

DATE: July 8, 2014

TO: Tania Steele

FROM: Eshetu Beshada, Ph.D., P.Eng.
Environmental Engineer
Mines and Wastewater Section
123 Main Street
Ste. 160 Union Station
Winnipeg, Mb R3C 1A5
Ph:204 945-7023

SUBJECT: **Urbanmine Inc. – Information for Public Registries**

Tania,

Please find attached the public and the TAC correspondence related to the Urbanmine Inc file (5684.00) for distribution to the public registries. The documents included are:

Public Comments (Total of 33 Petitioners)

- June 30, 2014 letter from Bryan Gray, 2 pages
- June 25, 2014 Petition 1 letter from 31 petitioners, 3 pages
- June 30, 2014 Petition 2 letter from 19 petitioners, 1 page

TAC Comments

- June 26, 2014 email from Adara Kaita, 1 page
- June 26, 2014 e-memo from Sonja Bridge, 1 page
- June 26, 2014 e-mail from James Stibbard, 1 page
- June 26, 2014 memo from Muntaseer Ibn Azkar, 1 page
- June 18, 2014 e-mail from Cheryl Kubish, 1 page
- June 12, 2014 e-mail from Jason Kelly, 1 page
- June 4, 2014 e-mail from Caroline Boissonneault, 1 page
- June 2, 2014 e-mail from Dan Roberts, 3 page
- June 2, 2014 letter from Ryan Coulter, 1 page
- May 29, 2014 e-mail from Rob Matthews, 1 page

18 pages total

Thank you.

Eshetu Beshada, Ph.D., P. Eng.

BRYAN R. GRAY LAW

DEDICATED CLIENT SERVICE

6 SELWYN PLACE WINNIPEG MB R3T 3N1
204.487.3441 T. 204.894.7242 C. BRYAN@BRGLAW.CA

June 30, 2014

Mr. Eshetu Beshada
Environmental Approvals Branch
Department of Conservation and Water Stewardship
Province of Manitoba
Suite 160-123 Main Street
Winnipeg, MB
R3C 1A5

Transmitted by Email (Original to follow by Post)

Dear Sir:

Re: UrbanMine Inc. Your File 5684.00

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.

Yours truly,

original signed by

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

Petition 1

PROTECT OUR HEALTH AND SAFETY IN LINDENWOODS

To: The Province of Manitoba, Department of Conservation

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

June 25, 2014

Mr. Eshetu Beshada
Environmental Approvals Branch
Department of Conservation and Water Stewardship
Government of Manitoba
Suite 160 - 123 Main Street
Winnipeg, MB
R3C 1A5

Dear Sir:

Re: UrbanMine Inc. Scrap Processing File 5684.00 - OPPOSITION AND CALL FOR PUBLIC HEARING

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 facilities 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 your 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 of 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 be thrown 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 hydro-carbon 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.

Yours truly,

Beshada, Eshetu (CWS)

From: Kaita, Adara (CWS) on behalf of +WPG1212 - Conservation_Circulars (CWS)
Sent: June-26-14 1:14 PM
To: Beshada, Eshetu (CWS)
Subject: EA Proposal - Urbanmine Inc. - Scrap Processing - File: 5684.00

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Eshetu,

The Lands Branch has no concerns with the proposal as it will not impact Crown lands.

Thank you for the opportunity to review.

Adara Kaita

Crown Land Programs and Policy Manager
Lands Branch | Conservation and Water Stewardship
Box 25, 200 Saulteaux Crescent | Winnipeg, MB R3J 3W3
Cell: (204) 945-6301 | F: (204) 948-2197

DATE: June 26, 2014

TO: Eshetu Beshada, P. Eng.
Environmental Approvals Branch
Conservation and Water Stewardship
123 Main Street, Suite. 160
Winnipeg, MB R3C 1A5

FROM: Sonja Bridges
Environmental Compliance and
Enforcement
1007 Century Street
Winnipeg, MB R3H 0W4

PHONE NO.: (204) 918-4271

SUBJECT: Review of Environment Act Proposal for Urbanmine Inc. – Client File No. 5684.00

The Environmental Compliance and Enforcement Branch of Manitoba Conservation and Water Stewardship has reviewed the proposal for the above noted development and has no comments at this time.

Beshada, Eshetu (CWS)

From: Stibbard, James (CWS)
Sent: June-26-14 8:57 AM
To: Beshada, Eshetu (CWS)
Subject: Re: 5684.00 Urbanmine Scrap Recyclers EAP

Follow Up Flag: Follow up
Flag Status: Flagged

Dr. Beshada,

I reviewed the above noted EAP. Office of Drinking Water has no concerns with this EAP respecting drinking water safety or quality.

If you have any questions, please call.

Regards,

James Stibbard P. Eng.

Approvals Engineer
Office of Drinking Water
1007 Century Street
Winnipeg MB R3H 0W4
phone: (204) 945-5949
fax: (204) 945-1365
email: James.Stibbard@gov.mb.ca
website: www.manitoba.ca/drinkingwater

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DATE: 26 June, 2014

TO: Eshetu Beshada
Environmental Approvals
Conservation and Water
Stewardship
160-123 Main Street, Winnipeg

FROM: Muntaseer Ibn Azkar
Air Quality–Environmental Programs
& Strategies
Conservation and Water Stewardship
1007 Century Street, Winnipeg

SUBJECT: Urbanmine Inc. – Scrap Processing Facility (File 5684.00)

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.

Beshada, Eshetu (CWS)

From: Kubish, Cheryl (OFC)

Sent: June-18-14 1:30 PM

To: Beshada, Eshetu (CWS)

Subject: RE: Request for review/comment - EAP - Urbanmine Scrap Processing - File: 5684.00

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

Cheryl Kubish
Administrative Assistant
Office of the Fire Commissioner
508-401 York Avenue
Winnipeg MB R3C 0P8
Phone: 945-3328
Fax: 948-2089

E-Mail address: Cheryl.Kubish@gov.mb.ca

Beshada, Eshetu (CWS)

From: Kelly, Jason (CWS)

Sent: June-12-14 9:00 AM

To: Beshada, Eshetu (CWS)

Subject: RE: Request for review/comment - EAP - Urbanmine Scrap Processing - File: 5684.00

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.

Jason Kelly, M.N.R.M.

Ecological Reserves and Protected Areas Specialist

Parks and Protected Spaces Branch

Conservation and Water Stewardship

Box 53, 200 Saulteaux Cres

Winnipeg, MB R3J 3W3

Phone: 204-945-4148

Cell:

Fax: 204-945-0012

Email: Jason.Kelly@gov.mb.ca

Beshada, Eshetu (CWS)

-----Original Message-----

From: Boissonneault, Caroline (CWS)

Sent: June-04-14 3:23 PM

To: Beshada, Eshetu (CWS)

Subject: Emailing: Request for reviewcomment - EAP - Urbanmine Scrap Processing - File 5684.00

Hello:

Wildlife Branch has reviewed the proposal and has no concerns.

Thank you.

Caroline Boissonneault

Conservation and Water Stewardship

Wildlife Branch

Tel.: 204-945-6810

Caroline.boissonneault@gov.mb.ca

Your message is ready to be sent with the following file or link attachments:

Request for reviewcomment - EAP - Urbanmine Scrap Processing - File 5684.00

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Beshada, Eshetu (CWS)

From: Roberts, Dan (CWS)
Sent: June-02-14 1:48 PM
To: Beshada, Eshetu (CWS)
Subject: Urbanmine Scrap Processing - File: 5684.00
Attachments: Drainage Licence Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Sincerely,

Dan Roberts

Water Resource Officer
Water Control Works and Drainage Licensing Section
Conservation and Water Stewardship
Box 640, 201 Fourth Ave. S., Swan River, MB R0L 1Z0
Cell: (204) 281-2122, Fax: 734-3733

**Application for Licence
to Construct Water Control Works**

FORM 1: Revised: July 14, 2009



Applicant Name (s) _____
 Company Name _____ Telephone No. _____
 Mailing Address _____ Postal Code _____ Cell Phone No. _____
 Location of Residence _____ Fax No. _____ E-mail _____

A. DEFINITIONS

1) Pursuant to *The Water Rights Act*: **WATER CONTROL WORKS** are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water that (a) temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, or (b) changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.

2) **MINOR WATER CONTROL WORKS** (as defined by policy) are those works that meet the following criteria:

Respecting drainage, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Meet industry accepted engineering and construction standards.
- Involve excavation of organic soils only and do not lower water levels more than 30 cm (1 foot) below natural ground level.
- Are proven acceptable to municipal or provincial governments if water control works affect the location or flow of water on municipal or provincial property.
- Are proven acceptable to the landowner of lands on which they are constructed if applicant does not own the land.
- Do not occur in naturally vegetated riparian areas.
- Do not occur on Class 6 and 7 soils as defined by Canada Land Inventory (CLI) Soil Capability for Agriculture (1965).
- Do not alter the natural state of seasonal, semi-permanent or permanent marshes (Classes III, IV, V – Stewart and Kantrud marsh classification system).

Respecting dams, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Meet industry accepted engineering and construction standards.
- Are located within artificially constructed drainage channels.
- Are less than 1.5 meters in height and do not raise the spill elevation of a wetland above natural ground level.

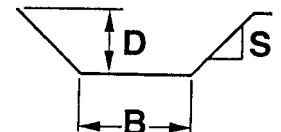
Respecting infrastructure installations, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Do not alter the natural state of seasonal, semi-permanent or permanent wetlands (Classes III, IV, V – Stewart and Kantrud marsh classification system).
- Meet industry accepted engineering and construction standards.
- Do not change the hydraulic capacity of the structure by more than 15%.
- Includes replacement of culverts at the same location and elevation as the previous culvert.

B. PHOTO/SKETCH/PLANS/DRAWING

All Water Rights Act license applications for construction of WATER CONTROL WORKS must include a photo, sketch, plan and/or drawing that incorporates:

- 1) Location of effected water bodies, maximum depths, approximate sizes, complete or partial drainage
- 2) Proposed drain location, length, depth (D), bottom width (B), and side slopes (S)
- 3) A topographic survey, if the magnitude of the project results in a request for survey information by Water Stewardship staff
- 4) Location of designated spoil sites
- 5) Flow direction of nearby watercourses
- 6) Description and location of proposed control structures and operation schedule (if applicable)
- 7) Road and culvert locations (including culvert sizes)
- 8) Legal descriptions and landowner names of surrounding/affected lands
- 9) North arrow
- 10) Industry accepted engineering and construction standards



For dam projects, except those that meet the definition of minor water control works, a copy of design drawings and decommissioning plan designed by a professional engineer registered to practice in Manitoba. Dams that have the capacity of less than 50 cubic decameters (40 acre feet) must be constructed to industry accepted engineering and construction standards but may be subject to less stringent reporting standards. Please contact either of the Manitoba Water Stewardship offices listed below for further details.

C. LOCATION of Works:

- 1) Municipality/Parish _____ 2) Conservation District (if applicable) _____
- 3) Location of water control works (include ¼ section, township and range, river lots, sub-division, or other legal description)

LEGAL SUBDIVISION	QUARTER	SECTION	TOWNSHIP	RANGE	E/W	LOT	BLOCK	PLAN

Or otherwise described as _____

- 4) Identify water body, natural waterway, or drain that water flows into (if known) _____

D. DESCRIPTION of Works:

- 1) Describe your proposal and its purpose (Please include any methods to control outflow):

- 2) Does the proposed project meet the definition of minor water control works? Yes No
 (See definition section A)
- 3) Is a bio-security plan in place for the subject property? Yes No
- 4) Will drainage/lowering of a slough, pond or lake be undertaken? Yes No
 - a. If yes, please indicate the following:
 What is the total estimated area of water? _____ Acres _____ Hectares
- 5) Has a survey been completed for these works? Yes No
 - a. If yes, please attach a copy to this application
- 6) Provide details on sediment and erosion control plan(s). _____

E. LANDOWNER Approvals:

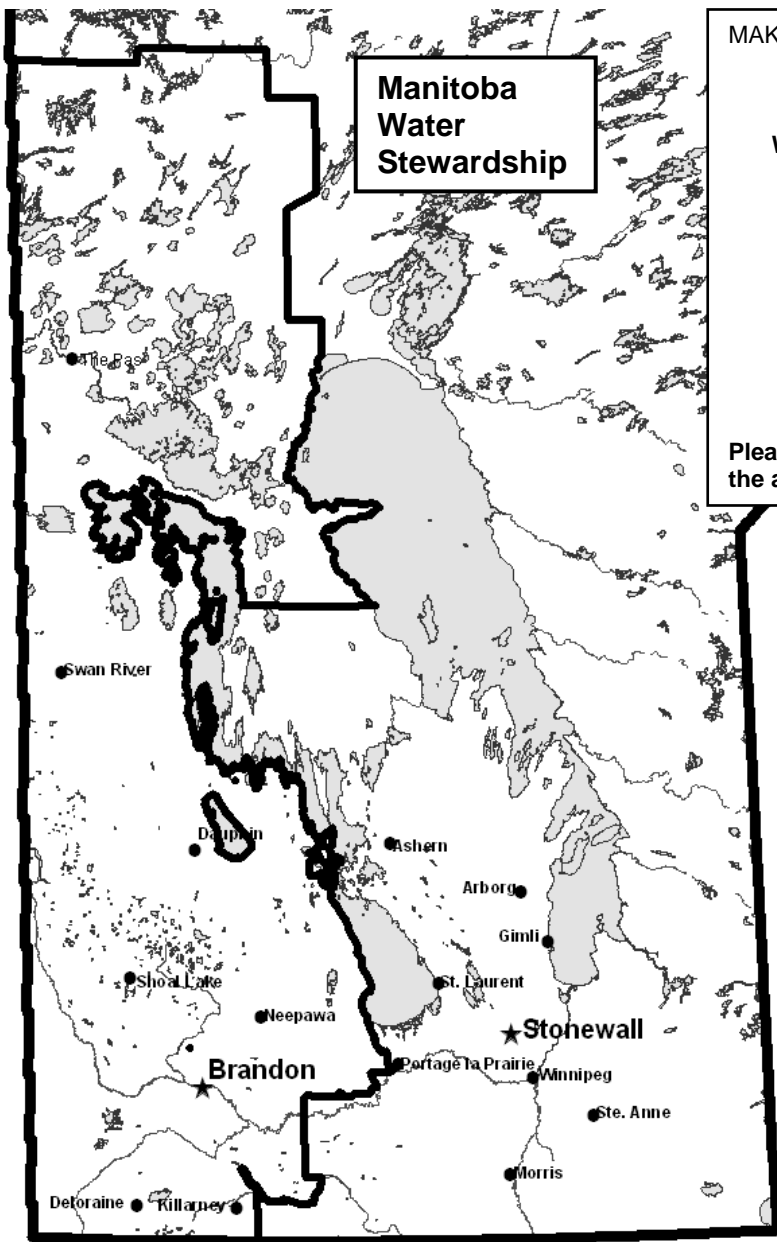
- 1) Proposed water control works are located on: Private Property Municipal Property Crown Land
- 2) The applicant is the: Registered Landowner Lessee Other: _____

If lessee or other, please provide registered landowner signature of approval below.

- 3) Will the proposed water control works alter a water body or water level(s) on land you do not own or control?
- 4) Will the proposed water control works cause water to leave your land?

If yes to either questions 3 or 4, please provide evidence of impacted landowner(s) approval below.

<u>Legal Description</u>	<u>Landowner Name(s)</u> (Please Print)	<u>Signature of Approval</u>	<u>Date Signed</u>



MAKE CHEQUES PAYABLE TO: **MINISTER OF FINANCE**
 FEE OF \$25.00 MUST ACCOMPANY APPLICATION
 CHEQUE AND APPLICATION CAN BE MAILED TO:

WATER CONTROL WORKS & DRAINAGE LICENSING SECTION

Box 13, 1129 Queens Avenue
 Brandon, MB R7A 1L9

OR

Box 4558, 293 Main Street
 Stonewall, MB R0C 2Z0

Please Note: Incomplete applications may be returned to the applicant unprocessed.

 Signature of Applicant

 Print Name

 Signature of Landowner (if different from Applicant)

 Print Name

 Date Signed

FOR OFFICE USE ONLY	Date Received	_____
	Amount Received \$	_____
	Received By:	_____
	MRO#	_____



Infrastructure and Transportation

Highway Planning and Design Branch
Environmental Services Section
1420 - 215 Garry St., Winnipeg, MB R3C 3P3
T (204) 619-4359 F (204) 945-0593

June 2, 2014

Tracey Braun, M. Sc.
Director, Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
123 Main St., Suite 160
Winnipeg, MB R3C 1A5

RE: Urbanmine Inc. - Scrap Processing Facility
Client File No. 5684.00

Dear Ms. Braun:

MIT has reviewed the proposal under the Environment Act noted above and we do not have any concern.

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,

Ryan Coulter, M. Sc., P. Eng.
Manager of Environmental Services

Beshada, Eshetu (CWS)

From: Matthews, Rob (CWS)

Sent: May-29-14 3:02 PM

To: Beshada, Eshetu (CWS)

Subject: RE: Request for review/comment - EAP - Urbanmine Scrap Processing - File: 5684.00

No concerns.

Rob Matthews, WULS.