

LICENCE

Licence No. / Licence n° 2864

Issue Date / Date de délivrance January 21, 2009

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 Sections 10(1) / Conformément au Paragraphes 10(1)

THIS LICENCE IS ISSUED TO : / CET LICENCE EST DONNÉ À :

BRIAN and CAROL BUCHBERGER; " the Licencees"

for the construction and operation of the Development named "Buchberger Custom Cuts" being a meat processing plant, associated with a smokehouse, located on Parcel 1 Plan 4914 P LTO (N DIV) in NW 1/4 13-56-26 WPM, at The Pas in the R.M. of Kelsey, in accordance with the Proposal dated October 23, 2008, submitted under The Environment Act on October 27, 2008, subject to the following specifications limits, terms and conditions:

DEFINITIONS

In this Licence,

“**accredited laboratory**” means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

“**affected area**” means a geographical area, excluding the property of the Development;

“**approved**” means approved by the Director in writing;

“**ASTM**” means the American Society for Testing and Materials;

“**day**” or “**daily**” means any period of 24 consecutive hours;

“**Director**” means an employee of the department appointed as such by the Minister;

“noise nuisance” means a continuous or repeated unwanted sound, in an affected area, which is troublesome, annoying or disagreeable to a person:

- (a) residing in an affected area;
- (b) working in an affected area; or
- (c) present at a location in an affected area which is normally open to the members of the public;

if the unwanted sound

- (d) is the subject of at least 5 written complaints, received by the Director within a 90-day period and in a form satisfactory to the Director, from 5 different persons falling within clauses (a), (b) or (c), who do not live in the same household; or
- (e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses (a), (b) or (c), and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period from 5 different persons who do not live in the same household;

“odour nuisance” means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant, or disagreeable to a person:

- (a) residing in an affected area;
- (b) working in an affected area; or
- (c) present at a location in an affected area which is normally open to the members of the public;

if the odour, smell or aroma

- (d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90-day period, from 5 different persons falling within clauses (a), (b) or (c), who do not live in the same household; or
- (e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses (a), (b) or (c) and the Director is of the opinion that if the odour, smell or aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

“pollutant” means a pollutant as defined in The Environment Act;

“process wastewater” means all wastewater excluding sanitary sewage and surface runoff from the property of the Development;

“wastewater” means any polluted fluid streams generated by or originating from the Development.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencees in implementing practices to ensure that the environment is maintained in such a manner as to sustain a

high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. In addition to any of the limits, terms and conditions specified in this Licence, the Licencees shall, upon the request of the Director:
 - (a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, for such duration and at such frequencies as may be specified;
 - (b) determine the environmental impact associated with the release of any pollutant(s) from the Development; or
 - (c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
2. The Licencees shall, unless otherwise specified in this Licence:
 - (a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the most current edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, or in accordance with an equivalent analytical methodology approved by the Director; and
 - (b) have all analytical determinations undertaken by an accredited laboratory.
3. The Licencees shall report any information requested through the provisions of this Licence in a manner and form acceptable to the Director.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Wastewater Management

4. The Licencees shall:
 - (a) direct all process wastewater and sanitary sewage generated on site at the Development only into the sanitary sewage collection system and on-site underground holding tank(s) operating in compliance with the Manitoba *Onsite Wastewater Management System Regulation 83/2003*.

Respecting Surface Runoff

5. The Licencees shall not permit pollutants to be directed into, or transported by, any surface drainage route leading off the property of the Development or seeping into the local groundwater.

Respecting Solid Wastes

6. The Licencees shall not undertake any on-site burning of solid waste.
7. The Licencees shall minimize the generation of domestic solid waste and maximize, wherever possible, the collection and recycling of recyclable wastes generated through the operation of the Development.
8. The Licencees shall not deposit domestic solid waste into the environment except into a waste disposal ground operating under the authority of:
 - (a) a permit issued pursuant to *Manitoba Regulation 150/91*, or any future amendment thereof; or
 - (b) a Licence issued pursuant to The Environment Act.

Respecting Air Emissions

9. The Licencees shall not cause or permit a noise nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may specify to eliminate or mitigate a noise nuisance.
10. The Licencees shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may specify to eliminate or mitigate an odour nuisance.

REVIEW OR REVOCATION

- A. If, in the opinion of the Director, the Licencees have failed or are failing to comply with any of the specifications, limits, terms or conditions set out herein, the Director may, temporarily or permanently, revoke this Licence.
- B. If for any reason the The R.M. of Kelsey finds cause to withdraw the "Conditional Use Order NO. CO-6/08", or any subsequent revision thereto, the Director may temporarily or permanently, revoke this Licence.
- C. 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.



Tracey Braun, M.Sc.
Director
Environment Act

Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-7100 F 204 945-5229
www.gov.mb.ca/conservation/eal

REGISTERED MAIL

CLIENT FILE NO.: 5372.00

January 21, 2009

Brian Buchberger
Buchberger Custom Cuts
Box 4095
The Pas MB R9A 1S6

Dear Mr. Buchberger:

Enclosed is Environment Act **Licence No. 2864** dated January 21, 2009 issued in accordance with The Environment Act to **Brian and Carol Buchberger** for the construction and operation of the Development named "Buchberger Custom Cuts" being a meat processing plant, associated with a smokehouse, located on Parcel 1 Plan 4914 P LTO (N DIV) in NW 1/4 13-56-26 WPM, at The Pas in the R.M. of Kelsey, in accordance with the Proposal dated October 23, 2008.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with.

For further information on the administration and application of the Licence, please feel free to contact, Scott Nicol, Environment Officer at (204) 627-8248.

Pursuant to Section 27 of The Environment Act, this licencing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,



Tracey Braun, M. Sc.
Director
Environment Act

Enc.

- c: C. Asselstine, Regional Director, NW Region
- Scott Nicol, Environment Officer
- Millennium Public Library/Manitoba Eco-Network
- The Pas Public Library
- City of The Pas & R.M. of Kelsey

NOTE: Confirmation of Receipt of this Licence No. 2864 (*by the Licencee only*) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by January 27, 2009.

On behalf of Brian & Carol Buchberger

Date

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