

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: WS Machining and Fabrication Inc.
PROPOSAL NAME: WS Steel
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Manufacturing -
CLIENT FILE NO.: 5694.00

OVERVIEW:

Manitoba Conservation and Water Stewardship received a Proposal on January 20, 2014 for the continued operation of a steel products manufacturing facility located at 49 Life Science Parkway in Steinbach, Manitoba. The facility manufactures various products from steel metals.

The Department, on March 20, 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/5694_wssteel/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 Steinbach Carillon on March 20, 2014. The newspaper and TAC notifications invited responses until April 21, 2014.

COMMENTS FROM THE PUBLIC:

Kevin Miller

April 30, 2014

Thank you for your prompt response. As per your request, here is some additional "information". The included audio was taken approximately 10 minutes ago; the time is now 11:57pm, from my home and is quite typical of what the noise level is coming from WS. I also went outside to confirm the source of the noise and could see lights from machinery; I can only assume it was a forklift, on the east side of the building. I can assure you that the snow clearing did not make anywhere near this amount of noise even though they claim that the snow clearing would have been the most significant noise coming from their location. I can also guarantee that I am not the only one who can hear this noise as you can hear it is beyond loud. If you have any questions or need any other specific information please let me know.

April 22, 2014

I am writing with regards to the concerns I have with the above noted proposal. I apologize for contacting you so late however I was only made aware of the proposal this morning when I contacted our local by-law officer with regards to the level of noise coming from WS in the early hours of this morning. (I am surprised that when these proposals are made that the

neighbors in the area are not notified by mail or some means other than just posting it on a website that I am sure few people frequent) I have lived in the area for nearly 3 years now and have been dealing with Trevor Schellenberg, by-law officer here in Steinbach, with regards to the matter since early last year when the noise levels seem to have increased significantly from prior years. Although I am perhaps the only one that has been in touch with Trevor with regards to the matter it is only likely because when I have spoken with neighbors with regards to the matter I have informed them that I have already been in contact with Mr. Schellenberg and he is looking into it. I see no sense in bombarding him with the same issue from a number of different people as I am very aware that he has his hands full.

The first issue I would like to address is the zoning. As pointed out in section III (Land Use Designation) of the proposal the property is designated as “M1”, Light Industrial. According to the Industrial Zoning definitions contained in the City of Steinbach zoning By-Law no. 1882 M1 or Industrial Light refers to light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. M2- “Industrial Heavy”, as described in the same by-law, is defined as follows – The Industrial Heavy (M2) district is intended to provide intensive industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses. This district would be required for those uses that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigations to avoid sound, noise, and odour impacts to neighboring properties.

A simple look at section V, “Operational Process Inputs/Outputs”, of their proposal clearly shows that this site, although it may have started as light industrial 9 years ago, has certainly grown well beyond that definition.

The second issue I would like to address is section VI.8 “NOISE” In this section they state that “All industrial processes are within the site’s buildings and are typically not audible to the outside environment.” And that “It is possible that industrial sound from inside the building can be heard outside while traffic moves into or out of the building.” And “tractor trailer traffic, site snow clearing, and expansion construction activity produce the highest levels of sound.” Also claiming “Occasional snow removal is the only significant night time noise generation from the site operations” I can assure you that this information is entirely incorrect. I have included a copy of the sound file I recorded and sent to Mr Schellenberg which is a perfect representation of the noise that woke me up this morning sometime between 6 and 7am. In this clip I have turned on the TV in my bedroom and had already closed my window most of the way to try to drown out the sound. The recording was taken at approximately 2am and was AFTER the expansion on the east side of the building was complete (at least the exterior) so there were no overhead doors facing the residential area. Other noise that they fail to mention is the constant forklift traffic outside of the building, which I assume, as used to work in a very similar manufacturing plant, is in and out to discard of the scrap steel. In case you are not familiar with the noise a heavy forklift makes when driving over uneven terrain it is quite loud as the forks bounce around it is a very loud, heavy steel on steel sound...coupled with the constant reverse warning noise it is quite loud and abrupt...especially in the middle of the night.

At the end of the day it is my opinion that the use of the site has far exceeded the zoning of the property it is on. I am certain I could provide many more recordings at all hours of the day that would contradict the claims made in the proposal as to the noise levels and could also put together a list of signatures from other neighbors who have the same concerns regarding the constant high noise levels. That said, I am not expecting that they cease to operate at the current location as I have a lot of respect for the owners attitude with regards to the situation, and the fact that they are a great employer here in the city. What I am requesting is that, now that the warmer weather is here, we take an opportunity to monitor the current noise levels and make recommendations accordingly in order to bring the site in line with the current zoning. First and foremost would be to ensure that large overhead doors be closed during all production hours with the exception of in/out traffic. Cooling the building, in my opinion, should not come at the cost of the health of the residents in the immediate area. Furthermore, that all disposing of scrap and transfer of materials from inside to outside or out to in be done during the day shift in preparation for the evening and night shift to reduce the amount of noise generated by that type of traffic. Noise during the winter months is, in my opinion, negligible as they keep the overhead doors closed unless it is necessary to bring materials in or out. This same practice should be maintained during summer months and I believe that the issue would be, for the most part, resolved.

I thank you for your tie and prompt attention to the matter.

May 12, 2014 Proponent Response

Regarding Mr. Miller's zoning concerns, WS Steel was approved to build the current facility on M1 Light Industrial zoned land in accordance with City of Steinbach zoning by-law 1882. Since the initial approval, WS Steel operations have not changed. WS Steel operates a manufacturing facility where operations are-contained within-an enclosed building with some limited outside storage. WS Steel operations require the ability to move items from that outside storage area to inside of the facility throughout the hours of operation. In contrast, M2 Heavy Industrial zoning includes mining operations, railway terminals, salvage operations, shipbuilding and airports, which would not accurately reflect our operations or the levels of sound emitted from the facility. To be clear, there are no manufacturing operations that take place outside of the enclosure. There is forklift traffic that transports raw material in and out of the enclosure throughout the hours of operation. WS Steel is confident that MI Light Industrial zoning is appropriate and is supported by Community and Regional Planning Services Office in that respect as per file 5694.00 of that office.

To address the noise component of Mr. Miller's comments, WS Steel acknowledges that there is noise associated with transporting material in and out of the facility. This noise is intermittent and sporadic in nature. WS Steel realizes that steel can drop and clash against racking, forklift tines or other raw material during operations. WS Steel believes that these are occasional and isolated incidents that do not occur on a continuous basis. Mr. Miller suggests that overhead doors be closed during summer months, however conducted the sound recordings with an open window in his home. It's reasonable to expect that windows would be closed as a first effort to mitigating excessive noise that was causing disturbance in a home. While WS Steel believes that the noise produced external to the facility is in accordance with zoning and regulations, WS Steel

is investing in technologies and process improvements that will reduce noise emissions in and around the facility. As one example, WS Steel replaced steel metalworking hammers with leather wrapped "Deadblow" hammers that emit much less sound on impact. In addition, WS Steel is conducting employee awareness training to reduce and limit unnecessary ancillary noise produced outside of the facility during the night shift hours (2300 - 0700 hours). WS Steel is going to great lengths to remedy the situation and will continue to modify operations to improve relations with neighbouring residential areas.

Lastly, WS Steel moved into the Steinbach industrial park zoned for industrial activities in 2005. The neighbouring residential area was expanded westward towards the rear of the WS Steel property after 2005. Mr. Miller states that he has lived in his home for 3 years, which suggests that he was aware of the fact that the property neighbored an industrial park upon purchasing the home. It is reasonable to expect that all real estate agents and home owners were aware that their properties neighbored industrial businesses at the time of purchasing the properties. It is also reasonable to expect that businesses will strive to grow and expand operations as opportunities present themselves, which includes expanding facilities to within regulated distances from their property line. WS Steel expansions and operations are conducted in cooperation with the City of Steinbach, Community and Regional Planning Services and all appropriate building codes, by-laws and zoning requirements. WS Steel believes that residential developers ought to consider the effects of building residential developments adjacent to industrial properties. It is unfortunate that these residents are experiencing discomfort as a result; however WS Steel facility was in place during the expansion of the residential development. The developers, planners and home owners need to accept some responsibility for their decision to build homes along industrial land. If the home owners believe that they were misled by real estate developers/agents as to the suitability of land for homeownership, they ought to consider pursuing the matter with those agencies, rather than looking to businesses that were established before development occurred.

In closing, WS Steel believes its operations are conducted in accordance with all zoning and by-Law requirements. Sound testing was conducted to quantify sound levels outside of the facility; the results were presented in the EAP report and met Manitoba Health and Safety requirements. WS Steel has modified building designs and operations to improve sound emission levels and will continue to improve its operations in an effort to better the quality of life of residents affected by their proximity to the facility.

Disposition

Clauses 9 to 12 of the draft Environment Act Licence address the requirements to noise management.

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 (Eastern Region) has reviewed the above noted Environment Act Proposal (EAP). Please find the following comments regarding the proposal.

1. Regarding Section VI.4 Wastewater

This section discusses the content and discharge of non-process wastewater generated at the development (to the City of Steinbach sewer system), but does not discuss process related wastewater. Compliance and Enforcement Branch requests more detailed information regarding content and disposal of process related wastewater generated at the development.

2. Regarding Section II.4.1 Surface Water

This section indicates that wash water from the facility drains into the City of Steinbach's storm water collection system. There is no discussion regarding the constituents or source of the washwater.

May 12, 2014 Proponent Response

WS Steel has reviewed the memorandum regarding Section VI.4 Wastewater and Section 11.4.1 Surface Water comments proposed by the Conservation and Water Stewardship Office

1. With respect to wastewater, WS Steel does not generate any process related wastewater. The wastewater generated at the WS Steel facility would be akin to common household wastewater that is generated from washroom and kitchen facilities. Our processes utilize oil and lubricant cooling products that are handled by licensed companies when entering and exiting the facility. None of the WS Steel process products enter the wastewater system.
2. The surface water runoff discussed in the Environmental Application Proposal refers to common rain water runoff. There are no chemicals or constituents at the WS Steel facility that would contaminant rain water runoff. The rain water falls on the property, including the building roof, and is directed toward drainage ditches around the site. These drainage ditches eventually connect with the City of Steinbach's storm water system on Main Street and Hespeler Street. WS Steel does not have any concerns with respect to contamination of storm water runoff leaving the site.

In closing, WS Steel believes its operations are conducted in accordance with all zoning and by-Law requirements. Wastewater discharge is comparable to typical household waste water and surface water runoff has no risk of being contaminated by industrial processes.

Disposition

The proponent responded providing a clarification regarding wastewater generated at the facility. Environmental Complacence and Enforcement has reviewed the responses and has no further comments. In addition clauses 30 and 31 of the draft Environment Act Licence address the requirements for wastewater discharge from the facility.

Manitoba Conservation and Water Stewardship – Programs and Strategies Branch – Air Quality Section

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

- It is expected that the proposal has no significant impact on air quality provided that control measures such as multiple air scrubber system will be used and adequately maintained to control particulate emissions.
- It is also suggested that the EA Clause regarding noise nuisance be included.

Disposition

Clauses 9 to 12 of the draft Environment Act Licence address the requirements to noise management.

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 the Request for review/comment - WS Steel Manufacturing 5694.00 due Apr. 21, 2014. 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 Concerns.

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 Concerns.

Manitoba Conservation and Water Stewardship– Climate Green Initiative Branch

No Response.

Manitoba Conservation and Water Stewardship– Regional Services Branch

No Response

Manitoba Culture, Heritage and Tourism – Heritage Branch

No Response.

Manitoba Innovation Energy and Mines – Energy Development Branch

No Response.

Manitoba Innovation Energy and Mines – Petroleum Branch

No Response.

Manitoba Infrastructure and Transportation – Flood Forecasting Branch

No Response.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No Concerns.

Manitoba Municipal Government

The Steinbach regional office of Community and Regional Planning reviewed this application for any potential areas of concern to be addressed as part of the environmental evaluation pursuant to The Environment Act. The proposal is for the continued operation of steel products manufacturing facility located at 49 Life Sciences Parkway in Steinbach.

Overall, the Land Use Designation section of the submission should be enhanced to reflect Steinbach's Official Community Plan (By-law 1855) and Zoning By-law (By-law 1882).

The Land Use Designation contained in the City of Steinbach Official Community Plan (By-law 1855) is Industrial Policy Area. Relevant industrial policies in this plan related to this application are on page 19 Section 5.0 Industrial Policies and copied below:

5.0 INDUSTRIAL POLICIES

Industrial development plays a significant role in Steinbach's economy. Providing land for adequate development at appropriate locations ensures the city's ability to support ongoing development in the industrial sector. In addition, ensuring that industrial uses are compatible with neighbouring commercial and residential uses is central to the Plan's policies.

5.1 OBJECTIVES

- a. To ensure an adequate supply of serviced land in an economically sound manner in appropriate locations to meet the ongoing needs of the city for various types of industry.
- b. To minimize or eliminate conflicts between industry and other land uses.
- c. To develop efficient, attractive and well-planned industrial areas serving the interests of industry, the city and the region.

5.2 POLICIES

The following policies are established for industrial development:

5.2.1 Light Industrial

Intent: To provide for light industrial uses that are compatible with less intense uses such as commercial and residential and that have limited objectionable influences and impacts that can be mitigated.

Policy: Industrial areas that are intended to accommodate light manufacturing and warehousing shall be permitted in appropriate areas as a transitional use between more intensive industrial uses or highways and other land uses such as residential. Appropriate features such as buffering and landscaping shall be encouraged.

The Land Use Policy Areas Map is attached showing the land use designation for the property.

The subject site is zoned Industrial Light M1 in the City of Steinbach Zoning By-law 1882. The intent of this zoning is to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations within an enclosed building with some limited outside storage. Light Manufacturing is defined in the Zoning By-law as follows:

Means the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours, glare, or health and safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in that assembly, fabrication, or processing does not exceed 25% percent of the floor area of buildings on the lot.

Our office has no concerns with respect to the proposal given that operations are undertaken indoors. I trust that this submission will assist in the review of the proposed project. Please contact me at the above number if you have any questions or require further information.

Thank you for the opportunity to comment.

Manitoba Health – Environmental Health Unit

No Response.

Manitoba Labour – Office of Fire Commissioner

The Office of the Fire Commissioner recommends that since this building was constructed in 2005, the Fire Safety Plan under section 2.8 of the Manitoba Fire Code, be updated in consultation with the Steinbach Fire Department.

Disposition

The proponent is notified of the recommendation to obtain 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 steel products manufacturing facility located on a private land within the boundary of the City of Steinbach. 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 continued operation of a farm equipment manufacturing facility 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:

Eshetu Beshada, Ph.D., P. Eng.
Environmental Engineer
Mines and Wastewater Section

May 23, 2014

Telephone: (204) 945-7023
Fax: (204) 945-5229
E-mail Address: Eshetu.Beshada@gov.mb.ca