



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT
PREPARED FOR

THE RURAL MUNICIPALITY
OF
HANOVER

Rocky Ridge Dairy INC.
NE 12-05-05 EPM

TRC 12 – 022

September 15, 2016

A. INTRODUCTION

The Technical Review Committee (TRC) is supported by the following department personnel:

- Agriculture (Ag); Livestock Environment, Nutrient Management and Business Development Specialists, Agricultural Engineer, and Veterinarians
- Indigenous and Municipal Relations (IMR); Community Planners
- Infrastructure (MI); Development Review Technologists
- Sustainable Development (SD); Environment Officer, Habitat Mitigation Biologist, Regional Wildlife Manager, Nutrient Management Regulation Supervisor, Groundwater Specialist, Water Rights Licensing Manager and Resource Planner
and
- Any other specialist or department that may have an interest, which may be consulted during the process.

The Technical Review Coordinator, (Senior Planner, IMR) chairs the committee.

THE REPORT (TRC Process Box 17)

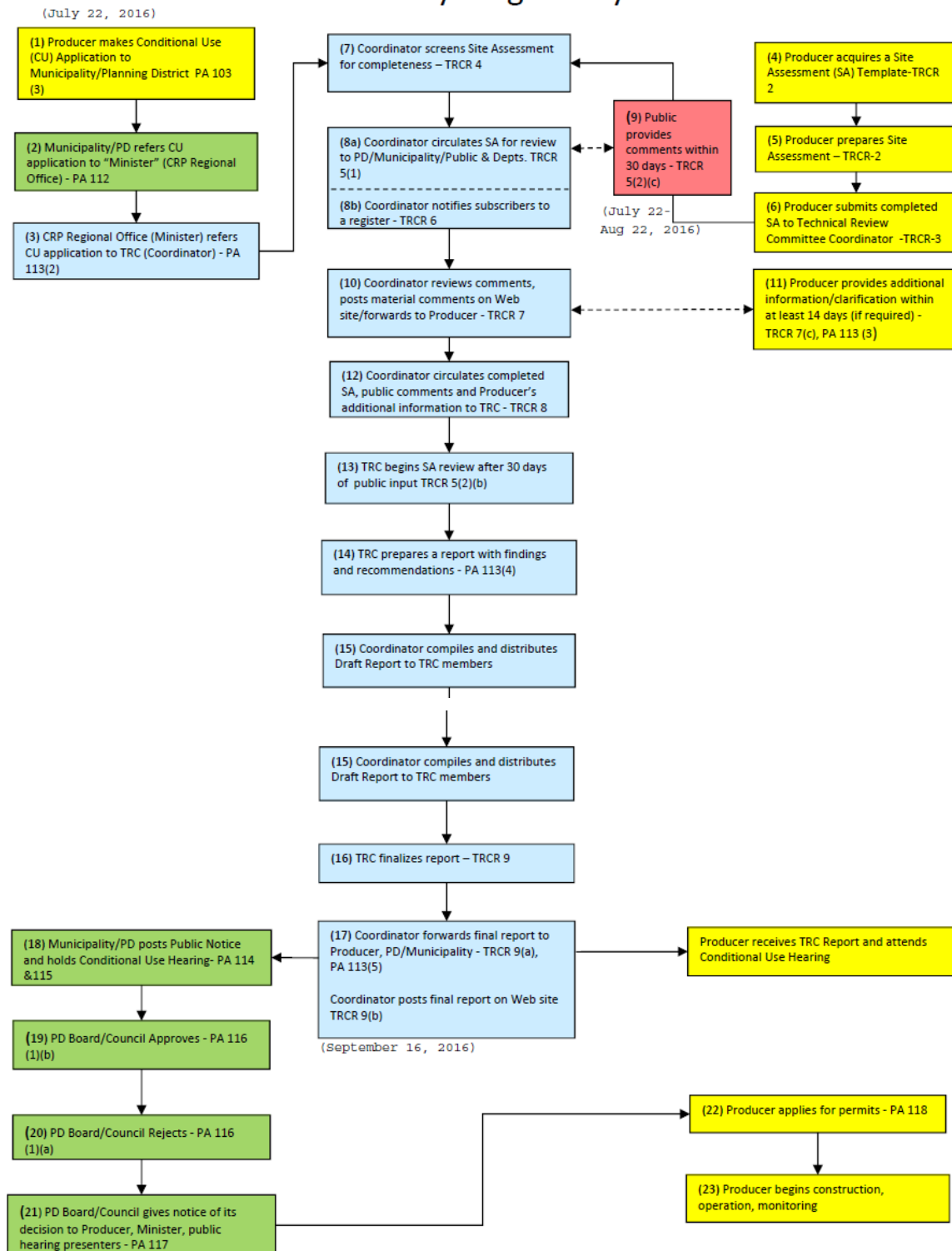
Prime Purpose of TRC Reports

To provide objective, highly credible, technically-based assessments that:

- a) Enable municipal councils to make informed Conditional Use Permit decisions;
- b) Create a common stakeholder understanding of a livestock proposal, potential impacts and related regulatory requirements and safeguards;
- c) Provide a vehicle/forum that enables the sharing of public concerns and proponent responses;
- d) Offer recommendations to both municipal councils and proponents; and
- e) Represents the fulfillment of the TRC's role as per 116(1)(b)(i) of The Planning Act – to determine, based on available information, that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards

Should the Municipal Council provide conditional approval of the proposal, the project proponent may be required to obtain various permits and licenses from the Province to address in greater detail environmental aspects of the proposal.

Provincial Technical Review Process Rocky Ridge Dairy Inc.



B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

To view a detailed description go to

www.gov.mb.ca/ia/programs/livestock/public_registries.html

Applicant: Rocky Ridge Dairy Inc.

Site Location: Approximately 10 kms south east of the Community of Grunthal

(NE 12-05-05 EPM) Refer to map below.

Proposal: To expand a current dairy operation from 145 mature cows (290 AU) to 245 mature cows (490 AU) (animal confinement facility)

This will involve the following:

- Construction of a new free stall dairy barn
- Construction of a circular tank (manure storage structure) (273 day holding capacity)
- Consuming 36,814 litres of water per day (from a proposed well)
- Composting mortalities
- Using the truck haul routes as shown below



C.SITE ASSESSMENT OVERVIEW

Assessment Overview Table

Provincial Technical Overview of: Rocky Ridge Dairy Inc.			
Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
1. Submitted complete Site Assessment	X	Not Applicable	IMR
2. Clearly defined the project as a _X_ Animal Confinement Facility	X	Agricultural buildings such as barns over 600 square meters (6,458 sq ft), require a building permit from the Fire Commissioner's Office under <i>The Buildings and Mobile Homes Act</i> and the <i>Manitoba Building Code</i> .	IMR
3. Proposed sufficient, suitable land for manure spreading	X	<p>Sufficient suitable land has been identified in the proposal; however, in any given year the amount of land that actually receives manure will depend on the annual manure application rates and the volume of manure to be applied.</p> <p>If the operator uses professional services to develop the manure management plan, the manure management planner must successfully complete the Manure Management Planner's Course offered by Assiniboine Community College and be a member in good standing of the Manitoba Institute of Agrologists or a Certified Crop Advisor.</p> <p>If the services of a commercial manure applicator are obtained to land apply the manure, the applicator must be trained by the Assiniboine Community College and licensed by Manitoba Agriculture</p>	Ag
4. Proposed spread fields that are properly designated (Dev Plan) and Zoned (ZBL)	X	Any change to a Development Plan designation requires a public process and approval by Council and the Minister of Indigenous and Municipal Relations in accordance with <i>The Planning Act</i> . Any zoning change requires a public process and approval by Council in accordance with <i>The Planning Act</i> .	IMR
5. Proposed sufficient minimum setbacks on spread fields from natural features	X	The proponent has acknowledged the setback areas for all water features have been observed and excluded from landbase calculations. Setbacks should be clearly communicated and observed by those involved in manure application in order to	SD

Provincial Technical Overview of: Rocky Ridge Dairy Inc.

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
(water sources etc)		minimize the risk of nutrients entering surface waters.	
6. Identified 36,814 litres/day required for proposed operation	X	The WULS section has received the Application to Construct a Well and Divert Groundwater for this project. We have no more concerns	SD
7. Proposed measures to meet storage and application regulations for manure	X	As per section 6(1) of the Livestock Manure and Mortalities Management Regulation (LMMMR), no person shall construct, modify or expand a manure storage facility except under the authority of a permit. As described on section 13 of the Livestock Manure and Mortalities Management Regulation (LMMMR), livestock operations greater than 300 animal units must file an annual manure management plan.	SD
8. Proposed suitable mortalities disposal methods	X	As per section 15(2) of the of the Livestock Manure and Mortalities Management Regulation (LMMMR), composting mortalities is an approved method of disposal provided it is in accordance with section 15.1. As per section 15(3.1) of the Livestock Manure and Mortalities Management Regulation (LMMMR), no person shall without the director's written approval, dispose of mortalities, by burial in an agricultural operation that has 300 animal units or more.	SD
9. Identified acceptable odour control measures for the project site	X	Under <i>The Farm Practices Protection Act</i> , a person who is disturbed by any odour, noise, dust, smoke or other disturbance resulting from an agricultural operation may make a complaint, in writing, to the Manitoba Farm Industry Board. <i>The Act</i> is intended to provide for a quicker, less expensive and more effective way than lawsuits to resolve nuisance complaints about farm practices. It may create an understanding of the nature and circumstances of an agricultural operation, as well as bring about changes to the mutual benefit of all concerned, without the confrontation and the expense of the courts. Under <i>The Planning Act</i> Council may require covers on manure storage facilities and/or shelterbelts established. Council may also enter into a development agreement with the owner which can be registered on the Title of the property as a condition of the approval.	Ag/ IMR
10. Proposed a project site that meets development plan	X	<i>The Planning Act</i> requires municipalities to issue development	IMR

Provincial Technical Overview of: Rocky Ridge Dairy Inc.

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
and zoning by-law requirements		permits for any development on a site. All development must comply with the Zoning By-law and Development Plan. Any proposed development that does not meet the separation distances or setbacks requires Council approval and a public process to vary those requirements.	
11. Proposed a project site that is a sufficient distance from native prairie, Wildlife Managements Areas and Crown Land.	X	No wildlife related concerns	SD
12. Proposed trucking routes and access points that do not impact Provincial Roads or Provincial Trunk Highways	X	Access to farm via Government Road Allowance. No permits are required.	MI

Provincial Departments

- Ag – Agriculture
- IMR – Indigenous and Municipal Relations
- MI – Infrastructure
- SD – Sustainable Development

D. PUBLIC COMMENTS & DISPOSITIONS

Public Comment Summary	Proponent Response/Disposition	Provincial Comment (if any)
<u>Ed and Anne Durksen</u> <i>"We have received the notice on their expansion proposal. As fairly close neighbors we have no reason to be against this. They seem to be good operators. Thanks for the opportunity to have a voice."</i>	Not Applicable	Not Applicable

E. CONCLUSIONS & RECOMMENDATIONS

Overall Conclusion

The information contained in the Site Assessment submitted by the proponent generally meets Provincial requirements. In addition, based on available information it has been determined that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards.

Recommended Actions to Council

- As per Section 114(1) of The Planning Act, Council must set a date for a Conditional Use hearing which must be at least 30 days after it receives this report
- As per Section 114(2) of The Planning Act, at least 14 days before the date of the hearing, Council must:
 - a) send notice of the hearing to
 - (1) the applicant,
 - (2) the minister, (c/o the Brandon Community & Regional Planning Office);
 - (3) all adjacent planning districts and municipalities, and

- (4) every owner of property located within three kilometres of the site of the proposed livestock operation, even if the property is located outside the boundaries of the planning district or municipality;
 - b) publish the notice of hearing in one issue of a newspaper with a general circulation in the planning district or municipality; and
 - c) post a copy of the notice of hearing on the affected property in accordance with Section 170 of The Planning Act.
- Council should specify the type(s) of operation, legal land location, number of animals in each livestock category and total animals units in its Conditional Use Order.
 - As per Section 117 of The Planning Act, Council must send a copy of its (Conditional Use Order) to
 - a) the applicant;
 - b) the minister (c/o the Steinbach Community & Regional Planning Office); and
 - c) every person who made representation at the hearing.

Council is welcome to contact Manitoba Sustainable Development Environmental Compliance and Enforcement staff to discuss environmental compliance issues, if applicable, with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98).

Recommended Actions to Proponent

That any additional measures identified through subsequent Provincial and Federal licensing or permitting in order to minimize any identified risks to health, safety and the environment be undertaken.

F. TECHNICAL REVIEW COMMITTEE MEMBERS

Name	Department	Title	Telephone
Don Malinowski Chair	Indigenous and Municipal Relations	Senior Planner Community & Regional Planning Branch	945-8353
Petra Loro	Agriculture	Livestock Environment Specialist Agri-Resource Branch	945-3869
Jen Webb	Sustainable Development	Manager Environmental Approvals Branch	945-8541
Jeff DiNella	Infrastructure	Senior Development Review Technologist Highway Planning and Design Branch	945-1801

Appendix A

Rocky Ridge Dairy Inc.
August 25, 2016
Manitoba Sustainable Development

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Hotze Woudstra
PROPOSAL NAME: Rocky Ridge Dairy Inc.
TYPE OF OPERATION: 245 AU Dairy
RURAL MUNICIPALITY: Hanover
OPERATION LOCATION: NE 12-05-05 EPM

Environmental Stewardship Division; Environmental Compliance & Enforcement Branch, Steinbach

- No concerns.

Biodiversity & Land Use Division; Wildlife & Fisheries Branch; Habitat, Biodiversity & Endangered Species Section

- No wildlife related concerns.

Parks and Regional Services Division; Western Region

- No Comment

Water Stewardship Division; Water Science & Management Branch

- Staff in the Water Science and Management Branch have reviewed the site assessment for Rocky Ridge Dairy in the RM of Hanover and have the following comments:
- The proponent has acknowledged the setback areas for all water features have been observed and excluded from land base calculations. Setbacks should be clearly communicated and observed by those involved in manure application in order to minimize the risk of nutrients entering surface water.
- Proper nutrient management applications that avoid excess loss of nutrients to surface waters are needed on lands receiving manure in southern Manitoba because long-term trend analysis of total phosphorus and total nitrogen has shown significant increases in these nutrients in the Assiniboine and Red Rivers (Jones and Armstrong 2002);
- The proponent plans to broadcast the livestock manure; incorporation will further reduce nutrient losses. Manure applications should not occur to saturated, frozen or snow covered soils or when heavy rainfall is expected within 24 hours. Manure applications are best completed by mid-October or earlier as manure applied shortly before freeze up is more susceptible to nutrient runoff losses during spring snowmelt than if the manure is applied earlier in the fall.
- Manitoba has included phosphorus as a nutrient by which fertilizer application through manure, synthetic fertilizer, and municipal waste sludge to agricultural lands may be limited. To remain environmentally sustainable over a long-term planning horizon of 25 years or more, the proponent must be able to balance phosphorus inputs from applied manure and other nutrient sources such as commercial fertilizers with crop removal rates to avoid excessive build-up in soils. Consequently, sufficient land base or economically achievable treatment technologies must be available so that manure can be applied at no more than 1 times crop removal rates. It should be noted that Olsen soil-test phosphorus levels of 60 ppm are well above phosphorus needs for most crops (over 20 ppm is usually considered very high), and that as excess phosphorus levels build up in soils, greater losses occur to surface and ground water. For long-term planning purposes, the proponent needs to have sufficient land available to ensure that manure can be applied at 1 times crop removal. The proponent has identified sufficient land and it is important to rotate manure application across all spread fields so as to prevent excessive P buildup.
- All unused and abandoned wells on the site and spread fields should be properly sealed. A sealed well report should be filed with the Groundwater Management Section of Sustainable Development for all sealed wells. The Well Sealing form is available at:

http://www.gov.mb.ca/conservation/waterstewardship/water_info/misc/well_sealing_report_2015.pdf. Information on well sealing is available from Sustainable Development (204-945-6959) or: http://www.gov.mb.ca/conservation/waterstewardship/water_info/misc/abandoned_wells.pdf. It is recommended that all but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals is located http://www.gov.mb.ca/conservation/waterstewardship/water_quality/wells_groundwater/well_drillers.html.

- During manure application all groundwater features, including water wells, should be given as a minimum, the amount of buffer as outlined in the regulations.
- Note that the Well Standards Regulation under the Groundwater and Water Well Act 2012 requires a 100 metre separation distance between newly constructed wells and confined livestock areas. The regulation comes into effect on January 1, 2017 and therefore may be in effect at the time new well construction takes place for this operation. The separation distances are meant to protect groundwater quality and even if not in effect at the time the proposed well is constructed, it would be prudent to adhere to this and other separation distance outlined in the proposed regulation.

Water Stewardship Division; Water Use Licensing Branch; Groundwater Licensing Section

- The WULS section has received the Application to Construct a Well and Divert Groundwater for this project. We have no more concerns.

Biodiversity & Land Use Division; Lands Branch; Provincial & Regional Land Management Planning Section

- Land Management & Planning Section has reviewed the proposal and has no concerns/comments to forward with respect to the proposal; as presented, as the proposal does not involve lands under surface Crown tenure.