

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Potzus Paving & Road Maintenance Ltd.
PROPOSAL NAME: Asphalt Plant – AS9001(a)
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Transportation
CLIENT FILE NO.: 5342.00

OVERVIEW:

On May 1, 2008, Manitoba Conservation received a Proposal for the operation of a portable asphalt plant at locations throughout Manitoba. The operating hours of the facility are any time between sunrise and sunset in the months of May to November. The facility produces asphalt for use in road construction and repair. There are particulate matter, VOC, NOx, odour, and other air emissions associated with the operation of an asphalt plant. The facility includes a baghouse for the control of particulate matter emissions.

The Department, on May 13, 2008, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station) Main Floor, Winnipeg; the Millennium Public Library, 4th Floor, 251 Donald Street, Winnipeg; and the Manitoba Eco-Network, 3rd Floor, 303 Portage Ave., Winnipeg. 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 the Winnipeg Free Press on May 17, 2008. The newspaper and TAC notifications invited responses until June 3, 2008.

COMMENTS FROM THE PUBLIC:

No public comments were received.

Disposition:

No action needed.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Agriculture, Food and Rural Initiatives

Recommended that in the case where an asphalt plant is sited on land suitable and used for agricultural production a mitigation plan should be provided to ensure that no land is lost from agricultural production in the decommissioning of the temporary asphalt plant site.

Disposition:

Clauses 40 and 41 of the draft Environment Act Licence address this concern.

Manitoba Conservation

Sustainable Resource & Policy Branch indicated they had no comment on the proposal.

Parks & Natural Areas provided comments with respect to the location of temporary asphalt plants.

Air Quality provided extensive comments, mostly related to the use, or absence of, air pollution control equipment and the resultant effect on air quality.

Disposition:

Clauses 9 – 11 of the draft Environment Act Licence address siting of the asphalt plants and clauses 17 – 32 address concerns related to air emissions.

Manitoba Culture, Heritage, Tourism and Sport – Historic Resources Branch

No concerns.

Disposition:

No action necessary.

Manitoba Health

Comments provided indicated that it would be beneficial for the proposal and/or license to include more information related to:

- Clearer identification of products used during operation and of emissions generated as a result of operation, particularly those having potential health effects.
- MSDS data sheets for the products used and generated should be available as part of an emergency plan.
- A provision for noise and dust emission control and monitoring.

Disposition:

Clauses 17-32 of the draft Environment Act Licence address concerns related to air emissions and clause 39 addresses emergency response planning.

Manitoba Infrastructure and Transportation

No concerns.

Disposition:

No action needed.

Manitoba Science, Technology, Energy & Mines – Mines Branch

The comments provided indicate that mineral rights ownership of proposed temporary asphalt plant sites needs to be considered and that a conditional use permit is required from the municipality.

Disposition:

Clauses 9 to 11 of the draft Environment Act Licence address location.

Manitoba Science, Technology, Energy and Mines – Petroleum Branch

No concerns.

Disposition:

No action needed.

Manitoba Water Stewardship

The following comments were provided:

- *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 license 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 the proposal in question advocates any of these activities, application for a Water Rights License to Construct Water Control Works is required.
- The Department recommends to include the following, as requirements of an Environment Act Licence:
 - The Licencee shall not operate an asphalt plant within 100 metres of surface waters.
 - The Licencee shall maintain a 30-metre buffer strip of native vegetation between the perimeter of the asphalt plant yard site and surface waters.
 - The Licencee shall adhere to the Manitoba Heavy Construction Association’s “Temporary Asphalt Siting Guidelines” (1996).

- The Licencee shall handle, transport, store, and dispose of petroleum and allied products in accordance with the Storage and Handling of Petroleum and Allied Products Regulation (MR188/2001) or other regulations under *The Dangerous Goods Handling and Transportation Act*.
- The Licencee shall search the proposed site for any abandoned wells and if found, they will be sealed according to proper well sealing techniques. Any on-site water wells(s) should be constructed and adequately protected to ensure surface water and/or contaminants will not enter the well.
- The Licencee shall manage wastewater and sewage generated on the site in accordance with the Onsite Wastewater Management Systems Regulations of *The Environment Act* or discharge the wastewater and sewage to a municipal sewer system designed to receive such wastes.
- The Licencee shall develop and implement an emergency response plan for each asphalt plant.

Disposition:

Clause 10 of the draft Environment Act Licence addresses the siting of asphalt plants, clause 11 addresses abandoned wells, and clause 39 addresses emergency response. Existing Manitoba Regulations address the remaining expressed concerns.

Environment Canada – Environmental Protection Operations Branch

The following comments were provided:

- Temporary (mobile) asphalt plants can emit significant amounts of fine and coarse particulates and gaseous emissions. Particulate matter less than 2.5 microns in size (PM_{2.5}) has been declared toxic under CEPA because of human health and environmental concerns. Environment Canada has concerns regarding these types of operations, and refers the proponent to the Canada-wide Standards for Particulate Matter (PM) and Ozone that was developed by the CCME. The hot-mix asphalt sector is one industrial sector where emission reduction strategies for PM were developed as asphalt plants can emit significant amounts of PM and gases if not equipped with proper air pollution control devices or if these control devices are not operated or maintained properly.
- Environment Canada acknowledges and commends the proponent for implementing secondary air emission controls to reduce their particulate and gaseous emissions.
- Environment Canada also recommend that the proponent be required to implement the Best Available Techniques (BAT) as outlined in Section 4.2 of the “*Multi-pollutant Emission Reduction Analysis Foundation (MERAF) for the Hot-Mix Asphalt Sector (September 2002)*” This report is available at www.ccme.ca/assets/pdf/hot_mix_asphalt_final_merap_e.pdf

- The proponent should also be aware that temporary asphalt plants are required to report under the National Pollutant Release Inventory.

Disposition:

Clauses 17 to 32 of the draft Environment Act Licence address concerns related to air emissions.

Health Canada

No comments specific to the proposal were provided, but Health Canada offered its expertise in several biophysical areas related to human health.

Disposition:

No action needed.

PUBLIC HEARING:

A public hearing is not recommended.

RECOMMENDATION:

The Proponents should be issued Licences for the operation of an asphalt plant in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be retained by the Environmental Assessment and Licencing Branch until January 1, 2010 at which time it should be assigned to Regional Operations.

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

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