

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Sommerfeld Holding Co. Ltd.
NAME OF DEVELOPMENT: Sommerfeld Colony Wastewater Stabilization Pond Expansion
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon
CLIENT FILE NO.: 4314.10

OVERVIEW:

The Proposal was received on May 6, 2011. The advertisement of the proposal was as follows:

“Sommerfeld Holding Co. Ltd. has filed a proposal for expansion of its existing wastewater treatment lagoon located in NW 34-12-5WPM in the Rural Municipality of Portage la Prairie. The proposed expansion consists of the construction of a new, additional storage cell that will be located immediately adjacent to the north perimeter dyke of the existing two-cell wastewater treatment lagoon. Consistent with the existing operation of the wastewater treatment lagoon, treated wastewater from the wastewater treatment lagoon will be discharged between June 15th and November 1st of any year to a drainage ditch which empties into Long Lake Creek.”

The Proposal was advertised in Central Plains Herald Leader on Saturday, May 28, 2011. It was also placed in the Eco-Network, 123 Main Street Library, Potage la Prairie Public Library, Millennium Public Library (Winnipeg), public registries and in the online public registry.

The Proposal was distributed to TAC members on May 26, 2011.

The closing date for comments from members of the public and TAC members was June 27, 2011.

COMMENTS FROM THE PUBLIC

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Water Science and Management (Formerly, Manitoba Water Stewardship)

- Manitoba Water Stewardship requires an *Environment Act* Licence to include the following:
 - Manitoba Water Stewardship requires that the discharge periods shall remain for a minimum of four weeks, maximizing the nutrient uptake in the drainage path. [Note: The nutrient loads (total nitrogen and total

phosphorous) in the Assiniboine River have been estimated to have increased substantially in recent years].

- Manitoba Water Stewardship requires the minimum standard for effluent quality is the following:
 - BOD₅ 25 mg/L and
 - TSS 25 mg/L.
 - The Licencee shall actively participate in any future watershed based management study, plan/or nutrient reduction program, approved by the Director, Water Science and Management Branch, Manitoba Water Stewardship. [Note: Manitoba Water Stewardship is concerned with any discharges that have the potential to impact the aquatic environment and/or restrict present and future uses of the water.]
- Manitoba Water Stewardship submits the following comments:
 - Manitoba Water Stewardship does not object to this proposal, at this time.
 - The proponent Colony should consider effluent irrigation during dry years. This wastewater is an excellent source of nutrients.
 - 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 and effluent irrigation.
 - 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 Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.
- The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba's water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including *The Water Protection Act*, *The Water Rights Act*, and *The Water Power Act*.

Disposition:

- 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 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;
- As the project proposal was submitted before the Manitoba Water Quality Standards, Objectives and Guidelines became a regulation and as the volume of water to be treated is small (60.3 cubic metres per day average), no total phosphorous limit is included; however, the attached draft licence does include the requirement to analyze the treated effluent before each discharge campaign for the total phosphorous content.
- 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 the

- Assiniboine River and Lake Winnipeg and/or associated waterways and watersheds.
- The draft Environment Act Licence contains a clause that requires that the Licencee shall implement effective long-term sediment and erosion control measures to prevent soil-laden runoff, and/or silt from entering any watercourse during construction and until vegetation is established;
 - The Colony's consultant has been notified to contact Mr. Geoff Reimer, Manager, Water Control Works and Drainage Licensing Section in order to determine the requirement of a Water Rights Act Licence.

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies Branch, Air Quality Section

The Air Quality Section has reviewed the above Environment Act proposal and does not have any air-related comments or concerns.

Manitoba Conservation and Water Stewardship – Lands Branch, Crown Land Programs and Policy

The Sustainable Resource and Policy Management Branch and the Land Programs Branch have no concerns.

Manitoba Conservation and Water Stewardship – Parks Branch

Parks and Natural Areas Branch has reviewed the proposal filed pursuant to the Environment Act on the Sommerfeld Colony Wastewater Stabilization Pond Expansion (file 4314.10). The Branch has no comments to offer.

Manitoba Mineral Resources – Mines Branch

Mines Branch has reviewed the above and has no concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Licensing Branch

MIT has reviewed the Environment Act Proposal noted above and we have no concerns with the proposed project at this time.

Manitoba Conservation and Water Stewardship – Environmental Services

No Concerns.

Canadian Environmental Assessment Agency

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.

ADDITIONAL INFORMATION

No additional information was required to address comments on the Proposal.

PUBLIC HEARING

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

CROWN-ABORIGINAL CONSULTATION

The Government of Manitoba recognizes that 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 proposal involves the expansion of an existing wastewater treatment facility on land owned by Sommerfeld Holding Co. Ltd. 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-Aboriginal 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 Central Region of the Environmental Compliance and Enforcement Branch.

Prepared by:

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