



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

FAXED

CLIENT FILE NO.: 5407.00

July 21, 2009

Tracy Roy
Viterra Inc.
2625 Victoria Ave.
Regina, SK S4T 7T9

Dear Ms. Roy:

Enclosed is **Environment Act Licence No. 2889** dated July 21, 2009 to **Viterra Inc.** for the construction and operation of a anhydrous ammonia storage tank and distribution facility to be located at NE 16-03-23 WPM in the Rural Municipality of Winchester, and in accordance with the Proposal filed under The Environment Act on April 21, 2009.

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, Krystal MacDougall, Environmental Officer at (204) 945-2819.

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: Don Labossiere, Director, Environmental Operations
Public Registries
R.M. of Winchester (As registry & office copy)

NOTE: Confirmation of Receipt of this Licence No. 2889 (*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 August 7, 2009.

On behalf of Viterra Inc.

Date

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

LICENCE

Licence No. / Licence n° 2889

Issue Date / Date de délivrance July 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 Section 10(1) / Conformément au Paragraphe 10(1)

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

VITERRA INC. - R.M. OF WINCHESTER; "the Licencee"

for the construction and operation of an anhydrous ammonia storage tank and distribution facility to be located at NE 16-03-23 WPM in the Rural Municipality of Winchester, and in accordance with the Proposal filed under The Environment Act on April 21, 2009 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 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;

"ambient concentration" means the measurement of a substance contained in an air sample (corrected to a temperature of 25 degrees Celsius 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;

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

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

"noise nuisance" means a continuous or repeated noise, 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 noise

- 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; and
- f) is deemed by the Director, based on available information, to be valid.

"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 unwanted 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; and
- f) is deemed by the Director, based on available information, to be valid.
- g) is deemed by the Director, based on available information, to be valid.

"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;

"permanent anhydrous ammonia tank(s)" means any storage container certified for the storage of anhydrous ammonia which is attached to a fixed supporting structure;

"point source emission" means any point of emission from the 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, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
2. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
3. The Licencee shall, prior to commencing construction of the Development, obtain all necessary approvals from Manitoba Infrastructure and Transportation and the Highway Traffic Board.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Construction and Operation

4. The Licencee shall install a minimum 2.4 metre high fence surrounding the Anhydrous Ammonia Tank to discourage access to unauthorized persons.
5. The Licencee shall not locate any permanent anhydrous ammonia tank(s) used for the on-site storage of ammonia prior to redistribution, within:

- a) 800 meters from residential areas, schools, hospitals, or other institutions;
- b) 100 metres from a single isolated residence; or
- c) 100 metres from the edge of the right of way of a highway

Respecting Emissions

6. 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 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.
7. The Licencee shall not emit ammonia from the Development such that the ambient concentration of ammonia in air is in excess of:
 - a) 10 parts per million at any time when measured at any point beyond the property line of the development; or
 - b) 2 parts per million as an 1-hour average when measured at any point beyond the property line of development.
8. 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.
9. 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.
10. The Licencee shall at the request of the Director, conduct soil, air, ground water, surface water or noise monitoring at or adjacent to the Development.
11. The Licencee shall, unless otherwise specified in this Licence, engage analytical determinations by an accredited laboratory for any of the following analytes as may be specified by the Director:
 - (a) Pesticides;

- (b) Particulate Matter (in air);
 - (c) Total phosphorus;
 - (d) Dissolved phosphorus;
 - (e) Ortho phosphorus;
 - (f) Total Kjeldhal nitrogen;
 - (g) Nitrate / nitrite nitrogen; and
 - (h) Metal Scan (ICP MS).
12. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 12 and 13 this Licence, to the Director within 60 days of the completion of the sampling program.
13. The Licencee shall contain on the Development:
- a) any on-site chemical spill;
 - b) waste water generated from any response action due to an on-site release of chemicals; and
 - c) contaminated water resulting from the extinguishing of any fire involving chemicals.
14. The Licencee shall clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
15. The Licencee, subject to obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.
16. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.

Respecting Emergency Response Planning

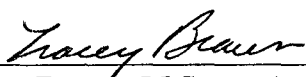
17. The Licencee shall submit, within ninety (90) days of the issuance of this Licence, an emergency response contingency plan to be approved by the Director. This plan shall include, but not be limited to, items which will address: measures implemented for spill prevention and containment; security; personnel training; fire and other response arrangements.
18. The Licencee shall during construction and operation of the Development:
- a) immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 945-4888, and
 - b) at the request of the Director, provide a follow-up report to the Director on a reportable environmental accident outlining the cause(s) and propose corrective action to prevent reoccurrence.

Respecting Site Decommissioning

19. 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.
20. 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.



Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 5407.00