

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSAL NAME: Municipality of Boissevain-Morton
PROPOSAL NAME: Boissevain Aerated Wastewater Treatment Lagoon with Nitrification
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Waste Treatment and Disposal – Wastewater Treatment Lagoons
CLIENT FILE NO.: 6133.00

OVERVIEW

The Proposal was received on April 21, 2021. It was dated April 19, 2021. The advertisement of the Proposal was as follows:

“On behalf of the Municipality of Boissevain-Morton, Stantec Consulting Ltd. has filed an Environment Act proposal for construction and operation of an aerated wastewater treatment lagoon with post lagoon nitrification. The construction site is located at SE 11-04-20 W, in the Municipality of Boissevain-Morton, approximately 5 km north of Boissevain, adjacent to an existing waste disposal ground. The facility would consist of a two-cell aerated lagoon, two submerged attached growth reactor cells, a truck dump structure, operations building, chemical storage and feed system for phosphorus removal, disinfection, and effluent monitoring. Incoming wastewater would be conveyed to the new lagoon via a new lift station and forcemain. Effluent would be discharged into Cherry Creek via an effluent lift station and return forcemain.”

The Proposal was advertised in the Boissevain Recorder on Friday, November 26, 2021. It was placed in the online Public Registry as follows: www.gov.mb.ca/sd/eal/registries/6133/index.html

The Proposal was distributed to Technical Advisory Committee (TAC) members on November 25, 2021.

The closing date for comments from members of the public and the TAC was December 17, 2021.

The department has been working with the proponent to ensure all concerns have been addressed.

COMMENTS FROM THE PUBLIC

Dennis and Cheryl Hildebrand

We have most recently been made aware of a lagoon location proposal. We find it most interesting that we have to read about this proposal in the local paper. The article stated with what appeared to be a quote from our mayor, "the public already has a good idea of the project and what their intentions are, so there might not be too many surprises." Too many surprises, until we read it in the paper, we didn't know anything about the project.

One of our neighbors phoned us the other day asking if we were aware of the project. We informed him we only knew that a lagoon was apparently needed and that council was working on a possible location. He then informed us that he had phoned one of our council members.

The council member told our neighbor he really didn't know much about it. Our question for all those involved is this, "How can the public already have a good idea of a particular project when our own council member states he has little knowledge of a project that we can only assume has been talked about at a council meeting?"

So here we are. All those likely to be affected by this proposal are being asked to comment. That is, only if they wish to comment. The question is, "Are we being affected by this proposal?" Considering we own land and pay taxes on 3 sides of this property, I would start off by saying that we are affected. Also, our residence location is directly 1/2 mile south of NE 11-4-20 W1. Our understanding is that at one time one couldn't install a sewer ejection system any closer than 1 mile from town. It feels like about 500 sewer ejection systems are being installed within a mile of our residence. The article in the paper suggests that the project may cost \$10 million dollars. That of course is an estimate and often estimates are low. But for now, let's use this estimate. Who is going to pay for this? The article talks of grants. No commitment has been made from any party. It was said that a 'significant amount would be paid for by the urban residents in the Boissevain-Morton municipality.' We want to know if any of this money is going to come from the rural tax payers. Why wouldn't the article give the answer? An example could read like this, "Any money needed above government grants would need to be paid by the urban residents." This would thus give the rural taxpayers the assurance that, other than the land which was purchased jointly, that no money would come out of rural pockets for urban waste. So, yes we would say that for now there is impact and until the questions are answered we can only assume the worst and suggest possibly a major impact to our operation.

Our understanding from the days the dump was proposed, it could not be built in the northeast part of 11-4-20 because that was deemed a wetland determined by Water Resources. Does digging a deeper hole and filling it with sewage make the problem go away?

What we are asking for is transparency. It would appear that at this point there is very little and this is another example of a government institution trying to push their agenda without the consent of the ratepayer. For these reasons, we are affected and opposed without more transparency.

Disposition:

With respect to environmental concerns, a synthetic liner is proposed to provide containment at the site, and wetland issues have been addressed in additional information. Planning related issues are the responsibility of the proponent team.

Elmer McCallum

My name is Elmer McCallum and I am a resident and land owner in the RM of Boissevain-Morton. I have concerns with the proposed establishment of a lagoon on SE 11-04-20 W.

The location chosen is presently the location of the RM of Boissevain-Morton Waste Disposal ground. The Notice of Environmental Act Proposal was advertised in the local newspaper - The Recorder in the November 26, 2021 edition. The following week an article written by Paul Rayner, a Recorder staff member. In the article it is stated by Boissevain-Morton Head of Council that the licensing for the proposed lagoon is one step closer to being approved. It is stated that if there are no major issues received by the Notice of Environmental Act Proposal that the licence could be issued without a Public Hearing. The Head of Council, Judy Swanson indicates that the public has a good idea of the project so they are not expecting too many

surprises. I was quite surprised to learn that Council of the RM of Boissevain-Morton had chosen to locate the lagoon on property that had been jointly purchased by the Town of Boissevain and the RM of Morton when they were separate entities before the Forced Amalgamation of Municipalities was brought forward by the Provincial Government. The Town of Boissevain and the RM of Morton agreed to Amalgamate. The ratepayers of former RM of the Town of Boissevain and the Residents of former RM of Morton continue to pay a debenture to complete the purchase of the SE 1/4 of 11-04-20 W for the purpose of a Waste Disposal Site.

Earlier in 2021 there was an article in The Recorder, our local newspaper in regards to the Waste Disposal site which stated that the Waste Disposal grounds were filling at a faster pace than expected. There was an article printed in a later issue of The Recorder a week or so later that mentioned that the RM of Boissevain-Morton had selected a site for a new lagoon but there was never mention of where the site was for the proposed lagoon.

When I read that the proposed site for the new lagoon was to be on the site of the present Waste Disposal grounds I was concerned. I contacted a Councillor of the RM of Boissevain-Morton and inquired why that site had been chosen when earlier Council had indicated that the Waste Disposal grounds were filling faster than expected. I was told that they had looked at other locations but the price of land was too expensive! I then asked why would Council utilize land that has been purchased for a Waste Disposal site jointly by ratepayers of Boissevain and ratepayers of the RM of Morton, on which they are still paying on a Debenture to complete the purchase, when Council has already indicated that the Waste Disposal Site is filling faster than expected. The response was that it would be taken to the attention of Council.

I have contacted numerous ratepayers of the rural area of the RM of Boissevain-Morton and none of them were aware that the Council of the RM of Boissevain-Morton had chosen the location of the present Waste Disposal grounds as the location for the new lagoon.

I believe that it is in the best interest of the residents of the RM of Boissevain-Morton that a Public Hearing be arranged so the ratepayers can be informed as to the plan for the new lagoon.

Disposition:

Planning related issues are the responsibility of the proponent team.

Chad Reimer

Like many of my neighbors, it came as a surprise to me that the site chosen was done without any consultation of those who live in the immediate vicinity of the site. It's very frustrating to say the least.

I'd be very interested in further consultation and information regarding this.

Disposition:

Planning related issues are the responsibility of the proponent team.

Glenn Dickson

We must have a public hearing on this proposal as the rural tax payers of this municipality have not had an opportunity to discuss this proposal with their council. This proposal has been developed in secret without any public input and there are some serious issues at stake. I am asking you to please put a hold on this permit until we can discuss this issue at a public hearing.

Rural taxpayers received ZERO communication from the municipality on this development and many tax payers do not subscribe the local newspaper so there was no way for us to be aware of this project. I just found out about it several hours ago and of course missed your comment deadline by 4 days.

Disposition:

Planning related issues are the responsibility of the proponent team.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Technical Advisory Committee (TAC) responses are summarized in Table 1 below. Substantive comments and their dispositions follow the table. TAC comments are provided in full in the public registries.

Table 1 Municipality of Boissevain-Morton – Boissevain Aerated Wastewater Treatment Lagoon with Nitrification Technical Advisory Committee Comments

No	Technical Advisory Committee Member	Response Provided
1	Manitoba Environment, Climate and Parks Environmental Approvals Branch:	
	Energy Program	No concerns
	Air Quality Management	No response
	Environmental Compliance and Enforcement Branch	No response
	Environmental Programs and Remediation	No concerns
	Office of Drinking Water	No concerns
	Drainage and Water Rights Licensing Branch:	January 21, 2022
	Water Science and Watershed Management Branch:	
	Water Quality Management Section	December 10, 2021
	Groundwater Management Section	December 15, 2021
	Climate Change and Clean Technology	No response
	Parks and Protected Spaces Branch	No response
2	Manitoba Agriculture – Land Use and Ecosystem Resilience	No response
3	Manitoba Natural Resources and Northern Development:	
	Wildlife Branch	No concerns
	Fisheries Branch	No response
	Forestry and Peatlands Branch	No concerns
	Regional Land Specialist / Integrated Resource Management Team	No concerns
	Mines	No concerns
	Petroleum	No concerns

4	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	November 30, 2021
5	Manitoba Municipal Relations - Community Planning Branch	November 29, 2021
7	Manitoba Transportation and Infrastructure – Environmental Services Branch	December 16, 2021
8	Regional Health Authority	No response
9	Impact Assessment Agency of Canada	No response

Environment, Climate and Parks, Drainage and Water Rights Licensing Branch:

Manitoba adopted the concept of no net loss of wetland benefits to formally recognize wetland protection in October 2019. Semi-permanent (Class 4) and permanent (Class 5) wetlands are protected whether the drainage would be accomplished by ditching, filling, subsurface drainage works, pumping or other means unless impact to the wetland are unavoidable and there is a broader societal benefit. Broader societal benefit includes the construction of flood infrastructure, provincial transportation or hydroelectric utility corridor. This type of development would not qualify for an exemption as outlined above.

Under The Water Rights Act and the Water Rights Regulation, Class 3 (seasonal) wetlands are eligible for drainage through authorization by a water control works licence. A proponent must also demonstrate their use of the mitigation process including how all options to avoid and minimize impacts to the wetland have been considered. Any proposed loss of wetland benefits must be offset by compensation for lost acres of wetlands as required by The Water Rights Act and the Water Rights Regulation as set out in Schedule D.

The Drainage and Water Rights Licensing Branch verified the presence of seasonal and semi-permanent wetlands on this property in 2010. The proponent should conduct a wetland assessment to ensure that seasonal, semi-permanent and permanent wetlands are not impacted with the development. Given this assessment, it may be possible to integrate existing semi-permanent and permanent wetlands by shifting the location of the proposed development to avoid semipermanent and permanent wetlands with compensation being provided to offset the drainage of seasonal wetlands.

In addition, the department issued Water Control Works Licence 13-WCW-0368 to construct, establish, operate and maintain field drainage channels and water control structures on May 8, 2013 on adjacent lands. As this proposal is within this drainage area, approval should also be sought from the Orthez Channel Committee (Dennis Hildebrand - committee chair).

Any proposed water control works would have to be incorporated into the EA license with standard clauses being applied.

Disposition:

Additional information was requested to address these comments.

**Environment, Climate and Parks, Water Science and Watershed Management Branch,
Water Quality Management Section**

- The following effluent standards must be applied to Boissevain wastewater treatment lagoon as per the Manitoba Water Quality Standards, Objectives and Guidelines Regulation (196/2011).
 - BOD5 25 mg/L,
 - TSS 25 mg/L,
 - Fecal Coliforms or *Escherichia coli* 200 organisms / 100mL,
 - <1 mg/L Total Phosphorous
 - Ammonia-N, (effluent pH based)

<u>Effluent pH</u>	<u>Effluent, Total Ammonia expressed as N (mg/L)</u>
6.50	48.83
6.60	46.84
6.70	44.57
6.80	42.00
6.90	39.16
7.00	36.09
7.10	32.86
7.20	29.54
7.30	26.21
7.40	22.97
7.50	19.89
7.60	17.03
7.70	14.44
7.80	12.14
7.90	10.13
8.00	8.41
8.10	6.95
8.20	5.73
8.30	4.71
8.40	3.88
8.50	3.20
8.60	2.65
8.70	2.20
8.80	1.84
8.90	1.56
9.00	1.32

- The Water Quality Management Section is concerned with any discharges that have the potential to impact the aquatic environment and/or restrict present and future uses of the water. Therefore it is recommended that the license require the proponent to actively participate in any future watershed based management study, plan/or nutrient reduction program, approved by the Director

Disposition:

These comments can be addressed through licence conditions.

**Environment, Climate and Parks, Water Science and Watershed Management Branch,
Groundwater Management Section**

The Groundwater Management Section has reviewed the proposal entitled “Application for an Environmental Act Licence for an Aerated Lagoon with Post Lagoon Nitrification Wastewater Treatment System for the Community of Boissevain”, dated April 19, 2021.

Legislation/Concern:

Under item #4 of Mitigation and Residual Effects - Information Bulletin – Environment Act Proposals for Wastewater Treatment Facilities – Supplementary Guidelines, the follow up monitoring plan of the site groundwater protection was not discussed in this proposal. Concern: The 3-m test holes conducted in November 2020 are insufficiently deep to profile the soil character that could detain the contaminants via vertical percolation; also in light agricultural regions of Manitoba, the groundwater level is observed relatively low in November, thus “no evidence of a high groundwater table at the time of drilling” is not evident to conclude the GW condition during summer operation. A GW monitoring plan is recommended in our opinion.

Disposition:

Because of unsuitable soil conditions for a clay liner, the proposed liner would be high density polyethelene. Leakage with a liner of this type would be negligible when installed in accordance with manufacturer’s instructions and licence requirements. Accordingly, these comments can be addressed through licence conditions.

Manitoba Sport, Culture, and Heritage – Historic Resources Branch

Concerns

Further to your e-mail regarding the above noted heritage screening, the Manitoba Historic Resources Branch (HRB) has examined the location in conjunction with Branch records for areas of potential concern. The development footprint is located in an area with knob-and-kettle terrain, in close proximity to known Precontact archaeological sites. These factors, to name a few, suggest that any future planned development within the area has the potential to impact heritage resources, therefore, the Historic Resources Branch has concerns.

Under Section 12(2) of The Heritage Resources Act, if there is reason to believe that heritage resources or human remains are known, or thought likely to be present, on lands that are to be damaged or destroyed by reason of any work, activity, or project that is being proposed to carried out, then the proponent is required to conduct at his/her own expense, a heritage resource impact assessment (HRIA) and mitigation, if necessary, prior to the project’s start.

The developer must contract a qualified archaeological consultant to conduct a Heritage Resources Impact assessment (HRIA) of the proposed development location, in order to identify and assess any heritage resources that may be negatively impacted by development.

This project was previously reviewed under AAS-20-16704 on March 12th, 2021, which identified concerns to impact Heritage Resources. Based on this previous review, the applicant identified that an HRIA would be required for this project under EAP 6133.00. The Branch will continue to work with the developer and their chosen heritage consultant to draw up the terms of reference for this project.

Disposition:

These comments can be addressed through licence conditions.

Municipal Relations - Community Planning Branch

Please be advised that the Brandon Community Planning Office has reviewed the above referenced proposal concerning the development of a new two cell municipal wastewater treatment facility in the Municipality of Boissevain-Morton in Pt. SE11-4-20WPM. Our office has no concerns with the proposed scope of work but note for your information that the proponent must first obtain a conditional use order and a development permit from Council prior to the commencement of development. As information and for your review and consideration, please be advised of the following:

All development in the Municipality of Boissevain-Morton is subject to the requirements of the Morton-Boissevain Planning District Development Plan By-law 2009-01 and the Municipality of Boissevain-Morton Zoning By-law No. 2019-03.

According to **The Morton-Boissevain District Development Plan By-law 2009-01**, the subject lands are designated “**AA**” **Agricultural General Area**.

PART 2, Policy 2.3.3 Utilities Policies states the following:

- “1. With the exception of Wind Farms, which are dealt with in Part 3 - Rural Areas, essential activities of government and public and private utilities shall be permitted in any land use designation, subject to requirements in the Morton and Boissevain zoning by-laws. Such uses should be located and developed in a manner which will minimize any incompatibility with neighbouring land uses.*
- 2. Cooperation will be encouraged with Manitoba Hydro, Manitoba TeleCom Services and other similar utilities to ensure the provision of their services in the most economical and efficient manner possible and to minimize conflict with the orderly provision of municipal sewer, water and roadway services.*
- 3. Existing public and private utilities should be protected from incompatible land uses which may threaten or adversely affect their operation.*
- 4. Cooperative and inter-municipal servicing initiatives will be encouraged.”*

According to the **Boissevain-Morton Municipal Zoning By-law No. 2019-03**, the subject lands are zoned “**AG**” – **Agriculture General Area**. PART 2, Table 3.2 of the by-law identifies “Sewage Lagoons” as being a conditional use so a public hearing and issuance of a conditional use permit and development permit will be required prior to the commencement of development.

PART 2, Section 2.25 a) Public Utilities of the Boissevain-Morton Municipal Zoning By-law states the following:

- a) *“This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility’s works, plant, pipes, cables, or equipment as defined in this by-law provided that the requirements of such public utility are of a standard compatible with the adjacent area, and that any building or structure erected in any zone complies with the required yard and area requirements applicable to the zone.*
- b) *Where a public utility (as defined in this By-law) of another municipality is proposed to be located within Municipality of Boissevain-Morton, it shall first apply to Boissevain-Morton Municipality for approval prior to the commencement of development.*
- c) *The use and bulk requirements of this by-law do not apply to the transmission facilities (wires, pipes, poles and associated equipment such as transformers and sub-stations) of a public utility as defined herein as equipment such as this may require only very small parcels or none at all (where easements are used).*
- d) *All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to all of the provisions of this By-law.*
- e) *Where any site requirement, including site area, site width, required yard or parking, is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, public park area or public monument, it shall be deemed to conform to the requirements of this By-law.”*

Disposition:

These comments were provided to the consultants for information.

Manitoba Transportation and Infrastructure – Environmental Services Branch

Please see response from the following MI branches/sections:

- Water Management, Planning and Standards: No concern
- Western Regional Operations: Of note, the proposed upgrade includes adding an additional forcemain line that will cross under PR 448. As such, under the Transportation Infrastructure Act a utility permission to install the forcemain under and across PR 448 is required. Information regarding the utility permission process, fees and how to apply can be found at the following link: [Highway Planning and Design | Manitoba Infrastructure Province of Manitoba \(gov.mb.ca\)](#)
- Roadside Development: Please note the following statutory requirements affecting PTH 10 and PR 448.

Statutory Requirements:

Under the Transportation Infrastructure Act, a permit is required from Manitoba Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify, remove or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings) within the **76.2m m** (350 ft) controlled area from the edge of the PTH 10 highway right-of-way and within the **38.1 m** (125 ft) controlled area from the edge of the PR 448 highway right-of-way.

In addition, a permit is required from the Manitoba Infrastructure for any planting placed within **15 m** (50 ft) from the edge of the right-of-way of this highway.

Disposition:

These comments were provided to the consultants for information.

ADDITIONAL INFORMATION

Additional information was requested on January 26, 2022 to address public and Technical Advisory Committee comments. A response was received on February 11, 2022. The response was reviewed and further information was requested on February 23, 2022. The requested further information was received on October 3, 2022. The department has been working with the proponent to ensure all concerns have been addressed.

PUBLIC HEARING

Requests were received for a public hearing, but the concerns primarily involved planning aspects of the project by the municipality. It was determined that a public hearing would not add additional information on environmental aspects of the project, and so a public hearing was not recommended. A letter of February 3, 2022 advising of this decision was posted on the public registry on February 4, 2022.

CROWN-INDIGENOUS CONSULTATION

The Government of Manitoba recognizes 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 involves the construction and operation of an aerated wastewater treatment lagoon at a new location, replacing a deteriorated similar facility that does not meet current wastewater treatment standards. As resource use would not be affected, Crown-Indigenous consultation is not required for the project.

RECOMMENDATION

Comments received have been addressed through additional information and licence conditions. It is recommended that the development be licensed under The Environment Act subject to the limits, terms and conditions as described on the attached draft Environment Act Licence. Administration of the licence should be assigned to the Western Region of the Environmental Compliance and Enforcement Branch.

Prepared by:

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