



Conservation and Water Stewardship

Environmental Stewardship Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

File: 4004.00

October 14, 2014

Eli D. Walter
Water Works & Wastewater Works Operator
Netley Colony Ltd.
Box 100, 100-897 Henry Road 90
Petersfield, MB R0C 2L0

Dear Mr. Walter:

Re: Netley Colony Ltd. Wastewater Treatment Lagoon – Alteration Request

I am responding to your September 30, 2014 email to me requesting alteration to the operation of Netley Colony Ltd.'s domestic wastewater treatment lagoon (domestic lagoon). This response also relates to your September 18, 2014 letter to Manitoba Conservation and Water Stewardship and the associated September 22, 2014 letter of response to you.

The domestic lagoon is licenced under Environment Act Licence No. 2164 (Licence) and is located at SW 05-16-04EPM in the Rural Municipality of St. Andrews. The correspondence is received as a Notice of Alteration (NofA).

The proposed alterations associated with the NofA are understood to include:

1. Transferring effluent from the secondary cell of the domestic lagoon for temporary storage in a recently unused earthen manure storage lagoon that was permitted under *Manitoba Regulation 42/98 – Livestock Manure and Mortalities Management*, Permit #LM-0710; and
2. After testing the stored effluent in accordance with the requirements of the Licence, pumping it onto agricultural land.

It is understood that the recently unused earthen manure storage lagoon is lined with a 1.0 metre thick relatively impermeable clay soil.

Upon review of the NofA, I have decided pursuant to Section 14(2) of *The Environment Act* to approve the proposed alterations as a minor alteration pursuant to the following conditions:

1. The recently unused earthen manure storage lagoon shall be operated and maintained such that the depth of liquid stored in it does not exceed 1.5 metres;
2. The liquid shall be discharged in accordance with the requirements of the Licence; and
3. This approval shall terminate October 1, 2015.

If you wish to pursue long-term operation of the earthen manure storage lagoon to support the ongoing operation of the domestic lagoon, you are required to submit an Environment Act Proposal that fully describes the proposed alterations and potential related effects. Attached for your reference is a copy of Information Bulletin - Alterations to Developments with Environment Act Licences. This and other information bulletins can be found at the Environmental Approvals Branch's website:

<http://www.gov.mb.ca/conservation/eal/pubs/index.html#info> .

If you have any questions or would like to discuss the foregoing, please contact Robert Boswick, Environmental Engineer, at (204) 945-6030.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director

Attachment

- c. Don Labossiere, Director – Environmental Compliance and Enforcement, Manitoba Conservation and Water Stewardship (letter only)
Donna Smiley, Provincial Manager – Environmental Compliance and Enforcement, Manitoba Conservation and Water Stewardship (letter only)
Kim Kmet, Environment Officer – Environmental Compliance and Enforcement, Manitoba Conservation and Water Stewardship (letter only)
Bereket Assesfa, Environmental Engineer – Environmental Approvals, Manitoba Conservation and Water Stewardship (letter only)

Section 14(1) of *The Environment Act* requires the proponent to notify the director (for Class 1 and 2 developments) or the minister (for Class 3 developments) if the proponent intends to alter the proposal or the licensed development so that it no longer conforms to licence conditions or is likely to change the environmental effects.

As of January 10, 2014, fees apply to notices of alteration as described in Manitoba Regulation 7/2014.

This guide describes the type of information required to ensure that a Notice of Alteration (NoA) is complete, and outlines situations where fees for NoAs are required.

Notice of Alteration Information Requirements

The key information needed by the director or minister in assessing a NoA is the significance of the environmental effects and human health effects resulting from the alteration. Therefore, the NoA must clearly describe what is proposed to be changed from the development as currently licensed, and what the resulting environmental effects and human health effects will be. Where possible, it is helpful to describe the effects resulting from the alteration in the context of the effects of the existing development (i.e. the incremental effects of the alteration). The environmental effects considered should include effects on the terrestrial, aquatic and atmospheric environments.

The information provided must be sufficiently detailed to allow the director or minister to determine whether the effects of the alteration are significant, insignificant, or non-existent.

The inclusion of maps, schematics and/or process flow diagrams may be helpful to describe the proposed changes to the development.

Fees for NoAs Apply

Fees for NoAs apply for alterations to expand or change licensed developments in such a manner that the resulting environmental effects may be significant. The fees also apply to licensee-requested name changes that are not required for legal reasons.

1. **Major alteration:** when the proposed alteration involves potentially significant environmental effects, the alteration will be addressed pursuant to Section 14(3) of the Act. In this situation, the applicable fee for the NoA shall be as required for a Class 1, 2 or 3 Environment Act Proposal, as appropriate. Fees are listed on the

Environment Act Proposal Form

(http://www.gov.mb.ca/conservation/eal/publs/eap_form.pdf).

Examples:

- construction of additional wastewater treatment lagoon cells to increase organic or hydraulic capacity
- addition of anhydrous ammonia facilities to an existing granular fertilizer handling operation
- increase in irrigated land base and water diversion for an irrigation project
- addition of a 115 kV transmission line to an existing corridor
- construction of a processing plant at a new location

2. **Environmental effects altered:** where the alteration changes the configuration, operation and potential environmental effects of a licensed development, but the environmental effects of the alteration are determined not to be significant. The application fee is \$500, payable to the Minister of Finance.

Examples:

- installation of larger equipment to increase capacity
- increase in operation (time, duration, lengthened shift, etc.)
- conducting work outside of the previously defined project area

3. **Licencee name changes with new licence:** where the licencee requests a licence update so that the licence is issued with the licencee's new name. Note: Pursuant to Section 15(4) of the Act, an order, licence or permit issued under the Act is binding on a person (or corporation) who purchases or otherwise acquires control over the licensed development. The application fee is \$500, payable to the Minister of Finance.

Fees for NoAs Do Not Apply

Fees do not apply for alterations involving repairs, reductions in emissions including greenhouse gas emissions, improvements in production efficiency that do not involve significant environmental effects, and changes initiated by Conservation and Water Stewardship.

1. **Alteration initiated by Environmental Approvals Branch:** where the Branch initiates the alteration to modernize an existing licence, and has requested that the Licencee confirm that the configuration, operation or environmental effects of the Development has not changed.
2. **Alteration to equipment or works that do not change the environmental effects:** where the Licencee provides notification of changes that do not alter environmental effects.

Examples:

- replacement of existing pumps, control mechanisms or pipelines (without expansion)
- placement of riprap on lagoon dykes
- replacement of mixing equipment or storage tanks

- additions or changes in land parcels on irrigation projects with no other changes
 - replacement of conductors on transmission lines
3. **Licencee name changes with no new licence:** where a licensee provides notice of a change in ownership of a licensed development, but does not request the re-issuance of the licence with the new name.

Environment Act Proposals in Process – No Licence Issued

Section 14(1) of *The Environment Act* also requires notification for similar types of alterations for proposals which have not yet received Environment Act licences. During the environmental assessment process, it is common for proponents to alter their proposals in response to questions and suggestions made by public and technical reviewers. The purpose of these alterations is generally to reduce identified project effects, resulting in a better project. Fees for NoAs do not apply to alterations proposed prior to the issuance of an Environment Act licence.