

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** GJ Chemical Company Limited  
**PROPOSAL NAME:** GJ Chemical Company Limited  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Bulk Materials Handling Facility  
Crop Protection Products Warehouse  
**CLIENT FILE NO.:** 5491.00

### **OVERVIEW:**

On October 29, 2010, Manitoba Conservation received a proposal for the construction and operation for the construction, installation and operation of a crop protection products warehouse and liquid fertilizer handling and distribution facility to be located at NE ¼ 16-07-01 WPM in the Rural Municipality of Macdonald, located approximately one mile south and a half mile east of the Town of Brunkild.

No public concerns were received in response to the advertisement of this proposal in the Central Plains Leader published on Saturday November 20, 2010. The proposal was placed in the Public Registries at the Millennium Public Library, the Manitoba Eco-Network, the Environment Library (Main), the Portage La Prairie Public Library. The proposal was distributed to TAC on November 18, 2010, with the closing date for TAC and Public comments on December 17, 2010.

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

No public responses were received.

### **COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Canadian Environmental Assessment Agency** has reviewed the proposal and informed that the project does not trigger the need for a federal EA under the *Canadian Environmental Assessment Act*.

**Manitoba Conservation (Aboriginal Relations Branch)** reviewed the project proposal and indicated they have no concerns related to Treaty, Aboriginal, or Metis right infringements.

**Manitoba Conservation (Environmental Services Branch)** reviewed the proposal and submitted the following questions/concerns:

- Proposal mentions the intent of installing 6 – 350,000 tonne liquid fertilizer tanks but does not speak to them any further. It mentions that there will be very minimal handling of products on site however this would not be the case with this volume of tanks.
- No proposed spill protection in the area of loading and unloading for tanks.

- Tank area (bermed) will have 110% capacity of largest tank but this does not include the area taken up by the remaining 5 tanks, thus greatly reducing the spill capacity.
- Do not speak to the material used in the floor of the bermed area (compacted clay, liner).
- Figure 3 does not clearly show where tanks will be situated and extent of the berms.
- Do not address environmental effects, mitigation measures and residual effects of tanks.

**Disposition:** Client has indicated that they do not intend to develop the liquid fertilizer site at this point. If the liquid fertilizer component of the site is to be developed, a Notice of Alteration will be required to be filed.

**Manitoba Conservation (Parks and Natural Areas Branch)**

No comments.

**Manitoba Conservation (Pollution Prevention Branch – Air Quality Section)**

No comments.

**Manitoba Conservation (Regional Operations Branch)** reviewed the proposal and submitted the following questions/concerns:

- Will the tanks be piped together or will there be a separate dispensing unit for each tank?
- What kind of tanks will be used?
- The proposal does not mention offloading procedures for the tank farm. Will they be selling smaller containers of product for retail or offering a chemical application service?
- There is mention of a security system for the building's, will there be any security system for the tanks? (ie-fenced compound, locked tanks)

**Disposition:** Client has indicated that they do not intend to develop the liquid fertilizer site at this point. If the liquid fertilizer component of the site is to be developed, a Notice of Alteration will be required to be filed.

**Manitoba Conservation (Sustainable Resource and Policy Management Branch)**

No concerns.

**Manitoba Infrastructure and Transportation**

No concerns.

**Manitoba Water Stewardship** reviewed the proposal and submits the following comments:

Manitoba Water Stewardship recommends an *Environment Act* Licence to include the following requirements:

- The Licencee must apply for a Designated Flood Area Permit (application attached) for the proposed liquid fertilizer tanks, in accordance with *The Water Resources Administration Act*.

The subject property is situated within the Red River Valley Designated Flood Area. The 100 year flood level (1997 flood event) at this location is 238.78 metres (783.4 feet) G.S. of C. Datum, and the corresponding flood protection level is 239.39 metres (785.4 feet) G.S. of C. Datum. The site was not flooded during the 1997 Red River Valley Flood.

The floor elevations of the two structures which the proponent is proposing to utilize as storage facilities are above the 100 year flood level, but do not have the freeboard required of new structures of this type which are constructed within the Designated Flood Area. The residence main floor elevation (240.78 metres (789.95 feet)) is well above the elevation required of a house with basement.

The proposed liquid fertilizer tanks must be provided with flood protection. The top of floor elevations of the tanks or the crest elevation of the compacted clay berm which the proponent is proposing to construct around those tanks should be a minimum elevation of 239.39 metres (785.4 feet).

- The Licencee shall actively participate in any future watershed based management study, plan/or nutrient reduction program, approved by the Director, Water Science and Management Branch, Manitoba Water Stewardship.

Note: Manitoba Water Stewardship is concerned with any discharges that have the potential to impact the aquatic environment and/or restrict present and future uses of the water.

- The Licencee must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association (AWSA) for certification.
- The Licencee shall develop and implement an Emergency Response Plan, including the following:

All potentially contaminated water from the site must be contained on the Proponent's property. Therefore, secondary containment must incorporate a gated culvert which must remain in the closed position unless authorized by Manitoba Conservation. Where there is a concern that accumulated water is contaminated, the liquid should be sampled prior to release.

Potentially contaminated water cannot be released until approval is obtained from Manitoba Conservation, after a review of water sample test results submitted from

a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA; Internet address = <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.

Manitoba Water Stewardship submits the following comments:

Manitoba Water Stewardship does not object to this proposal, at this time.

The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba's water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including *The Water Protection Act*, *The Water Rights Act*, and *The Water Power Act*.

The proponent needs to be informed of the following for information purposes:

*The Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any "water control works." "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, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. A person may contact the following Water Resource Officer to obtain an application and/or obtain information.

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](mailto:geoff.reimer@gov.mb.ca).

The proponent needs to be informed that erosion and sediment control measures should be implemented until all of the sites have stabilized.

**Disposition:** Client has indicated that they do not intend to develop the liquid fertilizer site at this point. If the liquid fertilizer component of the site is to be developed, a Notice of Alteration will be required to be filed.

Remaining issues identified by Water Stewardship can be addressed via Licence conditions.

**PUBLIC HEARING:**

No public hearing will be conducted.

**RECOMMENDATION:**

All provincial comments received on the Proposal have been addressed as licence conditions, or have been forwarded to the Applicant's representative for information. 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 Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Central Region.

**Prepared by:**

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March 2, 2011

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