

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Coco Paving Canada Inc.  
**PROPOSAL NAME:** Russell Redi Mix – Astec Six Pack Portable Asphalt Plant  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Transportation -  
**CLIENT FILE NO.:** 5820.00

### **OVERVIEW:**

Manitoba Conservation and Water Stewardship received a Proposal on February 17, 2016 for the installation and operation of a Portable Asphalt Plant at various locations throughout Manitoba. The facility will produce asphalt paving mix for road constructions and repairs

The Department, on March 24, 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/conservation/eal/registries/5820coco/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 Winnipeg Free Press on March 26, 2016 The newspaper and TAC notifications invited responses until April 25, 2016.

### **COMMENTS FROM THE PUBLIC:**

No Comments

**SUMMARY of COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

<b>No</b>	<b>Technical Advisory Committee Member</b>	<b>Response Provided</b>
1	Canadian Environmental Assessment Agency	No Comments
2	Manitoba Agriculture – Land Use Branch	No Responses
3	Manitoba Conservation and Water Stewardship – <ul style="list-style-type: none"> <li>• Compliance and Enforcement Branch</li> <li>• Climate Change and Air Quality Branch</li> <li>• Wildlife and Fisheries Branch</li> <li>• Parks and Protected Spaces Branch</li> <li>• Forestry Branch</li> <li>• Aboriginal Relations Branch</li> <li>• Lands Branch</li> <li>• Water Quality Management Section</li> <li>• Groundwater Management Section</li> <li>• Office of Drinking</li> <li>• Water Use Licensing Section</li> <li>• Water Control Works Licensing Section</li> <li>• Regional Services Branch</li> </ul>	No Response No Response No Concerns No Comments/ Concerns No Response No Response See Comments below No Response No Response See Comments below No Concerns No Concerns No Response
4	Manitoba Culture, Heritage and Tourism – Heritage Branch	No Response
5	Manitoba Innovation Energy and Mines – <ul style="list-style-type: none"> <li>• Energy Development Branch</li> <li>• Petroleum Branch</li> </ul>	No Response No Response No Response
6	Manitoba Infrastructure and Transportation – <ul style="list-style-type: none"> <li>• Flood Forecasting Branch</li> <li>• Highway Planning and Design Branch</li> </ul>	No Response See Comments below
7	Manitoba Municipal Government	No Response
8	Manitoba Health – Environmental Health Unit	No Comments
9	Manitoba Labour – <ul style="list-style-type: none"> <li>• Office of Fire Commissioner</li> <li>• Work Place Safety &amp; Health</li> </ul>	No Comments/ Concerns No Response

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

<http://www.gov.mb.ca/conservation/eal/registries/5820coco/index.html>

## **COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

### **Manitoba Conservation and Water Stewardship – Lands Branch**

The Lands Branch has recommended that the final approval of the portable asphalt plant shall depend on the review of a specific site of operation. The installation of the portable asphalt plant may be subject to applicable permits and letters of authorization under applicable legislation; including a Work Permit under *The Crown Lands Act*.

#### **Disposition**

Clauses 11, 35, 36, 41 and 42 of the draft Environment Act Licence address siting requirements, chemical spill containments and contamination by asphalt materials, respectively. In addition Clauses 39 and 40 address wastewater handling. Clause 45 requires an emergency response plan.

### **Manitoba Conservation and Water Stewardship – Office of Drinking Water**

*It is recommended that if the portable asphalt plant is located close to a water body used as a source of drinking water for a community, contact information for the community shall be kept as part of the Emergency Response Plan. In the event of a major spill of contaminants into the water body, the community water treatment operators shall be notified.*

#### **Disposition**

Clause 9 of the draft Environment Act Licence requires the licensee to notify of any proposed site of operation and to obtain Director's approval. In addition, Clause 10 requires the licensee to comply with *The Crown Lands Act*.

### **Manitoba Infrastructure and Transportation – Highway Planning and Design Branch**

When required to obtain a permit, permit applications can be obtained by contacting Ashley Beck at (204) 726-7000 or by email at Ashley.Beck.gov.mb.ca.

#### **Disposition**

The information was 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 at various locations throughout Manitoba. There would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982 at this time. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

## **RECOMMENDATION:**

The Proponent should be issued a Licence for the installation and operation of a portable asphalt 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 Sustainable Development. Each site where the asphalt plant is proposed to be installed and operated must be reviewed by Wildlife branch, Lands branch and Parks and Protected Spaces branch.

Prepared by:

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