

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Rural Municipality of Pipestone  
**PROPOSAL NAME:** Pipestone Wastewater Forcemain  
**CLASS OF DEVELOPMENT:** 2  
**TYPE OF DEVELOPMENT:** Wastewater treatment lagoons  
**CLIENT FILE NO.:** 4761.20

### **OVERVIEW:**

Manitoba Sustainable Development received an Environment Act Proposal on April 21, 2016 for the proposed installation of approximately 13.9 km of high density polyethylene forcemain connecting a proposed lift station within the community of Pipestone to the Reston lagoon primary cell. The lift station will be located at NE 9-7-26 WPM and the forcemain piping will be located within the following municipal road right-of-ways: NE and SE of 9-7-26 WPM; NE and NW of 4, 5, 6-7-26 WPM; NE and NW of 1, 2, 3, and 4-7-27 WPM; and NE of 5-7-27 WPM. The existing lagoon servicing the Community of Pipestone will be decommissioned.

The Department, on May 27, 2016, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/conservation/eal/registries/4761.2pipestone/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 Reston Recorder on Friday, May 27, 2016. The newspaper and TAC notifications invited responses until June 27, 2016.

### **COMMENTS FROM THE PUBLIC:**

No comments were received during the public comment period.

### **Notice of Alteration**

A Notice of Alteration (NoA) dated June 14, 2016 received on June 16, 2016 in regards to altering the forcemain piping route and the proposed lift station location.

The above NoA was forwarded to the TAC members for review on June 16, 2016 with a comment due date of June 27, 2016. Please find below comments that were received from TAC in response to the original proposal as well as for the June 14, 2016 NoA request.

**SUMMARY Of COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

No.	Technical Advisory Committee Member	Response Provided	Comment Date
1	Canadian Environmental Assessment Agency	No response	
2	Manitoba Agriculture – Land Use Branch	No response	
3	Manitoba Sustainable Development –		
	<ul style="list-style-type: none"> <li>• Compliance and Enforcement Branch</li> <li>• Climate Change and Air Quality Branch</li> <li>• Wildlife and Fisheries Branch</li> <li>• Parks and Protected Spaces Branch</li> <li>• Forestry Branch</li> <li>• Indigenous Relations Branch</li> <li>• Lands Branch</li> <li>• Water Quality Management Section</li> <li>• Groundwater Management Section</li> <li>• Office of Drinking</li> <li>• Water Use Licensing Section</li> <li>• Water Control Works Licensing Section</li> <li>• Regional Services Branch</li> </ul>	No concerns Yes Yes No concerns No response No response No concerns Yes No response No concerns Yes Yes No response	May 31, 2016 June 28, 2016 June 17, 2016 June 3 and June 27, 2016*  June 27, 2016 June 15, 2016  May 31 & June 27, 2016* May 28, 2016 June 6, 2016
4	Manitoba Sport, Culture, and Heritage – Heritage Branch	No response	
5	Manitoba Growth, Enterprise and Trade –		
	<ul style="list-style-type: none"> <li>• Energy Development Branch</li> <li>• Petroleum Branch</li> <li>• Office of Fire Commissioner</li> <li>• Work Place Safety &amp; Health</li> </ul>	No response No response No response No response	
6	Manitoba Infrastructure –		
	<ul style="list-style-type: none"> <li>• Highway Planning and Design Branch</li> </ul>	Yes	June 22, 2016
7	Manitoba Indigenous and Municipal Relations	Yes	June 1, 2016
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No concerns	June 1, 2016

\*the first date indicates comments for the original proposal and the second date indicates comments for the NoA request.

A copy of the responses and the additional information provided can be viewed at the following link:

<http://www.gov.mb.ca/conservation/eal/registries/4761.2pipestone/index.html>

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Manitoba Sustainable Development– Climate Change and Air Quality Branch**

- *The proposal is not expected to have any significant impact on air quality.*
- *The odour and noise clause is suggested to be included in the License.*

**Disposition:** The draft licence contains clauses respecting the odour and noise pollution.

**Manitoba Sustainable Development– Wildlife and Fisheries Branch**

*“The Wildlife and Fisheries Branch has no concerns with what is proposed in the EAP, however if at any point amendments are made where construction machinery must enter and disturb vegetation on the adjacent private lands listed below, the Branch should be contacted to discuss mitigation options related Endangered Loggerhead Shrike habitat located near the road allowance. This includes disturbance during any time of year, not just during the nesting period, as habitat is also protected provincially under the Endangered Species and Ecosystems Act. Parcels of concern: SE-09-007-26W1 (Note: no longer adjacent to revised route); NE-05-007-26W1; NE-06-007-26W1; SW-07-007-26W1”*

**Disposition:** The above information was forwarded to the proponent for information purposes on July 26, 2016.

**Manitoba Sustainable Development– Water Quality Management Section**

•*“The Reston Lagoon was recently upgraded with 20 year design expectancy. While the Proponent has indicated that the Reston Lagoon is capable of accepting additional wastewater through the forcemain, this would reduce the design expectancy of the lagoon. As such, care should be taken when planning for future upgrade projects. Can the proponent please confirm the new design expectancy of the Reston lagoon with the addition of the forcemain wastewater?”*

•*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.”*

**Additional Information Request:** A request for additional information was sent out to the project’s consultant on July 26, 2016.

**Proponent’s Consultant’s Response (received on August 12, 2016):** The expanded Reston lagoon is estimated to have a hydraulic storage capacity sufficient to design year 14, with the inclusion of wastewater from the Community of Pipestone, via the proposed forcemain.

**Disposition:** The above explanation is acceptable. The draft licence has a clause that requires the proponent to participate in any future watershed based management study, plan/or nutrient management program, approved by the Director.

**Manitoba Sustainable Development– Water Use Licensing Section**

*“If construction dewatering is required to install the forcemain (and other works) a temporary authorization to divert water under The Water Rights Act will be required. The contractor is directed to contact the undersigned at 204-945-6118 well in advance of beginning the project. A separate authorization would also be required to discharge any such pumped waters.”*

**Disposition:** The above information was forwarded to the proponent for information purposes on July 26, 2016.

**Manitoba Sustainable Development– Water Control Works Licensing Section**

*“Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the Water Rights Act – an application is attached for the proponent’s convenience. Any inquiries in this regard may be directed to the local Water Resource Officer. Their contact information may be found at:*

*[http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer\\_areas\\_of\\_focus\\_30mar2015.pdf](http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf)”*

**Disposition:** The above information was forwarded to the proponent for information purposes on July 26, 2016.

**Manitoba Infrastructure – Highway Planning and Design Branch**

1. *“The proposed project may require a permit for the new structure along PTH 83. Under the Highways Protection Act, any new, modified or relocated access connection onto a PTH will require a permit from Highway Traffic Board. A permit may also be required for:*
  - *Any construction (above or below ground level) within 38.1m (125 ft);*
  - *Any plantings within 15.2 m (50 ft) from the edge of the right of way of PTH 83*  
*or*
  - *Discharge of water or other liquid materials into the ditch on PTH 83*
2. *The forcemain along and across Pipestone Access Road (0365901OHU) and along and across PTH 83 will need an underground utility agreement. An Agreement can be obtained at Manitoba Infrastructure & Transportation Office located in Brandon.*

*Information regarding permit applications and underground agreements can be obtained from Ashley Beck (RegiQnal Planning Support Tech) at (204)726-7000 or by email Ashley.Beck@gov.mb.ca.”*

**Disposition:** The above information was forwarded to the proponent for information purposes on July 26, 2016.

**Manitoba Indigenous and Municipal Relations**

*“This office has reviewed the above referenced proposal and has no concerns with the scope of work outlined in the EAP circulated for comment (i.e. decommissioning of the community of Pipestone’s municipal lagoon, development of a lift station in Pipestone and development of a force main in municipal road right-of ways to convey septage from the community of Pipestone to an existing municipal wastewater treatment facility proposed for expansion located southwest of and serving the community of Reston). From discussions with the RM of Pipestone’s Development Officer today, this office understand that the RM of Pipestone held a required Conditional Use Hearing on October 8, 2015 and issued Conditional Use Order No. 15-03 on that same day to support the expansion of the municipal wastewater treatment facility in Pt. N.E. ¼ Sec.5-7-27WPM located southwest of and presently serving the community of Reston). This office recommends that prior to the RM of Pipestone proceeding with the development of the building to house the proposed lift station, they consult with their Development Officer/Chief Building Official -David Houston – cell (204)851-0380) to determine the need for a Building and/or Development Permit for that structure.*

*Finally, please be advised of the following in respect of the EAP circulated for comment. The last sentence of the last paragraph of PART 2, Section 2.4 of the EAP suggests that the RM of Pipestone Zoning By-law identifies “utilities” in agricultural zones as being conditional uses – this is incorrect. Please be advised that the RM of Pipestone Zoning By-law identifies “Public Works Compounds and Maintenance Buildings” as conditional uses.*

*In regards to “Public Utilities” being developed in the RM of Pipestone, please be advised that PART 2, Section 2.4 (p.2) of the RM of Pipestone Zoning By-law No. 2001/05 states the following:*

*2.4 “This By-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouse, maintenance or storage compounds, and telecommunications towers operated by a public utility shall be subject to the provisions of this By-law.”*

**Disposition:** The above information was forwarded to the proponent for information purposes on July 26, 2016.

**Additional Information Request, July 26, 2016**

A request for additional information was sent out to the project consultant on July 26, 2016. The main component of the request was regarding revisiting the calculations of the daily organic loading generated from the Community of Pipestone’s low pressure sewer system.

**Responses With Additional Information, (received on August 12, 2016):**

The project consultant addressed all the concerns raised by the TAC members.

**Disposition:** The above explanation is acceptable and the draft licence has been updated accordingly.

**PUBLIC HEARING:**

A public hearing is not recommended.

**CROWN-INDIGENOUS CONSULTATION:**

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

The proposal is for installation of approximately 12.9 km of high density polyethylene forcemain connecting a proposed lift station within the community of Pipestone to the Reston lagoon primary cell. The lift station will be located on the NW or SW corner of PTH 83 and Municipal Road 37 N. The forcemain piping will be located within the following municipal road right-of-ways: Portions of 5,6,8,9-7-26 WPM and 1,2,3,4,5-7-27 WPM. The existing lagoon servicing the Community of Pipestone will be decommissioned. The expanded Reston Wastewater Treatment Lagoon will allow standard effluent quality requirements to be met. As the treated effluent will be discharged from the wastewater treatment lagoon, adverse effects on surface water or habitat for wildlife or fisheries are not anticipated.

Since resource use is not affected by the project, there would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

**RECOMMENDATION:**

The Proponent should be issued a Licence for the installation of the proposed forcemain and a lift station, and construction, expansion, operation, and maintenance of a wastewater treatment lagoon in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Western Region of Environmental Compliance and Enforcement Branch of Manitoba Sustainable Development.

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