

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Village of St. Pierre-Jolys

PROPOSAL NAME: St. Pierre-Jolys Wastewater Treatment Lagoon Expansion

CLASS OF DEVELOPMENT: Two

TYPE OF DEVELOPMENT: Waste treatment and storage – wastewater treatment lagoons

CLIENT FILE NO.: 84.20

OVERVIEW

The Proposal was received on June 27, 2016. It was dated May 7, 2016. The advertisement of the Proposal was as follows:

“A proposal was filed by the Village of St. Pierre-Jolys for the expansion of an existing wastewater treatment lagoon located on parts of River Lots 29 and 30 in the Rat River Settlement in the Rural Municipality of De Salaberry. Related work includes removal of the intercell dyke between the existing primary cells, construction of a new secondary cell, and construction of a new wetland cell. It is proposed that treated wastewater will be discharged between June 15th and November 1st inclusive of any year from the wetland cell of the expanded wastewater treatment lagoon to the Rat River that flows to the Red River.”

The Proposal was advertised in the Steinbach Carillon on Thursday, July 21, 2016. It was placed in the following public registries:

- Legislative Library (Winnipeg)
- Millennium Public Library (Winnipeg)
- Online: <http://www.gov.mb.ca/sd/eal/registries/84.2stpierre/index.html>

The Proposal was distributed to Technical Advisory Committee (TAC) members on July 21, 2016.

The closing date for comments from members of the public and TAC members was August 19, 2016.

COMMENTS FROM THE PUBLIC

No public comments were received on the Proposal.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Technical Advisory Committee 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 St. Pierre-Jolys Wastewater Treatment Lagoon Expansion –
Technical Advisory Committee Comments

| No | Technical Advisory Committee Member | Response Provided |
|-----------|--|---|
| 1 | Canadian Environmental Assessment Agency | No response |
| 2 | Manitoba Agriculture – Land Use Branch | No response |
| 3 | Manitoba Sustainable Development – | |
| | <ul style="list-style-type: none"> • Compliance and Enforcement Branch August 17, 2016 • Climate Change and Air Quality Branch August 19, 2016 • Wildlife and Fisheries Branch August 22, 2016 • Parks and Protected Spaces Branch July 22, 2016 • Forestry Branch • Indigenous Relations Branch • Lands Branch August 18 and July 21, 2016 • Water Science and Management Branch Water Quality Management Section Sept. 27, 2016 Groundwater Management Section • Office of Drinking Water August 22, 2016 • Water Use Licensing Section July 21, 2016 • Water Control Works Licensing Section July 22, 2016 • Eastern Region | <p>No comments/concerns</p> <p>No response</p> <p>No response</p> <p>No concerns/comments</p> <p>No response</p> <p>No concerns</p> <p>No concerns</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"> • Energy Development Branch • Petroleum Branch • Office of the Fire Commissioner | <p>No response</p> <p>No response</p> <p>No response</p> |

| | | |
|---|---|-----------------|
| | • Workplace Safety and Health | No response |
| 6 | Manitoba Infrastructure – | |
| | • Highway Planning and Design Branch | No response |
| 7 | Manitoba Indigenous and Municipal Relations | August 18, 2016 |
| 8 | Manitoba Health, Seniors and Active Living – Environmental Health Unit | No response |

Manitoba Sustainable Development – Environmental Compliance and Enforcement Branch

Environmental Compliance and Enforcement Branch (Eastern Region) has reviewed the above noted environment act proposal for the expansion of the Village of St-Pierre-Jolys wastewater treatment lagoon.

1. In Section *7.1.1 Discharge*, the last paragraph indicates that one sample will be collected from the wetland cell prior to releasing treated effluent from the wetland cell. Where will this sample be collected from, and is one sample sufficient to indicate that adequate treatment for phosphorous has occurred prior to initiating release from the wetland cell?
2. The last paragraph of Section *7.1.1 Discharge* indicates that during discharge of the wetland cell, phosphorous content of the effluent will be assessed using a 30-day rolling average based on samples collected every two weeks. Is the average of three samples in a 30 day period sufficiently representative of the phosphorous content of the effluent released during that period?
3. What measures would be taken should results of the 30-day rolling average indicate a phosphorous content in excess of 1 mg/L?

Disposition:

Additional information was requested to address these comments.

Manitoba Sustainable Development – Climate Change and Air Quality Branch, Air Quality Section

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

- 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:

These comments can be addressed through licence conditions.

Manitoba Sustainable Development – Wildlife and Fisheries Branch, Fisheries Science and Fish Culture Section

Fisheries section of Wildlife and Fisheries Branch and the regional fisheries manager have reviewed this proposal to upgrade and expand the St. Pierre Jolys WWTL.

As part of the expansion a new wetland cell will be constructed to reduce the total phosphorus in the effluent. The existing discharge route will be utilized. The lagoon will be designed for 227 day storage with the discharge period occurring continuously from the new wetland cell from June 15 through to November 1.

The Rat River supports small and large bodied fish species. Given the proponent is proposing to continuously discharge over the allowable period it is important that the effluent meet Manitoba Water Quality Standards Objectives and Guidelines.

Disposition:

These comments can be addressed through licence conditions.

Manitoba Sustainable Development – Water Science and Management Branch, Water Quality Management Section

- The following effluent standards should be in place for the wastewater treatment lagoon as per the *Manitoba Water Quality Standards, Objectives and Guidelines Regulation* (196/2011).
 - BOD₅ 25 mg/L
 - Total suspended solids 25 mg/L
 - Fecal Coliforms or Escherichia coli 200 MPN / 100mL
 - <1 mg/L total phosphorus
- The Water Quality Management Section recommends that the proponent monitor the constructed wetland more frequently, once a week, in the first year of operation to ensure it is capable of reducing nutrients to < 1mg/L total phosphorus.
- 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:

Additional information was requested to address these comments.

Manitoba Sustainable Development – Water Control Works and Drainage 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

Disposition:

Additional information was requested to address these comments.

Manitoba Indigenous and Municipal Relations – Community and Regional Planning Services Branch

The proposed site is governed by the RM of De Salaberry Development Plan By-law 2194-04. The goals of the development plan include protecting the agricultural industry and its land resources as well as minimizing conflicts between incompatible land uses by reducing possibility that these land uses would locate in the same area, or by providing a buffer between uses. Environmental and Natural Resource policies in the Development Plan include minimizing the impacts of development on fish and fish habitat and aquatic ecosystems. To ensure that this policy is met the excessive nutrient loading of natural waters as a result of agricultural, municipal and private sources shall be discouraged. In accordance with the Goals and Objectives of the Plan, Council will organize the remaining lands in De Salaberry in a manner which will preserve farmland, protect farmlands from the encroachment of incompatible land uses and maintain the open space and rural character of the country side.

The proposed site of the lagoon is designated Limited Agriculture in the RM of De Salaberry Development Plan 2194-04. There are no specific policies in the Limited Agriculture section relating to the establishment of a lagoon.

The proposed site is zoned Limited Agriculture Zone in the RM of De Salaberry Zoning By-Law 2208-05. The intent of this zone is to identify areas where agricultural activities are limited because of environmental concerns and proximity to urban and recreational land uses. As per the RM of De Salaberry Zoning By-law 2208-05 a lagoon is a Public Utility/Service. Therefore it is considered a Conditional Use in a Limited Agriculture Zone. Minimum site and yard requirements are determined by Council. The Village of St. Pierre-Jolys will require a Conditional Use Order from the RM of De Salaberry Council.

The proposed lagoon expansion is located directly east of the existing lagoon which allows the new cells to share facilities with the existing cells. The lagoon is directly east of the Rat River, where the treated effluent is discharged into. To the south the land is used for agriculture and is zoned as Limited Agriculture in the RM of De Salaberry

Zoning By-Law. West of the proposed lagoon is the Village of St. Pierre-Jolys. Within the Village the land north of the PR 205 is zoned residential and the land to the south is zoned for future development.

Manitoba Sustainable Development recommends that lagoons be as far as practicable from habitation. Lagoons should not be located any closer than 460 metres from any center of population and individual residences should not be closer than 300 metres. These distances are measured from the outer toe of the nearest dyke. The existing lagoon is approximately 194 metres from the nearest house. The proposed expansion is approximately 188 m from the nearest house. While there is limited development north of the PR in the immediate location of the lagoon, the land within the Village is zoned 'RS' for residential single family development. A residential neighbourhood is located approximately 400 metres directly east from the proposed lagoon site. It does not appear that the lagoon meets the guidelines set by Manitoba Sustainable Development. It is recommended that the Village should review the designation and zoning of the lands closest to the lagoon to ensure that they are compatible with the Manitoba Sustainable Development guidelines regarding separation distances from single dwellings and centres of population from a lagoon.

The Environmental Impacts section in the proposal is limited as it does not consider the nearby development in St. Pierre-Jolys. There are currently residences on the west side of the Village that are closer to the proposed lagoon than the residence discussed in the Odour Considerations section of the proposal. These residences should be considered as they were built before the lagoon expansion, unlike the house closest to the existing lagoon which was built after the lagoon.

Community and Regional Planning recognize that the lagoon expansion being proposed will include a naturalized treatment system. The impact and odour from a lagoon using naturalized treatment may be different from traditional lagoons. It appears that the guidelines Manitoba Sustainable Development has established for locating lagoons away from settlement areas have not been met. The Environmental Act submission could be strengthened if these two items were clarified.

Disposition:

These comments were provided to the proponent and consultant for information.

ADDITIONAL INFORMATION

Additional information was requested on September 28, 2016 to address Technical Advisory Committee comments on the project. A response was provided on November 1, 2016 and has been placed in the public registries. It provides additional detail on proposed effluent sampling, indicates that the project will follow all effluent standards required by the Manitoba Water Quality Standards, Objectives and Guidelines Regulation, and that no other water control works are planned in connection with the project. The response satisfactorily addresses all TAC comments. Where appropriate, the additional information can be incorporated into licence conditions.

PUBLIC HEARING

No requests were received for a public hearing. Accordingly, a public hearing is not recommended.

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 expansion of an existing wastewater treatment lagoon system for municipal purposes on privately owned agricultural land. Since resource use is not affected by the project, it is concluded that Crown-Indigenous consultation is not required for the project.

RECOMMENDATION

All comments received have been addressed through additional information or through 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.

It is further recommended that enforcement of the Licence be retained by the Environmental Approvals Branch until construction of the wastewater treatment lagoon expansion is completed. Enforcement of the licence then should be assigned to the Eastern Region of the Environmental Compliance and Enforcement Branch.

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