

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: JMT Holdings Inc.
PROPOSAL NAME: JMT– Concrete Batch Plants.
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Concrete Batch Plant -
CLIENT FILE NO.: 5710.00

OVERVIEW:

Manitoba Conservation and Water Stewardship received a Proposal on April 25, 2014 for the construction and operation of a concrete batch plant at Lot 3 Plan 28571 WLTO in OTM Lots 1 and 2 Parish of Saint Paul in the Rural Municipality of West Saint Paul, Manitoba. The facility manufactures ready-mix concrete and supplies mainly Winnipeg and nearby locations.

The Department, on May 16, 2014, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library in Winnipeg and online at <http://www.gov.mb.ca/conservation/eal/registries/5710jmt/index.html>. Copies of the Proposal were also provided to the Technical Advisory Committee (TAC) members. A notice of the Environment Act proposal was also placed in the Winnipeg Free Press on May 17, 2014. The newspaper and TAC notifications invited responses until June 17, 2014.

COMMENTS FROM THE PUBLIC:

Mike Chahal

June 17, 2014

My name is Mike Chahal and I am a resident of West St Paul. I am writing to oppose this concrete plant in West St Paul without further information. I am against this proposal.

Jaspreet Chahal

June 17, 2014

My full name is Jaspreet Chahal and I would like to know about the exact operations of the plant volume etc. Also want to know if they are going to address drainage issues

Jp Chahal

June 17, 2014

I am writing to oppose the application for the concrete batch plant in West St Paul until more information is made available. I live in West St Paul and have properties that will directly be affected by this proposal.

Harinder Chahal

June 17, 2014

Hi, my name is Harinder Chahal and I am a resident of West St. Paul. I am writing to oppose the proposal for a concrete batch plant in West St. Paul.

I am opposing the concrete plant development for the following reasons:

1. *Noise pollution*
2. *Drainage - preparation and execution of an engineered study*
3. *Dust and debris pollution*
4. *Eye sore to the area- am planning to build a new house near the area and this would bring my property value down*
5. *Doesn't fit into what I imagine a growing community to look like*
6. *Many developers are spending a lot of money to create a beautiful residential area and this concrete plant would deter possible buyers*

Ganni Maan

June 17, 2014

My name is Ganni Maan and I reside at West St Paul MB. I am against / opposed to the JMT holdings Inc - concrete batch plant file 5710.00.

My main concern is noise, pollution, and location. We have a large subdivision on the north side of the perimeter off Addis Rd. On the opposite side of the hwy or adjacent to this proposed plant (subdivision called Kings Landing)

Large \$1 Million + homes are being constructed in this prestigious neighborhood. I fear the noise and industrial nature will impact the value of the homes and lifestyle of the residents. The location of this proposed plant is in direct conflict with the living environment our sub division was founded on and approved by the RM of West St. Paul.

This proposed plant is not in the best interest of the residents of Kings Landing and will cause irrevocable damage to there are associated with industrial lands. Namely noise, pollution, smell, and numerous drainage issues along the North Perimeter Highway.

This proposition is not only irresponsible in its planning but goes against any disclosure given to us at the time of our development agreement approval. The proximity to our subdivision is absolutely unacceptable.

Sporadically placing industrial lands near residential developments is incredibly poor planning. These proposals belong in established industrial grounds. The city of Winnipeg has allocated numerous other sites with these intentions. I don't feel this site is adequate and I will heavily oppose.

Deep Singh

June 17, 2014

This is Deep Singh and i am currently a property owner and soon be building a house across the street of this proposed concrete batch plant. I am very concerned that this plant will result in so much noise pollution, dirt and decree. In addition it will effect the look of the area resulting in less people interested in moving into west st paul. I firmly oppose the idea of putting a concrete batch plan in this area. Hopefully your organization will take my concern in account before taking any steps.

M. Moszynski

June 16, 2014

RE: J M T Holdings Inc. Client file #5710.00

"MISSION: The Environmental Approvals Branch will ensure that developments are regulated in a manner that protects the environment and public health, and sustains a high quality of life for present and future Manitobans"

It is not the intent of the `Healthy Living` initiative and the above mission statement to allow for existing residents and a growing community (over a hundred new homes & Families being developed) be intentionally exposed to adverse environmental conditions.

We do not believe this is what the government will accept with the proposed JMT project. Therefore we are opposed to the J M T Holdings Inc. Client file #5710.00 project and need the support of your department to assist residents by recognizing the errors of the West St. Paul Government and to not allow our community (Mothers, Fathers and Children) the unneeded exposure to adverse cumulative environmental contaminants and conditions. We do not believe that this "sustains a high quality of life for present and future Manitobans"

The JMT proposal is misleading with the dated picture (2009) and how they portray the isolated nature of the proposed operation in relation to local residents is concerning. The existing plant along with the proposed plant and the B&B soil yard (which is always emitting composting and manure odors) along with the increased truck and dust exceeds what residents should be exposed to. Besides the already high volume of dump trucks, tractors, noise and dust loads created by existing operations, the new plant is estimating 40 loads per day which means 80 truck passes and does not include employee traffic, supply trucks etc. Additionally the existing entrance onto the north perimeter highway at 2nd street has been scheduled for closure by MIT due to its unsafe proximity to the highway 8 interchange resulting in a further increase of truck traffic and dust by utilizing service roads. Additionally the noise, dust, heavy equipment operating within the plant site has a high possibility of contaminating the communities' ground water is an unacceptable risk to public health.

The JMT operation will produce unhealthy conditions and should not be reviewed on its own as the cumulative effects of all other operations (existing concrete tower and B&B soils) is required.

We would strongly encourage you and the Minister to visit this location and see the proximity to families and the negative environmental and health impact this has on the residents who live there and call this home. We would also encourage you to review the hasty nature in which the RM changed the zoning to heavy industrial in order to accommodate this plant at the expense of people's health.

The local residents are anticipating your protection of our public health.

Winfried Roemer

June 13, 2014

Dear Sir , I would like to advise you that I am against the proposed batch plant .The ever increasing amount of traffic in our area is creating an excessive amount of dust on our secondary roads . Not only is this a health hazard but it is also impossible to keep out of the home., Thank you for your attension to this matter.

Lloyd Buhay

June 11, 2014

I am very much opposed to "ANOTHER" concrete batch plant that has been proposed by J M T Holdings Inc. Client file #5710.00 at the corner of Emes Rd & Second St. in West St. Paul. We are already struggling with the heavy truck traffic road dust off Gardenview Dr(the service road on the south side of the North Perimeter Hwy) from the existing La Farge concrete batch plant on Second St. The prevailing south east wind place my family & others in direct line of the dust generated by these operations. The dust from the existing piles of rubble???? on the proposed concrete batch plant site has already begun to affect us. Also there are 2 residential developments of 14 & 47 dwellings that are in the works in the "immediate" area. It is not fair to the unsuspecting home owners to have to deal with these less than desirable living conditions. It is my understanding that the area for the proposed concrete batch plant was originally planned as a business park but somehow has been changed to heavy industrial. I will thank you in advance for your serious consideration in this matter.

Proponent Response on August 7, 2014

Response to Public Comments:

Mike Chahal:

Detailed information was provided at the public hearings held.

Jaspreet Chahal:

Volumes of concrete will be in the order of 15 to 20,000 M3 to start. Drainage on the property shall be in accordance with the drainage plan provided to the RM.

Harinder Chahal:

1. Noise pollution was addressed and discussed at the public hearing. Noise levels are within norms and will not negatively affect anyone in the area.
2. Drainage shall be in accordance with the drainage plan provided.
3. Dust and debris will be limited and controlled with berms, plantings and watering down surfaces and stockpiles. In addition parking will be paved with asphalt milling instead of limestone.
4. This is a designated industrial park. There are existing industrial uses in the area and as submitted to the RM the level of development complete with landscaping etc... will enhance the area and likely have a positive affect on property values.

Ganni Mann:

The development that you speak of is a great distance away from the operation. There will be absolutely no chance of any noise, dust, odors etc, affecting residents that are almost 3km away.

Harvey Sandu;

This is an industrial park with existing industrial uses. The lot across the street from the plant is not zoned for residential use and also makes part of the business park.

Winfried Roemer;

This is an industrial park with industrial uses. Due to the lack of residents in the area this was earmarked by the province and RM as the best area for Industry. The RM has future plans to eventually pave the roads which local business has expressed interest in all sharing the cost in order to do so in the future.

Lloyd Buhay

As mentioned in our proposal we have measures in place to control dust and keep it on our property. The roads are in place for a business park and accessible to all. There are no residential developments in the 'immediate' area that would be negatively affected by our operations.

M. Moszynski

Our environmental mitigation measures outlined in the proposal address potential concerns regarding public health and our workplace safety and health program also requires us to maintain a safe workplace for our workers at the site. Implementation of our environmental mitigation measures will protect groundwater. We will also be addressing concerns identified by the Winnipeg Regional Health Authority. We trust that this addresses all your concerns and thank you for your input in this process.

Disposition

The proponent addressed most of the concerns raised during the EAP review period. In addition, the draft Environment Act Licence clauses 9 and 12 address the issue of dust emissions by requiring no visible particulate deposition beyond the property line of the Development. Clauses 10 and 11 address noise and odour nuisance while clauses 28 to 32 address issues related to wastewater and drainage. Clause 24 of the draft licence also requires a complaint handling plan.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Canadian Environmental Assessment Agency

No Comments.

Manitoba Agriculture – Land Use Branch

No Response.

Manitoba Conservation and Water Stewardship – Compliance and Enforcement Branch

Environmental Compliance and Enforcement has reviewed the subject Environment Act Proposal and offers the following comments:

- *The proposal discusses environmental hazards and mitigation measures associated with diesel fuel storage tank(s). However, tank system details such as capacity are not specified.*
- *The proponent should be advised that petroleum storage tank systems must meet the requirements of the Storage and Handling of Petroleum Products and Allied Products Regulation (MR 188/2001). This includes requirements for permits from this Department to construct and operate aboveground petroleum storage tank systems of 5 000 L capacity or greater, and underground systems of any size.*

The Proponent Response on August 7, 2014:

The fuel tank will be an aboveground tank. The exact size fuel tank is yet to be determined but it is expected to be less than 5000L. If the tank exceeds 5000L we will follow the requirements of Storage and Handling of petroleum Products and Allied Products Regulation (MR 188/2001).

Disposition

Environmental Compliance and Enforcement Branch has reviewed the response and has no further comment.

Manitoba Conservation and Water Stewardship – Programs and Strategies Branch – Air Quality Section

Air Quality Section has reviewed the above proposal and provides the following comments:

- It is expected that there will be no significant impact on air quality (a) if the cement silo is equipped with dust control equipment and is properly maintained, and (b) provided that other dust control measures (e.g., watering, pavement of high vehicle traffic area, sweeping etc.) as outlined in the Best Environmental Management Practices for Redi-Mix Concrete Plants (Manitoba Heavy Construction Association) are implemented.*
- Air Quality Section suggests that the EA License clause regarding noise nuisance be included.*

Disposition

Clause 6 of the draft Environment Act Licence requires compliance to “Manitoba Heavy Construction Association Best Environmental and Safety Management Practice Redi-Mix Concrete Facilities” while clause 10 addresses noise nuisance.

Manitoba Conservation and Water Stewardship – Wildlife Branch

No Comments

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

Parks and Protected Spaces Branch has reviewed the proposals submitted in pursuant to the Environment Act for review/ comment - JMT Concrete Batch Plant EAP File: 5710.00. The Branch has no comments or concerns to offer as it does not affect any provincial parks, park reserves, ecological reserves, areas of special interest, or proposed protected areas.

Manitoba Conservation and Water Stewardship – Forestry Branch

No Response.

Manitoba Conservation and Water Stewardship – Aboriginal Relations Branch

No Response.

Manitoba Conservation and Water Stewardship – Lands Branch

No Concerns.

Manitoba Conservation and Water Stewardship – Water Quality Management Section

The above noted proposal has been reviewed and the following comments are provided by the Water Quality Management Section with respect to surface water quality.

- *Any contaminated liquid generated at the facility or site where mobile equipment is used (i.e. cleaning of truck boxes, fuel spillage) must be contained and all efforts to ensure the protection of groundwater and surface water resources should be implemented.*
- *It is recommended that the Licencee shall meet or exceed the environmental management guidelines put forward by the Manitoba Heavy Construction Association concerning Ready Mix Concrete Plants and the Canadian Ready Mixed Concrete Association.*
- *The proponent to develop and implement an Emergency Response Plan.*

If you have any questions, please do not hesitate to contact me using the information provided above.

Disposition

Clauses 27 to 29 of the draft Environment Act Licence address washout water and wastewater management and handling issues. In addition clause 6 requires adherence to “Manitoba Heavy Construction Association Best Environmental and Safety Management Practice”. Clause 33 of the draft Environment Act Licence addresses issues related to emergencies.

Manitoba Conservation and Water Stewardship – Groundwater Management Section

No Response.

Manitoba Conservation and Water Stewardship– Fisheries Branch

No Response.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

No Concerns.

Manitoba Conservation and Water Stewardship– Water Use Licensing Section

How much water will the plant use in a 12 month period?

The Proponent Response on August 7, 2014:

The expected water usage for the concrete batch plant operation and dust control activities such as watering stockpiles, watering access routes will be approximately 550,000 imperial gallons in a 12 month period — this is the water usage predicted once the plant reaches peak production which is not expected to be reached until year two or three.

Disposition

Water Use Licensing Section reviewed the response and has no further comment.

Manitoba Conservation and Water Stewardship – Water Control Works Licensing Section

No Concerns.

Manitoba Conservation and Water Stewardship– Climate Green Initiative Branch

No Response.

Manitoba Conservation and Water Stewardship– Regional Services Branch

No Response.

Manitoba Culture, Heritage and Tourism – Heritage Branch

No Response.

Manitoba Municipal Government – Energy Branch

No Comments.

Manitoba Mineral Resources – Petroleum Branch

No Concerns.

Manitoba Infrastructure and Transportation – Flood Forecasting Branch

No Response.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

No Concerns.

Manitoba Intergovernmental Affairs

No Response.

Manitoba Health – Environmental Health Unit

Due to the proximity of this facility to a residential area and the nature of the operations, I do have some concerns about noise levels for residents located immediately across the tracks from this facility. Recorded sounds levels, as well as the projected sound levels in the residential area, are concerning, especially with the extended hours of this operation.

Further examination of sound mitigation options and efforts, including the sound reduction ability of the building located on the premises, are recommended.

The Proponent Response on August 7, 2014:

Noise level exposures for residents in the area are not expected to be of concern but we can perform a noise exposure assessment if required to do so — and enhance noise reduction efforts if noise levels are of concern, Although we are not certain what residential area is being referred to – there’s not a nearby residential area across the tracks from the proposed facility location (there are no railroad tracks in the vicinity of the proposed facility location).

Disposition

Manitoba Health reviewed the response and has no further comment. In addition clause 10 of the draft Licence addresses noise nuisance.

Manitoba Labour – Office of Fire Commissioner

The proponent shall submit an updated fire safety plan, in accordance with section 2.8 of the Manitoba Fire Code, to the local fire authority in West St. Paul.

Disposition

The proponent is informed the requirement. In addition the draft Licence requires the proponent to comply with any other legislative requirements.

Manitoba Labour – Work Place Safety & Health

No Response

PUBLIC HEARING:

Eight public comments have been received that have concerns on the Development. The public did not request a public consultation or hearing on the Development. All of the public concerns have been addressed through the licence clauses. A public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes that 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.

This facility is located on a private land zoned for industrial use in the Rural Municipality of West Saint Paul. There would be no infringement of aboriginal or treaty rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

The Proponent should be issued a Licence for the construction and operation of a concrete batch plant in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Conservation and Water Stewardship.

A draft Environment Act Licence is attached for the Director's consideration.

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