

# LICENCE

Licence No. / Licence n° 1626 RRR

Issue Date / Date de délivrance February 4, 1993

Revised : March 21, 1997

Revised : July 22, 2004

Revised : June 3, 2008

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 :**

**PIONEER GRAIN COMPANY LTD.-KILLARNEY; "the Licencee"**

for the construction, installation and operation of the Development being a crop protection products warehouse, a bulk granular fertilizer blending/storage, anhydrous ammonia transport wagons and distribution facilities to be located on the NE¼ 12-3-17 WPM in the Rural Municipality of Turtle Mountain, and in accordance with the Proposal filed under The Environment Act on February 4, 1993 and subject to the following specifications, limits, terms and conditions:

**DEFINITIONS**

In this Licence,

**"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;

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

**"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;

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

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 noise 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 unwanted odour, smell of 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;

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

**"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 Licensee 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 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 all pesticide 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 ammonia from the Development such that the ambient concentration of ammonia in air is in excess of:
  - i) 10 parts per million at any time when measured at any point beyond the property line of the Development; or
  - ii) 2 parts per million as an 1-hour average when measured at any point beyond the property line of the Development.
6. 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 as the average of any 24 consecutive opacity observations taken at 15 second intervals;
    - b) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
    - c) 40 percent for any individual opacity observation.
7. 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.

8. The Licencee 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 require to eliminate or mitigate an odour nuisance.
9. 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.
10. The Licencee shall have each soil, air, or water sample collected pursuant to Clause 9, of this Licence, analyzed by a laboratory approved by the Director and using methods approved by the Director for any of the following analytes as may be specified by the Director:
  - a.  $\text{NH}_3$  - N (Sol.);
  - b.  $\text{NH}_3$  - (in Air);
  - c.  $\text{NO}_3$  - $\text{NO}_2$  - N (Diss.);
  - d. Kjeldhal, Total - N;
  - e. P - Total;
  - f. Pesticides; and
  - g. Particulate Matter (in air).
11. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 9 and 10 of this Licence, to the Director within 60 days of the completion of the sampling program.
12. The Licencee shall install a minimum 2.4 metre high fence surrounding the storage of Anhydrous Ammonia Wagons to prevent access to unauthorized persons.

## SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

### I-LIQUID EMISSIONS

13. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
14. The Licencee shall contain and clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
15. The Licencee shall ensure that the warehouse site and the site retention area is protected with a minimal 45 cm of compacted clay material or other materials approved by the Director.
16. The Licencee shall ensure that the Development is adequately diked and that mechanical 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 Conservation in Brandon shall be contacted for prior approval to open the control culverts to permit land drainage.
17. The Licencee shall ensure that the surface of the site retention area is inspected semiannually for desiccation cracks, and that the site retention area's continuity is maintained.

## **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.
19. The Licencee shall remediate, within a time frame stipulated by the Director, all on and off-site environmental impacts as a result of any release of anhydrous ammonia.

## **III - 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, hospital warnings and other response arrangements.

## **IV - ANHYDROUS AMMONIA SETBACK DISTANCES**

21. The Licencee shall not locate any permanent anhydrous ammonia tank(s) used for the on-site storage of ammonia prior to redistribution, within:
  - i) 800 metres from residential areas, schools, hospitals or other institutions;
  - ii) 100 metres from a single isolated residence; or
  - iii) 100 metres from the edge of the right of way of a highway.

## **V - FERTILIZER PRODUCTS**

22. 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.
23. 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**

24. 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.
25. 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.
26. The Licencee shall store only pesticides registered under the Pest Control Products Act of Canada at the Development.
27. The Licencee shall contain on the Development:

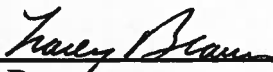
- a. any on-site pesticide spill;
  - b. waste water generated from any response action due to an on-site release of pesticides;  
and
  - c. contaminated water resulting from the extinguishing of any fire involving pesticides.
28. The Licencee shall locate the pesticide storage structure(s) a minimum distance of:
- a. 100 metres from any property zoned residential; and
  - b. 100 metres from single residences  
unless a written consent form is obtained from the owner(s).

#### **VI - SITE DECOMMISSIONING**

29. 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.
30. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

#### **REVIEW AND REVOCATION**

- A. This Licence replaces Licence No. 1626 RR 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.
- C. If construction of the development is not commenced within three years of the date of this Licence, the Licence is revoked.
- D. 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**  
**Director**  
**Environment Act**

# Manitoba



## 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](http://www.gov.mb.ca/conservation/eal)

## FAXED

CLIENT FILE NO.: 3528.00

June 3, 2008

Mr. Perry M. Henschell  
Manager, Environment, Health & Safety  
James Richardson International Limited  
2800 Lombard Place  
Winnipeg MB R3B 0X8

Dear Mr. Henschell:

Our records have been updated to reflect the transfer of Agricore United Environment Act Licence No. 1626 RR to Pioneer Grain Company Ltd. Enclosed is Revised Environment Act Licence No. 1626 RRR dated June 3, 2008 re-issued in the name of Pioneer Grain Company Ltd.

In addition to the enclosed Revised 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 the Brandon Conservation Office at (204) 726-6060.

**Please ensure that the original or copy of the revised Licence and covering letter are available on site.**

Yours truly,

Tracey Braun, M. Sc.  
Director  
Environment Act

Enc.

c: B. Wright, Regional Director, Western Region, Conservation  
c: R.M. of Turtle Mountain

**NOTE: Confirmation of Receipt of this Licence No. 1626 RRR (by the Licencee only) is required by the Director of Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy back to the Department by June 10, 2008.**

\_\_\_\_\_  
On behalf of Pioneer Grain Company Ltd.

\_\_\_\_\_  
Date

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

**Manitoba**  
spirited energy