

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Infrastructure and Transportation
PROPOSAL NAME: 43 Portable Asphalt Mixing Plant Sites
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Asphalt Plants
CLIENT FILE NO.: 5578.00

OVERVIEW:

On April 2, 2012 Manitoba Conservation and Water Stewardship received a Proposal dated March 20, 2012 to permanently licence 43 locations throughout Manitoba for use as portable asphalt plant sites. Portable asphalt plants will be moved to the sites as needed to support construction activities.

The Department, on April 16, 2012, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station), the Winnipeg Public Library, the Manitoba Eco-Network, and the Millennium Public Library. 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 April 28, 2012. The newspaper and TAC notifications invited responses until May 28, 2012.

COMMENTS FROM THE PUBLIC:

There were no public comments.

Disposition:

No action required.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency

No concerns.

Disposition:

No action required.

Environment Canada

The following comments were provided:

- Concrete plants can emit significant amounts of fine and coarse particulates, as well as gaseous emissions. Particulate matter less than 2.5 microns in size (PM2.5) has been declared toxic under CEPA and a danger to human and environmental health. (Please visit the following site: <http://www.ec.gc.ca/air/default.sap?lang=En&n=2C68B45C-1> to find a fact sheet outlining the health effects of PM.)

- It should be noted that the concrete manufacturing process releases the following substances declared toxic under the Canadian Environmental Protection Act, 1999 (CEPA): PM10, sulphur oxides, nitrogen oxides, volatile organic compounds, and ground level ozone.
- EC would like to remind the proponent that Particulate Matter (PM) is the main substance of concern released from this sector accounting for about 1.6% of Total PM from Canadian Industrial sources. PM is mainly released through fugitive emissions during materials handling and storage activities. For details please see: <http://www.ec.gc.ca/air/default.asp?lanp=En&n=2C68B45c-1>
- Environment Canada has concerns regarding these types of operations, and refers the proponent to the Canada-Wide Standards for PM and Ozone that was developed by the CCME to address the industrial sector where emission reduction strategies for PM were developed. Batch plants such as the above project can emit significant amounts of PM and gases if not equipped with proper air pollution control devices or if these control devices are not operated or maintained properly. More information on the CCME initiatives and the joint initial actions for the hot mix asphalt sector can be found at http://www.ccme.ca/ourwork/air.html?category_id=99
- EC recommends that the proponent be required to implement the Best Available Techniques (BAT) as outlined in Section 4.2 of the "Multi-pollutant Emission Reduction Analysis Foundation (MERAFA) for the Hot-Mix Asphalt Sector (September 2002)", as prepared by Canadian Ortech Environmental Inc. and John Emery Geotechnical Engineering Limited for the CCME and EC. This report is available at the following website listed under the section titled MERSIMERAFA Consultation: http://www.ccme.ca/ourwork/air.html?category_id=107
- The proponent should also be aware that temporary (mobile or portable) asphalt plants are required to report under National Pollutant Release Inventory (NPRI). For details see the following links: <http://www.ec.gc.ca/inrp-nDri/default.asD?lanp=En&n=03A82698-1>
- To determine whether a report is required for your facility, the guidance document for the 2010 reporting year can be found here: <http://www.ec.gc.ca/Publicatjions/default.asp?lanp=En&xml=079E87D68D0E4B1C-8476-7608AE27EA92>. In this guide, a portable facility is defined (see section 3.5) to include portable PCB destruction equipment, portable asphalt plants and portable concrete batching plants. The definition applies to a facility that can be entirely relocated for operation. If you require additional information, please contact Jason Hawirko, our NPRI regional Inventories Engineer in the Edmonton office at (780) 951-8977 or by email at Jason.hawirko@ec.gc.ca
- Section 4.1.5 Impacts to Aquatic Environment, page 16, states that, "Only one (1) site was within 3 km of a known fish spawning area. For all other sites the impacts would range from none to low." EC reminds the proponent that compliance with the Fisheries Act is mandatory. Subsection 36(3) of the Fisheries Act states: "No person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in place under conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter such water."
- It would be prudent for the RA to ensure that the proponent demonstrate that all reasonable measures to prevent the deposit of deleterious substances are being exercised. As such, EC recommends that the proponent apply the best practicable technology, including mitigation technology, and the best management practices for the proposed project.

Disposition:

Clause 16 of the Draft Environment Act Licence prohibits operation of an asphalt plant at the Development without air pollution control devices. Additionally, clauses 15 and 16 specify that only asphalt plants that have obtained Environment Act Licences are authorized to be operated at the Development, and those Licences contain pollution control requirements as well.

Manitoba Conservation and Water Stewardship – Air Quality Section

The following comments were provided:

- I have reviewed the above proposal and have no major comment. It is expected that there will be no significant impact on air quality provided that the Portable Asphalt Plants that will be operated in the proposed sites are provided with pollution control devices and covered with a valid Environmental Act License.

Disposition

No action required.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

The following comments were provided:

- Parks and Natural Areas Branch has reviewed the proposal filed pursuant to the Environment Act for the Manitoba Infrastructure and Transportation - 43 Portable Asphalt Mixing Plant Sites (client file 5578.00). The Branch has the following comments to offer:
 - Site 1 – Rennie (SE27-TWP10-RGE14 E) is located within 3km of Whiteshell Provincial Park. As this site has been used in the past the Branch does not object to its continued use, however a pollution control device must be used.
 - Site 2 – Piney (SE22-TWP1-RGE12 E) is located within 1.5km of Wampum Ecological Reserve. Operation of a portable asphalt plant at this location should not have any impact to the values protected within the ecological reserve. As such the Branch does not object to its continued use, however a pollution control device must be used.
 - Site 38 – Soab Lake (Vicinity of Pisew Falls) is located within 3km of Pisew Falls Provincial Park. As this site has been used in the past the Branch does not object to its continued use, however a pollution control device must be used.

Disposition

Clause 16 of the Draft Environment Act Licence prohibits operation of an asphalt plant at the Development without air pollution control devices. Additionally, clauses 15 and 16 specify that only asphalt plants that have obtained Environment Act Licences are authorized to be operated at the Development, and those Licences contain pollution control requirements as well.

Manitoba Conservation and Water Stewardship– Sustainable Resource and Policy Branch, Lands Branch

The following comments were provided:

- MIT is to contact the appropriate Conservation District Office when they plan to operate in that district.
- Site 1: Rennie – near Whiteshell Provincial Park. The Site falls within the 1.5km buffer for provincial parks and ecological reserves outlined by Manitoba Conservation in a letter dated February 17, 2010. No asphalt plant shall be operated within 3kms of the provincial park without a pollution control device. According to the site evaluation provided by Golder Associates, there is a wetland located within 100m of the site. This site should be listed under Specification 10 on p. 6 of the EAP document. Parks and Natural Areas Branch staff can provide any additional information that may be required as part of the final license for this site.
- Site 2: Piney – in Red Pine Wildlife Refuge and near Wampum Ecological Reserve. The site falls within the 1.5km buffer for provincial parks and ecological reserves outlined by Manitoba Conservation in a letter dated February 17, 2010. No asphalt plant shall be operated within 3kms of an Ecological Reserve without a pollution control device. This site should be listed under Specification 10 on p. 6 of the EAP document. Parks and Natural Areas Branch and Wildlife Branch staff can provide any additional information regarding the designated lands that may be required as part of the final license for this site.
- Site 4: Appendix D Traverse Bay NE 14-19-7E is located within the Belair Provincial Forest PF/D within an existing gravel pit that was used previously for a mixing plant site. Forestry Branch should confirm if any additional permits would be required for the site within the provincial forest.
 - Traverse Bay within 3km of Catfish Creek Wildlife Management Area (WMA). As per the letter from Manitoba Conservation dated February 17, 2010, it is recommended that no asphalt plant be operated within 3kms of a Wildlife Management Area without a pollution control device. This site should be listed under Specification 14 on p. 8 of the EAP document. Wildlife Branch staff can provide any additional information that may be required regarding the WMA as part of the final license for this site.
- Site 9: RM of Armstrong mixing sites are located approximately 75m east of the Clematis WMA and site 1 and Clearing 1 are approximately 750m west of the Sandridge WMA with Clearing 2 located 850m northwest. As per the letter from Manitoba Conservation dated February 17, 2010, it is recommended that no asphalt plant be operated within 3kms of a Wildlife Management Area without a pollution control device. This site should be listed under Specification 14 on p. 8 of the EAP document. Wildlife Branch staff can provide any additional information that may be required regarding the WMA as part of the final license for this site.
- Site 10: Sandridge Appendix J NE 3-19-1W was an existing site that is no longer available for mixing plant operations. The site is within the Clematis WMA. MIT has indicated Site 10 has been replaced with the Innwood site at SE 10-18-1W Appendix Ja which is owned by the RM of Armstrong. There are no resource comments in regards to the site 10 (Appendix Ja)
- Site 12: Ninette within 3 km of both the Tiger Hills WMA (to the northeast) and Pembina Valley WMA (to the east) of the mixing site. As per the letter from Manitoba Conservation dated February 17, 2010, it is recommended that no asphalt plant be operated within 3kms of a Wildlife Management Area without a pollution control device. Wildlife Branch staff can provide any additional information that may be required regarding the nearby WMAs as part of the final license for this site.
- Site 27: Leaf Rapids - The site falls north of PR 391. Eden Lake Area of Special Interest (ASI) lies south of PR 391. Although ASIs are not formally protected, they were developed as study areas for protected area planning purposes, and as a starting point for designing and

finalizing new protected areas. As such, maintaining their ecological integrity and preserving their biodiversity is important in the interim, and we recommend that the portable asphalt plant site be managed to minimize adverse environmental impacts to the Eden Lake ASI. It is recommended that, due to the proximity of the ASI, no asphalt plant be operated at this site without a pollution control device.

- Site 38: Soab Lake near Pisew Falls provincial park. The site falls within the 1.5km buffer for provincial parks and ecological reserves outlined by Manitoba Conservation in a letter dated February 17, 2010. No asphalt plant shall be operated within 3kms of a provincial park without a pollution control device. This site should be listed under Specification 10 on p. 6 of the EAP document. Parks and Natural Areas Branch staff can provide any additional information regarding the designated lands that may be required as part of the final license for this site.

Disposition

Clause 16 of the Draft Environment Act Licence prohibits operation of an asphalt plant at the Development without air pollution control devices. Additionally, clauses 15 and 16 specify that only asphalt plants that have obtained Environment Act Licences are authorized to be operated at the Development, and those Licences contain pollution control requirements as well.

Manitoba Conservation and Water Stewardship – Wildlife & Ecosystem Protection Branch

The following comment was provided:

- RM of Armstrong, MIT site ID CO390, Region 2, Site 1. This site appears to be comprised of native grassland vegetation. The Wildlife Branch would request that a vegetation survey be conducted and submitted for review before any activities are permitted to occur at this site. This region of Manitoba is known to provide habitat for numerous species of endangered grassland plants.

Disposition

Clause 14 of the draft Environment Act Licence requires the requested vegetation survey and clause 15 requires Director approval prior to any operation at the subject site.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No concerns.

Disposition

No action needed.

PUBLIC HEARING:

A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION:

It has been determined that Crown-Aboriginal consultation is not required as this proposal is to Licence existing sites. Continued use of these sites is not expected to affect the exercise of an aboriginal or treaty right.

RECOMMENDATION:

The Proponent should be issued a Licence authorizing the use of portable asphalt plants at the 43 identified sites in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Conservation.

A draft environment act licence is attached for the Director's consideration.

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