

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Merit Functional Foods Corporation
PROPOSAL NAME: Merit Pea Canola Protein Processing Plant
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Food Processing Plant
CLIENT FILE NO.: 6044.00

OVERVIEW:

An Environment Act Proposal has been filed by Merit Functional Foods Corporation for the construction and operation of a 20,000 t/year (Phase 1) and expansion to a 50,000 t/year (Phase 2) pea canola protein processing plant located at SE 34-11-2 EPM, Lots 6, 7, and 8, Plan 64621, WLTO in the BrookPort Business Park in the R.M. of Rosser. Wastewater will be pre-treated at the facility and discharged from the development to the R.M. of Rosser with eventual discharge to the North End Water Pollution Control Centre (NEWPCC) in Winnipeg.

The Department, on February 18, 2020 placed copies of the Proposal in the Public Registries online at <https://www.gov.mb.ca/sd/eal/registries/6044merit/index.html>.

Copies of the Proposal were provided to the Technical Advisory Committee (TAC) members on February 21, 2020 and a notice of the Environment Act Proposal was placed in the Winnipeg Free Press on February 22, 2020. The newspaper and TAC notifications invited responses until March 13, 2020.

COMMENTS FROM THE PUBLIC:

No comments were received from the public.

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

| No. | Technical Advisory Committee Member | Response Provided |
|------------|---|--|
| 1 | Canadian Environmental Assessment Agency | No Response |
| 2 | Manitoba Agriculture and Resource Development <ul style="list-style-type: none"> Water Quality Management Section | No Response Comments Received |
| 3 | Manitoba Conservation and Climate – <ul style="list-style-type: none"> Compliance and Enforcement Branch Environmental Approvals Branch Wildlife and Fisheries Branch Parks and Protected Spaces Branch Forestry and Peatlands Branch Indigenous Relations Branch Lands Branch Groundwater Management Section Office of Drinking Water Use Licensing Section Water Control Works Licensing Section Regional Services Branch | No Concerns Comments Received No Concerns No Concerns No Concerns No Response No Response No Response No Concerns No Response No Response No Response |
| 4 | Manitoba Sport, Culture, and Heritage – Heritage Branch | No Concerns |
| 5 | Manitoba Growth, Enterprise and Trade – <ul style="list-style-type: none"> Resource Development Division Petroleum Branch Office of Fire Commissioner Work Place Safety & Health | No Response No Response Comments Received No Response |
| 6 | Manitoba Infrastructure | No Concerns |
| 7 | Manitoba Indigenous and Municipal Relations | No Response |
| 8 | Manitoba Health, Seniors and Active Living – Environmental Health Unit | No Response |

A copy of the responses and the additional information provided can be viewed at the following link:

https://www.gov.mb.ca/sd/eal/registries/6044merit/TAC_Comments.pdf

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Agriculture and Resource Development - Water Quality Management Section:

- The Proponent indicates, in Table 1 Potential project effects, mitigation measures, and residual effects and Section 2.7.1 Wastewater of the Proposal, that the protein processing plant will discharge approximately 350m³/day (phase 1) and 800 m³/day (phase 2) of wastewater. It is recommended the proponent ensure the ultimate discharge facility has capacity to treat characteristics of this wastewater stream with consideration of water quality characteristic(s) such as concentrations of TSS, TP, TN, BOD, variability in quality, and variability in flow.

Proponent Response (April 29, 2020):

The City of Winnipeg provided a letter (dated April 29, 2020) which confirms that the City of Winnipeg can accommodate the effluent from the proposed Merit Foods facility located in the RM of Rosser directed to the North End Sewage Treatment Plant (NEWPCC).

Disposition:

Clause 14 requires the Licencee to prepare and execute a current, comprehensive and enforceable Industrial Services Agreement with the R.M. of Rosser which is acceptable to the Director.

Clause 52 of the draft Licence requires the Licencee to not release any process wastewater from the Development except to the R.M. of Rosser wastewater collection system in accordance with the requirements set out in the Industrial Services Agreement with the R.M. of Rosser.

Manitoba Conservation and Climate – Environmental Approvals Branch – Air Quality Section:

- Air Quality was unable to simulate the scenario due to the unavailability of the CALPUFF model executables. However, based on the submitted modeling results, it shows that the predicted concentrations of 24-hour and annual average PM_{2.5}, 24-hour average PM₁₀ and 1-hour average NO₂ outside of the facility's fence line may be exceeded during the operation. As a result, there is a likelihood that the proposed project activities will contribute to the deterioration of ambient air quality in the area.
- A review of YWG flight paths show that some flight paths will be similar to the trajectory of the predicted visible plumes. The submitted report mentioned that the differences in elevation between the predicted maximum visible plume and aircraft height would be around 100 meters.

- As the modeling results show some exceedances of several air pollutants in the facility's surrounding area, Air Quality Section suggests to include as license condition the submission of a detailed ambient air quality monitoring plan (including visible plume observations) to Manitoba Conservation and Climate right after its operation.

Proponent Response (March 20, 2020):

- The modelling shows predicted exceedances of air quality objectives only at and near the facility boundaries. For this reason ambient monitoring can be conducted at the property boundary to validate the model results. This topic is further addressed below.
- Yes at times the visible plumes are predicted to travel into locations that are part of the flight paths, however at lower elevations in all cases. This topic is further addressed below.
- This is understood. Merit will develop a detailed ambient air quality monitoring plan for the air contaminants that have potential to exceed the provincial ambient objectives. Additionally, the plan will include visual monitoring of fog plumes and surface icing.

Air Quality Section Response:

The Air Quality Section has no further comments/concerns at this time.

Disposition:

Clause 41 of the draft Licence requires the Licencee to prepare, submit for approval and implement an ambient air monitoring program as directed.

Office of the Fire Commissioner:

- The OFC recommends that the proponent comply with the Manitoba Fire Code, submit Fire Safety Plan to the local fire department and obtain permits from the Authority Having Jurisdiction.

Disposition:

- Clause 16 of the draft Licence requires the Licencee to obtain all necessary federal, provincial and/or municipal licences, authorizations, permits and/or approvals for construction of relevant components of the Development prior to commencement of construction.

PUBLIC HEARING:

A public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION:

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

There would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

RECOMMENDATION:

The Proponent should be issued a Licence for the construction and operation of the pea canola protein processing plant in accordance with the specifications, terms and conditions of the attached draft Environment Act Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Conservation and Climate.

Prepared by:

Jennifer Winsor, P.Eng.

April 29, 2020