TPH has been engaged in a variety of multi-divisional and multi-agency activities in order to respond to the community concerns regarding concrete batching at ML Ready Mix. Given the complexity of the regulatory and jurisdictional oversight, a multi-stakeholder approach was required to address the noise, air quality, dust, and vehicle traffic concerns raised about the facility. Many measures have already been taken to address these concerns and mitigate the impacts in the community. TPH continues to work with its divisional and provincial partners in order to identify and mitigate additional issues that are of concern.

### **Regulatory Oversight and Jurisdiction**

The regulatory and jurisdictional oversight regarding environmental matters such as air quality, dust, and noise impacts is often complex and overlapping. There are several municipal by-laws that regulate impacts related to these issues, along with more overarching provincial regulations that address health and the environment. When it comes to the regulation of industrial and manufacturing facilities and their emissions, the Ministry of the Environment, through its ECA process, has the primary jurisdiction.

On September 19, 2013, the Ministry issued an ECA to the ML Ready Mix. In addition to requirements addressing air, dust, and noise impacts from emission sources, the

Ministry requested the company to complete an Acoustic Audit, implement necessary noise mitigation measures, implement a Best Management Practices Plan to address fugitive dust, and develop and implement a community complaint response plan. The Ministry continues to monitor the facility and is actively enforcing the requirements of the ECA.

Although the Ministry has the primary regulatory oversight regarding this, TPH continues to respond to health-related concerns regarding the site. Under the Health Protection and Promotion Act (HPPA), the Medical Officer of Health has a duty to respond to and investigate environmental health hazards within its jurisdiction. Furthermore, the HPPA stipulates the MOH should work with the appropriate provincial agency to identify and mitigate such hazards.

### **Air Quality Impacts**

Addressing air pollution and related potential health impacts is a priority for Toronto Public Health. In 2004, TPH estimated that on average, air pollution contributes to approximately 1700 premature deaths and 6000 hospitalizations each year in the City. The latest evidence suggests that the concentrations of key pollutants have decreased over the past decade, likely leading to some reduction in these numbers. When responding to community concerns regarding localized point source emission sources, TPH works with multiple municipal, provincial and federal partners to gather, analyze, and interpret air quality data in order to provide information on pollutant releases, distribution, concentrations in the ambient air, and thus the potential exposures and impacts on human health.

In the case of ML Ready Mix, limited air quality data was available for analysis. The nearest Ministry air monitoring station is located at 461 Kipling Street, at the Ministry Etobicoke South Research station, approximately 2 kilometers from the ML Ready Mix facility. The station monitors for nitrogen oxides, particulate matter in the fraction of 2.5 microns, and ozone. The conditions at the station are considered to be similar to that of the ML Ready Mix facility based on its proximity to the highways and industrial activities. The analysis of data from this station indicates that concentrations of various contaminants largely meet the acceptable standards and are comparable to the levels in other neighbourhoods within the city.

In 2013, as part of a larger City-wide initiative, the Environment and Energy Office, with the assistance of TPH, completed an air quality modeling and health impact study for wards 5 & 6, an area that included the ML Ready Mix site. Using a multitude of data sources, the study predicted the expected concentration of 30 contaminants of concern across the two wards. The results of the air quality modelling indicate the concentrations of various pollutants in the vicinity of the ML Ready Mix facility are generally below the provincial standards and are comparable to the concentrations observed in other neighbourhoods in the city.

It is important to note that emissions from the ML Ready Mix were not included in the air quality model. Currently, there is insufficient data to determine whether such emissions

can be modeled appropriately. Further work will be undertaken in order to determine if data improvements can be established and applied appropriately.

In order to gain a better understanding of the air quality impacts, TPH staff reviewed the Emission Summary and Dispersion Modelling (ESDM) data submitted to the Ministry by the company in support of their application for the ECA. The purpose of the ESDM report is to inform the Ministry whether the emissions meet the ministry's air discharge limits. The ML Ready Mix ESDM report predicts conservative estimates of concentrations of pollutants, such as particulate matter, at the receptor point. All modelled pollutant concentrations were within the applicable standards and guidelines.

Further discussions are currently underway to determine what additional data may be available to gain a more robust assessment of the air quality in the local community

### **Noise Impacts**

Noise is an important health issue and can affect more than hearing. The scientific evidence suggest that health effects of excessive noise include increased risk of cardiovascular disease, negative effects on sleep, communication, performance and behaviour, reading and memory acquisition, and mental health.

Controlling noise in Toronto is a very difficult and complex undertaking that involves all levels of government, the private sector, and the general public. In 2002, the City of Toronto harmonized by-laws from the former municipalities into a single noise by-law. The City's Municipal Licensing & Standards (MLS) Division is responsible for enforcing the noise by-law.

Noise is further regulated through the Ministry's ECA. As part of their approval application to the ministry, the ML Ready Mix was required to have a noise study undertaken to determine the levels of sound resulting from their process, and to provide noise mitigation measures to ensure that the levels of noise that are generated do not exceed the limits established by NPC-300, the Ministry's Environmental Noise Guideline. The results of the acoustical assessment that was conducted found that the company was required to provide noise mitigation measures so that noise from their operation does not exceed the limits at the nearest sensitive receptor, which is a residential area. The noise mitigation measures proposed by the company are either completed or are nearing completion. Once completed, the company is required to conduct an acoustical assessment to determine if their noise mitigation measures are effective in reducing noise levels at the sensitive receptors.

The approval issued by the Ministry contains a condition regarding hours of operation at the facility, in part as the truck deliveries and movement inside the site generate noise and the City of Toronto has a by-law restricting noise from such facilities to certain hours. The ministry has imposed hours of operation conditions in their approval that mirror the City's by-law, so that the Ministry's approval does not conflict with the City's by-law requirements in this regard.

## **Additional Concerns**

Additional concerns raised by the community were related to hours of operations, planning and construction, and esthetic issues. As these concerns were outside of the scope of TPHs mandate, they were directed to other City divisions for response. For example, City of Toronto Planning considered issues of zoning and planning approval, the City of Toronto Transportation Services considered the issue of traffic, and the Ministry of the Environment regulates the hours of operations and number of truck deliveries to the facility.

## **NEXT STEPS**

Over the next several months, TPH will continue to collaborate with City and provincial partners in order to address the environmental health concerns related to the cement batching operations of ML Ready Mix. Although many mitigation measures such as dust control and traffic control have already been implemented, additional measures pertaining to air quality assessment and noise mitigation are still being evaluated. TPH is committed to work with the community and the various stakeholders in order to address health concerns related to the operation of the facility.

## **CONTACT**

Barbara Lachapelle  
Research Consultant,  
Healthy Environments  
Toronto Public Health  
Tel: 416-392-7691  
[blachap@toronto.ca](mailto:blachap@toronto.ca)

Reg Ayre  
Manager,  
Healthy Environments  
Toronto Public Health  
Tel: 416-338-8037  
[rayre@toronto.ca](mailto:rayre@toronto.ca)

## **SIGNATURE**

---

Dr. David McKeown  
Medical Officer of Health