



**TECHNICAL REVIEW COMMITTEE**

**A TECHNICAL REVIEW REPORT  
PREPARED FOR**

**MUNICIPALITY  
OF  
NORFOLK TREHERNE**

**Porcherie Notre Dame Ltee.  
SW 21-7-9 WPM**

**TRC 12 – 025**

**May 4, 2017**

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## A. INTRODUCTION – THE TEAM

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, Engineering and Operations Division; Development Review Officers, Water Management and Structures Division;
  - Sustainable Development (SD); Technical Review Officer, Soils Specialist, Environmental Engineer, 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) Represent 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

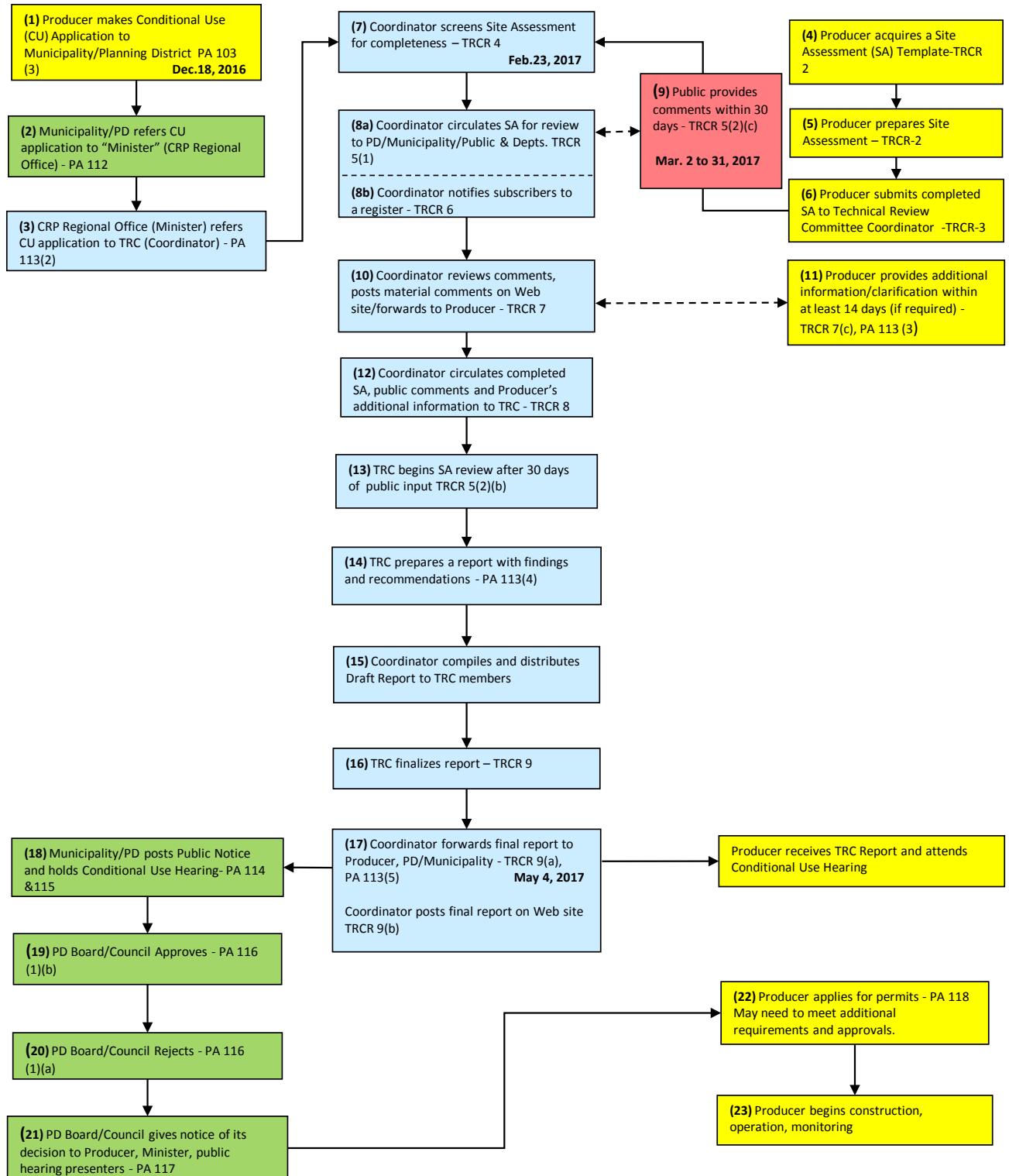
proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards

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.

## **THE PROCESS**

- TRC Process Chart with actual pertinent dates and brief overview:

## The Technical Review Process: TRC 12-025 - Porcherie Notre Dame Ltee.



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## B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

To view a detailed description go to:

[www.gov.mb.ca/ia/programs/livestock/public\\_registries.html](http://www.gov.mb.ca/ia/programs/livestock/public_registries.html)

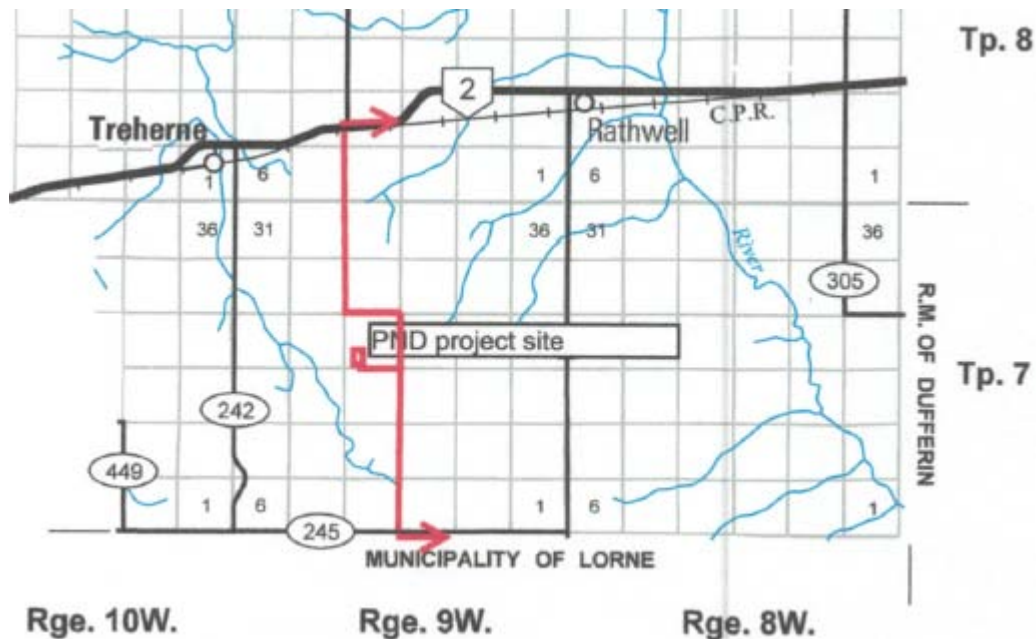
Applicant **Porchiere Notre Dame Ltee.**

Site Location: Approximately 4 kms south east of the Community of Treherne  
(SW 21-7-9 WPM) Refer to map below.

Proposal: To expand a current pig grower/finisher operation from 10,000 animals (1430 AU) to 13,000 animals (1859 AU) within an animal confinement facility.

This will involve the following:

- Expansion of five onsite barns; each barn to be extended by 50 feet
- Expand each of five barns from 2000 to 2600 hogs
- Use of existing 2-cell earthen manure storage with primary and secondary cells without need for expansion (400 day holding capacity total for both cells)
- Consuming x 39,000 Imperial gallons of water per day (from an existing well)
- Rendering mortalities; No permanent site for composting mortalities
- Using the truck haul routes as shown below



## C. SITE ASSESSMENT OVERVIEW

Assessment Overview Table

Items Provided by Project Proponent	Con- firmed	Departmental Comment and Related Existing Provincial Safeguards	Dept
1. Completed Site Assessment	X	<p>The proposal is consistent with Provincial requirements for pig developments under the Pig Production Special Pilot Project. The Pilot Project holds pig operations to a higher standard than any other type of livestock operation in Manitoba. It requires new and expanding pig operations to:</p> <ul style="list-style-type: none"> <li>• be located outside of Hanover and La Broquerie,</li> <li>• construct a 2-cell manure storage facility,</li> <li>• demonstrate access to sufficient suitable land to balance manure phosphorus with crop phosphorus removal,</li> <li>• inject or immediately incorporate manure that is applied to <i>tilled</i> land, and</li> <li>• maintain soil test levels below 60 ppm Olsen P for the life of the operation.</li> </ul>	Ag
	X	<p>3.3.5 Sustainable agricultural practices place increasing responsibilities upon farmers and municipal councils to address public concerns over farm management and environmental protection. Farmers are asked to assume more responsibilities including public relations for neighbour acceptance and understanding of operations and more direct responsibility for environmental stewardship. Much of the community's concerns over farm management relate to limited public information on how best practices will be specifically applied to local conditions.</p> <p>South Central Planning District Development Plan by-law no. 3-2003.</p>	IMR
2. Clearly defined the project as a <u>  x  </u> Animal Confinement Facility	X	Agricultural buildings such as barns over 600 meters (6,458 sq ft) as proposed in this project, require a building permit from the Office of The Fire Commissioner under <i>The Buildings and Mobile Homes Act</i> and the <i>Manitoba Building Code</i> .	IMR
3. Proposed Project Site that is physically suitable	X	Manitoba Agriculture staff visited the area on April 12, 2017 and confirmed that the area is generally rolling topography with lighter textured soils. Staff did not enter the yard site.	Ag
4. Proposed Project Site with sufficient water supply	X	Identified 36,814 litres/day required for proposed operation. This project has a Water Rights Licence for the existing operation. If they do expand, they will have to apply for an amendment.	SD
5. Proposed Project	X		SD

Items Provided by Project Proponent	Con- firmed	Departmental Comment and Related Existing Provincial Safeguards	Dept
Site with suitable environmental safeguards for manure storage		The proponent has indicated that no expansion of the manure storage facility is proposed and will therefore not apply for a permit though Manitoba Sustainable Development.	
6. Proposed Project Site with suitable mortalities disposal methods (rendering)	X	The Livestock Manure and Mortalities Management Regulation establishes requirements for the use, management and storage of livestock mortalities in agricultural operations. This helps ensure livestock mortalities are handled in an environmentally sound manner. Rendering is an approved method of disposal.	SD
7. Proposed Project Site with acceptable odour control measures	X	Porcherie Notre Dame Ltee has indicated that they will use existing shelterbelts for odour control. Should odour become a problem for neighbouring residents, there is a complaints process 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.	Ag
		The Planning Act allows Municipal Councils to require a manure storage cover and the planting of a shelter belt as a condition of approval.	IMR
8. Proposed Project Site that meets development plan and zoning by-law requirements	X	<p>The proposed livestock operation expansion is on land designated as Rural Policy Area in the South Central Planning District Development Plan by-law no. 3-2003. There are no additional overlay designations associated with the land.</p> <p>The intent of the Rural Policy area is to support agricultural activities as dominant land uses.</p> <p>Objective 3.2.8 is to support local ownership of livestock operations within the Planning District.</p> <p>Of the policies in the Development Plan the following would apply:</p> <p>3.3.3.16 <i>A council may require an owner of a new or expanding livestock operation to enter into a development agreement regarding items specified in The Planning Act.</i></p> <p>The proposed livestock operation expansion is on land zoned "AG" - Agricultural General in zoning by-law 245 - 05 for the Municipality of Norfolk Treherne.</p> <p>The land is outside the Designated Communities Livestock</p>	IMR

Items Provided by Project Proponent	Con- firmed	Departmental Comment and Related Existing Provincial Safeguards	Dept
		Management areas set out by the zoning by-law.	
9. Proposed Project Site that is a sufficient distance from native prairie, Wildlife Managements Areas and Crown Land.	X	Land Management & Planning Section has reviewed the site assessment information and has no comments or concerns to forward as no Crown land is proposed to be impacted, based on the information presented. No wildlife related concerns.	SD
10. Proposed Spreadfields that are sufficient, and suitable for manure spreading	X	<p>Porcherie Notre Dame Ltee has proposed sufficient suitable land for manure spreading.</p> <p>Porcherie Notre Dame Ltee has balanced phosphorus excretion by the pigs with phosphorus removal by the crops. The calculation takes into consideration typical, modern feeding practices for pig production, crop yields and the agricultural capability of the land. Semi-detailed soil survey is available to determine the agriculture capability of the land; however, the electronic soil survey is off-set from the ortho-photography and must be interpreted with care. The agriculture capability of the land included in the proposal varies from Class 1 to 5 with small areas of improved organic soils, all of which is considered suitable. The limitations include areas of slope (T), erosion (E), lack of moisture (M) and wetness (W). The yields used to determine realistic rates of crop phosphorus removal are consistent with conservative 10 year average Manitoba Agricultural Services Corporation (MASC) crop yields for the RM of Norfolk-Treherne.</p> <p>Lands that are agricultural capability Class 6, 7 or unimproved organics are considered unsuitable for manure application. Areas of the field that are mapped Class 6T have slopes of 30-45% making cultivation or manure application impossible. When corrected for the offset between the survey and the ortho-photo, these areas are outside of the field boundaries. Areas mapped as organic soils are either improved or outside of the field boundaries also.</p>	Ag
11. Proposed Spreadfields that meet manure application regulations	X	As per section 13(5) of the LMMMR, Manitoba Sustainable Development requires soil tests for registration in a Manure Management Plan (MMP). Additional soil tests will be required as part of the normal MMP submission.	SD
12. Proposed Spreadfields with sufficient minimum setbacks on spread fields from	X	All of the setbacks from water outlined in the Livestock Manure and Mortalities Management Regulation and the Nutrient Management Regulation must not receive manure. Porcherie Notre Dame Ltee has considered the setbacks in their estimation of the land requirement and these setbacks must be omitted from any future	Ag



Items Provided by Project Proponent	Con- firmed	Departmental Comment and Related Existing Provincial Safeguards	Dept
natural features (water sources etc)		<p>manure management plans.</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 licenced by Manitoba Agriculture.</p>	
	X	<p>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 to minimize the risk of nutrients entering surface waters.</p>	SD
13. Proposed Spreadfields that are properly designated (Development Plan) and Zoned (Zoning By-law)	X	<p>The Mutual Good Neighbour Separation Distance set for a livestock operation from 1,601 to 3,200 animal units is a minimum of 2,297 feet. The proposed livestock operation is 1859 animal units. This is an increase of 429 animal units and an additional 300 feet from the current separation required. The zoning by-law cites that if the minimum separation distance cannot be maintained the livestock operation will be considered a conditional use. It is already a conditional use and as such no additional action would be required.</p> <p>The application notes that no new spread fields will be required</p>	IMR
14. Proposed trucking routes and access points that do not impact Provincial Roads or Provincial Trunk Highways	X	<p>We have no concerns regarding this proposal.</p>	MI
15. Proposed trucking routes – local roads	X	<p>Under The Planning Act, Municipalities as a condition of approval may require Porcherie Notre Dame Ltee. to enter into a Development Agreement regarding the condition and upkeep of local roads used as truck haul routes.</p>	IMR

Provincial Departments

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

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## D. PUBLIC COMMENTS & DISPOSITIONS

Public Comment Summary	Proponent Response/Disposition
1. Murray Garrioch	<p>Objects</p> <p>lives 20 minute walk away</p> <p>Worried his water might become contaminated with pig urine and manure</p> <p>Concerned lagoon is not going to be expanded</p>
2. Andre (Andy) Rheaul SE 30-7-9 WPM	<p>Opposes expansion</p> <p>Farmer of 45 years</p> <p>As long as it's built in someone elses back yard ...</p> <p>Projects like this can change all the neighbours;</p> <p>Took a number of years to acquire my land as a farmer to enjoy the country air - not to be close to 20,000 hogs in five barns and the stench that results</p> <p>Concerned with fumes and fertilizer contamination</p> <p>Wants to retire and have his son take over his farm; believes pig expansion will scare families from wanting to move to this area.</p>

Disposition: The proponent has provided responses to the public concerns. (Refer to Appendix B)

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## 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 Portage La Prairie 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 Portage La Prairie Community & Regional Planning Office); and
  - c) every person who made representation at the hearing.

Council is welcome to contact Manitoba Sustainable Development's Technical Review Officer with Environmental Approvals Branch as well as regional 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.

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## **F. TECHNICAL REVIEW COMMITTEE MEMBERS**

<b>Name</b>	<b>Department</b>	<b>Title</b>	<b>Telephone</b>
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

# Appendices

## Appendix A

### LIVESTOCK TECHNICAL REVIEW COMMITTEE

#### SUMMARY OF COMMENTS/RECOMMENDATIONS: SUSTAINABLE DEVELOPMENT

**PROPONENT:** Porcherie Notre Dame Ltee  
**PROPOSAL NAME:** Porcherie Notre Dame Ltee  
**TYPE OF OPERATION:** 1859 AU Hog grower/finisher  
**RURAL MUNICIPALITY:** Norfolk Treherne  
**OPERATION LOCATION:** SW 21-7-9 WPM

#### Environmental Stewardship Division; Environmental Approvals Branch; Soil, Animal Waste and Conservation Section

- The proponent has indicated that no expansion of the manure storage facility is proposed and will therefore not apply for a permit though Manitoba Sustainable Development.
- As per section 13(5) of the LMMMR, Manitoba Sustainable Development requires soil tests for registration in a MMP.

#### Environmental Stewardship Division; Environmental Approvals Branch; Municipal and Industrial Section

- No concerns.

#### Environmental Stewardship Division; Environmental Compliance & Enforcement Branch, Central Region

- The Portage la Prairie Office of Environmental Compliance and Enforcement (ECE) has reviewed the proposed expansion of Porcherie Notre Dame Ltee, SW-21-7-9W, Norfolk-Trehene. We have no outstanding enforcement concerns with this operation. This office has no comment on the application.

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

- No wildlife related concerns.

#### Parks and Regional Services Division; Central Region

- No concerns.

## **Water Stewardship Division; Water Science & Management Branch**

Staff in the Water Science and Management Branch have reviewed the site assessment for Porcherie Notre Dame Ltee in the RM of Norfolk Treherne 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 to minimize the risk of nutrients entering surface waters.
- 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 inject manure. Manure applications should not occur to saturated, frozen or snow covered soils or when heavy rainfall is expected within 24 hours.
- 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 such that manure can be applied at no more than 1 times crop removal rates. In addition, under the Hog Production Pilot project new and expanding pig operations must have access to sufficient suitable land to accommodate all of the phosphorus generated by the operation. Therefore, the proponent must have access to 4776 acres to ensure that manure can be applied at 1 times crop removal. The proponent has identified 4855 acres of land suitable for manure application and meets the land base requirement.
- 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 each well sealed. Information on well sealing is available from Sustainable Development (204-945-6959) or [http://www.gov.mb.ca/sd/waterstewardship/water\\_info/misc/well\\_sealing\\_report\\_2015.pdf](http://www.gov.mb.ca/sd/waterstewardship/water_info/misc/well_sealing_report_2015.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/sd/waterstewardship/water\\_quality/wells\\_groundwater/well\\_drillers.html](http://www.gov.mb.ca/sd/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* requires a 100 metre separation distance between newly constructed wells and manure storage structures..

**Water Stewardship Division; Water Use Licensing Branch; Groundwater Licensing section**

- This project has a Water Rights Licence for the existing operation. If they do expand, they will have to apply for an amendment.

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

- Land Management & Planning Section has reviewed the site assessment information and has no comments or concerns to forward as no Crown land is proposed to be impacted, based on the information presented.

PREPARED BY:

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## Appendix B

Porcherie Notre Dame Ltee Response to Public Comments :





## *Porcherie Notre Dame Ltee*

Box 40  
Notre Dame de Lourdes, MB.  
R0G 1M0

April 12 2017

Attention: Technical Review Committee

In response to Mr Rheault's letter dated march 27 2017 I would like to clarify that the site in the technical review process is Procherie Notre Dame Ltee which is a 10,000 head site and not 20,000 as indicated in the letter.

The manure produced at this operation is injected into the soil as a fertilizer for crop production. During the injection process odours increase and depending on several factors the smell can last from a couple days to a week or more as indicated by Mr Rheault. We encourage the surrounding grain farmers to harrow their fields as soon as possible after injection to minimize odours and nitrogen loss.

Although not part of the TRC mandate I would like to point out that myself and my partners are very involved in our local communities as volunteers and financial supporters. Our companies combined employ in excess of 35 people and purchase local products and grains in the millions of dollars. We started in the pork industry nearly 25 years ago as a way to support the local economy and that remains our #1 priority still to this day. Thank you.

Rick Prejet

General Manager

Porcherie Notre Dame Ltee