

TO: CITY MANAGER 1993 AUGUST 17

FROM: MEDICAL HEALTH OFFICER

SUBJECT: DAIRYWORLD FOODS, DAIRYLAND ICE CREAM DIVISION,
4047 LOZELLS AVENUE, BURNABY, B.C.

PURPOSE: TO PROVIDE COUNCIL WITH INFORMATION ON THE
COMMITMENTS MADE BY DAIRYWORLD FOODS TO MITIGATE NOISE
FROM THEIR DAIRYLAND ICE CREAM PLANT.

RECOMMENDATIONS:

1. THAT a copy of this report be forwarded to:
 - a) Mrs. Bettiol, 3957 Lozells Avenue,
Burnaby, B.C., V5A 2Z3
 - b) Mr. V. Milosavljevic, 7580 Dorchester Drive,
Burnaby, B.C., V5A 2Z3
 - c) Mr. Ron Brown, Plant Manager,
Dairyland Ice Cream Division,
Dairyworld Foods, 4047 Lozells Avenue,
Burnaby, B.C., V5A 2Z4
 - d) Mr. Don Smith, Vice President Industrial Division,
Dairyworld Foods, P.O. Box 367, Edmonton, Alberta.

REPORT

1.0 INTRODUCTION

At the regular Council Meeting on 1993 July 26, Council received a presentation from Mrs. Bettiol requesting an explanation of why the Crown stayed the charges against Dairyworld Foods with respect to the noise violations at their Dairyland Ice Cream Plant.

2.0 DAIRYLAND ICE CREAM PLANT - NOISE VIOLATION CHARGES

On 1992 July 08 and 1993 January 15, noise generated at the Dairyland Ice Cream Plant exceeded the noise level prescribed in the Burnaby Noise or Sound Abatement Bylaw. The cause of the excessive noise on both occasions was directly related to the delivery of liquid sugar at the subject site. Summary of charges relating to the aforementioned violations were filed with the B.C. Crown Counsel's Office and the trial date for the 1992 July 08 incident was set for 1993 July 16.

Prior to the trial, Dairyworld Foods' legal counsel requested a meeting with staff of the Health Department and the Legal Department. The meeting was held on 1993 July 08. The noise concerns from the Dairyland Ice Cream plant and ways of reducing it were discussed.

Following the said meeting and subsequent discussions between legal counsel, Dairyworld Foods sent a letter to the City on 1992 July 12 outlining the following commitments as a genuine attempt to mitigate the expressed noise concerns, particularly the noise from the delivery of liquid sugar:

- a) Advise Dairyland Ice Cream Plant's staff of the door closure policy and place signs, reminding staff of this policy, on both sides of the locking dock door (located on the south side of the plant);
- b) Limit night deliveries to the plant unless they are essential to the operation of the plant. In addition, communicate to employees and carrier dispatchers that night delivery trucks must park away from the plant and the residential area if the waiting time to unload is expected to exceed 15 minutes;
- c) Purchase and install an electric pump by 1993 September 13 for the unloading of liquid sugar; and
- d) Monitor the noise levels from the roof top condenser unit and discuss the results of the monitoring with Environmental Health Services in September 1993.

Based on the aforementioned commitments from Dairyworld Foods, discussions were held between the Legal Department and the B.C. Crown Counsel's Office. On the afternoon of 1993 July 14, B.C. Crown Counsel's Office agreed to stay charges against Dairyworld Foods.

DAIRYWORLD FOODS
1993 AUGUST 17.....Page 3

Mr. V. Milosavljevic was informed of the above information on 1993 July 15 at 08:00h by Mr. Ken Johnston, Assistant Chief Environmental Health Officer. On 1993 July 16, Mr. V. Milosavljevic appeared in court.

Due to an oversight, Mr. and Mrs. Bettiol were not informed about the staying of charges at this earlier time. On 1993 July 22, Mr. Dipak Dattani, Supervisor, Environmental Health Services, left a message on the answering machine for Mrs. Bettiol to contact Environmental Health Services but did not receive any response.

On 1993 July 26, Environmental Health Services' staff contacted Dairyworld Foods and confirmed that they have begun implementing the aforementioned commitments.

3.0 CONCLUSIONS

The noise violations on 1992 July 08 and 1993 January 15 were due to excessive noise from the delivery of liquid sugar the the Dairyland Ice Cream Plant.

Commitments by Dairyworld Foods, particularly the installation of an electric pump, will mitigate the noise concern respecting the delivery of liquid sugar and other expressed noise concerns. Dairyworld Food's commitments were given due consideration by staff of the Health Department and the Legal Department. This resulted in the decision to stay the noise violation charges.

If Dairyworld Foods either fails to fulfill their commitments or noise from their Dairyland Ice Cream Plant continues to violate the Burnaby Noise or Sound Abatement Bylaw, charges will be initiated by staff of Environmental Health Services.


Arlene King, M.D., C.C.F.P., M.H.Sc., F.R.C.P.(C)
MEDICAL HEALTH OFFICER

TS/AK/js

cc: () Chief Environmental Health Officer
() Director Administrative &
Community Services
() City Solicitor

