

## SUMMARY OF COMMENTS/RECOMMENDATIONS

**PROPONENT:** Rock Lake Holding Ltd.  
**NAME OF DEVELOPMENT:** Rock Lake Colony Domestic Wastewater Treatment Lagoon  
**CLASS OF DEVELOPMENT:** Two  
**TYPE OF DEVELOPMENT:** Wastewater Treatment Lagoon  
**CLIENT FILE NO.:** 5059.00

### OVERVIEW:

The Proposal was received on December 28, 2012. It was dated December 14, 2012. The advertisement of the proposal was as follows:

“A proposal has been filed on behalf of Rock Lake Holding Ltd. pursuant to *The Environment Act* for the construction and operation of a new domestic wastewater treatment lagoon located on SE 1-13-1 WPM in the Rural Municipality of Woodlands, to serve the Rock Lake Colony. The proposed development will consist of the construction of a new primary cell and a new secondary cell. Treated effluent from the wastewater treatment lagoon will be discharged between June 15<sup>th</sup> and November 1<sup>st</sup> of any year to Colony Creek (2<sup>nd</sup> Order Drain). The Colony Creek changes to an 3<sup>rd</sup> Order Drain downstream from Rock Lake Colony and flows into Sturgeon Creek (4<sup>th</sup> Order Drain) which is a tributary of the Assiniboine River. The existing lagoon will be decommissioned after the new lagoon is put into operation.”

The Proposal was advertised in the Stonewall Teulon Tribune on Thursday, February 7, 2013. It was placed in the Main, Millennium Public Library (Winnipeg) and Manitoba Eco-Network public registries and in the office of the Rural Municipality of Woodlands as a public registry location. It was also placed on the online public registry. The Proposal was distributed to TAC members on February 7, 2013. The closing date for comments from members of the public and TAC members was March 7, 2013.

### COMMENTS FROM THE PUBLIC

#### Concerned Citizens of Grosse Isle (Bill Massey, Chair)

The Concerned Citizens of Grosse Isle is a group of residents living close to Rock Lake Colony. Our group was formed in 2004 when the Colony proposed an expansion to their hog production facilities. At that time we reported some serious environmental infractions to Conservation and when Conservation investigated they discovered the Colony was operating an unlicensed human waste lagoon. Conservation started proceedings against the Colony at that time. When we inquired about the status of those proceedings in 2009 we were told that Conservation had “lost the file”. Conservation then began again to pursue the matter. The Colony started to comply when Conservation initiated a prosecution package last year.

A new sewage lagoon has just been constructed for the community of Grosse Isle (150 people) and Rosser (100 people) as well as the local district. We propose that Rock Lake Colony (140 people) connect with this system. We suggest they use the money they would spend on their own lagoon to post a bond to Rosser Municipality to be used for expansion of the Rosser lagoon in order to accommodate this proposal and future housing developments in Grosse Isle and Rosser. Running a line from the Colony down the Meridian Road South to mile 70 and across to mile 1 East to connect with the existing pipeline could accommodate another dozen residents in the RM of Rosser.

We are concerned about the environment with the building of yet another lagoon in our community. Coli-form tests done in Colony Creek next to the water resources offices were off the measurable scale. This poses a health risk to the people who work there as well as local residents. The lagoon in Rosser which also is situated on Colony Creek is much more isolated and better monitored. We understand that Lake Winnipeg is the most endangered lake in the world. Why are we proposing to build yet another lagoon in this watershed? Does the Government know how many lagoons and manure holding facilities we have in this immediate area already? This lagoon will also be directly in the flight path of migratory waterfowl. We find it ironic that the government is concerned about wildlife coming in contact with private landowners' sewage ejector systems yet is considering an open lagoon of this size. Are you aware the proposed site for this lagoon has been prone to flooding in the past?

We are concerned about public safety with this proposed lagoon. There is a possibility of a new residential housing development going up within a mile of this site. A barbed wire fence will not keep out children who might be playing in the area. Colony Creek runs through another property just downstream that is being considered for a future housing development. DGH Engineering is suggesting that sludge from the old lagoon may be spread on adjacent farmland. We understand the City of Winnipeg has abandoned this practice. Where would this sludge be spread? How close to the community will this occur? Will weather and moisture conditions be considered?

Over the years the apparent lack of concern the Colony demonstrates for the surrounding community has seriously undermined any confidence the community has for the Colony. For the past seven years, the Colony has not completed work on their hog manure storage facility which has created serious odor problems for nearby residents. Infractions of the Planning Act and environmental issues too numerous to mention here have contributed to this lack of confidence. Conservation, which holds a permit on the manure storage facility, and the Farm Practices Protection Board have not determined until just recently which government department is responsible to cause the Colony rectify this situation. The apparent mishandling of these situations by Conservation has created alarm and mistrust in the community.

In our opinion it is time for the Colony to become a responsible member of the community at large. They find themselves an important member of a highly populated area. As such they need to become "good neighbours" and participate in coordinated community development. As a part of the community the Colony could participate in the building of necessary and well planned infrastructure. This would relieve pressure on Provincial monitoring staff and the Colony. Public officials would then be in charge of the management of the lagoon. Environmental and public safety concerns would be addressed. We believe this to be a win-win idea for both the Colony and the community.

We appreciate the opportunity to respond to this proposal and want to discuss this further with you. We request a meeting with you at your earliest convenience.

Disposition:

Additional information was requested from the proponent's consultant to address these comments.

### **COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE**

#### **Manitoba Conservation and Water Stewardship - Sustainable Resource and Policy Management Branch and Lands Branch**

April 23, 2013: The Lands Branch notes that the proposal has no mention of nutrient management with respect to the effluent discharged. The proposed discharge route although not specifically identified in the proposal indicates the effluent will travel ten plus miles drainage ditch (2<sup>nd</sup> and 3<sup>rd</sup> order) before it enters Sturgeon Creek. With that length of travel uptake of effluent nutrient by the existing ditch vegetation would be anticipated. It would have been appropriate for the proponent to have provided details in regards to nutrient management prescriptions for the effluent as the drainage waters eventually enter Lake Winnipeg.

March 11, 2013: The Sustainable Resource and Policy Management Branch and the Lands Branch have no concerns and note that the land is under private tenure.

Disposition:

Additional information was requested to address the comment concerning nutrient management.

#### **Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch**

No comments to offer.

#### **Manitoba Conservation and Water Stewardship – Wildlife Branch**

Wildlife Branch does not have any concerns with the proposed project Client File #5059.00, but offers the following comment:

It is important to note that this region of Manitoba attracts large numbers of migrating Canada Geese. Any future land use developments (e.g. green space, water features, lagoons) need to consider the possibility of attracting geese, which may create conflicts with neighbours or lagoon operations. Wildlife Branch recommends that the project proponent consider this potential conflict during the planning phase and incorporate any required mitigation.

Wildlife Branch recommends that the project proponent consider reviewing the following website for more information:

[http://www.gov.mb.ca/conservation/wildlife/problem\\_wildlife/waterfowl\\_cranes.html](http://www.gov.mb.ca/conservation/wildlife/problem_wildlife/waterfowl_cranes.html)

The proponent may also want to contact the Urban Goose Management Committee for more information.

Disposition:

Additional information was requested to address this comment.

### **Manitoba Conservation and Water Stewardship – Fisheries Branch**

Fisheries Branch has reviewed this request to construct a new two cell wastewater treatment lagoon for Rock Lake Holding Ltd in SE 1-13-1 W. The cells will have a one meter clay liner. Effluent will be discharged to Colony Creek which flows into Sturgeon Creek, a tributary to the Assiniboine River, between June 15<sup>th</sup> and November 1<sup>st</sup>. Stone rip rap will be installed in the creek at the discharge location to protect the creek from erosion. The anticipated wastewater volume is 8,000 m<sup>3</sup>.

Fisheries Branch has a couple of concerns with this proposal. First it appears that the new lagoon location is almost adjacent to Colony Creek. Not sure if there are any setback requirements adjacent to surface waters for wastewater treatment lagoons but in the Provincial Land Use Policies we request 15 m adjacent from the high water mark of 1<sup>st</sup> and 2<sup>nd</sup> order creeks and 30 m on 3<sup>rd</sup> order and higher and lakes be retained as native vegetation. Is it possible to ensure a minimum of 15 m between the base of the outer cell and the creek?

Given the proximity of the proposed lagoon in the effluent is being discharged directly into Colony Creek. Fisheries Branch doesn't have a lot of fish information for this creek but know that it does support, at least seasonally, small bodied fish species. It also drains into Sturgeon Creek which provides habitat for large and small bodied fish species. The applicants do not mention the requirement to meet phosphorous limits and so have not discussed any nutrient reduction strategies. Would they not need to meet this requirement? If so could they please provide ideas on how they will.

It is important that the effluent meet or exceed Manitoba Water Quality Standards, Objectives and Guidelines at all times. It would also be more beneficial if the discharge outlet was located on the opposite side of the secondary cell so a longer discharge channel could be constructed for the effluent to travel prior to entering Second Creek. If they have to implement a nutrient reduction strategy a longer discharge channel with perhaps some pools could act to uptake nutrients if trickle discharge was implemented. Generally not sure when nutrient reduction strategies use uptake in the receiving surface water if Water Science Management requests monitoring but from our perspective it would be beneficial for the proponents to monitor the effluent in Colony Creek to confirm effectiveness... at least for a few years following the project and under different flow regimes.

Also it would be good to have the standard clause requesting erosion and sediment control measures during and after construction until the site has stabilized as a licence condition.

Disposition:

Additional information was requested to address these comments.

### **Manitoba Conservation and Water Stewardship – Office of Drinking Water**

The proposal notes the lagoon will be lined with impervious clay to Manitoba Conservation Standards and the discharged effluent will meet Manitoba Conservation quality requirements. The treated effluent discharges into a watercourse which is not used as a source for drinking water anywhere downstream of the discharge point. As such, Office of Drinking Water sees no cause for concern respecting safety of drinking water systems from this proposed development.

### **Manitoba Conservation and Water Stewardship – Water Use Licensing Section**

The Water Use Licensing Section rarely has reason to comment on an application for an Environment Act Licence for a Wastewater Treatment Lagoon.

However, the information contained in such applications on hydraulic loadings provides us with a useful check on compliance issues pertaining to the process that we administer, the use of water in excess of amounts that require licensing under The Water Rights Act.

Based on an annual hydraulic loading of 9200 cubic meters this community should have a water rights licence for municipal use but it does not.

This may be because they receive their treated water supplies from the regional water distribution system but the report does not indicate where the colony gets its water from.

Sometimes these reports include this information but in many cases they do not. In this case it does not.

Can you please ask the proponent where the colony gets its treated water from?

Disposition:

Additional information was requested to address these comments.

### **Manitoba Infrastructure and Transportation – Highway Planning and Design Branch, Environmental Services Section**

No concerns with the development as proposed.

## **Manitoba Municipal Government – Community and Regional Planning Branch**

The property is designated “Agricultural Area” in the RM of Woodlands Development Plan By-law No. 2548/08 and is zoned Agricultural General” in the Zoning By-law No. 2562/08.

The proposed lagoon site is located within the Rural Municipality of Woodlands, and in proximity to the boundaries between the Rural Municipalities of Woodlands, Rockwood and Rosser. The community of Grosse Isle, which spans the municipalities of Rockwood and Rosser, is approximately 1 mile southeast of the proposed site. Assessment records indicate 2 dwellings within 2640 feet of the proposed lagoon and 31 dwellings between 2640 and 5280 feet of the lagoon. Please see the attached. (Map attached – see page 8)

### **Canadian Environmental Assessment Agency**

As you know, the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) came into force in July 2012, focusing federal attention on those project proposals that have a greater potential for significant adverse environmental effects in areas of federal jurisdiction. The *Regulations Designating Physical Activities* identify the activities which, if carried out individually or in combination, would constitute a “designated project” that is subject to the requirements of CEAA 2012.

The proponent is responsible for confirming its federal regulatory responsibilities associated with its project. In your response to the proponent, please advise it to review the noted regulations (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/index.html>) and contact the Canadian Environmental Assessment Agency if its proposal includes any activity described.

### **ADDITIONAL INFORMATION**

Additional information to address public and Technical Advisory Committee comments on the Proposal was requested by letter on April 12, 2013. A supplementary request was made on April 25, 2013 to include further comments on the Proposal by the Lands Branch.

The proponent’s consultant responded to the additional information request in a letter of October 15, 2014. The response is attached. The response indicates that:

- the Colony has obtained a Water Rights Licence for its water use;
- it will follow any nutrient management requirements that may be required in an Environment Act Licence;
- the project is not anticipated to affect geese as the old existing lagoon of similar size will be decommissioned;
- the facility will be located slightly more than 15 m from Colony Creek; and
- the proponent does not intend to suspend the project in favor of using the Rural Municipality of Rosser wastewater treatment facility.

This information is satisfactory to address public and Technical Advisory Committee comments. All remaining matters can be addressed as licence conditions. In particular, nutrient management requirements can be addressed as licence conditions.

### **PUBLIC HEARING**

As no requests for a public hearing were made, a public hearing is not recommended.

### **CROWN-ABORIGINAL CONSULTATION**

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

The proposal involves the construction of a small wastewater treatment facility on privately owned agricultural land that is currently owned by the proponent. The proposed facility will replace an existing facility of similar size, and the existing facility will be decommissioned.

Since resource use is not adversely affected by the project, it is concluded that Crown-Aboriginal consultation is not required for the project.

### **RECOMMENDATION**

It is recommended that the Development be licensed under *The Environment Act* subject to the limits, terms and conditions as described on the attached draft Environment Act Licence. It is further recommended that enforcement of the Licence be retained by the Environmental Approvals Branch until construction of the wastewater treatment lagoon expansion is completed. Enforcement of the licence then should be assigned to the Central Region of the Environmental Compliance and Enforcement Branch.

Prepared by:

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Bruce Webb, P. Eng.

Environmental Approvals – Land Use and Energy Section  
(for Municipal and Industrial Section)

November 24, 2014

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October 15, 2014  
 Rafiqul Chowdhury, M.Eng., P.Eng.  
 Manitoba Conservation and Water Stewardship  
 Suite 180, 123 Main Street  
 Winnipeg, Manitoba, R3C 1A5

Dear Mr. Chowdhury:

**Re: Rock Lake Holding Ltd. – Wastewater Treatment Lagoon – Environment Act Proposal (File: 8069.00)**

This is in response to your letter dated April 12, and your e-mail dated April 25, 2013. Upon your request, responses to each individual requestor were prepared. Please find attached.

Should you have any questions or need any further information, please feel free to contact the undersigned.

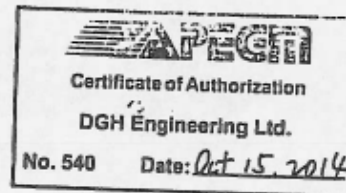
Respectfully submitted,

DGH Engineering Ltd.

Per

Charles Liu, P.Eng.

cc: Ben Hofer (204-822-5288)  
 Tracy Braun (tracy.braun@gov.mb.ca)



- 1. Response to the e-mail from Water Stewardship (Mr. Rob Matthews to Mr. Rafiqul Chowdhury, date February 10, 2013)**  
Rock Lake Holding Ltd. obtained a water rights licence (#2013-051).
- 2. Response to the e-mail from Manitoba Conservation (Mr. Jonathan Wiens to Mr. Rafiqul Chowdhury, date February 15, 2013)**  
The proposed lagoon is to be located approximately 180 metres north of the existing lagoon. The existing lagoon will be decommissioned after the proposed lagoon is in operation. No significant change in attracting geese can be expected from the operation of the proposed lagoon following decommissioning of the existing lagoon.
- 3. Response to the e-mail from Fisher Branch (Mr. Lauren Janusz to Mr. Rafiqul Chowdhury dated February 27, 2013)**

  - A minimum of 15 metres from Colony Creek  
The setback shown in the site plan C1 is 50 feet (15.2 metres). Please refer to the drawings.
  - Phosphorous limits  
The director will specify discharge effluent limits in the licence. Rock Lake Holding Ltd. will follow the terms, conditions, specifications and limits listed in the licence.
- 4. Response to the e-mail from Concerned Citizens of Grosse Isle (Mr. Bill Massey to Mr. Rafiqul Chowdhury dated March 1, 2013)**  
Rock Lake Holding Ltd. appreciates the invitation from the Concerned Citizens of Grosse Isle. Rock Lake Holding Ltd., however, has no plans to connect their domestic wastewater to the Grosse Isle Lagoon.
- 5. Response to the e-mail from Manitoba Conservation Land Branch (Ms. Adara Kalta to Mr. Rafiqul Chowdhury dated March 7, 2013)**  
This EAP is filed in accordance with the Manitoba Environment Act (C.C.S.M. c. E125). The director will specify discharge effluent limits in the licence. Rock Lake Holding Ltd. will follow the terms, conditions, specifications and limits listed in the licence.