

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Crop Production Services (Canada) Inc.
PROPOSAL NAME: Anhydrous Ammonia Storage and Handling Facility
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5852.00

OVERVIEW:

Manitoba Sustainable Development received a proposal on February 10, 2015 for the continued operation of a anhydrous ammonia storage and handling facility located at SE 3-23-2 EPM in the Municipality of Bifrost-Riverton, Manitoba. The development consists of two 60 metric tonnes anhydrous ammonia storage vessels.

The Department, on October 5, 2016, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/sd/eal/registries/5852cpsarborg/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 Interlake Spectator on Wednesday October 5, 2016. The newspaper and TAC notifications invited responses until November 4, 2016.

COMMENTS FROM THE PUBLIC:

No Comments

SUMMARY of COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	
2	Manitoba Agriculture – Land Use Branch	
3	Manitoba Sustainable Development –	
	<ul style="list-style-type: none"> • Compliance and Enforcement Branch • Climate Change and Air Quality Branch • Wildlife and Fisheries Branch • Parks and Protected Spaces Branch • Forestry Branch • Indigenous Relations Branch • Lands Branch • Water Quality Management Section • Groundwater Management Section • Office of Drinking Water • Water Use Licensing Section • Water Control Works Licensing Section • Regional Services Branch 	<p>No concerns.</p> <p>No comment.</p> <p>No concerns.</p> <p>No concerns.</p> <p>October 3, 2016</p>
4	Manitoba Sport, Culture, and Heritage – Heritage Branch	
5	Manitoba Growth, Enterprise and Trade –	
	<ul style="list-style-type: none"> • Energy Development Branch • Petroleum Branch • Office of Fire Commissioner • Work Place Safety & Health 	
6	Manitoba Infrastructure –	
	<ul style="list-style-type: none"> • Flood Forecasting Branch • Highway Planning and Design Branch 	No concern.
7	Manitoba Indigenous and Municipal Relations	October 3, 2016
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	

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

<http://www.gov.mb.ca/sd/eal/registries/5852cpsarborg/index.html>

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Sustainable Development– Water Control Works Licensing Section

Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf

Disposition: Information forwarded to the proponent.

Manitoba Indigenous and Municipal Relations

Comment : No concerns with this proposal; However at this location, under municipal jurisdiction, an Anhydrous Ammonia Storage /Handling Facility requires a Conditional Use Order from the RM of Bifrost- Riverton via the Eastern Interlake Planning District, to be in compliance with municipal bylaws as detailed below.

Overview:

Purpose: Crop Productions Services (Canada) Inc. – Arborg – Anhydrous Ammonia Storage /Handling Facility-Operational Approval (previously Viterra Inc. retail outlet – as indicated by proponent)
Site size: 8.04 ACRES
Location: Approximately 2.5 -3 miles North of Arborg/ site surrounded by agricultural crop production. Closest Dwelling to Site - approx ¼ mile South
Legal: Pt. SE 3-23-2 EM - Municipality of Bifrost-Riverton
Designation: The site is designated *Agricultural Area* under the Eastern Interlake Planning District Development Plan By-law No. 02-2010
Zone: The site is zoned **AG -Agricultural General Zone** under the RM Bifrost Zoning By law No 4-2011.

The ZBL defines as follows :

Bulk Oil or Chemical Storage Area: means a premises primarily intended for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals; fertilizers; and other potentially obnoxious, explosive, or hazardous materials, chemicals, gases or fluids. The sale or distribution of such materials, chemicals, gases or fluids are primarily intended to be on a wholesale basis to commercial or industrial users, or to customers such as farmers, who normally buy in large volume or in bulk. A bulk oil or chemical storage area is situated, operated, or used only in accordance with all environmental safety standards, laws, and regulations.

ZBL Part IV Section 74.0 , General Provisions, has specific yard requirements, which the proposal appears to be in compliance with:

74.0 Anhydrous Ammonia Facilities

Unless varied by Council pursuant to the Planning Act, anhydrous ammonia facilities shall not be located:

- (1) within 2,640 feet (1/2 mile) of a residential, general development or seasonal recreation zone;
- (2) within 300 feet of a dwelling; or
- (3) within 328 feet (100 metres) of the edge of right-of-way of a highway or road.

The requirements noted above shall be deemed to be yard requirements for the purpose of this section.

An Anhydrous Ammonia Storage /Handling Facility requires a Conditional Use Order as per ZBL Section 31.4 below, in accordance with the provisions of Section 59 of The Planning Act.

PART III: SECTIONS 30 - 32
AGRICULTURAL ZONES

031.0 AG: Agricultural General Zone

31.1 General Purpose

The "AG" Agricultural General Zone is intended for general agricultural purposes including grain production, dairying, pasturage, apiculture, market gardening, horticulture, silviculture, and for livestock and poultry production on a commercial scale.

<p>31.2 Permitted Uses</p> <table border="0"> <tr> <td>1) Accessory Uses, Building and Structure</td> <td>5) Public Park and Reserve</td> </tr> <tr> <td>2) Agricultural Activities</td> <td>6) Riding or Boarding Stables</td> </tr> <tr> <td>3) Communication Facility</td> <td>7) Single-Family Dwelling or Mobile Home</td> </tr> <tr> <td>4) Livestock Operations (less than 300 A. U.)</td> <td></td> </tr> </table>		1) Accessory Uses, Building and Structure	5) Public Park and Reserve	2) Agricultural Activities	6) Riding or Boarding Stables	3) Communication Facility	7) Single-Family Dwelling or Mobile Home	4) Livestock Operations (less than 300 A. U.)																					
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Disposition: Information forwarded to the proponent.

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.

This proposed facility will be located on a private agricultural land. 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 a of an anhydrous ammonia storage and handling facility 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 Sustainable Development.

Prepared by:
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Environmental Approvals Branch

December 23, 2016

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