

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Argyle
PROPOSAL NAME: Baldur Wastewater Treatment Lagoon
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon–Waste/Scrap
CLIENT FILE NO.: 125.10

OVERVIEW:

On May 1, 2013 the Department received a Proposal from Dillon Consulting Ltd. on behalf of the Rural Municipality (RM) of Argyle pursuant to *The Environment Act* for the continued operation of the existing Baldur Wastewater Treatment Lagoon located in the southeast quarter of section 13-5-14 WPM in the RM of Argyle. The wastewater treatment lagoon consists of a primary cell and a secondary cell. Treated effluent from the lagoon is discharged once per year in the fall into Oak Creek.

On July 11, 2013 Manitoba Conservation and Water Stewardship placed copies of the Proposal in the Public Registries located at Legislative Library, 200 Vaughan St., Winnipeg; Millennium Public Library, 4th Floor, 251 Donald St., Winnipeg; Manitoba Eco-Network, 3rd Floor, 303 Portage Ave., Winnipeg; R.M. of Argyle, 132 - 2nd Street North, Baldur; and Online Registry, <http://www.gov.mb.ca/conservation/eal/registries/index.html>. Copies of the Proposal were also provided to the Technical Advisory Committee (TAC) members. The Department placed public notification of the Proposal in the Pilot Mound Sentinel Courier on Tuesday, July 9, 2013. The newspaper and TAC notifications invited responses until August 12, 2013.

On September 26, 2013, Manitoba Conservation and Water Stewardship forwarded requests for additional information from the TAC to the proponent's consultant. On October 11, 2013, the consultant submitted responses to the comments and requests from the TAC. On October 29, 2013, consultant's responses were distributed to the participating TAC for review and comment.

All additional information necessary for the review was placed in the Public Registries.

COMMENTS FROM THE PUBLIC:

No comments were received from the public.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC):

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch (August 6, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship, Drainage and Water Licensing Branch (July 15, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship – Land Management and Planning - Lands Branch (July 12, 2013)

- *No concerns*

Manitoba Family Services and Labour - Office of the Fire Commissioner (July 17, 2013)

- *No concerns*

Manitoba Culture, Heritage, Tourism and Sport - Historic Resources Branch (September 6, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship – Office of Drinking Water (July 26, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship - Watersheds and Protected Areas Branch and the Lands Branch (August 13, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship, Regulatory Services Branch, Water Use Licensing Section (July 11, 2013)

- *No concerns*

Manitoba Conservation and Water Stewardship – Environmental Compliance and Enforcement Branch (July 17, 2013)

- *Reviewed the file related to Baldur sewage lagoon, submitted by Dillon Consulting, associated with earlier studies carried out by STANTEC and ENG-TECH. We don't have any comment on the proposal at this point of time. Once we get the draft version of the EAL, we will review that from the viewpoints of compliance and enforcement.*

Disposition:

- No action needed

Manitoba Infrastructure and Transportation– Highway Planning and Design Branch, Environmental Services Section (July 16, 2013)

MIT has reviewed proposal noted above and while we do not have concerns with the Environment Act Proposal, we would like to offer the following reminders:

- *The proponent should be informed that, under the Highways Protection Act, any*

new, modified or relocated access connection onto a Provincial Trunk Highway (PTH) will require a permit from Highway Traffic Board.

- *A permit may also be required from MIT for:
 - *Any construction (above or below ground level) within 38.1 m (125 ft) from the edge of the right-of-way of PTH 23;*
 - *Any plantings within 15.2 m (50 ft) from the edge of the right of way of PTH 23; or*
 - *Discharge of water or other liquid materials into the ditch on PTH 23.**

- *Permit applications can be obtained by contacting Ashley Beck at the Brandon Office at (204) 726-7000 or Ashley.Beck@gov.mb.ca.*

Proponent's Response (October 11, 2013)

- There is no direct access to PTH # 23 from the lagoon.
- The lagoon has been in operation since 1966 under a provincial permit. No changes have been made to the mode of operation.

Further Comments (November 12, 2013)

- MIT has reviewed the response from Dillon Consulting regarding our initial comments on the Environment Act Application for the above subject proposal. While the comments on access and discharge were addressed, a permit may still be required for any new structures or plantings within 38.1 m (125 ft) from the edge of the highway's (PTH 23) right-of-way. This includes, but is not limited to, any plant and signage.

Disposition:

- The draft licence includes a clause that requires the Licence to obtain all necessary provincial and federal permits and approvals for construction of relevant components of the Development prior to commencement of any future construction.

Manitoba Conservation and Water Stewardship, Fisheries Science and Fish Culture Section, Fisheries Branch (August 13, 2013)

- *Fisheries Branch has reviewed this proposal for the Baldur sewage lagoon located in E1/4 13-5-14 W which has been in operation since 1966. The lagoon consists of a primary and secondary clay lined cells and effluent is discharged from the secondary lagoon via a discharge pipe into Oak Creek. Oak Creek joins the Souris River a few miles west of the confluence with the Assiniboine River.*

- *The proposal is somewhat confusing in that the main report indicates the lagoon is adequately sized therefore no upgrades are required yet in the report in Appendix C it states the existing primary cell is organically undersized for the design loading and cannot take trucked seepage ...and is hydraulically overloaded even with the removal of the proposed upgraded WTP reject water to Oak Creek. It appears in the past that there has also been some discharge from the primary cell into Oak Creek during times of high water levels. While they have appeared to fix that problem it isn't clear how they will address the lagoon being undersized which could lead to the need for emergency releases. Also seepage does appear to be occurring (total seepage from the entire lagoon not expected to exceed 115L/day) and given the proximity to the creek we question the statement that the impact on any species in the watershed is very minimal. We'd appreciate some clarification on the sizing of the primary and whether in fact the clay lining meets specifications.*
- *As noted in the report Oak Creek is considered Type A habitat and does support both small and large bodied fish. It is important that the effluent meet or exceed Manitoba Water Quality Standards Objectives and Guidelines for Aquatic Life and that discharge occur during the June 16 to Oct 31st window. We would be supportive of a clause in the licence that requires the proponent to monitor water quality upstream and downstream of the discharge point for a specified time period but defer to the recommendations of our colleagues in Water Science Management on this and other water quality related aspects.*

Proponent's Response (October 11, 2013)

- The lagoon is not overloaded, either hydraulic or organic. As pointed out in the EAP, an issue arose in the mid 2000's, during a wet year, where the creek was flowing into the village lift station continuously, causing overloading. This issue has been rectified.
- There is a rock weir on Oak Creek, in town, upstream of the lagoons. Thus during most of the summer months the downstream side of the lagoon, where it discharges, is dry (i.e. no flow) for most of the summer months. Any impact on aquatic life would be minimal.

Disposition:

- After receiving the additional information from the proponent, no further comments were received from Fisheries Science and Fish Culture Section of Fisheries Branch.

Manitoba Conservation and Water Stewardship, Groundwater Management Section – Water Science and Management Branch (July 22, 2013)

- *The application states that the previous “geotechnical investigation indicated that there will be minimal concern for contamination to the potable groundwater water supply”. Therefore it would be useful for purpose of review if the complete Stantec 2005-06 Geotechnical Investigation report was provided as background information including the test hole logs. Section 5.5 did not contain information on the depth of the aquifer located at the site, the local geology or local groundwater conditions that would be expected.*

Proponent’s Response (October 11, 2013)

- The RM does not have a copy of the report. We didn't pursue it further because the loading assumptions were based on flows that were caused due to the creek flows into the lift station. This problem has been rectified and the lagoon appears to be operating within the rated capacity.

Disposition:

- After receiving the additional information from the proponent, no further comments were received from Groundwater Management Section of Water Science and Management Branch.

Manitoba Conservation and Water Stewardship, Water Quality Management Section – Water Science and Management Branch (July 31, 2013)

- *Chemically precipitated phosphorous leads to increased reliance on chemicals and a greatly reduced ability to recycle valuable nutrients contained in biosolids and sludge. The Water Quality Management Section encourages the use of effluent irrigation, constructed wetlands, and trickle discharge to remove nutrients from wastewater. The Water Quality Management Section recommends trickle discharge of 4 – 6 weeks as a license condition of this lagoon.*
- *The Water Quality Management Section is concerned with any discharges that have the potential to impact the aquatic environment and/or restrict present and future uses of the water. Therefore it is recommended that the license require the proponent to actively participate in any future watershed based management study, plan/or nutrient reduction program, approved by the Director.*

Proponent’s Response (October 11, 2013)

- The community has a population below 500 and is not growing. There aren't any cost effective methods for reducing phosphorous for small communities other than through chemical precipitation. We believe that P limits for Baldur is not required, as the effluent has to travel over 50 km of drains/dry creek to get to Souris River.

- The treated effluent has to travel over 50 km of drains/dry creek before reaching Souris River. Therefore, a trickle discharge is not warranted.
- The lagoon has been in operation for 47 years. There has not been any issue about its potential impact on the environment.

Further Comments (November 20, 2013)

- The Souris River contributes the highest proportion of the total phosphorous load to the Assiniboine River and trends show that total phosphorous concentrations in the Souris River have been increasing (Bourne, Armstrong, and Jones Manitoba Conservation report No. 2002 -04).The proponent proposes the a wastewater discharge route of over 50 km of drains/dry creek before reaching the Souris River. This will assist nutrient uptake. In addition, the Water Quality Management Section recommends a trickle discharge of 4 - 6 weeks be a license condition of this lagoon.

Disposition:

- The draft Licence includes a clause that requires the Licencee to actively participate in any current or future watershed-based management study, plan and/or nutrient reduction program, approved by the Director, for the Oak Creek, Souris River and/or associated waterways and watersheds.
- The draft licence includes a clause that requires the Licence to discharge the wastewater treatment lagoon over at least a four to six weeks period.

PUBLIC HEARING:

- A public hearing is not recommended because no comments were received from the public for public hearing.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

There is no aboriginal community nearby the lagoon and would be no infringement of aboriginal or treaty rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

The Proponent should be issued a Licence for the continued operation of the existing wastewater treatment lagoon in accordance with the specifications, limits, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement.

PREPARED BY:

Rafiqul Chowdhury, M.Eng., P.Eng.
Environmental Engineer
Mines and Wastewater Section
Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
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Telephone: (204) 945-2614
Fax: (204) 945-5229
E-mail Address: rafiqul.chowdhury@gov.mb.ca