

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: ATP Nutrition Ltd.
PROPOSAL NAME: Crop Protection Products Warehouse
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5518.00

OVERVIEW:

On March 29, 2011, Manitoba Conservation received a Proposal dated March 25, 2011 for the construction and operation of a crop protection products warehouse at 190 Agri Park Road in the Agri-industrial park in Oak Bluff in the Rural Municipality of Macdonald. The facility will blend, package, store, and distribute fertilizer products. An addendum to the proposal was received on April 27, 2011.

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, and the Millennium Public Library. 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 April 30, 2011. The newspaper and TAC notifications invited responses until May 30, 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

No concerns.

Disposition

No action needed.

Manitoba Conservation – Pollution Prevention

No concerns.

Disposition

No action needed.

Manitoba Conservation – Sustainable Resource and Policy Management

No concerns.

Disposition:

No action needed.

Manitoba Conservation – Parks and Natural Areas Branch

No concerns.

Disposition

No action needed.

Manitoba Conservation – Wildlife & Ecosystem Protection Branch

No concerns.

Disposition

No action needed.

Manitoba Water Stewardship

The following comments were provided:

- Manitoba Water Stewardship recommends an *Environment Act* Licence to include the following:
 - 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—by Manitoba Water Stewardship—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.
 - The Licencee must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association for certification.
 - The proposed development's water feeds to process equipment shall be protected against backflow/backsyphonage, in accordance with the applicable provisions of the *Manitoba Plumbing Code*.
 - The LaSalle River shall not be used as a water source for any public water system
- 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:
 - 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. 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.

Disposition:

Clause 21 of the draft Environment Act Licence requires an emergency response plan. Clause 19 prohibits pesticides at the facility and therefore compliance with the agrichemical warehouse standards association standards is not required. Existing legislation requires the Licencee to comply with the Manitoba *Plumbing Code*. The Licencee does not intend to use the LaSalle River as a water source.

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 Winnipeg office of Manitoba Conservation.

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

Prepared by:

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