



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT

PREPARED FOR

**THE RURAL MUNICIPALITY
OF EMERSON-FRANKLIN**

WESTSTAR PORK INC.

NE 1/4 34-2-3 EPM

TRC 12-072

July 15, 2020

A. INTRODUCTION – THE TEAM

The Technical Review Committee (TRC) is supported by the following department personnel:

Agriculture and Resource Development (ARD)

- Aggregate Resource Planner
- Agricultural Engineer
- Business Development Specialist
- Crown Lands Manager
- Fish Habitat Specialist
- Groundwater Specialist
- Habitat Mitigation and Wildlife Land Specialist
- Land-Water Specialist
- Livestock Environment Specialist
- Nutrient Management Specialist
- Veterinarians

Conservation and Climate (CC)

- Environmental Engineer
- Environment Officer
- Water Rights Licensing Technologist

Infrastructure (MI)

- GIS Analyst, Water Management and Structures Division
- Senior Development Review Technologist

Municipal Relations (MR)

- Community Planners

And any other specialist or department that may have an interest, which may be consulted during the process.

THE TECHNICAL REVIEW COMMITTEE (TRC) REPORT

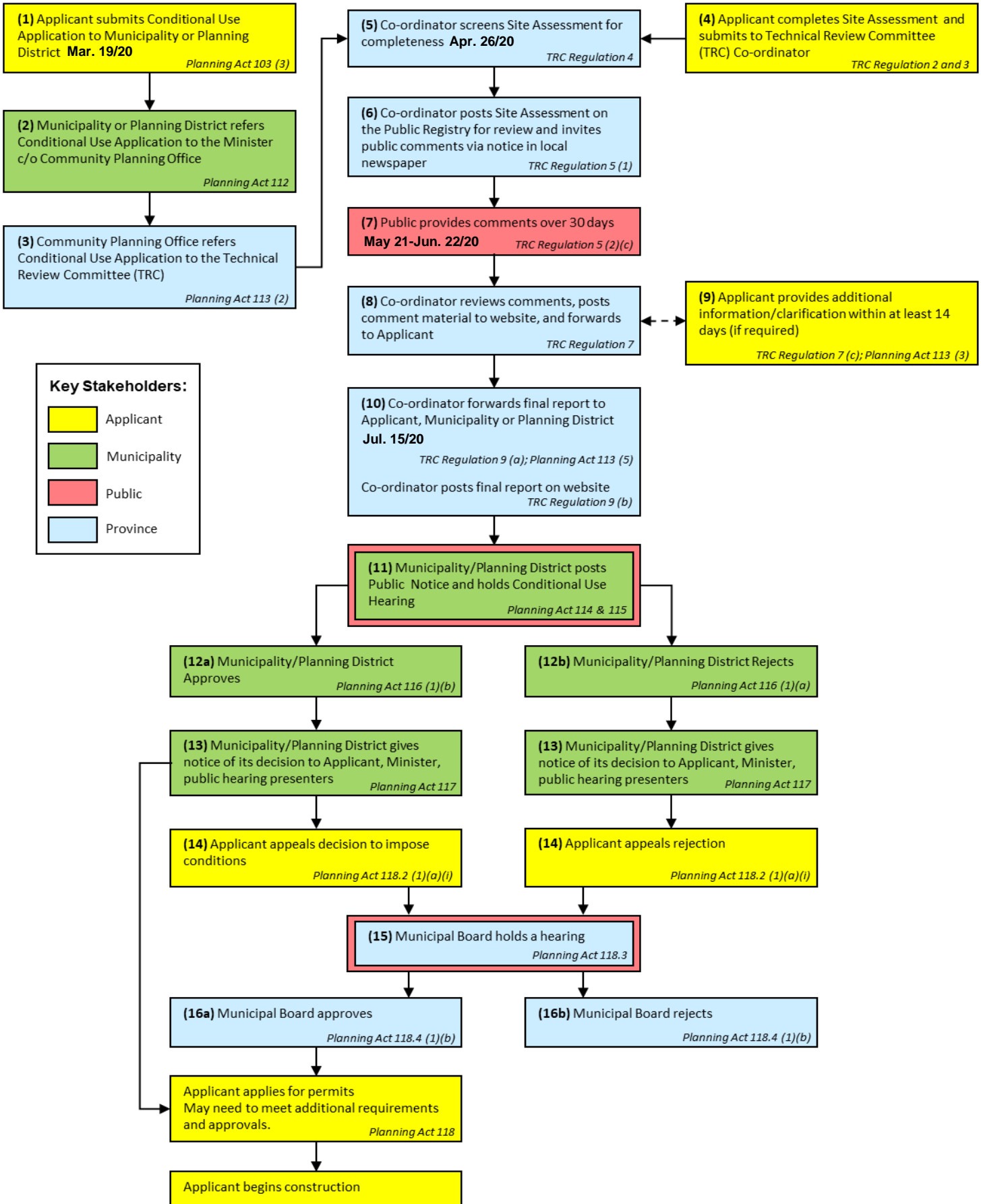
Purpose of TRC Reports

To provide objective, credible, technically-based assessments that:

- a) Enable municipal councils or planning districts to make informed Conditional Use Permit decisions;
- b) Create a common stakeholder understanding of a livestock proposal, potential impacts and related regulatory requirements and safeguards;
- c) Provide a vehicle/forum that enables the sharing of public concerns and proponent responses;
- d) Offer recommendations to both municipal councils, planning districts and proponents; and
- e) Represents the fulfillment of the TRC's role as per 116(1)(b)(i) of *The Planning Act* – to determine, based on available information, that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measure and safeguards.

Should the municipal council provide conditional approval of the proposal, the project proponent may be required to obtain various permits and licenses from the province to address in greater detail environmental aspects of the proposal. As of November 1, 2019, a proponent may appeal a municipal council's rejection of their application or appeal a condition imposed related to municipal council's approval. Appeals are made to the Municipal Board.

Livestock Technical Review Process (November 1, 2019)



B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

Further information can be found at https://www.gov.mb.ca/mr/livestock/public_registries.html

Applicant: Weststar Pork Inc.

Site Location: NE ¼ 34-2-3 EPM. Refer to map below.

Proposal: To expand its operation from 8,000 to 12,000 growers/finishers (1,144 to 1,716 animal units).

This will involve the following:

- Expansion of two existing barns
- Earthen manure storage
- Consuming a maximum of 26,400 imperial gallons of water per day from the Roseau River.
- Rendering mortalities
- Truck haul routes as shown in map below



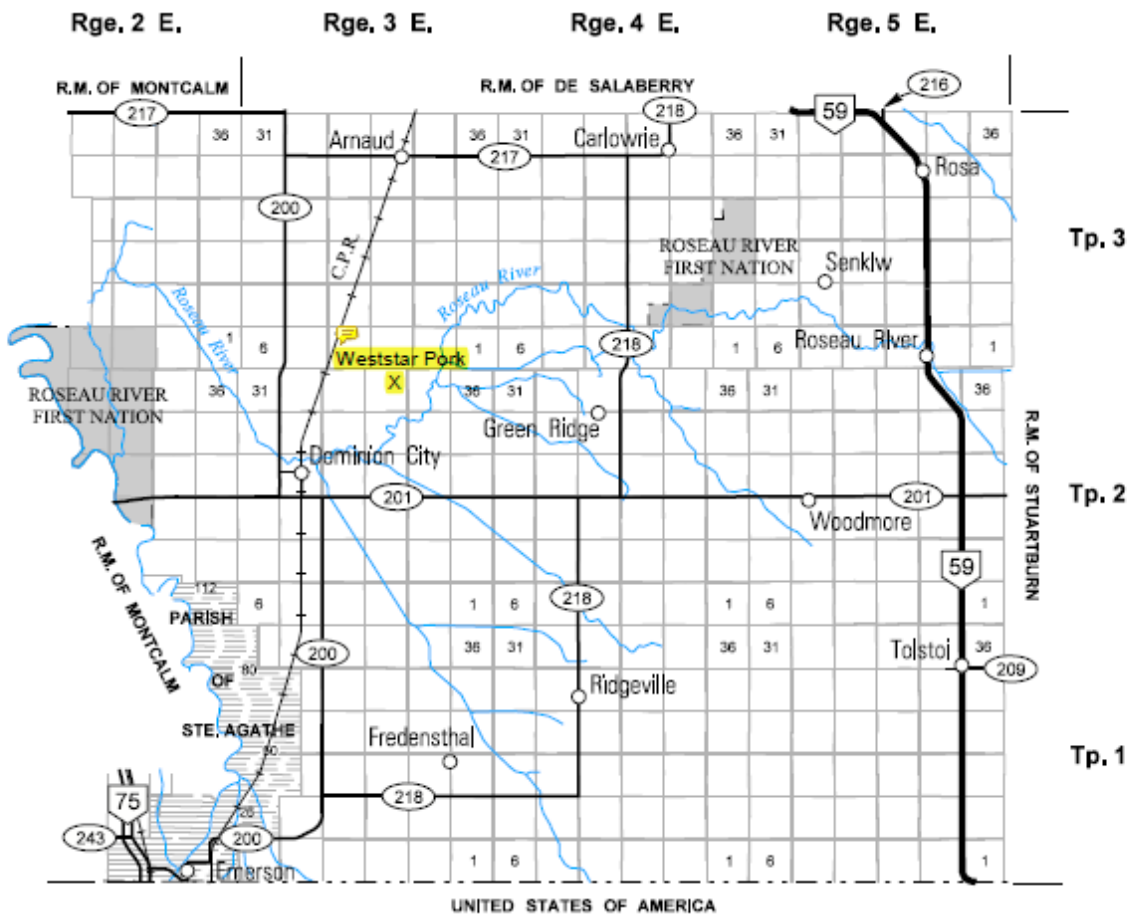
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SCALE IN KILOMETRES

MUNICIPALITY OF EMERSON-FRANKLIN

PROVINCE OF MANITOBA
INFRASTRUCTURE
HIGHWAY PLANNING AND DESIGN BRANCH
GEOGRAPHIC & RECORDS MANAGEMENT SECTION
WINNIPEG
JANUARY 1, 2015

LEGEND

PROVINCIAL TRUNK HIGHWAYS		ACCESS ROADS	
PROVINCIAL ROADS		RAILWAYS	



FORMERLY RM OF FRANKLIN

SHEET 1 of 1



Proposed Weststar Pork Inc. Site Plan



Weststar Truck Route

C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-072 – Weststar Pork Inc.				
Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
1	Submitted complete site assessment	X	Technical Review Committee Regulation 119/2011 requires an applicant to submit a completed site assessment.	MR
2	Clearly identified the current and proposed type and number of animals and animal units	X	Weststar Pork Inc. is seeking conditional use approval to expand their existing 8,000 grower-finisher operation to 12,000 grower-finisher pigs, which is equivalent to 1,716 animal units (AU).	ARD ¹
3	Project clearly defined as: animal confinement facility	X	The project is clearly defined as an animal confinement facility.	CC
		X	The site assessment indicates that the proposed operation will expand two existing barns by adding 200 ft x 92 ft to each. Both of the proposed expanded barns are in excess of 6,458 sq. ft. (600 sq.m) and will therefore require a building permit from the Office of the Fire Commissioner under <i>The Building and Mobile Home Act</i> and the Manitoba Building Code.	MR
4	Identified all existing and proposed buildings and structures and related separation distances	X	No variances are required to vary minimum separation distances or minimum zoning site requirements.	MR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	According to reconnaissance soil survey, Weststar Pork Inc. is located on Class 3, prime agricultural land. The project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone.	ARD ²
6	Identified suitable water source: <u>Water from the Roseau River will be stored in ponds on site at a water consumption rate of 26,400 imperial gallons per day</u>	X	Under <i>The Water Rights Act</i> , all operations using more than 25,000 litres (5,499 imperial gallons) of water per day must hold a Water Rights Licence. The proponent currently holds a Water Rights Licence for the existing project. If the water usage is increasing beyond the licensed allocation, the proponent will be required to submit an Application to Divert and Use Surface Water.	CC

¹ Agri-Resource Branch

² Agri-Resource Branch, Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-072 – Weststar Pork Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
7	Proposed project site meets development plan, zoning by-law	X	<p><i>The Planning Act</i> requires that development plans must include a livestock operation policy that guides zoning by-laws dealing with livestock operations.</p> <p><i>The Planning Act</i> requires municipalities to issue development permits for any development on a site. All development must comply with the Zoning By-law and Development Plan. Any proposed development that does not meet the separation distances or setbacks requires Council approval and a public process to vary those requirements.</p> <p>Designation The proposed livestock operation, located in the NE¼ 34-2-3 EPM in the Municipality of Emerson-Franklin, is designated Agricultural Policy Area (Municipality of Emerson-Franklin Development Plan By-law No. 05-17) and the proposal complies with Livestock Policies 4.3.1, 4.3.7, and 4.3.16.</p> <p>Note: Development Plan Amendment By-law No. 05-17 was approved on July 10, 2018 to allow existing operations to expand beyond 200 AU within the Agricultural Policy Area as a Conditional Use.</p> <p>Zoning The proposed site is zoned “AG1” Agricultural 1 Zone (Municipality of Emerson-Franklin Zoning By-law No.06-17) and has a minimum site area requirement of 80 acres with a minimum site width requirement of 600 feet.</p> <p>The proposed project complies with the zoning site requirements.</p> <p>Note: Zoning By-law No. 06-17 was approved on July 10, 2018 to allow existing operations with more than 200 AU to expand as a Conditional Use in the “AG1” Agricultural 1 Zone.</p>	MR
8	Identified any unsealed abandoned wells on the project site or spread fields	X	<p>The provincial water well database shows no well records for the proposed property or spread fields. The assessment report also indicates that there are no unused wells on the proposed property or spread fields. If unused water wells on the site or spread fields are later located these shall be properly sealed and a sealed well report must be filed with the Groundwater Management Section of Agriculture and Resource Development for each well sealed. Information on well sealing and well sealing reports are available from Agriculture and Resource Development (204-945-6959) or: https://www.gov.mb.ca/sd/water/groundwater/wells_groundwater/index.html. All but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals can also be accessed from the above web page.</p>	ARD ³

³ Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-072 – Weststar Pork Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
9	Identified suitable manure storage methods	X	A permit to expand the existing manure storage facility must be obtained, prior to initiating any of the expansion work, in accordance with the Livestock Manure and Mortalities Management Regulation. An application for a permit to expand the manure storage must be submitted to Environmental Approval Branch of Conservation and Climate (EABDirector@gov.mb.ca). Design guidelines and application forms are available at: https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html .	CC
10	Identified acceptable manure application methods	X	The proponent must submit and adhere to a manure management plan approved for the facility per the Livestock Manure and Mortalities Management Regulation (MR 42/98).	CC
11	Mortalities disposal methods identified (rendering)	X	The proponent has indicated that mortalities will be dealt with by rendering. This is an acceptable disposal method under the LMMMR (MR 42/98). More specific information is included in the Livestock Manure and Mortalities Management Regulation and at: https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html .	CC
12	Proposed suitable setback distances from water and property lines for manure, livestock and mortalities	X	The proponent indicates that setback distances meet minimum requirements set out in the Livestock Manure and Mortalities Management Regulation MR 42/98.	CC
13	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	This project site is not within a Designated Flood Area and was not flooded during the 1997 Red River Flood (see Appendix A).	MI
14	Proposed acceptable odour control measures	X	Should odour become a problem for neighbouring residents, there is a complaints process under <i>The Farm Practices Protection Act</i> . A person who is disturbed by any odour, noise, dust, smoke or other disturbance resulting from an agricultural operation may make a complaint, in writing, to the Manitoba Farm Industry Board. The Act is intended to provide for a quicker, less expensive and more effective way than lawsuits to resolve nuisance complaints about farm practices. It may create an understanding of the nature and circumstances of an agricultural operation, as well as bring about changes to the mutual benefit of all concerned, without the confrontation and the expense of the courts.	ARD ⁴

⁴ Agri-Resource Branch

Provincial Technical Overview of TRC 12-072 – Weststar Pork Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
		X	<i>The Planning Act</i> allows municipal councils to require a manure storage cover and the planting of a shelter belt as a condition of approval.	MR
15	Proposed sufficient and suitable land for manure spreading with minimum setbacks from water sources	X	The required land base for Weststar Pork Inc. is 2,074 acres. Weststar Pork Inc. has satisfied the land requirement by demonstrating that they have access to 2270 suitable acres. Additional explanation is available in the Appendix B.	ARD⁵
		X	During manure spreading, setback distances to all groundwater and surface water features as prescribed under the Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.	CC
16	Indicated if spread fields are located in the Red River Valley Special Management Area or any other regularly inundated area	X	All spread fields are within the Red River Valley Special Management Area and as such fall manure applications (September 10 – November 10) to tilled land must be injected or incorporated within 48 hours.	CC
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	<p>The proposed spread fields in the Municipality of Emerson-Franklin are all located on lands designated Agricultural Policy Area, with the exception of the spread field on E½ 27-3-3 EPM, which is designated Limited Agricultural Policy Area. They meet the intent of the Municipality of Emerson-Franklin Development Plan By-Law No. 05-17.</p> <p>All the spread fields are zoned “AG1” Agricultural 1 Zone, with the exception of the spread field on E½ 27-3-3 EPM, which is zoned “AG2” Agricultural 2 Zone. They comply with the Municipality of Emerson-Franklin Zoning By-Law No. 06-17.</p>	MR
18	Proposed acceptable manure transportation methods	X	The transport of livestock manure is subject to Section 9 of the Livestock Manure and Mortalities Management Regulation. The proponent has indicated a dragline as means of manure transportation. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation.	CC

⁵ Agri-Resource Branch

Provincial Technical Overview of TRC 12-072 – Weststar Pork Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
			Please be advised that any structures placed within the controlled area of PR 200, PR 201, PR 217, PR 218 or any provincial road (PR) and provincial trunk highway (PTH) (125 feet from the edge of the right-of-way) requires a permit from our office. The contact is Sheena del Rosario at (204) 945-3457 or Sheena.DelRosario@gov.mb.ca . The placements of temporary drag lines or any other temporary machinery/equipment for manure application within the right-of-way of PR 200, PR 201, PR 217, PR 218 or any provincial road (PR) and provincial trunk highway (PTH) requires permission from our regional office in Steinbach. Please contact the Acting Regional Planning Technologist (Robert Fender) at (204) 371-6858 or Robert.Fender@gov.mb.ca . In addition, please notify the Acting Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PR 200, PR 201, PR 217, PR 218 or any provincial road (PR) and provincial trunk highway (PTH) (125 feet from the edge of the right-of-way).	MI
19	Identified suitable trucking routes and access points	X	The proposed truck route will utilize existing municipal roads connecting onto PR 218. We don't anticipate a significant increase in use for this access connection and have no concerns.	MI
20	Identified proposed trucking routes – local roads	X	The proposed site is accessed by municipal Road 16E. As per Section 116(2) of <i>The Planning Act</i> , municipalities as a condition of approval may require proponent to enter into a development agreement regarding the condition and upkeep of local roads used as truck haul routes.	MR
21	Confirmed that no rare species are impacted on new sites/lands	X	The Conservation Data Centre Report indicates that no species listed under the provincial Endangered Species and Ecosystems Act, the federal Species at Risk Act, or classed as at-risk according to internationally recognized standards, have been documented in the project area.	ARD ⁶

Provincial Departments: Agriculture and Resource Development (ARD), Conservation and Climate (CC), Infrastructure (MI), Municipal Relations (MR)

⁶ Wildlife and Fisheries Branch

D. PUBLIC COMMENTS AND DISPOSITIONS

Public Comment Summary	
Richard, Ronald and Marlys Pearse	<p>CONCERNED</p> <p>Commenter suggests the following conditions on approval:</p> <ul style="list-style-type: none"> - Trees to be planted around the barn, specifically to the south, to beautify the area and keep the smell of the animals contained due to proximity of commenter's home and community of 300 people. - Lagoon to pump manure from underneath instead of current practice of pumping manure on top of the lagoon which causes unnecessary odour.
Glenway Colony Farms Ltd. Box 182 Dominion City, MB. R0A 0H0	<p>OPPOSED</p> <ul style="list-style-type: none"> - Writer is opposed to expansion due to proximity of the barns to their Hutterite Community. The Colony also has a hog operation less than 1 mile away. - The commenter claims that animals are trucked in from multiple other hog operations, and are concerned that this will increase the potential for spreading of infectious diseases such as PED to their operation. - Also concerned about increased odour.

A full copy of the public comments as well as the proponent's response may be viewed on the public registry at: https://www.gov.mb.ca/mr/livestock/public_registries.html

See Appendix C for the proponent's response to the public comments.

E. CONCLUSIONS AND RECOMMENDATIONS

Conclusion

The information contained in the Site Assessment submitted by the proponent generally meets provincial requirements. In addition, based on available information it has been determined that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards.

Recommended Actions to Council

1. As per Section 114(1) of *The Planning Act*, at least 14 days before the date of the hearing, council must:
 - a) send notice of the hearing to
 - i. the applicant,
 - ii. the Minister (c/o the Steinbach Community Planning Office),
 - iii. all adjacent planning districts and municipalities, and
 - iv. every owner of property located within three kilometres of the site of the proposed livestock operation, even if the property is located outside the boundaries of the planning district or municipality;and
 - b) post a copy of the notice of hearing on the affected property in accordance with Section 170 of *The Planning Act*.
2. Council should specify the type(s) of operation, legal land location, number of animals in each livestock category and total animal units in its Conditional Use Order.
3. As per Section 117 of *The Planning Act*, Council must send a copy of its Conditional Use Order to
 - a) the applicant,
 - b) the Minister (c/o the Steinbach Community Planning Office), and
 - c) every person who made representation at the hearing.

Council is welcome to contact Manitoba Conservation and Climate, Environmental Approvals Branch or Regional Environmental Compliance and Enforcement staff with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98) including compliance and enforcement issues.

Recommended Actions to Proponent

That any additional measures identified through subsequent provincial licencing or permitting in order to minimize any identified risks to health, safety and the environment be undertaken.

That as per Section 118.2(2)(b), an applicant may appeal the following decisions of a board or council to the Municipal Board:

- (i) a decision to reject the application,
- (ii) a decision to impose any condition on the approval.

F. TECHNICAL REVIEW COMMITTEE MEMBERS

Name	Department	Title <i>Branch</i>	Contact
Don Malinowski	Municipal Relations	Senior Planner <i>Community Planning Branch</i>	204-945-8353
Petra Loro	Agriculture and Resource Development	Livestock Environment Specialist <i>Agri-Resource Branch</i>	204-918-0325
Shannon Beattie	Conservation and Climate	Policy Analyst <i>Legislation, Policy and Coordination Branch</i>	204-792-6269
Jeff DiNella	Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664

Appendix A Manitoba Infrastructure

Water Management, Planning and Standards Branch:

1997 Flood Imagery:



Appendix B

Agriculture and Resource Development

Water Science and Watershed Management Branch:

- Proper nutrient management applications that avoid excess loss of nutrients to surface waters are needed on lands receiving manure in southern Manitoba because long-term trend analysis of total phosphorus and total nitrogen has shown significant increases in these nutrients in the Assiniboine and Red rivers (Jones and Armstrong 2002).
- The proponent plans to inject all liquid manure. Injection of manure at appropriate rates poses lower environmental risk than other manure application methods and conserves nitrogen increasing the fertilizer value of the manure.
- The proponent plans to implement a multi-cell lagoon for manure storage. When properly managed a multi-cell lagoon will allow for better utilization of manure nutrients and can reduce the risk of nitrogen and phosphorus loss to surface and groundwater by more closely matching nutrient application rates to crop requirements.
- For most crops, manure contains an excess of phosphorus (P) compared to nitrogen (N) and as a result, application at N-based rates causes a buildup of soil P. Practices which reduce N losses from the manure improve the N:P ratio in the manure and help slow P buildup when manure is applied at N-based rates. The proponent is planning to apply liquid manure with partial injection which will reduce N losses compared to broadcast methods.
- The proponent has acknowledged the setback areas for all water features have been observed and excluded from land base calculations. Setbacks should be clearly communicated to and observed by those involved in manure application to minimize the risk of nutrients entering surface and groundwater.
- Manitoba has included phosphorus as a nutrient by which fertilizer application through manure, synthetic fertilizer, and municipal waste sludge to agricultural lands may be limited. To remain environmentally sustainable over a long-term planning horizon of 25 years or more, the proponent must be able to balance phosphorus inputs from applied manure and other nutrient sources such as commercial fertilizers with crop removal rates to avoid further build-up in soils. Consequently, sufficient land base must be available such that manure can be applied at no more than 1 times crop P removal rates (P balance). For long-term planning purposes, the proponent needs to have sufficient land available to ensure that manure can be applied at 1 times crop P removal. The proponent acknowledges that 4,148 acres may be required for the long-term environmental sustainability of the operation. The proponent has identified 2,270 acres for manure application. Application to meet crop N requirements is estimated to use 1,952 acres. Application at 2 times the crop removal of P is estimated to use 2,074 acres (4,148 acres is estimated to achieve P balance (phosphorus removal) with current crop choices and yield potential).
- As phosphorus levels build up in soils, the concentration of phosphorus in runoff to surface waters increases. It is important to rotate manure application across all spread fields and whenever possible focus manure applications on fields with low Olsen-P soil test levels so as to prevent excessive P buildup when applying manure at rates above P balance (P removal by harvested crops).

Agri-Resource Branch:

- Weststar Pork Inc. has met the land requirements for 12,000 grower-finisher pigs as follows:
- In areas of lower livestock intensity such as the RM of Emerson-Franklin, it is currently the Province of Manitoba's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by the livestock. This policy assumes that more land is available in the region to balance phosphorus with crop removal, should it be necessary in the future.
- Typical, modern feeding practices for pig production were used to estimate nutrient excretion for Weststar Pork Inc. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RM of Emerson-Franklin were used to estimate crop nitrogen uptake and phosphorus removal rates for the crop rotation specified in the proposal.
- Land suitability is determined using soil testing for phosphorus and soil survey to establish the agriculture capability. All of the lands with soil tests were below 60 ppm Olsen P, as required to be considered suitable. Detailed soil survey is available to determine the agriculture capability of the land. The agriculture capability of the land included in the proposal is predominantly Class 2 and 3 (prime agricultural land). The main limitation is wetness (W).
- The required land base for Weststar Pork Inc. is 2074 acres. Weststar Pork Inc. has satisfied the land requirement by demonstrating that they have access to 2270 suitable acres.

Appendix C Proponent's Response

July 9, 2020

To Whom it May Concern

Re: PED concerns related to the expansion of Weststar Pork – technical application review number TRC - 12 - 072

Weststar Pork, located at NE 34-02-03E is planning an expansion to its existing 8000 head two barn finishing hog site. This expansion is a west extension of one of the two existing "H" style finishing units to facilitate an additional 4000 finishing spaces as well as the construction of a new lagoon. Weststar Pork currently finishes hogs for Maple Leaf Agri-Farms.

Concerns have been brought up that this expansion would result in an increased risk to local farms to contract Porcine Epidemic Diarrhea Virus (PED). PED is a highly contagious and economically important viral disease in pigs resulting in extensive scour in all ages of pigs. There are several means by which PED virus will spread from a positive farm to a negative farm. In Manitoba these most commonly include (but not limited to): physical moving of PED positive pigs to a PED negative site, physical tracking of virus on footwear, equipment, livestock trailers etc, manure application via excessive lagoon agitation and aerosolization during surface spreading or by simply airborne spread from one farm to another.

Weststar Pork currently resides outside any PED buffer zones within Manitoba essentially meaning PED is not a commonly occurring disease in the Weststar Pork area. However, Weststar Pork did contract PED virus in May of 2019 with the most likely origin being from area spread of other local farms (see CVO's comments below). Weststar proceeded to eliminate PED from both barns and is considered a presumptive negative PED site currently.

To fully evaluate the increased PED risk to the Weststar Pork area by increasing Weststar Pork from 8000 to 12,000 feeder pigs a few assumptions need to be made:

- 1) Pig sources – as a result of this expansion, Weststar Pork will continue to receive single sourced feeder pigs and/or will not increase the number of sources of pigs, and/or will not change sources to one that is a higher risk of breaking with PED virus.
- 2) Increased traffic to Weststar Pork – any increased traffic as a result of this expansion would travel along the currently used road directly south of Arnaud that runs in front of the Weststar barns and would not require alternate roads to be used
- 3) Any additional manure that will require spreading will continue to be applied using a drag hose and injector as is currently the case.
- 4) Any additional manure that will be required to be applied will not result in application to fields that are closer to or in a higher risk location to neighboring farms than what are already receiving manure

Provided the above assumptions are correct, I believe any increased risk of introduction of PED virus to the Weststar Pork area to be negligible.

Chief Veterinary Officer's comments regarding potential sources of Weststar Pork's PED break in 2019:

"Unknown source. Unknown Contact. Estimate area spread. Risk factors; IP13 active case at time, undergoing backfeeding for elimination & < 2.5 km away. Indirect contact also possible through deadstock pickup linked with IP11 (see above) & transport contact with high risk high traffic facility (Provincial abattoir). Either would imply an unidentified biosecurity issue. Note This was a BA surveillance detection - no clinical signs initially reported."



Tony Nikkel DVM
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Dr. Brad Lage
Sr. Manager of Animal Health & Welfare
Maple Leaf Agri-Farms