

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Whitemouth
NAME OF DEVELOPMENT: Elma Wastewater Treatment Lagoon
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon
CLIENT FILE NO.: 5436.00

OVERVIEW:

The Proposal was received on December 24, 2009. It was dated December 21, 2009. The advertisement of the proposal was as follows:

“A Proposal has been filed by Stantec Consulting Ltd. on behalf of the Rural Municipality of Whitemouth for the construction and operation of a wastewater treatment lagoon in NW 29-10-12E, approximately 1 km southwest of the community of Elma. The project involves the construction of a new wastewater treatment lagoon with a clay liner and a truck dumping station, and a forcemain connecting the new facility to the community’s proposed low pressure wastewater collection system. The facility would treat wastewater from the community, as well as truck hauled wastewater from rural residences in the municipality. Treated effluent from the facility would be discharged to a road ditch flowing east to the Whitemouth River. Discharges would occur during the period June 15 to October 31. Construction of the facility is planned for 2010.”

The Proposal was advertised in the Beausejour Review and in the Lac du Bonnet Leader on Friday, January 15, 2010. It was placed in the Main, Millennium Public Library (Winnipeg), Eco-Network and Brokenhead (Beausejour) public registries and in the Rural Municipality of Whitemouth office as a public registry location. The Proposal was distributed to TAC members on January 6, 2010. The closing date for comments from members of the public and TAC members was February 15, 2010.

COMMENTS FROM THE PUBLIC:

Christine Schuhmann Please find enclosed the signed letters of the residents of Elma who are very concerned about the environment and are not in agreement of the proposed location of the Sewage Lagoon Project.

Thank you kindly, Mr. Bruce Webb, for taking this into consideration; we appreciate it.

Enclosed letters – 30 residents (list following text of letter)

“It came to our attention that a Sewage Lagoon is in the planning stages which will be located approx. 1 km southwest of Elma, NW 29-10-12E.

“Many residents of Elma are not in favour of this project, not only by the undesirable smell especially during the spring time which would affect the neighbouring properties of the whole town but also because of a huge loss of property/housing value for those close by. It is also an environmental issue since it is a **flooding zone**. In addition there is **livestock on the**

farmland. Last but not least the growing insect population is a concern. It is also an eyesore.

“The run-off of the proposed Lagoon will be led into the ditch traveling along the road, passing houses extremely close until it reaches the river 3/4 of a mile away; it also has to underpass Highway 11 South, although there is land available close to the river in Elma. Another issue is the cost factor for such a small community for maintaining the Lagoon. This town doesn't offer any job opportunities therefore many homeowners are pensioners with a fixed low income or young families with a very low income. It would create an economic hardship to most of the residents of Elma.

“Thank you kindly for taking this into consideration.

“Please see below the signature of the resident who does not agree with the location of the proposed project and the cost of the entire project, as well as maintaining it in the future.”

| <u>Name</u> | <u>Address</u> |
|----------------------|----------------|
| Ann Penner | Elma |
| Peter Penner | Elma |
| Mark Giesbrecht | Elma |
| Tim North | Elma |
| Richard Frost | Elma |
| Lenard Anthony | Elma |
| Richard Kellner | Elma |
| Ed Proceviat | Elma |
| Ron Werestiuk | Elma |
| Elly Wishanski | Elma |
| Laureen Zarichanski | Elma |
| Leonard John Garowey | Elma |
| W. D. Wiebe | Elma |
| Debra Bilawka | Elma |
| Ken Wishanski | Elma |
| Cal Madden | Elma |
| T. L. Madden | Elma |
| Laurel Hamelin | Elma |
| Joseph Newanochko | Winnipeg |
| Levi Michaud | Elma |
| Joseph Gulenchyn | Elma |
| Heather Eyssens | Elma |
| William Sitar | Elma |
| Tom Slymkevich | Elma |
| Pauline Jachnicki | Elma |
| Doug Hersley | Elma |
| Herman Schuhmann | Elma |
| Barb North | Elma |
| Edward Hall | Hadashville |
| C. R. Hudarson | Elma |

Disposition:

Environmental issues can be addressed through licence conditions, as these matters are not unique to this proposal or site. The wastewater treatment lagoon is proposed to be located 675 metres from the nearest inhabited building, and approximately 900 m from the community. (Guideline setback distances are 300 m from residences and 450 m from centres of population.) The comments also addressed financial issues that are outside of the scope of the environmental assessment, but may or may not be significant for the feasibility of the project. These comments were provided to the proponent and consultant for further consideration.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC)

Manitoba Conservation – Sustainable Resource and Policy Management Branch

This part of the province is composed of significant wetlands, which provide invaluable ecological services for Manitobans, including carbon sequestration. The Department's Protected Areas Initiative has developed protected area proposals covering over 165,000 hectares in southeast Manitoba. Some of these proposed sites are located downstream of the proposed lagoon.

To ensure that the quality of the wetlands in this area are maintained appropriate nutrient limitations on treated effluent discharges from the facility should be applied, along with any other appropriate measure to protect water quality.

Disposition:

This comment can be addressed through licence conditions.

Manitoba Conservation – Aboriginal Relations Branch

No comment.

However in case the project does impact aboriginal and treaty rights, please keep in mind the following:

The Government of Manitoba 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 the First Nation, Métis community or other aboriginal community.

Since the land being developed for this project is purchased from a private land owner and wildlife will be kept out of the 15 acre site via fencing, as well as “no impact” on fish in the Whitemouth River, there does not appear to be any foreseeable impacts to Treaty and Aboriginal rights.

Manitoba Conservation – Parks and Natural Areas Branch

No comments.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch

The CDC database was not contacted for an initial review of this site by the proponent.

A search of the CDC database resulted in 3 occurrences for the proposed development at NW 29-10-12 E1;

| | | |
|-------------------------|-------------------------|--------|
| Bromus porteri | (Porter's Chess) | G5S3? |
| Potamogeton amplifolius | (Large-leaved Pondweed) | G5S2? |
| Asarum canadense | (Wild Ginger) | G5S3S4 |

These species are not listed under the Manitoba Endangered Species Act, COSEWIC or SARA. I provide them here for your information.

The information provided in this letter is based on existing data known to the Manitoba CDC of the Wildlife and Ecosystem Protection Branch at the time of the request. These data are dependent on the research and observations of our scientists and reflects our current state of knowledge. An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed, therefore the absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. The information should not be regarded as a final statement on the occurrence of any species of concern, nor should it substitute for on-site surveys for species or environmental assessments. Also, because the Biotics database is continually updated and because information requests are evaluated by type of action, any given response is only appropriate for its respective request.

Please contact the Manitoba CDC for an update on this natural heritage information if more than six months passes before it is utilised.

Disposition:

This information was provided to the proponent's consultant.

Manitoba Conservation – Environmental Services Branch

Environmental Services offers the following suggestions:

- Suggest requiring a site plan with all locations of test pits identified.
- Suggest requiring signed and stamped design drawings.
- Suggest confirming the justification for peak daily flow being proposed to calculate BOD while average daily flow is proposed to calculate hydraulic load.
- Recommend confirming that there will be sufficient hydraulic capacity in the cells for winter storage after fall discharge.
- Recommend ensuring that compaction of the clay liner meets the 95% standard proctor density.
- Recommend ensuring that all pipe discharge locations are 0.3 meter higher than a splash pad.
- Recommend confirming that splash pads, with sufficient surface area, are installed for the interconnect pipe.

- Suggest details of pipe line installations are provided.
- Suggest that the topsoil be stripped off and reused for final berm cover for vegetation.

Disposition:

Suggestions concerning the engineering design of the project were provided to the proponent's consultant for information. Several of the design parameters mentioned are checked routinely in the Environmental Assessment and Licensing Branch evaluation of the proposal.

Manitoba Water Stewardship

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on January 6, 2010. The Department has the following comments:

- 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.
 - A contact person is Mr. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.
- The Lake Winnipeg Stewardship Board has recommended that all small wastewater treatment facilities, should meet a phosphorus limit of 1.0 mg/L. The proposed phosphorus limit of 1.0 mg/L is consistent with efforts underway across Manitoba and in upstream jurisdictions to reduce nutrient loads to Lake Winnipeg and its watershed. In the Lake Winnipeg Stewardship Board's December 2006 report to the Minister of Water Stewardship, the Board provides several strategies on how nutrient reduction could be achieved for small wastewater treatment facilities (see recommendations 14-20) including trickle discharge.
- Errata: Page 4 in the listing of fish species the carmine shiner was formally known as the rosyface shiner, they are not two separate species. This species is listed as threatened under the Species at Risk Act (Canada). The northern brook lamprey and

the chestnut lamprey occur in the Whitemouth River and are listed as “special concern” under the Species at Risk Act (Canada). The hornyhead chub is in the Whitemouth River but is listed as "not at risk," not threatened as indicated. The collection of these and many other fish species denotes the Whitemouth River as having the most unique fish assemblage in Manitoba.

- The Department recommends an Environment Act Licence to include the following requirements:
 - Species listed under The Endangered Species Act (Manitoba) and the Species at Risk Act (Canada) and by the Committee on the Status of Endangered Wildlife in Canada shall be protected.
 - A concern is the regrading of the south ditch along PTH 15 and the replacement of the culvert at PTH 11 and the old highway 15.
 - While the proponent indicates this is a significant drain for over land runoff and the highway, there is no indication that it provides habitat for fish, particularly in the spring. Given it drains into the river it might provide seasonal habitat for aquatic species, the proponent shall determine the presence of fish species.
 - Also the works associated with regrading the ditch and replacing the culvert have the potential for sediment to be transported to the Whitemouth River. Given the uniqueness of the fish community in the Whitemouth River, the Department recommends that this work is conducted during dry conditions. Temporary and permanent erosion and sediment control measures shall be conducted, until the site has stabilized. The proponent shall either adhere to a Department of Fisheries and Oceans Canada Operational Statement or this proposal shall be reviewed by the Department of Fisheries and Oceans Canada.
 - The proponent shall contact Manitoba Water Stewardship’s Water Use Licensing Section to determine whether their existing Water Rights Licence will need to be amended to accommodate this proposed expansion.
 - A contact person is Mr. Jim McConkey, telephone: (204) 945-6114
 - An aquifer is located at a shallow depth below the proposed lagoon, the proponent shall be required to develop and implement a groundwater monitoring program.
 - The discharge periods should be, at minimum, two (2) weeks to maximize nutrient uptake in the drainage path.
 - Effluent quality standards must achieve at minimum the following standards before the facility discharges and must be maintained throughout the discharge period:
 - fecal coliforms <200 CFU/100mL;

- total coliforms <1500 CFU/100mL;
 - BOD < 30 mg/L; and,
 - TSS <30 mg/L.
- The proponent shall be required to develop and implement a Water Quality Monitoring Program, including the following parameters:
- Monitor total phosphorous, TKN, and total nitrogen during the discharge period(s) daily for the first year of operation. The location of the monitoring sites would be in the wastewater effluent stream (A) and in the south ditch across PTH 11 just prior to confluence with the Whitemouth (B). The proponent's monitoring program must consider time delayed sampling of sites (A) and (B), to capture the same run of water.
 - The proponent shall submit a Water Quality Monitoring Program Report, within 90 days of the completion of the program, to Manitoba Water Stewardship's Water Quality Management Section.
 - A contact person is Ms. Wendy Ralley, Manager, telephone: (204) 945-8146.

Disposition:

A number of these comments were provided to the proponent's consultant for information. Several of the comments may be addressed as licence conditions.

Manitoba Culture, Heritage and Tourism - Historic Resources Branch

The Historic Resources Branch has 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:

This information was provided to the proponent's consultant.

Manitoba Innovation, Energy and Mines - Mines Branch

No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

We have reviewed the above mentioned project requested in your letter dated January 6, 2010 and we have no objection regarding the proposed development. However, we would like to raise the following comments for consideration:

1. The proposed development is located near PTH 11 and PTH 15. Any proposed installation of sewer, water pipelines and culverts will require an underground agreement with the Department if they fall within the right-of-way.
2. A permit is required for any surface water being discharged into the ditch of PTH 15.

If additional information or clarifications on these requirements are needed, the applicant can contact Mr. Kevin Nimchuk, A/Access Management Technologist at telephone number (204) 945-0324 or Mr. Warren Borgford, Regional Technical Services Engineer at telephone number (204) 346-6266.

Disposition:

This information was provided to the proponent's consultant.

Manitoba Local Government – Community Planning Services Branch

The proposed site for a new low pressure sewage collection system and wastewater lagoon for the Community of Elma is located within NW ¼ 29-10-12 EPM.

The proposed municipal sewage disposal system, in conjunction with the connection of Elma to the municipal water supply, will ameliorate existing polluted private water supply issues caused by surface and septic field runoff.

The land is currently designated "Rural and Agricultural Area" pursuant to the Whitemouth River Planning District Development Plan.

As per Section 2.3 of the Development Plan pertaining to Rural and Agricultural Areas: "The zoning by-law may also contain provisions to permit certain non-agricultural uses that may not conflict with agricultural uses. These may include aggregate extraction operations, aircraft landing facilities, sewage disposal sites, cemeteries, vacation farms, campgrounds, and schools approved by the Provincial Department of Education, etc." As such, the proposed lagoon generally conforms to the relevant policies of the development plan.

The proposed lagoon location is currently zoned "A80 – General Agricultural Zone" pursuant to the RM of Whitemouth Zoning By-law. "Sewage lagoon" is not listed as a Permitted or Conditional Use in the bulk tables for the A80 zone, although it is listed in the RD – Resource Development Zone bulk table as a conditional use. As such, a zoning by-law amendment would be required to include "Sewage lagoons" as a use in the A80

zone. If the use is added as a conditional rather than permitted use, a conditional use hearing would also be required.

Disposition:

This information was provided to the proponent's consultant.

Canadian Environmental Assessment Agency I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information that was provided has been reviewed by all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file. Based on the responses to the survey the application of the Canadian Environmental Assessment Act (the Act) by a federal authority will not be required for this project.

The Department of Fisheries and Oceans has provided a letter of advice for you to review. They have listed mitigation measures that would aid in protecting fish habitat. If you have any questions regarding their advice please contact Stephanie Backhouse directly; phone (204) 983-8120, fax (204) 984-2402 or by email: Stephanie.Backhouse@dfo-mpo.gc.ca. Please see their attached letter.

Health Canada has provided a letter stating areas of expertise that they can contribute to a provincial review. The request for information needs to be made in writing to HC for any information from them. Please see their attached letter.

A list of the appropriate federal contacts is attached. Please note that the project information was also reviewed by the Department of Indian and Northern Affairs, Transport Canada, and Environment Canada as part of the federal coordination process.

Disposition:

This information was provided directly to the proponent's consultant by the Agency.

ADDITIONAL INFORMATION:

Additional information was requested on March 10, 2010 to address comments received on the proposal. The requested additional information was received on March 18, 2010. The additional information satisfactorily addresses the comments received.

PUBLIC HEARING:

As no requests for a public hearing were made, a public hearing is not recommended.

RECOMMENDATION:

All comments received on the Proposal have been addressed through additional information, by providing information to the proponent's consultants, or can be addressed through licence requirements. 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 retained by the Environmental Assessment and Licensing Branch until construction of the wastewater treatment lagoon is completed. Enforcement of the licence then should be assigned to the Eastern Region.

Prepared by:

Bruce Webb, P. Eng.
Environmental Assessment and Licensing - Land Use Section
(for Municipal, Industrial and Hazardous Waste Section)

April 9, 2010 Updated June 21, 2010

Telephone: (204) 945-7021

Fax: (204) 945-5229

E-mail: bruce.webb@gov.mb.ca