January 27, 2014

SENT BY E-MAIL

Mayor Bob Bratina and Members of Council
City of Hamilton
Hamilton City Hall
71 Main St. West
Hamilton, ON L8P 4Y5

Attn: Vanessa Robicheau, Legislative Coordinator, Office of City Clerk

Dear Mayor Bratina and Members of Council:

Nebo Group (2006) Inc. Appeal To Ontario Municipal Board Regarding Regional Official Plan Amendment and Zoning By-Law Amendment to Permit Hazardous Waste Transfer and Processing Facility At 899 Nebo Road (the “Requested Amendments”)
Request By Maple Leaf Foods Inc. and Canada Bread Company Limited for Council Directions Respecting Ontario Municipal Board Proceedings
City of Hamilton File Nos. ROPA-12-001 and ZAR-12-071
Council Meeting January 29, 2014

Further to my letter of July 8, 2013 to the Planning Committee, I understand that at its meeting on January 29, 2014, Council will be considering the above-referenced appeals that have been made to the Ontario Municipal Board on behalf of the applicant, Nebo Group (2006) Inc. (the “Applicant”) with respect to its waste transfer and processing facility located at 899 Nebo Road (the “Subject Property”). The appeals to the Ontario Municipal Board have been made by the Applicant for the above-referenced Regional Official Plan Amendment and Zoning By-law Amendment to permit the expansion of its existing facility to include hazardous waste transfer and processing (the “Requested Amendments”).

Maple Leaf Foods Inc. and its subsidiary Canada Bread Limited (collectively, “Maple Leaf”) have a direct interest in the Requested Amendments as a result of Maple Leaf’s substantial capital investments in the immediate vicinity of the Subject Property. In particular, Canada Bread’s state of the art bakery at 745 Nebo Road, which only opened in September 2011, is virtually adjacent to the Subject Property. Maple Leaf is also currently constructing a world class prepared meats facility on Glover Road near the Subject Property. Both of these new facilities, which are flagship operations, have been developed on lands purchased from the City, and represent a collective half billion dollar investment by Maple Leaf in Hamilton.
In these circumstances, Maple Leaf has serious concerns with the proposed addition of hazardous waste uses at the Subject Property in the immediate vicinity of its new strategic food processing facilities. The Requested Amendments will create a serious land use conflict that is not compatible with Maple Leaf's food processing operations, particularly at the adjacent Canada Bread bakery, and will create risks that cannot be satisfactorily mitigated. On the basis of the information that has been made available, these risks can include food safety risks in the form of contamination to either finished food product or to production inputs such as ingredients, water, ventilation and process air. Should these risks materialize, the food safety certification of the plants, which is regulated by an independent international auditor applying the highest standards of food safety, could be in jeopardy.

In view of the strategic significance of this issue, Maple Leaf has retained legal counsel and is seeking party status at the Ontario Municipal Board hearing, in order to oppose the Requested Amendments. At the hearing Maple Leaf will lead the necessary expert evidence to demonstrate that the Requested Amendments will create a fundamental land use incompatibility and conflict with its food processing operations, and should not be permitted.

It is important to Maple Leaf that the City actively support its opposition to the Requested Amendments, and in particular that the City also appear before the Ontario Municipal Board hearing to oppose the Requested Amendments. In this regard, Maple Leaf is requesting Council to formally resolve that it does not support the Requested Amendments.

Maple Leaf will be grateful for Council’s support in this important matter. Maple Leaf has been proud to invest in these new state of the art facilities in Hamilton, and looks forward to its future in the City.

Please be advised that I will be present at Council’s meeting on January 29, 2014 to answer any questions that members of Council may have.

Thank you for your consideration.

Yours very truly,

Anne Tennier, P. Eng.
Vice-President, Environmental Affairs
Maple Leaf Foods Inc.

c. Councillor Brenda Johnson