
Manitoba Clean Environment Commission

Annual Report 2022-2023



Manitoba Clean Environment Commission

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Manitoba Clean Environment Commission

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**MINISTER
OF ENVIRONMENT AND CLIMATE CHANGE**

Room 344
Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

The Honourable Anita Neville, P.C., 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, 2023.

Sincerely,



Tracy Schmidt
Minister



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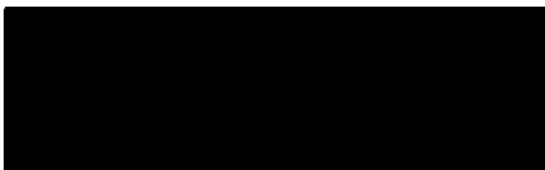
Office of the Chairperson
Clean Environment Commission

The Honourable Tracy Schmidt
Minister of Environment, Climate and Parks
Room 344 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Minister Schmidt:

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, 2023.

Submitted on behalf of the Commission.



Jonathan Scarth
Chair

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The Manitoba Clean Environment Commission

The ministers responsible for The Environment Act during the 2022-2023 fiscal year were the Honourable Jeff Wharton and the Honourable Kevin Klein. Commission membership consisted of a full-time chair and citizen appointees, namely:

Jonathan Scarth, Chair

Glen Cummings

John (Jay) Doering

Ian Gillies

Terry Johnson

Betty Leitch

Serge Scrafield

Tim Sopuck

Laurie Streich

Vincent Tacan

Mandate

The Clean Environment Commission is established under The Environment Act to provide advice and recommendations to the minister, to develop and maintain public participation in environmental matters and to carry out functions that it is required or permitted to carry out under 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.

When requested by the minister, the commission must do one or more of the following in accordance with any terms of reference specified by the minister:

- (a) provide advice and recommendations to the minister;
- (b) conduct public meetings or hearings and provide advice and recommendations to the minister;
- (c) conduct investigations into specific environmental concerns and report back to the minister;
- (d) act as a mediator between two or more parties to an environmental dispute and report back to the minister.

The commission may on its own volition conduct an investigation into any environmental matter, except a matter involving the gathering of evidence to determine whether or not a specific proponent is complying with the provisions of this Act and the regulations, and advise and make recommendations thereon to the minister.

Mandat

La Commission de protection de l'environnement est établie en vertu de la Loi sur l'environnement afin de fournir des conseils et de faire des recommandations au ministre, de favoriser et de maintenir la participation du public à l'égard des questions liées à l'environnement et de s'acquitter des fonctions qu'elle peut ou doit exercer en vertu de la Loi sur l'assainissement des lieux contaminés et de la Loi sur la 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.

À la demande du ministre et selon le mandat qu'il précise, la Commission prend l'une ou plusieurs des mesures suivantes :

- (a) lui fournit des conseils et des recommandations;
- (b) tient des réunions ou des audiences publiques et fournit des conseils et des recommandations au ministre;
- (c) procède à des enquêtes à l'égard de questions précises portant sur l'environnement et en fait rapport au ministre;
- (d) agit à titre de médiateur entre plusieurs parties à un différend portant sur l'environnement et rend compte de sa médiation au ministre.

La Commission peut de sa propre initiative procéder à une enquête en matière d'environnement, sauf à l'égard d'une question portant sur la récolte des éléments de preuve en vue de déterminer si un promoteur particulier se conforme ou non aux dispositions de la présente loi ou des règlements, et fournir des conseils et des recommandations au ministre à cet égard.

Message from the Chair

The Clean Environment offers advice and makes decisions that contribute to environmental protection.

During the 2022-2023 fiscal year, the commission began a technical review and conducted public hearing to consider the potential environmental effects of the proposed Vivian Sand Extraction Project. As of the conclusion of this fiscal year, the commission panel was preparing its report and recommendations for the Minister.

The commission is designated as the appeal body for certain matters under The Contaminated Sites Remediation Act. An appeal received during the 2019-2020 fiscal year was adjudicated in a decision released on January 22, 2022. Leave for appeal of the commission's decision to the Manitoba Court of Appeal was pursued by one of the parties. On September 20, 2022 the court pronounced that the application for leave to appeal was premature and dismissed the application.

The commission was asked by the department to apportion liability amongst parties who have been designated as Potentially Responsible Parties but were unable to reach an apportionment agreement in respect to a contaminated site. The commission panel rendered its decision on March 17th, 2023.

The commission welcomed Peter Crocker as our new Secretary/Executive Director and Courtney Harmer as our new Administrative Assistant. On behalf of the Commission I thank Cathy Johnson for her long and outstanding public service as our Secretary.

As always, I thank my fellow commissioners and our staff for their contributions throughout the year.

Jonathan Scarth

Message du président

La Commission de protection de l'environnement offre des conseils et prend des décisions qui contribuent à la protection de l'environnement.

Au cours de l'exercice 2022-2023, la Commission a entamé un examen technique et mené une audience publique afin d'étudier les effets sur l'environnement du projet d'extraction de sable de Vivian. À la fin de cet exercice, le comité de la Commission préparait son rapport et ses recommandations à l'intention du ministre.

La Commission est désignée comme organisme d'appel pour certaines affaires en vertu de la Loi sur l'assainissement des lieux contaminés. Un appel reçu au cours de l'exercice 2019-2020 a fait l'objet d'une décision publiée le 22 janvier 2022. L'une des parties a demandé l'autorisation d'interjeter appel de la décision de la Commission devant la Cour d'appel du Manitoba. Le 20 septembre 2022, la Cour a jugé que la demande d'autorisation d'interjeter appel était prématurée et l'a rejetée.

Le ministère a demandé à la Commission de répartir la responsabilité entre des parties qui ont été désignées comme potentiellement responsables – mais qui n'ont pas pu parvenir à un accord de répartition – concernant un site contaminé. Le comité de la Commission a rendu sa décision le 17 mars 2023.

La Commission a eu le plaisir d'accueillir Peter Crocker en tant que nouveau secrétaire et directeur général ainsi que Courtney Harmer en tant que nouvelle adjointe administrative. Au nom de la Commission, je remercie Cathy Johnson pour sa longue et remarquable collaboration en qualité de secrétaire.

Comme d'habitude, je tiens à remercier mes confrères et consœurs de la Commission et notre personnel de leurs contributions tout au long de l'année.

Jonathan Scarth

Hearings

Vivian Sand Extraction Project

On November 15, 2021, the Minister of Conservation and Climate (now Environment and Climate) requested the Clean Environment Commission conduct a technical review and public hearing to consider the potential environmental effects of the proposed CanWhite Sands (now Sio Silica) silica sand extraction project. The request included the following terms of reference:

1. *The CEC will conduct a technical review of the Environment Act proposal and the hydrogeology and geochemistry assessment report and provide advice and recommendations to the Minister regarding potential environmental and health effects of the proposed sequential installation, operation and decommissioning of silica sand extraction wells for the silica sand extraction project.*
2. *In providing advice and recommendations, the CEC will provide members of the public the opportunity for input regarding the CanWhite Sands silica sand extraction project proposal at a public hearing in a location consistent with the affected community.*

The CEC review process should begin as soon as possible and be completed by March 15, 2022.

The four-person hearing panel consisted of John (Jay) Doering (Chair), Ian Gillies, Terry Johnson and Laurie Streich.

The results of the technical review including a hydrogeology and geochemistry assessment conducted by third party firms were posted to the public registry. The hearing took place between February 27 and March 15 in Steinbach, Anola and Beausejour. Results of the hearing will be provided in a future annual report.

Contaminated Sites Remediation Act

Over the course of 2022-2023, a request to determine apportionment was received from the Director. The commission rendered its decision on March 17th, 2023. The Manitoba Court of Appeal dismissed a previous appeal regarding the designation of a Potentially Responsible Person.

Investigations

No investigations were undertaken by the Commission during this fiscal year.

Other Activities

Professional Development and Training

Commission members and staff attended virtual workshops and conferences that provided professional development in the area of tribunals and hearings, environmental assessments and current environmental and Indigenous related topics and issues. Examples of the workshops and conferences included, Ontario Association of Impact Assessment – COVID-19 and Impact Assessment: A Case Study for the Ring of Fire, Canadian Water Resources Association presentations and Agencies Boards and Commission Governance. The commission chair serves as a director on the board on the Manitoba Council of Administrative Tribunals.

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)

Forest Management Plan Approval Process. (2020)

Review of Legislation and Programs for Sites Impacted by Development. (2020)

