

## SUMMARY OF COMMENTS/RECOMMENDATIONS

**PROPONENT:** Berger Peat Moss Limited  
**PROPOSAL NAME:** Bulk Material Handling Facility – Springfield  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Bulk Material Handling Facility  
**CLIENT FILE NO.:** 6055.00

### **OVERVIEW:**

Manitoba Conservation and Climate received a Environment Act Proposal filed by Berger Peat Moss Ltd. for the construction and operation of a peat screening and mixing plant for horticultural growing media located at 22054 Oakwood Road 64 North, on the NW ¼ Section of 23-11-4 EPM, in the Rural Municipality of Springfield, Manitoba. At peak operations, it is expected that the plant could process up to 1.5 million bags of loose peat (compressed to roughly 510,000 m<sup>3</sup>), and 2.5 million bags of growing media (compressed to roughly 570,000 m<sup>3</sup>).

The Department, on June 25, 2020, placed copies of the Proposal in the Public Registries located online at <https://www.gov.mb.ca/sd/eal/registries/6055berger/index.html>. Copies of the Proposal were circulated to the Technical Advisory Committee (TAC) members. A notice of the Environment Act proposal was placed in the Clipper Weekly on Thursday June 25, 2020. The newspaper invited responses from the public until July 16, 2020. The comment period was further extended until July 23, 2020.

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

The following is a summary of comments of the 35 received from the public pertaining to the environmental assessment of the project and only includes comments within the scope of this review pursuant to The Environment Act. Copies of the original public comments are available in the Public Registries.

A petition was submitted regarding the project citing concerns with the project's impacts on air quality, noise pollution, light pollution, road safety, and impacts to the aquifer. The petition requested additional time for review, and a public hearing. In total 371 individuals signed the petition.

In addition to the concerns outlined in the petition, public comments provided within the scope of the environmental assessment and licensing process included:

Concerns expressed concerning odour.

*Disposition: Licence condition 6 of the draft licence addresses odor. As per additional information provided by the proponent on July 23, 2020, the proponent confirmed odor is not an expected emission from the site.*

Concerns expressed concerning noise.

*Disposition: Licence condition 7 addresses noise. Additional information provided by Berger on July 23, 2020, that provides additional information on noise. The proponent must also comply with Rural Municipality of Springfield Noise Bylaw (19-11).*

Concerns expressed concerning air pollution.

*Disposition: Draft licence conditions 40 to 51, address air emissions.*

*Additional information provided by Berger on July 23, 2020, indicated there are two potential sources of air emissions coming from the project. The first one is related to peat particles being blown outside of Berger's property. As discussed within the application document and Berger subsequent additional information to the Committee, a number of mitigation measures are proposed in order to limit the peat dust from the project:*

- Installation of two dust collectors directly connected to the production line in order to filter the peat particles and recirculate them within the product.*
- Enclosed production lines to limit peat dust within the plant.*
- Construction of a peat bunker (16 ft tall concrete wall) for the loose peat to ensure that it will not be blown away.*
- Appropriate covering of the transport truck*

*The second source of dust will be coming directly from the traffic on the roads around the project. As stated in the items regarding the impacts on the road, Berger is collaborating with the RM of Springfield in order to mitigate this potential source of dust by adding additional dust suppressant on the municipal road impacted by the project. Berger will also apply dust suppressant within its property as needed.*

Concerns expressed concerning light pollution.

*Disposition: The proponent provided additional information on July 23, 2020 the lighting design that should adequately mitigate light pollution effects to neighboring properties.*

Concerns expressed concerning groundwater contamination.

*Disposition: Comment provided by provincial Groundwater Specialist indicated "Based on the well report information, the type and thickness of the overburden material provides excellent protection to the aquifer from surface activities."*

Concerns expressed regarding groundwater allocation (supplies).

*Disposition: According to provided hydrogeological investigation report, projected groundwater level fluctuations resulting from operation of the new water supply are expected to be less than natural seasonal and climatic fluctuations.*

Concerns expressed regarding groundwater replenishment.

*Disposition: Groundwater replenishment occurs naturally from rain, storm water and flow of surface waters into the aquifer. Natural replenishment is expected for the subject aquifer.*

Concerns expressed regarding compensation and/or legislative requirements should there be an adverse impact to the groundwater supply.

*Disposition: Any authorization (under the Water Rights Act), including a licence which the proponent has applied for, includes a condition that the proponent correct any water supply problems to currently existing wells, or other forms of supply, that are determined to be a result of the diversion of water as authorized. The Water Rights Act does not include legislation regarding contamination.*

Concerns expressed regarding fire potential at the site and the ability to adequately contain a fire at the site including fire water capacity (onsite and with the local fire department).

*Disposition:*

*All components of the new construction must be in compliance with the Manitoba Building Code through consultation, plans examination, inspections and the issuance of permits prior to construction and occupancy. The applicant is required to obtain building and occupancy permits from the Inspection and Technical Services branch of the Department of Municipal Relations. Fire safety and all associated prevention methods are addressed through this approval process.*

*Emergency Response Plans (Fire Safety Plans) are further required as part of the permit process prior to occupancy to be approved by the RM of Springfield.*

*The site as proposed has a dry hydrant which would allow for the fire department to access water from retention pond on the site in winter conditions. Additional water supply is available to the RM of Springfield through the Mutual Aide Agreements in place with surrounding 13 Municipalities.*

Concerns expressed regarding impacts to roadways and traffic safety concerns.

*Disposition: The proponent has entered into an agreement with the municipality for the maintenance of the Road 64 N (Oakwood Road) from PTH 207 to the development. As per additional information provided by the proponent on July 23, 2020, this agreement includes providing additional aggregate materials, dust suppressant, additional grading works, and other maintenance works to maintain the roadway to municipal standards.*

Concerns expressed regarding the zoning of the property, and the interpretation of the zoning.

*Disposition: The Department consulted with Manitoba Municipal Relations, which confirmed the zoning of the parcel of land is appropriate.*

Clarification requested on the number of persons at the Development.

*Disposition: The proponent confirmed up to 50 people in a 24 hour period are expected at the development, including all structures.*

Concerns expressed regarding wastewater management at the Development.

*Disposition: Only domestic waste streams will be directed to onsite wastewater systems (septic fields). Industrial waste streams are required as per Licence condition 33, to be directed to the City of Winnipeg North End Water Pollution Control Center or other acceptable facility licenced under the Environment Act).*

Concerns expressed regarding health hazards of the product and additives used.

*Disposition: The proponent has indicated the raw peat is inspected by the Canadian Food Inspection Agency at the harvesting sites to ensure no health hazards exist in the raw product.*

**SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	Not applicable.
2	Manitoba Agriculture and Resource Development	
	<ul style="list-style-type: none"> <li>• Land Use Branch</li> <li>• Wildlife and Fisheries Branch (Wildlife)</li> <li>• Wildlife and Fisheries Branch (Fisheries)</li> <li>• Forestry Branch</li> <li>• Lands Branch</li> <li>• Regional Lands Manager</li> <li>• Water Quality Management Section</li> <li>• Groundwater Management Section</li> </ul>	July 2, 2020 – No comments or concerns. No comments. No comments. June 25, 2020 July 2, 2020 – No concerns. July 2, 2020 – No concerns. No comments. July 20, 2020
3	Manitoba Conservation and Climate –	
	<ul style="list-style-type: none"> <li>• Compliance and Enforcement Branch</li> <li>• Air Quality</li> <li>• Parks and Protected Spaces Branch</li> <li>• Office of Drinking Water</li> <li>• Water Use Licensing Section</li> <li>• Water Control Works Licensing Section</li> <li>• Regional Services Branch</li> </ul>	June 30, 2020 July 6, 2020 July 6, 2020 July 3, 2020 – No concerns. June 25, 2020 July 3, 2020 No comments.
4	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	June 25, 2020
5	Manitoba Growth, Enterprise and Trade –	
	<ul style="list-style-type: none"> <li>• Energy Development Branch</li> <li>• Petroleum Branch</li> <li>• Office of Fire Commissioner</li> <li>• Work Place Safety &amp; Health</li> </ul>	Not applicable. Not applicable. June 26, 2020 Not applicable.
6	Manitoba Infrastructure	July 6, 2020 – No concerns.
7	Municipal Relations	June 26, 2020
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	July 29, 2020

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/6055berger/index.html>

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

### **Manitoba Agriculture and Resource Development – Crown Lands Branch**

No comments or concerns with the proposal as there is no Crown land involved.

*Disposition:* No action required.

### **Manitoba Agriculture and Resource Development – Forestry Branch**

Please advise if peat will be shipped into Manitoba from other provinces/jurisdictions for processing at this facility?

Otherwise no concerns from the Forestry Branch.

- *Proponents provided the following Response:* There is no plan to ship peat to the plant from other provinces/jurisdictions since we already have two harvesting sites in Manitoba able to provide the necessary amount. Nevertheless, we have shipped bagged peat to Hadashville plant from either Quebec or New-Brunswick in the past (bad harvest years in Manitoba for example) so this eventuality is not out of question. This option a lot more costly for us though (transport) and will be used as a last resort move only.
- *Disposition:* Proponent provided satisfactory additional information.

### **Manitoba Agriculture and Resource Development – Groundwater Management Section**

In response to your request I have reviewed the well reports associated with this application. The reports indicate that there is 44 to 48 feet (13.4 to 14.6 metres) of clay overlying 20 to 33 feet (6.1 to 10.1 metres ) of glacial till above the carbonate aquifer in which the wells are completed. It is reported that the entire casing length has been grouted in both wells. Based on the well report information, the type and thickness of the overburden material provides excellent protection to the aquifer from surface activities.

The hydrogeological report states that “The water supply distribution system will include two supply wells for redundancy purposes.” It also shows that two wells were completed in November 2019. Figure 2 in the application indicates that there is an existing well on the property. As the hydrogeologic report indicates two wells will provide the water supply the existing, well shall be sealed and a sealing report submitted as required by regulation.

*Disposition:* No action required.

### **Manitoba Historic Resources Branch**

Further to your request for the above noted heritage screening, the Historic Resources Branch has examined the location in conjunction with Branch records for areas of potential

concern. The potential to impact significant heritage resources is believed to be low and, therefore, the Historic Resources Branch has no concerns with the proposed development at this time.

If at any time, however, heritage resources are encountered in association with these lands during testing and development, the Historic Resources Branch 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:* Information provided to the proponent.

### **Manitoba Conservation and Climate – Air Quality Section**

Air Quality Section has reviewed the above proposal and provides the following comments:

- It is expected that there will be no significant impact on surrounding air quality provided that the plant will be equipped two dust collectors for mitigating potential dust generation (or particulate matter) from the plant.
- Also, it is expected that the emissions from vehicles and equipment during the construction and operation phase will be mitigated as mentioned in the proposal.

*Disposition:* No action required.

### **Manitoba Conservation and Climate – Environmental Compliance and Enforcement**

Environmental Compliance and Enforcement provided the following request for additional information and comments for consideration.

#### **Information Requests:**

1. Please provide clarification of the total number of employees at the site in a 24-hour period.
2. The proposal states that the nearest residences are over 500 m from the Development. According to measurements on Google Earth, this is not the case. Please provide a more accurate measurement from the nearest residences to the proposed Development site on the property at NW 23-11-04 EPM.
3. Please provide more detailed information regarding the dust collection system and recirculation of particulate peat.
4. Please provide more detailed information regarding the noise level expected from the Development, including anticipated decibel levels and noise mitigation measures to be used at the Development.
5. Please provide details of chemical containment in the storage and processing buildings, ie: curbs, ramps, floor drainage/containment.

### **Comments for information:**

6. In accordance with the Onsite Wastewater Management Systems Regulation M.R. 83/2003, all new or modified onsite wastewater management systems must be registered with Manitoba Conservation and Climate prior to installation.
7. Recording of wastewater production volume at the Development is recommended. Wastewater production volumes totaling 10,000 L/day or greater require a wastewater management system to be licensed, as per the Classes of Development Regulation M.R. 164/88.
8. The proponent must ensure truck transport loads are securely covered during transport to and from the Development.
9. The proponent must take all appropriate measures to limit wind entrainment of the peat beyond the property boundary of the Development.
10. It is recommended the proponent create and maintain an inventory in duplicate of all chemical products stored at the Development.
11. Hazardous Waste Registration for the Development may be required if the Development anticipates generating and storing waste of the types and amounts as per the Hazardous Waste Regulation M.R. 195/2015.
12. Please note that above-ground petroleum storage facilities with a total storage capacity of less than 5000 L do not require a permit under the Storage and Handling of Petroleum Products and Allied Products Regulation M.R. 188/2001, but are still subject to partial application of the regulation.
13. Surface water may only be discharged from the containment area if no spills or contamination have occurred, or with authorization from an Environment Officer.
14. The field-stored manure at the south end of the property from the previous horse stable operation must be removed and land-applied as per the Livestock Manure and Mortalities Management Regulation M.R. 42/98.
15. In the event of a fire, release, spill, leak or discharge of a pollutant or contaminant to the environment, immediately report the incident to Manitoba Conservation and Climate by calling the 24-hour Emergency Response Line at (204) 944-4888 or 1-855-944-4888. Provide a report following the incident with details of the occurrence, clean-up actions and future mitigation of a similar event.

### **Proponents Response:**

1. At full production capacity, the plant will run full time (3 shifts) and will have a total of about 50 workers in a 24-hour period. Nevertheless, at any given time, there will not be more than 30 employees on-site.
2. The nearest residence was calculated from the future mixing plant itself, which represent the source of both the potential noise and dust from the project. The closest property from this source is located at 460m. If the source is rather the boundary of Berger's property, then the closest residence is at 70m.
3. Proponent provided the general specification for the dust collectors that will be installed within the plant. Please be advised that the specifications are available in French only. Two dust collectors will be connected (closed system) to the screening/mixing line in order to filter any peat particles. The particles will be reintroduced directly into the mixing line. The dust



- collectors will also function as air exchangers for the plant. Please be advised that all the conveyors in the screening/mixing line will be closed to limit dust particles.
4. The maximum noise level expected on the project will be coming from the back-up alarms (lift, loader and trucks), which is around 100 decibels when directly beside the vehicle. Please refer to section 3.6 of the application document for noise mitigation, namely centering the operations with heavy equipment around the plant itself and planting a double row of trees around the west and north boundaries of the property. Berger will stay in close contact with the RM of Springfield and local residents to ensure that the noise coming from the operations are at acceptable levels.
  5. Whether it be in the mixing plant, the garage or the chemical storage, all the floors will be in concrete to ensure that no spills will seep into the ground. All those buildings will also provide a protection (roof) against precipitations, which will negate any leeching from any hazardous substances. Spill kits will also be properly located in the facilities. Be also advised that chemical additives are stored mainly in solid form (except for the wetting agent), which minimize the potential impact of a spill.

Departments Response:

6. Comment is addressed through Draft Licence Condition 29.
7. Comment is addressed through Draft Licence Condition 31.
8. Comment is addressed through Draft Licence Condition 15.
9. Comment is addressed through Draft Licence Condition 46.
10. Comment is addressed through Draft Licence Condition 59.
11. Comment addressed as information to the proponent.
12. Comment addressed as information to the proponent.
13. Comment is not applicable to this development.
14. The proponent has advised intention to comply with the Livestock Manure and Mortalities Management Regulation M.R. 42/98.
15. Comment is addressed through Draft Licence Condition 12.

*Disposition:* Proponent provided satisfactory additional information in addition to Licence Conditions which address comments.

**Manitoba Conservation and Climate – Drainage**

The works they did to prepare for the licence was sufficient.

*Disposition:* No action required.

**Manitoba Conservation and Climate – Water Use Licensing Section**

This project will require a Water Rights Use Licence issued under The Water Rights Act. An application must be submitted.

*Proponents response:* Water Right Licence: Friesen Drillers has already applied on behalf of Berger at the end of March for a licence (see email attached). We have yet to

receive said licence but we will continue to make the necessary follow up with Friesen Drillers.

*Disposition: Proponent satisfactorily addressed requirement.*

### **Manitoba Health, Seniors and Active Living**

No concerns provided applicable provincial standards are met.

*Disposition: No action required.*

### **Manitoba Municipal Relations**

Manitoba Municipal Relations, Community Planning Branch reviewed the proposal and offered the following comments.

Although the by-law amendment referred to in Council Resolution 19-195 has yet to be approved. Development Permit DX 2020-21 was issued based on current zoning by-law definitions for the following permitted uses:

- ***Agricultural Activities*** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture.
- ***Agri-Business*** means a commercial establishment that provides goods or services to the agricultural sector.
- ***Agriculture Support Industry*** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers.
- ***Agricultural Product Storage*** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

The Environment Act proposal indicates that the business in question provides a “range of high quality products and services designed for the needs of commercial horticultural customers.” It also states that the “sale of horticultural mixes (is) primarily to professional greenhouse growers and producers in Canada.” As such, the proposed land use appears to fit within the definition of Agri-business or Agricultural Support Industry. Community Planning Branch therefore has no concerns.

*Disposition: Proponent meets requirements.*

### **Office of the Fire Commissioner**

The ITSM recommends that:

- the applicant obtain the required building and occupancy permits from the authority having jurisdiction for any new buildings and the alteration, reconstruction, demolition, removal,

relocation, and occupancy of all existing buildings, and  
- an emergency plan be filed and approved by the local fire department prior to occupancy in accordance with the Manitoba Fire Code.

*Disposition:* Information provided to the proponent.

### **PUBLIC HEARING:**

Although many residents expressed concern regarding the development and have requested a public hearing, the proponent has adequately addressed the primary concerns that pertain to the Environmental Assessment and therefore a public hearing 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.

This proposed facility will be located on an existing agricultural property. 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 the construction and operation of a bulk material storage and handling facility in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Conservation and Climate.

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