

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: MS. TRACY ROY
PROPOSAL NAME: VITERRA INC.
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
Anhydrous Ammonia Storage and
Distribution Facility

CLIENT FILE NO.: 5407.00

OVERVIEW:

A Proposal has been filed by Viterra Inc. for the construction and operation of a anhydrous ammonia storage tank and distribution facility to be located at NE 16-03-23 WPM on the west side of Provincial Highway No. 21, approximately 3.5 kilometers northwest of the Town of Deloraine, Manitoba in the Rural Municipality of Winchester.

No public concerns were received in response to the advertisement of this proposal in the Deloraine Times and Star published on Saturday May 9, 2009. The proposal was placed in the Public Registries at the Millennium Public Library, the Manitoba Eco-Network, the Environment Library (Main) and the Rural Municipality of Winchester office. The proposal was distributed to TAC on May 4, 2009, with the closing date for TAC and Public comments on June 9, 2009 which was later extended to June 16, 2009.

COMMENTS FROM THE PUBLIC:

No public responses were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency has reviewed the proposal and identified the project has no trigger under section 5, of CEAA, however the proponent was advised the project may be subject to the Environmental Emergency Regulations (E2 Regulations). Information on how the proponent can access the regulations was provided.

Conservation (Pollution Prevention Branch)

No comments.

Conservation (Parks and Natural Areas Branch)

No comments.

Conservation (Sustainable Resource and Policy Management Branch)

No concerns.

Health and Healthy Living, Assiniboine and Brandon Regional Health Authorities

1. Environment License clauses should address the following:
 - i. please ensure that containment measures meet applicable guidelines
 - ii. maintain current inventory lists in designated areas
 - iii. availability for review of emergency response plan
2. The proposal involves the relocation to a new location “for the purpose of moving chemical storage further away from urban surroundings”. According to the 2000 Emergency Response Guidebook for Dangerous goods/Hazardous Materials Incidents, evacuation distances for large spills could be up to 1.1km or 0.7miles. Fire evacuations could be as much as 1600m or 1 mile.
 - i) Have evacuation distances been taken into consideration when siting the tanks?
 - ii) Similarly, what is the distance of the nearest residences?

Disposition:

The concerns are addressed in point one are in the draft license. The concerns addressed in point two regarding the location of residences with concern to setback distances is provided in Intergovernmental Affairs comments (point eight and nine).

Culture, Heritage and Tourism (Historic Resources Branch) have no concerns with regard to this project’s potential to impact heritage resources.

If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Disposition:

Comments were forwarded to the proponent for information.

Intergovernmental Affairs Department (Community Planning Services Branch) has reviewed the information provided regarding the proposal and can offer the following comments:

1. The chosen site for the proposed facility is located about two miles north of the Town of Deloraine in the RM of Winchester.
2. Site plan indicates that the proposed facility will be located along the northern boundary in the north east corner of the subject quarter section of land.
3. The entire quarter section has been used for agricultural purposes (i.e. annual cropping) and contains no agricultural or residential buildings.
4. The proposed site will be 9.2 acres in size and is currently subject to a subdivision application intended to create a separate title for the proposed small land holding.
5. The subdivision application has received conditional approval which includes requirements for a provincial Highway Traffic Board permit and for Conditional Use and Variation Orders approved by municipal Council.

6. The site is designated Agricultural-General by the Del-Win Development Plan By-law and Zoned “AG” Agricultural (General) by the Winchester Zoning By-law.
7. Anhydrous Ammonia Facilities are allowed as a conditional use in the “AG” Zone which also sets a maximum site area of 5.0 acres for this land use; these requirements will be fulfilled with the issuance of the two Orders noted above.
8. The Zoning By-law also requires anhydrous facilities to be setback a minimum of 2640 feet from any habitable building and 330 feet from any public road; the proposed facility can meet these setback requirements.
9. The attached PDF airphoto shows the location of two farmyards with farm dwellings as follows:
 - NW 22 (Schoonbaert) @ 1.6 miles or more than 8400 feet
 - SW15 (Sunaert) @ 1.5 miles or more than 8200 feet.
10. Other historic farmyards in the area are vacant and unused for residential purposes.
11. The site plan shows the proposed anhydrous tanks will be located 335 feet from the southern boundary of the right-of-way for the public road to the north and a larger distance from the ROW for PTH 3 and 21 to the east.
12. It can be concluded that the proposed anhydrous ammonia facility site can meet all requirements of the local zoning by-law.
13. CPS has not identified any land use issues in it’s review of the proposed development.
14. The removal of the existing anhydrous ammonia tank from the existing site just south of the Town of Deloraine and moving it to the proposed site north of Deloraine is welcome news to local residents.
15. This change of tank location will allow for future development on the south part of the Town which has, until now, been hindered because of the close proximity of the existing anhydrous ammonia tank facility.

Infrastructure and Transportation

No comments.

Water Stewardship states given the physical properties of the anhydrous ammonia, if released from the storage containers on site into the atmosphere, the ammonia will transform to its gaseous form, having little direct influence on surface water. Water will be stored on site for the purposes of health and safety, so that given exposure to the anhydrous ammonia; exposed workers would be treated with stored water to mitigate injury.

Although there is little surface water within close proximity to the proposed storage and distribution facility site, the emergency response plan that will be prepared by Viterra Inc., should ensure that any contaminated water would be contained on site or redirected appropriately to avoid interaction with surface water.

Disposition:

Comments were forwarded to the proponent for information.

PUBLIC HEARING:

No public hearing will be conducted.

RECOMMENDATION:

All provincial comments received on the Proposal can be addressed as licence conditions, or have been forwarded to the Applicant's representative for information. Therefore, 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 assigned to the Western Region.

PREPARED BY:

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June 17, 2009
Revised July 13, 2009

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