

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Coco Paving Canada Inc.
PROPOSAL NAME: Russell Redi-Mix Concrete – Portable Asphalt Plant-2
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Asphalt Plant
CLIENT FILE NO.: 5728.00

OVERVIEW:

Manitoba Conservation and Water Stewardship received a Proposal on July 11, 2014 for the installation and operation of a Portable Asphalt Plant 2. 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 August 1, 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/5728coco/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 August 4, 2014. The newspaper and TAC notifications invited responses until September 5, 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 the portable asphalt plant will appropriately operate and maintain the “Volatile Reclaim System” mentioned in the proposal for minimizing emissions of VOCs and other gaseous pollutants. Also, provided that the bag house and a primary dust collector will be appropriately operated and maintained to control particulate matter emissions from the proposed portable asphalt plant.*
- *Air Quality Section suggests that the EA License 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 reviewed the proposal and has the following comments to offer:

Central region Wildlife Branch has no concerns with the draft proposal provided we will be given an opportunity, with ample time, to review and comment on any proposed operating location (especially those in or near WMA's) planned for the Central Region.

Also, the Conservation Data Centre (CDC) recommends that RRMC 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.

Disposition

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

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

Parks and Protected Spaces Branch has reviewed the proposal submitted pursuant to the *Environment Act* for Request for review/comment - EAP - Russell Redi-Mix/Coco Paving - File: 5728.00. The Branch has no comments or concerns to offer as the proposals addresses license conditions related provincial parks, ecological reserves and protected areas within provincial parks.

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 Lands Branch has no concerns with the proposal, 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.*
- *Under The Wild Fires Act Section 23(1) (not related to The Crown Lands Act), a work permit will be required in the burning permit area and during the burning permit season. The work permit application should note the Environment Act License number, the location of portable asphalt plant (with attached map), the 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.*

Wild Fires Act:

Work permit required

23(1) Subject to subsection (2), no person shall carry on the following work within a burning permit area except under the authority of a work permit identifying the land covered by the permit and describing the permitted work:

- (a) an industrial operation;*
- (b) construction of a dam, bridge, or camp;*
- (c) construction or operation of a mill that produces timber products;*
- (d) an operation that is likely to cause the accumulation of slash or debris;*
- (e) any other work prescribed by regulation.*
 - *The portable asphalt plant should be located in an existing clearing, pit or at an existing site previously used for a similar purpose.*
 - *Any clearing requires prior approval and Timber Permit for an Merchantable timber.*
 - *If the portable plants are located within a Park or WMA, it may require separate review and approvals.*
 - *All heavy equipment will require appropriate fire equipment.*

Thank you for the opportunity to review

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 licensee 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.

It is noted the above proposal is identical to file 5706.00 which was licensed pursuant to license number 3105 under the Environment Act. Comments concerning the current file would be identical to the previously licensed proposal. Please find comments provided below.

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 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

No Concerns.

Manitoba Conservation and Water Stewardship– Water Use Licensing Section

I looked at the EAP and I could not find anything on the anticipated water use of the project. Do you know if it is going to be something more than trivial?

Proponent Response on September 15, 2014

In regards to the comments on water use we will not be using any water in the production of asphalt with this plant. Let me know if you need any further information on this topic.

Disposition

The water licensing section reviewed the response and has no further comments.

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 Municipal Government – Energy Division

No Comments.

Manitoba Municipal Government – 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 (EAP) noted above and we do not have concerns with the proposed development.

As indicated on Page 9 of the EAP, the Proponent may have to acquire permits from MIT. Given the nature of a portable operation, permit applications may be obtained from the corresponding MIT Regional Office where the portable asphalt plant will be operated.

Thank you very much for providing us the opportunity to review the proposal.

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 Comments or Concerns.

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-2 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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