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# Manitoba Clean Environment Commission

Annual Report 2012-2013



# **Manitoba Clean Environment Commission**

**Annual Report 2012-2013**





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**MINISTER OF CONSERVATION**

Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

His Honour  
The Honourable Philip Lee, C. M., O. M.  
Lieutenant-Governor of Manitoba  
Room 235 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Your Honour:

The undersigned has the honour to present the Annual Report of the Clean Environment Commission detailing its activities for the fiscal year ending March 31, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gord Mackintosh'.

Gord Mackintosh  
Minister



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Office of the Chairperson

305 – 155 Carlton Street  
Winnipeg, MB R3C 3H8

Ph: 204-945-7091  
Toll Free: 1-800-597-3556  
Fax: 204-945-0090  
[www.cecmanitoba.ca](http://www.cecmanitoba.ca)

The Honourable Gord Mackintosh  
Minister of Conservation  
Room 330 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Dear Mr. Mackintosh:

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, 2013.

Submitted on behalf of the Commission.



Terry Sargeant  
Chair



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# The Manitoba Clean Environment Commission

The Minister responsible for *The Environment Act* during the 2012-2013 fiscal year was the Honourable Gord Mackintosh. Commission membership consisted of a full-time Chairperson and citizen appointees. They were:

Terry Sargeant (Chairperson)

Judy Bradley (February 2013)

Kenneth Gibbons

Ian Halket

Judy Head

Brian Kaplan

Gerard Lecuyer

Patricia MacKay

Aurelie Mogan

Wayne Motheral

Reg Nepinak (February 2013)

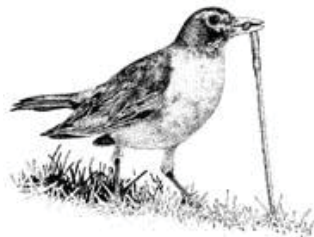
Wayne Sato

Jim Shaw

Muriel Smith

Ken Wait

Edwin Yee



## **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 Conservation may request the Clean Environment Commission to convene a public hearing. During such a hearing the Commission receives representations from the project proponent, the general public-both supporters and opponents, and from various government departments. 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 the Department of Conservation 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 Conservation can request that the Commission convene a hearing to gather public opinion.

Manitoba Conservation has also signed onto a Canada-Manitoba Agreement on Environmental Assessment Cooperation with Environment Canada. As part of this agreement, regarding

projects where there is also federal jurisdiction, a process is set out respecting joint review. Commission hearings may be used as a source of information for the federal review or there may be a joint review panel formed for specific projects. Commission members would be part of these panels.

## **Investigations**

*The Environment Act* allows the Commission to investigate any matter of environmental concern and to provide advice and recommendations to the Minister of Conservation.

## **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 Conservation. 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 de la Conservation 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, du grand public (partisans et opposants) et de divers ministères. 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 de la Conservation 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 de la Conservation peut demander à la Commission d'organiser une audience afin de recueillir l'opinion du public.

Conservation Manitoba a aussi signé une Entente Canada-Manitoba d'harmonisation de l'évaluation environnementale avec Environnement Canada. Dans le cadre de cette entente, lorsqu'un projet relève aussi du gouvernement fédéral, un processus est établi relativement à un examen conjoint. L'examen fédéral peut utiliser les audiences de la Commission comme source de renseignements, ou on peut créer un comité d'expertise conjoint pour des projets précis. Les membres de la Commission font alors partie de ces comités.

## **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 de la Conservation.

## **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 de la Conservation, puis lui rend compte des résultats de chaque médiation.



## **Message from the Chairperson**

In my message in last year's report, I noted that the Commission was about to embark on a very busy period. This did come to pass.

At the beginning of the reporting year, the Commission was hard at work in preparation for the public hearings to review the Bipole III transmission project proposed by Manitoba Hydro. The hearings began in early October and concluded in mid-March. In addition to Winnipeg, sessions were held in Gillam, Thompson, The Pas, Dauphin, Portage la Prairie and Niverville.

The hearings were adjourned from November until March, while Manitoba Hydro conducted environmental assessment, as well as consultations, into some proposed route changes. As the year ended, the Commission was engaged in drafting its report to the Minister.

In late 2012, the Minister wrote the Commission with another reference involving public hearings, this being the proposed Keeyask Generation Project. The proponent in this case is a partnership of Manitoba Hydro and four Cree nations located in the immediate area of the proposal, Fox Lake Cree Nation, Tataskweyak Cree Nation, War Lake First Nation and York Factory First Nation. The Commission began preparing for these hearings early in the New Year. It is anticipated that the public hearings will occur this fall, with sessions commencing in northern communities in September and in Winnipeg in mid-October.

Also, still on our plate, but in abeyance while we conduct the reviews of Bipole and Keeyask, is the reference we received in 2011 in regard to Manitoba Hydro's application for a Final Licence for its regulation of Lake Winnipeg. We expect to do some preparatory work on that this year, with hearings being held sometime in 2014.

The Commission continues to monitor, and be pleased by, the ongoing implementation of recommendations from past reports.

Commission membership was very stable in the past year. In February 2013, we added two members to the panel for the Keeyask proceedings, Judy Bradley and Reg Nepinak.

In the coming year, the Commission looks forward to continuing to play its role in ensuring the stewardship of the Manitoba environment.

***Terry Sargeant***

## **Message du président**

Dans mon message accompagnant le rapport de l'année dernière, j'indiquais que la Commission allait entamer une période très chargée, et ce fut le cas.

En début d'exercice, la Commission s'est attelée à la préparation des audiences publiques dont l'objectif était d'examiner le projet de ligne de transmission Bipolaire III proposé par Manitoba Hydro. Les audiences ont commencé début octobre et se sont terminées à la mi-mars. Elles se sont déroulées à Winnipeg, mais aussi à Gillam, à Thompson, à The Pas, à Dauphin, à Portage-la-Prairie et à Niverville.

Les audiences ont été ajournées de novembre à mars, période durant laquelle Manitoba Hydro a réalisé une analyse environnementale ainsi que des consultations sur des changements proposés au tracé de la ligne de transmission. À la fin de l'exercice, la Commission était occupée à la rédaction de son rapport au ministre.

À la fin de l'année 2012, le ministre a saisi la Commission d'un autre dossier nécessitant la tenue d'audiences publiques, le projet de centrale de Keeyask. Ce projet est le résultat d'une collaboration entre Manitoba Hydro et quatre nations cries situées dans la zone immédiate du projet, soit celles de Fox Lake, Tataskweyak, War Lake et York Factory. La Commission a commencé à préparer ces audiences en tout début d'année. Elles devraient avoir lieu cet automne, en commençant par des séances dans les collectivités du Nord en septembre et à Winnipeg à la mi-octobre.

D'autre part, le dossier qui nous a été confié en 2011 concernant la demande de licence définitive déposée par Manitoba Hydro pour la régularisation du lac Winnipeg fait toujours partie de notre programme, mais a été mis en suspens pendant que nous réalisons l'examen du projet Bipolaire III et du projet de Keeyask. Nous prévoyons commencer les travaux préparatoires pour ce dossier cette année. Les audiences devraient se dérouler en 2014.

La Commission continue de surveiller la mise en œuvre de recommandations formulées dans des rapports antérieurs, et elle en est très satisfaite.

La composition de la Commission est restée la même cette année. En février 2013, le comité chargé de l'examen du projet de Keeyask a accueilli deux nouveaux membres, M<sup>me</sup> Judy Bradley et M. Reg Nepinak.

Au cours du prochain exercice, la Commission entend bien continuer à jouer son rôle, qui est de veiller à la gestion de l'environnement du Manitoba.

Au cours du prochain exercice, la Commission entend bien continuer à jouer son rôle, qui est de veiller à la gestion de l'environnement du Manitoba.

***Terry Sargeant***



## Hearings

### Lake Winnipeg Regulation

On July 5, 2011, the Minister of Conservation, at the request of the Minister of Water Stewardship, issued a reference to the Clean Environment Commission regarding the regulation of Lake Winnipeg under *The Water Power Act*. The Commission has been asked to review the application by Manitoba Hydro for a final licence for the project. The request included the following Terms of Reference:

1. Review the broader public policy rationale regarding the regulation of lake levels on Lake Winnipeg in effect at the time leading up to the issuance of the Interim Licence in 1970.
2. Hear evidence from Manitobans regarding the effects and impacts of Lake Winnipeg regulation since the project was put into commercial use by Manitoba Hydro on August 1, 1976.
3. Review the successes and failures of the implementation of those broader public policy goals that led up to the issuance of the Interim Licence and the construction and subsequent operation of the project.
4. Summarize and make comment on the concerns raised pertaining to the issuance of a final licence to Manitoba Hydro under *The Water Power Act* including but not limited to future monitoring and research that may be beneficial to the project and Lake Winnipeg.

Planning for this project began in 2011/12 and it was soon realized that additional information would be required to undertake a review that included the components set out in the Terms of Reference. The Commission has requested this additional information from Manitoba Hydro. Manitoba Hydro has indicated that it will take some time to compile the information in the format requested; any further activities regarding this hearing have been postponed until further information is available. The result will be reported on in a future annual report.

### Bipole III Transmission Project

On December 5, 2011, the Minister of Conservation provided a reference to the Clean Environment Commission requesting that it conduct public hearings on the proposed Bipole III Transmission Project. The request included the following Terms of Reference:

1. To review and evaluate the Environmental Impact Statement (EIS) and proponent's public consultation summary;
2. To hold public hearings to provide an opportunity for the Commission to consider stakeholder and public input as part of their project assessment. The locations of hearings must include Winnipeg, but other locations also should be considered along the proposed route to allow easier access to those members of the public that do not live in Winnipeg but may be affected by the project; and
3. To prepare and file a report with the Minister of Conservation outlining the results of the Commission's review and providing recommendations for the Minister's consideration.

A panel was appointed and the hearing proceeded. Hearing sessions were held in October and November 2012 and March 2013. The results will be reported on in a future annual report.

### Keeyask Generation Project

On November 14, 2012, the Minister of Conservation provided a reference to the Clean Environment Commission requesting that it conduct public hearings on the proposed Keeyask Generation Project. The request included the following Terms of Reference:

1. To review the EIS, including the proponent's public consultation summary. Note that a detailed technical review will be done by the provincial and federal specialist agencies who are members of the TAC. As such, documents produced during this assessment should be considered by the Commission as input for the hearings;
2. To hold public hearings for the Commission to consider stakeholder and public input;
3. To prepare and file a report with the Minister of Conservation and Water Stewardship outlining the results of the Commission's review and providing recommendations for the Minister's consideration.

A Panel has been chosen and preparatory activities have begun. The results will be reported in a future annual report.

## Investigations

No investigations took place in 2012-2013.

## 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 topics and issues. Examples of the workshops and conferences included: 28<sup>th</sup> Annual Canadian Council on Administrative Tribunals Conference, Manitoba Council of Administrative Tribunals (MCAT) Seventh Annual Conference, Supreme Court Justice Rothstein presentation, Manitoba Director Training and Board Development Program, Working with Aboriginal People.



## **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](http://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)

Participate in an Environmental Hearing. (2005) Brochure

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)



