

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Heritage Co-op 1997 Ltd.
PROPOSAL NAME: Crop Protection Products Warehouse
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5516.00

OVERVIEW:

On March 29, 2011, Manitoba Conservation received a Proposal dated January 25, 2011 for the construction and operation of a crop protection products warehouse at 100 Heritage Way, SE 10-15-18 WPM in the Rural Municipality of Minto. The facility will operate Monday to Saturday from 8:00 am to 5:00 pm with extended hours of 7:00 am to 8:00 pm during peak agricultural seasons. The facility will store and sell agricultural herbicides.

The Department, on April 26, 2011, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station), the Winnipeg Public Library, the Manitoba Eco-Network, the Millennium Public Library, and the RM of Minto office. 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 Minnedosa Tribune on April 29, 2011. The newspaper and TAC notifications invited responses until May 16, 2011.

COMMENTS FROM THE PUBLIC:

There were no comments received from the public.

Disposition:

No action needed.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency

No concerns.

Disposition:

No action needed.

Environment Canada

No concerns.

Disposition

No action needed.

Manitoba Infrastructure and Transportation (MIT) – Highway Planning and Design Branch

The following comments were provided:

- MIT requests an engineered detailed erosion & sedimentation mitigation plan for the initial construction of the site.
 - *The proponent responded that the site is an existing developed site and this proposal is for the addition of one building, and therefore the requested plan is not required.*
- The proposed development is located adjacent to Provincial Road (PR) No. 355. As such, the proponent should be informed that, under the Highways and Transportation Protection Act, any new, modified or relocated access connection onto a PR will require a permit from Manitoba Infrastructure and Transportation (including changed use in access). A permit may also be required for any construction (above or below ground level) within 38.1 m (125 ft) or for any plantings within 15.2 m (50 ft) from the edge of the right of way of PR 355. Permit applications can be obtained by contacting Ashley Beck at the Brandon Office (204) 726-7000.
 - *The proponent responded that there is no new or modified access connection and that there is no construction or plantings within the identified setback distance requirements.*
- All potential drainage into ditches onto a departmental road from the site should be controlled within a beamed area around the facilities and equipped with control valve so that any contaminated run-off could be contained within premises. Existing drainage patterns are to be maintained in all ditches onto departmental roads. A permit may be required if there is an increase in the drainage flow rate.
 - *The proponent had been advised of this requirement by Conservation and will comply.*

Disposition:

The proponent provided a response to the satisfaction of MIT. Clause 11 of the draft Environment Act Licence requires secondary containment.

Manitoba Health – Assiniboine and Brandon Regional Health Authorities

The following comments were provided:

- Air emissions – ensure air emissions criteria will be met, including any possible greenhouse gas emissions and assessing the need for air dispersion monitoring if needed.
- Water – ensure measures in place to minimize any potential risk to surface or ground water contamination by fuel or chemical.
- Wastes/Chemicals – a) ensure that any discharge of wastes or removal of wastes is in compliance with Manitoba Environment’s guidelines, b) ensure reporting and appropriate disposal of all hazardous wastes, and c) maintain current chemical inventory lists in designated areas.
- Emergency Response Plan – ensure availability for review of the emergency response plan.
- Property ownership – were any concerns raised by the farm residence 1km from the proposed site?

Disposition

Clauses 14 – 16 of the draft Environment Act Licence address air emissions, clauses 10 and 11 address risks to surface and ground water, clause 20 addresses disposal of contaminated material, clause 22 requires an inventory of all chemicals stored, and clause 26 requires an emergency response plan. There were no concerns raised by the farm residence. No action required.

Manitoba Conservation – Pollution Prevention

No concerns.

Disposition

No action needed.

Manitoba Local Government – Community and Regional Planning

The following comments were provided:

DEVELOPMENT PLAN BY-LAW

- The subject property is designated Agro-Commercial by the Tanner’s Crossing Planning District Development Plan. The proposal must conform to:
 - Part 12 (Commercial Development) Section C (Commercial Development Policies) Subsection 6 being those types of development which involve the storage of significant volumes of hazardous materials, such as farm chemicals, shall be considered an industrial use in accordance with the policies of Part 13 and Part 16 of the Development Plan.
 - Part 13 (Industrial), Section B of the Development Plan requires the consideration of the possible health and environmental risks a development could have on the local population and the environment, especially airborne emissions.
 - Part 13 (Industrial) Subsection C (Industrial Development Policies), Subsection 8 (Impact Studies) requires that developments that threaten the

health of residents or the environment such as storage of hazardous materials, may require special impact studies to determine the extent of the risk.

- Part 13 (industrial), Section C, Subsection 9 (Rural Location) states that if the proposal presents an unacceptable risk to the environment or the public health in the opinion of Council, then such development will not be permitted within the Town of Minnedosa.
- Part 16 (Hazardous Conditions), Section B encourages care to be taken with those uses that may pose a significant risk to residents of the community by locating said uses at a suitable distance from residential areas or in more isolated rural locations, while Part 16, Section C, Subsection 4 states special building restrictions and separation distances should be applied in the areas surrounding facilities associated with the processing or storage of hazardous materials.

ZONING BY-LAW

- The subject property is zoned “CA” Commercial-Agro Zone by the Town of Minnedosa Zoning By-law No. 2452.
- Agricultural related chemical storage facilities are a conditional use in the “CA” Zone. Therefore, a Conditional Use Order will be required from the local municipality in accordance with The Planning Act.
- Council may request information from the proponent at his or her own expense that demonstrates the level of risk is reasonable and acceptable to the owners of land and development in the vicinity of the proposed operation. This information may include what the level of risk is. Council may seek the advice of local emergency and fire protection providers prior to the hearing.
- Once the level of risk is determined for a high hazardous building, Council can consider the approval of a Conditional Use Order.
- The proposed site plan appears to conform with the minimum bulk use requirements as outlined above; however, additional conditions may be imposed by Council as part of the Conditional Use Order.

BUILDING PERMIT

- Depending on the type and amounts of chemicals being stored in the proposed facility, a provincial building permit may be required from the Office of the Fire Commissioner
- With only small amount of agricultural chemicals being stored, a local building permit may suffice.

SEPERATION DISTANCES

- The proponent notes in their proposal that the nearest farm residence is 1km NW of the facility, while the Town of Minnedosa (we assume the proponent is referring to the built up area of Minnedosa) is 1.5km E of the facility.
- As neither the Development Plan or Zoning By-law outline the required setbacks for chemical storage facilities, these setbacks should be considered in regards to Provincial Regulations.

- Typical setbacks for agricultural chemical warehouses from habitable buildings would be 2640 feet which apparently can be met in this circumstance.

EMERGENCY PLANS

- Given the nature of the products to be stored in this new crop protection warehouse, any emergency response plan should be shared with all local emergency and fire protection providers.

Disposition

The draft Environment Act Licence contains terms and conditions to address the environmental concerns. The proponent has obtained the necessary Conditional Use Order.

Manitoba Conservation – Sustainable Resource and Policy Management

No concerns.

Disposition:

No action needed.

Manitoba Conservation – Environmental Operations

The following comments were provided:

In the “Procedure on Handling, Storage and Disposing of Hazardous Waste” section under “Procedure for disposal”, part b) they should call their local Environment Officer at Manitoba Conservation. In this case the regional office would be at 1129 Queens Ave., Brandon MB R7A 1L9, Telephone 726-6064.

Disposition

By way of this summary report, this contact name and information has been forwarded to the proponent for inclusion in the Emergency Response Plan as required by Clause 26 of the draft Environment Act Licence. No further action required.

Manitoba Conservation – Wildlife & Ecosystem Protection Branch

No concerns.

Disposition

No action needed.

Manitoba Water Stewardship

The following comments were provided:

- Manitoba Water Stewardship requires an *Environment Act* Licence to include the following:
 - The Licencee must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association for certification.
 - The Licencee shall develop and implement an Emergency Response Plan, including the following:
 - When a spill of hazardous or toxic substance(s) enters surface waters, a water plant operator at the Town of Rapid City and Town of Rivers must be notified immediately.
 - A water treatment plant operator of the Town of Minnedosa must be informed of the existence of this proposed development and provided with emergency response information on the quantity and potential toxicity of the substances to be stored in the proposed development. A water treatment plant operator of the Town of Minnedosa must be involved in the development and implementation of an Emergency Response Plan.
 - Note: Surface waters flow approximately 300 to 400 metres to the south of the proposed development. This river is the raw water source for the public water systems for the Town of Rapid City and the Town of Rivers, located approximately 12 miles and 18 miles downstream, respectively.
 - 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—by Manitoba Water Stewardship's Water Quality Management Section—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 concerns:

- The proposal does not mention that the number 2 water treatment plant for the Town of Minnedosa is located east of Husky's ethanol plant and the 2 wells, which are the raw water source for the water treatment plant of the Town of Minnedosa, are located approximately 300 to 400 metres further east and on lands at a lower elevation than the proposed development and water plant. In the event of a spill of hazardous or toxic substances, at this proposed development, it is possible that hazardous or toxic substances could flow eastward downhill and possibly contaminate the water treatment plant wells.
- Manitoba Water Stewardship submits the following comments:
 - Manitoba Water Stewardship does not object to this proposal, at this time. Manitoba Water Stewardship's review staff being seconded to the flood emergency means that additional Departmental requirements may be provided at a later date.
 - 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 post development surface water runoff rate from the site must not be greater than the existing runoff rate.
 - Erosion and sediment control measures should be implemented until all of the sites have stabilized.
 - *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. Ed MacKay, C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, 1129 Queens Avenue, Brandon, Manitoba R7A 1L9, telephone: (204) 726-6226, email: ed.mackay@gov.mb.ca.

Disposition:

The draft Environment Act Licence includes the recommended clauses and the comments have been forwarded to the proponent for their information by way of this summary report. No further action required.

PUBLIC HEARING:

A public hearing is not recommended.

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 Brandon office of Manitoba Conservation.

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

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