

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Urbanmine Inc.
PROPOSAL NAME: Urbanmine - Scrap Processing Facility
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Waste Disposal – Scrap processing and auto wrecking facility
CLIENT FILE NO.: 5684.00

OVERVIEW:

Manitoba Sustainable Development received a Proposal on April 30, 2014 for the continued operation of a scrap metal processing facility located at 72 Rothwell Road in Winnipeg, Manitoba. The facility receives ferrous and non-ferrous scraps metals and scrap vehicles to crush or shear to smaller pieces.

The Department, on May 30, 2014, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/conservation/eal/registries/5684urbanmine/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 May 31, 2014. The newspaper and TAC notifications invited responses until June 30, 2014.

COMMENTS FROM THE PUBLIC:

Bryan R. Gray, B.A.(Hons.), LL.B.

June 30, 2014

The writer has been retained to provide legal counsel to Mr. John Pavao and his wife, who are residents of Lindenwoods on Deer Run Drive and who are impacted by the above noted industrial operator who is currently seeking an Environment Act (the Act) license as per the above noted file. My client's impacted residential property is approximately 150 to 175 meters east of the above noted industrial operation and is downwind of the prevailing westerly wind.

My clients purchased their home on Deer Run Drive many years prior to the establishment of the Urbanmine Inc. This heavy industrial operation is ill-suited to be so close to a residential neighborhood and it should not be granted a license.

The adverse environmental and human health impacts my clients suffer are many and include, but are not limited to:!

- noise;
- vibration;

- dust;
- unascertained airborne particulate possibly including but not limited to metal shavings and metallic granular dust, lead, lithium, other heavy metals and hydrocarbons, and
- a significant perceived risk of fire and explosion that causes fear and anxiety to my clients.

We respectfully request the above noted application be deemed a Class Two development as per s.10(5) of the Act. In the alternative, we respectfully request that under s.10(4) of the Act, that the applicant be advised they must undertake detailed studies including:

- *the composition and quantity of airborne particulate matter and any potential airborne substances or compounds that can impact human health that are detectable at the property line of the site;*
- *sound and vibration measurement both at the eastern limit of the applicant's property and also at the westerly limit of my client's property at 277 Deer Run Drive;*
- *dispersion plume modelling (and related wind data records) of any and all substances found on and in the ground of the above noted industrial site as well as airborne compounds and substances on and above the industrial site;*
- *a detailed risk assessment of fire and explosion risks and appurtenant contamination and health hazards and expected impacts upon Lindenwoods.*
- *included in this risk assessment must be fire and explosion scenarios that model how many homes and residents in Lindenwoods will be subject to emergency evacuation when a major fire and or explosion is caused on the applicant's site due to their battery processing and or their wrecked car crushing. Such fires and explosions are not uncommon at such facilities and have been witnessed in large scale in the Winnipeg area as recently as the summer of 2012.*

We respectfully submit that all these important matters should be addressed in a transparent manner that can engage all community members and build confidence in the license review underway. This can best be accomplished by use of the process for public consultation and a public hearing as per the Class Two development process set-out in the Act.

As per section 10(6) of the Act we respectfully request that all the above noted matters be required as studies and that all this information be posted to the departmental public registry. Once all this information is available we then respectfully request that the same information be made the subject of informed discussion with the applicant and departmental experts at a public consultation.

Once that occurs and the concerned citizens have had opportunity to consider the information from the public consultation and possibly seek professional advice regarding the various technical studies we then respectfully request a hearing be convened before the Clean Environment Commission to receive presentations on all these important matters and to deliberate upon recommendations as to whether sufficient conditions can be crafted in a license to allow the facility to operate safely or whether the risk to human health is such that the license should not be issued.

Thank you very much for your assistance in these matters.

Petition 1 (31 Petitioners) submitted the following comments

June 30, 2014

We the undersigned are strongly opposed to the license application by UrbanMine Inc. to operate a scrap metal yard, and car crushing facility that is located dangerously close to the community of Lindenwoods. The dust, vibration, noise, lead and hydrocarbon pollution and significant risk of fire and explosions poses a grave risk to citizens and the license should be denied.

Petition 2 (19 Petitioners) submitted the following comments

June 30, 2014

We wish to register our very sincere and deep concern for the adverse environmental impacts we face from the above noted heavy industrial operation.

We oppose this application and if it is not rejected outright then we insist a public hearing be held.

This facility lies approximately 150 meters west of several residential homes in the Lindenwoods area of Winnipeg.

We face the daily adverse impacts of noise, dust and vibration from the operations and strongly oppose the continued operation of it in this location.

We are also extremely concerned about the future operations of this heavy industrial facility as it poses a terrible fire and explosion risk to our safety.

Winnipeg witnessed a dangerous fire in 2012 at the car crushing and scrap metal processing facility on our northern border which burned for over a day and required helicopter water bombing according to CBC news coverage.

It is our understanding that a neighbouring commercial property beside the UrbanMine is a storage facility for hazardous chemicals. It is inconceivable that you would allow a scrap yard that shears and crushes used cars that will eventually cause a fire and explosions to situate beside such a dangerous chemical storage facility.

We request that you specifically investigate the hazardous chemicals stored in the same industrial areas as the UrbanMine and that you include in your license review a report on what

could be the health, human safety and environmental impacts of these chemicals burning out of control when the UrbanMine has a fire and explosion.

The fact that the environment act application states that a fire hydrant and some fire extinguishers are present on the site is completely inadequate to protect us from a disaster the day that a mistake is made on the site.

The fact that the environment license application states that cars will be sheared and crushed gives us terrible fear that it will only be a matter of time until a mistake happens and a fire and explosion such as happened at our north end in 2012 happens in our back yard. And when it does, we will face dangerous smoke from the fire and the potential to be hit by exploding projectiles and potentially heat and fire being carried to our home placing it at risk of combustion.

The significant risks from battery processing and resource recovery is also well known with The 2009 fire and multiple explosions at the battery recycling facility in Trail, BC. CBC reports that five previous fires occurred at the same plant before the facility was destroyed by fire.

We are also aware of explosions witnessed at other scrap metal processing yards which caused projectiles to throw hundreds of feet at high velocity. The prevailing westerly winds put us at very high risk of any such fire and explosion.

We are also impacted very significantly by dust, noise and vibration from the heavy industrial operations at this plant.

When we wish to enjoy our brief Winnipeg spring and summer, we find that we must keep all our windows and doors closed due to the dust and noise pollution that impacts our home. We cannot even use our patio due to the noise, dust and vibration caused by UrbanMine.

The UrbanMine work begins early in the morning and goes into the evening and also on Saturdays. The noise and vibration from the site is such that it is impossible to sleep-in at our home past 7:00 am on Saturdays. When we get home from work we still must keep our windows closed and cannot use our patio as the plant operates until 9:00 pm six days a week.

The horribly loud crashing of materials on the site makes it impossible for us to enjoy our patio or yard.

As the junk pile of materials is so high, we can see it from our home and we see their cranes reaching high into the sky with materials and then they seem to drop them from high to cause them to crash on the ground. The noise, vibration and dust from them doing this is horrible in our home and yard.

The site also has very busy heavy truck traffic which peaks in the summer with trucks entering and exiting the facility every few minutes through much of the day. Each of these trucks adds to the noise and dust that pollutes our home and yard.

Prior to the UrbanMine opening a heavy industrial operation, we enjoyed a beautiful quiet neighbourhood. We are separated from the heavy industrial operation by a train track that is rarely ever used. We estimate one or two trains per week pass-by our home and do so at very low speed and never blow their whistle. We have never had our sleep disturbed by a passing train.

We are very concerned to read in the environment license proposal that heavy metals and hydrocarbon materials are being allowed to run onto the ground at the site and that they then run-off into ditches and drains.

We wish to know how much of this dangerous lead and hydrocarbon pollution is becoming airborne and polluting our home and hurting our health. We are also concerned that such poisonous compounds could be getting into the earth or the drains to end up in the rivers and ultimately Lake Winnipeg. We have heard much from our provincial government about protecting Lake Winnipeg and can't believe such pollution as is being caused by the UrbanMine is allowed to continue.

We have spoken to many of our neighbours who share our grave concerns for our health and safety due to this metal scrap yard.

We do not want this matter to proceed until further information is collected about the dust and noise and vibration impacting us at our home.

We also insist that a public hearing be called so that all of us concerned may participate and have a thorough vetting of all the important facts related to this facility.

Everyone in Lindenwoods should be sent a notice of this hearing as many people we speak to had no idea of the license application.

Thank you very much for your help to stop this license and call a public hearing.

August 15, 2014 Proponent Response

Urbanmine staff has reviewed the comments that you provided to Mr. Ron Lussier on July 9, 2014 in reference to the Environment Act Proposal submitted by the company for the continued operation of their scrap metal processing facility located at 72 Rothwell Road in the City of Winnipeg. Urbanmine has requested that I submit the following responses on their behalf.

1. Bryan R. Gray Law on behalf of J. Pavao

Paragraph 2 of this correspondence suggests that the Urbanmine operation is not suitable to be located in proximity to a residential area. The Urbanmine site is zoned M3, which is designated for heavy industry under the terms of the City of Winnipeg Zoning By-Law 200/06.

In terms of the adverse effects listed in paragraph 3, Urbanmine is currently in discussion with several qualified consultants regarding the implementation of a sound and vibration study in

order to quantify the potential residential impacts from these sources. The facility's hours of operation comply with the Noise Control section of the City of Winnipeg's Neighbourhood Liveability By-Law and Urbanmine is committed to continuing to operate in accordance with the City By-Law and other applicable regulatory requirements. It should be noted that Section 3.4 of the Environment Act Proposal contains an error in that the hours of operation should have specified 9:00 a.m. to 9:00 p.m. on Saturdays for outdoor activities that have the potential to produce a noise nuisance to surrounding properties.

The reference in paragraph 3 to airborne particulate containing metal shavings, metallic granular dusts, etc. does not appear to be supported by a reference to any specific site activity. The type of operation undertaken at the Urbanmine facility would not be expected to generate the types of airborne contaminants specified in the letter. Urbanmine is currently exploring sampling methods for determining if there is any evidence of metallic or hydrocarbon contaminants in the particulate matter generated at the site.

The list of points in paragraph 4 makes reference to battery processing. Batteries are received at the facility intact and are placed indoors on pallets and shrink-wrapped for shipment to a recycler. No battery breaking or dismantling occurs at the Urbanmine site. The risk of release of contaminants from battery handling is considered by Urbanmine to be minimal. The risk of fire or explosion as a result of battery collection is negligible.

The same section makes reference to fire and explosion resulting from vehicles crushing. Section 3.3 of the Environment Act Proposal outlines the steps taken in processing a vehicle prior to crushing. Processing in this manner will minimize any fire risk. The comment also makes reference to fire and explosion at other facilities, implying that a similar risk level may be present at the Urbanmine site. The manner in which vehicles are handled at the Urbanmine site is not equivalent to an auto shredder or large auto wrecking yard and, therefore, this comparison of fire and explosion risk is, in Urbanmine's opinion, not accurate.

2. Petition 1

The areas of concern expressed in the preamble to the petition have been discussed in the preceding section of this response.

3. Petition 2

Many of the concerns expressed in the petition have been addressed in earlier sections of this response. The following specific comments are provided in response to the content of the petition:

- The petition makes reference to a 2012 fire that occurred at the General Scrap facility on Springfield Road. That facility includes a large shredder unit and a substantial inventory of scrapped vehicles on site. According to the report from the Office of the Fire Commissioner, the fire was caused by hot metal fragments from the shredder igniting other debris on the site. Since Urbanmine does not operate a shredder and the number of vehicles stored on site for processing is minimal, the circumstances surrounding the General Scrap fire do not exist at this site.
- The petition mentions the risks associated with battery processing and refers to a fire at a battery recycling facility in Trail, B.C. Since lead acid batteries are only packaged for

shipment at the Urbanmine site, the level of fire and environmental risk will be significantly less than at a recycling facility which physically breaks the batteries down into separate components. In addition, the Trail fire referenced in the petition was at a plant that recycled lithium batteries, which would involve different risk factors entirely. Batteries received at the Urbanmine facility are handled and stored in compliance with the licence issued by Manitoba Conservation under the Dangerous Goods Handling and Transportation Act.

- The petition includes a comment that suggests that there is an impression that vehicle hulks are being cut up in the shear on site. For clarification, some vehicle hulks are run through the portion of the shear that compresses the intact body into a compact bale.
- As indicated in a previous section, Saturday operating hours start at 9:00 a.m. as required by the City of Winnipeg by-law, not at 7:00 a.m. as stated in the petition.

In conclusion, although Urbanmine Inc. recognizes that the operation of a scrap metal facility in proximity to a residential area will undoubtedly cause concern for residents, the company is committed taking all reasonable steps to ensure a safe and environmentally responsible operation which is in compliance with all applicable regulatory requirements.

A Public Meeting on September 10, 2014

The residents who signed the petitions organised a public meeting inviting Manitoba Sustainable Development. The Directors of Environmental Approvals Branch and Environmental Compliance and Enforcement Branch attended the meeting. At this meeting the public raised their concerns and accordingly a second public meeting with the presence of Urbanmine Inc was agreed to.

A Public Meeting on October 23, 2014

Environmental Approvals Branch requested Urbanmine Inc to arrange a facilitated public meeting to discuss their operation and how they will address the public concerns. Urbanmine and their consultant, Dillon Consulting, presented details of the operation and the ongoing environmental monitoring of noise, dust emission and vibration from the facility. A preliminary result of the study was presented at the meeting and indicated that the field study will be used to model noise propagation. The meeting was attended by staff from Environmental Approvals Branch and Environmental Compliance and Enforcement Branch.

Urbanmine Inc submitted the completed environmental monitoring report on December 16, 2014. The noise modeling and proposed mitigation measures were submitted on April 7, 2015. The information can be found at the following online public registry.

<http://www.gov.mb.ca/conservation/eal/registries/5684urbanmine/index.html>

A Public Meeting on May 21, 2015

A facilitated third public meeting was arranged to discuss the October 2014 Environmental monitoring report and the noise modeling along with the proposed mitigation measures. This

meeting was attended by staff from Environmental Approvals Branch and Environmental Compliance and Enforcement Branch.

Disposition

Urbanmine has responded to the comments and concerns addressing most of the issues raised by the public. The consultant's study on the level of noise and vibration generated from Urbanmine operation and its impact on the neighbourhood indicated that particulate emission and vibration are not a concern while the noise levels are higher than an acceptable level. Urbanmine proposed mitigation measures to lower the noise impact on the residents. Regarding fire explosion, Urbanmine indicated that the fire at General Scrap (that was referenced by the public) was due to shredder operation and that this operation is not part of the proposal at Urbanmine. Comments regarding battery processing is addressed as there is no battery processing taking place except storage and shipping. In addition Clauses 6, 7, 9, 13, 14 to 20, 23, 24 to 27, 28 to 33 and 39 to 41 of the draft Environment Act Licence address concerns with respect to complaint handling, potential particulate emission, noise, hours of operation, explosion, fire, material handling and storage, and surface water drainage. In addition the draft Environment Act Licence requires Urbanmine to implement the proposed noise mitigation measure within 2 years of issuance of the licence with the licence to be reviewed after one year of its issuance.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency

No Comments.

Manitoba Agriculture – Land Use Branch

No Response.

Manitoba Sustainable Development – Compliance and Enforcement Branch

All concerns raised by the Compliance and Enforcement branch have been addressed through meetings and discussion with the branch.

Manitoba Sustainable Development – Programs and Strategies Branch – Air Quality Section

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

- While the proposal did not mention the handling and storage of the mercury switches and lead acid batteries, it is expected that they will be handled and stored in accordance with existing guidelines to prevent any release into the ambient air.

- It is also expected that no significant impact from dust and particulate emissions from material handling, processing equipment and crusher activities provided that measures mentioned in the proposal are implemented.
- Air Quality Section suggests that the EA Clause regarding noise nuisance be included.

Disposition

Clause 28 of the draft Environment Act Licence addresses the requirements to remove hazardous waste materials before processing a vehicle while Licence 237 RR addressed regarding the battery collection. Clauses 14 to 20 address issues related to noise management.

Manitoba Sustainable Development – Wildlife Branch

No Concerns

Manitoba Sustainable Development – Parks and Protected Spaces Branch

Parks and Protected Spaces Branch has reviewed the proposal submitted in pursuit of the *Environment Act* for the Request for review/comment - EAP - Urbanmine Scrap Processing - File: 5684.00. 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 Sustainable Development – Forestry Branch

No Response.

Manitoba Sustainable Development – Aboriginal Relations Branch

No Response.

Manitoba Sustainable Development – Lands Branch

No Concerns.

Manitoba Sustainable Development – Water Quality Management Section

No Response.

Manitoba Sustainable Development – Groundwater Management Section

No Response.

Manitoba Sustainable Development Stewardship– Fisheries Branch

No Response.

Manitoba Sustainable Development – Office of Drinking Water

No Concerns

Manitoba Sustainable Development – Water Use Licensing Section

No Concerns.

Manitoba Sustainable Development – Water Control Works Licensing Section

Any water control works (drains, culverts, dykes, dams, etc.) that may be required for this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/areas_of_focus_jan_23_12.pdf

Disposition

The requirement has been forwarded to the proponent.

Manitoba Sustainable Development – Climate Green Initiative Branch

No Response.

Manitoba Sustainable Development – 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

No Response.

Manitoba Health – Environmental Health Unit

No Response.

Manitoba Labour – Office of Fire Commissioner

The proponent shall submit an updated Fire Safety Plan to the local fire authority, the Winnipeg Fire Paramedic Service (WFPS), for acceptance.

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:

During the EAP review period 20 comments were received that requested a public hearing. Three public meetings were held at different times to identify public concerns and devise a mechanism to address them. The main concerns of the public were noise, dust, vibration fire and explosion from the operation. Urbanmine and their consultant, Dillon Consulting were invited to present details of the operation and the ongoing environmental monitoring of noise, dust emission and vibration from the facility. Urbanmine Inc performed a noise modeling and proposed mitigation measures.

The concerns raised by the public are addressed through the licence clauses. Clauses 6, 7, 9, 13, 14 to 20, 23, 24 to 27, 28 to 33 and 39 to 41 of the draft Environment Act Licence address concerns with respect to complaint handling, potential particulate emission, noise, hours of operation, explosion, fire, material handling and storage, and surface water drainage. The draft Environment Act Licence requires Urbanmine to implement the proposed noise mitigation measure within 2 years of issuance of the licence and re-monitoring after the installed mitigation

measure to determine the effectiveness. The licence also authorizes the Director to request an establishment of a Community Liaison Committee. These requirements will allow public inputs in an ongoing basis.

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 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 scrap metal processing facility located on a private land within 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 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:

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June 13, 2016

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