

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Town of Oak Lake and Rural Municipality of Sifton
NAME OF DEVELOPMENT: Town of Oak Lake – R.M. of Sifton Wastewater Treatment Lagoon
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon
CLIENT FILE NO.: 5434.00

OVERVIEW:

The Proposal was received on December 24, 2009. It was dated December 23, 2009. The advertisement of the proposal was as follows:

“A Proposal has been filed by GENIVAR on behalf of the Town of Oak Lake and the Rural Municipality of Sifton for the construction and operation of a wastewater treatment lagoon in SE 15-9-24W, two miles southwest of the Town of Oak Lake. The project involves the construction of a new wastewater treatment lagoon with a synthetic liner and a truck dumping station, and a new forcemain connecting the new facility with the Town’s existing wastewater collection system. The facility would treat wastewater from the Town, as well as truck hauled wastewater from the Rural Municipality, including recreational developments on Oak Lake. Treated effluent from the facility would be discharged to Flat Creek, which is a tributary of the Assiniboine River. Discharges would occur during the period June 15 to October 31. Construction of the facility is planned for 2010. The existing Town of Oak Lake lagoon would be decommissioned following construction of the new facility.”

The Proposal was advertised in the Brandon Sun on Saturday, January 9, 2010 and in the Virden Empire-Advance on Wednesday, January 13, 2010. It was placed in the Main, Millennium Public Library (Winnipeg), Eco-Network and Western Manitoba Regional Library (Brandon) public registries and in the Town of Oak Lake office as a public registry location. The Proposal was distributed to TAC members on January 6, 2010. The closing date for comments from members of the public and TAC members was February 15, 2010.

COMMENTS FROM THE PUBLIC:

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC)

Manitoba Conservation – Sustainable Resource and Policy Management Branch

Flat Creek, the proposed discharge route for treated effluent from the facility, flows through the Upper Assiniboine River Wildlife Management Area (WMA), Runnymede Unit (S½ 19-09-23WPM) on its way to the Assiniboine River. This WMA is protected

from hydro-electric development; logging or commercial forest harvesting; quarry mineral exploration and extraction; and any other activity that significantly and adversely affects habitat under The Wildlife Act Use of Wildlife Lands regulation.

Any discharges from the facility, including but not limited to the proposed discharge period of June 15 to October 31, must not adversely affect the habitat values protected on these designated lands.

The license, if issued, for this facility and its operation should include appropriate operation and monitoring measures to ensure the habitat in this WMA remains intact.

Disposition:

These comments can be addressed through licence conditions.

Manitoba Conservation – Parks and Natural Areas Branch

No comments.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch

Species at Risk

The CDC conducted a search of its database for an initial review of this site by the proponent November 25, 2009, and found 6 known occurrences of species of conservation concern for the area outlined in the R.M. of Sifton – Oak Lake Wastewater Treatment Lagoon, SE 15-9-24W1.

Information on these six known occurrences appears in this report provided for review. However, the report does not include information on the status of two species found in the area that are protected under Manitoba's Endangered Species Act, and/or Canada's Species at Risk Act (SARA), or the protection afforded these species.

- Sprague's Pipit (*Anthus spragueii*) is listed as Threatened under Manitoba's Endangered Species Act and Schedule 1 of SARA.
- Baird's Sparrow (*Ammodramus bairdii*) is listed as Endangered under Manitoba's Endangered Species Act.

The Endangered Species Act states that:

10(1) No person shall

- (a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;
- (b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or
- (c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.

Because species at risk have been documented in the area including the proposed site of the lagoon, we would ask that prior to a license being issued, a complete survey of the area be completed by qualified personnel, to verify the presence or absence of species at risk in the area. This survey should document the presence of flora and fauna on the site and be conducted at the optimal time to maximize results. These results should then be provided to the Wildlife and Ecosystem Protection Branch for verification.

If any species listed under the Manitoba Endangered Species Act are found on the site the following options are available to the proponent before proceeding with construction:

- an application can be made to the Minister of Conservation to acquire a license to destroy the species and or the resources upon which it depends;
- alternatively, if the effects of the development can be mitigated, then the proponent must develop a mitigation plan to the satisfaction of Manitoba Conservation.

Aside from listed species, re-siting the lagoon to an area without native grassland is preferred.

The proponent should also be made aware that a Federal permit may be required under SARA to destroy or harm any individuals of listed species at risk.

Other comments

On page 2 of the report, reference is made to a section 6.5 on Vegetation Communities. This section does not appear to be included in the report, but would be useful in describing the habitat, particularly if it consists of native grassland. We would be interested in reviewing information on this subject if it is available.

The information provided in this letter is based on existing data known to the Manitoba CDC of the Wildlife and Ecosystem Protection Branch at the time of the request. These data are dependent on the research and observations of our scientists and reflects our current state of knowledge. An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed, therefore the absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. The information should not be regarded as a final statement on the occurrence of any species of concern, nor should it substitute for on-site surveys for species or environmental assessments. Also, because the Biotics database is continually updated and because information requests are evaluated by type of action, any given response is only appropriate for its respective request.

Please contact the Manitoba CDC for an update on this natural heritage information if more than six months passes before it is utilised.

Disposition:

Additional information was requested to address these comments. Several of the comments can be addressed as licence conditions.

Manitoba Conservation – Environmental Services Branch

Environmental Services offers the following comments:

- Recommend ensuring that a minimum of 1 meter of separation exists between the seasonal groundwater table and the base of the cell.
- Suggest including in the final construction details that the surface below the liner should not contain sharp objects and stones. Recommend sand or geotextile layer under PVC.
- Recommend that the final construction drawings show the joint seal where pipe line penetrates through the liner.
- Recommend that the assumptions used for the cottage development wastewater generation reflect the recommended industry standard used to design wastewater volume.
- Recommend that the design shows monitoring well installations.
- Suggest that a decommissioning plan for the existing lagoon be provided and handled separately.
- Recommend that a concrete pad or equivalent is installed at the discharge location and at all pipe penetrations.

Disposition:

Additional information was requested to address some of these comments. Several can be addressed as licence conditions.

Manitoba Water Stewardship

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on January 6, 2010. The Department has the following comments:

- *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. Ed MacKay, C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, 1129 Queens Avenue, Brandon, Manitoba R7A 1L9, telephone: (204) 726-6226, email: ed.mackay@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.
- The proposed lagoons overlie the Oak Lake aquifer which is an unconfined sand aquifer. The aquifer is vulnerable to contamination as there is no overlying aquitard and the water table is close to surface.
 - Although the proposal calls for a 30 mil plastic liner, some defects may exist that will allow a small rate of seepage through the liner or a tear in the liner may develop in the future.
 - Monitoring to detect groundwater impacts may be very difficult, particularly if it is desired to monitor for leakage from a specific potential tear. Groundwater monitoring wells may not be an appropriate monitoring technique but EM surveys, repeated every few years, may be more appropriate.
- The Lake Winnipeg Stewardship Board has recommended that all small wastewater treatment facilities, should meet a phosphorus limit of 1.0 mg/L. The proposed phosphorus limit of 1.0 mg/L is consistent with efforts underway across Manitoba and in upstream jurisdictions to reduce nutrient loads to Lake Winnipeg and its watershed. In the Lake Winnipeg Stewardship Board's December 2006 report to the Minister of Water Stewardship, the Board provides several strategies on how nutrient reduction could be achieved for small wastewater treatment facilities (see recommendations 14-20) including trickle discharge.
- The proponent is requested to provide the purpose of a proposed dam and potential water quality impacts from the lagoon discharges?
- The Department recommends an *Environment Act* Licence to include the following requirements:
 - The discharge period is a minimum of two (2) weeks to maximize nutrient uptake in the drainage path.
 - The proponent shall monitor for the following:
 - Total phosphorous, ammonia, pH, temperature, TKN, and nitrite-nitrate during the discharge period(s) daily for the first year of operation.
 - The location of the monitoring sites would be in the wastewater effluent stream (A), flat creek just prior (B) and after (C) swale confluence with the Whitemouth (B).
 - The proponent shall provide a water quality monitoring report to Manitoba Water Stewardship's Water Quality Management Section, at the end of the program.

- The secondary cell of the existing lagoon appears to have been leaking into the aquifer for the past 45 years. There will be a plume of contaminated groundwater extending out from this lagoon. The zone of contaminated water should be investigated and mapped to display where contaminated groundwater occurs within a known area and the impacts on groundwater quality are documented. This mapping should be carried out by a qualified hydrogeologist.
- The *Environment Act* Proposal proposes to discharge effluent into an unlined ditch which will travel to Flat Creek. There is a significant potential for leakage of discharge water into the aquifer along this flow path because the aquifer occurs at the surface and the water table is shallow. This was not addressed in the *Environment Act* Proposal, the proponent needs to address this problem.

Disposition:

Additional information was requested to address the infiltration of treated effluent into the Oak Lake Aquifer. Several of the other comments may be addressed as licence conditions.

Manitoba Culture, Heritage and Tourism - Historic Resources Branch

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:

This information was provided to the proponent's consultant.

Manitoba Innovation, Energy and Mines - Mines Branch

No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No concerns.

Manitoba Local Government – Community Planning Services Branch

- In regards to the site selected for the proposed wastewater lagoon @ Pt. S.E. 15-9-24WPM in the RM of Sifton, as the proposed facility shall be setback a minimum of 300m from all adjacent single residences in accordance with Manitoba Conservation's "1985 Design Objectives for Standard Sewage Lagoons", our office has no concerns with the siting of the proposed new two cell wastewater treatment facility.
- In regards to PART 4 of the Environment Act Proposal which details existing and anticipated sources of wastewater which the proposed lagoon has been designed to handle, please be advised that "Aspen Grove Campground" development identified in Section 4.1.5 of the Environment Act Proposal does not anticipate any additional effluent being generated by this development during the 20 year design life of the proposed lagoon. Please be advised that in August 2009, the owners of the Aspen Grove Campground filed an application with the R.M. of Sifton for a conditional use permit to allow for the expansion of the campground in the "Agricultural General" Zone by adding an additional 100 campsites to the existing development. This conditional use application was denied by Council after it was determined the owners of the Aspen Grove Campground were proposing to re-develop and expand their development as some type of Recreation Vehicle condominium or multi-lot seasonal recreation or rural residential development. The developer was advised that this type of development is one which not supported in an area which is designated and zoned for general agricultural land uses. Further, the developer was advised by the Dennis County Planning District Board that any proposal to re-designate and re-zone the subject lands for a seasonal recreation or multi-lot rural residential development would not be entertained by the Board until after the planning district had adopted it's new district development Plan - likely sometime in 2010.

Bottom line, the Environment Act Proposal for the new Town of Oak Lake - RM of Sifton Wastewater Treatment lagoon does not include any provision for the expansion of the existing Aspen Grove Campground (as a campground) nor does it make any provision for additional effluent generation which will likely result from the re-development and expansion of the Aspen Grove campground as some type of designated and zoned multi-lot seasonal recreation or rural residential area. I recommend the Environment Act Proposal be revised to reflect this anticipated growth in the amount of effluent that will be generated during the 20 year design life of the proposed wastewater treatment lagoon.

Disposition:

This information was provided to the proponent's consultant for consideration.

Canadian Environmental Assessment Agency

I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information that was provided has been reviewed by all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file. Based on the responses to the survey the application of the Canadian Environmental Assessment Act (the Act) by a federal authority will not be required for this project.

Health Canada (HC) has provided a letter stating areas of expertise that they can contribute to a provincial review. A request for specific information needs to be made in writing to HC. Please see their attached letter.

The Department of Fisheries and Oceans would like to participate in the provincial review process. They will provide comments to the provincial Guidelines.

A list of the appropriate federal contacts is attached. Please note that the project information was also reviewed by the Department of Indian and Northern Affairs, Transport Canada and Environment Canada as part of the federal coordination process.

Disposition:

This information was provided directly to the proponent's consultant by the Agency.

ADDITIONAL INFORMATION:

Additional information was requested on March 23, 2010 to address TAC comments. The requested additional information was received on April 28, 2010. On the basis of this information, additional licence conditions can be used to address several items. In particular, since the site is currently pastured, a further vegetation and wildlife survey of the site will not be requested, and licence conditions respecting rare and endangered species and species at risk can be used to address vegetation and habitat matters. A detailed decommissioning plan will be required for approval as a licence condition prior to the decommissioning of the existing Town facility. The outlet drain connecting the proposed facility to Flat Creek will be constructed at a depth that will maintain normal groundwater levels below the elevation of the liner of the facility.

PUBLIC HEARING:

As no requests for a public hearing were made, a public hearing is not recommended.

RECOMMENDATION:

All comments received on the Proposal have been addressed through additional information, by providing information to the proponent's consultants, or can be addressed through licence requirements. Therefore, 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 Assessment and Licensing Branch until construction of the wastewater treatment lagoon is completed. Enforcement of the licence then should be assigned to the Western Region.

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