

Ryan Morhart

From: Alanah Garcin [REDACTED]
Sent: Saturday, November 24, 2018 10:36 AM
To: Ryan Morhart
Subject: Application for Hudson Taphouse & Grill

To: Manager, Permits & Inspections
 Sustainable Planning and Community Development Department
 1 Centennial Square
 Victoria, BC V8W 1P6

We are writing in response to the City of Victoria letter regarding Hudson Taphouse & Grill's lounge endorsement application (785 Caledonia).

We are residents of the Hudson Mews Building (780 Fisgard).

We found it important to express our opposition to this application, as we strongly believe that if it were to be successful, it would devalue the Hudson District neighbourhood and be highly disruptive. We are concerned primarily about noise, smoke, and increased risk of non-residents loitering in the area.

Having done research on this proposed establishment, we realize it is from the same owners as the Yates Street Taphouse and will follow that model, but with an increased focus on brewing/distilling on the premises. We have good friends who live in the Dominion Rocket building (in very close proximity to Yates Street Taphouse) and they are constantly disturbed by the noise that Yates Street Taphouse generates. There are crowds of intoxicated people that gather outside of the entrance that smoke and are generally noisy and rowdy. It has devalued the living standards in the Dominion Rocket considerably (to the point where signs have been put up outside the premises telling patrons to respect their neighbours and be quiet). We do not want this to happen in the Hudson District, as it is a quiet area with lots of families and young professionals who would not appreciate this disturbance.

This establishment is also promoting that they will brew beer onsite, however there are many breweries in very close proximity to each other in this area (Swans, Phillips, Vancouver Island, to name a few). It doesn't seem necessary to add another similar business into a block that is trying to focus on a residential escape in the middle of the city.

I hope these comments are taken into consideration when the city is communicating with the Liquor Control and Licensing Branch in regards to this application.

Thanks kindly for the opportunity to express our opinion.

Sincerely,

Alanah & Liam
 [REDACTED]
 [REDACTED]

Ryan Morhart

From: Thomas Wang [REDACTED]
Sent: Friday, November 30, 2018 9:49 AM
To: Ryan Morhart
Subject: owner of properties within 100m of 785 Caledonia Ave

Hi,

My name is Hanzhi Wang.

I am the owner of #222-770 Fisgard Street.

My view is that as long as they can contain the noise within their building and absolutely not disturbing to anyone around the property.

Then I am not against it.

However, if it is going to be noisy for every night.

Please go somewhere else.

Thanks,

Ryan Morhart

From: Chelsea Williams [REDACTED]
Sent: Monday, December 10, 2018 4:46 PM
To: Ryan Morhart
Subject: Written comment - Hudson Taphouse & Grill application

Hi there,

I live at 1950 Blanshard Street, 1 block from the Hudson building that has applied to the City of Victoria for a lounge and manufacturing license.

While I think a restaurant/liquor establishment would be a great addition to the neighbourhood, I have concerns regarding the size of the proposed business for the following reasons:

1) A capacity of 358 persons, including an 80 person patio is very high for the neighbourhood. An establishment with that many people in it would be very loud for the people living nearby. We already have to deal with a good amount of noise on a regular basis due to living near the Save On Foods Memorial Arena and next to a busy traffic corridor (Blanshard Street). In the summer, the level of noise increases and we have no option but to leave our windows open all the time due to the heat.

Also if the operator of the proposed Hudson Taphouse and Grill will also be the same as the one currently operating the Yates Street Taphouse ([as according to this article https://www.timescolonist.com/business/yates-taphouse-partners-plan-brewpub-at-hudson-1.9713388](https://www.timescolonist.com/business/yates-taphouse-partners-plan-brewpub-at-hudson-1.9713388)) I suspect the noise (and having to hear their bar from 9am to 12am daily) would be unbearable. The Yates Street Tap House consistently overserves their patrons and allows them to smoke close to doorways and air vents (not 7m away from doorways, like the city bylaw mandates). They operate their business like a nightclub, not a pub or lounge and I think it would have a negative impact on our budding neighbourhood.

2) The corner of Blanshard and Caledonia is one of the few green spaces in the neighbourhood and losing it to accommodate a large, outdoor patio would hinder the livability of the community for people in the surrounding buildings. A lot of people in the area also have dogs and rely on this space as an area where they can walk their dog. This corner is also the only one around these apartment buildings that has a public garbage can and it is very much needed.

Overall I think some type of restaurant/lounge with a liquor license but fitting up to 358 people in this space, in a dense neighbourhood is problematic. I strongly request for you to please scale it down.

Thank you,
Chelsea

December 10th, 2018

Written comment to the

"Notice of Application for a Lounge Endorsement for each Manufacturing Licence (2)", Hudson Taphouse & Grill, located at 785 Caledonia Street, Victoria, BC

Dear Mr. Morhart:

I've lived in Victoria for twenty-five years and have seen many changes recently. I've witness the unsustainable growth of large residential /commercial developments. My focus of this letter is on the commercial development at 785 Caledonia St. I'm familiar with the Hudson district as I recently lived in the Hudson Walk and worked in the Victoria Public Market.

I believe that the voters of Victoria trustingly place the reasonability to review and follow up on the promises made to residences of the city of Victoria by these developers like Rick Illick and his group of companies [Townline].

None of the promises he personally made to the city with regards to the Victoria Public Market have been realized. The promise of a downtown farmers market and a destination focused on local food sustainable food production, a support for the emerging farm food marketplace and education for local food production and distribution, never happened.

If city council will not hold accountable these developers, who will?

This development company is asking to place a large setting capacity restaurant and liquor manufacturing facility [distillery] on the corner of Blanchard and Caledonia, on the ground floor of what is essentially a residential building and residential neighborhood

The first question one should ask them self, is would you want to live on the floors above a noisy smelly manufacturing facility?

Second question, would you want to play with your children in the playground only meters from this industrial facility and loading area?

Considering the on going failure on the part of Townline to fulfill is promises to the city residence, with regards to the VPM, can we trust this company to operate a safe and environmentally compliant enterprise?

Considering that the Hudson Walk District is one of the largest residential density in the city would this retail spaces not be better used for community services like dentist office or medical clinics or other community mind projects.

Does Victoria need another drinking establishment in the downtown core?

Sincerely
Brian Lyle
Box 8447, Stn. Central
709 Yates St. Victoria, BC.
V8W 3S1

December 10th, 2018

USB (attached here)

Written comment to the

"Notice of Application for a Lounge Endorsement for each Manufacturing Licence (2)", Hudson Taphouse & Grill, located at 785 Caledonia Street, Victoria, BC.

Hand delivered to Victoria Council, addressed to Mr. Ryan Morhart, Manager Permits and Inspections.

Dear Mr. Morhart:

I have been opposing this project of a distillery in the downtown area, as I am concerned with public safety.

On July 26, 2018, at City Hall, in a public hearing, I presented my reasons to the Council; but, I believe they did not hear me.

Having the public input at the very end of a Council decision, makes our constituency's voice, not count.

As the proposed new downtown zoning By-Law was approved, I have my reasons to present, as to why I do still oppose a distillery in downtown.

Brew-pubs are not the same as distilleries. Beer and wine production is a fermentation process, distilleries are not. Distilleries produce alcohol, an industrial process that needs to be situated in the industrial area, not in downtown, in a highly populated residential area like the Hudson District, on the side of their own playground.

Distilleries does not belong in a residential neighbourhood.

"The process of making hard alcohol like gin, rum, whisky, is not easy and often involves large, potentially dangerous equipment, plus, it comes with the hazard of the production of dangerous fumes, like **Carbon Dioxide**, an odourless, colourless toxic gas".

Ethanol, is another harmful factor of concern.

As the distilling process produces solutions of ethanol, that, if escaping, can form hazardous explosive vapours, it comes with the potential to form explosive mixtures. Ethanol can combust without oxygen present. It is a flammable liquid, a bad combination with the array of flammable materials needed in the production of alcohol.

Between the resources needed in a distillery process, are huge quantities of fuel, usually natural gas, which in the process, produces all types of flammable materials like vapours, dust and gas, necessary ingredients for an explosion, present in distillery facilities.

Also, needed in the process, is Water. Lots of water. Where will the water come from?

Recently, some areas in the province of BC, faced a water shortage.

With all the new developments, a downtown growing population, how is the City going to face the provision of water for all? As per studies, it is clear that water problems are going to get more severe and common.

I believe we don't need more alcohol related business in downtown. We are short in another type of business that benefit the community, like Walk in Clinics, youth recreational areas, between another ones.

In this proposed Taphouse Grill, we, Victorians, already lost a piece of public space as recently, the City approved for the project, an "Increase in Site Coverage" in order to expand the commercial space for the Taphouse; and that, does not benefit the public, but the merchants proposing this development.

Distilleries in downtown present a safety hazard to the public, specially in a heavy populated area like the Hudson District.

Distilleries, with their industrial process, belong into the industrial area.

You may ask, why am I concerned with Public Safety? It is because I do not trust Townline words or actions. My experience with this company teaches me differently. Allow me to explain two pertaining experiences with Townline:

1) I was, in 2017, a double Townline tenant. I rented an apartment at the Hudson Mews, in where a restaurant was just right below my dwelling.

It is not true that food smell can be controlled. I was overwhelmed by Chinese food smell throughout my house; and,

2) As a tenant of the Victoria Public Market, I was bullied by management until they finally evicted me and this, due to me complaining of a harmful, toxic, grease laden vapours contamination that lasted three and a half years, until finally Work Safe BC intervened.

Along with the harmful grease laden vapours contamination, I was exposed to 270 days of a tremendous, piercing noise, coming from the HVAC System, located above my business.

The contamination and the piercing noise is so difficult to explain and so difficult to understand that, for the same reasons, I am including with this letter, a USB with the recorded HVAC System noise and, footage recorded by me of the tremendous contamination we were exposed to, under the complete indifference of Townline executives.

After many attempts from my part, informing management and Townline executives about the contamination, and with no action taken by them, I called WSBC to help with this problem. After that, management fabricated excuses and retaliated against, by evicting me.

The USB delivered to you, contains images (not all) of the everyday, three and a half years contamination of the toxic and carcinogenic grease laden vapours coming from Roast Sandwich Shop, and, the recording of the piercing noise, along with all the Work Safe BC files for the complaints.

In reading WSBC documents, it is not difficult to note how, Hudson Retail Inc. (the Victoria Public Market), was found in default of their obligations under the Occupational Health and Safety Regulations, and this, for an unexplained, prolonged period of time; and,

It is clear for me that, if one complains, you lose your job or your business; then, how can we trust that, the proposed distillery, Taphouse, will be working under safe conditions, if no one can denounce a problem?

Mr. Morhart, along with this letter, please receive the following:

- A USB containing the complete Work Safe BC records, including the Roast Sandwich Shop, contamination records, plus, images of the daily pollution at the Victoria Public Market and the recorded HVAC System noise.
- Documents in where I based my findings about the hazards for distilleries (12 pages), and,
- Some of the Work Safe BC Inspection Reports, 20 pages (the complete files are in the USB)

If you need more information, please, do not hesitate to contact me.
Thank you for listening

Sincerely:
Olimpia Cisneros
Box 8447, Stn Central
709 Yates Street
Victoria, BC
V8W 3S1





Freedom of Information and Protection of Privacy Office

Mailing address: PO Box 2310 Stn Terminal, Vancouver BC V6B 3W5

Phone 604.279.8171 | 1.866.266.9405 | Fax 604.279.7401 | worksafebc.com

March 29, 2017

Olimpia Cisneros
Box 8447
Victoria, BC V8W 3S1

Dear Ms. Cisneros:

Re: Freedom of Information Request - WCB-17-242

I am writing in response to your request for access to information under the Freedom of Information and Protection of Privacy Act (FIPPA). You requested copies of the inspection reports pertaining to Roast Sandwich Shop Inc., Quay Property Management Corporation, Hudson Retail Inc. and Olimpia Cisneros Mendez, from December 8, 2016 to today's date.

Copies of the records are enclosed for Quay Property Management Corporation, Hudson Retail Inc. and Olimpia Cisneros Mendez. The enclosed records are all the ones we located for your request. All the records that were located have been disclosed to you in full. Please be advised that there were no records for Roast Sandwich Shop since December 8, 2016.

If you disagree with our response you have 30 days from receipt of this letter to request a review by the Information and Privacy Commissioner (IPC). You can contact the Office of the IPC at 250-387-5629 or visit their web site at www.oipc.bc.ca.

If you have any questions, please write or call me at 604-279-8171.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ritchie Po".

Ritchie Po
Information Access and Privacy Services Lead

RP:rp

Encls.

The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

Inspection Report #201611284090A

Employer Name	Jobsite Inspected	Scope of Inspection
OLIMPIA CISNEROS MENDEZ (LA COCINA DE MAMA OLI)	1701 Douglas Street Victoria BC V8W 2G7	Noise associated with HVAC system

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Nov 15, 2016	Nov 15, 2016	Nov 21, 2016	Email

THERE ARE ZERO (0) ORDERS OR OTHER ITEMS OUTSTANDING

**ACTION MAY STILL BE NECESSARY TO ENSURE COMPLIANCE
PLEASE READ FULL REPORT**

<u>Location (Reference recommendations)</u>	<u>NC</u>	<u>dBA</u>
Corridor by School of Holistic Nutrition booth	65	66.8
Customer table area by La Cocina de Mama Oli	63	67.5
Corridor in front of West Coast Pantry	68	66.3
Corridor in front of Roast Meat & Sandwich Shop	62	65.9
Corridor by French Oven Bakery	64	67.1

The sound system was in operation at the time of the testing.

→ Noise Criterion (NC) curve values for this space was 63. The noise conditions present are in excess of the conditions that would be considered to be acceptable for a shop, garage or power plant and far in excess of the conditions considered to be appropriate for stores, cafeterias and restaurants.

A difference of 10 dB between the recommended level and actual level means the level is 10 times higher than recommended. A difference of 23 dB between the average recommended level and average actual level means the noise level is 200 times higher than recommended.

CONTACT FOR INFORMATION AND ASSISTANCE

For assistance or clarification with issues specified in this report please contact:

Raymond Merriman, BSc, MSc, CIH
Occupational Hygiene Officer
Prevention Field Services - Vancouver Island
WorkSafeBC, 4514 Chatterton Way
Victoria BC V8X 5H2
Tel 250 881-3463
Fax 250 881-3482
Email Ray.Merriman@worksafebc.com

Employer #	Mailing Address	Classification Unit #	Operating Location
918853	UNIT 6 1701 DOUGLAS ST VICTORIA BC V8W 0C1	761035	001

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		3	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Olimpia Cisneros	Olimpia Cisneros	Not Available	

WorkSafeBC Officer Conducting Inspection	Contact Details	
Raymond Merriman	Phone: (250) 881-3463	Email: Ray.Merriman@worksafebc.com

Inspection Time*	Travel Time*
9.75 hrs	0.25 hrs

*The time recorded above reflects the inspection time and travel time associated with this inspection report and includes time spent on pre and post-inspection activities. Additional time may be added for subsequent activity.

Right to Review

Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers at 1-800-925-2233.

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.

OLIMPIA CISNEROS MENDEZ
UNIT 6 1701 DOUGLAS ST
VICTORIA BC V8W 0C1

The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

Inspection Report #201611284097B

Employer Name	Jobsite Inspected	Scope of Inspection
HUDSON RETAIL INC.	Victoria Public Market at the Hudson 1701 Douglas Street Victoria BC V8W 0C1	Health and Safety Compliance in Multi-Employer Workplace

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Nov 22, 2016	Dec 20, 2016	Dec 22, 2016	Mailed

THERE IS ONE (1) ORDER OR OTHER ITEM OUTSTANDING

ACTION REQUIRED

Summary of Orders or other Items

See "Orders/Items - Full Details" section of this Inspection Report for orders/items cited

Order/Item No.1 <input type="checkbox"/>	Status: Outstanding	Cited: WCA118(2)(b)
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ORDER STATUS LEGEND

Order Status	Description
Outstanding	Order Outstanding - Action Required to Achieve Compliance
Complied	Compliance Achieved - No Further Action Required
Closed	Order is Closed
Rescinded	Order has been cancelled - No Further Action Required

ORDERS/ITEMS

An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the *Occupational Health & Safety Regulation*, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full DetailsOrder/Item No. 1 ☐Status: **Outstanding**Cited: **WCA118(2)(b)****Progress towards compliance:**

Dec 20, 2016 - The Notice of Compliance Report due date is **December 16, 2016**. As of the date of this inspection, the Notice of Compliance report has not been received.

Based upon the failure to prepare or send a Notice of Compliance Report to WorkSafeBC as set out in this order, there are grounds for imposing an OHS Citation or administrative penalty. The amount of an OHS Citation is \$505.17 for a first offence and \$1,010.33 for any subsequent violations in a three year period. Both amounts are adjusted annually pursuant to the consumer price index.

You are required to provide WorkSafeBC with the Notice of Compliance (NOC) Report no later than **December 28, 2016**. Failure to provide the completed NOC report may result in further enforcement action in the form of an OHS Citation or administrative penalty.

Initiating order:

Nov 22, 2016 - This employer is the owner of this multiple-employer workplace and a joint committee or equivalent system has not been established to ensure there is effective coordination between employers and a process in place to ensure compliance with the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation at this workplace.

Examples of ineffective coordination and compliance include:

- Inadequate use of local exhaust ventilation to control emissions from roasting operations.
- Absence of emergency drills for events such as fires, chemical spills and earthquakes.
- Absence of written Bullying and Harassment policies and procedures for all workplaces.
- Absence of training and orientation records for young and/or new workers in particular for safety procedures required within this multi-employer workplace.
- Inadequate resolution of tonal noise issues arising from the local exhaust ventilation system.

This is in contravention of the Workers Compensation Act Section 118 (2)(b).

The prime contractor of a multiple-employer workplace must do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the Workers Compensation Act Part 3 and the regulations in respect of the workplace.

Measures to Ensure Compliance:

Provide written confirmation by **December 16, 2016** that a system or process has been established to ensure all employers within this multi-employer workplace are complying with the requirements of the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation.

Reference	Details Discussed
LAP3 The following provisions are specified for the purposes of section 196.1(1) of the Act: (a) section 115 (1) (b) of the Act, as it pertains to orders; (b) section 194 (2), (3) or (4) of the Act if, (i) as set out in subsection (1) of that section, an order includes a requirement for compliance reports, and (ii) in the case of subsection (4) (d) of that section, the Board requires the employer to send a copy of the compliance reports to the Board; (c) section 2.4 of the Occupational Health and Safety Regulation, as it pertains to orders.	Discussed with employer.
WCA196.1(1) The Board may, by order, impose on an employer an administrative penalty prescribed by a regulation of the Board, which penalty must not be more than \$1 025.42, if the Board is satisfied on a balance of probabilities that the employer has failed to comply with a provision of this Part, or the regulations, as specified by a regulation of the Board.	Discussed with employer.
WCA194(4)(d) In the case of compliance reports prepared by an employer, the employer must if required by the Board, send a copy of the reports to the Board.	Requirement to submit the Notice of Compliance report set out in the order.

HUDSON RETAIL INC.
UNIT 1701 1166 ALBERNI ST
VANCOUVER BC V6E 3Z3

The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

Inspection Report #201611284096B

Employer Name	Jobsite Inspected	Scope of Inspection
QUAY PROPERTY MANAGEMENT CORP	Victoria Public Market at the Hudson 1701 Douglas Street Victoria BC V8W 0C1	Health and Safety Compliance in Multi-Employer Workplace

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Nov 22, 2016	Dec 20, 2016	Dec 22, 2016	Email

THERE IS ONE (1) ORDER OR OTHER ITEM OUTSTANDING

ACTION REQUIRED

Summary of Orders or other Items

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Order/Item No.1 <input type="checkbox"/>	Status: Outstanding	Cited: WCA118(2)(b)
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ORDERS/ITEMS

An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the *Occupational Health & Safety Regulation*, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full Details

Order/Item No. <input type="checkbox"/>	Status: Outstanding	Cited: WCA118(2)(b)
Progress towards compliance: <u>Dec 20, 2016</u> - The Notice of Compliance Report due date is December 16, 2016 . As of the date of this inspection, the Notice of Compliance report has not been received. Based upon the failure to prepare or send a Notice of Compliance Report to WorkSafeBC as set out in this order, there are grounds for imposing an OHS Citation or administrative penalty. The amount of an OHS Citation is \$505.17 for a first offence and \$1,010.33 for any subsequent violations in a three year period. Both amounts are adjusted annually pursuant to the consumer price index. You are required to provide WorkSafeBC with the Notice of Compliance (NOC) Report no later than December 28, 2016 . Failure to provide the completed NOC report may result in further enforcement action in the form of an OHS Citation or administrative penalty.		
Initiating order: <u>Nov 22, 2016</u> - This employer is functioning as the owner's agent for this multiple-employer workplace and a joint committee or equivalent system has not been established to ensure there is effective coordination between employers and a process in place to ensure compliance with the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation at this workplace. Examples of ineffective coordination and compliance include: <ul style="list-style-type: none">- Inadequate use of local exhaust ventilation to control emissions from roasting operations.- Absence of emergency drills for events such as fires, chemical spills and earthquakes.- Absence of written Bullying and Harassment policies and procedures for all workplaces.- Absence of training and orientation records for young and/or new workers in particular for safety procedures required within this multi-employer workplace.- Inadequate resolution of tonal noise issues arising from the local exhaust ventilation system. This is in contravention of the Workers Compensation Act Section 118 (2)(b). The prime contractor of a multiple-employer workplace must do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the Workers Compensation Act Part 3 and the regulations in respect of the workplace.		
Measures to Ensure Compliance: Provide written confirmation by December 16, 2016 that a system or process has been established to ensure all employers within this multi-employer workplace are complying with the requirements of the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation.		

Reference	Details Discussed
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QUAY PROPERTY MANAGEMENT CORP
UNIT 200 24 4TH AVE E
VANCOUVER BC V5T 1E8

ORDERS/ITEMS

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Orders/Items - Full Details

Order/Item No. 1 ☐ Status: **Outstanding** Cited: **WCA118(2)(b)**

Progress towards compliance:

Jan 24, 2017 - On January 12, 2017 at 11:15 the employer provided the following information via email:

December 16, 2016

WORKSAFE BC: NOTICE OF COMPLIANCE REPORT

INSPECTION REPORT: 201611284096A

Please see below description of actions taken to comply, and the attached Notice of Compliance Report. The below is also included in the attached PDF. Please feel free to contact the undersigned to discuss further.

ORDER/ITEM NO. 1 [CITED: WCA118(2)(b)]

The following policies and procedures are in place at Victoria Public Market.

- Procedures are in place to regularly monitor for proper operation of all kitchen systems and equipment, and all building operating systems. Logs are maintained to track monitoring.
- Emergency drills for fire, chemical spills and earthquakes are conducted on a regular basis.
- Employment Manual provided to all employees at time of hire, and reviewed on an annual basis, outlining policies and procedures for all workplace practices, including bullying and harassment, and protocol for reporting such instances. A copy of Employment Manual is also stored in all our offices.
- Employment Manual includes orientation details for health and safety procedures.
- Tonal noise issues arising from local exhaust ventilation system have been reviewed by mechanical technicians and sound engineers, and have been confirmed to be non-threatening, and safe for occupancy.

OFFICER TEXT

The information that has been provided does not adequately identify the system or process that has been established to ensure all employers within this multi-employer workplace are complying with the requirements of the *Workers Compensation Act* Part 3 and *Occupational Health and Safety Regulation*.

To substantiate that an effective process has been established please provide the following information by **February 3, 2017**.

- Copies of health and safety meeting minutes that have been conducted with the common area tenants of the Victoria Public Market over the past three months.
- Records of the emergency drills that have been conducted with the common area tenants of the Victoria Public Market over the past year.
- Contact information for the health and safety representatives of each common area tenant of the Victoria Public Market.
- ASHRAE noise criteria information from the manufacturer of the ventilation system and sound engineers evaluation of the system.

Orders/Items - Full Details

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- Absence of training and orientation records for young and/or new workers in particular for safety procedures required within this multi-employer workplace.
- Inadequate resolution of tonal noise issues arising from the local exhaust ventilation system.

This is in contravention of the Workers Compensation Act Section 118 (2)(b).

The prime contractor of a multiple-employer workplace must do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the Workers Compensation Act Part 3 and the regulations in respect of the workplace.

Measures to Ensure Compliance:

Provide written confirmation by December 16, 2016 that a system or process has been established to ensure all employers within this multi-employer workplace are complying with the requirements of the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation.

QUAY PROPERTY MANAGEMENT CORP
UNIT 200 24 4TH AVE E
VANCOUVER BC V5T 1E8

INSPECTION NOTES

Any further enforcement action identified and/or considered is set out in the order(s).

If this report has been issued following an incident that is under investigation by WorkSafeBC, further enforcement action may be taken as a result of the findings of the investigation and any orders in this report.

On March 3, 2017 at 13:24 the employer provided an update on the health and safety issues that have been raised at Victoria Public Market and the actions being taken to ensure compliance with the Workers Compensation Act Part 3 and the regulations at this multi-employer workplace.

EMERGENCY DRILLS *I was not invited to this meetings*

- Received Fire Safety Plan for the Hudson Building, and reviewing protocol for adjustment as appropriate for specificity to Victoria Public Market tenants.
- Developing detailed emergency procedures manual for circulation to tenants of VPM.
- Re-circulating VPM tenant manual to all VPM tenants, which includes health and safety information, reporting and communication procedures.
- VPM tenants will participate in all future emergency drills for the building; the next is planned for October 2017.
- VPM will have a separate emergency drill in April 2017.

NOISE PRODUCING EXHAUST FAN

- Exhaust fan unit will be relocated out of public area on March 7, 2017.
- In the meantime, ongoing monitoring for any changes to operation or audible sound levels.
- Adjusted system to have the fan shut down after hours, to minimize noise for any occupants of the area after 6:30 pm; adjustment was effective February 21, 2017.

*→ ? Not true**lie. this terrible noise stopped March 7 after 6:30 pm***ROAST EXHAUST FAN**

Although not an outstanding order with VPM, we can provide the following update on behalf of the tenant.

- Tenant has continued to maintain the previously approved temporary operating procedure of moving the oven under the hood fan every time it is opened.
- Tenant is actively working towards implementing solution to issue, by replacing exhaust hood with larger hood.
- Consultants currently reviewing function of existing hood fan, to ensure it can handle capacity of larger hood, or determine any adjustments that will be necessary.
- Mechanical contractors currently pricing out different options for hood replacement for tenant.
- Expected lead time for confirmation of system capacity: one week.
- Expected lead time for installation of new hood: two weeks following confirmation of system capacity.

*April 8, 2017**Roast grease**laden**vapours**are still
contaminating**the Victoria
Public Market*

We will provide further updates as we progress on the plans outlined herein, or as otherwise requested by WCB.

CONTACT FOR INFORMATION AND ASSISTANCE

For assistance or clarification with issues specified in this report please contact:

Raymond Merriman, BSc, MSc, CIH
Occupational Hygiene Officer
Prevention Field Services - Vancouver Island
WorkSafeBC, 4514 Chatterton Way
Victoria BC V8X 5H2
Tel 250 881-3463
Fax 250 881-3482
Email Ray.Merriman@worksafebc.com

This was a follow-up inspection to authenticate appropriate compliance with the order(s) noted.

ORDERS/ITEMS

An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the Occupational Health & Safety Regulation, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full Details

Initiating order:

Nov 22, 2016 - This employer is functioning as the owner's agent for this multiple-employer workplace and a joint committee or equivalent system has not been established to ensure there is effective coordination between employers and a process in place to ensure compliance with the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation at this workplace.

Examples of ineffective coordination and compliance include:

- Inadequate use of local exhaust ventilation to control emissions from roasting operations.
- Absence of emergency drills for events such as fires, chemical spills and earthquakes.
- Absence of written Bullying and Harassment policies and procedures for all workplaces.
- Absence of training and orientation records for young and/or new workers in particular for safety procedures required within this multi-employer workplace.
- Inadequate resolution of tonal noise issues arising from the local exhaust ventilation system.

This is in contravention of the Workers Compensation Act Section 118 (2)(b).

The prime contractor of a multiple-employer workplace must do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the Workers Compensation Act Part 3 and the regulations in respect of the workplace.

Measures to Ensure Compliance:

Provide written confirmation by December 16, 2016 that a system or process has been established to ensure all employers within this multi-employer workplace are complying with the requirements of the Workers Compensation Act Part 3 and Occupational Health and Safety Regulation.

Employer #	Mailing Address	Classification Unit #	Operating Location
676561	UNIT 200 24 4TH AVE E VANCOUVER BC V5T 1E8	762032	001

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		2	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Jaymie Humber	Taylor Mathiesen	Not Applicable	

WorkSafeBC Officer Conducting Inspection	Contact Details	
Raymond Merriman	Phone: (250) 881-3463	Email: Ray.Merriman@worksafebc.com

Inspection Time*	Travel Time*
3.25 hrs	0 hrs

*The time recorded above reflects the inspection time and travel time associated with this inspection report and includes time spent on pre and post-inspection activities. Additional time may be added for subsequent activity.

Right to Review

Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers at 1-800-925-2233.

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.

Common Hazards for Distilleries

Posted on July 13, 2017 by Marijana Dabic

While owning a distillery can be a rewarding and profitable undertaking, it's not without risk. The process of making hard alcohol like whisky, gin and rum is not easy and often involves large, potentially dangerous equipment. What's more, those that manufacture alcohol often have to deal with dangerous fumes and other harmful factors.

To protect their business, employees and customers, distillery owners must take a proactive approach to identify and mitigate the unique exposures that affect their operations.

Carbon Dioxide

In order to create alcohol, carbohydrates like starch and sugar must be converted through fermentation. During this process, yeast eats carbohydrates and **creates carbon dioxide—an odorless, colourless and toxic gas.**

The following is a breakdown of how different concentrations of carbon dioxide can impact your employee's health:

1,000 parts per million (ppm) – Prolonged exposure can affect concentration.

10,000 ppm – An employee's rate of breathing increases.

30,000 ppm – The employee will begin breathing at twice the normal rate and may experience dizziness, a faster heart rate, headaches or hearing impairment.

40,000-50,000 ppm – The employee's breathing increases four times the normal rate, and he or she will experience signs of poisoning after only 30 minutes of exposure.

50,000-100,000 ppm – The employee will quickly begin to feel tired and will experience laboured breathing, headaches, tinnitus (a ringing in the ears) and impaired vision. After a few minutes, he or she will likely lose consciousness.

100,000-1,000,000 ppm – The employee will lose consciousness quickly. At this concentration, asphyxiation and death may occur.

Your workers could be exposed to carbon dioxide through inhalation. Thankfully, you can minimize these hazards by properly venting your fermentation area. Because carbon dioxide is heavier than air, you will want to ensure you take special care to vent the lower levels of your work areas.

If your distillery uses a converted chest freezer as a fermentation chamber, it should be noted that carbon dioxide can collect at the bottom of the cabinet. To address this, periodically prop the lid up and use a fan to introduce fresh air.

Intoxication

Distilleries can be a fun work environment, especially if you or your staff members are passionate about creating alcohol. This environment can sometimes create a loose work atmosphere where staff members are allowed to drink on the job.

This is ill advised, as alcohol can affect an individual's perception and reaction time. What's more, alcohol can negatively impact your worker's judgment, potentially leading to dangerous mistakes or accidents.

And, when you're working with large, expensive equipment, mishaps can be costly or even fatal. Avoid adding unnecessary hazards by banning alcohol consumption during work hours.

Fires and Explosions

Ethanol vapour is highly flammable and is one of the main fire and explosion hazards at distilleries. Ethanol can be released from leaks in tanks, casks, transfer pumps, pipes and flexible hoses.

Common ignition hazards to control can include the following:

- Open flames
- Torch cutting and welding operations
- Sparks (static, electrical and mechanical)
- Hot surfaces
- Heat from friction
- Radiant heat

In addition to being mindful of ignition sources, you can protect your distillery by keeping a dry powder or carbon dioxide fire extinguisher readily available. Ensure that any sprinkler systems you have meet industry and regulatory standards.

In addition, you will want to provide adequate ventilation in the distillery and ban smoking in and around the work area. Be sure to keep heaters and natural gas appliances at least 10 feet away from distilling areas.

It should be noted that dust formed from processing grain and chemical spills can also cause fires or explosions. As such, it's important to practise good housekeeping to avoid the accumulation of combustible debris or liquids.

Physical Injury and Other Employee Hazards

Distilleries can be an unsafe environment for your workers if you fail to take the proper precautions. There are countless risks you will need to account for, including the following:

Chemical hazards. A variety of harmful chemical and cleaning products can be found in distilleries. To protect workers, it's important to require personal protective equipment (PPE) like gloves, steel cap boots and liquid proof aprons. Be sure to clean up any chemical spills immediately.

Electrocution. Because distilleries require workers to handle large amount of liquids around powered equipment, electrocution hazards are common. To maintain a safe working environment, it's important to never run power cables through pools of liquid. Whenever possible, avoid using extension cords, power boards or equipment with damaged plugs, sockets or cables. For added safety, ground equipment and use a ground fault circuit interrupter (GFCI) or residual current device (RCD). These tools automatically shut off power whenever they discover that a current is flowing along an unintended path, including through water or a person.

Injuries caused by heavy lifting. Working at a distillery requires employees to lift and move heavy kegs and other items throughout the day. This can cause repetitive strain and other injuries if workers aren't trained to do the following:

- Bend the knees, keep their back straight and lift with their legs.

- Be aware of the weight of objects and don't overexert themselves.

- Practise team lifting or use back braces to assist with moving heavy loads.

Physical hazards. There are many dangerous items at a distillery that could harm your workers. You will want to ensure the work area is free of trip and slip hazards. In addition, noise from equipment, high-pressure tools, boiling liquids, hot surfaces and confined spaces pose a serious threat and will need to be addressed. Consider conducting safety assessments on a regular basis and address hazards as they arise.

Above all, stills should never be left unattended, and employers should set clear policies and procedures related to workplace safety.

Protect Your Investment

Owning a distillery can be a challenging, yet rewarding, experience. Taking into account the above

safety tips will help ensure that the investments you have put into your business are not wasted following an injury or other mishap.

For additional protection, consider speaking to your broker about your insurance options. He or she will be able to discuss potential policies to address common distillery risks.

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Hazards of Distilleries

Kentucky has many stereotypes. There is the barefoot and toothless image, or the rumor that everyone from there is inbred. More positive thoughts about Kentucky are the Corvettes manufactured here, horseracing, and the distilled spirits. More than 95 percent of the world's bourbon is produced in Kentucky, where it has been made since the 1780s. More than a half-dozen distilleries are in the region, including Jim Beam, Maker's Mark and Wild Turkey. (Prostock 19) Are those actually positive? Many people, even from Kentucky, do not know about the negative effects of these prosperous businesses. The cars produced in Kentucky cause air pollution; the horseracing business euthanizes disabled, innocent horses. What negative things could happen from the distillation of simple bourbon, whiskey, vodka, and other spirits? Most people only think the negative effects of alcohol are the consumers fault. They could control their consumption, and then they would not have to worry about liver disease or fatal car accidents. What about the people who produce the alcohol though? Are they to blame? Distilleries will not say this is their fault; producers put warnings on their product's label. Distilleries do have a negative, less thought of, impact though.

Each year, U.S. factories spew 3 million tons of toxic chemicals into the air, land, and water. (Dosomething.org) Many people don't know about the impact of distilleries on the environment. Distilleries do not want a bad reputation especially during this major "Go Green" movement. More and more people are starting to care about the environment. Distilleries will probably be under more heat in the next 10 years, along with other factories. The pollution regulations will need to become stricter. A distillery is often forgotten as a factory. To make the common whiskey found in Kentucky, distilleries need grains. At Woodford Reserve, they use corn, barley, and rye. These ingredients are ground up and mixed together. Next, the grains are mashed. Water is added to the grains, and then it is left alone. The starches from the grains are converted into sugars. After sitting for a period of time, the mixture is sifted, and the liquid is separated from the wet grain. Yeast is added to the liquid and starts to ferment. After a few days the liquid is distilled. The alcohol evaporates, the vapor goes out the hole, into the tube, and then condenses back into liquid alcohol. Each time the liquid goes through the distillation, it becomes more pure. On average, it is run through 1-3 times, depending on the type of whiskey being made. The unwanted runoffs are poisonous and often burn off first, before the ethanol begins to burn. Once the whiskey has been distilled, it is put into barrels to mature. Depending on the company, it can mature for 3 to 10 years. The whiskey absorbs the nutrients in the barrels and gains the aroma, flavor, and color. Vodka isn't matured; that is why it is clear. (bavarianbrewerytech.com)

The distilling process makes ethanol, which is the main ingredient in alcohol that affects a person's mind. It also slows the central nervous system. The enzyme, alcohol dehydrogenase, takes a hydrogen atom from the ethanol molecule to break it down into acetaldehyde. This substance is something the body can handle. When dispersed into the air, ethanol can cause problems around it. People know

alcohol is flammable; it says it on the container. **When the ethanol vapor is released into the air, it has potential to form explosive mixtures.** The hazards arise from leaks in the tanks, casks and contributory equipment such as transfer pumps, pipe work and flexible hoses, all of which can release large quantities of liquid on failure. (risktechnik.com) If it were to flow into a confined space, like a sewer or house, then it could explode. **It can combust without oxygen,** unlike most explosions. There have been no cases where ethanol has been directly linked to an explosion in the air in Kentucky.

Distilleries often contain flammable materials besides ethanol. The grain processing section also has a fire hazard due to the production of grain dust other particles generated in the process. These can easily catch on fire. Older distilleries are often made of wood in comparison to the newer metal distillery warehouses. The floorboards, holding racks, and holding/aging barrels are all wooden. Whisky maturing warehouses sometimes hold a variety of other hazardous materials. There is a natural gas supply to the boilers. These, as mentioned above, can leak. A liquidified Petroleum Gas cylinder contains these gases. If they are punctured or harmed, they can ignite. (risktech.com)

Aquatic systems are also affected by ethanol. Ethanol disperses quickly in water so it is not toxic to the touch. It is deadly in water to fish though because it causes oxygen depletion. This often carries downstream also. One of the Wild Turkey distillery warehouses caught on fire May 9th, 2000. The flame could be seen from 3 miles away. Inside the warehouse was 17,262 barrels of bourbon, each containing 53 gallons of 107 to 112 proof bourbon. Much of the alcohol escaping measured 50 percent by volume. Some of the bourbon had aged 15 years already. The liquid had to go somewhere since it couldn't all burn at the same time. It ran down through a small forest and into the Kentucky River. Some of the liquid was on fire as it rolled down the hill and caused smaller wildfires to erupt along its path. The path was so hot that the limestone bedding began to explode. There was now falling debris from that too. "I just tell them we're having Happy Hour at the river later. Just bring their own bucket," said city worker Debbie Steele. No one was killed from the fire, but the damage had just begun. This accident forced schools and businesses in this town of 8,000 to close the rest of that day and the next. The alcohol did not reach the water tap supply though, because the company shut down soon after hearing about it. The aftermath in the river was not obvious at first. Officials had said that there was harm to the environment but not devastating. People began to take that statement back two days later. People from Frankfort called to say that they could smell the bourbon from the water. A few dead fish had also floated to the surface. As a few more days passed, all people could see when they looked out to the river were dead fish. Numbers had reached into the tens of thousands of dead fish. The ultimate cause of the fish kill was not from alcohol poisoning, but to the depletion of oxygen. The alcohol was shown to be the accelerator food source causing a major bacteria outbreak that consumed all of the oxygen in the river and created a dead zone some 9-12 miles long at its peak. As the tainted water moved downstream, major fish kills would be observed as the dead zone approached and passed dam areas of the river as the fish would be trapped. (Shelley) The fish had no place to go. This is the largest fish kill in the history of Kentucky. (fireworld.com) Wild Turkey distillery was in charge of paying for the cleanup. They had to pay to have the river aerated for 4 days, until the oxygen levels were sustainable again. The people at Wild Turkey reportedly paid \$256,000 to help restore the population of fish. (LB)

There was also a fire from a Jim Beam distillery. The seven story warehouse was reported to have been struck by lightning. It sent alcohol-fueled flames more than 100 feet in the air. The bourbon flowed down into a small creek, but officials were able to dam up the creek before it spread. It was estimated to only be two percent of the inventory of bourbon. Firefighters sprayed water on two nearby warehouses in an attempt to save them, while a fire truck stood by at a third. "Once the warehouse is engulfed in flames, the best course of action for the fire departments is to protect the surroundings," said Joe Prewitt, director of Nelson County Emergency Management Services. (Stapleton) Heaven Hill

distillery caught fire November 7th, 1996. It destroyed most of their warehouses, and 90,000 gallons of alcohol was lost. The wind was recorded around 55 mph that day, and caused the fire to spread from building to building. The environmental impact here was also minimal. The terrain allowed for the alcohol to pool up and burn in one spot. It did not spread to creeks or rivers nearby. (MassDep)

At the Woodford Reserve distillery, Steve B. was asked if they have ever had a major accident on the property. He replied by saying no, and he hopes they never will. He had heard about the Wild Turkey incident, and said that the warehouse didn't have the correct safety measures. On a tour of Woodford Reserve, Steve pointed to a large pond covered in algae on the property. He made a joke saying that that was the water they used in the distillation process and ended up in the bourbon. He then proceeded to explain how it was actually a reservoir for safety in case anything was to catch on fire. The fire truck could hook their hoses up there and reach any of the 3 main buildings used in distillation. Wild Turkey distillery should have used this idea. The Wild Turkey distillery was also lacking a fire sprinkler system in the warehouse, a containment dike, and an alarm system. Also on the tour, Steve showed people the fermenting room. Here, the yeast and ingredients are mixed together and left to ferment in 4 large oak bins. This produces carbon dioxide from the anaerobic process taking place. Carbon dioxide is a major contributor to global warming. Steve told everyone that the carbon dioxide wasn't harmful. People do not realize that all carbon dioxide is harmful to people and the environment. Steve had misinformed the tour group. This was an example of how the distilling industry tries to say they have a minimal impact on the environment.

Kentucky is also known for their illegal distilleries. Moonshine from Kentucky is known as the best moonshine in the United States. When illegal making of alcohol really became popular in the prohibition era, it began to cause problems. Producers often had to protect their stills. If people were caught trying to steal shine or tampering with the tools, they were shot. When bootleggers from Kentucky would go on deliveries, they brought gunmen with them. These gunmen were told to shoot people who tried to hijack the trucks. This led to the formation of gangs. It also increased the sale of guns on the black market. The distilling business in Kentucky was a growing black market. (prohibitopm8m.com) Since prohibition has ended, Kentucky's bootlegging jobs have declined. The bootleggers that are left do not need guns and hit men for protection. The main danger now of these distilleries in Kentucky is the safety hazards. People are supposed to know the person they are getting the moonshine from. Infamous distillers have been known to put bleach, paint thinners, chemical fertilizers and saw dust into their shine for added flavor. This is potentially dangerous for anyone who consumes it. (ehow.com) Moonshine is made the same way as any other whiskey, even the kind at Woodford Reserve. At Woodford Reserve though, the boiling stills are covered and set up for protection of the employees. In a former's backyard, the distilling pot is wide open. There have been cases where small animals, like raccoons and dogs, have fallen into the boiling mash and died. If the mash is emptied soon enough, the animals skeletons can be found at the bottom of the still; if the still is not emptied for a few days, a farmer will never know because even the bones are cooked into the mixture. People's hands and arms are frequently burned while moving around the contraption. Three men had to be taken to the hospital when their moonshine still caught on fire in their garage. The men were making homemade wine in a 25-gallon still when it blew up and splashed them with hot mash. (wkrnews.com) One of the men received third degree burns and had to be transferred to a more advanced hospital. An explosion that took place in a basement is another example of the dangers of these stills. Late one night, neighbors were awoken by a loud boom. They looked outside and saw a flame coming from a newly built house next door. They then heard two more detonations. Fire fighters soon arrived on the scene but found no one in the building. While in the basement of the house, four more stills exploded. The fire fighters were thrown to the floor and caught on fire. A few of the other fire fighters from upstairs rushed down to save them. Once they were removed from the flames they

were rushed to the hospital. Upon examination, they were reported to have 3rd degree burns on their hands, arms, and necks. That same night in a nearby city, a still blew up. This fire was said to not harm anyone, but it did burn the house down. (nytimes.com) Distilling is a very dangerous process when certain safety regulations aren't followed.

Kentucky has had a profitable economy from their production of spirits. This is all people usually hear about. They rarely hear about the negative impacts of distillation until something tragic happens. Most consumers just hear the facts about liver failure, or they hear about the 240 drunk driving car accidents a year in Kentucky. Maybe people would not consume these products if they knew the risk workers and the environment face. Even if they did not slow their consumption, they could push for stricter safety regulations. Accidents like the Wild Turkey Distillery should not have been as bad as it was if they had had the sprinkler and alarm system installed. Also, a containment dike would have caught the excess running down the hill and destroying the soft limestone in its path. The more knowledgeable problems in Kentucky, such as coal mining, animal abuse, and poverty have been advertised and received support. Hopefully, distillery accidents will not happen again. They have a huge impact on the environments well-being. Distilling also produces as much damage to the workers on the outside of their body, as well as the inside of the consumers' bodies.

Hazard assessment in the brewing and distilling industries

Author : Richard Ball, Senior Process Safety Specialist, Chilworth Technology

20 August 2013

The production of beer and spirits produces solutions of ethanol, which is a highly flammable liquid. Raw materials for fermentation and mashing processes involve the handling, storage, and milling of wheat and barley, which generate flammable dust, while grain roasting and drying require huge quantities of fuel, which is usually natural gas. Hence, all types of flammable materials (vapour, dust and gas) necessary for an explosion are present in beer and spirits manufacturing facilities.

The UK brewing and distilling industry contributes significantly to the Food and Drink sector, which is estimated to be worth some £80 billion annually and representing around 7% of UK GDP.(1)

Since the introduction of the EU ATEX 1999/92EC Directive(2) (incorporated in the UK under DSEAR 2002 (Dangerous Substances Explosive Atmospheres Regulations(3))), a systematic hazard and risk assessment has to be undertaken to ensure personnel and the public are not at risk from fire and explosion. In this paper, problems unique to the brewing and distilling industries are aired and the systematic hazard assessment approach is discussed so companies can comply with EU Directives to keep personnel and public safe.

Introduction

Alcoholic drink production requires only a few raw materials; cereal grain plus yeast plus water, which are heated, fermented, matured and decanted, producing ethanol liquor. Thus, it would appear only the final product is flammable and if the ethanol is sufficiently diluted, in the case of beers, lagers and other alcoholic beverages, no flammable atmospheres exist. If only it were that simple!

Most brewers and distillers now buy their malt from specialist suppliers, with malt grains delivered to site by road truck, tipped, and conveyed to the mill house or storage silos. It is then elevated to upper floors of mill houses for destoning, sieving and milling. Milling breaks the grain to reveal the inner cotyledon containing the carbohydrates and sugars.

In the conveying, sieving and milling processes dust is generated, including fines, which can form flammable dust clouds, both inside equipment and if not well sealed, externally as well. Dust is generally extracted to independent dust collector systems. Milled malt or 'grist' is conveyed to and stored in silos ready for production in the 'masher' where water is added.

The intermediate beer brewing and spirit mashing processes are then largely water based and thus flammable atmospheres are no longer present.

Spirit manufacture uses similar raw materials. Malt grains have the outer husk and bran removed before milling to produce grist. In a 'mash tun' stirring encourages sugars to form and the liquor is then added to a "washback" where yeast is added before the fermentation process takes place. The resultant liquor contains less than 10% ABV (alcohol by volume) and is now passed to the 'Still', where concentration of alcohol takes place to create a maximum strength of 94.8% ABV.

The Law

Brewers and distillers handle flammable (explosible) materials so are subject to national law in Europe in the form of ATEX 1999/92/EC Directive or in the UK DSEAR 2002 Regulations. These force employers to ensure workplaces are safe from fire and explosion risk.

ATEX and DSEAR, in effect, state a hierarchical approach of 'Three Rules':

1. Do not have a flammable atmosphere, but if you do...
2. Do not ignite it, but if you do...
3. Do not hurt anyone.

To show compliance with the law, for existing plant a suitable hazard and risk assessment is necessary, which should document the following:

- * Flammable materials on site
- * Hazardous Area Classification (HAC) for all areas
- * Assessment of ignition sources and their elimination in hazardous areas
- * Assessments for "equipment" (i.e. mechanical and electrical equipment)
- * If flammable atmosphere(s) and or ignition sources cannot be eliminated with certainty then:
- * Explosion protection in conjunction with explosion isolation is necessary.

Each process requires a "Basis of Safety", for both normal and expected abnormal operation, which may be:

- a) Avoidance of flammable atmospheres, and/or
- b) Avoidance of ignition sources,
- c) If a) and or b) are not suitable, then explosion protection with explosion isolation is required.

Corrective recommendations, if necessary, should be included in each section by the assessor.

For new build or plant modifications, all of the above should be undertaken as well as ensuring only suitable ATEX-certified equipment is installed in designated hazardous areas. Overall explosion safety should be verified by a Competent Person before going into operation for the first time.

Flammable atmosphere

Fuel explosions (i.e. gases, vapours mists, dusts, and hybrids ((mixtures of flammable materials e.g. dust and vapour)) occur in fractions of a second. In order to control the hazard, all flammable atmospheres must to be identified. For flammable dust, there has to be sufficient fine dust in a dust cloud at or above the 'Minimum Explosible Concentration'. Material safety data sheets (MSDS) can be used but rarely can specific dust data be found on MSDS's. Literature sources can be misleading as grain type, whether raw or roasted, particle size, and moisture content, all affect ignition sensitivity. Thus, care is required when generic data are used and it is always recommended to undertake specific ignition sensitivity and explosion severity testing.

Flammability data required may include Minimum Explosion Concentration (MEC); Minimum Ignition Energy (MIE); Minimum Ignition Temperature (MIT); and Layer Ignition Temperature (LIT), Maximum Pressure (Pmax); and severity constant (KSt), with all the required data dependent upon the defined Basis of Safety. It is often argued as grain moisture content is high and thus ignition sensitivity is low, an ignition is an unlikely occurrence. However, in the Blaye (4) dust explosion incident, the moisture content was greater than 10% by weight.

For ethanol, flash point for both solutions and concentrate, lower and upper explosion limits (LEL/UEL) and auto ignition temperature (AIT) are required. Ethanol data are readily available from literature and data for any flammable gases, whether in bulk or in cylinders, should also be obtained where applicable.

Preventing flammable atmospheres by inert gas, e.g. nitrogen, which is commonly used in pharmaceutical and fine chemical industries, is not appropriate for the brewing and distilling sector. Equipment is often not suitably sealed and introducing nitrogen (an asphyxiant) into an operational culture unused to handling it, presents increased hazards.

Hazardous area classification

Once flammable materials (vapour, gases, dust, etc.) have been identified, the presence of a hazardous explosive atmosphere must be identified. This is based upon frequency or probability of release or 'Grades of Release', which are:

- * 'Continuous' - present greater than 10% a year, e.g. inside vessels
- * 'Primary' - present between 10% and 1% a year or only occasionally in 'normal operation', e.g. sampling operations
- * 'Secondary' present 1 % of a year, only in 'expected abnormal operation', e.g. leaks from vessels

Hazardous and non-hazardous areas should be identified for dust, vapour and gases within the site and findings should be documented and site drawings made. Once the sources and grade of release have been identified, Zone designation and extent can be assigned for gases and vapours. These are Zone 0 (Continuous grade), Zone 1 (Primary grade) & Zone 2 (Secondary grade) and for dusts Zones 20 (Continuous grade), Zone 21 (Primary grade), & Zone 22 (Secondary grade).

Blanket zoning of workplaces should be avoided - remember the hierarchical approach above.

Dusty mill houses are not acceptable. Layers of dust on floors, pipelines, and walls is fuel waiting to be raised into a dust cloud. Increasing the zone severity, say from non-hazardous to Zone 22 or Zone 21 to cater for layers means accepting personnel working in explosible atmospheres in normal operation. That means a dust concentration greater than 50 g/m³ in the workplace in normal operation, which is obviously unsatisfactory when occupational hygiene levels are in the mg/m³ level.

Keeping the fuel inside the equipment should be the primary aim by keeping plant sealed through good design and maintenance, and the use of secondary flexible connections also reduces leakage. There should be a focus of careful cleaning (avoiding dust clouds of course), sealing plant and improving extraction systems.

Similarly for distilleries, in spirit handling areas, pump rooms, etc. vapours should be eliminated by good ventilation removing heavier than air vapour at low points. These measures have real benefits on the working environment, reducing secondary explosion hazards in the workplace and can reduce the cost of equipment by using non-ATEX equipment, e.g. lighting.

Minimising the sizes of external hazardous areas in the workplace should be the aim of all brewing and distilling companies. Finally, hazardous areas should be properly identified by using the ATEX EX (explosible atmosphere) symbol at all entrances, so all personnel understand special precautions are necessary.

Ignition sources

EN1127-Part 1 lists thirteen types of ignition source. Usually in the brewing and distilling sector 1 to 8 are relevant but all 13 should be assessed:

1. Flames/hot gases (including hot particles)
2. Unsuitable/malfunctioning electrical plant
3. Hot surfaces
4. Mechanically generated sparks
5. Static electricity
6. Thermal decomposition (dust self-ignition)
7. Lightning – atmospheric static
8. Stray currents, cathodic protection
9. RF electromagnetic waves
10. Visible light electromagnetic waves
11. Ionising radiation
12. Ultrasonics
13. Adiabatic compression and shock waves.

An ignition source assessment requires applicable flammability data. An “effective” ignition source has to have more energy than the minimum necessary to ignite the fuel, for example electrostatic discharges are a real hazard with vapour or gas, but less so for grain dust.

Mechanical ignition is one of the main hazards for dust. Elevators, conveyors, mills etc. can all be potent sources of mechanical friction and sparks if a malfunction occurs. A preventative maintenance scheme should be in place for all mechanical equipment, including bucket elevators.

Explosion protection in grain handling

Where there is a high probability of a flammable atmosphere and reliably eliminating ignition sources cannot be achieved, then some form of explosion protection is necessary:

- * Venting
- * Suppression
- * Containment

The above measures should be combined with suitable measures to prevent explosion propagation.

Protection systems are covered under ATEX and thus have to be suitably certified. During grain conveying, for example, bucket elevators are explosion vented, which is acceptable provided they vent to a prohibited "safe" area. (see image below).

Explosion venting into the workplace is not acceptable under ATEX, but is sometimes observed in the brewing and distilling sector. Venting inside increases risk of serious injury, and secondary dust explosions (see HAC above), and is a common issue found in the industry during assessments. However, explosion-venting indoors can be permitted by using flameless venting devices.

However, they are not 'fit and forget' items - they require regular inspection and maintenance to ensure they do not become choked.

Whether grain silos require explosion protection is often debated due to low dust concentration, large particle size and absence of ignition sources. Many new-build silos are explosion-vented but existing silos are generally of unknown strength, so whether retrofitted vents can be fitted is not always easy to verify. In these cases, precautions to minimise dust and control all effective ignition sources are essential, together with the exclusion of personnel during filling, which is when the main dust explosion risk exists.

Suppression systems are another satisfactory method of protecting plant, but specialist companies are needed to design, supply, fit, and maintain the equipment. Their use in brewing and distilling is increasing as there is no release of products of combustion, and systems always include explosion isolation such as chemical barriers, whereas in vented systems, explosion isolation has to be separately considered.

Building plant with sufficient strength to contain explosions is not generally undertaken in brewing and distilling: many plants are too large and the extra installation costs would be high. This is nevertheless becoming common in some other industries where smaller plant is used, materials are toxic and full containment is required at all times.

Explosion isolation of dust collector systems (and other plant items) fitted with explosion venting from non-protected plant is often overlooked. If a dust collector is not "de-coupled" and an explosion in this higher risk item occurs, it can propagate back through the entire plant system. Simple explosion diverters that stop pressure-piling effects can be used, but these may not stop flame propagation.

Alternatively, some flap valves, chemical barriers, Ventex valves, slam-shut valves, etc., can be used.

It is often poorly understood that explosion-protected plant should not be opened when it is in operation. Examples include opening silo manways for level checking or inspection.

The image below shows a hinged flap on the boot of a bucket elevator that is opened daily for manual material feed where there is no explosion barrier.

Spirit Manufacture

The 'Basis of Safety' for spirit manufacturing includes ignition source controls which includes:

- * good earthing and bonding (which includes ensuring operators are suitably earthed)
- * avoiding splash filling tanks
- * avoiding hotwork
- * preventing mechanically generated sparks
- * ensuring the use of suitable equipment
- * good ventilation
- * use of flame arresters on outside vents

Emergency relief vent systems have to be carefully designed, so releases of flammable liquid and vapours cannot not be made to the workplace. Often, spirit tanks are found indoors with the vent indoors, and flame arresters not suitably maintained.

In older distilleries, hazardous areas should be reviewed where blanket zoning has been used, as often the size of Zones can be reduced. Ventilation effectiveness should also be reviewed and all existing electrical and mechanical equipment should be assessed for suitability. Often, this is a case of individual item inspections and a judgement call made item by item. As equipment is replaced in hazardous areas, it should be to the appropriate ATEX category and installed and maintained by competent, appropriately trained personnel.

In the UK most distilleries produce Scotch whisky, which has to be matured for at least three years, and typically 10 years or more for unblended malt whisky. This has to be stored in wooden casks at 60% to 65% ABV (flash point $\sim 20^{\circ}\text{C}$) and is stacked in warehouses. Casks are porous and evaporation occurs so ethanol vapour is released to atmosphere by natural ventilation. Thus, warehouses are hazardous areas but often there is no lighting or mechanical ventilation so forklift trucks are often the only ATEX Category 3 equipment. Where lighting is used, sometimes non-Ex lighting can be justified due to the vapour density of ethanol. In bonded warehouses, insurers tend to dictate the safety requirements. However, it should also be ensured that personnel take in no ignition sources, thus all torches, communications equipment, etc., should be certified as suitable.

Once matured, whisky has to be filtered, sometimes blended, and bottled. Bottling plants are often separated from distilleries and they receive spirit by road tanker, which is then stored before dilution to final bottle strength (typically 40% ABV, 26°C flash point, so often does not form flammable concentrations at ambient temperatures (depending on plant location)). However, realistic hazardous areas associated with all of these activities must be established and risk assessments undertaken.

Conclusion

In the brewing and distilling industry, both the raw ingredients and the finished product can form hazardous explosive atmospheres. It is important to minimise these explosive atmospheres, especially those external to plant items. However, poor plant layout can lead to the formation of an explosive atmosphere indoors, for example by venting spirit tanks indoors.

Other problems with venting often include a lack of design calculations and explosion isolation devices.

Ignition source control is important within the explosive atmospheres. Earthing of persons handling ethanol and the correct ingress protection on electrical equipment are often overlooked. Finally, where the presence of an explosive atmosphere and an ignition source cannot be avoided then explosion protection is required.

References:

- 1) <http://www.foodsecurity.ac.uk/issue/uk.html>
- 2) Directive 1999/92/EC of the EU on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres, commonly called the ATEX 137 Directive.
- 3) Dangerous Substances and Explosive Atmospheres Regulations 2002', S.I.2002 No.2776 (DSEAR 2002)
- 4) F. Masson 1998: Explosion of a Grain Silo at Blaye (France) Ministry for National and Regional Development & Environment

Ryan Morhart

From: Lauren Nolan [REDACTED]
Sent: Sunday, November 11, 2018 11:00 AM
To: Ryan Morhart
Subject: Hudson Taphouse and Grill

Hi there,

I'm a resident of the Hudson district (specifically the walk 2) and I totally support this lounge idea! I think it would really brighten up the area and be a great place for residents and non residents.

Regards,
Lauren

Ryan Morhart

From: Konrad and Kathy Dorman [REDACTED]
Sent: Saturday, November 24, 2018 11:26 AM
To: Ryan Morhart
Subject: Notice of Application for a Lounge Endorsement.

Hello to all concerned,

I am the owner of unit 411 located in the Hudson Building, and feel this application for a "Taphouse and Grill" to be located at 785 Calidonia Ave Victoria, is a great idea and good for the community. I wish them good luck in their adventure!

Best Regards;
Konrad and Kathy Dorman,
Unit # 411-770 Fisgard St.
Victoria B.C.

Ryan Morhart

From: Robin Adams [REDACTED]
Sent: Friday, November 23, 2018 1:12 PM
To: Ryan Morhart
Subject: Hudson Taphouse and Grill

Dear Members of the Victoria City Council,

I am a resident of the Hudson Building at 770 Fisgard Street, and my suite which I own faces the corner of Blanshard and Herald Street, the block between Caledonia and Fisgard streets. I am responding to the notice soliciting feedback about the Application for a Lounge Endorsement re: the Hudson Taphouse and Grill.

I attended the Townline community gathering regarding the addition of the brewpub/restaurant in the Hudson District, which took place roughly a year ago I believe. I voiced my concerns openly at that gathering and did not feel my concerns about street noise were considered, therefore I wish to bring my concerns to the city council at this time.

I will first introduce my concerns by describing two facts. One fact is that when "Smokin' Bones" restaurant was located in the Hudson Building, there were major issues with noise. I myself called the police once due to a loud wedding reception that took place late on a Sunday evening, and I spoke with the owner directly after that and learned that he had received so many noise complaints from Hudson residents since he opened his restaurant in the building, that he took no notice of police warnings anymore. When Smokin' Bones applied to have their hours of liquor sales increased past 12am, they were denied, in part due to the many residents' letters of concern informing the matter. Smokin' Bones eventually went out of business soon after, a few years ago now.

The second fact I wish to bring to your attention is that there is a heavy amount of foot traffic that comes through the Hudson district, particularly down Herald Street and through the Hudson lane leading out on to Fisgard Street, from the Save on Foods Arena. Certain times of year, certain nights of the week, large crowds will be walking to bars, cars parked a few blocks away, etc from hockey games or events at the arena. I can tell you that this foot traffic is loud. Luckily, hockey games end relatively early in the evening, usually before 10pm, and the crowd noise is not too late at night. The acoustics on Herald street are such that when groups of people are on that street in the quiet of the evening, their voices travel really well and we can hear everything people are saying from four floors down on the street level.

Based on my experience living as an owner on the 4th floor in the Hudson building over the past 5 years, and the two facts described above, I have concerns about the hours of operation proposed for the new Hudson Taphouse and Grill.

Based on my experience with restaurants being integrated with living spaces, as was experienced with Smokin' Bones, it seems that people will linger in the streets at night, well after closing hours, causing noise. Furthermore, based on the patterns of foot traffic that come from the arena which is kitty-corner to the new Taphouse location, it seems that the natural flow will be for large crowds to continue roaming through the Hudson as they migrate to the bars and restaurants in the centralized downtown core, search for parked vehicles, etc. With the addition of this restaurant, I feel that foot traffic will increase and with closing hours at 12am, the traffic will undoubtedly happen between 12am and 1am when Hudson residents are mostly trying to sleep in their own homes.

I respectfully ask that Council consider advising a closing hour of 10pm. If after a period of one year, the noise and foot traffic is well contained and does not cause undue disturbance to residents, there can be a request considered to increase hours. I do not believe the closing hours of 12am should be granted right away in what is soon to be the most densely populated residential area of Victoria.

Thank you for taking the time to review my concern and for your consideration of my request.

Sincerely,

Robin Adams
Hudson Resident

Ryan Morhart

From: Olimpia Cisneros [REDACTED]
Sent: Monday, December 10, 2018 2:22 PM
To: Ryan Morhart
Subject: Re: written comments to the Application to Liquor Control at 785 Caledonia St.

Dear Mr Morhart:

I just delivered at Permits and Inspections desk, my written comments (and a USB) to the Application to Liquor Control and Licensing Board to add a Lounge Endorsement to the proposed Hudson Taphouse and Grill.

The reason of this email is to let you know my email address as it is not included on my written comments; and this, just in case you want to get a hold of me, as I am going to be out of the Province from Dec. 15, to January 10th.

Assuming you need more information during mentioned time, please, do not hesitate to email me.

Thank you for your time, wishing you Happy Holidays, Olimpia Cisneros

Ryan Morhart

From: joe Snowden [REDACTED]
Sent: Wednesday, November 28, 2018 10:19 AM
To: Ryan Morhart
Subject: 785 Caledonia

To whom it may concern,

I am a resident in the Hudson district. I request that you do not approve of any hours of operation or liquor licenses for 785 Caledonia (Hudson Taphouse & Grill).

There are plenty of places to go for drinks and food in the downtown area. I do not want one attached to my residential area. The Hudson district has managed to remain a somewhat quiet area and I would like for it to be kept that way.

Joe Snowden