

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: 6523979 Manitoba Limited
PROPOSAL NAME: 6523979 – Rural Municipality of Shell River
Crop Protection Products Warehouse
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5606.00

OVERVIEW:

A Proposal was filed on July 25, 2012 by 6523979 Manitoba Limited for the construction and operation of a Crop Protection Products Warehouse to be located at Lots 4 and 5, Block 1, Plan 2800, NE ¼ of 4-26-28 W in the Rural Municipality of Shell River. The site will consist of a 30.5 meters by 61.0 meters (100' x 200') crop protection products warehouse.

The Proposal was advertised in the Roblin Review on Tuesday September 18, 2012. Copies of the proposal were placed in the Public Registries at 123 Main St. (Union Station) Main Floor, Winnipeg; Millennium Public Library, 4th floor, 251 Donald St., the Manitoba Eco-Network, 3rd Floor, 303 Portage Ave.; R.M. of Shell River Office, 213-2nd Avenue NW., Roblin; and the North-West Regional Library, 610-1st Street N., Swan River. The proposal was distributed to the Technical Advisory Committee (TAC) on September 13, 2012. The closing date for TAC and public comments was on October 18, 2012.

COMMENTS FROM THE PUBLIC:

No public responses were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

Canadian Environmental Assessment Agency

The following comments were received from the Canadian Environmental Assessment Agency:

As you may be aware, on April 26 2012, the Government of Canada tabled the *Jobs, Growth and Long-term Prosperity Act*. This legislation provides the legal foundation for the Government's plan to modernize the regulatory system for project reviews. As part of this plan, the *Canadian Environmental Assessment Act*, 1992 was repealed and a new Canadian Environmental Assessment Act, 2012 (CEAA 2012) was enacted together with three supporting regulations namely: the *Cost Recovery Regulations*, the *Prescribed Information for a Description of a Designated Project Regulations*, and the *Regulations Designating Physical Activities* (the Project List Regulations).

CEAA 2012 focuses federal reviews on those project proposals that have a greater potential for significant adverse environmental effects in areas of federal jurisdiction. The *Regulations Designating Physical Activities* identify the physical activities which, if carried out individually or in combination, constitute a designated project that is subject to the requirements of CEAA 2012.

The project referred to above does not meet the definition of a designated project under CEAA 2012. As the Agency will only be involved in the review of designated projects, no formal federal coordination exercise will be undertaken for this file. Based on our review of the project information and our experience with these types of projects, the Agency has not forwarded the project information to any other federal authorities. Please note that the proponent would be responsible for confirming its regulatory responsibilities in developing the project.

Manitoba Conservation and Water Stewardship – Air Quality Section

No comments.

Disposition:

No action needed

Manitoba Conservation and Water Stewardship – Fisheries Branch

Fisheries Branch has reviewed this proposal to open a crop protection products warehouse in Roblin at NE ¼ 4-26-28 W in an existing warehouse that had historically been used for this use. East and West Goose Lakes are located just south of the warehouse and are managed as stocked trout waters. Rehabilitated through aeration the Goose Lakes provide year round habitat for rainbow and brook trout as well as other large and small bodied fish species.

The applicants indicate that the facility has containment within the building as well as a secondary containment system surrounding the building. The secondary containment is a clay berm with a gated culvert that will contain any spill until it can be cleaned up. The culvert is located at the NW corner of the property where clean accumulated water would be directed through another control structure to the ditch that runs along highway 5.

Given the information provided it would seem that the applicant's have the necessary measures in place to mitigate any potential emergency spill event. Having said that we would still like to see the clauses requiring the applicants to adhere to AWSA standards and test any accumulated water prior to discharge from the secondary containment area be included in their licence.

Disposition:

Licence conditions can address in place to ensure proponent maintains AWSA certification. Licence conditions also in place to ensure any accumulated water in the dyked area is sampled if there is a documented spill.

Manitoba Conservation and Water Stewardship – Lands Branch and Sustainable Resource and Policy Management Branch

No concerns.

Disposition:

No action needed

Manitoba Conservation and Water Stewardship – Office of Drinking Water

No concerns.

Disposition:

No action needed.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments.

Disposition:

No action needed.

Manitoba Conservation and Water Stewardship – Water Quality Management Branch

The proponent must follow the Canadian crop protection warehouse guidelines for minimum construction details, particularly for interior curbing for spills containment, as set by the Agrochemical Warehousing Standards Association, a branch of Crop Life Canada.

All potentially contaminated water, including water/foam that might be generated from fire-fighting water or from product spillage, must be contained on the proponent's property and not be directed towards the creek. Addendum 3 suggests that water control mechanisms will be present in the secondary containment berms. Secondary containment may incorporate gated culverts, but these must remain in the closed position unless authorized by Manitoba Conservation and Water Stewardship.

Potentially contaminated water cannot be released until such time as Manitoba Conservation and Water Stewardship receives and reviews water sample results from a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (<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:

All items can be addressed via Licence conditions.

Manitoba Conservation and Water Stewardship - Wildlife and Ecosystem Protection Branch

No concerns.

Disposition:

No action needed.

Manitoba Infrastructure and Transportation (MIT)– Environmental Services Section

The following comments were received from MIT:

Manitoba Infrastructure and Transportation (MIT) have reviewed The Environment Act Proposal and while we do not have concerns with the EAP, we would like to offer the following comments:

- Provincial Trunk Highway (PTH) No. 5 in the R.M. of Shell River is a Limited Access Highway under the jurisdiction of the Highway Traffic Board. Under the Highway Protection Act, any new, modified or relocated access to this highway (including a change in use of an existing access driveway) requires a permit from the Highway Traffic Board. A permit is also required from the Highway Traffic Board for any

change in land use and construction of structures and objects (i.e. including erection of signage) within 38.1 m from the edge of the right-of-way of PTH 5.

- A permit is also required from MIT for any planting placed within 15.24 m from the edge of the right-of-way of PTH 5.
- Contaminated runoff should be contained within the development's premises and should not be allowed to drain into surrounding highway ditches.

Disposition:

Comments as they pertain to permits will be forwarded to proponent for information. Licence conditions will address contaminated runoff.

PUBLIC HEARING:

A public hearing is not recommended.

CROWN ABORIGINAL CONSULTATION:

The project will be located on industrial land in an established industrial zoned area in Rural Municipality of Shell River. All surrounding land potentially affected is also privately owned land. The project will not affect resource use on land or water. There are no adjacent or nearby First Nations.

RECOMMENDATION:

The Proponent should be issued a Licence for the construction and operation of a Crop Protection Products Warehouse 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.

A draft environment act licence is attached for the Director's consideration.

PREPARED BY:

Krystal Penner
Environmental Approvals Branch
October 29, 2012
Telephone: (204) 945-2819 / Fax: (204) 945-5229
E-mail Address: krystal.penner@gov.mb.ca