



Conservation and Climate
Environmental Approvals Branch
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Client No. 1071.10

December 23, 2021

Michael Jack
Chief Administrative Officer
Susan A. Thompson Building – 2nd Floor
510 Main Street Winnipeg, MB R3B 1B9

Dear Michael Jack:

I am writing to confirm the specific expectations of the Department of Conservation and Climate (the department) regarding the City of Winnipeg's (City) compliance on the North End Water Pollution Control Centre (NEWPCC) infrastructure project. At the present time, the City remains out of compliance with the Environment Act Licence for NEWPCC and is, therefore, out of compliance with The Environment Act and The Water Protection Act and can be subject to enforcement action at any time. As you are aware, the completion of the upgraded NEWPCC must be prioritized in order to ensure the continued health of Lake Winnipeg and the ecosystem that it supports.

Pursuant to our letter of October 16, 2020, with respect to the City's proposed multi-year plan for the completion of the NEWPCC, the department has only approved the plan through Year 2, to the end of December 2021. While the department has received monthly and quarterly updates on activities the City is undertaking for the NEWPCC upgrade, we have not yet received a summary update on the City's progress on the Year 2 (2021) of its plan, including a revised schedule. Please note that other municipalities have been required to provide compliance plans where needed to come into compliance and have carried out these plans.

We have also not received an updated multi-year plan that outlines the steps the City intends to take, along with accompanying timelines for the completion of the project. Specifically, the City's initial plan proposed that the facility would not be completed until 2032 was premised on having the three phases of work unfold in a sequential manner. However, this plan was not approved, as the Manitoba government had determined that some work on the Biosolids Facility (Biosolids) and the Biological Nutrient Removal (BNR) could be started prior to the previous phase concluding, and the entire NEWPCC upgrade could be completed by 2030.

The department is also very concerned that the City has not provided an updated plan to deliver the BNR. The BNR is the critical phase of the NEWPCC upgrade required to remove nutrients from the wastewater and bring the NEWPCC in compliance with discharge limits.

The City's multi-year plan must be approved as a compliance plan by the department in order to meet the requirements of the City's Environment Act Licence for NEWPCC. An updated multi-year plan is required by February 15, 2022, to address the previous deficiencies identified with the plan. The updated plan must outline the steps the City intends to take, along with accompanying timelines, to complete the full NEWPCC upgrade project by 2030. An approved plan is required to address the City's lack of compliance under The Environment Act for the NEWPCC. Along with this plan, the department is requesting a progress report on implementation of Year 2 (2021) as previously approved, also to be submitted no later than February 15, 2022.

The Interim Phosphorus Reduction Plan (Interim Plan) submitted by the City, as approved by the department on May 28, 2021, is a positive step forward. However, it should be noted that even with implementation of the Interim Plan, the City will not be able to achieve compliance with the Environment Act Licence for the NEWPCC. Furthermore, with this proposed Interim Plan, the City will still be out of compliance with the other discharge limits set under the Licence. As a requirement of approval for the Interim Plan, the department had directed the City to provide an assessment of the City's ability to meet a 1 mg/L phosphorous limit following commissioning of the future Biosolids facilities and until the BNR project is completed. I note that the department had directed in the Interim Plan approval that the enhanced interim phosphorous reduction options assessment report be submitted by December 31, 2021.

To summarize, the department requires the following information to assess progress on the City's efforts to come into compliance under the Environment Act Licence for the NEWPCC:

- An updated multi-year plan that demonstrates how the City will complete the NEWPCC upgrade project by 2030, including a plan for completion of the BNR facility. This plan must be submitted to Manitoba no later than February 15, 2022.
- A progress report on Year 2 (2021) of the current multi-year plan. This progress report must be submitted no later than February 15, 2022.
- As previously requested, a report assessing the City's ability to meet the 1 mg/L phosphorus limits by implementing the enhanced interim phosphorous reduction project, with options for achieving compliance. This report must be submitted no later than December 31, 2021.

The department also remains concerned with compliance related to the South End Sewage Treatment Plant, and the City's long-term plan for infrastructure renewal to address combined sewer overflow. As these projects are closely connected to NEWPCC upgrades, delays to the completion of these related projects must be considered in NEWPCC planning as well.

I look forward to receiving the above documents, which will demonstrate the City's clear path forward toward full compliance with the Environment Act Licence for the NEWPCC and the other noted projects. Should you require clarification on any of these items, please do not hesitate to contact me at 204-227-3124 or Laura.Pyles@gov.mb.ca.

Sincerely,

Original Signed by
Siobhan Burland Ross
for Laura Pyles
Acting Director

c. Moira Geer
Public Registry