

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Surespan Construction Ltd.
PROPOSAL NAME: Concrete Batch Plant
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Concrete Batch Plant
CLIENT FILE NO.: 5546.00

OVERVIEW:

On September 14, 2011, Manitoba Conservation received a Proposal for the construction and operation of a portable concrete batch plant at locations throughout Manitoba. The facility will produce ready mix concrete for use in remote areas.

The Department, on November 24, 2011, placed copies of the Proposal in the Public Registries located at 123 Main St. (Union Station), the Winnipeg Public 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 Winnipeg Free Press on November 26, 2011. The newspaper and TAC notifications invited responses until December 24, 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.

Manitoba Conservation – Air Quality Management

The following comments were provided:

- Provided that the dust collector on the silo and other pollution control measures (examples: watering, portable tent) are appropriately operated and maintained, and the MHCA's "Best Management Practice for Redi-Mix Concrete Plants Manual" is followed, it is expected that concerns regarding air pollution will be addressed.
- While noise may not be an issue in the current proposed location, it may be a concern if future location may have nearby receptors (ex. residences). The EA Clause regarding noise nuisance is suggested to be included.
- Since the proposed facility is a portable concrete batching plant, it is expected that an approval will be required for every change in location of the facility

Disposition:

Clause 5 of the draft Environment Act Licence requires compliance with the MHCA document, clause 17 prohibits operating the plant without pollution control equipment, clause 12 addresses noise, and clause 9 and 10 address operating locations.

Manitoba Conservation – Environmental Operations

The following comment was provided:

No concern with licensing as long as the plant is operated in accordance with the terms and conditions outlined in the “Best Environmental and Safety Management Practice” prepared by Manitoba Heavy Construction Association.

Disposition

Clause 5 of the draft Environment Act Licence requires compliance with the specified document.

Manitoba Conservation – Parks and Natural Areas Branch

The following comments were provided:

- The Branch recommends that all proposed locations, when known, are forwarded to Manitoba Conservation for review and approval;
- The Branch recommends that the following conditions be incorporated into the Environment Act Licence:
 - No concrete batch plant without a pollution control device is to be operated within 3 km of any developed area of a provincial park (hiking trails, canoe routes, campgrounds etc.) to reduce disturbance to park visitors.

- No concrete batch plant is to be operated adjacent to an ecological reserve or protected area within a provincial park to maintain the ecological integrity of these sites.
- No concrete batch plant without a pollution control device is to be operated within 3km of any ecological reserve or protect area within a provincial park to maintain the ecological integrity of these sites.

Disposition

Clauses 9 and 10 of the draft Environment Act Licence address operating locations. Clause 17 prohibits operation of the concrete batch plant without pollution control equipment.

Manitoba Conservation - Sustainable Resource & Policy Management Branch

The following comments were provided:

- All setbacks must be maintained from existing water bodies, including Longbody Creek. As this is a mobile plant, approval from the District office is required to relocate the plant to a new site.
- Protected areas are lands closed to logging, mining, electric development and any other activities that could adversely or significantly affect habitat. The current network of protected areas is not complete, and planning exercises are being conducted in various areas of the province. Some of the activities listed in the application could harm ecologically sensitive environments. To ensure that any concrete batch plant activity does not pose a hazard to protected lands, or lands proposed for protection, we recommend that:
 - Any licence that may be issued should be conditional that no portable concrete batch plant will be set-up or operated prior to Manitoba Conservation reviewing and approving the specific site location(s) proposed for the plant.
 - The list of proposed specific site locations should be forwarded to the Director, Sustainable Resource and Policy Management Branch for review by Manitoba Conservation.
- This proposal falls within the Bloodvein Planning Area and clarification of the portable plant location is required. The map in the application shows B at the airport and A at Longbody Creek. Please have Surespan identify on a map the location of the portable plant for this project as it is not clear where the plant will be located.
- Once the site has been indentified on the map please provide a copy to the Pimitotah Advisory Board for further review and comments. The Advisory Board understands that the portable plant and locations will be changing as the projects develop. The Pimitotah Advisory Board would also like to be notified before the plant is moved as to the next location within Bloodvein Planning Area.

Disposition

The proponent provided the requested details regarding the initial operating location. Clauses 9 and 10 of the draft Environment Act Licence address operating locations.

Manitoba Conservation – Wildlife & Ecosystem Protection Branch

No concerns.

Disposition

No action needed.

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

No concerns.

Disposition:

No action needed.

Manitoba Local Government – Community Planning Services

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 not release any excess cement and/or wastewater to surface waters, including wetlands.
 - Any containment area must not be connected to or drain to any surface waters, including wetlands.
 - Any wastewater generated on site must be contained within the construction site.
 - Any concrete batch plant must be located at least 100 metres away from any surface water, including wetlands.
 - In order to protect riparian areas, establish and maintain an undisturbed native vegetation area located upslope from the ordinary high water mark

and adjacent to all waterbodies and waterways connected to the provincial surface water network:

- A 30-metre undisturbed native vegetation area is required for lands located adjacent to surface waters;
- The Licencee shall develop and implement an Emergency Response Plan.
- Manitoba Water Stewardship submits the following comments:
 - Manitoba Water Stewardship does not object to this proposal, at this time.
 - Maintaining an undisturbed native vegetation area immediately adjacent to the shoreline of lakes, rivers, creeks, and streams helps stabilize banks, provides aquatic and wildlife habitat and protects water quality through filtering overland runoff. The width of an undisturbed native vegetation area should be the widest width possible and practical. In conjunction with other best management practices such as eliminating fertilizer use adjacent to surface waters, and the proper management and disposal of waste water, maintaining an undisturbed native vegetation adjacent to waterbodies is important to help prevent degradation of water quality.
 - The Manitoba Department of Water Stewardship's recent policy direction recommending undisturbed native vegetation areas to protect water is founded, in part, on the 135 recommendations in the Lake Winnipeg Stewardship Board's (December 2006) report titled, "Reducing Nutrient Loading to Lake Winnipeg and its Watershed, Our Collective Responsibility and Commitment to Action." All 135 recommendations were accepted in principle by the Minister of the Manitoba Department of Water Stewardship, on behalf of the Government of Manitoba.
 - 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.

Disposition:

The proponent is made aware of these existing legislative requirements by copy of this report. Clauses 9 and 10 of the draft Environment Act Licence address location, clause 29 addresses wastewater, and clauses 30 and 31 address emergencies.

PUBLIC HEARING:

A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION

It has been determined that Crown-Aboriginal consultation is not required for this project at this time. This proposal is for a concrete batch plant that could be used at locations throughout the Province on a temporary basis. The first proposed location is to support construction of the East Side Road, for which a separate Environment Act Licence was issued and for which consultation was completed. The Department will have to consider whether consultation is required for alternate proposed locations once they have been identified.

RECOMMENDATION:

The Proponent should be issued a Licence for the construction and operation of a concrete batch 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