
Manitoba Clean Environment Commission

Annual Report
2018-2019



Manitoba Clean Environment Commission

305-155 Carlton St.

Winnipeg, Manitoba

R3C 3H8

204-945-7091

FAX 204-945-0090

www.cecmanitoba.ca

Manitoba Clean Environment Commission

Annual Report 2018-2019



**MINISTER OF
SUSTAINABLE DEVELOPMENT**

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

The Honourable Janice Filmon, C.M., O.M
Lieutenant Governor of Manitoba
Room 235 Legislative Building
Winnipeg MB R3C 0V8

Your Honour,

It is my privilege to present you with the Annual Report of the Clean Environment Commission detailing its activities for the fiscal year ending March 31, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Squires".

Rochelle Squires
Minister of Sustainable Development



305 – 155 Carlton Street
Winnipeg, MB R3C 3H8

Office of the Chairperson
Clean Environment Commission

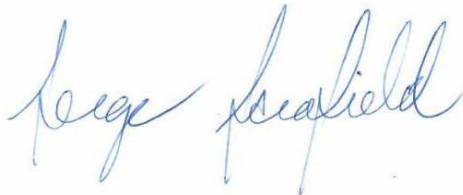
Ph: 204-945-7091
Toll Free: 1-800-597-3556
Fax: 204-945-0090
www.cecmanitoba.ca

The Honourable Rochelle Squires
Minister of Conservation
Room 333 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Minister Squires:

Pursuant to the provisions of Section 6(10) of *The Environment Act* I am pleased to submit to you the Commission's annual report for the year ending March 31, 2019.

Submitted on behalf of the Commission.



Serge Scrafield
Chair

Table of Contents

The Manitoba Clean Environment Commission	3
Role and Responsibilities.....	5
Mandate	5
Public Hearings	5
Investigations	6
Mediation.....	6
Rôle et responsabilités.....	7
Mandat	7
Audiences publiques	7
Enquêtes	8
Médiation.....	8
Message from the Chair.....	9
Message du président.....	10
Hearings	11
Regional Cumulative Effects Assessment.....	11
Contaminated Sites Remediation Act	13
Investigations.....	14
Other Activities.....	14
Professional Development and Training.....	14
Manitoba Clean Environment Commission Publications.....	15

The Manitoba Clean Environment Commission

The Minister responsible for The Environment Act during the 2018-2019 fiscal year was the Honourable Rochelle Squires. Commission membership consisted of a full-time chairperson and citizen appointees, namely:

Serge Scrafield (Chairperson)

Appointed December, 2016

Ian Gillies
Terry Johnson
Tim Sopuck
Laurie Streich

Appointed September, 2018

Glen Cummings
John (Jay) Doering
Betty Leitch
Vincent Tacan

Until September, 2018

Judy Bradley
Duncan Geisler
Neil Harden
Reg Nepinak

Until October, 2018

Glennis Lewis
Aurelie Mogan
John Neufeld

The commission thanks departing members for their valuable service and extends a warm welcome to new members.

Role and Responsibilities

Mandate

The Clean Environment Commission is established under The Environment Act (1988) to provide an avenue through which the public can participate in the decision making process regarding the environment in Manitoba. The commission also provides advice and recommendations to the minister and plays a role in the application of The Contaminated Sites Remediation Act and The Drinking Water Safety Act.

Commission membership includes a full-time chairperson and part-time commissioners appointed by Order-in-Council. Commissioners come from a wide variety of backgrounds and disciplines as well as different regions of the province.

The Commission may engage in the following activities to assist in environmental management.

Public Hearings

As part of the provincial environmental assessment process, the public is invited to submit comments and/or objections regarding a proposed project through the Public Registry. In response to valid concerns, the Minister of Sustainable Development may request the Clean Environment Commission to convene a public hearing. During such a hearing the commission receives representations from the project proponent and the general public. The commission reviews the evidence and information presented at the hearing and prepares a report containing advice and recommendations for the minister.

Upon receipt of the commission's report, the minister may choose to accept all or part of its recommendations but is under no legal obligation to do so. If, however, the commission's recommendations are not acted upon, or incorporated into the licence under review, written reasons must be provided by the minister or Manitoba Sustainable Development and these must be filed in the Public Registry.

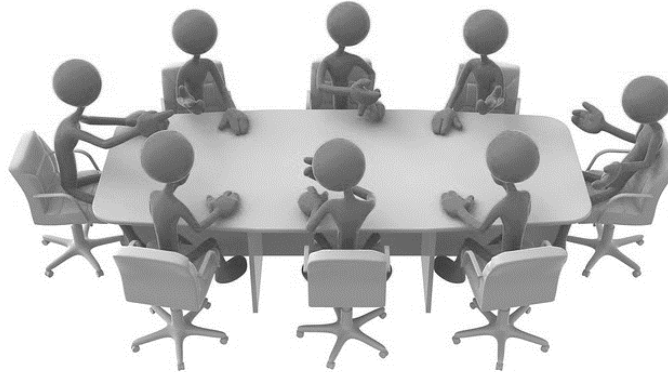
In addition to licensing matters, some environmental issues require public involvement before government policy can be developed. In these cases, the Minister of Sustainable Development can request that the commission convene a hearing to gather public opinion.

Investigations

The Environment Act allows the commission to investigate any matter of environmental concern and to provide advice and recommendations to the Minister of Sustainable Development.

Mediation

The commission can provide mediation services to parties involved in an environmental management dispute. These activities are undertaken at the request of the Minister of Sustainable Development. The commission reports to the minister regarding the outcome of any mediation exercises in which it becomes involved.



Rôle et responsabilités

Mandat

La commission de protection de l'environnement a été établie en vertu de la Loi sur l'environnement (1988) afin d'offrir un moyen au public de participer au processus décisionnel en ce qui a trait à l'environnement au Manitoba. La commission fournit aussi des conseils et des recommandations au ministre et joue un rôle dans l'application de la Loi sur l'assainissement des lieux contaminés et Loi sur qualité de l'eau potable.

La commission est composée d'un président à plein temps et de commissaires à temps partiel nommés par décret. Les commissaires représentent des disciplines et des horizons différents et viennent aussi de différentes régions de la province.

La commission peut entreprendre les activités suivantes afin d'aider à la gestion environnementale :

Audiences publiques

Dans le cadre du processus d'évaluation environnementale provinciale, on invite le public à présenter des commentaires ou des objections concernant un projet proposé par le truchement du registre public. En réponse à des préoccupations justifiées, le ministre du développement durable peut demander à la commission de protection de l'environnement d'organiser une audience publique. Pendant une telle audience, la commission reçoit des observations du promoteur du projet et du grand public. La commission examine les éléments de preuve et les renseignements présentés lors de l'audience et prépare un rapport contenant des conseils et des recommandations à l'intention du ministre.

Une fois qu'il a reçu le rapport de la commission, le ministre peut choisir d'accepter une partie ou la totalité des recommandations, mais n'est nullement tenu de le faire en vertu de la loi. Cependant, si aucune mesure n'est prise suite aux recommandations de la commission, ou si ces dernières ne sont pas incorporées dans la licence examinée, le ministre ou le ministère du développement durable doit fournir des raisons écrites qui seront versées dans le registre public.

En plus des questions de licence, certaines considérations environnementales requièrent la participation du public avant qu'une politique gouvernementale puisse être élaborée. En pareil cas, le ministre du développement durable peut demander à la commission d'organiser une audience afin de recueillir l'opinion du public.

Enquêtes

La Loi sur l'environnement autorise la commission à procéder à des enquêtes à l'égard de questions portant sur l'environnement et à fournir des conseils et des recommandations au ministre du développement durable.

Médiation

La commission peut fournir des services de médiation à des parties opposées dans un différend portant sur la gestion environnementale. Elle entreprend ces activités à la demande du ministre du développement durable, puis lui rend compte des résultats de chaque médiation.



Message from the Chair

During 2018-19, a commission panel submitted its report on the Regional Cumulative Effects Assessment of hydroelectric developments on the Churchill, Burntwood and Nelson River systems in northern Manitoba. This assessment was conducted jointly by Manitoba Hydro and Manitoba Sustainable Development. The panel had earlier engaged with communities and organizations affected by northern hydroelectric development and received information in both written and oral form. The information received was incorporated into a report to the minister, submitted in May.

For a number of years, the Clean Environment Commission has been designated as the appeal body for certain matters under The Contaminated Sites Remediation Act. For most of that time, this resulted in little involvement by the commission. However, with amendments to the statute, some requests for adjudication related to impacted sites, have begun to arrive at the commission. Three were under active consideration by the commission at the beginning of April, 2018. During the year, commission panels issued decisions and orders for two impacted sites. The Commission continued to hold an additional appeal in abeyance since 2017 at the request of the parties who are attempting to negotiate a resolution of the issues.

The Clean Environment Commission takes very seriously the important role in environmental protection given it by The Environment Act of Manitoba. The commission seeks to fulfill this mandate, in part, by continuing to offer advice that we believe contributes to ensuring that developments are environmentally sustainable and to improving the practice of environmental assessment in Manitoba.

I would like to thank my fellow commissioners and the staff for their contributions throughout the year.

Serge Scrafield

Message du président

Au cours de l'exercice 2018-2019, un comité de la Commission a présenté son rapport sur l'évaluation des effets régionaux cumulatifs des aménagements hydroélectriques dans les réseaux fluviaux des rivières Churchill, Burntwood et Nelson du nord du Manitoba. Cette évaluation a été menée conjointement par Manitoba Hydro et le ministère du Développement durable du Manitoba. Le comité avait entamé un dialogue avec les collectivités et les organismes touchés par les aménagements hydroélectriques dans le Nord et a reçu de l'information sous forme écrite et orale. L'information reçue a été intégrée à un rapport présenté au ministre en mai.

Depuis un certain nombre d'années, la Commission de protection de l'environnement est désignée comme organisme d'appel pour certaines affaires en vertu de la Loi sur l'assainissement des lieux contaminés. Pendant la majeure partie de cette période, la Commission a été très peu consultée à ce sujet. Cependant, en raison de modifications à la Loi, la Commission a commencé à recevoir des demandes d'arbitrage concernant des lieux touchés. Trois ont été activement considérées par la Commission en début avril 2018. Au cours de l'exercice, les comités de la Commission ont pris des décisions et rendu des ordonnances pour deux lieux touchés. La Commission a poursuivi la suspension d'un appel datant de 2017, à la demande des parties qui essayaient de négocier une résolution des enjeux.

La Commission de protection de l'environnement prend très au sérieux le rôle important de protection de l'environnement que lui confère la Loi sur l'environnement du Manitoba. La Commission s'efforce de remplir son mandat en partie en continuant à offrir des conseils qui, selon nous, contribuent à garantir que les projets de développement sont durables sur le plan environnemental et à améliorer la pratique de l'évaluation environnementale.

Je tiens à remercier mes confrères et consœurs de la Commission et le personnel de leurs contributions tout au long de l'année.

Serge Scrafield

Hearings

Regional Cumulative Effects Assessment

The commission conducted a review of Regional Cumulative Effects Assessment (RCEA) documentation along with input from affected and interested parties beginning in March 2017 and completed and submitted a report in May 2018.

On March 2, 2017, the Minister of Sustainable Development, provided a reference, amended from that previously provided on August 20, 2015, to the Clean Environment Commission requesting that it conduct public outreach activities regarding the report, that was completed by Manitoba Hydro and the Manitoba government, namely the Regional Cumulative Effects Assessment for Hydro Electric Developments on the Nelson, Burntwood and Churchill River Systems.

In its 2013 report on the Bipole III Project, the Clean Environment Commission made the following recommendation:

“Manitoba Hydro, in cooperation with the Manitoba Government, conduct a Regional Cumulative Effects Assessment for all Manitoba Hydro projects and associated infrastructure in the Nelson River sub-watershed; and that this be undertaken prior to the licensing of any additional projects in the Nelson River sub-watershed after the Bipole III project.”

This recommendation was accepted by the government and a Terms of Reference for a regional cumulative effects assessment of hydroelectric developments was agreed to by the government of Manitoba and Manitoba Hydro in May 2014. It should be noted, the scope was expanded to include areas beyond that identified in the commission’s recommendation to include the Nelson, Burntwood and Churchill river systems. The study was completed in two phases. The first phase was completed in May 2014, and included a compilation of available data and a description of the assessment approach to be used to analyze the data in the second phase. The second phase report was released in December 2015. A third report, an integrated summary, was released in 2017.

The minister’s request included the following Terms of Reference:

1. To review the final Phase I and Phase II reports on the regional cumulative effects assessment;

2. To carry out a Participant Program with limited funding available;
3. To invite all affected First Nations, and communities identified in the assessment study area and the Manitoba Metis Federation to provide written input on the regional cumulative effects assessment and its accuracy in presenting past effects and community perspectives and concerns, and to provide any additional information relevant to the assessment;
4. To facilitate a web-based review of the final Phase II report for interested parties outside the Region of Interest;
5. To write back to the communities who have already responded to the CEC inviting them to once again provide written comments, and offering a small amount of funding to facilitate their participation. If a community really expresses a desire to meet in person with the CEC, it could be accommodated. and
6. To prepare and file a separate report with the Minister of Sustainable Development summarizing what was received from participants during the course of the public outreach program, including any comments received through the web-based review. The report should be filed within four months from date of completion of the review.

The five person review panel included Serge Scrafield (Chair), Glennis Lewis, Terry Johnson, Neil Harden and Tim Sopuck.

In accordance with its terms of reference, the commission invited First Nations, communities, and resource user groups in the assessment study area, and the Manitoba Metis Federation to provide written submissions. Through its Participant Assistance Program, just over \$250,000 was provided to 12 parties to facilitate their participation. The commission also solicited submissions from the general public on its website. The commission panel travelled to northern Manitoba on two occasions and met with members of O-Pipon-Na-Piwin Cree Nation, Tataskweyak Cree Nation, and York Factory First Nation. Also, it held separate meetings with Fox Lake Cree Nation members and the Consumers Association of Canada – Manitoba in Winnipeg. In addition to these meetings, Manitoba Hydro and the Manitoba government provided two presentations to the commission: one on the RCEA and one on the Co-ordinated Aquatic Monitoring Program.

Many of the comments received by affected and interested parties fell into three broad categories:

- RCEA terms of reference
- RCEA methodology
- commission review process

The community submissions and meetings highlighted the historical and on-going impacts of hydro development on the environment, communities and individuals. In addition to the submissions, the commission provided comments on components of the study that could be improved. They include:

- scoping (temporal and spatial)
- data gathering and analysis methodologies
- assessment of effects and mitigation.

The panel concluded that the RCEA was a significant step towards identifying the cumulative effects of hydro development in Manitoba's North. It also stated that the RCEA could be useful as a basis for:

- improved planning and sustainable development decisions in the North
- strengthening relationships with First Nations, Metis and other northern communities
- streamlining environmental reviews of future developments and relicensing existing facilities
- guiding appropriate mitigation measures.

The commission panel provided specific guidance on community engagement, monitoring and environmental assessment policy.

Contaminated Sites Remediation Act

Over the course of 2018-2019, no new appeals were received and decisions were rendered on two outstanding appeals as of March 31, 2018.

The referrals received in 2016-17 were addressed in the following manner:

- Commission consideration of two requests has been deferred as the parties entered into mediation.
- Commission rendered decisions and orders on apportionment on two other requests, previously received from the Manitoba Sustainable Development.

Investigations

No investigations took place in 2018-2019.

Other Activities

Professional Development and Training

Commission members and staff attended workshops and conferences that provided professional development in the area of tribunals and hearings, environmental assessments and current environmental and Indigenous topics and issues. Examples of the workshops and conferences included Manitoba Council of Administrative Tribunals (MCAT) Thirteenth Annual Conference, “new members” training workshops, presentation by Manitoba’s Treaty Commissioner, Ontario Association for Impact Assessment (OAIA) 2018 Annual Conference with a focus on cumulative effects and Indigenous engagement and luncheon information presentations on water related issues.



Manitoba Clean Environment Commission Publications

Copies of all commission reports are available from the commission office upon request and are also available on the website www.cecmanitoba.ca.

Preliminary Report on Contamination of Underground Water Sources by Refined Petroleum Products (1975)

Report on the Investigation of the Pollution of Underground Water by Refined Petroleum Products (1975)

Report on the Investigation of Smoke Problems Encountered in Southern Manitoba in 1976 (1977)

Report on an Investigation of Intensive Livestock Production Operations in Manitoba (1979)

Report on a Proposal Concerning Surface Water Quality Objectives and Stream Classification for the Province of Manitoba (1979)

Report on a Proposal for the Classification of Manitoba's Surface Water Souris River Principal Watershed Division (1980)

Report on Red River Waters (Proposed Classification of Surface Water Quality In Manitoba's Red River Principal Watershed Division and Certain Red River Tributaries) (1980)

Report on Proposed Classification of Surface Water Quality in Manitoba's Grass-Burntwood Rivers Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Red River Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Grass-Burntwood Rivers Principal Watershed Division (1982)

Report on Mosquito Control Programs in Manitoba (1982)

Report on Environmental Land Use Conflict - Balmoral, Manitoba (1983)

Report on Hazardous and Special Wastes Stage 1 of Phase 1 of Program (1983 & 1984)

Report on the Review of the Plan for the Rehabilitation of the Site of the Domtar Inc. Former Wood Preserving Plant, Transcona, Manitoba (1984)

Report on Manitoba Hazardous Waste Management Program (Volume 1) (1987)

Report on Manitoba Hazardous Waste Management Program (Volume 2) (1987)

Report on the Draft Regulation Respecting Atmospheric Emissions of Sulphur Dioxide and Particulates From Inco Limited in Thompson and HBM & S Co. Limited in Flin Flon (1987)

Report on Investigation of Smoke Problems from Agricultural Crop Residue and Peatland Burning (1987)

Report on Netley Creek Golf Course Development Proposal (1988)

Report on Burns Rendering Plant, Brandon, Review of the Environment Department Licence Regulating the Operation of and Emissions from the Plant (1988)

Report on Village of Shoal Lake Sewage Lagoon Proposal (1988)

Report on Puffy Lake Gold Mine (1988)

Report on Bonne Homme Colony Farms, Rural Municipality of Westbourne (1988)

Report on Upland Colony Farms Sewage Lagoon System (1988)

Report on Precise-To-Form Castings Inc. Investment Casting Foundry Operation (1988)

Report on McCain Foods Limited, Portage la Prairie (1988)

Preliminary Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1988)

Final Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1989)

Report on Clearwater Lake Watershed Basin Surface Water Quality Classification (1989)

Report on Shell Prairie Inn and Gas Station Wastewater Treatment and Disposal System (1989)

Report on Westlake Regional Water Supply Proposal (1989)

Report on City of Portage la Prairie Sewage Sludge Disposal Project (1989)

Report on North Duck River Headwater Storage Project (1989)

Report on Town of Beausejour Sewage Lagoon Expansion (1989)

Report on COJEF Limited Burning Site (1989)

Report on Deago Properties Sewage Treatment Plant (1989)

Report on Rural Municipality of Rhineland/Town of Altona Liquid Waste Holding Ponds for C.S.P. Foods Ltd. (1989)

Report on Namew Lake Mine/Mill (1989)

Report on Provincial Road #340 Class 2 Highway Relocation Project (1989)

Report on Repap Manitoba Inc. Phase I Modification and Expansion of the Manfor Complex (1989)

Report on Norquay Holding Company Sewage Lagoon (1989)

Report on Airport Holding Co. Ltd. Domestic Wastewater Treatment Lagoon (1990)

Report on Rural Municipality of Portage la Prairie Liquid Waste Disposal Facility (1990)

Report on Highway Gardens Ltd. Variation to Licence #391 (1990)

Report on Whiteshell Colony Farms Ltd. Domestic Waste-water Treatment Lagoon (1990)

Report on Pelican Lake Enhancement Project (1990)

Report on Village of St. Claude Sewage Lagoon and Discharge Route (1990)

Report on Ducks Unlimited Canada Oak Hammock Marsh Conservation Centre/Office Proposal (1990)

Report on Meadow Materials (Dow Corning Silicon Energy Systems, Inc.) Pilot Plant (1990)

Report on Beausejour Auto Wrecking Continuing Operation (1991)

Report on Hudson Bay Mining & Smelting Co. Ltd. Namew Lake Mine/Mill - A Review (1991)

Report on Abitibi-Price Inc. FML #01 Forest Resource Management Plan 1991 - 1998 (1992)

Report on Application of Water Quality Objectives for the Watershed Classification of the Red and Assiniboine Rivers and Tributaries Within and Downstream of the City of Winnipeg (1992)

Report on General Scrap & Car Shredder Ltd. Review of Environment Act Licence 898VC (1992)

Report on Manitoba Hazardous Waste Management Corporation Central Hazardous Waste Management Facility Licence Application (1992)

Rapport Sur Les Audiences Publiques: Demande De Permis Relative À Un Centre de Gestion Des Déchets Dangereux Présentée Par La Corporation Manitobaine De Gestion Des Déchets Dangereux (1992)

Report on Good Hope Holding Company Ltd. Wastewater Treatment Lagoon, Rural Municipality of Portage la Prairie (1992)

Report on the Rural Municipality of Rhineland and The Town of Altona Regarding Ongoing Disposal Practices for Soap-stock and Bleaching Clay Generated by CanAmera Foods Ltd. (1992)

Report on Public Hearings: City of Winnipeg - Deacon Reservoir Expansion, Rural Municipality of Springfield (1993)

Report on Public Hearings: Village of Teulon - Wastewater Stabilization Pond and Pipeline, Rural Municipality of Rockwood (1994)

Report on Public Hearings: Pembina Valley Water Cooperative Inc. Regional Water Supply Proposal (1994)

Report on Public Hearings: Louisiana-Pacific Corporation Oriented Strand Board Plant, Rural Municipality of Minitonas (1994)

Report on Public Hearings: Asessippi Ski Hil Project, Rural Municipality of Shellmouth (1995)

Report on Public Hearings: Solid Waste Management - Capital Region (1995)

Rapport Sur Les Audiences Publiques: Concernant La Gestion Des Déchets Solides Dans La Région De La Capitale (1995)

Report on Public Hearings: Browning Ferris Industries (BFI) Waste Systems Inc. Integrated Waste Management Facility, Rural Municipality of Rosser (1995)

Report on Public Hearings: Louisiana-Pacific Canada Ltd. Ten Year Forest Management Plan 1996-2005 (1996)

Report on Public Hearings: Tolko Manitoba Inc. - Forest Management Plan 1997-2009 (1997)

Report on Public Hearings: Town of Carman Abatement Project – Linear Grain Inc. – Anhydrous Ammonia Storage Tank Relocation (1999)

Manitoba and Climate Change: A Primer (2001)

Workshop Report: Review of Electric and Magnetic Fields (EMFs) (2001)

Report on Public Hearings: Simplot Canada Ltd. Potato Processing Plant, Portage la Prairie/City of Portage la Prairie Water Pollution Control Facility (2002)

Report to the Government of Manitoba on Public Meetings: Flood Protection Options for the City of Winnipeg (2002)

Rapport au gouvernement du Manitoba sur les audiences publiques relatives aux solutions en matière de protection contre les inondations pour la ville de Winnipeg (2002)

Report to the Minister of Conservation on Public Meetings: Draft Environmental Impact Statement Guidelines for the Wuskwatim Generation and Transmission Projects (2002)

Interim Report on Public Hearings: City of Winnipeg Wastewater Collection and Treatment Systems – “Sewage Spill” (2003)

Better Treatment – “Taking Action to Improve Water Quality”. Report on Public Hearing: City of Winnipeg Wastewater Collection and Treatment System (2003)

Report on Public Hearings: City of Brandon Industrial Wastewater Treatment Facility Expansion and Maple Leaf Foods Inc. Hog Processing Plant Alteration (2003)

Report on Public Hearings: Rural Municipality of Brokenhead (Garson, Tyndall, and Henryville) Water/Sewer Infrastructure Project (2003)

Report on Public Hearings: Wuskwatim Generation and Transmission Projects (2004)

Summary of Public Hearing: Wuskwatim Generation and Transmission Projects (2004) (also available in Cree)

Report on Public Hearing: Red River Floodway Expansion (2005)

Report on Public Hearing: Pembina Valley Water Cooperative, Supplemental Groundwater Supply System (2007)

Environmental Sustainability and Hog Production in Manitoba (2007)

An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities (2009)

An investigation into changes requested to Louisiana-Pacific Environment Act Licence (2010)

Supplement to an investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities (2011)

Report on Public Hearing: Bipole III Transmission Project (2013)

Report on Public Hearing: Keeyask Generation Project (2014)

Lake Winnipeg Regulation (2015)

Report on Public Hearing: Manitoba-Minnesota Transmission Project (2017)

A Review of the Regional Cumulative Effects Assessment for hydroelectric development on the Nelson, Burntwood, and Churchill River Systems. (2018)

