

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** New Rosedale Holding Co. Ltd.  
**PROPOSAL NAME:** New Rosedale Holding Co. Ltd. –Wastewater Treatment Lagoon  
**CLASS OF DEVELOPMENT:** 2  
**TYPE OF DEVELOPMENT:** Wastewater treatment lagoon  
**CLIENT FILE NO.:** 5838.00

### **OVERVIEW:**

Manitoba Sustainable Development received an Environment Act Proposal on April 14, 2016 for the proposed construction of New Rosedale Holding Co. Ltd.'s wastewater treatment facility near Grass River, Manitoba. The original proposal was for the construction and operation of a two cell HDPE-lined wastewater treatment lagoon on SE 21-18-11 WPM. The treated effluent from the lagoon will be discharged between June 15<sup>th</sup> and November 1<sup>st</sup> to a drainage ditch flowing to the Jackfish Lake, and eventually, into Lake Manitoba. On July 21, 2016, a Notice of Alteration was submitted to change the project location from SE 21-18-11 WPM to NW-16-18-11 WPM.

The Department, on June 16, 2016, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/conservation/eal/registries/5838newrosedale/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 Portage Central Plains Herald Leader on Thursday, June 16, 2016. The newspaper and TAC notifications invited responses until July 15, 2016.

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

No comments were received during the public comment period.

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

<b>No.</b>	<b>Technical Advisory Committee Member</b>	<b>Response Provided</b>
1	Canadian Environmental Assessment Agency	No response
2	Manitoba Agriculture – Land Use Branch	Yes
3	Manitoba 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 Branch</li> <li>• Indigenous Relations Branch</li> <li>• Lands Branch</li> <li>• Water Quality Management Section</li> <li>• Groundwater Management Section</li> <li>• Office of Drinking</li> <li>• Water Use Licensing Section</li> <li>• Water Control Works Licensing Section</li> <li>• Regional Services Branch</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No response</p> <p>No response</p> <p>Yes</p> <p>No response</p> <p>No response</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No response</p>
4	Manitoba Sport, Culture, and Heritage – Heritage Branch	No response
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>	<p>No response</p> <p>No response</p> <p>No response</p> <p>No response</p>
6	Manitoba Infrastructure –	
	<ul style="list-style-type: none"> <li>• Highway Planning and Design Branch</li> </ul>	Yes
7	Manitoba Indigenous and Municipal Relations	Yes
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No response

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

<http://www.gov.mb.ca/conservation/eal/registries/5838newrosedale/index.html>

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

### **Manitoba Agriculture – Land Use Branch**

No concerns.

### **Manitoba Sustainable Development–Compliance and Enforcement Branch**

*“The Environment Act proposal states that the domestic lagoon will also service an abattoir. As per the Classes of Development Regulation 164/88 an abattoir is considered a Class 2 development and therefore an Environment Act Proposal should be submitted for the operation of the abattoir.”*

**Disposition:** The proponent stated in the Environment Act Proposal that a separate licence for the abattoir will be applied for at a later date. However, the design of the existing lagoon considered the wastewater generated from the proposed abattoir.

### **Manitoba Sustainable Development– Climate Change and Air Quality Branch**

- “The proposal is not expected to have a significant impact on air quality.
- The odour clause is suggested to be included in the License.”

**Disposition:** The draft licence contains an odour nuisance clause.

### **Manitoba Sustainable Development– Wildlife and Fisheries Branch**

No concerns.

### **Manitoba Sustainable Development– Parks and Protected Spaces Branch**

No concerns.

### **Manitoba Sustainable Development– Lands Branch**

No concerns.

### **Manitoba Sustainable Development– Office of Drinking Water**

No concerns.

### **Manitoba Sustainable Development– Water Use Licensing Section**

No concerns.

## **Manitoba Sustainable Development– Water Control Works Licensing Section**

*“Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the Water Rights Act – an application is attached for the proponent’s convenience. Any inquiries in this regard may be directed to the local Water Resource Officer. Their contact information may be found at:*

[http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer\\_areas\\_of\\_focus\\_30mar2015.pdf](http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf)”

**Disposition:** The above information was forwarded to the proponent’s consultant on August 8, 2016 for information purposes only.

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

No concerns.

## **Manitoba Indigenous and Municipal Relations**

*“The location of the proposed Wastewater Treatment Lagoon is in the RM of Glenella-Lansdowne, which is a member of the Neepawa and Area Planning District though the portion of this municipality in question is still subject to the policies of the Big Grass Planning District Development Plan in effect and may be further regulated in the former RM of Glenella Zoning By-law No. 6-2004.*

*THE BIG GRASS PLANNING DISTRICT DEVELOPMENT PLAN BY-LAW NO. 2-2003: According to the Big Grass Planning District Development Plan, the lands on which the wastewater lagoon will reside are designated as “A, General Agricultural Policy Area”, though being right on the edge between this designation and the “PR – Protected Recreation Policy Area” the area in question could be interpreted by The Board of the Neepawa and Area Planning District to be PR.*

*GLENELLA, ZONING BY-LAW NO. 6-2004: The lands on which the wastewater lagoon will reside are zoned “AR2” – Restricted Agricultural Zone – Rivers, Streams and Big Grass Marsh. wastewater treatment lagoon, as proposed is not a permitted use in this zone. Therefore, a zoning by-law amendment will be required to change the proposed use, by text amendment, from not permitted to either permitted (not recommended), or conditional (not recommended) or, by map amendment, rezone the area in question “AG” Agricultural General Zone (recommended).*

*CONCLUDING REMARKS: The wastewater lagoon proposed in this environment proposal is not generally consistent with the regulating zoning by-law, Glenella Zoning By-law No. 6-2004, as it would appear that the lagoon is not a permitted use in the AR2 zone. Therefore, the Brandon Regional Office of Community and Regional Planning recommends that a zoning amendment be undertaken to remedy this issue.”*

**Disposition:** The Project consultant submitted a Notice of Alteration (NoA) on July 21, 2016 with a request to change the project location from SE-21-18-11 WPM to NW-16-18-11 WPM.

The above NoA was forwarded to Manitoba Municipal and Indigenous Relations on July 21, 2016 with a comment due date of July 29, 2016. On July 28, 2016, Community & Regional Planning Branch informed that the new site is Zoned AG under which “Sewage Treatment Plants, Lagoons & Waste Disposal Sites” are permitted uses.

### **Notice of Alteration**

A Notice of Alteration dated July 20, 2016 was submitted on July 21, 2016 in regards to relocating the proposed wastewater treatment lagoon from SE-21-18-11 WPM to NW-16-18-11 WPM. The July 20, 2016 NoA was forwarded to the Technical Advisory Committee members who might be affected due to the proposed change of project location with a comment due date of July 29, 2016. No further comments or concerns except the one provided below were received.

### **Manitoba Sustainable Development– Water Control Works Licensing Section**

*“Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the Water Rights Act – an application is attached for the proponent’s convenience. Any inquiries in this regard may be directed to the local Water Resource Officer. Their contact information may be found at:*

[http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer\\_areas\\_of\\_focus\\_30mar2015.pdf](http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf)”

**Disposition:** The above information was forwarded to the proponent’s consultant on August 8, 2016 for information purposes only.

**Responses With Additional Information:** The project consultant submitted additional information on August 4, 2016 that the actual hydraulic storage capacity of the proposed wastewater treatment facility is 13,236 m<sup>3</sup>.

**Disposition:** The draft licence has been updated accordingly.

### **PUBLIC HEARING:**

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 wastewater treatment facility will be located on NW-16-18-11 WPM and the facility will serve a brand new daughter colony of New Rosedale Colony. As the treated wastewater from the lagoon will travel approximately 12 km before being discharged into the

Jackfish Lake, 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 the construction and operation of a wastewater treatment lagoon 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 Sustainable Development upon approved commissioning of the wastewater treatment lagoon.

Prepared by:

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