



Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
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Faxed

November 23, 2007

File: 4060.00

Mr. Blaine Murray
GMB Consulting Inc.
Box 789, 220 Main St. NE
Roblin MB R0L 1P0

Dear Mr. Murray:

**Re: Proposed Revision - Environment Act Licence No. 2116 Clauses 14-18
Viterra, (Agricore United, Manitoba Pool Elevators)**

I am responding to the November 8, 2007 letter from GBM Consulting Inc. requesting alterations to Environment Act Licence No. 2116 (the Licence), regarding the Viterra (formerly Agricore United, and Manitoba Pool Elevators) crop protection warehouse, granular fertilizer handling and storage.

As the letter requests revisions to the Licence, it is considered to be a Notice of Alteration (NoA). The letter requests the following alterations to the Licence:

In consideration of the costs of water sampling activities, and in the absence of any reported spillage at the facility that consideration be given to a sampling specification that would require the sampling procedure to be invoked only if a reported spill occurred on the site.

Upon review of the items presented in the NoA, I have determined that the proposed alterations are minor alterations and have decided pursuant to Section 14(2) of the Environment Act to approve the alteration to Environment Act Licence No. 2116 as follows:

II – LIQUID EMISSION

Clause 16. The Licencee shall sample each well referred to in Clause 14 of this Licence:

- i) whenever a significant spill occurs onsite
- ii) whenever requested by the Director.

.../2

Revised Environment Act Licence No. 2116 R is enclosed.

If you have any questions or would like to discuss this letter, please contact 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 Libau development for their records.

Yours truly,



Tracey Braun, M.Sc.
Director
Environmental Act

Enclosure

cc: Brian Gillespie, Regional Director, Central Region
R.M. of St. Clements

NOTE: Confirmation of Receipt of this Revised Licence No. 2116 R (*by the Licencee only*) is required by the Director of Environmental Assessment & Licensing Branch. Please acknowledge receipt by signing in the space provided below and faxing a copy back to the Department by November 29, 2007.

On behalf of Viterra

Date

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

LICENCE

Licence No. / Licence n° 2116 R

Issue Date / Date de délivrance September 21, 1995

REVISED : November 23, 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(2) / Conformément au Paragraphe 10(1) and 14(2)

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

VITERRA - LIBAU; "the Licencee"

for the construction and operation of the Development being a crop protection products warehouse, a bulk granular fertilizer blending/storage, grain elevator, and distribution facilities to be located on property leased from the Canadian National Railway on the NW1/4 9-15-6 EPM in the Rural Municipality of St. Clements, 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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AT ALL 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, at all times during the operation of the Development, ensure that a high standard of equipment maintenance and good housekeeping and operational practices are implemented.
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 four minute period(s) in the aggregate in any one hour; or
 - b) 40 percent at any time.
6. 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 6 (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.
- 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 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.
- 8. The Licencee shall ensure that there is no emission of sound from any part or process of the Development, such that 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

- 9. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
- 10. The Licencee shall contain and clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
- 11. The Licencee shall ensure that the warehouse site and the site retention area is protected with an additional 45 cms of compacted clay material or other materials approved by the Director.
- 12. The Licencee shall ensure that the Development is adequately diked and that control culverts are installed at the low end of the diked area and those control culverts remain in the closed position. The Regional Office of Manitoba Environment in Selkirk shall be contacted for approval to open the control culverts to permit land drainage.
- 13. The Licencee shall ensure that the surface of the containment area is inspected semiannually for desiccation cracks, and that the containment area's continuity is maintained.
- 14. The Licencee shall establish and maintain a minimum of two monitoring wells around areas where chemical products are stored, loaded, blended, transferred or otherwise handled such that the ground water may be sampled. The location and the construction specifications of these wells is to be approved by the Director.
- 15. The Licencee shall install the monitoring wells referred to in Clause 14 of this Licence, and submit to the Director a copy of the well logs at least ninety (30) days prior to plant start-up.

16. The Licencee shall sample each well referred to in Clause 14 of this Licence:
 - i) whenever a significant spill occurs onsite; and
 - ii) whenever requested by the Director.
17. The Licencee shall have each collected sample analysed by a laboratory using methods approved by the Director for the following parameters:
 - i) pesticides; and
 - ii) any other products that may be specified by the Director.
18. The Licencee shall submit copies of the analytical results completed in Clause 17. of this Licence, to the Director within 60 days of the samples having been submitted for analysis.

III - REMEDIAL ACTION

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

IV - EMERGENCY CONTINGENCY PLAN

20. 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

21. 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.
22. The Licencee shall grade, dike 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

23. 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.
24. 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.

25. The Licencee shall store only pesticides registered under the Pest Control Products Act of Canada at the Development.
26. 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.
27. 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

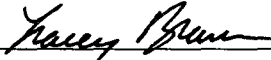
28. The Licencee, at the request of the Director, shall conduct soil, air (stack and/or ambient), ground water, surface water or noise monitoring at or adjacent to the Development.
29. The Licencee shall have each soil, air or water sample collected pursuant to Clause 22 analyzed by a laboratory approved by the Director, using methods approved by the Director for any of the following analytes as may be specified by the Director:
 - i) NH₃ - N (Sol.);
 - ii) NO₃ -NO₂ - N (Diss.);
 - iii) Kjeldhal, Total - N;
 - iv) P - Total;
 - v) Particulate Matter (in air); and
 - vi) Pesticides.
30. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 28 and 29, to the Director within 60 days of the completion of the sampling program.

VIII - SITE DECOMMISSIONING

31. The Licencee shall submit within one (1) year prior to closure of the facility, for the approval of the Director, a formal detailed Decommissioning Plan for the facility.
32. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

REVOCATION

- A. Environment Act Licence No. 2116 is hereby rescinded.
- B. If in the opinion of the Director the Licencee has exceeded or is exceeding the limits, or has not or is not complying with the specifications, terms or conditions set out herein, the Director may revoke, temporarily or permanently, this Licence.



Tracey Braun, M.Sc.
Director
Environment Act

File No.: 4060.00