



September 14, 2018

File No. 17-1582-001

Manitoba Sustainable Development
Environmental Stewardship Division
Environmental Approvals Branch
1007 Century Street
Winnipeg, MB
R3H 0W4

3rd Floor
865 Waverley Street
Winnipeg,
Manitoba
R3T 5P4
204.896.1209
fax: 204.896.0754
www.kgsgroup.com

ATTENTION: Mr. Eshetu Beshada
Environmental Engineer
Municipal and Industrial Section, Environmental Approvals Branch

RE: File 5699.00 Rakowski Recycling
Additional Information Requests (July 5 / August 23)

Dear Mr. Beshada:

KGS Group is providing additional information on behalf of Rakowski Recycling, as part of the Environment Act Proposal application for the proposed development located at 454 Rue Archibald Street. Based on public and Technical Advisory Committee (TAC) feedback provided during the review period a request for information (RFI) was issued in a letter dated July 5, 2018. An additional request for information was issued on August 23, 2018. The first topic in the July 5 RFI was previously addressed in correspondence dated August 8, 2018. This response letter addresses questions two (2) through five (5) of the July 5 RFI as well as the two questions in the August 23 RFI.

Question two (2) of the July 5 RFI was to provide a sound assessment of the facility.

A sound assessment was conducted based on the Health Canada guidance document for predicting health risks related to sound in environmental assessments of proposed projects¹. On the morning of September 7, 2018 an Environmental Scientist from KGS Group attended 454 Archibald Street to conduct the preliminary sound assessment and a baseline sound measurement was observed on September 12, 2018. The day of the preliminary sound assessment was mostly sunny, the temperature was 15°C and a light wind was blowing from the northwest. On the morning of the baseline measurement, the temperature was 10°C and there was little wind. The equipment used to sample sound at the site was a CheckMate CM-140 Sound Pressure Level Meter. The device conforms to the IEC651 Type 2, ANSI S1.4 Type 2 for Sound Level Meters. Prior to conducting the sound level measurements, the meter was calibrated using a 94dB & 114dB Sound Level Meter Acoustical Calibrator.

¹ Health Canada. 2016. Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.

A baseline neighborhood sound measurement at the nearest residence was observed to be 49.9 dBA at 6:30AM on September 12, 2018. Health Canada considers a reasonable baseline outdoor day-night sound level (Ldn) for urban areas to be 45 dBA however notes that this baseline does not consider the inherent variability in baseline noise estimates based on population density, proximity to busy roads or adjacent industrial activity. The location where the facility is located is on the edge of a highly industrialized area which likely contributes to the measured baseline observation. Health Canada indicates that the typical Ldn for a noisy urban residential community – one that is near relatively busy roads or industrial areas - typically ranges from 63 to 67 dBA with an average of 65 dBA.

Equipment operated at the facility includes: a mobile shear, a baler, a front-end loader, and a grapple excavator. Typically, no more than two pieces of equipment are operated at any one time. Sound levels of operating equipment were measured at three points of reception: at 15 m from the source, in the driveway of the development (just outside the fence) and at the nearest residence (519 Archibald Street). Sound measurements were observed at all three locations during operation of each piece of equipment individually, as well as at the fence and the residence when while two pieces of equipment were operating concurrently.

Measurements observed during the operation of the equipment were recorded when the equipment was running at a high idle as well as when the equipment was being used to manipulate or process material. The sound level meter was observed while the equipment sorted/lifted/cut or placed material and the highest observed sound level was recorded.

Measurements at the fence and at the residence were observed when no traffic was approaching from either direction on Archibald Street. While equipment was operating at the facility and there was no vehicle traffic approaching, the highest observed sound level was recorded. Similarly, the sound level measurement for the Industrial Metals auto shredder was measured when no equipment was operating at Rakowski Recycling and no vehicles were approaching the measurement location. An off-hours baseline sound measurement was observed at the residence at 6:30AM when no equipment was operating at the facility, and no vehicles were approaching the measurement location. During the off-hours measurement, the sound level meter was observed for 20-30 seconds and the lowest sound level measurement was recorded.

Locations where the equipment was operating during the assessment and where sound measurements were observed are shown on the attached Figure 1. Results of the sound assessment are presented in Table 1.

TABLE 1
NOISE MEASUREMENTS FROM SITE EQUIPMENT

| EQUIPMENT | SOUND LEVEL (dBA) | | |
|------------------|-------------------|-------|-----------|
| | SOURCE* | FENCE | RESIDENCE |
| Mobile Shear | 74.4 | 60.3 | 58.3 |
| Baler | 80.0 | 63.1 | 60.3 |
| Front End Loader | 75.8 | 58.5 | 57.9 |
| Grapple | 73.5 | 60.1 | 59.9 |
| | | | |

| EQUIPMENT | SOUND LEVEL (dBA) | | |
|-------------------------------------|-------------------|-------|-------------|
| | SOURCE* | FENCE | RESIDENCE |
| Shear + Baler | - | 59.9 | 58.3 |
| Shear + Loader | - | 65.5 | 63.7 |
| Shear + Grapple | - | 65.9 | 62.6 |
| Baler + Loader | - | 62.4 | 59.8 |
| Baler + Grapple | - | 60.9 | 60.6 |
| Loader + Grapple | - | 67.6 | 63.1 |
| | | | |
| Industrial Metals Auto Shredder** | - | 65.7 | 60.3 |
| Archibald St. (commercial vehicles) | - | - | 82.3 – 87.3 |
| Archibald St. (personal vehicles) | - | - | 69.2 – 81.3 |
| Off-hours sound level*** | - | - | 49.9 |

*Sound measured while equipment running at fast idle at 15 m from source.

** Sound level was measured at 8:30AM on September 7, 2018.

*** Off-hours sound level was measured at 6:30AM on September 12, 2018.

During operation of the equipment, the sound levels observed varied depending on the activity being conducted. Typically, when the equipment engines were running at a fast idle, the sound produced ranged from 73.5 to 80.0 dBA. A description of activities performed with the equipment and the sound levels measured are described below.

Shear Sound Level Variance

Mobile metal shears (Photo 1) are used to mechanically cut bulky metals such as steel I-beams and large tubing into pieces smaller than one metre (m). At the time of the sound assessment, the distance from the shear to the nearest residence at 519 Archibald Street was approximately 225 m. When the shear is operating the sound from the engine is continuous and measured 74.4 dBA at 15 m from the source. Intermittent louder sounds are produced during operation of the shear as follows: when cutting materials such as steel pipe or I-beams (up to 87.8 dBA); when items were sorted and lifted from the pile (up to 91.3 dBA); and when material fell after being cut (up to 82.3 dBA). When sound measurements were conducted at the fence and at the residence, vehicular noise appeared to mask the sound of shear operations, which could not be audibly distinguished above the sound of passing vehicles. Measurements of the metal shear operations, recorded when there was no traffic were 60.3 dBA at the fence and 58.3 dBA at the residence.

Baler Sound Level Variance

The baler (Photo 2) is used to compact material into a cube known as a bundle. At the time of the sound assessment, the baler was being used to compress aluminum sheet metal and the distance from the baler to the nearest residence was approximately 170 m. When running at a high idle, the baler's engine volume measured 80.0 dBA. Sound levels measured within 15 m of the baler during metal baling were as high as 89.1 dBA for very short intermittent periods. These intermittent peak sound levels were not observed when measurements were conducted at the

fence and at the nearest residence. When sound measurements were conducted at the fence and at the residence, vehicular noise appeared to mask the sound of the baler which could not be audibly distinguished above the sound of passing vehicles. Measurements of the baler operations, recorded when there was no traffic were 63.1 dBA at the fence and 60.3 dBA at the residence.

Loader Sound Level Variance

The front-end loader (Photo 3) is primarily used for moving large objects around the yard. At the time of the sound assessment, the distance from the loader to the nearest residence was approximately 150 m. The sound level of the loader does not range greatly whether it is at a high idle or under load and lifting/moving objects around. When running at a high idle, the loader's engine measured 75.8 dBA and when lifting something weighing approximately 4,000 to 5,000 pounds, the sound level increased to 80.9 dBA. When sound measurements were conducted at the fence and at the residence, vehicular noise appeared to mask the sound of the loader operations as they could not be audibly distinguished above the sound of passing vehicles. Measurements of the loader operations, recorded when there was no traffic, were 58.5 dBA at the fence and 57.9 dBA at the residence.

Grapple Sound Level Variance

The excavator with a grapple attachment (Photo 4) is typically used to sort smaller metal items into piles of like materials. At the time of the sound assessment, the distance from the grapple to the nearest residence was approximately 60 m. The sound level of the grapple was measured at 73.5 dBA from a distance of 15 m. When the grapple was used to lift a group of items from the pile, it would occasionally squeeze and bend some of the metal and the sound level for short intermittent periods was measured at 89.0 dBA. When sound measurements were conducted at the fence and at the residence, vehicular noise appeared to mask the sound of the grapple operations as they could not be audibly distinguished above the sound of passing vehicles. Measurements of the grapple operations, recorded when there was no traffic were 60.1 dBA at the fence and 59.9 dBA at the residence.

Other Noise Sources

During the sound assessment other potential noise sources were measured to compare to the sound levels observed during operation of equipment at the Rakowski Recycling facility. In particular, measurements were recorded when the Industrial Metals auto shredder was operating at the property to the northeast of Rakowski Recycling. The sound from the Industrial Metals auto shredder is constant and akin to a jackhammer. The sound level of the Industrial Metals auto shredder, measured when there was no equipment operating at Rakowski Recycling, was 65.7 dBA at the fence and 60.3 dBA at the nearest residence. The noise levels from Industrial Metals are comparable to the higher end of the levels observed at Rakowski Recycling.

As previously noted, vehicle traffic on Archibald Street masks the operation sounds from Rakowski Recycling. When vehicles drove past the fence sampling location and the residence sampling location, sounds from the facility were not audible and the sound level meter only registered the sound from the approaching and/or passing vehicle. Sound levels of vehicles passing by the residence measured between 69.2 and 81.3 dBA for personal vehicles and between 82.3 and 87.3 dBA for large commercial vehicles. Archibald Street is a major

thoroughfare, with commercial and personal vehicle traffic throughout the normal operating hours for Rakowski Recycling.

To conclude, vehicle traffic on Archibald Street likely has a greater effect on the noise levels experienced at nearby residences than that produced by equipment operated at the facility. When vehicles drove past the measurement location, measurements observed with the sound level meter increased beyond the baseline observed while equipment was operating at the facility, even when two pieces of equipment were operating. The only audible sound was that of the passing vehicles. Even when no vehicles were passing by the measurement location, sounds from the facility were difficult to distinguish from the background noise in the area during daytime hours.

Operation of the development does result in some noise associated with equipment operation and vehicle traffic accessing the facility. Although the development will contribute to daytime noise in the local area, there are numerous manufacturing and commercial developments in the area and a large amount of vehicle traffic on Archibald Street. The land on which the development is located is zoned "M2" Manufacturing General and the activities and daytime operating hours are consistent with requirements for this zone. Given that the facility is located within an area of the city zoned for manufacturing and the closest residences are located in an area zoned commercial, operation of the facility and the sound levels generated by equipment appear to be in compliance with the City of Winnipeg Zoning By-Law and the Neighborhood Livability By-Law. The potential adverse effect of increased noise levels in the local area was assessed to be minor given the location of the facility in an area zoned for manufacturing, the results of the sound assessment and the distance to the nearest residences.

Question three (3) of the July 5 RFI indicates that direct contact of rain water with a pile of metal is expected to generate contaminated surface water at the site. This concern was raised by Sustainable Development Environmental Compliance and Enforcement officers who submitted responses during the Technical Advisory Committee (TAC) review of the Environment Act Proposal. The officers indicated that they had observed piles of metal turnings at the facility and that the "piles are exposed to weather and other elements. Thus, there is a potential environmental impact arising from seepage of drainage water from the piles contaminating the soil and ground water." A request was made to address potentially contaminated drainage water at the facility. On August 23, 2018, KGS Group contacted one of the officers and obtained clarification that the primary concern was with metal turnings at the site that were not placed on a paved surface or under cover and protected from exposure to rain.

KGS Group consulted with a former Environment Canada environmental engineer regarding the potential for metals to leach into surface water and soil. He noted that acid rain could cause metals to leach. Acid in the form of acid rain can "mobilize" metal ions which are normally present in insoluble nontoxic forms of metal. Acid rain is caused largely by sulphur dioxide and oxides of nitrogen emitted by industrial activities, such as coal- and oil-fired power plants, smelters, motor vehicles, and other human-related sources. The gases dissolve in rainwater to form acids. Environment Canada reports that acid rain is more of a concern in eastern Canada where industrial emissions are greater, however they indicate that there is insufficient information at this time to know whether acid rain is a problem in western Canada ².

² <http://www.ec.gc.ca/air/default.asp?lang=En&n=7e5e9f00-1#wsD5D8B879>

The issue of metal leaching into soil and groundwater was addressed in a 2002 research paper³. Field studies were performed at two scrap iron and metal recycling facilities in order to evaluate the extent of heavy metal migration into subsoil and groundwater following more than 25 years of metal scrap handling directly on the ground without any measures to prevent leaching. The research indicated that migration of metals below the surface in general was very limited even after 25 years of activity. Soil and soil water profiles showed elevated metal concentrations in the upper 40 cm, but below this depth the soil and water concentrations of metals were comparable with the concentrations found in uncontaminated reference profiles.

Although there is little expectation that activities at Rakowski Recycling will result in contaminated surface water run-off, the Environment Act Proposal report indicated that run-off from the site is directed to and controlled by ditches along Archibald Street, south and west of the property. The Mission District in Winnipeg is serviced by a combined sewer system that collects both wastewater and surface water run-off. As such, any site run-off collected in the roadside ditches is directed to the City's North End Water Pollution Control Centre.

Question four (4) of the July 5 RFI refers to conclusions about the adverse effects of noise from the facility. Please refer to the sound assessment conclusions noted in response to Question two (2) above.

Question five (5) of the July 5 RFI asks for confirmation of whether plasma torches are used at the facility. In response, we are confirming that plasma torches are not used at the facility.

Question one (1) of the August 23 RFI: Legal Land Description Discrepancy, notes that the Environmental Assessment report was missing the land title for Lot 1 Block 1 of Plan 20930. A copy of the Status of Title is attached to this letter.

Question two (2) of the August 23 RFI. KGS Group has discussed the issue of zoning with the City of Winnipeg Zoning Department. The conditional use permit (DCU 163035/2006C) issued to Rakowski Recycling on January 19, 2007 under the former City of Winnipeg Zoning By-Law 6400/94, applies to land having the legal description of Lot 1 Block 1 of Plan 20930 and does not encompass Lot 4 Block1 of Plan 20930.

While Lot 4 Block 1 of Plan 20930 is not included under the conditional use permit, the land is zoned "M2" (Manufacturing General District) under the City of Winnipeg Zoning By-Law 200/06⁴. In a letter dated July 23, 2018 the Zoning and Permits Administrator from the City of Winnipeg Planning, Property and Development Department indicated that in accordance with Zoning By-Law 200/06 and amendments thereto, a recycling plant, a towing and storage facility and accessory outside operations are permitted uses within an area zoned "M2" (please see attached correspondence). Examination of the City of Winnipeg Zoning By-Law further indicates that Light Manufacturing including Outside Operations and Outside Storage are permitted on land zoned "M2." Definitions from the By-Law are provided below.

"Light Manufacturing" 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 or safety hazards outside of the building or lot where such assembly, fabrication, or

³ Jensen, D. L., Holm, P. E. and Christensen, T. H. (2000), Soil and groundwater contamination with heavy metals at two scrap iron and metal recycling facilities. Waste Management and Research, 18: 52-63. doi:10.1034/j.1399-3070.2000.00092.x

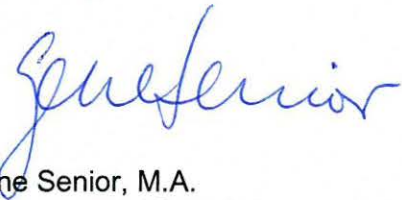
⁴ <http://clkapps.winnipeg.ca/dmis/documents/docext/bl/2006/2006.200.pdf>

processing takes place, where such processes are housed entirely within a building, and may include an area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing. Examples include, but are not limited to: Electronic equipment assembly and manufacturing and assembly from finished products (amended 95/2014).

"Outside Operations," means activities conducted outside that are directly related to, and in support of a permitted principal use on the site.

"Outside Storage" means outside storage, but not display for sale, of goods and/or materials. Storage of materials in a structure with a roof, but no walls, and storage of a shipping container is considered outside storage (amended 95/2014).

Yours truly,



Gene Senior, M.A.
Environmental Scientist

GS/jr
Attachments

cc: Yanek Rakowski
Siobhan Burland Ross
Rob Matthews
Yvonne Hawryliuk
Don Labossiere

FIGURE 1
EQUIPMENT LOCATIONS DURING SOUND ASSESSMENT

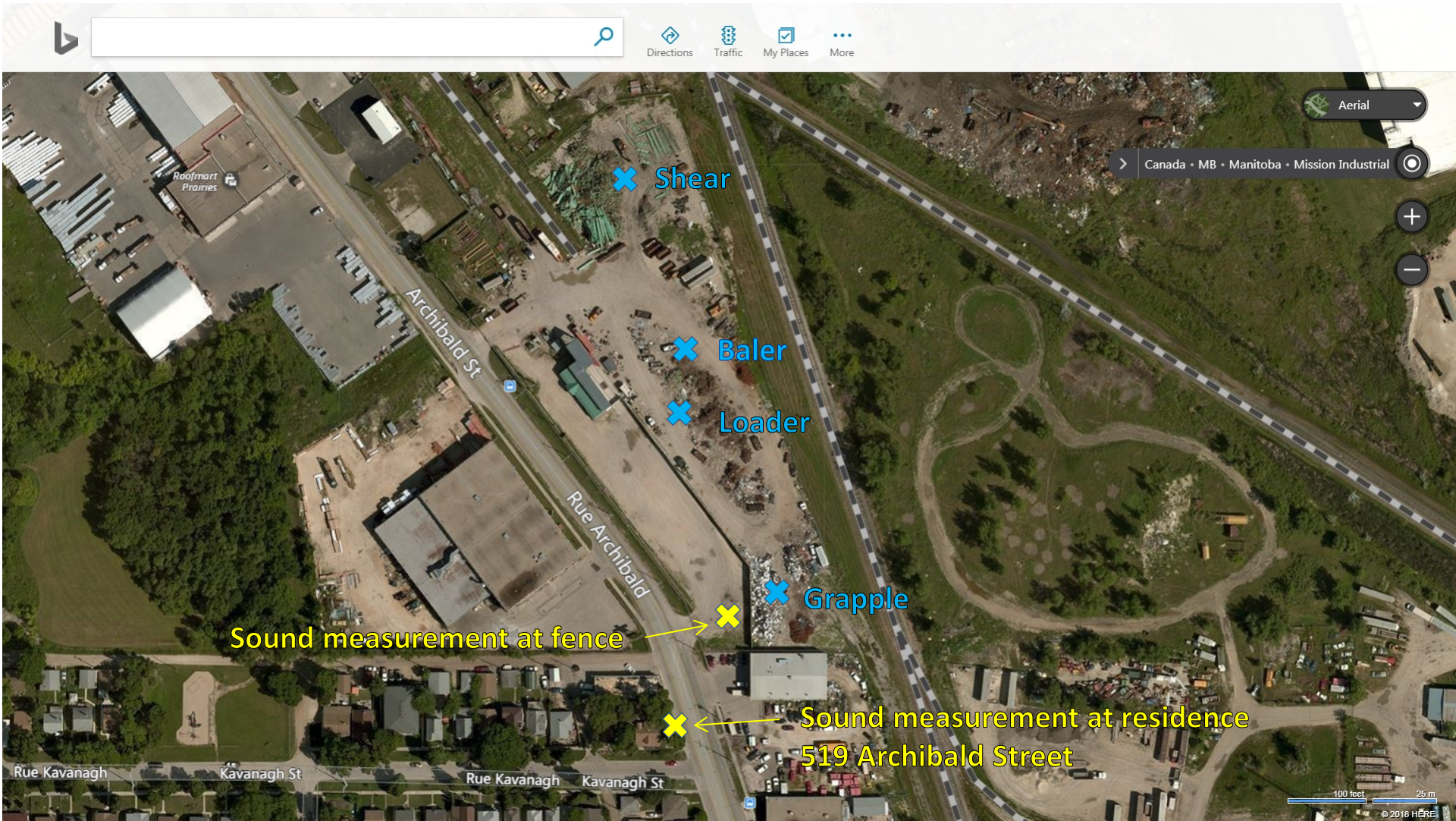




PHOTO 1: MOBILE SHEAR



PHOTO 2: BALER



PHOTO 3: LOADER



PHOTO 4: GRAPPLE

DATE: 2006/08/29
TIME: 13:11
POST

MANITOBA
STATUS OF TITLE

TITLE NO: 2144937
PAGE: 1

STATUS OF TITLE..... ACCEPTED
ORIGINATING OFFICE..... WINNIPEG
REGISTERING OFFICE..... WINNIPEG
REGISTRATION DATE..... 2006/03/08
COMPLETION DATE..... 2006/03/21

PRODUCED FOR.. PITBLADO
ADDRESS..... 2500-360 MAIN ST.
COMMODITY EXCHANGE TOWER
WINNIPEG MB R3C4H6
PRODUCED BY... M.DERKSEN
LTO BOX NO.... 111

LEGAL DESCRIPTION:

2710331 MANITOBA LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON
IN THE FOLLOWING DESCRIBED LAND:

BLOCK 2 PLAN 20930 WLTO
IN BLOCK "M" ROMAN CATHOLIC MISSION PROPERTY

ACTIVE TITLE CHARGES:

| | |
|--------------------------------------------|-------------------------------|
| 2328089 WPG ACCEPTED CAVEAT | REG'D: 1998/11/26 |
| DESCRIPTION: GRANT OF EASEMENT | |
| FROM/BY: THE MANITOBA HYDRO-ELECTRIC BOARD | |
| TO: | |
| CONSIDERATION: | NOTES: AFFECTS: SWLY 3 M PERP |

ACCEPTED THIS 8TH DAY OF MARCH, 2006
BY G.PHILLIPS FOR THE DISTRICT REGISTRAR OF
THE LAND TITLES DISTRICT OF WINNIPEG.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA
STORAGE SYSTEM ON 2006/08/29 OF TITLE NUMBER 2144937 .
THIS IS NOT A DUPLICATE TITLE.

X

FOR THE DISTRICT REGISTRAR

***** END OF STATUS OF TITLE FOR TITLE 2144937 WPG *****

DATE: 2006/08/29
TIME: 13:11
POST

MANITOBA
STATUS OF TITLE

TITLE NO: 2144931
PAGE: 1

STATUS OF TITLE..... ACCEPTED
ORIGINATING OFFICE..... WINNIPEG
REGISTERING OFFICE..... WINNIPEG
REGISTRATION DATE..... 2006/03/08
COMPLETION DATE..... 2006/03/21

PRODUCED FOR.. PITBLADO
ADDRESS..... 2500-360 MAIN ST.
COMMODITY EXCHANGE TOWER
WINNIPEG MB R3C4H6
PRODUCED BY... M.DERKSEN
LTO BOX NO.... 111

LEGAL DESCRIPTION:

2710331 MANITOBA LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON
IN THE FOLLOWING DESCRIBED LAND:

LOT 1 BLOCK 1 PLAN 20930 WLTO
IN BLOCK "M" ROMAN CATHOLIC MISSION PROPERTY

ACTIVE TITLE CHARGES:

NO ACTIVE TITLE CHARGES EXIST ON THIS TITLE

ACCEPTED THIS 8TH DAY OF MARCH, 2006
BY G.PHILLIPS FOR THE DISTRICT REGISTRAR OF
THE LAND TITLES DISTRICT OF WINNIPEG.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA
STORAGE SYSTEM ON 2006/08/29 OF TITLE NUMBER 2144931 .
THIS IS NOT A DUPLICATE TITLE.

X

FOR THE DISTRICT REGISTRAR

***** END OF STATUS OF TITLE FOR TITLE 2144931 WPG *****

DATE: 2006/08/29
TIME: 13:11
POST

MANITOBA
STATUS OF TITLE

TITLE NO: 2144934
PAGE: 1

STATUS OF TITLE..... ACCEPTED
ORIGINATING OFFICE..... WINNIPEG
REGISTERING OFFICE..... WINNIPEG
REGISTRATION DATE..... 2006/03/08
COMPLETION DATE..... 2006/03/21

PRODUCED FOR.. PITBLADO
ADDRESS..... 2500-360 MAIN ST.
COMMODITY EXCHANGE TOWER
WINNIPEG MB R3C4H6
PRODUCED BY... M.DERKSEN
LTO BOX NO.... 111

LEGAL DESCRIPTION:

2710331 MANITOBA LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON
IN THE FOLLOWING DESCRIBED LAND:

LOT 4 BLOCK 1 PLAN 20930 WLTO
IN BLOCK "M" ROMAN CATHOLIC MISSION PROPERTY

ACTIVE TITLE CHARGES:

87-41589 WPG ACCEPTED CAVEAT
FROM/BY: MAPLE LEAF MILLS LIMITED
TO:
CONSIDERATION:

REG'D: 1987/05/01

NOTES:

ACCEPTED THIS 8TH DAY OF MARCH, 2006
BY G.PHILLIPS FOR THE DISTRICT REGISTRAR OF
THE LAND TITLES DISTRICT OF WINNIPEG.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA
STORAGE SYSTEM ON 2006/08/29 OF TITLE NUMBER 2144934 .
THIS IS NOT A DUPLICATE TITLE.

X

FOR THE DISTRICT REGISTRAR

***** END OF STATUS OF TITLE FOR TITLE 2144934 WPG *****



Planning, Property & Development Department • Service de l'urbanisme, des biens et de l'aménagement
Development and Inspections Division • Division de l'aménagement et des inspections

In reply please refer to / Référence à rappeler :

Roger Blackman-Shaw
Phone: 204-986-7764
Fax: 204-986-6347

July 23, 2018

Yanek Rakowski
Rakowski Recycling
775 Plinquet ST
WINNIPEG, MB R2J 0G3

Dear Sir/Madam:

RE: 454 ARCHIBALD ST
LEGAL DESCRIPTION: LOT 1 BLOCK 1 PLAN 20930 RCMP
FOLDER #: 18 151495 000 00 ZR

This will acknowledge receipt of your letter dated July 18, 2018 requesting a **verification of described use/uses** with regard to the above noted zoning lot. The Zoning and Permits Branch has used your letter of activities submitted with this request, numbered, categorized and defined those activities. We have attached the activities list, a definitions list and a copy of the approved conditional use.

Please be advised that the subject site is located within an area zoned "M2" Manufacturing General District. In accordance with the City of Winnipeg Zoning By-law No. 200/06 and amendments thereto, a recycling plant, a towing and storage facility and accessory outside operations are listed permitted uses. A recycling: materials sorting, baling or other processing is permitted as approved by DCU 163035/2006C. A wrecking and salvage yard is not a listed permitted use.

We must therefore insist that any operations/activities related to a wrecking and salvage yard cease immediately upon receipt of this letter, Failure to comply with this request will result in enforcement action which may include fines and/or legal action through the Provincial Court of Manitoba.

We trust this is the information you require.

Yours truly,

Martin Grady
Zoning & Permits Administrator

MG:LL:mr

Embrace the Spirit • Vivez l'esprit

Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

Rakowski Recycling, 454 Rue Archibald Street – Verification of Use

The existing uses (outdoor and indoor operation activities) that we would like verified are listed below and described in greater detail in the enclosed Environment Act Proposal (Section 2.5.2).

Outdoor Activities

1. receive wrecked automobiles
2. drain and temporary storage of automobile fluids until removal by a licensed contractor
3. remove automobile tires, rims, gas tank, battery and converters
4. store tires until picked up by a licensed recycler
5. load and ship automobiles to other facility for further processing
6. receive ferrous and non-ferrous metal materials
7. sort large metal materials with front end loader and/or grapple excavator
8. store the large metal materials for shearing/baling/packaging
9. shear metal materials into smaller pieces to facilitate packaging and shipping
10. bale metal materials to facilitate packaging and shipping
11. receive and palletize lead acid batteries to be shipped away for processing
12. receive and store fridges, freezers and air conditioners to be shipped to a licenced company to remove/recover the gases (metal components are returned for processing by Rakowski)
13. receive wood waste (in a bin) to be shipped for processing
14. bin for general garbage that is shipped to an approved landfill
15. storage containers to store nonferrous inventory to be exported

Indoor Activities

16. hand sort smaller metal materials
17. strip insulation off copper and aluminum wiring
18. use hand shear to resize smaller metal materials
19. bale aluminum cans and other non ferrous materials

1, 2, 3, 4, 5 and 11 are activities that fit within the wrecking and salvage yard definition and this use is not permitted.

6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 19 are activities that fit within the recycling plant or accessory outside operations definition or would be permitted as approved under DCU 163035/2006C to permit a Recycling: Materials Sorting, Baling or Other Processing use. (attached)

Definitions

Recycling Plant: means a facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a wrecking yard or junkyard.

Wrecking and salvage yard: means any lot upon which 2 or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also included in this definition.

Towing and storage facility: means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

Outside operations (accessory): means activities conducted outside that are directly related to, and in support of a permitted principal use on the site.

Salvage yard: means an open or enclosed area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires, and bottles, and includes an automobile wrecking or dismantling yard, or a materials recycling operation. (this is a use definition from the previous zoning bylaw 6400/94 - a use variance was applied for this use and rejected in 2008)

Recycling: Materials Sorting, Baling or Other Processing: this use was approved under conditional use in 2007 under zoning bylaw 6400/94. There is no definition of this use.



The City of Winnipeg
CONDITIONAL USE ORDER
BOARD OF ADJUSTMENT

DCU 163035/2006C

Before: Board of Adjustment
Mr. Bill Evans, Chairperson
Mr. Mark Morgan
Mr. Ron Turner

Hearing: January 17, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Rakowski Cartage (Bob Molter)

Premises Affected: 454 Archibald Street

Legal Description: Lot 1 Block 1 Plan 20930 RCMP,
hereinafter called "the land"

Property Zoned: "M2" Industrial District

Zoning Atlas Sheet: AA27 (NY)

Nature of Application: For a Conditional Use under The Winnipeg Zoning By-law
6400/94 to permit a Recycling: Materials Sorting, Baling
or Other Processing use

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

- (a) is consistent with Plan Winnipeg, and any applicable secondary plan;
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Section 254 and Subsection 247 (3)

ORDER:

The Board of Adjustment orders that a Recycling: Materials Sorting, Baling or Other Processing use is approved on "the land", subject to the following conditions which the Board of Adjustment considers necessary to ensure compliance with criteria (a), (b) and (d) above, namely:

1. That if any Conditional Use granted by this Order is not established within two (2) years of the date hereof, the Order, in respect of that Conditional Use, shall terminate.
2. That final plans showing the location and details of buildings and outdoor storage components, fencing and screening shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits, and thereafter, shall be maintained to the satisfaction of the Director of Planning, Property and Development.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: January 19, 2007

CERTIFIED BY:



Diane Timmins
Secretary to the Board

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

- (a) be addressed as set out below,
- (b) be received at that office not later than 4:30 p.m. on February 7, 2007,
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Conditional Use Order No. DCU 163035/2006C, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Appeal Committee
510 Main Street
Winnipeg, MB R3B 1B9
Fax 947-3452
Email clk-appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Yanek Rakowski, Rakowski Cartage

In Opposition:

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department