

Manitoba



Conservation and Water Stewardship

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July 11, 2012

Mr. Levi Maendel  
Delta Colony Farms Ltd.  
R. R. 1  
Austin MB R0H 0C0

Dear Mr. Maendel:

**Re: Delta Colony Wastewater Treatment Lagoon – Environment Act Licence No. 2859 R (File: 5339.00)**

Jason Bunn of GENIVAR requested alterations to the licensed design of the above noted facility on February 15, 2012 and June 26, 2012 on your behalf. The alterations involved a change in the liner material from PVC to HDPE, the provision of a dewatering system, changes in the configuration of cover material and riprap on the liner, and a change in the fencing for the facility. As the environmental effects of these alterations is insignificant, the requested alterations can be approved pursuant to Section 14(2) of *The Environment Act*.

**Environment Act Licence No. 2859 R** is enclosed. This revised licence incorporates the requested alterations and updates numerous terms and conditions of the original licence issued in 2008.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

Should you have any questions concerning this Licence, please contact Bruce Webb of this office at (204) 945-7021 or by email at [bruce.webb@gov.mb.ca](mailto:bruce.webb@gov.mb.ca)

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

A handwritten signature in blue ink that reads "Tracey Braun".

Tracey Braun, M.Sc.  
Director  
Environment Act

Enc.

c. Jason Bunn, GENIVAR  
Don Labossiere/Yvonne Hawryliuk, Environmental Compliance and Enforcement  
Raymond Reichelt/Curt Bueckert, Environmental Compliance and Enforcement  
Public Registries

# LICENCE

Licence No. / Licence n° 2859 R  
Issue Date / Date de délivrance December 16, 2008  
Revised July 11, 2012

In accordance with The Environment Act (C.C.S.M. c. E125) /  
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1) and 14(2) to:

**THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:**

**WEST PLAINS HOLDING CO. LTD. (DELTA COLONY);**  
**"the Licencee"**

for the construction and operation of the Development being a wastewater treatment lagoon with a hydraulic storage capacity of 9,590 cubic metres (42.4 cubic metres per day average), located in NE 4-13-12 WPM in the Rural Municipality of Westbourne, with treated effluent to be discharged to the Gillespie Drain, in accordance with the Proposal filed under *The Environment Act* dated March 31, 2008, and additional information dated October 27, 2008, February 15, 2012, and June 26, 2012, and subject to the following specifications, limits, terms and conditions:

## **DEFINITIONS**

In this Licence,

"**accredited laboratory**" means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation and Water Stewardship to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

"**approved**" means approved by the Director or the assigned Environment Officer in writing;

"**ASAE**" means the American Society of Agricultural Engineers;

"**ASTM**" means the American Society for Testing and Materials;

"**Director**" means an employee so designated pursuant to *The Environment Act*;

"**effluent**" means treated wastewater flowing or pumped out of the wastewater treatment lagoon;

**\*\*A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***



**"Environment Officer"** means an employee so designated pursuant to *The Environment Act*;

**"fecal coliform"** means aerobic and facultative, Gram-negative, nonspore-forming, rod-shaped bacteria capable of growth at 44.5°C, and associated with fecal matter of warm-blooded animals;

**"five-day biochemical oxygen demand (BOD<sub>5</sub>)"** means that part of the oxygen demand usually associated with biochemical oxidation of organic matter within five days at a temperature of 20°C;

**"five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>)"** means that part of the oxygen demand usually associated with biochemical oxidation of carbonaceous organic matter within five days at a temperature of 20°C, excluding the oxygen demand usually associated with the biochemical oxidation of nitrogenous organic matter;

**"grab sample"** means a quantity of wastewater taken at a given place and time;

**"HDPE"** means high density polyethylene;

**"high water mark"** means the line on the interior surface of the primary and secondary cells which is normally reached when the cell is at the maximum allowable liquid level;

**"hydraulic conductivity"** means the quantity of water that will flow through a unit cross-sectional area of a porous material per unit of time under a hydraulic gradient of 1.0;

**"low water mark"** means the line on the interior surface of the primary and secondary cells which is normally reached when the cell is discharged;

**"mil"** means one-thousandth of an inch;

**"MPN Index"** means the most probable number of coliform organisms in a given volume of wastewater which, in accordance with statistical theory, would yield the observed test result with the greatest frequency;

**"odour nuisance"** means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to members of the public;

if the odour, smell or aroma

- d) is the subject of at least 5 written complaints received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c) and the Director

is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

**"primary cell"** means the first in a series of cells of the wastewater treatment lagoon system and which is the cell that receives the untreated wastewater;

**"record drawings"** means engineering drawings complete with all dimensions which indicate all features of the Development as it has actually been built;

**"riprap"** means small, broken stones or boulders placed compactly or irregularly on dykes or similar embankments for protection of earthen surfaces against the wave action or current;

**"secondary cell"** means a cell of the wastewater treatment lagoon system which is the cell that receives partially treated wastewater from the primary cell;

**"sewage"** means household and commercial wastewater that contains human waste;

**"Standard Methods for the Examination of Water and Wastewater"** means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

**"total coliform"** means a group of aerobic and facultative anaerobic, Gram-negative, nonspore-forming, rod-shaped bacteria, that ferment lactose with gas and acid formation within 48 hours at 35°C, and inhabit predominantly the intestines of man or animals, but are occasionally found elsewhere and include the sub-group of fecal coliform bacteria;

**"wastewater"** means the spent or used water of a community or industry which contains dissolved and suspended matter; and

**"wastewater treatment lagoon"** means the component of this development which consists of an impoundment into which wastewater is discharged for treatment and storage.

### GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall direct all wastewater generated within the Delta Colony toward the wastewater treatment lagoon or other approved sewage treatment facilities.

2. In addition to any of the following specifications, limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
  - a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
  - b) determine the environmental impact associated with the release of any pollutant from the Development; or
  - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
3. The Licencee shall submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.
4. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.
5. The Licencee shall actively participate in any future watershed-based management study, plan and/or nutrient reduction program, approved by the Director, for the Gillespie Drain, Pine Creek, the Whitemud River and associated waterways and watersheds.
6. The Licencee shall, in the event of a release, spill, leak, or discharge of a pollutant or contaminant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, immediately report the release, spill, leak, or discharge by calling 204-944-4888. The report shall indicate the nature of the release, spill, leak, or discharge, the time and estimated duration of the event and the reason for the release, spill, leak, or discharge.

### SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

#### Respecting Construction

7. The Licencee shall notify the assigned Environment Officer not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the name of the contractor responsible for the construction.

8. The Licencee shall dispose of non-reusable construction debris from the Development at a waste disposal ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* respecting *Waste Disposal Grounds*, or any future amendment thereof, or a Licence issued pursuant to *The Environment Act*.
9. The Licencee shall locate fuel storage and equipment servicing areas established for the construction and operation of the Development a minimum distance of 100 metres from any waterbody, and shall comply with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products* or any future amendment thereof.
10. The Licencee shall construct and maintain a continuous liner underlying the primary and secondary cells of the wastewater treatment lagoon, such that:
  - a) the liner is constructed from HDPE geomembrane;
  - b) the liner has a minimum thickness of 60 mils;
  - c) all sections of the liner are joined by dual track seaming;
  - d) the liner is installed in accordance with ASAE Standard EP340.2 for the Installation of Flexible Membrane Linings;
  - e) the liner is installed to a minimum elevation of 2.5 metres above the base of both the primary and secondary cells;
  - f) the hydraulic conductivity does not exceed  $3.0 \times 10^{-9}$  centimetres per second over the entire surface area of the liner;
  - g) non-destructive test methods are used to test the integrity of
    - i) all field seams joining liner sections in accordance with ASTM Standard D5820-95 (Reapproved 2006); and
    - ii) all other field seams in accordance with ASTM Standard D4437-99; and
  - h) a testing report is prepared and submitted to the assigned Environment Officer for approval, within 30 days of commencing the installation of the liner.
11. The Licencee shall cover surfaces of the liner of the wastewater treatment lagoon with cover material in accordance with information provided of June 26, 2012. Cover material shall be provided on the bottom of the primary and secondary cells, and on the sideslopes of the primary cell to the high water mark.
12. The Licencee shall construct and maintain a gas relief system under the liner for all cells of the wastewater treatment lagoon.
13. The Licencee shall notify the assigned Environment Officer one week prior to commencing the installation of the liner and the gas relief system.
14. The Licencee shall not cover the liner or use the wastewater treatment lagoon until receiving the approval of the assigned Environment Officer of the report submitted pursuant to sub-Clause 10 h) of this Licence.



15. The Licencee shall install and maintain a fence around the wastewater treatment lagoon to limit access. The fence shall be a minimum of 1.2 metres high and have a locking gate, which shall be locked at all times except to allow access to the wastewater treatment lagoon.
16. The Licencee shall:
  - a) prepare "record drawings" for the Development and shall label the drawings "Record Drawings"; and
  - b) provide to the Director, within four months of the Environment Officer's approval of the report required by sub-Clause 10 h) of this Licence, two electronic copies of the "record drawings".

### **Respecting Operation**

17. The Licencee shall obtain and maintain classification of the Development pursuant to *Manitoba Regulation 77/2003* respecting *Water and Wastewater Facility Operators* or any future amendment thereof and maintain compliance with all requirements of the regulation including, but not limited to, the preparation and maintenance of a Table of Organization, Emergency Response Plan and Standard Operating Procedures.
18. The Licencee shall carry out the operation of the Development with individuals properly certified to do so pursuant to *Manitoba Regulation 77/2003* respecting *Water and Wastewater Facility Operators* or any future amendment thereof.
19. The Licencee shall operate the wastewater treatment lagoon in such a manner that:
  - a) the organic loading on the primary cell, as indicated by the five-day biochemical oxygen demand, is not in excess of 56 kilograms per hectare per day;
  - b) the depth of liquid in all primary and secondary cells does not exceed 1.5 metres; and
  - c) a minimum 1.0 metre freeboard is maintained in the primary and secondary cells at all times.
20. The Licencee shall not discharge effluent from the wastewater treatment lagoon:
  - a) where the organic content of the effluent, as indicated by the five-day biochemical oxygen demand, is in excess of 25 milligrams per litre;
  - b) where the total suspended solids content of the effluent is in excess of 25 milligrams per litre, unless the exceedance is caused by algae;
  - c) where the fecal coliform content of the effluent, as indicated by the MPN index, is in excess of 200 per 100 millilitres of sample;
  - d) where the total coliform content of the effluent, as indicated by the MPN index, is in excess of 1500 per 100 millilitres of sample;
  - e) between the 1st day of November of any year and the 15th day of June of the following year;
  - f) when flooding from any cause is occurring along the discharge route; or
  - g) when the discharge of effluent will cause or contribute to flooding in or along the discharge route.
21. The Licencee shall, when chlorine is used as a disinfecting agent:

- a) notify the Director in advance;
  - b) dechlorinate effluent prior to discharge;
  - c) obtain grab samples prior to and daily during the discharge period and have them analyzed for total residual chlorine; and
  - d) not discharge effluent where the concentration of the total residual chlorine is in excess of 0.02 milligrams per litre.
22. The Licencee shall, when discharging effluent from the wastewater treatment lagoon after June 15 of any year, limit the rate of discharge to 5 litres per second. A higher rate of discharge may be used if the depth of liquid in the primary cell of the wastewater treatment lagoon reaches 1.5 metres during the discharge period, or during a discharge after October 1 of any year.

#### **Respecting Maintenance**

23. The Licencee shall provide and maintain a grass cover on the exterior of the dykes of the wastewater treatment lagoon and shall regulate the growth of the vegetation so that the height of the vegetation does not exceed 0.3 metres on all dykes.
24. The Licencee shall annually remove by mechanical methods all reeds, rushes and trees located above the low water mark in every cell of the wastewater treatment lagoon.
25. The Licencee shall implement an ongoing program to remove burrowing animals from the site of the wastewater treatment lagoon.

#### **Respecting Decommissioning of the Existing Wastewater Treatment Lagoon:**

26. The Licencee shall, after placing the Development into operation, decommission the existing wastewater disposal field located in NE 4-13-12 WPM by transferring any liquid at the ground surface to the primary cell of the Development, removing piping within 1 metre of the ground surface and leveling the site.

#### **MONITORING AND REPORTING SPECIFICATIONS**

27. The Licencee shall, unless otherwise specified in this Licence:
- a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the Standard Methods for the Examination of Water and Wastewater, or in accordance with equivalent preservation and analytical methodologies approved by the Director;
  - b) have all analytical determinations undertaken by an accredited laboratory; and
  - c) report the results to the Director, in writing and in an electronic format acceptable to the Director, within 60 days of the samples being taken.




28. The Licencee shall prior to each effluent discharge campaign obtain grab samples of the treated wastewater and have them analyzed for:
- a) the organic content as indicated by the five day biochemical oxygen demand and expressed as milligrams per litre;
  - b) the organic content as indicated by the five-day carbonaceous biochemical oxygen demand and expressed as milligrams per litre;
  - c) the total suspended solids content expressed as milligrams per litre;
  - d) the fecal coliform content as indicated by the MPN index and expressed as MPN per 100 millilitres per sample; and
  - e) the total coliform content as indicated by the MPN index and expressed as MPN per 100 millilitres per sample.
29. The Licencee shall:
- a) during each year maintain records of:
    - i) reports of visual inspections conducted a minimum of once per month;
    - ii) wastewater sample dates;
    - iii) original copies of laboratory analytical results of the sampled wastewater; and
    - iv) effluent discharge dates;
  - b) make the records being maintained pursuant to sub-Clause 29 a) of this Licence available to an Environment Officer upon request; and
  - c) keep the maintained records of any one calendar year available for inspection for a period of three years following the respective calendar year in which they were recorded.
30. The Licencee shall immediately notify the Director each time the operating depth of any cell of the wastewater treatment lagoon exceeds the maximum operating depth for that cell as specified in this Licence.
31. The Licencee shall, if reporting is required pursuant to Clause 30 of this Licence in two consecutive years:
- a) engage the services of a qualified consultant, acceptable to the Director, to undertake an investigation of the Facility and related infrastructure, to determine the ability or inability of the existing system to meet the hydraulic loading capacity of the Delta Colony. The investigation shall include but not be necessarily limited to:
    - i) diagnosis of the cause(s) of the recent exceedances of maximum operating depth;
    - ii) sources of infiltration into the wastewater system;
    - iii) current hydraulic loading of the system; and
    - iv) lack of storage capacity due to sludge build-up within existing cells and the organic loading on the primary cell in terms of the five day biochemical oxygen demand;
  - b) provide to the Director, within four months of the notification given pursuant to Clause 30 of this Licence, an engineering report describing in detail the results and observations concluded by virtue of the investigation; and
  - c) provide to the Director, within four months of the report provided pursuant to sub-Clause b) of this section, a remedial action plan in the form of a detailed engineering report describing

recommended modifications, repairs or upgrading works to overcome excessive hydraulic loading of the system.

32. The Licencee shall, during the first year of operation of the Development following the construction of the wastewater treatment lagoon that a discharge must occur, obtain and analyze grab samples of the effluent during each effluent discharge campaign and report the results of the analysis in accordance with Schedule "A" attached to this Licence.

### REVIEW AND REVOCATION

- A. Environment Act Licence No. 2859 is hereby rescinded.
- B. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- C. If the Licencee has not commenced construction of the Development within three years of the date of this Licence, the Licence is revoked.
- D. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of *The Environment Act*.

  
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Tracey Braun, M.Sc.  
Director  
Environment Act

Client File No.: 5339.00

Schedule "A" to Environment Act Licence No. 2859 R

Initial Characterization of Wastewater Pursuant to Clause 32

Facility Size: Very small (less than 500 m<sup>3</sup>/day)

Facility Type: Facultative wastewater treatment lagoon - intermittent discharge

Effluent Sampling:

During the first year of operation, for all discharge events:

1. Obtain a representative grab sample of the discharging effluent near the beginning of the discharge period and near the end of the discharge period (i.e., two samples for each discharge event); and
2. Determine the temperature of each sample at the time of sampling.

Effluent Analysis:

1. For each grab sample, have the grab sample analyzed for:
  - a) the organic content as indicated by the five-day biochemical oxygen demand and expressed as milligrams per litre;
  - b) the organic content as indicated by the five-day carbonaceous biochemical oxygen demand and expressed as milligrams per litre;
  - c) the total suspended solids content expressed as milligrams per litre;
  - d) the *Esherichia coli* (*E. Coli*) content as indicated by the MPN index and expressed as MPN per 100 millilitres per sample;
  - e) the fecal coliform content as indicated by the MPN index and expressed as MPN per 100 millilitres per sample;
  - f) the total coliform content as indicated by the MPN index and expressed as MPN per 100 millilitres per sample;
  - g) if chlorine was used as a disinfecting agent, total residual chlorine expressed as milligrams per litre;
  - h) total ammonia nitrogen expressed as milligrams per litre;
  - i) nitrate-nitrite nitrogen expressed as milligrams per litre;
  - j) total kjeldahl nitrogen (TKN) expressed as milligrams per litre;
  - k) dissolved phosphorus expressed as milligrams per litre;
  - l) total phosphorus expressed as milligrams per litre; and
  - m) pH.

Effluent Reporting:

1. For each grab sample, report the results to the Director, in writing or in an electronic format acceptable to the Director within 60 days of the sampling date. The report shall include the sampling date, sample temperature, the dates of the effluent discharge, and copies of the laboratory analytical results of the sampled effluent.