
Manitoba Clean Environment Commission

Annual Report 2009-2010



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Annual Report 2009-2010



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, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Blaikie".

Bill Blaikie
Minister

Office of the Chairperson

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The Honourable Bill Blaikie
Minister of Conservation
Room 333 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. Blaikie:

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, 2010.

Submitted on behalf of the Commission.



Terry Sargeant
Chair

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The Manitoba Clean Environment Commission

The Ministers responsible for *The Environment Act* during the 2009-2010 fiscal year were the Honourable Stan Struthers and the Honourable Bill Blaikie. Commission membership consisted of a full-time Chairperson and citizen appointees. They were:

Terry Sargeant (Chairperson)

Margaret Allan

Norm Brandson

Gisele Funk

Kenneth Gibbons

Ian Halket

John Harvie

Judy Head

John Hreno

Gerard Lecuyer

Patricia MacKay

Aurelie Mogan

Wayne Motheral

Wayne Sato

Ken Wait

Edwin Yee

Frank Young



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*.

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

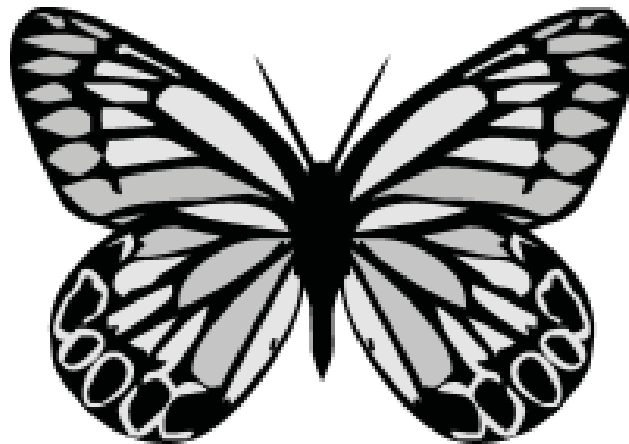
projects where there is also federal jurisdiction, a process is set out respecting joint review. Commission hearings may be used as a source of information for the federal review or there may be a joint review panel formed for specific projects. Commission members would be part of these panels.

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*.

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

As set out in this Annual Report, the year 2009-10 was a relatively quiet one for the Clean Environment Commission.

No hearings into new proposals were held. Early in the reporting year, the Commission was asked to conduct an investigation into a request by Louisiana Pacific to make a change to its environmental licence. This investigation did involve a couple of days of public meetings.

The investigation is ongoing into the next year. A more thorough report will be included in next year's report.

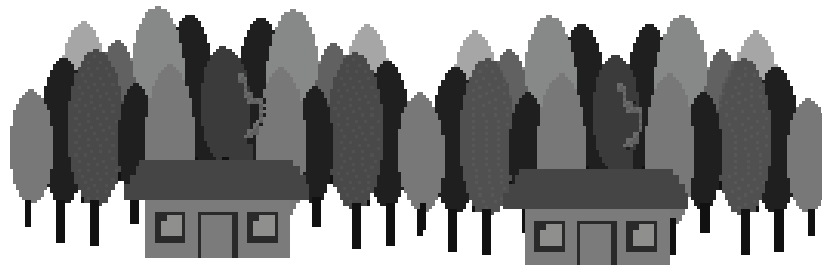
Last spring, the Minister asked that I, as Chair, look into issues arising from an appeal to a licence issued to an existing scrap yard in St. Boniface. After meeting with the various parties involved, I reported to the Minister, with advice as to disposition.

In spite of this seemingly light load, the Commission was kept busy with a number of internal administrative activities. Many of these will ensure that we are able to exercise our mandate better in future reviews and investigations, which should lead to a higher level of public participation in, and satisfaction with, the Commission process.

There were no changes in Commission membership in this year.

As always, the Commission looks forward to continuing to play its role in ensuring the stewardship of the Manitoba environment.

Terry Sargeant



Message du président

Tel qu'indiqué dans le présent Rapport annuel, l'année 2009-2010 a été relativement calme pour la Commission de protection de l'environnement.

La Commission n'a tenu aucune audience pour de nouvelles propositions. En début d'exercice, on a appelé la Commission à mener une enquête suite à une demande de modification de licence environnementale par Louisiana Pacific. Cette enquête a inclus quelques jours d'audiences publiques.

L'enquête se poursuit dans l'exercice suivant. Un rapport plus détaillé sera inclus dans le rapport annuel de l'année prochaine.

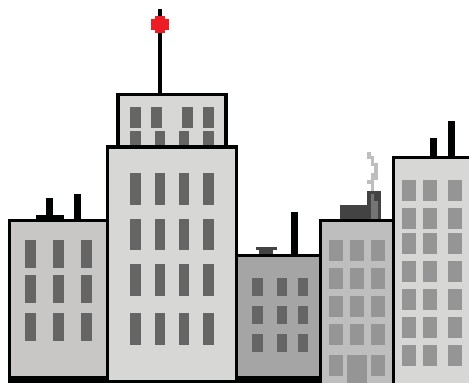
Au printemps dernier, le ministre a demandé à ce qu'en tant que président, j'examine des questions provenant d'un appel d'une licence délivrée à un parc à ferrailles existant à Saint-Boniface. Après avoir rencontré les différentes parties concernées, j'ai fait un rapport au ministre avec des conseils sur la décision.

Malgré cette charge de travail apparemment légère, la Commission est restée occupée avec un certain nombre d'activités administratives internes, dont la plupart garantiront que nous pourrons mieux exercer notre mandat dans les enquêtes et les examens futurs, ce qui devrait mener à une plus grande participation du public au processus de la Commission et une plus grande satisfaction quant à ce dernier.

Il n'y a pas eu de changement au sein des membres de la Commission cette année.

Comme toujours, la Commission se réjouit à l'idée de continuer à jouer son rôle et de garantir la gestion de l'environnement du Manitoba.

Terry Sargeant



Hearings

No hearings were requested or held in the 2009-2010 fiscal year.

Investigations

Louisiana Pacific Strandboard Plant Emission Controls

On March 26, 2009, the Minister of Conservation provided a reference to the Clean Environment Commission requesting it conduct an investigation into and provide advice and recommendations regarding a request by Louisiana Pacific to alter the emission control conditions of *The Environment Act* license governing the operation of the oriented strandboard plant in the Swan Valley. The request included the following terms of reference:

1. The CEC will conduct an investigation and provide advice and recommendations to the Minister regarding the potential health and environmental effects of the increased emission limits and the subsequent decommissioning of the Regenerative Thermal Oxidizer technology which is contained in Louisiana Pacific's requested license change.
2. In conducting this investigation and in providing advice and recommendations, the CEC will provide members of the public an opportunity for input regarding LP's proposal at a public meeting in the affected community.
3. As LP's current licence has a requirement for the Director of Environmental Assessment and Licencing to review the terms and conditions of the licence prior to June 1, 2009, the CEC process should begin as soon as possible, and should be completed by that date.

This investigation began early in the 2009/2010 fiscal year, public meetings were held in Swan River in July 2009, however additional information was required from the proponent, and as a result it has prolonged progress. The investigation will be completed in the 2010/2011 fiscal year and will be reported in the annual report next year.



Other Activities

Industrial Metals Licensing Appeal

On December 22, 2008 an *Environment Act* licence was issued by Manitoba Conservation to 6539963 Canada operating as Industrial Metals (2006) LP. The licence was for the continued operation of their existing scrap metal and auto wrecking operation in the St. Boniface Industrial Park, as well as the addition of a new shredder. The licence was subsequently appealed to the Minister by two residents, one of these residents also submitting a petition signed by 102 residents.

In May 2009, the Minister requested that the Clean Environment Commission explore an informal mediation process and if possible initiate this process.

After review of the materials related to the application and the appeal, the Commission met with representatives of Manitoba Conservation, the proponent and the appellants. Some of the issues raised by the appellants, such as zoning of heavy industrial operations, are not the responsibility of the Province but of the City of Winnipeg. Although the concerns of the residents were recognized it was determined that the proponent was complying with all legal and environmental requirements and that mediation was not possible. A report and advice were provided to the Minister in August 2009.

Hog Production Industry Review – Update

Shortly after submission of the Commission's report, *Environmental Sustainability and Hog Production in Manitoba*, to the Minister of Conservation in late 2007, it was announced that the recommendations were accepted by the government. The Commission has been pleased to receive updates on actions taken, over the past two years, to implement these recommendations. There has been progress and success in the implementation of many of the priority recommendations, others are well on their way to implementation and plans to address the remainder are well in hand. The Commission acknowledges these significant contributions to a sustainable environment.



Water Quality Guidelines and Nutrient Management Strategy-Update

In 2009, *An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities* included several recommendations regarding water quality guidelines and standards in the province. The Commission is pleased to receive an update on actions taken over the past year to implement these recommendations. Some actions can, will and have been implemented relatively quickly, while others will require additional effort and time to complete and implement. All actions reported to date have been moving toward maintaining healthy water supplies and waterways in Manitoba.

Lake Winnipeg Stewardship Board

The Minister of Water Stewardship released a report, *Manitoba's Progress Towards Implementing Recommendations of the Lake Winnipeg Stewardship Board*, in early 2010. In this report, the Stewardship Board referenced the Clean Environment Commission recommendations regarding water quality and nutrient management several times. The Commission recommendations were used to support the Board's evaluation of the province's progress on Lake Winnipeg issues and to set a positive direction for water management.

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: 25th Annual Canadian Council on Administrative Tribunals Conference, Manitoba Council of Administrative Tribunals (MCAT) Fourth Annual Conference, Supreme Court Justice Rothstein presentation and the 9th Prairie Conservation and Endangered Species Conference. Additional luncheon and special sessions on environmental related issues, sponsored by a number of different organizations, were also attended throughout the year.

An updating of the Commission website was undertaken to provide information in a better organized and more accessible form for public use.



Manitoba Clean Environment Commission Publications

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).

Participants’ Handbook. (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)

NOTE: *Copies of all Commission reports are available from the Commission office upon request and those published after 1990 are also available on the website www.cecmanitoba.ca.*