

Environment Act Licence Loi sur l'environnement Licence

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Licence No./Licence n° 2706

Issue Date/Date de délivrance October 13, 2005

**IN ACCORDANCE WITH THE ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

TOWN OF NEEPAWA; "the Licencee"

for the operation of the Development being the removal of biosolids and sludge solids from the primary cell of Town of Neepawa wastewater treatment lagoon located in Section 34-14-15WPM, the transportation of biosolids and sludge solids, and the disposal of biosolids and sludge solids on agricultural land on NW and SW 34-14-16WPM and SW 31-14-15WPM in the Rural Municipality of Langford, and in accordance with the Proposal filed under The Environment Act on August 4, 2005, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"accredited laboratory" means a laboratory accredited by the Standard Council of Canada (SCC), another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or at a laboratory which can demonstrate to Manitoba Conservation that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the Canadian Standard Can/CSA-Z753, extension of the international standard ISO 9000, Guide 25;

"affected area" means a geographical area excluding the property of the Development;

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

"aquifer" means a water saturated geologic unit that will yield water to wells or springs at a sufficient rate so that the wells or springs can serve as practical sources of water supply;

"biosolids" means accumulated organic solids, resulting from wastewater treatment processes, that have received adequate treatment to permit the material to be recycled;

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

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

“first order waterway” means a drain or watercourse serving a watershed with a drainage area of up to one square mile;

“flooding” means the flowing of water onto lands, other than waterways, due to the overtopping of a waterway or waterways;

“NIST” means the National Institute of Standards and Technology;

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

if the odour, smell or aroma

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

“plant-available nitrogen” means nitrogen which is readily available to plants by uptake through the roots and is determined by adding 20 percent of the organic nitrogen (as nitrogen), 100 percent of the ammonia (as nitrogen) and 100 percent of the nitrate (as nitrogen);

“reference material” means soil or sludge material which is used as a reference;

“reference value” means the value established by the agency that supplied the reference material;

“second order waterway” means a drain or watercourse servicing a watershed with a drainage area greater than one square mile or having a tributary or tributaries which are first order waterways;

“sludge solids” means solids in sludge;

“sludge” means accumulated solid material containing large amounts of entrained water, which has separated from wastewater during processing;

“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;

“water table” means the upper surface of the zone of saturation of a water bearing geologic unit.

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. 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, handling, treatment and disposal systems, for such pollutants, ambient quality, aquatic toxicity, seepage characteristics and discharge rates and for such duration and 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, bioassay data, flow rate measurements and such other information as may from time to time be requested.

2. The Licencee shall, unless otherwise specified in this Licence:
 - a) carry out all preservations and analyses of 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; and
 - b) have all analytical determinations undertaken by an accredited laboratory.

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.
4. The Licencee shall, during removal, transportation and land injection of biosolids and sludge solids, report spills of fuels or other contaminants to an Environment Officer in accordance with the requirements of *Manitoba Regulation 439/87* respecting *Environmental Accident Reporting* or any future amendment thereof.
5. The Licencee shall only apply the biosolids to agricultural land located on NW and SW 34-14-16WPM and SW 31-14-15WPM.
6. The Licencee shall isolate the cell of the wastewater treatment lagoon from which biosolids are to be removed from the rest of the wastewater treatment system while the biosolids are being mixed or removed from the cell.
7. The Licencee shall transport biosolids and sludge solids in containers in such a manner to prevent loss of biosolids or sludge solids to the satisfaction of an Environment Officer.
8. The Licencee shall, in the case of physical or mechanical breakdown of the sludge treatment, handling, transportation and/or injection system:
 - a) notify the Director immediately;
 - b) identify the repairs required; and
 - c) complete the repairs in accordance with the written instructions of the Director.
9. The Licencee shall not construct, alter or operate the Development, or permit the Development to be constructed, altered or operated, in a way that causes or results in an odour nuisance, and shall take steps as the Director may require to eliminate or to mitigate an odour nuisance.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

10. The Licencee shall notify the assigned Environment Officer not less than five days prior to the commencement of removal, transportation and land injection of biosolids and sludge solids. The notification shall include the intended starting date of the activities and the name of the contractor responsible for the activities.
11. The Licencee shall notify the Department of Fisheries and Oceans Canada – Dauphin District Office a minimum of five days prior to the commencement of

removal, transportation and land injection of biosolids and sludge solids, citing file number: DA-05-2702.

12. The Licencee shall, during removal, transportation and land injection of biosolids and sludge solids, operate, maintain and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering the wastewater treatment lagoon, the discharge route and associated watercourses.
13. The Licencee shall locate all 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 Regulation* or any future amendment thereof.
14. The Licencee shall inject all biosolids applied to agricultural land into the soil such that the depth at which the biosolids are introduced into the soil is a minimum of 15 centimeters below the soil surface or that soil is mounded to a depth of 15 centimeters above the level at which the biosolids were introduced into the soil in such a manner as to cover all of the biosolids.
15. The Licencee shall:
 - a) contain the biosolids in the furrow opening; and
 - b) complete the surface expression of the injected biosolids such that it is acceptable to an Environment Officer.
16. The Licencee shall not exceed an application rate of biosolids onto the land 15 tonnes per hectare, on a dry weight basis, and that the amount of plant-available nitrogen added to the land from all sources does not exceed 100 kilograms per hectare during any year in which biosolids were applied.
17. The Licencee shall not permit the application of biosolids:
 - a) to frozen soil;
 - b) less than 300 metres from any occupied residence (other than the residence occupied by the owner of the land on which the biosolids are to be applied);
 - c) less than 1 kilometre from a residential area;
 - d) less than 15 metres from a first order waterway;
 - e) less than 30 metres from a second, or higher order waterway;
 - f) less than 50 metres from any groundwater well; or
 - g) on land that is subject to flooding.

18. The Licencee shall not apply biosolids on land:
- a) with a depth of clay or clay till of less than 1.5 metres between the soil surface and the water table;
 - b) within 100 metres of an identifiable boundary of an aquifer which is exposed to the ground surface;
 - c) where, prior to the application of biosolids, the soil pH is less than 6.0;
 - d) where the surface slope of the land is greater than 5 percent;
 - e) where, prior to the application of biosolids, the level of nitrate-nitrogen exceeds 100 kilograms per hectare in the upper 60 centimetres of the soil; or
 - f) where, prior to the application of biosolids, the concentration of sodium bicarbonate extractable phosphorous, as P, exceeds 60 micrograms per gram in the upper 15 centimeters of the soil.
19. The Licencee shall not allow cattle to pasture on land on which biosolids have been applied, for a period of three years from the date of application of the biosolids.
20. The Licencee shall, on all agricultural land onto which biosolids have been applied, plant one of the following crops at the commencement of the next growing season following such application and only these crops are grown for a period of three years from the date of application of biosolids:
- a) a cereal crop;
 - b) a forage crop;
 - c) an oil seed crop;
 - d) field peas; or
 - e) lentils.
21. The Licencee shall not exceed the following levels of cumulative weight per hectare of each heavy metal in the soil, as calculated by adding the amount of each heavy metal in the biosolids applied to the background level of the same metal: *

<u>Metal</u>	<u>Kilogram per Hectare</u>
Arsenic	21.6
Cadmium	2.5
Chromium (total)	115.2
Copper	113.4
Lead	126
Mercury	11.9
Nickel	90
Zinc	360

* Calculated values shall be based on a soil bulk density of 1200 kilograms per cubic metre and a soil depth of 15 centimetres. Analysis for heavy metals must be carried out in accordance with Schedule "B" of this Licence.

MONITORING AND REPORTING SPECIFICATIONS

22. The Licencee shall submit to the Director, not later than December 5, 2005, the details of the biosolids sampling and analysis program used to determine the volume and solids content of the biosolids removed on a daily basis and the volume and the solids content of biosolids applied to each field.
23. The Licencee shall submit to the Director, not later than December 5, 2005, the details of the field monitoring program on the biosolids disposal operation used to determine:
 - a) the sodium bicarbonate extractable phosphorous, as P, in the upper 15 centimetres of the soil;
 - b) the nitrate-nitrogen and total nitrogen in the upper 60 centimetres of the soil;
 - c) the pH of the soil;
 - d) the surface slope of the land;
 - e) the presence of clay and clay till to a depth of 1.5 metres;
 - f) the number of hectares in each field that can receive biosolids in accordance with the Licence; and
 - g) the number of hectares on which biosolids were applied on a daily basis.
24. The Licencee shall conduct a monitoring and analysis program that is acceptable to the Director, and in accordance with Schedules "A" and "B" of this Licence to determine:
 - a) the composition of the biosolids;
 - b) the background levels of selected soil parameters for each parcel of land; and
 - c) the crops grown on land on which biosolids have been applied during the previous 3-year period.
25. The Licencee shall, on or before the 31st day of March, 2006, submit to the Director a report, which will include the following:
 - a) details of the biosolids injection program including:
 - i) a description of each parcel of land on which biosolids were distributed;
 - ii) the background levels of soil parameters as listed in Schedule "A" of this Licence, for each parcel of land;
 - iii) the dry weight of biosolids applied per hectare;


- iv) the weight of each heavy metal, in milligrams per kilogram of soil, added to each parcel of land for the metals listed in Schedule "A" of this Licence; and
- v) the cumulative weight, in kilograms per hectare, of each heavy metal for each parcel of land as calculated by adding the amount of each heavy metal applied to the background level of the same metal;
- b) the amount of nitrogen, phosphorus, and potassium which was added per hectare for each parcel of land;
- c) the results of analysis of the biosolids and soil required by this Licence;
- d) a copy of the analytical procedures used and the results of analysis of reference materials in accordance with Schedule "B" of this Licence; and
- e) the type of crops grown on land on which biosolids were applied during the previous 3-year period.

TERMINATION

26. This Licence shall terminate on the 1st day of November, 2008.

REVIEW AND REVOCATION

- A. 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.
- B. If the Licencee has not commenced operation of the Development within one year of the date of this Licence, the Licence is revoked.
- C. 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.



Tracey Braun, M. Sc.
Director
Environment Act

SCHEDULE "A" TO ENVIRONMENT ACT LICENCE NO. 2706

Biosolids

1. A representative sample of biosolids shall be collected from each cell of the wastewater treatment lagoon from which biosolids will be removed. A representative sample of biosolids shall be a composite of sludge samples taken from a minimum of 5 locations distributed over the surface of the cell.
2. The sample of biosolids shall be analyzed for the following parameters:
 - a. conductivity
 - b. pH
 - c. total solids
 - d. volatile solids
 - e. nitrate nitrogen
 - f. total Kjeldahl nitrogen
 - g. ammonia nitrogen
 - h. organic nitrogen
 - i. total phosphorus
 - j. lead
 - k. mercury
 - l. nickel
 - m. potassium
 - n. cadmium
 - o. copper
 - p. zinc
 - q. chromium
 - r. arsenic

* Analysis for heavy metals must be carried out in accordance with Schedule "B" of this Licence.

Soil

3. Composite samples from each field onto which biosolids will be applied shall be taken prior to application of biosolids. Each field of twenty-four hectares or less shall be sampled from a minimum of twelve representative sites or a minimum of one sample site per two hectares for larger fields. Each sample site shall be sampled from 0 to 15 centimetres and from 0 to 60 centimetres. The entire core extracted for each sample shall be collected. All samples from similar depths within a field shall be bulked in one container for thorough mixing prior to analysis yielding two samples per field.
4. Soil samples from 0 centimetres to 15 centimetres shall be analyzed for the following:
 - a. pH
 - b. potassium
 - c. nickel
 - d. mercury
 - e. zinc
 - f. sodium bicarbonate extractable phosphorus, as P
 - g. cadmium
 - h. chromium
 - i. copper
 - j. lead
 - k. arsenic

* Analysis for heavy metals must be carried out in accordance with Schedule "B" of this Licence.

5. Soil samples from 0 to 60 centimetres shall be analyzed for the following:
 - a. nitrate nitrogen
 - b. total nitrogen

Crops

6. The type of crop grown on lands on which biosolids have been applied during the previous 3-year period shall be listed along with the legal description of the land and the date of application of biosolids.

SCHEDULE "B" TO ENVIRONMENT ACT LICENCE NO. 2706

The analysis for all metals shall be carried out in accordance with the following requirements:

1. Soil and sludge samples shall be prepared using non-contaminating grinding and sieving procedures such as agate or porcelain mortar and pestle along with nylon sieves. Soil samples shall be ground to at least 100 mesh size prior to digestion or sample pretreatment.
2. Analysis for heavy metals must be carried out following strong acid digestion.
3. The laboratory performing these analyses shall operate an acceptable quality assurance program including the following:
 - a) Samples of reference material shall be analyzed to monitor the accuracy of the sludge and soil analyses and each set of ten or less samples of sludge or soil shall include, a minimum of the following:
 - i) For sludge samples:
 - one NIST domestic sludge sample (SRM 2781);
 - ii) For soil samples:
 - one NIST Estuarine Sediment sample (SRM 1646a); or
 - one NIST San Joaquin Soil sample (SRM 2709); or
 - a replacement reference soil sample, acceptable to the Director, with analyte concentrations that reflect values found in the field samples; and
 - b) Field duplicates of samples shall be analyzed based on a frequency of one in each set of ten or less field samples and that the acceptance criteria for duplicate analysis should be within ± 10 percent.
4. A copy of the analytical procedures and the analytical results for the reference materials, and any other controls used in the analysis, shall be submitted with the field sample results.
5. If the analytical results of the reference materials do not meet the following criteria, the soil and/or sludge samples must be re-analyzed:

- Arsenic	± 35 percent from the reference value
- Cadmium	± 25 percent from the reference value (for values above $1 \mu\text{g/g}$)
- Cadmium	± 35 percent from the reference value (for values below $1 \mu\text{g/g}$)
- Chromium	± 25 percent from the reference value
- Copper	± 25 percent from the reference value
- Lead	± 25 percent from the reference value
- Mercury	± 35 percent from the reference value
- Nickel	± 25 percent from the reference value
- Zinc	± 25 percent from the reference value