



**Conservation and Water Stewardship**

Environmental Stewardship Division  
Environmental Approvals Branch  
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**File: 5578.00**

November 16, 2015

Ryan Coulter, M. Sc., P. Eng.  
Manitoba Infrastructure and Transportation  
1420-215 Garry St.  
Winnipeg MB R3C 3P3

Dear Mr. Coulter:

**Re: Addition of three portable asphalt plant mixing sites - Notice of Alteration**

Thank you for your Notice of Alteration (NoA) dated May 12, 2015, August 19, 2015 and September 11, 2015 in which you proposed to operate additional three portable asphalt plant mixing sites located at Pipestone (SW 17-07-26 WPM), Piney (NE 36-01-11 EPM) and Minnedosa (SE 33-14-18 WPM).

Upon review of your alteration request, I have concluded that the environmental effects of the proposed alteration will be insignificant, and, therefore, in accordance with Section 14(2) of *The Environment Act* you are hereby authorized to use the proposed sites as described in the NoA. Please be advised that the Licence is reviewed and revised as necessary to accommodate the NoA and include current requirements. This approval is conditional to your acceptance of the attached revised licence.

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. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

If you have any questions on this matter, please contact Donna Smiley, Environment Officer at (204) 945-7072.

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

Yours sincerely,

*“original signed by”*

Tracey Braun, M.Sc.  
Director

c: Don Labossiere, Donna Smiley, Environmental Compliance and Enforcement Branch  
Public Registries

**NOTE: Confirmation of Receipt of this Licence No. 3013 R (by the Licencee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and provide a copy (letter only) to the Department by November 30, 2015.**

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On behalf of Manitoba Infrastructure and Transportation

Date

# LICENCE

Licence No. / Licence n°	<u>3013 R</u>
Issue Date / Date de délivrance	<u>July 12, 2012</u>
Revised	<u>November 16, 2015</u>

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) / Conformément au Paragraphe 10(1)

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

**MANITOBA INFRASTRUCTURE AND TRANSPORTATION;**  
**"the Licence"**

for the operation of the Development being 45 portable asphalt plant mixing sites at the following locations:

- Site 1 – Rennie - SE 27-10-14 EPM;
- Site 2 – Piney - SE 22-1-12 EPM;
- Site 3 – Seddons Corner - NE 35-12-9 EPM;
- Site 4 – Traverse Bay - NE 14-19-7 EPM;
- Site 5 – Camp Morton - SE 24-2-3 EPM;
- Site 6 – PTH 34 & PR 245 – RM of Lorne – NE 35-6-11 WPM;
- Site 7 – St. Claude – SW 13-8-8 WPM;
- Site 8 – Plum Coulee – NW 6-3-2 WPM;
- Site 9 – Inwood – SE 10-18-1 WPM;
- Site 10 – Fisher Branch – SW 26-25-2 WPM;
- Site 11 – Ninette – SE 28-5-16 WPM;
- Site 12 – Carberry – NW 29-10-14 WPM;
- Site 13 – Melita – NW 24-4-26 WPM;
- Site 14 – Virden – NW 16-10-26 WPM;
- Site 15 – Birtle – NW 1-17-27 WPM;
- Site 16 – Webb – NE 16-3-12 WPM;
- Site 17 – Holmfield – SW 21-2-16 WPM;
- Site 18 – Alexander – SW 5-11-21 WPM;
- Site 19 – Ashern – SE 9-26-7 WPM;
- Site 20 – Broken Pipe Lake – SE 20-26-21 WPM;
- Site 21 – Cowan – NW 14-35-23 WPM;
- Site 22 – Cranberry Portage – Junction of PTH 10 and the Sheridan Road;
- Site 23 – Gillam – PR 280 20 km Northeast of Gillam;
- Site 24 – Grand Rapids – 6 km South of Junction PTH 6 & PTH 60;

- Site 25 – Gypsumville – SW 27-33-10 WPM;
- Site 26 – Leaf Rapids – PR 391, one km North of Conrad Lake;
- Site 27 – Lundar – SW 7-20-4 WPM;
- Site 28 – Lynn Lake – PR 391, four km West of Lynn Lake;
- Site 29 – McCreary – SW 2-21-14 WPM;
- Site 30 – PR 261 – SE 19-18-14 WPM;
- Site 31 – Red Deer Tower – SW 8-45-25 WPM;
- Site 32 – Roblin – SE 32-25-27 WPM;
- Site 33 – Rorketon – NE 11-28-16 WPM;
- Site 34 – Shergrove Yard – SW 10-24-13 WPM;
- Site 35 – Snow Lake – 85 km East of PTH 10;
- Site 36 – Snow Lake (Wekusko) – Wekusko Quarry next to Sunday Lake;
- Site 37 – Soab Lake – Vicinity of Pisew Falls, 400 m northeast of the Soab Lake Radio Tower;
- Site 38 – Ste. Amelie – NW 14-23-15 WPM;
- Site 39 – Swan River – SW 25-36-28 WPM;
- Site 40 – The Pas – 10 km South of PR 282;
- Site 41 – Thompson – 8.7 km North of Thompson;
- Site 42 – Winnipegosis – SE 29-31-18 WPM;
- Site 43 – Pipestone – SW 17-07-26 WPM;
- Site 44 – Piney – NE 36-01-11 EPM;
- Site 45 – Minnedosa – SE 33-14-18 WPM;

in accordance with the Proposal dated March 30, 2012, and additional information dated July 5, 2012, May 12, 2015, August 19, 2015 and September 11, 2015 and 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 and Water Stewardship 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;

**"aggregate"** means any crushed stone or slag, crushed or uncrushed gravel, sand or mineral filler;

**"approved"** means approved by the Director or assigned Environment Officer in writing;

**"asphalt or asphalt based material"** means a material produced as a result of crude oil distillation or solvent precipitation which is used as a binder or cementing agent when combined with aggregate and includes asphalt cement, cutback asphalt and emulsified asphalt;

**"Closure Plan"** means a plan indicating the actions to be taken for the closure of the Development;

**"dangerous good"** means a product, substance or organism as defined in *The Dangerous Goods Handling and Transportation Act*, or any amendments thereto;

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

**"Environment Officer"** means an employee so designated pursuant to *The Environment Act*;

**"fugitive emissions"** means particulate matter escaping from sources within the Development into the atmosphere other than through any of the emission stacks or vents;

**"hazardous waste"** means a product, substance or organism as defined in *The Dangerous Goods Handling and Transportation Act*, or any amendments thereto;

**"noise nuisance"** means an unwanted sound, in an affected area, which is annoying, troublesome, 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 members of the public;

if the unwanted sound

- 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 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 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;

**"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;

**"point source"** means any point of emission from a Development where pollutants are emitted to the atmosphere by means of a stack;

**"Post Closure Plan"** means a plan indicating the actions to be taken for the care, maintenance, and monitoring of the Development after closure, that will prevent, mitigate, or minimize the threat to public health and the environment;

**"Standard Methods for the Examination of Water and Wastewater"** means the most recent 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 Environment Federation;

**"used oil"** means a petroleum or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid or other fluid capable of use for lubricating purposes in machinery or equipment which, as a result of use, storage or handling can no longer be used for its original purpose; and

**"wastewater"** means any liquid containing a pollutant as defined in *The Environment Act*, associated with or resulting from the Development which is discharged into the environment.

### **GENERAL SPECIFICATIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee 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. The Licencee shall implement a high standard of equipment maintenance and good housekeeping and operational practices with respect to the Development, at all times.
2. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.

3. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee 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 pollutants from the said Development; or
  - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
  - d) 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.
  
4. The Licencee 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 or in accordance with equivalent preservation and analytical methodologies approved by the Director;
  - b) carry out all sampling of, and preservation and analyses on, soil and air samples in accordance with methodologies approved by the Director;
  - c) have all analytical determinations undertaken by an accredited laboratory; and
  - d) report the results to the Director, in writing and in an electronic format acceptable to the Director, within 60 days of the samples being taken.
  
5. The Licencee shall carry out any remedial measures, modifications, or alterations, as deemed necessary by the Director, in respect to matters authorized under this Licence.
  
6. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in written and electronic format, in such form (including number of copies), and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.
  
7. The Licencee shall designate an employee, within 60 days of the date of issuance of this Licence, as the Licencee's Environmental Coordinator, whose job description will include assisting the Licencee in complying with the limits, terms and conditions in this Licence and assisting Senior Management of the Licencee to manage environmental issues at the Development. The name of the Environmental Coordinator shall be submitted in writing to the Director within 14 days of appointment and any subsequent appointment.

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

### **Respecting Operating Restrictions and Prohibitions**

8. The Licencee shall not operate, or allow to be operated, any asphalt plant without a pollution control device(s) at the Development.
9. The Licencee shall cease operation of any asphalt plant at the Development when the Director determines that the emissions from the asphalt plant are causing a safety concern for road and/or highway traffic.
10. The Licencee shall cease operation of any asphalt plant at the Development when the Director determines that the emissions from the asphalt plant are creating a significant negative environmental or health impact in the affected area.
11. The Licencee shall not burn, and/or bury any waste and/or unused material at the Development. Unused material shall not be deposited at the Development except on a temporary basis not exceeding 12 months.
12. The Licencee shall dispose of all solid waste generated from any activity at the Development only to a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba Regulation 150/91 or any future amendment thereof, or a Licence issued pursuant to *The Environment Act*.
13. The Licencee shall not combust hazardous waste or allow combustion of hazardous waste, including used oil, in the asphalt plant.

### **Respecting Air Emissions – Limits**

14. The Licencee shall not emit particulate matter from the Development such that:
  - a) particulate matter:
    - i) 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;
    - ii) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
    - iii) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
  - b) opacity from any point source of the Development equals or exceeds:
    - i) 20 percent as the average of any 24 consecutive opacity observations taken at 15 second intervals;
    - ii) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
    - iii) 40 percent for any individual opacity observation.

15. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
16. The Licencee shall not cause or permit an odour nuisance to be created as a result of the operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

#### **Respecting Portable Asphalt Plants**

17. The Licencee shall not construct, assemble, modify, or operate any asphalt plant(s) at the Development unless that asphalt plant(s) has a valid Environment Act Licence authorizing its use.
18. The Licencee shall not allow any asphalt plant(s) to be constructed, assembled, modified, or operated at the Development unless that asphalt plant(s) has a valid Environment Act Licence authorizing its use.

#### **Respecting Fugitive Air Pollution Control**

19. The Licencee shall control, by methods acceptable to the Director, the entrainment of particulate matter into the air at the Development resulting from the operation of vehicles or the transportation, storage or handling of aggregate or other material.

#### **Respecting Chemical Storage and Spill Containment**

20. The Licencee shall provide containment for all vessels containing chemicals in each area of the development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010), or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater and surface water is prevented.
21. The Licencee shall, in a manner approved by the Director, remove and dispose of all spilled dangerous goods.

#### **Respecting Wastewater**

22. The Licencee shall store wastewater only in a storage facility approved by the Director for discharge at an approved facility.
23. The Licencee shall not discharge wastewater beyond the property boundaries of the Development and shall prevent the seepage of wastewater such that the groundwater beneath the Development does not become contaminated.

#### **Respecting Contamination from Asphalt or Asphalt Based Materials**

24. The Licencee shall, within 60 days of the written request of the Director, submit a plan:



- a) to conduct a site assessment at the Development to determine any existing contamination of the soil, surface water or ground water; and
- b) to describe measures to be taken to contain and remediate any potential leak or spill which might result from the transportation, storage or handling of asphalt or asphalt based material at the Development.

25. The Licencee shall implement, as determined by the Director, any or all of the works described in the plan requested in Clause 39 of this Licence, within a time frame as determined by the Director.

### **Respecting Dangerous Goods and Hazardous Wastes**

26. The Licencee shall comply with all the applicable requirements of:

- a) Manitoba Regulation 188/2001, or any future amendment thereof, respecting the *Storage and Handling of Petroleum Products and Allied Products*;
- b) *The Dangerous Goods Handling and Transportation Act*, and regulations issued thereunder, respecting the handling, transport, storage and disposal of any dangerous goods brought onto or generated at the Development; and
- c) the Office of the Fire Commissioner – Province of Manitoba.

27. The Licencee shall not receive at the Development any hazardous waste from any generator off site of the Development.

### **Respecting Emergency Response Planning**

28. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.

29. The Licencee shall, following the reporting of an event pursuant to Clause 28:

- a) identify the repairs required to the mechanical equipment;
- b) undertake all repairs to minimize unauthorized discharges of a pollutant;
- c) complete the repairs in accordance with any written instructions of the Director; and
- d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.

30. The Licencee shall prepare, within 90 days of the date of issuance of this Licence, and maintain an emergency response contingency plan in accordance with the Canadian Centre for Occupational Health and Safety “Emergency Response Planning Guide” or other emergency planning guidelines acceptable to the Director.

**Closure and Post Closure**

31. Within one year prior to imminent closure of the Development, the Licencee shall submit, for the approval of the Director, a formal detailed Closure and Post Closure Plan for the Development.
32. The Licencee shall implement and maintain the approved Closure and Post Closure Plan.

**REVOCATION**

- A. This Licence replaces Licence No. 3013 which 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.
- B. 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*.

*“original signed by”*

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**Tracey Braun, M.Sc.**

**Director**

**Environment Act**

**File No.:5578.00**