

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Imperial Oil Limited
PROPOSAL NAME: East St. Paul Terminal
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5531.00

OVERVIEW:

On April 30, 2009, Manitoba Conservation received a Proposal dated April 29, 2009 for the continued operation of a bulk petroleum storage facility that included an on-site sewage treatment plant. The sewage treatment plant was subsequently decommissioned, and on May 30, 2011 Imperial Oil Ltd. submitted a Notice of Alteration amending the proposal to include only the bulk petroleum storage facility and its storm water management infrastructure.

The Department, on June 16, 2011, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station), the Winnipeg Public Library, the Manitoba Eco-Network, the Millennium Public Library, and the Rural Municipality of East St. Paul office. 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 June 18, 2011. The newspaper and TAC notifications invited responses until July 18, 2011.

COMMENTS FROM THE PUBLIC:

There following comments were received:

I have four major concerns with this facility:

1. Fuel leakage and seepage into water supplies and wells and aquifers. My knowledge concerning fuel tanks underground or above ground is that they will for sure leak slightly over time or more than slightly, but potentially not detectable. In other words slight amounts of fuel constantly leaking over several years. I doubt that modern detection techniques can pick this up. And if they can, I would hope Imperial Oil could prove it.
2. Possible fire due to accidents or vandalism. If this facility had a fire it would surely result in major evacuations for several kilometers and catastrophic ecological and home damage consequences.
3. Constant and heavy tanker truck traffic on Henderson hwy.
4. Constant fuel vapors drifting over residential areas created from continued filling of the tanker trucks.

Unfortunately, there has been major residential development allowed around this facility that is in my view too close in proximity. I realize that is no fault of Imperial Oil. If there was a way of gradually transitioning this facility to another preferable industrial site perhaps with the help of government, I feel that would be a major benefit for the community of East St. Paul and North East Winnipeg. Also, I would hope that Imperial Oil could prove the safety of their facility, but I

don't feel that is enough assurance. Long term this is not a preferable place for storing and distributing massive amounts of fuel.

Disposition:

Clause 8 of the draft Environment Act Licence requires implementation of an Emergency Response Plan and Clause 28 addresses odours. Issuing the draft Environment Act Licence is not expected to impact current traffic patterns. Manitoba Infrastructure and Transportation reviewed the Environment Act Proposal and did not present any concerns. Potential relocation of this facility is beyond the scope of this review.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency and Environment Canada

- No concerns.

Manitoba Infrastructure and Transportation (MIT) – Highway Planning and Design Branch

- No concerns.

Manitoba Conservation – Air Quality

- No concerns.

Manitoba Conservation – Sustainable Resource Policy Branch and Land Programs Branch

- On the basis of the decommissioning of the former sanitary waste facility and the removal of mechanical treatment, the application is requesting that the entire “development be re-designated as a Class 1 Bulk Materials Handling Facility”. We would ask whether there are other aspects of the operation of a/the Class 1 Bulk Materials Handling Facility that might speak against such a re-designation. In other words is the removal of wastewater treatment capacity sufficient to call for a re-designation, or are there other elements of a Class 1 Bulk Materials Handling Facility definition that remain or would need to be satisfied before a re-designation could be granted. Again, what are the implications of a re-designation?
- The application requests that testing for Biological Oxygen Demand (BOD) be removed from the discharge permit partly on the basis that this would be consistent with parameters and limits applied to “other existing industrial facilities involved in similar process operations”. Is this known to be the case, i.e. are the industrial facilities offered or suggested as comparables (no examples are provided) as closely adjacent to residential development as the

subject facility now finds itself? And given the proximity of residential properties, are these and other license changes advisable, and does the Rural Municipality concur?

- The facility and its industrial zoning predates much of the current residential development. Would it be prudent from a hazardous goods transportation and human health and safety perspective to begin to consider implications of maintaining the existing site? The zoning in place is “General Industrial Zone”, however adjacent zoning includes a Parks and Recreation zone to the North; Agricultural to the East; Single Detached Residential to the South, and again, Parks and Recreation to the West.
- The application currently under review (March 17, 2011) updates an original application of April 28, 2009. The original 2009 application references that, “There have been no public consultations undertaken at this time” and this appears to still be the case, as at March 2011. Perhaps some manner of public consultation would be appropriate, on the narrow environmental licensing specifics of the application and if required the broader location question as well.

Disposition:

The facility is designated as a Class One Development in accordance with The Classes of Development Regulation. This designation represents that activities at the Development and does not alter this review process. Clause 17 of the draft Environment Act Licence includes an appropriate list of parameters for testing. Potential relocation of this facility is beyond the scope of this review. Public participation is included in the environmental assessment and licensing process. Additional public consultation is not required in this case.

Manitoba Conservation – Environmental Operations

- No concerns.

Manitoba Conservation – Parks and Natural Areas Branch

- No concerns.

Manitoba Conservation – Wildlife & Ecosystem Protection Branch

- No concerns.

Manitoba Water Stewardship

- The Licencee is required to develop and implement a monitoring program for the final effluent discharge, on a monthly basis, from April to November or when discharge occurs such as during an early spring thaw, for the following parameters:
 - pH;

- Suspended Solids;
 - Iron (Total);
 - Zinc (Total or dissolved);
 - Lead (Total or dissolved);
 - Oil and Grease;
 - BTEX Group:
 - Benzene;
 - Toluene;
 - Ethylbenzene; and,
 - Xylene.
 - Total Phenols;
 - Benzo(a)pyrene;
 - Napthalene;
 - Acute toxicity testing; and,
 - Chlorine (Total Residual).
- An Environment Act Licence shall allow for additional monitoring and/or additional parameters in the future.
 - Manitoba Water Stewardship requires incorporating the following storm water discharge limits in an Environment Act Licence (Note: These values are based on Manitoba Water Stewardship’s hydrostatic testing guidelines for petroleum and natural gas pipelines):

To Surface Waters	Maximum limit (mg/L)	Comments/Field Procedures
pH	6.5 – 9.0 units	
Suspended Solids	30	
Iron (Total)	0.3	
Zinc (Total or dissolved)	0.065 for hardness of 50 mg/L 0.212 for hardness of 200 mg/L	Note: These are examples since MWQSOG values vary depending upon water hardness (as CaCO ₃) and reflect the dissolved form.
Lead (Total or dissolved)	0.00117 for hardness of 50 mg/L 0.00531 for a hardness of 200 mg/L	Note: These are examples since MWQSOG values vary depending upon water hardness (as CaCO ₃) and reflect the dissolved form.
Oil and Grease	No Visible Sheen	
BTEX Group		
• Benzene	0.37	
• Toluene	0.002	
• Ethylbenzene	0.09	
• Xylene	0.3	
Total Phenols	0.004	

Benzo(a)pyrene	0.000015	
Napthalene	0.0011	
Acute toxicity testing	Non-toxic concentration	
Chlorine (Total Residual)	0.011	Only required if use of chlorine products or chlorinated water used

- Manitoba Water Stewardship submits the following comments:
- Manitoba Water Stewardship does not object to this proposal, at this time.
- The proponent needs to be informed of the following for information purposes:
 - Erosion and sediment control measures should be implemented until all of the sites have stabilized.
 - *The Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any “water control works.” “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 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 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. If a proposal advocates any of the aforementioned activities, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. A person may contact the following Water Resource Officer to obtain an application and/or obtain information.
 - The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba’s water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including *The Water Protection Act*, *The Water Rights Act*, and *The Water Power Act*.

Disposition:

Clause 17 of the draft Environment Act Licence includes an appropriate list of parameters for sampling. The comments submitted for information purposes are provided to the proponent by way of this summary report.

PUBLIC HEARING:

The concerns raised by the public have been addressed in the draft Environment Act Licence. A public hearing is not recommended for this Development.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes 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.

Crown-Aboriginal consultation is not required for this development as it does not create land use changes or affect resource use on First Nation land.

RECOMMENDATION:

The Proponent should be issued a Licence for the continued operation of a bulk materials handling 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.

Prepared by:

Jennifer Winsor, P.Eng.
Environmental Engineer
Environmental Approvals Branch
Telephone: (204) 945-7012
Fax: (204) 945-5229
E-mail: Jennifer.Winsor@gov.mb.ca
December 10, 2013

and

Ryan Coulter, M.Sc., P.Eng.
Environmental Engineer
July 27, 2011