

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Western Asphalt Products Ltd.  
**PROPOSAL NAME:** Asphalt Emulsion Plant  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Manufacturing and Industrial Plant  
**CLIENT FILE NO.:** 5533.00

### **OVERVIEW:**

On June 10, 2011, Manitoba Conservation received a Proposal for the construction and operation of an asphalt emulsion plant at 65 Limestone Road in Brandon, MB. The facility will handle, blend, and store asphalt cement products with operating hours of 7 am to 7 pm.

The Department, on July 7, 2011, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station), the Western Manitoba Regional Library, the Manitoba Eco-Network, and the Millennium Public Library. 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 the Brandon Sun on July 9, 2011. The newspaper and TAC notifications invited responses until August 2, 2011.

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

There were no comments received from the public.

#### **Disposition:**

No action needed.

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

#### **Canadian Environmental Assessment Agency**

No concerns.

#### **Disposition:**

No action needed.

#### **Environment Canada**

No concerns.

Disposition

No action needed.

**Manitoba Local Government – Community & Regional Planning Branch**

The following comments were provided:

The lands on which the above referenced development are proposed to be sited are located within the City of Brandon. All development within the City of Brandon is subject to the policies of the Brandon and Area Planning District Development Plan By-law No. 78/01/04 and must also conform to the minimum requirements of the City of Brandon Zoning By-law No. 6642.

According to the Brandon and Area District Development Plan, the site (i.e. Lot 2, Plan 42056 BLTO in Pt. NW ¼ 9-10-18WPM) is designated “INDUSTRIAL”. The proposed asphalt emulsion facility at the location specified is generally consistent with the policies of the plan governing the use of lands designated “INDUSTRIAL”.

According to the City of Brandon Zoning By-law, the subject lands are zoned “MH” – Industrial Heavy Zone. Providing the principal building and all accessory buildings and structures (including all material storage tanks) located on the site satisfy the minimum siting and setback requirements for a “heavy manufacturing” use which is provided for as a permitted use in the “MH” zone, our office has no concerns with the proposed development.

Disposition

No action needed.

**Manitoba Infrastructure and Transportation (MIT) – Highway Planning and Design Branch**

No concerns.

Disposition

No action needed.

**Manitoba Conservation – Environmental Operations – Western Region**

The following concerns were provided:

The project will use a significant amount of hydrochloric acid (26,000L), sodium hydroxide (22,000L), kerosene (33,000L) and furnace oil (33,000L). There are instances (and

higher chance) of release of hydrochloric acid from fixed facilities. Proposition of secondary containment services from TCA has been catalogued/annexed. A secondary containment design and a contingency plan, especially for the hydrochloric acid, sodium hydroxide, kerosene and furnace oil with full technical details regarding quantitative risk assessment, needs to be provided at some point of time before the project kicks off production.

Disposition

Clauses 15 and 39 of the draft Environment Act Licence require secondary containment and an emergency response plan, respectively.

**Manitoba Conservation – Land Programs Branch**

No concerns.

Disposition

No action needed.

**Manitoba Conservation – Sustainable Resource and Policy Management Branch**

No concerns.

Disposition

No action needed.

**Manitoba Conservation – Parks and Natural Areas Branch**

No concerns.

Disposition

No action needed.

**Manitoba Conservation – Air Quality Management**

No concerns.

Disposition

No action needed.

**Manitoba Water Stewardship**

The following comments were provided:

- Manitoba Water Stewardship requires an *Environment Act* Licence to include the following:
  - The Licencee must develop and implement an Emergency Response Plan, including maintaining spill containment materials on site at all times.
  - If the water source is a public water system, the Licencee must implement backflow/backsiphonage protection devices, in compliance with *The Manitoba Plumbing Code*, to protect the public water system from potential contamination.
- Manitoba Water Stewardship requests clarification on the following:
  - The water source for this facility needs to be confirmed.
- Manitoba Water Stewardship submits the following comments:
  - Manitoba Water Stewardship does not object to this proposal, at this time.
  - The proponent needs to be informed of the following for information purposes:
    - Erosion and sediment control measures should be implemented until all of the sites have stabilized.
    - *The Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any “water control works.” “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, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. A person may contact the following Water Resource Officer to obtain an application and/or obtain information.
      - 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.

Disposition:

Clauses 15 and 39 of the draft Environment Act Licence require secondary containment and an emergency response plan, respectively. Existing legislation requires compliance with *The*

*Manitoba Plumbing Code.* The proponent confirmed that the water source is the existing municipal supply. Comments submitted for information purposes are provided to the proponent by way of this summary report.

**PUBLIC HEARING:**

A public hearing is not recommended.

**RECOMMENDATION:**

The Proponent should be issued a Licence for the construction and operation of an asphalt emulsion plant in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Operations Branch of Manitoba Conservation.

A draft environment act licence is attached for the Director's consideration.

Prepared by:

Ryan Coulter, M.Sc., P.Eng.  
Environmental Engineer  
Municipal, Industrial, and Hazardous Waste Section  
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Telephone: (204) 945-7023  
Fax: (204) 945-5229  
E-mail Address: ryan.coulter@gov.mb.ca