



Conservation and Climate

Environmental Stewardship Division
Environmental Approvals Branch
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File No.: 6090.00

June 16, 2021

Dick Menon, P. Eng.
Rural Municipality of Gimli
Box 1246, 62-2nd Ave.
Gimli MB R0C 1B0
dmenon@rmgimli.com

Dear Dick Menon:

Re: Rural Municipality of Gimli - Environment Act Licence No. 3347

Enclosed is Environment Act Licence No. 3347, issued to Rural Municipality of Gimli for the construction and operation of a wastewater evaporation pond, in accordance with the Proposal filed under The Environment Act.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

If you have any questions on this matter, please contact Tyler Kneeshaw, Regional Supervisor, Environmental Compliance and Enforcement Branch, at 204-239-3608 or Tyler.Kneeshaw@gov.mb.ca. For clauses 19 – 22 of the Licence, the Environment Officer of the approvals branch is Bruce Webb, Senior Environmental Engineer, Environmental Approvals Branch, who may be contacted at 204-945-7021 or Bruce.Webb@gov.mb.ca.

Pursuant to Section 27 of The Environment Act, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation and Climate within 30 days of the date of the Licence.

Sincerely,

Original signed by
Siobhan Burland Ross
for Shannon Kohler, Director
The Environment Act

cc: Dana Bredin – WSP
Kristal Harman, Yvonne Hawryliuk, Tyler Kneeshaw – Environmental Compliance and Enforcement
Bruce Webb – Environmental Approvals
Public Registry

LICENCE

File No.: 6090.00

Licence No. / Licence n°: 3347

Issue Date / Date de délivrance : June 16, 2021

In accordance with The Environment Act (C.C.S.M. c. E125)
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

RURAL MUNICIPALITY OF GIMLI:
"the Licencee"

for the construction and operation of the Development being a wastewater treatment lagoon with a hydraulic storage capacity of 5,385 cubic metres (1,795 cubic metres per cell or per year) located in SW 10-21-3E in the Rural Municipality of Gimli as shown in Figure 1 attached to this Licence, in accordance with the Environment Act Proposal dated November 10, 2020, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"**accredited laboratory**" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation and Climate to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

"**affected area**" means a geographical area, excluding the property of the Development;

"**approvals branch**" means the Environmental Approvals Branch of Manitoba Conservation and Climate, or any future branch responsible for issuing licences under The Environment Act;

"**approved**" means approved by the Director or an assigned Environment Officer in writing;

"**ASTM**" means the American Society for Testing and Materials;

"**bentonite**" means specially formulated standard mill grade sodium bentonite conforming to American Petroleum Institute Specification 13-A;

"cut-off" means a vertical or slanted trench filled with compacted clay or a sand and bentonite mixture or a wall constructed from compacted clay;

"day" means any 24-hour period;

"Director" means an employee so designated pursuant to The Environment Act;

"effluent" means treated wastewater flowing or pumped out of the wastewater treatment lagoon;

"Environment Officer" means an employee so designated pursuant to The Environment Act;

"high water mark" means the line on the interior surface of the primary and secondary cells which is normally reached when the cell is at the maximum allowable liquid level;

"low water mark" means the line on the interior surface of the primary and secondary cells which is normally reached when the cell is discharged;

"odour nuisance" means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to members of the public; if the odour, smell or aroma
- d) is the subject of at least 5 written complaints received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

"record drawings" means engineering drawings complete with all dimensions which indicate all features of the Development as it has actually been built;

"riprap" means small, broken stones or boulders placed compactly or irregularly on dykes or similar embankments for protection of earthen surfaces against wave action or current;

"sludge" means accumulated solid material containing large amounts of entrained water, which has separated from wastewater during processing;

"Standard Methods for the Examination of Water and Wastewater" means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

"wastewater" means the spent or used water of a community or industry which contains dissolved and suspended matter; and

"wastewater treatment lagoon" means the component of this development which consists of an impoundment into which wastewater is discharged for treatment and storage.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development;
 - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
 - d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
2. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in written and electronic format, in such form (including number of copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labeled with the Licence Number and File Number associated with this Licence.
3. The Licencee shall at all times maintain a copy of this Licence at the Development or at the premises from which the Development's operations are managed.
4. The Licencee shall direct only dry house cleaning wastewater and annual maintenance shutdown wastewater generated within the Diageo Canada Inc. Gimli plant and wastewater from other sources approved by the Director or Environment Officer toward the wastewater treatment lagoon or other approved wastewater treatment facilities.
5. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director or Environment Officer may require to eliminate or mitigate an odour nuisance.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Construction - General

6. The Licencee shall notify the assigned Environment Officer not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the name of the contractor responsible for the construction.
7. The Licencee shall:
 - a) conduct all ditch related work activities during no flow or dry conditions and not during the April 1 to June 15 fish spawning and incubation period;
 - b) not construct the wastewater treatment lagoon during periods of heavy rain;
 - c) place and/or isolate all excavated and construction material where it will not erode into any watercourse;
 - d) implement effective long-term sediment and erosion control measures to prevent soil-laden runoff and/or silt from entering any watercourse during construction and until vegetation is established;
 - e) routinely inspect all erosion and sediment control structures and immediately complete any necessary maintenance or repair;
 - f) revegetate soil exposed during the construction of the Development with native or introduced grasses or legumes. Native species shall be used to revegetate areas where native species existed prior to construction; and
 - g) use rock that is free of silt and clay for riprap.
8. The Licencee shall dispose of non-reusable construction debris from the Development at a waste management facility operating under the authority of a permit issued pursuant to the Waste Management Facilities Regulation, or any future amendment thereof, or a Licence issued pursuant to The Environment Act.
9. The Licencee shall comply with the requirements of The Heritage Resources Act, and suspend construction and immediately notify the Historic Resources Branch if heritage resources are encountered during the construction of the Development.
10. The Licencee shall locate fuel storage and equipment servicing areas established for the construction of the Development a minimum distance of 100 metres from any waterbody, and shall comply with the requirements of the Storage and Handling of Petroleum Products and Allied Products Regulation, or any future amendment thereof.
11. The Licencee shall, during construction and maintenance of the Development, operate, maintain and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering the wastewater treatment lagoon and watercourses, and have an emergency spill kit for in-water use available on site during construction.

12. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
13. The Licencee shall, following the reporting of an event pursuant to Clause 12:
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs in accordance with any written instructions of the Director and/or the Environment Officer; and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
14. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota by cleaning equipment prior to its delivery to the site of the Development and complying with the requirements of the Aquatic Invasive Species Regulation, or any future amendment thereof.
15. The Licencee shall construct and maintain an all-weather access road and a wastewater dumping station for truck-hauled wastewater for each cell of the facility. The dumping facilities shall have a surface splash ramp with a smooth hard surface that can be easily washed free of solids.
16. The Licencee shall install and maintain a fence around the wastewater treatment lagoon to control access. The fence shall be a minimum of 1.2 metres high and have a locking gate, which shall be locked at all times except to allow access to the wastewater treatment lagoon.

Construction – Clay Liner

17. The Licencee shall, prior to the construction of the dykes for the wastewater treatment lagoon, remove all organic material from the area where the wastewater treatment lagoon will be constructed.
18. The Licencee shall construct and maintain a continuous liner, including cut-offs, under all interior surfaces of the wastewater treatment lagoon in accordance with the following specifications:
 - a) the liner shall be made of clay;
 - b) the liner shall be at least 1.0 metre in thickness;
 - c) the liner shall have a hydraulic conductivity of 1×10^{-7} centimetres per second or less at all locations; and
 - d) the liner shall be constructed to an elevation of 2.5 metres above the floor elevation of the cells.

19. The Licencee shall arrange with the designated Environment Officer of the approvals branch a mutually acceptable time and date for any required soil sampling between the 15th day of May and the 15th day of October of any year, unless otherwise approved by the Environment Officer of the approvals branch.
20. The Licencee shall take and test undisturbed soil samples, in accordance with Schedule "A" attached to this Licence, from the liner of the wastewater treatment lagoon; the number and location of samples and test methods to be specified by the designated Environment Officer of the approvals branch up to a maximum of 20 samples.
21. The Licencee shall, not less than 2 weeks before any new cell of the wastewater treatment lagoon is placed in operation, submit for the approval of the Environment Officer of the approvals branch the results of the tests carried out pursuant to Clause 20 of this Licence.

Record Drawings

22. The Licencee shall:
 - a) prepare "record drawings" for the Development and shall label the drawings "Record Drawings"; and
 - b) provide to the Environment Officer of the approvals branch, within four months of the Environment Officer's approval of the report required by Clause 21 of this Licence, an electronic copy of the "record drawings".

Operation - General

23. The Licencee shall obtain and maintain classification of the Development pursuant to the Water and Wastewater Facility Operators Regulation, or any future amendment thereof, and maintain compliance with all requirements of the regulation including, but not limited to, the preparation and maintenance of a Table of Organization, Emergency Response Plan and Standard Operating Procedures.
24. The Licencee shall carry out the operation of the Development with individuals properly certified to do so pursuant to the Water and Wastewater Facility Operators Regulation, or any future amendment thereof.
25. The Licencee shall operate and maintain the wastewater treatment lagoon in such a manner that:
 - a) the depth of liquid in all cells does not exceed 1.5 metres; and
 - b) a minimum 1.0 metre freeboard is maintained in the cells at all times.

Operation – Discharge of Effluent

26. The Licencee shall not discharge effluent from the wastewater treatment lagoon except by evaporation. Any effluent that cannot be disposed of by evaporation shall be discharged at another approved wastewater treatment facility.

Maintenance

27. The Licencee shall, if in the opinion of the Environment Officer, significant erosion of the interior surfaces of the dykes occurs, repair the dykes to the satisfaction of the Environment Officer. Upon approval of the Environment Officer, install riprap as necessary. The riprap shall be placed on the interior dyke surfaces from 0.6 metres above the high water mark to the bottom of the dykes to protect the dykes from wave action.
28. The Licencee shall provide and maintain a grass cover on the exterior dykes of the wastewater treatment lagoon and shall regulate the growth of the vegetation so that the height of the vegetation does not exceed 0.3 metres on all dykes.
29. The Licencee shall annually remove by mechanical methods all reeds, rushes and trees located above the low water mark in every cell of the wastewater treatment lagoon.
30. The Licencee shall implement an ongoing program to remove burrowing animals from the site of the wastewater treatment lagoon.

MONITORING AND REPORTING

31. The Licencee shall, unless otherwise specified in this Licence:
 - a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the Standard Methods for the Examination of Water and Wastewater, or in accordance with equivalent preservation and analytical methodologies approved by the Director;
 - b) carry out all sampling of, and preservation and analyses on, soil, compost, and air samples in accordance with methodologies approved by the Director;
 - c) have all analytical determinations undertaken by an accredited laboratory; and
 - d) report the results to the Director, in writing and in an electronic format acceptable to the Director, within 60 days of the samples being taken.
32. The Licencee shall immediately notify the Director each time the operating depth of any cell of the wastewater treatment lagoon does not comply with the maximum operating depth and minimum freeboard requirements for that cell as specified in Clause 25 of this Licence.
33. The Licencee shall, if reporting is required pursuant to Clause 32 of this Licence in two consecutive years:
 - a) engage the services of a qualified consultant, acceptable to the Director, to undertake an investigation of the Facility and related infrastructure, to determine the ability or inability of the existing system to meet the design hydraulic loading capacity of the facility. The investigation shall include but not be necessarily limited to:
 - i) diagnosis of the cause(s) of the recent exceedances of maximum operating depth;
 - ii) current hydraulic loading of the system;
 - iii) lack of storage capacity due to sludge build-up within existing cells; and
 - iv) operating procedures;
 - b) provide to the Director, within four months of the notification given pursuant to Clause 32 of this Licence, an engineering report describing in detail the results and observations concluded by virtue of the investigation; and

- c) provide to the Director, within four months of the report provided pursuant to Sub-clause b) of this section, a remedial action plan in the form of a detailed engineering report describing recommended modifications, repairs or upgrading works to overcome excessive hydraulic loading of the system.
34. The Licencee shall during each year maintain the following records and retain them for a minimum period of five calendar years:
- a) reports of visual inspections conducted a minimum of once per month;
 - b) cell use dates (i.e., the dates wastewater is discharged into each cell);
 - c) estimated annual wastewater volumes discharged into each cell and evaporated from each cell;
 - d) maintenance and repairs; and
 - e) updated organization charts identifying all certified operators, including backup operators.
35. The Licencee shall submit an annual report to the Environment Officer by February 28 of the following year including all records required by Clause 34 of this Licence.

Alterations

36. The Licencee shall notify the Director and receive the approval of the Director for any alterations to the Development as licensed, prior to proceeding with such alterations.

REVIEW AND REVOCATION

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has failed or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If construction of the Development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of The Environment Act.

Original signed by
Siobhan Burland Ross
for Shannon Kohler, Director
The Environment Act

Schedule "A" to Environment Act Licence No. 3347

Liner Sampling and Testing Requirements Pursuant to Clause 20

Soil Sampling:

1. The Licencee shall provide a drilling rig, acceptable to the designated Environment Officer of the approvals branch, to extract samples from the liner that is not placed or found at the surface of the lagoon structure. This includes all wastewater treatment lagoons constructed with clay cut-offs at the interior base of the dyke or with a clay cut-off in the centre of the dyke. The drill rig shall have the capacity to drill to the maximum depth of the clay cut-off plus an additional depth of 2 metres. The drill rig shall be equipped with both standard and hollow stem augers. The minimum hole diameter shall be 5 inches.
2. For lagoon liners placed or found at the surface of the lagoon structure, the Licencee shall provide a machine, acceptable to the designated Environment Officer of the approvals branch, capable of pressing a sampling tube into the liner in a straight line motion along the centre axis line of the sample tube and without sideways movement.
3. Samples shall be collected and shipped in accordance with ASTM Standard D 1587 (Standard Practice for Thin-Walled Tube Sampling of Soils), D 4220 (Standard Practice for Preserving and Transporting Soil Samples) and D 3550 (Standard Practice for Ring-Lines Barrel Sampling of Soils). Thin-walled tubes shall meet the stated requirements including length, inside clearance ratio and corrosion protection. An adequate venting area shall be provided through the sampling head.
4. At the time of sample collection, the designated Environment Officer of the approvals branch shall advise the Licencee as to the soil testing method that must be used on each sample. The oedometer method may be used for a sample where the Environment Officer of the approvals branch determines that the soil sample is taken from an undisturbed clay soil which has not been remoulded and which is homogeneous and unweathered. The triaxial test shall be used for all samples taken from disturbed and remoulded soils or from non-homogenous or weathered soils. The rigid-wall compaction-mold permeameter test shall be used on soil-bentonite mixtures that have elevated moisture contents and that cannot be sampled without the use of additional containment devices.
5. The Licencee shall provide a report on the collection of soil samples to the designated Environment Officer of the approvals branch and to the laboratory technician, which includes but is not limited to the following: a plot plan indicating all drill holes, onsite visual observations, sample location, depth or elevation of sample, length of advance of the sample tube, length of soil sample contained in the tube after its advancement, the soil test method specified by the Environment Officer of the approvals branch for each soil sample and all necessary instructions from the site engineer to the laboratory technician.
6. All drill and sample holes shall be sealed with bentonite pellets after the field drilling and sampling has been completed.

Soil Testing Methods:

1. Triaxial Test Method
 - a) The soil samples shall be tested for hydraulic conductivity using ASTM D 5084 (Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter).

- b) Soil specimens shall have a minimum diameter of 70 mm (2.75 inches) and a minimum height of 70 mm (2.75 inches). The soil specimens shall be selected from a section of the soil sample that contains the most porous material based on a visual inspection. The hydraulic gradient shall not exceed 30 during sample preparation and testing. Swelling of the soil specimen should be controlled to adjust for the amount of compaction measured during sample collection and extraction from the tube and the depth or elevation of the sample. The effective stress used during saturation or consolidation of the sample shall not exceed 40 kPa (5.7 psi) or the specific stress level, that is expected in the field location where the sample was taken, whichever is greater.
- c) A complete laboratory report, as outlined in ASTM D 5084, shall be supplied for each soil sample collected in the field.

2. Oedometer Test Method

- a) The soil samples shall be tested for hydraulic conductivity using ASTM D 2435 (Standard Test Method for One-Dimensional Consolidation Properties of Soils).
- b) Soil specimens shall have a minimum diameter of 50 mm (2 inches) and a minimum height of 20 mm (0.8 inches). The soil specimens shall be selected from a section of the soil sample that contains the most porous material based on a visual inspection. The soil specimen shall be taken from an undisturbed soil sample. The soil specimen shall be completely saturated.
- c) A complete laboratory report, as outlined in ASTM D 2435, shall be supplied for each soil sample collected in the field.