

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Rural Municipality of Pembina
PROPOSAL NAME: Rural Municipality of Pembina Rural Water Supply System Expansion

CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Transportation and Transmission - Pipelines

CLIENT FILE NO.: 5666.00

OVERVIEW:

The Proposal was received on August 23, 2013. It was dated August 15, 2013. The advertisement of the proposal was as follows:

“The Manitoba Water Services Board has filed an Environment Act Proposal on behalf of the Rural Municipality of Pembina for the construction and operation of a rural water supply system expansion serving approximately 65 households in the Rural Municipality, and 85 households in the community of Darlingford. The project would involve the installation of approximately 69 km of distribution pipeline varying in size from 150 mm to 50 mm. The pipeline would be installed in municipal and provincial road rights-of-way. Water for the system would be provided by the Town of Manitou’s water treatment plant. Construction of the water supply system expansion would take place in 2014-2015 subject to the availability of funding.”

The Proposal was advertised in the Morden Times on Thursday, September 26, 2013 and in the Manitou Western Canadian on Tuesday, October 1, 2013. It was placed in the online public registry, the Legislative Library and the Millennium Public Library (Winnipeg) public registries. The Proposal was distributed to TAC members on September 26, 2013. The closing date for comments from members of the public and TAC members was November 1, 2013.

COMMENTS FROM THE PUBLIC

No public comments received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Watersheds and Protected Areas Branch and Lands Branch

No concerns.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments to offer as this does not impact any parks or ecological reserves.

Manitoba Conservation and Water Stewardship – Wildlife Branch

As with the RM of Cartier (Headingley) Water Treatment Plant draft licence, the following conditions would be appropriate for these licences as well:

15. The Licencee shall not, during construction and operation of the Development, remove, destroy or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in *Manitoba Regulation 25/98* respecting *Threatened, Endangered and Extirpated Species* or any future amendment thereof, and in the federal Species at Risk Act.
18. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota by cleaning equipment prior to its delivery to the site of the Development.

The Central Region Wildlife Section has no further suggested licence conditions.

Disposition:

These recommendations can be addressed as licence conditions.

Manitoba Conservation and Water Stewardship – Water Science and Management Branch, Water Quality Management Section

It is noted that estimated water required to meet demand with the new water treatment plant and additional water service connections will be approximately triple the current allocated volume. Some confirmation that sufficient capacity exists within the reservoir for the estimated demand and that additional water taking will not result in adverse effects on biota within the reservoir and downstream Mary Jane Creek would be helpful.

It is noted that highly mineralized reject water will be pumped to existing lime settling ponds which will be expanded. Effluent will be released twice per year. While 'Appendix G' provides some projection of reject quality it does not provide data on all chemical constituents that could be of concern. For example data provided in Appendix H shows both total nitrogen and phosphorus in raw water to be at sufficient concentrations to promote frequent and excessive blooms of algae in surface water. It is anticipated the reverse osmosis system would likely further concentrate these constituents thus it is recommended that the holding cells be designed, constructed and managed to maximize nutrient assimilation and removal. Further it is recommended that discharge from the holding cells meet a discharge limit of a maximum of 1.0 mg/L total phosphorus.

It is also recommended that a license require some initial monitoring of additional parameters from discharge from the holding cells. Such analysis should include dissolved ions identified in Appendix G as well as total and dissolved phosphorus, nitrate, ammonia, dissolved and total nitrogen and a complete scan of metals and metalloids.

Disposition:

These comments apply to the related water treatment plant proposal from the Town of Manitou, and will be addressed in the environmental assessment of that project.

Manitoba Conservation and Water Stewardship – Fisheries Branch

Fisheries Branch has reviewed this proposal to install, as per the advertisement description, approximately 69 km of distribution pipeline varying in size from 150 mm to 50 mm. The pipeline would be installed in municipal and provincial road rights-of-way. Water for the system would be provided by the Town of Manitou's water treatment plant. This facility is undergoing upgrades and will require an amendment to their current Water Rights Licence. The proponents indicate there will be four waterway crossings, involving Little Pembina and Deadhorse Creeks and tributaries, associated with the proposed pipeline. They indicated that horizontal directional drilling will be used at all watercourse crossings containing water. The proponents also indicate that the excavation required to introduce the drilling equipment will occur outside of the riparian zones.

Fisheries Concerns:

It would be appreciated if a table could be provided which identifies all the watercourse crossings (intermittent or perennial), the proposed method to cross the watercourses along with a corresponding map that clearly shows where they are. It would appear from the figure provided of the pipeline route that there are more than four watercourses and while they indicate horizontal directional drilling for any crossings containing water they do not indicate what they'll implement at the other sites.

Assuming they will cross watercourses that have no water in them by trenching we could have concerns depending on the timing and connectivity to downstream reaches as well as our experience that trenching these smaller water features results in ongoing erosion issues. It would be preferable that the proponent horizontal drill any surface water feature that has a defined channel. For horizontal and/or trenching we would request that clauses be included in the licence that they adhere to DFO's Operation Statements for each of these activities. While no site specific crossing data was included if any of the watercourses are greater than 5 meters in width and the proponent should determine what, if any review, is required by DFO.

Further with respect to directional drilling, the proponent has indicated that a minimum of 15 m of riparian area will be retained. We would request a clause that requires work, to the extent possible, be conducted 30 m from the high water mark of 3rd order and higher rivers and 15 m on any watercourses that are 1st and 2nd order. The applicant has provided a loss of fluid and frac out response plan. The plan does not identify the need to contact MCWS in the event that a frac out occurs and can't be contained or even a reporting

process. Will there be a licence clause that requests notification when a failure occurs and also requires a report of occurrences?

Other standard clauses that would address any potential fisheries concerns include:

- chlorinated water must not be released directly to surface water
- implementation of erosion and sediment control measures
- requirement to clean equipment to prevent the spread of aquatic and terrestrial invasive species: *The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota by ensuring all equipment, including transport equipment, is clean before use at each location.*

Disposition:

These comments can be addressed through licence conditions.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

The Owner of this project will have to apply for and get a Permit to Construct or Alter a Public Water System from Office of Drinking Water before beginning construction of the work. Beyond this point, I found no other cause for concern respecting drinking water safety with the EAP or proposed work.

Disposition:

This information was provided to the consultant for the project and can be addressed in a licence condition.

Manitoba Conservation and Water Stewardship – Water Use Licensing Section

No comments or concerns.

Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing Section

On behalf of the *Water Control Works and Drainage Licensing Section*, there are no concerns.

Please remind the proponent that all water control works require licensing under the *Water Rights Act*. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/areas_of_focus_jan_23_12.pdf

Licensing of yard and field approaches (access points) are the responsibility of either the municipality, or *Manitoba Infrastructure and Transportation*, whichever is applicable.

The drainage and/or alteration of permanent and semi-permanent wetlands is not permissible under the *Water Rights Act*.

Disposition:

This information was provided to the consultant for the project.

Manitoba Infrastructure and Transportation - Highway Planning and Design Branch, Environmental Services Section

MIT has reviewed the proposal noted above and while we do not have concerns with the development as proposed, we would like to offer the following reminders:

- The proposed project may require a permit from the MIT for any new, modified or relocated access connection onto any provincial road or highway. A permit may also be required for:
 - o any construction, above or below ground level, within 38.1 m (125 if) from the edge of the right of way of any provincial road or highway;
 - o any plantings within 15.2 m (50 if) from the edge of the right of way of any provincial road or highway; or
 - o discharge of water or other liquid materials into the ditch of any provincial road or highway.
- Should any of the water/sewer lines cross under or within the right of way of any provincial road or highway, an agreement with MIT will be required.

For further information on permit application and utility agreements, please contact Wes Turk at Wes.Turk@gov.mb.ca.

Disposition:

This information was provided to the consultant for the project.

Canadian Environmental Assessment Agency

The project will not be subject to CEAA 2012 so the Agency will not be providing any comments.

ADDITIONAL INFORMATION

No additional information was required to address Technical Advisory Committee comments.

PUBLIC HEARING

As no public comments requesting a hearing were filed, 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 proposal involves the installation of approximately 69 km of buried pipeline on road allowances in an agricultural area. Water for the system will be supplied from the Town of Manitou's water treatment plant, which is being upgraded as a separate project. Since resource use is not 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 assigned to the Central Regional office of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

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