



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5424.00

October 29, 2013

Dennis Badowski
New Era Ag Technologies Inc.
Box 461
Swan River MB R0L 1Z0

Dear Mr. Badowski:

Enclosed is **revised Environment Act Licence No. 2905 R** dated October 29, 2013 issued to **New Era Ag Technologies Inc.** for the construction and operation of the Development being a crop protection products warehouse to be located at Lot 3, Block 1, Plan 2554 in the Town of Swan River and in accordance with the Proposal filed under *The Environment Act* on August 24, 2009 and the Notice of Alteration dated September 7, 2013. **Environment Act Licence No. 2905 is hereby rescinded.**

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.

For further information on the administration and application of the licence please contact Tim Prawdzik, Environment Officer at 204-622-2123.

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 truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

Enc.

c: Don Labossiere, Director, Environmental Compliance and Enforcement
David Klassen, Kelsen AgriTech (**via email**)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2905 R (*by the Licencee only*) is required by the Director of Environmental Approvals Branch. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by November 12, 2013.

On behalf of New Era Ag Technologies Inc.

Date

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

| | |
|---------------------------------|-------------------------|
| Licence No. / Licence n° | <u>2905 R</u> |
| Issue Date / Date de délivrance | <u>November 4, 2009</u> |
| Revision | <u>October 29, 2013</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) and 14(2) / Conformément au Paragraphe 10(1) et 14(2)

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

NEW ERA AG TECHNOLOGIES INC.;
"the Licencee"

for the construction and operation of the Development being a crop protection products warehouse to be located at Lot 3, Block 1, Plan 2554 in the Town of Swan River and in accordance with the Proposal filed under *The Environment Act* on August 24, 2009 and the Notice of Alteration dated September 7, 2013 and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"**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;

"**agricultural warehouse**" means any building(s) where pest control products are stored for either commercial or retail purposes;

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

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

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

"**pest control product**" means any product as defined in the federal *Pest Control Products Act*;

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

"secondary containment area" means, for an Agrichemical Warehouse (or crop protection products warehouse), an area designed and constructed to contain any liquids, including chemicals and fire water, resulting from a significant event such as a fire, and prevents the release of pollutants beyond the containment area; and

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

TERMS AND CONDITIONS

1. The Licencee shall provide to the Director, upon request, all information required under this Licence, in writing and in such form and content (including number of copies), as may be specified by the Director, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.
2. The Licencee shall, in addition to any of the following specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
 - a) sample, monitor, analyze 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 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 Development;
 - 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, flow rate measurements and such other information as may from time to time be requested.
3. 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) only utilize an accredited laboratory for analytical determinations; and
 - d) report the results to the Director within 60 days of the samples being taken, or within another timeframe as specified by the Director.

SPECIFICATIONS, LIMITS AND CONDITIONS

Respecting Construction and Operation

4. Licencee shall obtain all necessary municipal, provincial and federal permits and approvals for construction of relevant components of the Development prior to commencement of construction.

5. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
6. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
7. The Licencee shall, in the event of a release, spill, leak or discharge of a pollutant or contaminant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Licence, *The Environment Act*, another Act of the Legislature, or an Act of Parliament, or in regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, immediately report the release, spill, leak or discharge by calling 204-944-4888. The report shall indicate the nature of the release, leak, spill or discharge, the time and estimated duration of the event and the reason for the release, spill leak or discharge.

Respecting Pest Control Products

8. The Licencee shall meet or exceed the current guidelines for Agrichemical Warehousing Standards Association (AWSA) certification regarding the handling and storage of pest control products.
9. The Licencee shall design and construct the secondary containment area such that it is protected with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.
10. The Licencee shall control surface water run-off from the secondary containment area. Accumulated surface water runoff shall only be released only where there have been no documented spills, or as authorized by an Environment Officer.
11. The Licencee shall inspect the surface of the secondary containment area semiannually for desiccation cracks, so that the secondary containment area's continuity is maintained.
12. The Licencee shall construct and maintain concrete floors with a minimum 10 centimetres retention curbing around the perimeter of all agrichemical warehouses so as to prevent spilled liquids from leaking into the soil.
13. The Licencee shall install and maintain, for all agrichemical warehouse(s), an automatic system(s) for fire detection and security.
14. 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.
15. The Licencee shall store only pest control products registered under the federal *Pest Control Products Act* at the Development.
16. The Licencee shall locate pest control storage structure(s) a minimum distance of:
 - a) 100 metres from any property zoned residential; and
 - b) 100 metres from single residencesunless a written consent form is obtained from the owner(s).

Respecting Liquid Emissions

17. The licensee shall document all releases, spills, leaks or discharges of chemicals that occur within the Development in an incident log. The incident log shall document at a minimum the date, time, chemical, estimated volume and the clean up actions taken for each release, spill, leak or discharge. The incident log shall be updated within 24 hours of an incident occurrence and be made available at the request of an Environment Officer.
18. The Licensee shall only remove or permit removal of storm water or surface water that has accumulated in the secondary containment area if there have been no documented releases, spills, leaks or discharges of chemicals (from the previous removal to the current). In the event a documented incident has occurred, the Licensee must receive authorization from an Environment Officer from the designated Regional Office of Manitoba Conservation and Water Stewardship prior to removal of any accumulated liquid. If any accumulated liquid may be contaminated, it shall be sampled and tested for appropriate parameters by an accredited laboratory prior to any request for removal.
19. The Licensee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
20. The Licensee shall contain and clean up immediately any pest control product or chemical spills in order to prevent soil, surface water or ground water contamination.
21. The Licensee shall remediate, within a time frame stipulated by the Director, all on and off-site environmental impacts as a result of any release of a chemical.

Respecting Emergency Response Planning

22. The Licensee shall prepare 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 document acceptable to the Director.

Respecting Site Decommissioning

23. The Licensee 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.
24. The Licensee shall implement, on closure of the facility, the approved Decommissioning Plan.

REVIEW AND REVOCATION

- A. This Licence replaces Environment Act Licence No. 2905 which is now hereby rescinded.
- B. If construction of the Development is not commenced within three years of the date of this Licence, the Licence is revoked.

New Era Ag Technologies Inc.

Licence No. 2905 R

Page 5 of 5

- C. 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.
- 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*.

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

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