

**SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Cloverdale Paint Inc.  
**PROPOSAL NAME:** Cloverdale Paint  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Manufacturing -  
**CLIENT FILE NO.:** 2743.10

**OVERVIEW:**

Manitoba Conservation and Water Stewardship received a Proposal on July 28, 2014 for the expansion, renovation, process upgrade and continued operation of a paint manufacturing facility at 50 Panet Road and a construction of a warehouse at 70 Panet Road in Winnipeg, Manitoba. The facility manufactures industrial coatings, sealants and polymer resins.

The Department, on November 13, 2014, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library in Winnipeg and online at <http://www.gov.mb.ca/conservation/eal/registries/2743.1cloverdale/index.html>. Copies of the Proposal were also provided to the Technical Advisory Committee (TAC) members. A notice of the Environment Act proposal was also placed in the Winnipeg Free Press on November 15, 2014. The newspaper and TAC notifications invited responses until December 16, 2014.

**COMMENTS FROM THE PUBLIC:**

No Comments.

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Canadian Environmental Assessment Agency**

No Comments.

**Manitoba Agriculture – Land Use Branch**

No Response.

**Manitoba Conservation and Water Stewardship – Compliance and Enforcement Branch**

*Environmental Compliance and Enforcement (Central Region) has reviewed the above noted Environment Act Proposal (EAP). Please find the following comments regarding the proposal.*

*1) Regarding Tank Farm:*

*Please provide specifications on the volume of containment provided by the dyke surrounding the tank farm*

*2) Regarding Earthen Bermed Containment area connected to the warehouse:*

*Please provide more specifications about this bermed containment area (for example, the level of compaction of the clay), and the volume of containment provided.*

Proponent Response (January 21, 2015)

1. The specifications on the volume of containment provided by the dyke surrounding the tank Farm:

The EAP described the tank farm (Section 2.6.2) as covering an area of approximately 833 m<sup>2</sup> with the tanks installed upon a cement pad and the area enclosed by a cinder block dyke to a height of approximately 60 cm (coated to seal). In response to this request, however, the precise dimensions of the containment were measured as 50.3 m by 16.8 m and 0.4 m high. This provides a total volume of containment of 338 m<sup>3</sup> or 338,000 L. The containment provided by the dyke area is an additional redundancy as the tanks themselves are double walled and therefore already provide the required secondary containment. This additional containment volume is also much larger than the capacity required to comply with the Canadian Council of Ministers of the Environment - Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Products.

2. More specifications about the bermed containment area (for example, the level of compaction of the clay), and the volume of containment provided.

As noted in the EAP, there are two sump pits within the warehouse to contain spills, each with a capacity of approximately 750 litres. As a redundancy these two sump pits are connected by pipe to a clay bermed containment area located outside adjacent the north side of the warehouse. This clay bermed containment area is a back-up containment area only, which has never been required to date during operation of the facility. This containment area has a capacity of approximately 151,400 L (40,000 imperial gallons) and is lined with approximately 0.5 m (1.5 ft) clay compacted to 95% Standard Proctor Density which is overlain by 0.15 m (0.5 ft) topsoil and sod compacted to 90% Standard Proctor Density.

#### Disposition

Environmental Compliance and Enforcement Branch has reviewed the response and has no further comments. Clauses 30 and 31 of the draft Environment Act Licence address issues related to secondary containment.

#### **Manitoba Conservation and Water Stewardship – Air Quality Section**

*Air Quality Section has reviewed the above proposal and provides the following comments:*

- *Although no VOC emission calculations were provided in the proposal, Air Quality Section has estimated the ambient VOC concentration in the plant's surrounding area through a simple screening modeling (US EPA Screen View 3.5.0) and using very rough emission assumptions. According to this simple screening modeling, estimated VOC concentrations are well below Ontario's Ambient Air Quality Criteria. However, it is suggested that submission of detail VOC emission assumptions and calculations may be included as one of the License conditions.*
- *The odour clause is suggested to be included in the License.*

Proponent Response (January 21, 2015)

**A detail VOC emission assumptions and calculations.**

Muntaseer Ibn Azkan, Air Quality Specialist at MCWS was contacted on January 19, 2015 for clarification of what was required. During this discussion, Muntaseer indicated that modelling of VOC emissions completed by MCWS indicated the impacts from the Cloverdale facility were not significant. The modelling used the estimate of VOC emissions calculated by Cloverdale based on the facilities 2013 material usage, as previously provided in the letter submitted by KGS Group dated October 6, 2014. Muntaseer indicated, however that they would like more details on how Cloverdale came up with the estimate of VOC emissions, specifically the assumed 3% loss of material.

Further to Muntaseer's request for more details, the assumption of an average 3% loss of material is based on the Production Variance reports that can be generated for each product produced. Sample reports showing the yield variances for each job and the summary of all jobs in 2013 for twelve of the Cloverdale finished products is provided in Appendix A. The assumption of an average 3% material loss was based on the "Yield RM%" data, which is the percentage of finished material produced for a batch in comparison to the amount of raw material input. The all jobs average Yield RM% for the twelve Production Variance Reports provided in Appendix A (red box) ranged from 95.6 to 99.9%. This equates to an overall average for these twelve products of 97.5% and therefore a material loss of 3% was used as a conservative estimate.

*(A copy of the entire response, including the Appendix is posted on the public registry).*

Disposition

Air Quality Section reviewed the response and has no further concerns. Clause 10 of the draft Environment Act Licence requires annual VOC recording and reporting. Clause 9 of the draft Environment Act Licence addresses issues related to odour nuisance.

**Manitoba Conservation and Water Stewardship – Wildlife Branch**

No Concerns

**Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch**

*Parks and Protected Spaces Branch has reviewed the proposal filed pursuant to the Environment Act for EAP Cloverdale Paints File: 2743.10. The Branch has no comments or concerns to offer as it does not affect any provincial parks, park reserves, ecological reserves, areas of special interest, or proposed protected areas.*

**Manitoba Conservation and Water Stewardship – Forestry Branch**

No Response.

**Manitoba Conservation and Water Stewardship – Aboriginal Relations Branch**

No Response.

**Manitoba Conservation and Water Stewardship – Lands Branch**

No Concerns.

**Manitoba Conservation and Water Stewardship – Water Quality Management Section**

No Response.

**Manitoba Conservation and Water Stewardship – Groundwater Management Section**

No Response.

**Manitoba Conservation and Water Stewardship– Fisheries Branch**

No Response.

**Manitoba Conservation and Water Stewardship – Office of Drinking Water**

No Concerns

**Manitoba Conservation and Water Stewardship– Water Use Licensing Section**

No Concerns.

**Manitoba Conservation and Water Stewardship – Water Control Works Licensing Section**

No Response.

**Manitoba Conservation and Water Stewardship– Climate Green Initiative Branch**

No Response.

**Manitoba Municipal Government – Community Planning Services Branch**

No Response.

**Manitoba Culture, Heritage and Tourism – Heritage Branch**

No Response.

**Manitoba Municipal Government – Energy Division**

No Response.

**Manitoba Municipal Government – Petroleum Branch**

No Concerns.

**Manitoba Infrastructure and Transportation – Flood Forecasting Branch**

No Response.

**Manitoba Infrastructure and Transportation – Highway Planning and Design Branch**

No Concerns.

**Manitoba Intergovernmental Affairs**

No Response.

**Manitoba Health – Environmental Health Unit**

No Response.

**Manitoba Labour – Office of Fire Commissioner**

The Office of the Fire Commissioner recommends that the proponent obtain a building permit for the expansion of the mezzanine area. The Authority Having Jurisdiction for the issuance of the permit would be the City of Winnipeg Building Permit office located at 30 Fort Street. Upon construction completion, the proponent shall obtain an Occupancy Permit. The proponent shall also provide an updated Fire Safety Plan to the Winnipeg Fire Department.

**Disposition**

The proponent is notified of the recommendation to submit an updated fire safety plan. In addition the Licence cover letter requires the licensee to comply with any other legislative requirements.

**Manitoba Labour – Work Place Safety & Health**

No Response

**PUBLIC HEARING:**

A public hearing is not recommended.

**CROWN-ABORIGINAL CONSULTATION:**

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

This facility is an existing paint manufacturing facility located on a private land within the boundary of the City of Winnipeg. There would be no infringement of aboriginal or treaty rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Aboriginal consultation is not required for the project.

**RECOMMENDATION:**

The Proponent should be issued a Licence for the expansion, renovation, process upgrade and continued operation of a paint manufacturing facility at 50 Panet Road and a construction of a warehouse at 70 Panet Road in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Conservation and Water Stewardship.

A draft Environment Act Licence is attached for the Director's consideration.

Prepared by:

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