

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Pipestone
NAME OF DEVELOPMENT: Reston Wastewater Treatment Lagoon Upgrade/Expansion
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon
CLIENT FILE NO.: 4761.10

OVERVIEW:

The Proposal was received on March 26, 2015. The advertisement of the proposal was as follows:

“A proposal was filed by the Rural Municipality of Pipestone for the expansion of Local Urban District of Reston’s existing wastewater treatment lagoon that is located on NE 5-7-27 WPM in the Rural Municipality of Pipestone. The existing wastewater treatment lagoon is currently operated under Environment Act Licence No. 2564. The proposed expansion consists of the construction of two new, additional storage cells that will be located adjacent to and south-east and east of the existing three-cell wastewater treatment lagoon. Treated wastewater from the wastewater treatment lagoon will be discharged between June 15th and November 1st of any year via a low lying natural wetland located east of the existing wastewater treatment lagoon, through municipal road ditches, and, finally, to Maple Lake through Stony Creek. ”

The Proposal was advertised in the Reston Recorder on Friday, April 24, 2015. It was also placed in the Legislative Library, the Millennium Public Library and in the online public registry.

The Proposal was distributed to TAC members on April 27, 2015.

The closing date for comments from members of the public and TAC members was May 25, 2015.

COMMENTS FROM THE PUBLIC

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Water Quality Management Section

- *The following effluent standards should be in place for RM of Pipestone Reston expanding wastewater lagoon as per the Manitoba Water Quality Standards, Objectives and Guidelines Regulation (196/2011).*
 - BOD5 25 mg/L
 - TSS 25 mg/L

- *Fecal Coliforms 200 MPN / 100mL*
- *The Manitoba Water Quality Standards, Objectives and Guidelines Regulation requires new or expanding wastewater treatment facilities to meet a 1 mg/L phosphorus limit or implement a nutrient reduction strategy. If trickle discharge is proposed as a nutrient reduction strategy, the proponent must demonstrate how this strategy will reduce phosphorus loads equivalent to implementing a 1 mg/L phosphorus limit. This additional information is required before trickle discharge can be approved as a nutrient reduction strategy.*
- *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:

- The draft Environment Act Licence contains a clause that requires that the Licencee shall not discharge effluent from the wastewater treatment lagoon:
 - where the organic content of the effluent, as indicated by the five day carbonaceous biochemical oxygen demand, is in excess of 25 milligrams per litre;
 - where the total suspended solids content of the effluent is in excess of 25 milligrams per litre, unless the exceedance is caused by algae;
 - where the fecal coliform content of the effluent, as indicated by the MPN index, is in excess of 200 per 100 millilitres of sample;
 - where the total phosphorus content of the effluent is in excess of 1.0 milligrams per litre
- The draft Environment Act Licence contains a clause that requires that the Licencee shall discharge the wastewater treatment lagoon over at least a two-week period, while accelerating discharge as necessary to maintain normal operation of the wastewater treatment lagoon.
- The draft Environment Act Licence contains a clause that requires that the Licencee shall actively participate in any future watershed-based management study, plan and/or nutrient reduction program, approved by the Director, for Stony Creek and Maple Lake and/or associated waterways and watersheds.

Manitoba Conservation and Water Stewardship – Lands Branch

No concerns as no crown lands are to be impacted by the proposal

Manitoba Conservation and Water Stewardship – Water Use Licensing Section

No concerns.

Manitoba Conservation and Water Stewardship – 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.”

Disposition:

- This information was provided to the Rural Municipality of Pipestone’s consultant for information on August 13, 2015.

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

No comments or concerns.

Manitoba Municipal Government – Community and Regional Planning Branch

“This office has no concerns with the proposed expansion of the WWTF in the RM of Pipestone located in Pt. N.E. ¼ Sec. 5-7-27WPM located south and southeast of the Community of Reston. However, please be advised of the following:

According to Part 2, Section 2.4 (See P. 2-1) of the EAP, the lands where the proposed lagoon expansion are proposed are both designated and zoned “AG” – Agricultural General (source not identified). This information is incorrect.

From my review of the Dennis County Planning District Development Plan By-law No. 12 (adopted April 7, 2010), the subject lands are designated “Agricultural Moderately Limited Area” and according to the RM of Pipestone Zoning By-law No. 2001/05 (Adopted May 9, 2002), the subject lands are zoned “AML” – Agricultural Moderately Limited Zone. The existing and proposed waste water treatment facilities located in Pt. N.E. ¼ Sec. 5-7-27WPM is a land use supported in the “Agricultural Moderately Limited Area” and “AML” Agricultural Moderately Limited Zone respectively. The proposed expanded wastewater treatment facilities satisfy the minimum site area (2 acres) and site width (200 ft) requirements for this use as set out in the RM of Pipestone Zoning By-law, but depending on their actual construction footprint, may require relief from the front, side and/or rear yard setbacks for this use as set out in PART 4, Table 4.2 of the RM of Pipestone Zoning By-law. Information concerning the variation order process (if required) can be found in PART 6, Section 94 to 102 of The Planning Act.

In addition, please be advised that according to Table 4.2 of PART 4 of the RM of Pipestone Zoning By-law No. 2001/05, “sewage lagoons” are identified as being a conditional use. As such, when an existing facility is being proposed for expansion,

Council is obligated to advertise, hold a conditional use hearing and issue a conditional use permit that captures both the existing and proposed waste water treatment facilities. Further information concerning the conditional use process can be obtained by reviewing PART 7, Sections 103 to Section 110 of The Planning Act.

Finally, please be advised that prior to commencement of construction, the proponent must consult with the Dennis County Planning District Development Officer/Building Official - David Houston (204) 851-0380 dcpd_sifton@mymts.net to obtain a Development Permit issued under authority of PART 7, Section 7.2 of the RM of Pipestone Zoning by-law No. 2001/05.”

Additional Information Request: This information was provided to the Rural Municipality of Pipestone’s consultant on August 13, 2015 with a request to submit to the Approvals Branch a Conditional Use Permit and a Development Permit prior to the issuance of the Environmental Act Licence.

Proponent’s Consultant’s Response: The consultant responded on August 18, 2015 that the R.M. of Pipestone would be providing the above permits.

Proponent’s Response: The R.M. of Pipestone submitted to the Approval’s Branch a Conditional Use Permit on November 18, 2015 and a Development Permit on November 27, 2015.

Disposition: The submission of the above permits satisfies our requirements.

Manitoba Health

No comments.

Manitoba Conservation and Water Stewardship – Wildlife and Fisheries Branch

- *“Given that the proposed project will be destroying abandoned grassland, the Wildlife Branch suggests that all disturbed areas be re-vegetated with native grass species, rather than a monoculture of turf grass.”*
- *“the trapping and removal of any wild animals listed under Schedule A in The Wildlife Act requires a permit issued by the Wildlife Branch, therefore the branch should be contacted for more information should any issues with burrowing animals arise.”*
- *“burrowing owls (which inhabit abandon burrows of other species) are listed Endangered and protected under The Endangered Species and Ecosystems Act. It is an offense to “kill, injure, possess, disturb or interfere” this species, or “destroy, disturb or interfere” with their habitat (see below). Any occurrences of burrowing owls on the project site should be reported to the Wildlife Branch and an appropriate mitigation strategy can be developed.”*

Disposition: This information was forwarded to the proponent's consultant for information on August 13, 2015. The Draft Environment Act Licence contains clauses that require the following:

- revegetation of soil exposed during the construction of the Development with native or introduced grasses or legumes. Native species shall be used to revegetate areas where native species existed prior to construction; and

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No concerns

Manitoba Conservation and Water Stewardship – Office of Drinking Water

No concerns

Manitoba Agriculture Food and Rural Development – Crops Branch

No concerns

Manitoba Conservation and Water Stewardship- Approvals Branch:

By an email dated August 13, 2015, the project consultant was requested to clarify the primary cell surface area. Section 2.5.15.4 of the Environment Act Proposal indicates that the expanded primary cell will have a surface area of 25,646 m² at a height of 0.75 m from the cell floor whereas the consultant's design calculations indicate that the expanded primary cell will have a surface area of 26,354 m². Moreover, the consultant was requested to confirm that the organic loading will be within the 56 kg BOD₅/day/ha requirement.

Project Consultant's Response (received on August 18, 2015): The expanded lagoon primary cell is estimated to have a surface area of 26,354 m² at a height of 0.75 m above the cell floor, as identified in Section 2.5.8.1. The surface area identified in Section 2.5.15.4 (25,646 m²) is incorrect, as it did not include the surface area gained by removing the intercell dike between the existing and proposed primary cells. Based on the projected population growth rate, the expanded lagoon will provide sufficient organic treatment capacity beyond the projected year 20 organic loadings, based on an organic treatment rate of 56 kg BOD₅/day/ha.

Disposition: The above comment is acceptable.

PUBLIC HEARING

No requests for a public hearing were made, and 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.

The proposal involves the expansion of an existing wastewater treatment facility on land owned by Rural Municipality of Pipestone. The expanded facility will allow standard effluent quality requirements to be met.

Since resource use is not adversely affected by the project, it is concluded that Crown-Indigenous consultation is not required for the project.

RECOMMENDATION

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 Western Region of the Environmental Compliance and Enforcement Branch.

Prepared by:

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January 20, 2016
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