

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Town of Niverville
PROPOSAL NAME: Town of Niverville Water Supply and Treatment System
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5570.00

OVERVIEW:

The Proposal was received on February 10, 2012. It was dated January 10, 2012. The advertisement of the Proposal was as follows:

“A Proposal has been filed by GENIVAR on behalf of the Town of Niverville to expand the Town’s water treatment system. The four existing supply wells in the carbonate aquifer would be retained, as would the existing reverse osmosis water treatment plant and treated water reservoirs. Additional supply and treatment capacity would be added as required over the next 20 years, and the existing distribution system would be expanded to portions of the Town currently served by private wells. It is estimated that with the conversion of existing residences and community growth, raw water consumption would increase from the present 92 cubic decameters per year to 1077 cubic decameters per year in 20 years. Approximately 15% of raw water is rejected by the reverse osmosis treatment system, and is discharged to the Town’s wastewater collection and treatment system.”

The Proposal was advertised in the Steinbach Carillon on Thursday, March 8, 2012 and in the Winnipeg Free Press on Saturday, March 10, 2012. It was placed in the Main, Millennium Public Library (Winnipeg), Manitoba Eco-Network and Jake Epp Public Library (Steinbach) registries, as well as in the Town of Niverville office as a public registry location. It was distributed to TAC members on March 6, 2012. The closing date for comments from members of the public and TAC members was April 10, 2012.

COMMENTS FROM THE PUBLIC:

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation and Water Stewardship – Sustainable Resource and Policy Management Branch and Lands Branch

No concerns.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments.

Manitoba Conservation and Water Stewardship – Air Quality Management Section

No air quality related comments or concerns.

Manitoba Conservation and Water Stewardship – Water Stewardship Division

The Water Stewardship Division of the Manitoba Department of Conservation and Water Stewardship has reviewed the referenced file, forwarded for comment on March 6, 2012.

- The Water Stewardship Division requires an *Environment* Act Licence to include the following:
 - The Licencee is required to apply for a Water Rights Licence for the withdrawal of groundwater.
- The Water Stewardship Division submits the following concerns, requesting a response from the proponent:
 - The proposal states that “the Town of Niverville will make application in 2012 to renew their (Water Rights) Licence with potentially revised limits.” The Water Stewardship Division strongly encourages the proponent to submit an application as soon as possible. It was always expected that upon expiry of the existing license, the proponent would request additional allocation.
 - The capacity of the existing well field is unclear. Any request for additional allocation would need to be supported by additional hydrogeological analysis. Additionally, a small amount of analysis of the local aquifer sustainability has currently been conducted. When this project was established in 2006, only three years of local water level records were available. This renewal/amendment should be used as an opportunity to review the water level data collected over the past few years. Given the size of the proposed increased annual withdrawal (185 dam³ to 912.5 dam³), the scope of hydrogeological assessment required would be substantial. Potential third party impacts (e.g. domestic wells) would also need to be re-evaluated.
 - A contact person at the Water Use Licensing Section for this project is Ms. Kristina Anderson, P. Geo., telephone: (204) 945-6009.
- The Water Stewardship Division submits the following comments:

- The Water Stewardship Division does not object to the approval of 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. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Conservation and Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.

Disposition:

The matter of a Water Rights Licence can be addressed as a licence condition. Other comments were provided to the proponent’s consultant for information.

Manitoba Innovation, Energy and Mines - Mines Branch

No concerns.

Manitoba Local Government – Community and Regional Planning Branch

On behalf of Community and Regional Planning Branch Steinbach, I have reviewed any potential areas of concern that should be addressed as part of the environmental evaluation pursuant to *The Environment Act*.

The subject lands are located in NE 30-7-4 EPM in the Town of Niverville, along 5th Avenue South between Spruce Street and Hampton Drive. The intent of the proposal is to

increase the volume of water drawn from the existing Water Treatment Plant. This increase is proposed to address a need for additional water supply to accommodate projected growth, improve water quality, and eventually, to provide treated water to all residences and businesses within the Town.

The subject lands are designated as “*Residential*” in the Town of Niverville Development Plan. Section 2.3.3.1 of the Development Plan states that “Essential activities of government, including public and private utilities shall be allowed in any land use designation”. The subject lands are zoned “*R1*” Single Family Residential Zone in the Town of Niverville Zoning By-law. Public utilities are listed as a conditional use within this zone, and the minimum site requirements are determined by council.

The proposed increase in municipal water usage is in keeping with the intent and policies identified in the Town of Niverville Development Plan and requirements of the Town of Niverville Zoning By-law. Our office has no concerns with respect to the proposal.

I trust that this submission will assist in the review of the proposed project. Please contact me at the above number if you have any questions or require further information.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No concerns.

Canadian Environmental Assessment Agency

I am responding to the letter of March 6th 2012 from Tracey Braun, Director, Environmental Assessment and Licensing Branch, Manitoba Conservation to Dan McNaughton, Director, Canadian Environmental Assessment Agency (the Agency) regarding the project identified above.

I have conducted a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information provided was shared with all federal departments with a potential interest. 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. I have enclosed copies of the received responses for your file.

I can confirm that the project information was shared with the Department of Fisheries and Oceans Canada (DFO), Western Economic Diversification (WD), Health Canada (HC), Environment Canada (EC) and Infrastructure Canada (INFC) as part of the federal coordination process.

HC has reviewed the project information and determined it is not a responsible authority (RA) for the project. HC has indicated it can contribute expert advice related to human health, to an RA if a written request is submitted to HC. The contact person for HC is Rick Grabowecky. He can be reached by phone at (204) 984-8318.

EC has reviewed the project information and determined it is not an RA for the project. EC has provided a letter of comments for the proponent related to the following areas:

- 1) Project Specific Comments
- 2) Water Quality
- 3) Proposed Wastewater Effluent Regulations
- 4) Water System Considerations

EC would like to be kept informed of the provincial review process. The contact person for EC is Meghan Thomson. She can be reached by phone at (204) 984-3316.

DFO, WD and INFC have reviewed the project information and all determined they are not responsible authorities (RA) for the project.

No other federal interest was identified for this project.

Disposition:

Federal TAC comments were provided to the proponent for information.

ADDITIONAL INFORMATION:

No additional information was required to address TAC comments on the proposal.

PUBLIC HEARING:

As no public comments were received on the project and no requests for a public hearing were received, a public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

The Niverville Water Supply and Treatment System proposal involves the expansion of an existing groundwater water supply system in an urban area. Adverse effects on other groundwater users are not anticipated, and the nearest First Nation is approximately 50 km away, and not a user of the same aquifer.

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

RECOMMENDATION:

All comments received on the Proposal can be addressed through licence conditions or have been forwarded to the proponent's consultant for information. 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 assigned to the Eastern Region.

PREPARED BY:

Bruce Webb

Environmental Approvals – Energy, Land and Air Section

May 1, 2012

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