

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSAL NAME: **Prairieview Terminals Ltd.**
PROPOSAL NAME: **Headingley Bulk Storage & Recycling Facility**
CLASS OF DEVELOPMENT:
TYPE OF DEVELOPMENT: **Hazardous Waste Storage, Handling &/or Treatment**
CLIENT FILE NO.: **5837.00**

OVERVIEW:

Manitoba Sustainable Development received a Proposal on May 11, 2016 for the creation of a facility for the transfer, processing and short term storage of bulk liquid and solid wastes at 6 Sabrina Way in the RM of Headingley, Manitoba. The facility is a transfer station designed to accept hazardous materials, including but not limited to waste oils, glycol, used oil filters, oily water and sludge. No waste is to be permanently disposed of at this facility.

The Department, on June 4, 2016, placed copies of the Proposal in the Public Registries located at the Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/conservation/eal/registries>. An electronic link to the Proposal was also provided to the Technical Advisory Committee (TAC) members. A notice of *The Dangerous Goods Handling and Transportation Act* proposal was also placed in the Winnipeg Free Press on June 4, 2016. The newspaper and TAC notifications invited responses until July 4, 2016.

COMMENTS FROM THE PUBLIC:

A Wordpress website was developed by a third party which allowed the public to select check boxes for common wording and automatically emailed the selected statements to the Director, the Minister of Sustainable Development, the local MLA, and the contact person. The commentary and information provided on the website did not accurately reflect information provided in the proposal documents. The actual proposal documents or advertisement were not referenced or accessible on the Wordpress site. The website generated automated responses from 121 individuals by the closing date of July 4, 2016. There is no indication that 120 respondents from the automated webpage read the proposal documents for the development. One of the 121, drafted a second email that indicated that noted concern with the generality of the types of materials to be handled at the facility and the potential for spills. One of the 121 respondents was in favour of the facility and indicated that the Wordpress site was created by a lobbyist hired by a competitor.

In addition, 50 form letters were dropped off on July 4 and 32 were received by mail on July 5 to Sustainable Development. The form letters contained 13 check boxes that respondents could select which were similar to the website options.

Options which could be selected on the webpage or the written letters for submission included:

- Too close to our homes or out of character with upscale single family residential community. *Disposition: Facility is located in an Industrial General Zone, and is consistent with other development. Conditional Land Use 2-16 was issued by the Rural Municipality of Headingley.*
- Land contamination possible during flood. Location is too low and wet that it could reasonably be expected to create high flood risk and a very difficult clean up problem. *Disposition: Licence*

conditions for spill containment berms would act to prevent overland water from entering containment areas as well as prevent spills from being released. Assiniboine River is approximately 3.3 km away, and the rail line is built up higher than prairie grade and between the facility and the river.

- This isn't waste from Headingley. *Disposition: Out of scope, municipal zoning and land use.*
- The company is a stranger to our community. The applicant, Prairieview Terminals is a shell company with an out of province director and is not sufficiently known locally to be trusted with hazardous waste in Headingley. *Disposition: Out of scope*
- PCB's? No Limit? No thanks! The applicant appears to want to undertake a significant amount of unprocessed waste transfer and is seeking approval for unlimited commodities which could include PCB's. *Disposition: PCB testing is required for incoming materials to classify. The licence does not allow storage of PCB without approval of the Director.*
- Propane storage and rail line makes site dangerous. *Disposition: Rail line is approximately 0.7km north of the site, and does not travel in the direction of the facility. The propane facility is 0.5 km north of the site.*
- Risk to wells and water table. There is a risk of contaminating the aquifer because of wells and septic fields in the community and this could put community water at risk. *Disposition: No wells nor septic fields are to be located at the facility. Secondary containment will be required in the licence for all waste storage and transfer areas.*
- Our fire dept. is not equipped for hazardous waste. *Disposition: Office of the Fire Commissioner has reviewed the proposal and recommends the facility operator submits a Fire Safety plan to the local Fire Department.*
- Lack of information and supervision. No public access to independent material to understand and evaluate the risks and there does not appear to be 24 hour supervision. *Disposition: Licence will require Staff training in accordance with provincial and federal statutes and site security (fencing, access control).*
- Supplying illegal oil burning. The proposal suggest the waste will be diluted and burned while it is clearly illegal to burn unprocessed waste oil in Manitoba and they have not even sought a processing license. *Disposition: Proposal to blend oil for resale to a third party. Licence will require compliance with all provincial and federal regulations regarding use, transport and sale of dangerous goods.*
- Manitoba-based companies already safe and professional. There are three experienced national collectors in Manitoba who do a safe professional job on processing and recycling this same waste. I see no need for an inexperienced absentee fourth. *Disposition: Out of scope.*
- Profit for applicant safety risk for Headingley. The proposal suggests incorrectly there are net economic benefits when the facts are that the majority of Winnipeg's waste oil is already being recycled. This would only represent a transfer of existing economic activity plus a transfer of unnecessary risk activity to Headingley. *Disposition: Out of scope.*
- I believe this requires a formal hearing or.... other... *Disposition: Out of scope, the concerns not addressed by licence conditions are outside the scope of the provincial government; for municipal consideration.*

Other comments included some mention of depreciation of property values, smell, and tornado risk.

A public meeting was held on July 21, 2016. All public that provided email addresses were notified of the meeting and the meeting notice was posted on the public registry. The engineering consultant provided a presentation to clarify what the proposed development was to be and questions were answered by representatives of Sustainable Development, the Proponent and the consultant engineers. Questions primarily were similar in nature to the written submissions: staff training, types of material onsite, emergency response capacity and procedures, with additional comments regarding a walking trail north of

the rail line, and liability coverage. Training, materials allowed onsite, emergency response plans, and liability insurance are all included in the licence. The walking trail is north of the industrial park, north of the rail line, so the proposed facility was not considered a significant hazard to members of the public utilizing the walking trail.

One written submission was provided after the meeting. The items noted in the submission that are within the jurisdiction of this environmental assessment and licensing process include:

- Land drainage ditch location. *Disposition: the proponent is required to have secondary containment around all tanks, and containment wherever material transfer is occurring.*
- Types of materials differ from the Executive Summary through the document. *Disposition: The complete list of items which may be stored is included in section 2.6 of the report, in addition to the Tank Farm and the Sludge Containment Facility. The licence also identifies specific types of waste that can not be stored on site without director approval.*
- Bald eagles nesting near the Assiniboine River. *Disposition: Wildlife branch reviewed the proposal, and the facility will have no material that would attract the birds to the facility.*
- The source of the materials for the facility. *Disposition: All materials must be from a registered generator under provincial regulation.*
- The ultimate waste disposal site for the materials from this transfer station. *Disposition: The licence requires all hazardous waste be hauled by registered haulers to a licenced facility under The Dangerous Goods Handling and Transportation Act. All non-hazardous waste is required to be hauled to a landfill licenced or permitted under the Waste Management Facilities Regulation.*
- Is the facility using dedicated fleet and drivers to deliver and remove waste. *Disposition: Provincial regulation requires all haulers of hazardous waste be licenced.*
- Air emissions from volatile materials stored on site. Will there be monitoring or a recovery system. *Disposition: the bulk of the material to be stored on site is not volatile. Tanks that contain volatile liquids will have filters on the passive vents.*
- No roof over the tank farm. *Disposition: an external roof over a tank farm is not industry standard, and therefore not required by the licence or regulation.*
- Will monitoring wells and piezometers be installed around the facility. *Disposition: Due to the depth of clay, the lack of groundwater in the site investigation and the secondary containment for all liquid and material storage area; no wells or piezometers are required at this time. In the event of a spill, the Director can require a site investigation and further work or monitoring to occur. This was a farm field, so no baseline contamination assessment was completed.*
- Compliance with national pollutants release inventory reporting requirements. *Disposition: The development is required to comply with all federal regulation, and all other provincial regulations regarding safety, staffing, reporting, transport and storage.*

A copy of all public comments submitted can be viewed on the public registry.

Disposition: The licence will require secondary containment for liquid tanks, and all waste transfer locations, protection against flooding and escape of waste in solid, liquid and aerosol forms. The licence also specifies handling, reporting and recording requirements for wastes, the types and quantities of materials that are to be stored and the types of materials that can not be stored at the facility.

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	No response
2	Manitoba Agriculture – Land Use Branch	No concerns
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 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 • Regional Services Branch 	<p>See below</p> <p>See below</p> <p>No concerns</p> <p>No comments/concerns</p> <p>No response</p> <p>No response</p> <p>No comments/concerns</p> <p>No response</p> <p>No response</p> <p>No concerns</p> <p>No concerns</p> <p>See below</p> <p>No response</p>
4	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	See below
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 	<p>No response</p> <p>No response</p> <p>See below</p> <p>No response</p>
6	Manitoba Infrastructure –	
	<ul style="list-style-type: none"> • Flood Forecasting Branch • Highway Planning and Design Branch 	<p>No response</p> <p>No concerns</p>
7	Manitoba Indigenous and Municipal Relations	No response
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No response

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

<http://www.gov.mb.ca/conservation/eal/registries/5837prairieview/index.html>

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Sustainable Development–Compliance and Enforcement Branch

Above ground storage tanks require permits under regulation. Clarification regarding the blending of products, and air emissions.

Disposition:

Information forwarded to proponent. Additional information received July 20, 2016.

Manitoba Sustainable Development– Climate Change and Air Quality Branch

No significant impact on air quality provided that VOC containing hazardous materials will be stored properly. Recommend include odour clause.

Disposition:

Standard odour clause included. Containers as per CCME and industry standards.

Manitoba Sustainable Development– Water Control Works Licensing Section

Any water control works (drains, culverts, dykes, dams, etc) associated with this project will require licensing under the *Water Rights Act*.

Disposition:

Information forwarded to proponent.

Manitoba Sport, Culture, and Heritage – Historic Resources Branch

The applicant should call Historic Resources Branch if any heritage resources are encountered at the site.

Disposition:

Information forwarded to proponent.

Manitoba Growth, Enterprise and Trade – Office of Fire Commissioner

The applicant should review NFC & submit a Fire Safety Plan to the local fire department. And obtain building permits.

Disposition:

Information forwarded to proponent.

PUBLIC HEARING:

A public hearing was requested in the standardized forms received from the website and mailed in; however reasons cited for the public hearing request were based upon local land use, municipal approvals, municipal notification and issues outside of the jurisdiction of this licensing process.

A public meeting was held by the proponent on July 21, 2016. Representatives of the proponent provided a slide show and questions were entertained by the proponent, the consultant engineer and representatives of Sustainable Development.

The draft licence will address matters identified by the public that are within the scope of the provincial jurisdiction.

CROWN-INDIGENOUS 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 proposed facility will be located in an industrial area, bordering an agricultural area, the closest Indigenous Community to the project site is 70 km northwest. 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.

RECOMMENDATION:

The Proponent should be issued a Licence for the construction and operation of the Headingley Bulk Storage and Recycling Facility in accordance with the specifications, terms and conditions of the attached draft Licence.

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