

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: 2710331 Manitoba Ltd. o/a Rakowski Recycling
PROPOSAL NAME: Rakowski Recycling
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Scrap processing and waste lead acid battery collection facility
CLIENT FILE NO.: 5699.00

OVERVIEW:

Manitoba Sustainable Development received Proposals on January 30, 2018 and April 19, 2018 for the continued operation of a scrap metal processing and waste lead acid battery collection facility, respectively, located at 454 Archibald street (Lot 1 Block 1 of Plan 20930, Lot 4 Block 1 of Plan 20930 and Block 2 of Plan 20930 WLTO) in Winnipeg, Manitoba. The facility receives ferrous and non-ferrous scrap metals to sort, bale or shear to smaller pieces and collects waste lead acid batteries to ship out of the Province for further processing.

The Department, on May 4, 2018 and June 8, 2018, placed copies of the Proposals in the Public Registries located at Legislative Library (200 Vaughan Street), and online at <https://www.gov.mb.ca/sd/eal/registries/5699rakowski/index.html> and The Technical Advisory Committee (TAC) members were directed to the online registry for review. Notices of the Environment Act proposals were placed in the Winnipeg Free Press on May 12, 2018 and June 9, 2018. The newspaper and TAC notifications invited responses until June 12, 2018 and July 9, 2018, respectively.

An amendment to The Dangerous Goods Handling and Transportation Act exempt a facility to obtain a licence for a hazardous waste disposal operation if the facility is a subject of a licence issued under The Environment Act. Therefore, both proposals submitted by Rakowski Recycling are being considered under The Environment Act process and located under file 5699.00. Hence, file 5972.00 is closed and the proposal and associated documents are moved to file 5699.00.

COMMENTS FROM THE PUBLIC:

- Francoise Therrien Vrignon Green Party St. Boniface Candidate and James Beddome, Green Party Leader; Michelle Berger; Craig Adolphe; Dan Lambert; - June 12, 2018
- Christine Trickey; - June 11, 2018
- Gary Tessier and family; Madeleine Vrignon; - June 10, 2018
- petition signed by 217 residents; - June 10, 2018
- Cheryl Clague; T. Cwik; S. Dupies; L. Campagne; C. Robi; K. Vielfaune; Old St. Boniface Resident Association; Wes Rist; three unidentified residents; E. Fontaine; K. Poersolf; J. Milne; C. Danderean - June 9, 2018
- Paul; B. Zelinsky; T. Mevard; D. Filipchuk; Andre; K. Lawson; Don F.; Janes H.; V. Hnytka; three unidentified residents; - June 8, 2018
- South_St._Boniface_Residents_Association; - June 3, 2018

- Madeline_Lepine; - May 22 2018
- Danielle Brodeur; Freya_Martinot; - May 17 2018

Public submissions including individual submissions and a signed petition form expressed opposition to issuing an Environment Act Licence to the applicant. Copies of the public submissions can be viewed at <https://www.gov.mb.ca/sd/eal/registries/5699rakowski/index.html>.

A summary of the main concerns provided in opposition to the proposed Development is provided below:

- request a Clean Environment Commission (CEC) hearings with participant funding to be provided in accordance with section 13.2 of The Environment Act;
- request to conduct further independent studies, testing, research, and analysis;
- reclassification of the proposal to a class 2 development;
- request a broad-based long-term future planning assessment that looks at rail relocation and the potential for future development in the St. Boniface area;
- this project is ten minutes from Downtown, and a high number of residential addresses in close proximity to the proposed project;
- auto wrecker operation does not correlate with M2 zoning, even under a Conditional Use Order unless zoned as M3 property;
- M3 zone should not be permitted within 300 feet of an existing residential zone district;
- the EAP does not have public consultation or discuss emissions from torching or shearing;
- concerns due to odour, noise, shaking house foundations (vibration), explosion, fire, flying metals, fumes from recycling process, soil contaminations, frequent large heavy vehicles and increased dust;
- concerns about impacts on safety and health, quality of life and decreased housing value;
- the proposed land should remain M2 or converted to M1 for future development;
- excessively loud crashing noises in the daytime, toxic odours;
- opposition to shredder operation; and
- the area already has many licensed dangerous goods handling facilities and many sites designated as contaminated.

Disposition

Rakowski Recycling has responded to the comments and concerns addressing most of the issues raised by the public. Rakowski Recycling submitted a notice of alteration dated August 10, 2018 in which it has withdrawn the proposed auto wrecking operation at the Development. Therefore, the site will not receive salvage autos and perform any activity with respect to auto wrecking. Rakowski Recycling also confirmed that torch cutting is not used at the site. The consultant's study on the level of noise generated summarized that Rakowski Recycling's operation is not a major source of noise. With respect to rezoning, zoning is not the jurisdiction of Manitoba Sustainable Development. Although some of the concerns are about shredder operation, Rakowski Recycling does not have a shredder. Clauses 7, 8, 9, 10, 12 to 17, 18 to 20, 24, and 25 to 29 of the draft Environment Act Licence address concerns with respect to complaint handling, plasma torch cutting, particulate emission, odour, noise, hours of operation, explosion, fire, and

material handling and storage. In addition, Clause 21 of the draft Environment Act Licence requires Rakowski Recycling to participate in a noise study carried out in the Mission Industrial area and to implement any resulting recommendations.

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	No Comments
2	Manitoba Agriculture – Land Use Branch	No Response
3	Manitoba Sustainable Development –	
	<ul style="list-style-type: none"> • Compliance and Enforcement Branch • Climate Change and Air Quality Branch • Wildlife and Fisheries Branch • Parks and Protected Spaces Branch • Forestry and Peatlands Branch • Indigenous Relations Branch • Lands Branch • Water Quality Management Section • Groundwater Management Section • Office of Drinking • Water Use Licensing Section • Water Control Works Licensing Section • IRMT - Central 	June 12 and July 19, 2018 July 19, 2018 No Concerns No Response No Concerns No Response No Concerns No Response No Response No Concerns No Response No Response No Response No Concerns
4	Manitoba Sport, Culture, and Heritage – Heritage Branch	No Response
5	Manitoba Growth, Enterprise and Trade –	
	<ul style="list-style-type: none"> • Energy Development Branch • Petroleum Branch • Office of Fire Commissioner • Work Place Safety & Health 	No Response No Response May 25 and June 20, 2018 No Response
6	Manitoba Infrastructure	No Response
7	Manitoba Indigenous and Municipal Relations	No Response
8	Manitoba Health Seniors and Active Living – WRHA MOH	June 6 and July 18, 2018

A copy of the responses and the additional information provided can be viewed at the following link:

<https://www.gov.mb.ca/sd/eal/registries/5699rakowski/index.html> and

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Sustainable Development –Compliance and Enforcement Branch

Environmental Compliance and Enforcement Branch provided the following comments:

1. Noise impacts arising from various activities connected to operation have not been assessed. Due to a number of complaints of loud noise in the area ECE requests noise levels assessment should be conducted, while various operations are taking place and assessed.
2. In addition to the dust suppressants suggested, dust mitigation such as using windbreaks around metal turning stock piles or covers on piles should be considered.
3. It is recommended that monitoring of air emissions be carried out for a specified amount of time after the development is commissioned.
4. To restrict the height the scrap metal stockpile at the facility below the fence height.
5. To comply with any other legislative requirement for continuous operation of this facility.
6. Potential environmental impact from large piles of metal turnings was not addressed in the report. It is not clear whether storage of such material requires a paved pad to reduce contamination of soil and water.
7. It is not clear how the contaminated drainage water is managed at the facility. Please provide further clarification on this point.
8. Details on the storage and handling of other hazardous materials, including but not limited to oil and lubricants, antifreeze, lead, tires and windshield washer fluid should be included in this proposal;
9. Describe how the batteries are protected from precipitation and other weather events;
10. Provide the storage area construction detail and measures in place to prevent runoffs/seepage
11. At any time, what would the inventory of batteries stored in the yard be?

Disposition

The proponent provided additional information and Environmental Compliance and Enforcement Branch reviewed the response and commented that the impact of noise on the residential neighbourhood was not included in the assessment. They also asked if the City of Winnipeg zoning and by-law officials had reviewed the assessment. With respect to the waste lead acid batteries collection the Branch requested a confirmation on the type of ventilation proposed for the batteries storage container. To address these comments Clause 20 and 36 of the draft Environment Act Licence requires the licensee to participate in any future noise assessment in the Mission Industrial Area and to submit a ventilation plan for Director's approval, respectively.

Manitoba Sustainable Development –Air Quality Section

Air Quality Section provided the following comments:

- It is expected that the proposal has no significant impact on air quality provided that lead batteries and other hazardous materials will be properly stored.
- It is suggested that the licence should include a requirement respecting noise nuisance.

Disposition

Clause 18 and 35 of the draft Environment Act Licence addresses the issues of noise nuisance and waste lead acid battery storage, respectively.

Manitoba Health Seniors and Active Living – Winnipeg Regional Health Authority - Medical Officer of Health

Environmental Health Unit provided the following comments:

- WRHA – MOH has concerns with the location of Rakowski recycling facility adjacent to a residential area; in particular, residents are expressing ongoing concerns with noise, explosions, odor and air quality from the Mission Industrial area..
- provide the rationale for the statement “The adverse effects of noise and vibration were assessed as minor”, with a study to evaluate the noise impacts in the area.
- the proponent to confirm whether or not plasma torches are currently being used at this facility. If yes, provide a brief review of the health impacts of plasma use and a study to evaluate current air quality on and adjacent to the property.
- describe measures that would be taken to address a fire and/or explosion on the property close to the battery storage site
- to consult the South St. Boniface Residents Association on the proposal.

Disposition

The proponent provided additional information and the WRHA - MOH reviewed the response and recommended to prohibit plasma cutting. Environmental Health Unit also advised a need for a cumulative assessment of the area to assess the impact of noise on the residential neighbourhood. To address these comments Clause 10 of the draft Environment Act Licence prohibits the use of plasma torch while Clause 23 requests the licensee to participate in a future noise assessment in the Mission Industrial Area.

Manitoba Growth, Enterprise and Trade – Office of Fire Commissioner (OFC)

The following OFC recommendations have been forwarded to the proponent:

1. To comply with Manitoba Fire Code
2. To submit a Fire Safety Plan as per NFC Section 2.8 and obtain required permit from the City of Winnipeg.

PUBLIC HEARING:

During the proposal review, comments were received from the public requesting a public hearing. The notice of alteration submitted to remove the auto wrecking operation from the facility will significantly reduce the potential environmental impacts of the Development. The current proposed operation falls under the approved City of Winnipeg zoning without rezoning to M3.

The concerns raised by the public are addressed through the licence clauses. Clauses 7, 8, 9, 10, 12 to 17, 18 to 21, 24, and 25 to 29 of the draft Environment Act Licence address concerns with respect to complaint handling, plasma torch cutting, potential particulate emission, odour, noise, hours of operation, explosion, fire, and material handling and storage . In addition, Clause 20 of the draft Environment Act Licence requires Rakowski Recycling to participate in a noise study in the Mission Industrial area and to implement any recommendations provided by the study.

Therefore, 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 Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

This facility is an existing scrap metal processing facility located on a private land within the City of Winnipeg. Since resource use is not affected by the project there would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

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RECOMMENDATION:

The Proponent should be issued a Licence for the continued operation of a scrap metal processing 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 Sustainable Development.

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

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