

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Borland Construction Inc.
PROPOSAL NAME: Asphalt Plant –Terex, E3-400P, Unit 1006
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Transportation
CLIENT FILE NO.: 5454.00

OVERVIEW:

On March 8, 2010, Manitoba Conservation received a Proposal for the operation of a portable asphalt plant at locations throughout Manitoba. The operating hours of the facility are any time between sunrise and sunset in the months of May to November. The facility produces asphalt for use in road construction and repair. There are particulate matter, VOC, NO_x, odour, and other air emissions associated with the operation of an asphalt plant.

The Department, on March 12, 2010, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station) Main Floor, Winnipeg; the Millennium Public Library, 4th Floor, 251 Donald Street, Winnipeg; and the Manitoba Eco-Network, 3rd Floor, 303 Portage Ave., Winnipeg. 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 March 20, 2010. The newspaper and TAC notifications invited responses until April 20, 2010.

COMMENTS FROM THE PUBLIC:

The following comment was received from the public:

Where is Terex E3-400P Unit 1000? It is quite disturbing to read this and not have a clue where this is actually located. What does the following mean: "The facility will operate at locations throughout Manitoba during the months of May to November"....how do you know where they will be operating? How does the public really have an opportunity to know if they will be affected with information that really doesn't tell where they will be operating? Unfortunately most people don't have time to come downtown to source this.

The following response was provided:

Thank you for your e-mail. This Environment Act Proposal has been submitted for the operation of a portable asphalt plant. At this time, the operating locations are not known. They depend on where the construction jobs, such as highway resurfacing, will be located.

Disposition:

No further action required.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Water Stewardship

The following comments were provided:

- *The Water Rights Act* indicates that no person shall control water or construct, establish or maintain any “water control works” unless he or she holds a valid licence to do so. “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, an application for a Water Rights Licence to Construct Water Control Works is required. Application forms are available from any office of Manitoba Water Stewardship.
 - 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.
- The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have stabilized.
- An *Environment Act* Proposal notes that the proponent will adhere to the Temporary Asphalt Siting Guidelines developed by the Manitoba Heavy Construction Association. However, these guidelines do not address implementing mitigation measures for asphalt plants located adjacent to surface water.
- The Department recommends an *Environment Act* Licence to include the following requirements:
 - The proponent shall obtain authorization to use water from a natural waterway for dust management. The proponent’s contractor shall contact Manitoba Water Stewardship’s Water Use Licensing Section at least 2 weeks in advance of the anticipated usage date.
 - A contact person is Mr. Rob Matthews, Manager, Water Use Licensing Section, Manitoba Water Stewardship, telephone: 945-6118.
 - The siting of a temporary asphalt plant shall be located at least 100 metres from any surface water and at minimum a 30 metre buffer of natural vegetation is maintained between the perimeter of the asphalt site and the surface water.
 - The proponent shall develop and implement an Emergency Response Plan.

Disposition:

Clauses 9 and 10 of the draft Environment Act Licence addresses the siting of asphalt plants and clause 40 addresses emergency response. Existing Manitoba regulations address the remaining expressed concerns.

Manitoba Conservation – Pollution Prevention

The following comments were provided:

- Adequate measures to address fugitive PM sources (roadway, stockpile) are identified in the proposal.
- A baghouse will be provided on the drying/mixing drum to control PM emissions.
- The asphalt mixing technology to be used based on submitted documents (and verified at the manufacturer's website) will incinerate unburned hydrocarbons generated from the mixing process. These will include VOCs generated in the mixing and heating zones of the drum, the same zones where the RAP and AC are being introduced and mixed. Since the main source of the VOC is the drying/heating of the RAP and AC, it is expected that there will significant reductions in VOC generation.
- It is recommended that the following be included in the Licence clauses:
 - Releases through the PM control device (baghouse) to meet the particulate matter emission limit.
 - Adequate maintenance of the pollution control devices to ensure that it is working properly at all times.
 - Adherence to a Code of Practice such as the Manitoba Heavy Contractors Association - Environmental Practices Guide (including siting guidelines).
 - Addition of odour and noise nuisance clauses.
 - Dryer stack testing (one survey test within two years of operation to ensure the facility is meeting PM emission limits and, thereafter, as may be requested by the Director).

Disposition

Clauses 9 and 10 of the draft Environment Act Licence address siting of the asphalt plants and clauses 18 – 33 address concerns related to air emissions.

Manitoba Conservation – Sustainable Resource and Policy Management/Protected Areas Initiative

The following comments were provided:

- Protected areas are lands closed to logging, mining, electric development and any other activities that could adversely or significantly affect habitat. The current network of protected areas is not complete, and the PAI is also conducting

planning exercises in various areas of the province. Some of the activities listed in the application could harm ecologically sensitive environments. To ensure that any temporary asphalt plant activity does not pose a hazard to protected lands, or lands proposed for protection, we recommend that:

- Any licence that may be issued should be conditional that no portable asphalt plant will be set-up or operated prior to Manitoba Conservation reviewing and approving the specific site location(s) proposed for the plant.
- The list of proposed specific site locations should be forwarded to the Director, Sustainable Resource and Policy Management Branch for review by Manitoba Conservation.

Disposition

Clause 9 of the draft Environment Act Licence requires the Licencee to provide advance notification of proposed sites. The Department will complete an evaluation of each individual site once location is known.

Manitoba Culture, Heritage, Tourism and Sport – Historical Resources Branch

The following comments were provided:

- I have reviewed the above-noted application for an Environment Act License. The Historic Resources Branch has no concerns with regard to this project's potential to impact heritage resources.
- If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Disposition

No action required.

Manitoba Conservation - Parks and Natural Areas

The following comments were provided:

- This proposal does not list any proposed locations for the operation of this asphalt plant. The Branch recommends that all proposed locations, when known, are forwarded to Manitoba Conservation for review and approval.
- The Branch also recommends that the following conditions to be incorporated into the Environment Act Licence:

- No asphalt plant without a pollution control device is to be operated within 3km of any developed area of a provincial park (hiking trails, canoe routes, campgrounds etc.) to reduce disturbance to park visitors.
- No asphalt plant is to be operated within 1.5 km of an ecological reserve or protected area within a provincial park to maintain the ecological integrity of these sites.
- No asphalt plant without a pollution control device is to be operated within 3km of any ecological reserve or protected area within a provincial park to maintain the ecological integrity of these sites.

Disposition

Clause 9 of the draft Environment Act Licence requires the Licencee to provide advance notification of proposed sites. The Department will complete an evaluation of each individual site once location is known.

Manitoba Conservation – Wildlife and Ecosystem Protection

The following comments were provided:

- The proponent has not identified the site locations for the asphalt plants so it is inappropriate to conclude that there will be minimal to no impact on wildlife. The vehicle traffic and activity associated with these operations could disrupt wildlife use in the area.
- *The Environment Act* license must indicate that asphalt plants may not be located within wildlife management areas or other designated wildlife lands. Permits will not be issued by Manitoba Conservation for these areas.

Disposition

Clause 9 of the draft Environment Act Licence requires the Licencee to provide advance notification of proposed sites. The Department will complete an evaluation of each individual site once location is known.

PUBLIC HEARING:

A public hearing is not recommended.

RECOMMENDATION:

The Proponent should be issued a Licence for the operation of an asphalt plant in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to Regional Operations.

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

Prepared by:

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April 27, 2010

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