

**Licence No.: 2403**

**Licence Issued: July 14, 1999**

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)  
THIS LICENCE IS ISSUED PURSUANT TO SECTION 10(1) TO:**

**HUDSON BAY PORT COMPANY; CHURCHILL "the Licencee"**

for the construction, upgrading and operation of the Development being a bulk material handling facility including the grain terminal, a dust control system for the terminal, a rail hopper car conversion, sewage disposal system, concrete restoration, fire and safety upgrades, and marine tank farm upgrade located on Townships 112 and 113, Range 20 EPM on the East Peninsula, Town of Churchill, and in accordance with the Proposal filed under The Environment Act on December 29, 1998, and in accordance with the site map of the Port and Churchill Area attached as Appendix "A" to this Licence, and subject to the following specifications, limits, terms and conditions:

**DEFINITIONS**

In this Licence,

**"accredited laboratory"** means any facility accredited by the Standard Council of Canada (SCC); or facilities accredited by another accrediting agency recognized by Manitoba Environment to be equivalent to the SCC; or any facility able to demonstrate to Manitoba Environment, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the Canadian Standard Can/CSA-Z753, extension of the international standard ISO 9000, Guide 25;

**"affected area"** means a geographical area excluding the property of the Development;

**"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;

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

**"dangerous goods"** means any product, substance or organism designated in the dangerous goods regulation, or conforming with the criteria set out in the regulations, or in any regulation adopted in accordance with the **Dangerous Goods Handling and Transportation Act** and includes hazardous wastes;

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

**"effluent"** means treated wastewater flowing or pumped out of the development;

**"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 the 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;

**"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; and

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

### **GENERAL TERMS AND CONDITIONS**

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 comply with all applicable federal and provincial regulations.
2. The Licencee shall install and maintain, for all chemical storage structure(s), 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 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.
5. 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.
6. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
7. The Licencee shall not discharge any wastewater into a wastewater collection or treatment system unless the Licencee has first entered into an industrial use agreement with the owner of the wastewater collection or

treatment system and provides a copy of the industrial use agreement to the Director. This agreement shall specify the quality, quantity, and timing of discharges into the wastewater collection system and shall require the Licencee to advise the owner of any changes to these parameters.

8. The Licence shall only discharge ship bilge and/or ballast water into an approved sewage lagoon, and in a manner conforming with all relevant legal requirements and international standards relating to bilge and/or ballast water.
9. The Licencee shall not undertake construction and maintenance activities during heavy precipitation events when water erosion and sedimentation adjacent to the worksite occur.
10. The Licencee shall insure that prior to any major structural repairs or demolition that the Manager of Heritage Buildings, Historic Resources Branch is contacted in order to meet impact assessment and mitigation where required.
11. The Licencee shall insure that in the event any below ground heritage resources are exposed during trenching or excavation that the Manager of Archaeological Assessment Services is notified.

### **MONITORING AND REPORTING**

12. The Licencee shall at the request of the Director, conduct soil, air (stack and/or ambient), ground water, surface water or noise monitoring at or adjacent to the Development.
13. The Licencee shall, unless otherwise specified in this Licence, ensure that all analytical determinations are undertaken by an accredited laboratory.
14. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 12 and 13 of this Licence, to the Director within 60 days of the completion of the sampling program.

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

#### **I - LIQUID EMISSIONS**

15. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
16. The Licencee shall contain and clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
17. The Licencee shall forward all test results to the Director regarding mitigation measures, surface water quality, sediment impairment, and sediment contamination resulting from the stockpiling of bulk materials.

#### **II - REMEDIAL ACTION**

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

#### **III - EMERGENCY CONTINGENCY PLAN**

19. 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.

#### **IV - BULK MATERIAL PRODUCT**

20. The Licencee shall surface all areas of the Development where bulk materials are stored, loaded, blended, transferred or otherwise handled, in a manner and using materials approved by the Director.
21. The Licencee shall grade, dike or curb all areas where bulk materials are 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.
22. The Licencee shall ensure that a permanent covered structure for handling bulk materials is constructed for the year 2000 shipping season.

#### **V - DANGEROUS GOODS CHEMICALS**

23. The Licencee shall insure that all dangerous goods are stored or stockpiled in an enclosed structure as approved by the Director.
24. The Licencee shall construct and maintain concrete floors and curbing 10 cm minimum in height around the perimeter of all dangerous goods storage structure(s) so as to prevent spilled liquids from leaking into the soil.
25. The Licencee shall create and maintain a current duplicate inventory of all dangerous goods 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.
26. The Licencee shall contain on the Development:
  - a. any on-site dangerous goods spill;
  - b. waste water generated from any response action due to an on-site release of dangerous goods; and
  - c. contaminated water resulting from the extinguishing of any fire involving dangerous goods.

#### **VI - MARINE TANK FARM**

27. The Licencee shall ensure that the marine tank farm compliance upgrade is registered with the Department prior to any changes as per Manitoba Regulation 97/88R. A copy of all baseline and monitoring testing data should be provided to the Director as generated.
28. The Licencee shall maintain the existing monitoring wells around the Marine Tank Farm where petroleum products are stored, loaded, blended, transferred or otherwise handled such that the ground water may be sampled.
29. The Licencee shall sample each well referred to in Clause 28 of this Licence once each year.
30. The Licencee shall have each collected sample analyzed by an accredited laboratory using methods approved by the Director for the following parameters:
  - a. total petroleum hydrocarbons;
  - b. Benzene;
  - c. Toluene;
  - d. E. Benzene;
  - e. Xylenes; and
  - f. any other products that may be specified by the Director.
31. The Licencee shall submit copies of the analytical results completed in Clause 30 of this Licence, to the Director within 60 days of the samples having been submitted for analysis.
32. The Licencee shall ensure that all effluent resulting from an Oil/Water Separator are disposed of in a manner

approved by the Director.

### **VII - SITE DECOMMISSIONING**

33. 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.
34. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

### **REVIEW AND REVOCATION**

- A. 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 construction of the development is not commenced within three years of the date of this Licence, the Licence is revoked.
- 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.

"original signed by"

**Larry Strachan, P. Eng.**  
**Director**  
**Environment Act**

**Client File No.: 4410.00**

**Appendix A** - see hard copy of Licence.