

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPOSER:** City of Steinbach  
**PROPOSAL NAME:** City of Steinbach Long-Term Biosolids Land Application Plan  
**CLASS OF DEVELOPMENT:** 2  
**TYPE OF DEVELOPMENT:** Biosolids Application  
**FILE NO.:** 5659.10

### **OVERVIEW:**

Manitoba Conservation and Climate received an Environment Act Proposal on June 4, 2019 for periodic land application of biosolids generated from the City of Steinbach's wastewater treatment lagoon located on portions of sections 8 and 17-7-6 EPM over a 25-year period. The biosolids will be applied to lands owned by the City of Steinbach in accordance with application rates to be determined to target optimum available nitrogen and phosphorous level for grain or oil seed crops, and set metal loading limits for each agricultural field in the application program.

The Department, on October 22, 2019 placed the Proposal online at <https://www.gov.mb.ca/sd/eal/registries/5659.1steinbach/index.html>. 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 Carillon. The newspaper and TAC notifications invited responses until November 22, 2019.

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

No comments were received during the public comment period.

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

No.	Technical Advisory Committee Member	Response Provided	Date Received
1	Manitoba Conservation and Climate (formerly, Sustainable Development)		
	<ul style="list-style-type: none"> <li>• Compliance and Enforcement Branch</li> <li>• Climate Change and Air Quality Branch</li> <li>• Wildlife and Fisheries Branch</li> <li>• Parks and Protected Spaces Branch</li> <li>• Forestry and Peatlands Branch</li> <li>• Indigenous Relations Branch</li> <li>• Lands Branch</li> <li>• Groundwater Management Section</li> <li>• Office of Drinking Water</li> <li>• Drainage and Water Rights Licensing</li> <li>• Regional Services Branch</li> <li>• Water Power Licensing</li> </ul>	<p>No</p> <p>No</p> <p>No concerns</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No concerns</p> <p>No concerns</p> <p>No concerns</p> <p>No</p> <p>No concerns</p>	<p>October 24, 2019</p> <p>November 1, 2019</p> <p>November 20, 2019</p> <p>October 29, 2019</p> <p>October 23, 2019</p> <p>October 22, 2019</p> <p>October 22, 2019</p>
2	Manitoba Agriculture and Resource		
	<ul style="list-style-type: none"> <li>• Water Quality Management Section</li> <li>• Petroleum Branch</li> <li>• Mines Branch</li> </ul>	<p>Yes</p> <p>No concerns</p> <p>No</p>	<p>May 7, 2020</p> <p>November 21, 2019</p> <p>November 21,</p>
3	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	Yes	November 5, 2019
4	Manitoba Growth, Enterprise and Trade –		
	<ul style="list-style-type: none"> <li>• Energy Development Branch</li> <li>• Work Place Safety &amp; Health</li> </ul>	<p>No</p> <p>No</p>	
5	Manitoba Infrastructure –		
	<ul style="list-style-type: none"> <li>• Highway Planning and Design Branch</li> </ul>	Yes	November 18, 2019
6	Manitoba Indigenous and Municipal Relations	Yes	November 21, 2019
	<ul style="list-style-type: none"> <li>• Community and Regional Planning</li> <li>• Office of Fire Commissioner</li> </ul>	<p>Yes</p> <p>No concerns</p>	<p>November 21, 2019</p> <p>October 22, 2019</p>
7	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No concerns	November 28, 2019

A copy of the responses and the additional information provided can be viewed at the following link:

<https://www.gov.mb.ca/sd/eal/registries/5659.1steinbach/index.html>.

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

### **Manitoba Conservation and Climate – Forestry and Peatlands Branch**

1. Any trees harvested should be disposed of properly to prevent the spread of forest insects and disease.

**Disposition:** The above comment was forwarded to the project consultant by an email on June 18, 2020.

### **Manitoba Agriculture and Resources Development - Water Quality Management Section**

1. Phosphorus application is to be based on the assumption that biosolids total phosphorus as determined following strong acid digestion is 50% plant available until such time that monitoring data allows for refinement of this assumption.
2. The proposed report of post application monitoring (including 3 years of data) should not only include soil test levels of nutrients and metals but also crop yields, residue management, and a record of any additional nutrients applied to the fields. This is needed to properly evaluate the biosolids contribution and whether or not there is a buildup or depletion occurring.
3. The Water Quality Management Section requests a copy of monitoring reports when EAB receives them.
4. The proposal refers to applications at 2x-P<sub>2</sub>O<sub>5</sub> crop removal being permitted at soil test levels up to 120 ppm Olsen-P. It is recommend that application of biosolids should be limited to fields with Olsen-P soil test levels < 60 ppm in the 0-15cm depth.
5. The licence should include a statement that the ban on winter application of nutrients (Nov 10 to April 10) also applies to biosolids applications. I believe there is normally a line that all other regulatory requirements must be adhered to - this should also be included in the license.

**Disposition:** All of the above comments except item no. 3 were forwarded to the project consultant for information purposes only on June 18, 2020.

### **Manitoba Sport, Culture, and Heritage – Historic Resources Branch**

1. If at any time heritage resources are encountered in association with these lands during future development, the Historic Resources Branch must be contacted and may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the effects of development on the heritage resources.

**Disposition:** The above comments were forwarded to the project consultant for information purposes only on June 18, 2020.

## **Manitoba Infrastructure – Highway Planning and Design**

1. Any structures placed within the controlled area of a PR or 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.
2. The placement of temporary drag lines or any other temporary machinery/equipment for biosolids application within the right-of-way or controlled area (125 ft from the edge of right-of-way) of a PR or 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.

**Disposition:** The project consultant was informed of the above comments for information purposes by an email dated June 18, 2020.

## **Municipal Relations**

1. As the land parcels are located partly in the City of Steinbach and partly in the RM of Hanover, the proposal will be subject to the City of Steinbach and RM of Hanover Development Plans and Zoning By-laws, City of Steinbach OCP By-law 2099 and Hanover Development Plan By-law 2417-18.
2. The lands located in the City of Steinbach are designated “Development Reserve II Policy Area” and “Industrial Policy Area”. The lands located in the RM of Hanover is designated “Agriculture 2 Policy Area” and “Transitional Area”.
3. The City of Steinbach Zoning By-law 2100 and RM of Hanover Zoning By-law 2418-18 The parcels located in the City of Steinbach are zoned “DR 1” Development Reserve 1 and “DR 2” Development Reserve 2. DR 1 district recognizes lands that are intended for more immediate urban development while DR 2 is intended to preserve lands for agricultural activity until such time as they are required for urban development.

Wastewater treatment facility is defined under the “utility facility, major” use category and is a conditional use in the “DR1” and “DR2” zones. However, Steinbach zoning by-law does not provide for specific requirements or regulations for setback distances for biosolids land application sites or mitigative measures to minimize negative impacts during biosolids application.

The parcels located in the RM of Hanover are zoned “Agriculture 2”. Agriculture and agriculture-related uses are intended for this zone. Section 3.1.4.1 stipulates that no dwelling, mobile home dwelling or other habitable building shall be constructed or located within 1500 feet of any sewage lagoon. We note that there are several rural residential properties located within the 1500 feet setback distance including a designated residential area in the LUD of Mitchell.

Section 3.1.4.2 also states that no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone, satisfactory measures are undertaken to mitigate or eliminate such effects and necessary licensing has been obtained from the applicable provincial authority, as required.

4. The parcels of land selected for biosolids application sites are appropriately designated and zoned for the proposed use. The proposed EAP does not propose any non-agricultural development in the designated areas which complies with the intent of both City of Steinbach OCP and the RM of Hanover development plan. In addition, it appears that the biosolids land application plan is critical to maintain the capacity and sustainability of the lagoon which complies with policy 3.3.d in the OCP.
5. However, the presence of existing residences in close proximity to the spread fields is a concern. There are eight residences located within the proposed land application sites. Further, designated residential areas in the LUD of Mitchell and in Steinbach are adjacent to spread fields 1,3 and 5 (see the attached map). Nonetheless, these existing residential neighbourhoods will be impacted by odour emission and noise and dust from biosolids transport.
6. Community Planning recommends that appropriate setbacks should be maintained to minimize negative impacts on the residential neighbourhoods in both municipalities. As parcels 5 and 8 are located in the transitional area, our office recommends City of Steinbach consult with Hanover as per policy 2.12.2.8 before the commencement of land application. Appropriate setbacks should also be maintained to minimize the potential for negative impacts on the Manning canal water system in accordance with policy 3.3.5 in the OCP.
7. Section 4.3.2 Current Land Use Development Controls: Please change the Hanover Zoning By-law no. to 2418-18. This section should include the current designations and zones for the subject parcels under the municipal by-laws of the City of Steinbach and the RM of Hanover as mentioned above.
8. Map 6: Designated Land Use should be corrected to reflect the current land use within the local study area under the City of Steinbach and the RM of Hanover Zoning By-law.

**Disposition:** All of the above comments except item no. 5 were forwarded to the project consultant on June 18, 2020 for information purposes only. The concern raised in item no. 5 is addressed as licence conditions in Clauses 11 and 12.

### **PUBLIC HEARING:**

A public hearing was not requested and is not recommended.

## **CROWN-INDIGENOUS CONSULTATION:**

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

The proposal is for periodic land application of biosolids generated from the City of Steinbach's wastewater treatment lagoon located on portions SE 8-7-6 EPM over a 25-year period to lands owned by the City of Steinbach. The biosolids will be applied in accordance with application rates to be determined to target optimum available nitrogen and phosphorous level for grain or oil seed crops, and set metal loading limits for each agricultural field in the application program.

Adverse effects on surface water or habitat for wildlife or fisheries are not anticipated. Since resource use is not affected by the project, there would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

## **RECOMMENDATION:**

The Proponent should be issued a Licence for periodic land application of biosolids generated from the existing wastewater treatment lagoon located on portions of SE 8-7-6 EPM in accordance with the specifications, limits, terms and conditions of the attached draft Licence. It is further recommended that administration of the Licence be assigned to the Eastern region of the Environmental Compliance and Enforcement Branch.

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