



**Conservation**

Environmental Stewardship Division  
Environmental Assessment and Licensing Branch  
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Client File: 3724.00

November 22, 2007

Cameron Funk  
Cargill Law  
300-240 Graham Ave., PO Box 5900  
Winnipeg MB R3C 4C5

Dear Mr. Funk:

**RE: CARGILL LIMITED – ENVIRONMENT ACT LICENCE NO. 1803 R**

Further to your letter/fax of November 15, 2007 enclosed is revised Environment Act Licence 1803 RR.

For further information on the administration and application of the Revised Licence please contact Mr. Ken Plews at 945-7067.

Please ensure that the original or copy of the Revised Environment Act Licence and covering letter are forwarded to the Winkler development for their records.

Yours truly,

Tracey Braun, M.Sc.  
Director  
Environment Act

c B. Gillespie, Regional Director, Central Region  
City of Winkler

**NOTE:** Confirmation of Receipt of this Revised Licence No. 1803 RR (*by the Licencee only*) is required by the Director of the Environment Act. Please acknowledge receipt by signing in the space provided below and faxing a copy back to the Department by November 28, 2007.

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On behalf of Cargill Limited - Winkler

Date

**\*\*A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***

# LICENCE

Licence No. / Licence n° 1803 RR

Issue Date / Date de délivrance April 25, 1994

Revised/Révisé: June 19, 2007

Revised/Révisé: November 22, 2007

In accordance with The Environment Act (C.C.S.M. c. E125) /  
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 10(1) and 14(1) / Conformément aux Paragraphe 10(1) and 14(1)

THIS LICENCE IS ISSUED TO : / CETTE LICENCE EST DONNÉE À :

**CARGILL LIMITED - WINKLER; "the Licencee"**

for the construction and operation of the Development being a crop protection products warehouse, a dry bulk fertilizer blending facility and distributing centre to be located on parts of the NW 1/4 and S 1/2 of 3-3-4 WPM in the City of Winkler, subject to the following specifications, limits, terms and conditions:

### **DEFINITIONS**

In this Licence,

"**A-weighted sound level**" means the sound level measured in dBA units with a sound level meter set on the A-weighting network, being a filter designed to approximate the relative sensitivity of the normal human ear to different frequencies of sound;

"**ambient concentration**" means the measurement of a substance contained in an air sample (corrected to a temperature of 25 ° C and to a pressure of 101.3 kilopascals) which has been collected from any point beyond the property line of the Development;

"**appreciable impulsive or impact character**" means sound which has a significant amount of impulsive or impact nature, such as hammering, explosions and clanking or banging. Impulsive or impact sounds are sounds of short duration, usually less than one second, characterized by an abrupt onset followed by a rapid decay;

"**chemical**" includes, but is not limited to petroleum products, fertilizers and pesticides;

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TIMES\*\***

“**Director**” means an employee so designated pursuant to The Environment Act;

“**dB**” (decibel) means a dimensionless measure of sound level or sound pressure level, where,

$$\text{sound level} = 20 \log_{10} \frac{\text{sound pressure (actual)}}{\text{sound pressure (reference)}};$$

“**4 minute period(s) in the aggregate**” means any 16 readings, not necessarily contiguous, taken at 15 second intervals within a 1 hour sampling period;

“**Leq (energy equivalent level)**” means the A-weighted sound level (as decibels {dBA}) of a constant or steady sound, for a stated period, which has an amount of acoustic energy equivalent to that contained in the sound being measured;

“**Leq(1)**” means the  $L_{eq}$  for a one hour period;

“**opacity**” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

“**particulate matter**” means any finely divided liquid or solid matter other than water droplets;

“**particulate residue**” means that part or portion of an atmospheric emission which is deposited onto a surface;

“**pesticide storage structure(s)**” means any building(s) where agricultural crop protection products are stored for either commercial or retail purposes;

“**point source**” means any point of emission from a Development where pollutants are ducted into the atmosphere;

“**predominant discrete tone**” means sound (for example a whine or hum) having a one-third octave band sound level which, when measured in a one-third octave band, exceeds the arithmetic average of the sound levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

- i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 20,000 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band;
- ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band; or
- iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive, provided such one-third octave band sound level exceeds the sound level of each adjacent one-third octave band;

“**sewage**” means human body, toilet, liquid, waterborne culinary, sink or laundry waste.

### **GENERAL SPECIFICATIONS**

1. The Licencee shall comply with the current edition of the Crop Protection Institute of Canada's warehousing standards regarding the handling and storage of crop protection chemicals, and with all applicable federal and provincial regulations.
2. The Licencee shall install and maintain, for any structures used for the storage of crop protection chemicals, an automatic system(s) for fire detection and security.
3. The Licencee shall ensure that a high standard of equipment maintenance and good housekeeping and operational practices are carried out with respect to the Development, at all times.
4. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.

### **LIMITS, TERMS AND CONDITIONS**

#### **I - AIR EMISSIONS**

5. The Licencee shall not emit particulate matter from the Development such that:
  - i) particulate matter:
    - a) exceeds 0.23 grams per dry standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury, corrected to 12 percent carbon dioxide for processes involving combustion from any point source of the Development;
    - b) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
    - c) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
  - ii) opacity from any point source of the Development equals or exceeds:
    - a) 20 percent for a 4 minute period(s) in the aggregate in any one hour; or
    - b) 40 percent at any time.
6. The Licencee shall not emit odour from any part or process of the Development such that any emission is detectable when measured at a point of reception:
  - i) within an area which is zoned as residential or commercial when one volume of odorous air is diluted with one equal volume of odour-free air; or
  - ii) within an area which is zoned as industrial when one volume of odorous air is diluted with six equal volumes of odour-free air.

7. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception within an area which is zoned as residential, exceeds the following  $\{L_{eq}(1)\}$  limits:
- i) subject to sub-Clause 7 (ii):
    - a) 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
    - b) 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time; or
  - ii) when the sound has an appreciable impulsive or impact character or a predominant discrete tone:
    - a) 55 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
    - b) 45 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
8. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception within an area which is zoned as commercial, exceeds the following  $\{L_{eq}(1)\}$  limits:
- i) 70 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m., local time; or
  - ii) 60 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m., local time.
9. The Licencee shall not emit sound from any part or process of the Development, such that any emission when measured at a point of reception, beyond the property line of the Development and within an area which is zoned as industrial, exceeds an  $L_{eq}(1)$  of 70 dBA at any time.

## **II - LIQUID EMISSIONS**

10. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
11. The Licencee shall contain and clean up immediately any chemical spills to prevent soil, surface water or ground water contamination.
12. The Licencee shall ensure that control culvert are installed on the low end of the Development and remains in the closed position. The Regional Office of Manitoba Environment in Winkler shall be contacted for approval to opening the control culvert to permit land drainage.

## **III - REMEDIAL ACTION**

13. The Licencee, upon obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.

14. The Licencee shall remediate, within a time frame stipulated by the Director, all on and off-site environmental impacts as a result of any release of anhydrous ammonia.

#### **IV - EMERGENCY CONTINGENCY PLAN**

15. The Licencee shall submit, within ninety (90) days of the issuance of this Licence, an emergency response contingency plan to be approved by the Director. This plan shall include, but not be limited to, items which will address: measures implemented for spill prevention and containment; security; personnel training; fire and other response arrangements.

#### **V - FERTILIZER PRODUCTS**

16. The Licencee shall surface all areas of the Development where fertilizer is stored, loaded, blended, transferred or otherwise handled in a manner and using materials approved by the Director.
17. The Licencee shall grade and/or curb all areas where fertilizer is stored, loaded, blended, transferred or otherwise handled, in a manner and using materials approved by the Director, such that all product spillage and contaminated run-off water from these areas is contained within the Development.

#### **VI - PESTICIDES**

18. The Licencee shall construct and maintain the concrete floors and curbs of all pesticide storage structure(s) so as to prevent spilled liquids from leaking into the soil.
19. The Licencee shall create and maintain a current duplicate inventory of all pesticides stored at the Development, with one copy stored at the premises of the Development, and the other copy stored at a location off-site from the Development.
20. The Licencee shall store only pesticides registered under the Pest Control Products Act of Canada at the Development.
21. The Licencee shall contain on the Development:
  - i) any on-site pesticide spill;
  - ii) wastewater generated from any response action due to an on-site release of pesticides; and
  - iii) contaminated water resulting from the extinguishing of any fire involving pesticides.
22. The Licencee shall locate the pesticide storage structure(s) a minimum distance of:
  - i) 100 metres from any property zoned residential; and
  - ii) 100 metres from single residencesunless a written consent form is obtained from the owner(s).

### **VII - SAMPLING AND ANALYSIS**

23. The Licencee, at the request of the Director, shall conduct soil, air (stack and/or ambient), ground water and/or surface water sampling and/or noise monitoring at or adjacent to the Development.
24. The Licencee shall have each sample collected pursuant to Clause 25 analysed by a laboratory approved by the Director and using methods approved by the Director for any of the following analytes as may be specified by the Director:
- i) NH<sub>3</sub> - N (Sol.);
  - ii) NH<sub>3</sub> (in air);
  - ii) NO<sub>3</sub> -NO<sub>2</sub> - N (Diss.);
  - iii) Kjeldhal, Total - N;
  - iv) P - Total;
  - v) Particulate Matter (in air); and
  - vi) Pesticides.
25. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 23 and 24, to the Director within 60 days of the completion of the sampling program.

### **REVIEW AND REVOCATION**

- A. Environment Act Licence No. 1803 R is hereby rescinded.
- B. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- C. If construction of the development is not commenced within three years of the date of this Licence, the Licence is revoked.
- D. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms, or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 10 of The Environment Act.

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**Tracey Braun, M.Sc.**  
**Director**  
**Environment Act**