

TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT PREPARED FOR

THE RURAL MUNICIPALITY OF HANOVER

REUTTER DAIRY

SW1/4 19-5-5 EPM

TRC 12 - 051

February 19, 2019

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
- Municipal Relations (MR); Community Planners
- Infrastructure (MI); Development Review Technologists, Engineering and Operations Division; Development Review Officers, Water Management and Structures Division
- Sustainable Development (SD); Land-Water Specialist, Licensing and Livestock Officer, Environment Officer, Habitat Mitigation and Wildlife Land Specialist, Regional Wildlife Manager, Groundwater Specialist, Water Rights Licensing Technologist
 and
- Any other specialist or department that may have an interest, which may be consulted during the process.

The Technical Review Coordinator, (Senior Planner, MR) 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;
- 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

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environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards

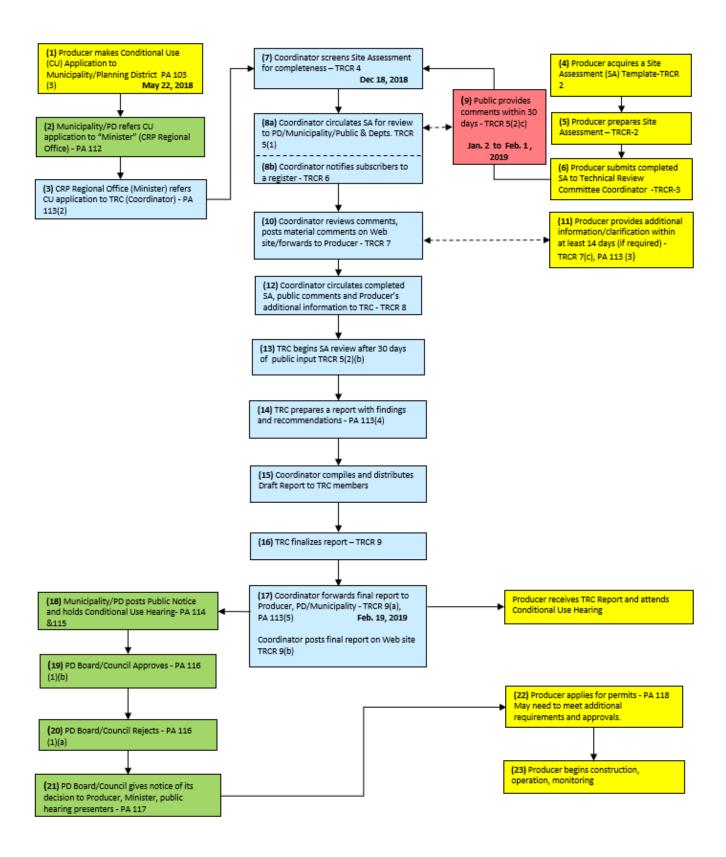
Should the Municipal Council provide conditional approval of the proposal, the project proponent may be required to obtain various permits and licenses from the Province to address in greater detail environmental aspects of the proposal.

THE PROCESS

TRC Process Chart with actual pertinent dates and brief overview:

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The Technical Review Process: TRC-12-051 -Reutter Dairy



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B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

To view a detailed description, go to:

http://www.gov.mb.ca/mr/livestock/index.html

Applicant: Reutter Dairy.

Site Location: SW ¼ 19-5-5 EPM, approximately 2½ miles (4 km) west of the community of Grunthal, west of PR 216. Refer to maps below.

Proposal: To expand the current dairy operation from 300 mature cows (600 Animal Units) plus associated livestock to 600 mature cows (1200 Animal Units) plus associated livestock within an animal confinement facility and confined livestock area. The mature cow herd includes all of the lactating and dry cows.

This will involve the following:

- Construction of a new barn
- Construction of a new earthen manure storage facility to be used along with the existing facility (Manure storage types to be used are: Earthen Manure Storage facility, Field storage and Steel tank(s) manure storage facility)
- All existing buildings are to be reused except for a 50 x120 shelter which is to be removed;
- An existing confined livestock area south of the site (currently closer to the tributary
 of Joubert Creek than the minimum setback distance), is to be eliminated as part of
 the proposed expansion)
- Consuming up to 28,295 imperial gallons of water per day from a proposed well (and from an existing well);
- Composting mortalities
- Using the truck haul routes as shown in Maps below:

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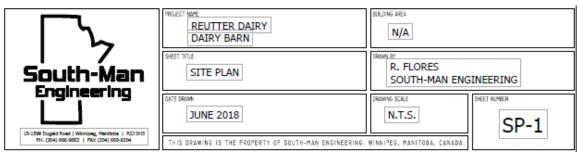


R.M. OF

HANOVER PROVINCE OF MANITOBA INFRASTRUCTURE HIGHWAY PLANNING AND DESIGN BRANCH SCALE IN KILOMETRES GEOGRAPHIC & RECORDS MANAGEMENT SECTION WINNIPEG JANUARY 2015 LEGEND ACCESS ROADS PROVINCIAL TRUNK HIGHWAYS PROVINCIAL ROADS RAILWAYS+ R.M. OF TACHE R.M. OF STE. ANNE 31 36 Blumenort RITCHOT 311 R.M. OF Niverville New Bothwell 12 59 Tp. 7 P STE. ANNE Α. (216) 305 Randolph C.P.R. 6 6 Mitchell 52 31 STEINBACH Kleefeld Tp. 6 SALABERRY (216) Hochstadt 303 6 1 Р 31 205 36 36 31 Z K Grunthal ٩ Sarto Trentham 5 205 Site Tp. 5 BROQUERIE 12 (216) 1 6 SALABERRY 31 Pansy 403 Tp. 4 핌 Reutter Dairy Ь SW 19-5-5E R.M RM of Hanover R.M. OF STUARTBURN Rge. 4E. Rge. 5E. Rge. 6E.

SHEET 1 of 1

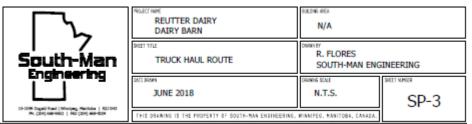




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C. SITE ASSESSMENT OVERVIEW

Assessment Overview Table

Provincial Technical Overview of TRC 12-051 – Reutter Dairy

Items Provided by Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
Submitted complete Site Assessment	Х	The proposal is consistent with the Provincial requirements for a livestock operation.	MR
2. Clearly defined the project as an animal confinement facility	Х	Any barn (animal confinement facility) in excess of 6,458 sq. ft. each will require a building permit from the Office of the Fire Commissioner.	
3. Proposed Project Site Physical Suitability	Х	Semi-detailed soil survey indicates that Reutter Dairy is located on land that has been mapped as Agriculture Capability Classes 2 and 5.	
4. Proposed Project Site Flood Risk Potential	X	Joubert Creek has a history of flooding, with major events occurring as recently as July 2015. Water Management, Planning and Standards has no specification flood information, such as levels or historic extents, at this location. However development should be undertaken with full knowledge of the flood hazard.	
5. Identified 28,295 imperial gallons /day required for proposed operation	Х	The Water Use Licensing Section has received an application from the proponent to amend their existing Water Rights Licence to include the expansion. As we understand it, they would like to construct an additional well, to which we have agreed.	
6. Proposed measures to meet storage and application regulations for manure	X	The Environmental Approvals Branch of Sustainable Development is responsible for administering the Livestock Manure and Mortalities Management Regulation (LMMMR). As prescribed by the LMMMR, Reutters Dairy must obtain a permit for construction of the proposed manure storage facility, prior to initiating any of the construction work. Reutter Dairy must also submit annual Manure Management Plans (MMP) in accordance with the LMMMR. Details on the requirements for manure management plans, including future soil sampling and analysis requirements, as well as design guidelines and	SD

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Items Provided by Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
		application forms for manure storage facilities are available at: https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html	
7. Proposed Project Site with suitable mortalities disposal methods (composting)	X	The proponent has indicated that mortalities will be dealt with by composting. The proposal includes a permanent site for composting mortalities. This is an acceptable disposal method under the LMMMR. Mass mortalities will be managed either by burial on site or removal to an approved landfill site.	SD
8. Proposed Project Site with acceptable odour control measures	X	The proponent has indicated that an existing shelterbelt will be used. 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. The Act 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.	MR
9. Proposed Project Site that meets development plan and zoning by-law requirements	X	The Planning Act requires municipalities to issue development 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. The proposed livestock operation is on land designated as Rural Area pursuant to the RM of Hanover	MR
		Development Plan By-Law No. 210. The proposal complies with Development Plan Policies 3.3.5 & 3.3.7 pertaining to the expansion of existing livestock operations.	

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Items Provided by Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
		The proposed livestock operation expansion is on land zoned "R" – Rural Zone pursuant to the RM of Hanover Zoning By-Law No. 2171. Expansion of existing livestock operations to 300 or more animal units are a conditional use, and are required to have a minimum site area of 160 acres, and a minimum site width of 1000 feet. However, existing livestock operations may be allowed to expand on an existing site of less than 160 acres provided they comply with all environmental regulations and separation distances.	
		According to the applicant, the site is 8210 feet from the nearby Rural Residential Area located in NW 29-5-5EPM. The minimum separation distance between an earthern manure storage and a designated area for an 801-1600 AU operation is 7874 ft. The following figure shows an estimate of the distance from the SW corner of the Rural Residential area to the NE corner of the approximate location of the proposed manure storage lagoon. The measured distance is ±7567 ft., which is below the minimum of 7874 ft. Measurement Total Peet Total	
		Furthermore, this is corroborated by the map provided by the applicant showing the 3km or 7560 ft. buffer	
		surrounding the site. It clearly indicates that the Rural Residential area is within the 7560 ft. buffer area, and therefore does not meet the 7874 ft. required. It is	

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Items Provided by	0.000	Poloto I Foliation Poloto i 110 f	D. 1
Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
		recommended that the RM verify the separation distance, and determine whether a variance order to vary the minimum separation distance is required.	
10. Proposed Project Site that is a sufficient distance from native prairie, Wildlife Managements Areas and Crown Land.	X	The distance of the project exceeds 1 mile from any parcel of Crown land which would include a Provincial Park, Wildlife Management Area, Ecological Reserve, Provincial Forest, and Wildlife Refuge/ Sanctuary. The Lands Branch has no objection to the proposal.	SD
11. Proposed Spreadfields that are sufficient, and suitable for manure spreading		Reutter Dairy requires 1155 acres of suitable land for manure application. Reutter Dairy has exceeded the Provincial land requirement by providing 1818 suitable acres. A detailed explanation of the land assessment can be found in the appendix.	
oprouding .	X	All of the manure will be applied as a fertilizer for crop production. Manitoba Agriculture recommends using the services of a manure management planner. Manure management planners must be Professional Agrologists or Certified Crop advisors and must have successfully completed training in manure management planning delivered by the Assiniboine Community College.	Ag
		The proponent has indicated that a commercial manure applicator will be used to apply the liquid manure. Commercial manure applicators must be trained and licenced in Manitoba. The training is delivered by the Assinoboine Community College and licencing is through Manitoba Agriculture.	
12. Proposed Spreadfields with sufficient minimum setbacks on Spreadfields from natural features (water sources etc.)	Х	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 to and observed by those involved in manure application to minimize the risk of nutrients entering surface and groundwater.	SD
13. Proposed Spreadfields that have been secured by spread agreements	х	The proposal indicates that most of the land available for manure application is owned by Reutter Dairy. Land agreements were provided for W 28-5-4E, NE 31-5-4E and NW 5-6-4E.	

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Items Provided by Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
14. Proposed Spreadfields that meet development plan and zoning by- law requirements	X	All the proposed spreadfields in the RM of De Salaberry are located on lands designated General Agriculture . They meet the intent of the De Salaberry Development Plan By-Law No. 2362-18 Agricultural Policies. All the proposed spreadfields in the RM of De Salaberry are zoned AG , Agriculture General , and complies with the RM of De Salaberry Zoning By-Law No. 2369-18. The two proposed spreadfields in the RM of Hanover are located on lands designated Rural Area . They meet the intent of the Hanover Development Plan By-Law No. 2170 Agricultural Policies. The two proposed spreadfields in the RM of Hanover are zoned "R" Rural Zone , and complies with the RM of Hanover Zoning By-Law No. 2171.	MR
15. Proposed trucking routes and access points that may impact Provincial Roads or Provincial Trunk Highways	X	The proposed truck route utilizes an existing Government Road Allowance that connects onto PR 205. We don't anticipate a substantial increase in use for the existing access. Please be advised that any structures placed within the controlled area of PR 205 and PR 216 (125 feet from the edge of the right-of-way) requires a permit from our office. The contact is Sheena del Rosario at (204) 945-3457. The placements of temporary drag lines or any other temporary machinery/equipment for manure application within the right-of-way of PR 205 and PR 216 requires permission from our regional office in Steinbach. Please contact the Acting Regional Planning Technologist (Robert Fender) at (204) 371-6858. In addition, please notify the Acting Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PR 205 and PR 216 (125 feet from the edge of the right-of-way).	MI
16. Proposed trucking routes – local roads	Х	Under <i>The Planning Act</i> , municipalities as a condition of approval may require Reutter Dairy to enter into a Development Agreement regarding the condition and upkeep of local roads used as truck haul routes.	MR

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Items Provided by Project Proponent	Confirmed	Related Existing Provincial Safeguards	Dept
17. Declared Provincial Waterways	Х	One of the spread fields is adjacent to the St. Pierre Drain, which has been designated as Provincial Waterway. Water Management and Structures requires a Provincial Waterway Authorization be obtained for any development crossing or along a Provincial Waterway, including the use of temporary manure hoses.	MI

Provincial Departments

- Ag Agriculture
- MR –Municipal Relations
- MI Infrastructure
- SD Sustainable Development

D. PUBLIC COMMENTS & DISPOSITIONS

No comments received

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.

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Recommended Actions to Council

- As per Section 114(1) of The Planning Act, Council must set a date for a Conditional Use hearing.
- 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 Steinbach 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;

and

- b) post a copy of the notice of hearing on the affected property in accordance with Section 170 of *The Planning Act*.
- The project site will require variances to vary the minimum separation distance between the earthen manure storage facility and the nearest Rural Residential designated area (to the north-east of the site located at NW 29-5-5E) from 7,874 ft to 7,500 ft.
- As per Section 169(4)(b) of The Planning Act, a copy of the notice of hearing to vary the separation distance involving a livestock operation must be sent to every owner of property located within the separation distance that is proposed to be varied.
- Note: That as per Section 174(1) of The Planning Act, Council can hold all required hearings together in a single combined hearing. It is recommended that during the course of this public hearing, Council first deal with the matter of the conditional use order followed by the variation order.
- As per Section 174(2) of The Planning Act the notice of hearing for each matter to be considered at a combined hearing may be combined into a single notice of hearing.
- Council should specify the type(s) of operation, legal land location, number of animals in each livestock category and total animal 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.

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 As per Section 99 of The Planning Act, Council must send a copy of its variance order to the applicant and every person who made representation at the hearing.

Council is welcome to contact Manitoba Sustainable Development's Regional Environmental Compliance and Enforcement staff or Environmental Approvals Branch to discuss environmental compliance issues, if applicable, with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98). Contact information is available at www.gov.mb.ca/sd/envprograms/livestock.

Recommended Actions to Proponent

- That a Variance be applied for prior to the Conditional Use Hearing to vary the
 minimum separation distance between the earthen manure storage facility and
 the nearest Rural Residential designated area (to the north-east of the site
 located at NW 29-5-5E) from 7,874 ft to 7,500 ft. This will enable Council the
 option of holding a combined Conditional Use and Variation Hearing.
- That the proponent request the municipality hold a combined hearing, if desirable.
- 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	Municipal Relations	Senior Planner Community & Regional Planning Branch	945-8353
Petra Loro	Agriculture	Livestock Environment Specialist Agri-Resource Branch	918-0325
Shannon Beattie	Sustainable Development	Policy Analyst Central Co-ordination Unit	945-3814
Jeff DiNella	Infrastructure	Senior Development Review Technologist Highway Planning and Design Branch	945-2664

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APPENDICES

Appendix A

Land Base Requirements for Reutter Dairy Manitoba Agriculture Clay Sawka and Petra Loro

In areas of lower livestock intensity such as the RM of De Salaberry, it is currently the Province of Manitoba's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by the livestock. In areas of high livestock intensity, specifically the RMs of Hanover and La Broquerie, the proponent must balance phosphorus excretion by the livestock with crop phosphorus removal over the long-term. The land requirement calculation takes into consideration typical nutrient excretion rates for dairy as well as realistic, long-term crop yields from the Manitoba Agricultural Services Corporation (MASC). The land assessment for Reutter Dairy is based on 600 mature cows (lactating and dry) plus all of the calves and replacement stock.

Most of the lands (89%) provided by Reutter Dairy are in De Salaberry with the remaining 11% being in Hanover. Manitoba Agriculture re-calculated the land required for the manure nutrients based on crop nitrogen utilization and 2 times crop phosphorus removal for lands in De Salaberry, and crop nitrogen utilization and phosphorus balance (1X) for the lands in Hanover. Additional suitable land is required for the manure in the RMs of Hanover and La Broquerie to provide greater assurance in areas with a high density of livestock that soil test phosphorus can be maintained below 60 ppm Olsen P over the long-term. Since the land in Hanover and La Broquerie is based on phosphorus "balance", with appropriate manure management planning, it should be possible to maintain soil test phosphorus levels below 60 ppm Olsen P over the long-term. The land requirement in the RM of De Salaberry assumes more land can be brought into the Reutter Dairy manure management plan, should it be necessary in the future to reduce soil phosphorus build-up.

Land suitability is determined using soil testing for phosphorus and soil survey to establish the agriculture capability. Soil tests must be below 60 ppm Olsen P to be considered suitable. All of the soil test information provided meets the phosphorus requirements. According to semi-detailed soil survey, the agriculture capability of the land included in the proposal is predominantly Class 2 and 3 (prime ag land) with some areas of Class 5. Class 2 to 5 soils are considered suitable for manure application. The associated limitation is primarily wetness (W) although areas of salinity (N), droughtiness (M), stoniness (P) and inundation (I) are also mapped.

According to the above land calculation, Reutter Dairy requires 1155 acres of suitable land for manure application. Reutter Dairy has exceeded the Provincial land requirement by providing 1818 suitable acres.

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Appendix B

Sustainable Development

Staff in the Water Science and Watershed Management Branch have reviewed the site assessment for Reutter Dairy in the RM of Hanover and have the following comments:

- 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 all liquid and solid manure and to incorporate a portion of the manure within 48 hours. Although injection of manure at appropriate rates poses lower environmental risk and maximizes nutrient retention in comparison to other manure application methods, the losses and risks from broadcast applications can be minimized by incorporation as soon as possible after application. On fields where incorporation is not possible (perennials such as alfalfa), broadcasting manure earlier in fall will increase likelihood of the movement of soluble nutrients into the soil and reduce the potential for losses to surface water during spring snowmelt runoff.
- For most crops, manure contains an excess of phosphorus (P) compared to nitrogen (N) and as a result, application at N-based rates causes a buildup of soil P. Practices which reduce N losses from the manure improve the N:P ratio in the manure and help slow P buildup when manure is applied at N-based rates. Immediate incorporation of broadcast manure will conserve more ammonia-N than if incorporation is delayed.
- 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 to and observed by those involved in manure application to minimize the risk of nutrients entering surface and groundwater.
- 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 further build-up in soils. Consequently, sufficient land base must be available such that manure can be applied at no more than 1 times crop P removal rates (P balance). For long-term planning purposes, the proponent needs to have sufficient land available to ensure that manure can be applied at 1 times crop P removal. The proponent acknowledges that 1,607 acres may be required for the long-term environmental sustainability of the operation. The proponent has identified 1.818 acres for

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- manure application. Application to meet crop N requirements is estimated to use 1,155 acres (1,607 acres is estimated to achieve P balance with current crop choices and yield potential).
- As phosphorus levels build up in soils, the concentration of phosphorus in runoff
 to surface waters increases. It is important to rotate manure application across
 all spread fields and whenever possible focus manure applications on fields with
 low Olsen-P soil test levels so as to prevent excessive P buildup when applying
 manure at rates above P balance (P removal by harvested crops).
- The provincial water well database indicates that there were five production wells drilled on the SE of Section 19-05-05E. If there are unused water wells on the site or spread fields these shall be properly sealed. A sealed well report must be filed with the Groundwater Management Section of Sustainable Development for each well sealed. Information on well sealing and the sealed well report are available from Sustainable Development (204-945-6959) or: http://www.gov.mb.ca/sd/waterstewardship/water_quality/wells_groundwater/index.html. All but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals can also be accessed from the above web page. All groundwater features, including water wells, should be given as a minimum, the buffer outlined in the regulations during manure application.
- In addition, if a new well (as proposed in the application) is constructed then The Well Standards Regulation under The Groundwater and Water Well Act (https://web2.gov.mb.ca/laws/statutes/ccsm/g110e.php) requires a 100 meter separation distance between newly constructed wells, confined livestock areas and manure storage facilities.
- The site assessment identifies two wells on the property. The provincial water well database shows that there are three other wells that are associated with this operation. For all that are not indicated as sealed, information regarding whether any of these are present, in use or whether they have been sealed should be provided to the Groundwater Management Section at 204-945-6959. Wells in use will need to be provided a buffer when spreading.

Environmental Approvals Branch has reviewed the above noted Proposal (Site Assessment) and has the following comments:

- Any applicable permit or annual submissions under the Livestock Manure and Mortalities Management Regulation would be processed by Environmental Approvals Branch of Sustainable Development.
- Reutter Dairy must submit annual Manure Management Plans (MMP), as
 prescribed under the Livestock Manure and Mortalities Management Regulation.
 The MMP process is administered through the Environmental Approvals Branch
 of Sustainable Development. Details on the requirements for manure
 management plans, including future soil sampling and analysis requirements, are
 available at
 https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html

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