

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: MS. TRACY ROY
PROPOSAL NAME: VITERRA INC.
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
Crop Protection Products Warehouse
Liquid/Granular Fertilizer Blending/Storage
Seed Storage

CLIENT FILE NO.: 4575.10

OVERVIEW:

A notice of alteration has been filed by Viterra Inc. to decommission the anhydrous ammonia distribution facility currently at SE 03-03-23, approximately 1.0 kilometers south of the Town of Deloraine in the Rural Municipality of Winchester, and to construct and operate a new crop protection warehouse at the site. The facility will continue to operate the existing bulk/liquid fertilizer blending/storage and seed storage under the existing Environment Act License.

No public concerns were received in response to the advertisement of this proposal in the Deloraine Times and Star published on Saturday August 15, 2009. The proposal was placed in the Public Registries at the Millennium Public Library, the Manitoba Eco-Network, the Environment Library (Main) and the Rural Municipality of Winchester office. The proposal was distributed to TAC on July 31, 2009, with the closing date for TAC and Public comments on September 16, 2009.

COMMENTS FROM THE PUBLIC:

No public responses were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency has reviewed the proposal and informed that the project does not trigger the need for a federal EA under the *Canadian Environmental Assessment Act*.

Conservation (Parks and Natural Areas Branch)

No comments.

Conservation (Regional Environmental Operations Branch)

No comments.

Conservation (Sustainable Resource and Policy Management Branch)

No comments.

Conservation (Wildlife and Ecosystem Protection Branch)

No comments or concerns.

Culture, Heritage and Tourism (Historic Resources Branch) have no concerns with regard to this project's potential to impact heritage resources.

If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Disposition:

Comments were forwarded to the proponent for information.

Intergovernmental Affairs Department (Community Planning Services Branch) have reviewed the information provided regarding the proposal (Client file no.: 4575.10) by Viterra Inc. to remove an anhydrous ammonia tank and construct a Crop Protection Warehouse, seed storage bins and a new office building on their current site located about a ½ mile south of the Town of Deloraine offer the following comments:

1. the existing site has contained agricultural service facilities for some time and the existing anhydrous ammonia facility is being removed to a new site north of Deloraine
2. the existing scale and office building will be replaced with a new office and a new seed circle will be added
3. the major element of the proposed redevelopment of this site is the new agricultural chemical warehouse
4. the subject property has frontage east-west along PTH No. 3 and north-south along the provincial road which serves as one of the major entrances to the Town connecting to Broadway Street in Deloraine
5. the subject property has existing driveway connections to both of those provincial roads which will be used by vehicles for ingress and egress
6. the subject property is classified as "AG" Agricultural (General) Zone by the RM of Winchester Zoning By-law which also requires that land uses called "agricultural industries" (such as the crop protection warehouse) be approved by Council as a conditional use
7. before Council can approve that Conditional Use Order or RM administration can issue the required Development Permit, all other provincial approvals (such as the Environment Act licence and provincial building permit for a high hazard building) need be obtained by the proponent
8. the entire property owned by Viterra at this location contains about 12 acres but the proposed development will take place on part of the property as shown on Lot 1, Plan 22569 which contains about 4.32 acres; this proposal meets the "AG" Zone minimum site area of 2 acres
9. according to the supplied site plan, all new elements of the proposed development (i.e. crop protection warehouse, seed circle, and office building) appear to meet the Zoning By-law yard requirements, specifically the 125 foot setback from public roads as well as the 25 foot side and rear yards

10. the new development as proposed will be located about 2700 feet from a designated residential area located next to the southern boundary of the Town of Deloraine
11. the proposed crop protection warehouse will be located about 2350 feet from the nearest dwelling (in Winchester), about 3400 feet from the Deloraine water treatment plant, and about 5000 feet from the Deloraine hospital
12. there is another crop protection warehouse currently being developed by Paterson Global Foods on another site located in the extreme southwest corner of Deloraine about one mile northwest of the Viterra site
13. while the proposed agro-commercial business facilities are generally welcomed by farmers and the agricultural industry, approval of the location for a new crop protection warehouse within a community has it's challenges for municipal Councils
14. given the nature of the products to be stored in this new crop protection warehouse, any emergency response plan should be shared with all local emergency and fire protection providers.

Manitoba Infrastructure and Transportation have reviewed the proposal and have no objection regarding the proposed development. However concerns listed below were presented for consideration:

1. The site plan shows the south edge of the property is adjacent to a grid road (PTH 3 – Secondary Arterial Highway) and the west edge of the property is adjacent to Highway 49 (PR 618 Deloraine Access). The access to the west will be linked directly onto PR 61. As such, the proponent should be informed that any new, modified or relocated access connection onto PR 618 may require a permit from Manitoba Infrastructure and Transportation (MIT).
2. A permit will also be required for any construction (above or below ground level) within 38.1 m (125 ft) or for any plantings within 15.2 m (50 ft) from the edge of the right-of-way of PR 618.

Disposition:

Comments were forwarded to the proponent for information.

Science, Technology, Energy and Mines

No concerns.

Water Stewardship reviewed the submitted proposal. The Department has the following comments:

1. *The Water Rights Act* indicates that no person shall control water or construct, establish or maintain any “water control works” unless he or she holds a valid licence to do so. “Water control works” are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, an application for a Water Rights Licence to Construct Water Control Works is required. Application forms are available from any office of Manitoba Water Stewardship.

2. The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have stabilized.
3. The proponent must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association (AWSA; Internet address = <http://www.awsacanada.com>) for certification.
4. The *Environment Act* Proposal states that the proposed warehouse will have curbing on its interior to act as secondary containment. In addition, dike structures shall be constructed around the perimeter of the warehouse to contain product and water in the event of a fire.
5. The Department recommends that an *Environment Act* Licence shall include the following requirements:
 - a. All potentially contaminated water from the site must be contained on the Proponent's property. Therefore, secondary containment must incorporate a gated culvert which must remain in the closed position unless authorized by Manitoba Conservation. Where there is a concern that accumulated water is contaminated, the liquid should be sampled prior to release.
 - b. Potentially contaminated water cannot be released until such time as Manitoba Conservation receives and reviews water sample results from a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA; Internet address = <http://www.cala.ca>). Water samples shall be retrieved from any source on the Proponent's property, or adjacent properties that might have been contaminated by fire fighting efforts or spillage.

Disposition:

Comments were forwarded to the proponent for information and can be addressed via licence conditions.

PUBLIC HEARING:

No public hearing will be conducted.

RECOMMENDATION:

All provincial comments received on the Proposal can be addressed as licence conditions, or have been forwarded to the Applicant's representative for information. Therefore, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms and conditions as described on the attached Draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Western Region.

PREPARED BY:

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September 18, 2009

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