

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Coco Paving Canada Inc.
PROPOSAL NAME: Russell Redi-Mix Concrete – Portable Asphalt Plant
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Transportation-
CLIENT FILE NO.: 5706.00

OVERVIEW:

Manitoba Conservation and Water Stewardship received a Proposal on April 1, 2014 for the installation and operation of a Portable Asphalt Plant. The facility will operate at locations throughout Manitoba during the months of May to November, and will produce asphalt for use in road construction and repairs.

The Department, on April 17, 2014, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library in Winnipeg and online at <http://www.gov.mb.ca/conservation/eal/registries/5706russell.coco/index.html>. 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 19, 2014. The newspaper and TAC notifications invited responses until May 9, 2014.

COMMENTS FROM THE PUBLIC:

No Comments.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency

No Comments.

Manitoba Agriculture – Land Use Branch

No Response.

Manitoba Conservation and Water Stewardship –Compliance and Enforcement Branch

No Response.

Manitoba Conservation and Water Stewardship – Programs and Strategies Branch – Air Quality Section

Air Quality Section has reviewed the above proposal and provides the following comments:

- *It is expected that there will be no significant impact on air quality provided that*
 1. *the portable asphalt plant will install and operate have the “Volatile Reclaim System” as mentioned in the proposal to minimizing emissions of VOCs and other gaseous pollutants, and*
 2. *the bag house and a primary dust collector will be installed and operated to control particulate matter emissions from the proposed portable asphalt plant.*
- *Air Quality Section suggests that the EA Clause regarding noise nuisance be included.*

Disposition

The draft Environment Act Licence clause 20 addresses the requirement for noise nuisance.

Manitoba Conservation and Water Stewardship – Wildlife Branch

Wildlife Branch has the following comments concerning the Russell Paving Co. proposal, 5706. Regional staff has reviewed the proposal and recommend they refrain from removing native vegetation wherever possible, when setting up the plant outside of a quarry. If they must remove native vegetation, we recommend it be re-seeded to native, particularly on crown lands that are not protected areas.

The portable asphalt plant is difficult to comment on as they do not give any specific locations for their annual operations. There may be site specific wildlife impacted that Wildlife Branch staff are unable to comment on because they do not provide a proper operating plan with site specifics. We recommend this be reviewed and considered to allow for a proper evaluation of the proposal.

Disposition

The proponent is notified of the recommendations. Clause 9 of the draft Environment Act Licence requires the Licencee to provide advance notification of proposed sites. The Department will complete an evaluation of each individual site once location is known.

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

Parks and Protected Spaces Branch has reviewed the proposals filed pursuant to the Environment Act for 2 projects Request for review/comment Russell Paving File: 5706.00 due May 9, 2014

The Branch offers the following comments regarding the location and operation of portable asphalt plants (Russell Paving File: 5706.00):

- *No plant can be operated within 3 km of the developed area of a park*
- *No plant can be operated within 5 km of an ecological reserve*
- *Prior to approval, the location of any plant should be reviewed by Parks and Protected Spaces Branch to ensure it will not affect any provincial parks, park reserves, ecological reserves, areas of special interest, or proposed protected areas.*

Disposition

Clause 9 of the draft Environment Act Licence requires the Licencee to provide advance notification of proposed sites. The Department will complete an evaluation of each individual site once location is known. Clause 11 specifies set back requirements.

Manitoba Conservation and Water Stewardship – Forestry Branch

No Response.

Manitoba Conservation and Water Stewardship – Aboriginal Relations Branch

No Response.

Manitoba Conservation and Water Stewardship – Lands Branch

The Conservation section of Conservation and Water Stewardship (CWS) have no concerns, conditional upon the following:

- *Without limiting other necessary regulatory approvals the proponent shall, prior to development on Crown land, apply for and obtain any necessary land tenure allocations in accordance with The Crown Lands Act, from the Crown Land and Property Agency.*
- *A Crown land Work Permit is required if not working under Government contract. A Work Permit from CWS will be required and should note the Environment Act License number on the application. The location of portable asphalt plant (with attached map), start up and approximate end date will need to be forwarded to the appropriate region for review at least 20 days prior to the set up and utilization of the Crown lands by the plant.*
- *The portable asphalt plant should be located in an existing clearing or at an existing site previously used for a similar purpose.*
- *If the portable plants are located within a Park or WMA, it may require separate review and approvals (review minimum 20 days).*
- *All heavy equipment will require appropriate fire equipment.*

Disposition

The proponent is notified of the requirements of the Crown Land use as per the recommendation. Clause 10 of the draft Environment Act requires the proponent to apply for a permit before operating the asphalt plant on a crown land. In addition clause 11 requires proper siting while clause 34 requires a compliance with National Fire Code. The draft Environment Act generally requires the licencee to comply with all other legislative requirements.

Manitoba Conservation and Water Stewardship – Water Quality Management Section

The above noted proposal has been reviewed by the Water Quality Management Section of Manitoba Conservation and Water Stewardship.

Petroleum products can have a variety of contaminants such as polycyclic aromatic hydrocarbons and these types of contaminants only need to be in very low parts per billion concentrations to have detrimental effects to aquatic life. Use of binders and additives for viscosity adjustment in the asphalt production phase could add other potential contaminants of concern if spills or unintended releases entered water. Hardened asphalt road materials may generally be considered to have little ecological effect, but it is the hot asphalt oil phase where appropriate care and handling is required. Measures shall be taken to prevent the transport of oils into water bodies.

- *The siting of a temporary asphalt plant shall be located at least 100 metres from any surface water.*
- *Furthermore, any contaminated liquid generated on site (i.e. cleaning of truck boxes, fuel spillage) must be contained and all efforts to ensure the protection of groundwater and surface water resources should be implemented.*
- *A spill response plan should be in place.*
- *Appropriate materials should be available at all times to respond to potential accidents or malfunctions.*

Disposition

Clauses 11, 34, 35, 38 and 39 of the draft Environment Act Licence address siting requirements, chemical spill containments and contamination by asphalt materials, respectively. In addition clauses 36 and 37 address wastewater handling. Clause 44 requires an emergency response plan.

Manitoba Conservation and Water Stewardship – Groundwater Management Section

No Response.

Manitoba Conservation and Water Stewardship– Fisheries Branch

No Response.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

I reviewed the above noted EAP for Office of Drinking Water (ODW). Some points can be noted respecting this EAP:

1. *It is a portable plant which, as noted in the EAP will set up at various locations during the paving season. The exact locations cannot be determined until the plant owner receives his contracts for the season.*
2. *It is noted the plant will set up a minimum of 100 meters from any surface water course. Nothing is said in the EAP about the plant being set up in areas where groundwater is used as a water source for water treatment plants.*
3. *3. The fuel for the asphalt plant is noted as “used oil” without giving any further details (used lubricating oil, etc.) to be delivered and stored in tanker trailers before being transferred to the burner.*

4. 4. The plant will have an “Emergency Management Plan” in place when operating. Based upon this, ODW would recommend the following.
5. 5. Whenever the plant is set up within 100 meters of a surface water course, the Owner should have to determine if the water course is used as a source of raw water for a public or semi-public water system any where downstream of the asphalt plant location. If there is a water treatment plant downstream of the asphalt plant, the asphalt plant owner should be required to get contact information for the water treatment plant and have it in the Emergency Management Plan with a requirement that, in the event of a major spill of the fuel oil or any other significant contaminant, the downstream water treatment plant(s) would be notified.
6. 6. No mention is made in the EAP of potential impacts upon ground water resources from operation of the asphalt plant. The asphalt plant owner should also be required to do at least a general check of locations of water wells for public or semi-public water systems in the area of each set up of the asphalt plant to determine if significant potential hazard exists to contaminate an aquifer being used as a drinking water source if a major spill of the burner fuel oil occurs, with contact information for the water system owners in the Emergency Management Plan for the asphalt plant.

Apart from these points ODW has no other concerns with this EAP or the proposed operation.

Disposition

Clauses 11 and 12 of the draft Environment Act Licence address siting requirements from surface water and water wells. In addition clauses 36 and 37 addresses wastewater handling.

Manitoba Conservation and Water Stewardship– Water Use Licensing Section

No Concerns.

Manitoba Conservation and Water Stewardship – Water Control Works Licensing Section

No Concerns.

Manitoba Conservation and Water Stewardship– Climate Green Initiative Branch

No Response.

Manitoba Conservation and Water Stewardship– Regional Services Branch

No Response

Manitoba Culture, Heritage and Tourism – Heritage Branch

No Response.

Manitoba Innovation Energy and Mines – Energy Development Branch

No Response.

Manitoba Innovation Energy and Mines – Petroleum Branch

No Response.

Manitoba Infrastructure and Transportation – Flood Forecasting Branch

No Response.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

MIT has reviewed The Environment Act Proposal noted above and we do not have concerns with the proposed development. Given the nature of a portable operation, we would like to remind the proponent that, where and when applicable, permits may be required for:

- *any new, modified or relocated access connection onto a Provincial Trunk Highway (PTH) or Provincial Road (PR) from Highway Traffic Board (for PTH's) or MIT (for PR's);*
- *any construction (above or below ground level) within the controlled area of 38.1 m (125 ft) from the edge of the right of way of PTH and PR. Please note that PTH I has a larger controlled area for any structures being built within 76.2 m (250ft) from the edge of the right-of-way and control circle radius of 152.4 m (500 ft), 304.8 m (1000 ft) and 457.2 m (1500 ft) exist at some intersections with PTH's and PR's; and/or*
- *any change in use of existing access off a PTH.*

Disposition

The proponent is notified of the requirements of Manitoba Infrastructure and Transportation. In addition the Licence cover letter requires the licensee to comply with any other legislative requirements.

Manitoba Intergovernmental Affairs

No Response.

Manitoba Health – Environmental Health Unit

No Response.

Manitoba Labour – Office of Fire Commissioner

No Response.

Manitoba Labour – Work Place Safety & Health

No Response

PUBLIC HEARING:

A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes that 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.

This facility is portable located throughout Manitoba. There would be no infringement of aboriginal or treaty rights under Section 35 of the Constitution Act, 1982 at this time. Therefore, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

The Proponent should be issued a Licence for the installation and operation of a portable asphalt plant 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 and Water Stewardship. Each site where the asphalt plant is installed and operated must be reviewed by Wildlife branch, Lands branch and Parks and Protected Spaces branch.

A draft Environment Act Licence is attached for the Director's consideration.

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