



Sustainable Development

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July 12, 2018

Chris Carroll, P.Eng., MBA
Manager of Wastewater Services Division
City of Winnipeg
109 – 1199 Pacific Avenue
Winnipeg, MB R3E 3S8

Via Email: ccarroll@winnipeg.ca

Dear Mr. Carroll:

Re: City of Winnipeg – Biosolids Land Application – Notice of Alteration

I am responding to the May 23, 2018 Notice of Alteration (NoA) letter respecting the City of Winnipeg's (City's) desire to initiate biosolids land application in advance of receiving the related Environment Act Licence that is being developed under separate file. We recognize that activities proposed in this NoA are associated with the City's Biosolids Master Plan. Environment Act Licence No. 1089 E RR is associated with the requested NoA activities.

The NoA presents an outline of the approach for the proposed 2018 program, outlines for the potential effects, mitigation measures and approach to field storage, and discussion on regulatory compliance.

Section 1.0 of the NoA presents information regarding the approach for the proposed 2018 land application program, specifying that it will comply with all applicable regulations and would include the uniform application of up to 20,000 wet tonnes of biosolids. Application rates would be as prescribed by a Professional Agrologist based on provincial regulatory parameters, matching of agronomic needs and multi-year application event objectives. Testing schedules and parameters will support accuracy of prescription rates and associated activities. The NoA also indicates that this year's program will require between 300 to 455 hectares of land with confirmation of an application rate and land area requirements following assessments of supplemental analyses. The City will apply all required mitigation measures for transportation to and field storage at the application sites and will utilize appropriate technologies and equipment during application. The NoA indicates that representatives of the Rural Municipality, farm producers and immediately adjacent neighbors will receive suitable notifications and related details prior to intended application events while any questions or queries would be responded to within 3 days. The NoA

also provides detailed information relative to sampling and monitoring that will occur during the proposed 2018 program as well as descriptions of reporting commitments.

Section 2.0 of the NoA presents information and statements relative to potential concerns of effects of the proposed activities to the environment and human health and discusses proposed mitigation efforts for each. This section also presents specific matters relative to field storage of biosolids, identifying that the approach will be consistent with the best management practices and guidelines as outlined by the Canadian Council of Ministers of Environment and the US EPA. Finally, this section provides discussions relative to environmental aspects to mitigate with supporting arguments referencing sources of guidance.

Section 3.0 of the NoA presents discussion regarding regulatory compliance aspects of the planned activities for the proposed 2018 biosolids land application program, mentioning the City's Environment Act Proposal for a new Environment Act Licence to land apply biosolids that remains under review. Environment Act Licence No. 1089 E RR is the current biosolids land application Licence held by the City. A key element of this Section is the City's request for Manitoba Sustainable Development to suspend specific clauses of this Licence to allow the initiation of the most recently proposed biosolids land application activities in advance of finalizing a new Environment Act Licence.

The request to suspend specific clauses of Environment Act Licence No. 1089 E RR involves Clauses 6, 7, 8, 9, 13(a), 14 and 21 as well as Appendices A and B. Clauses 6, 7, 8, 9 and Appendix A specifically relate to the now defunct previous temporary storage facility that was located in the Rural Municipality of West St. Paul. The first request is to approve the temporary storage of biosolids according to the approach outlined in the NoA. Clause 13(a) specifies that biosolids are not to be deposited less than 300 metres from any occupied residence (other than the residences associated with the farms on which biosolids are applied). The second request is to approve a reduction in that setback distance to 75 metres while accommodating individual concerns by implementing good neighbor practices as required. Clause 14 specifies that, in general, land application of biosolids at a rate in excess of 56 tonnes per hectare dry weight is not permitted. The third request is to approve the application of biosolids using the agronomic rates and methods outlined in Manitoba Regulation 62/2008 – Nutrient Management. Clause 21 and Appendix B outline monitoring program requirements. The fourth request is to have the monitoring program for the 2018 land application program as proposed in Section 1.3 of the NoA. The NoA states that the proposed 2018 biosolids land application activities will comply with all applicable regulations, including the provincial Nutrient Management Regulation, The Water Protection Act, The Environment Act, the Livestock Manure and Mortalities Management Regulation and The Workplace Safety and Health Act.

Upon consideration of the request for approval of this NoA, I have decided, pursuant to Section 14(2) of The Environment Act, to approve the requests subject to the following conditions:

DEFINITIONS

In this letter,

"accredited laboratory" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Sustainable Development to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

"approved" means approved by the Director or an assigned Environment Officer in writing;

"Director" means an employee so designated pursuant to The Environment Act;

"Environment Officer" means an employee so designated pursuant to The Environment Act;

"field storage" means the temporary storage of digested and mechanically dewatered biosolids located at a site for which written and signed authorization for use of the site location has been obtained from the legal land owner, as identified on a Certificate of Title or Status of Title for that site;

"noise nuisance" means an unwanted sound, in an affected area, which is annoying, troublesome, or disagreeable to a person:

- a) residing in an affected area;
 - b) working in an affected area; or
 - c) present at a location in an affected area which is normally open to members of the public;
- if the unwanted sound
- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or
 - e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

"odour nuisance" means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
 - b) working in an affected area; or
 - c) present at a location in an affected area which is normally open to members of the public;
- if the odour, smell or aroma
- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or

- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

"Standard Methods for the Examination of Water and Wastewater" means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation; and

"waste disposal ground" means an area of land designated by a person, municipality, provincial government agency, or crown corporation for the disposal of waste and approved for use in accordance with Manitoba Regulation 37/2016, or any future amendments thereto, or a Licence pursuant to The Environment Act.

The above definitions are in addition to or to replace specific related definitions appearing in Environment Act Licence 1089 E RR.

GENERAL REQUIREMENTS

1. The City of Winnipeg (City) shall, by not later than July 30, 2018, propose a temporary Technical Advisory Committee, to be approved by the Director, Environmental Approvals Branch, for the duration of activities associated with this Notice of Alteration (NoA). The members of the proposed Technical Advisory Committee need not adhere to specific details identified by Clause 19 of Environment Act Licence No. 1089 E RR.
2. The City shall, by not later than August 10, 2018, pursuant to Clause 20 of Environment Act Licence No. 1089 E RR, form and chair a Committee(s) consisting of representatives from each municipality in which activities associated with this approval may and will occur and Manitoba Sustainable Development. Representation from the Rural Municipality of West St. Paul is not specifically required on the Committee unless that municipality is hosting related activities. The City shall maintain the Committee(s) for the duration of activities associated with this NoA.
3. The City shall neither store nor apply biosolids on land where the depth of clay or clay till is less than 1.5 metres between the soil surface and the water table.
4. The City shall, within five working days of confirmed selections of key locations for activities associated with this NoA, provide to the assigned Environment Officer specific confirmed site selection and activities-related information.

5. Biosolids removal from the temporary biosolids storage sites except for transport to and application on land parcels identified as qualifying to receive the biosolids is not permissible unless otherwise approved by the Director.
6. Access to the site of the field storage area shall be limited to persons specifically participating in associated activities. General public access to the site shall not be permitted to the satisfaction of the assigned Environment Officer.
7. Surface water resulting from precipitation at the site of the field storage area during periods of biosolids storage shall be controlled and managed to the satisfaction of the assigned Environment Officer.
8. The City shall establish, operate and maintain the site(s) of temporary biosolids storage in such manner to control vector attraction and activity at the site(s) to the satisfaction of the assigned Environment Officer.
9. The City shall maintain the site(s) of temporary biosolids storage in such manner as to not create potential threats to the environment, public health or wildlife.
10. The City shall not cause or permit an odour nuisance to be created as a result of the activities directly associated with this NoA, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.
11. The City shall not cause or permit a noise nuisance to be created as a result of the activities directly associated with this NoA, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
12. The City shall prepare reports summarizing all activities and results associated with each full month's activities for the duration of activities directly associated with this NoA. Reports for each full month's activities shall be submitted to the Director, Environmental Approvals Branch, Manitoba Sustainable Development not later than 10 working days after the end of each month.
13. With the exception of the requirement to complete monitoring of the 2018 program until 2021, this approval shall terminate not later than December 31, 2018 unless otherwise approved by the Director.

The establishment and participation of the temporary Technical Advisory Committee and of the Committee(s) will satisfy the general requirements of Clauses 19 and 20 of Environment Act Licence 1089 E RR respectively as the activities associated with this NoA are of limited duration.

If you have any questions or would like to discuss matters pertaining to the content of this letter, please contact Robert Boswick, Environmental Engineer, at 204-945-6030 or robert.boswick@gov.mb.ca.

Yours sincerely,

A handwritten signature in black ink that reads "Tracey Braun". The signature is written in a cursive, flowing style.

Tracey Braun, M.Sc.
Director

- c. Duane Griffin, P.Eng. – Water and Waste Department, City of Winnipeg (dgriffin@winnipeg.ca)
- Darren Keam, WSP Canada Group Limited (darren.keam@wsp.com)
- Don Labossiere/Tyler Kneeshaw/Yvonne Hawryliuk – Environmental Compliance and Enforcement Branch, Manitoba Sustainable Development
- Robert Boswick/Asit Dey/Cory Graham – Environmental Approvals Branch, Manitoba Sustainable Development
- Public Registries