



Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
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FAXED

CLIENT FILE NO.: 5323.00

January 7, 2009

Kyu Jae You
President
Agri-Bio Canada Limited
207 – 528 Hudson Street
Winnipeg MB R3T 4E3

Dear Mr. You:

Enclosed is Environment Act **Licence No. 2863** dated January 7, 2009 issued in accordance with The Environment Act to **Agri-Bio Canada Limited** for the construction and operation of the Development being a bulk liquid fertilizer blending, storage and distribution facilities to be located on the SE¼ 29-8-7 EPM in the Rural Municipality of Ste. Anne, and in accordance with the Proposal filed under The Environment Act on February 6, 2008, and additional information dated December 3, 2008.

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 Jean-Guy Cote, Environment Officer at (204) 346-6061.

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: J. Irwin, Regional Director, Eastern Region
Jean-Guy Cote, Environment Officer
Millennium Public Library/Manitoba Eco-Network
Jake Epp Public Library
R.M. of Ste. Anne

NOTE: Confirmation of Receipt of this Licence No. 2863 (*by the Licensee 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 January 13, 2009.

On behalf of Agri-Bio Canada Limited

Date

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

Manitoba
spirited energy

LICENCE

Licence No. / Licence n° 2863

Issue Date / Date de délivrance January 7, 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:

AGRI-BIO CANADA LIMITED; "the Licence"

for the construction and operation of the Development being a bulk liquid fertilizer blending, storage and distribution facilities to be located on the SE¼ 29-8-7 EPM in the Rural Municipality of Ste. Anne, and in accordance with the Proposal filed under The Environment Act on February 6, 2008, and additional information dated December 3, 2008, 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;

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AT ALL TIMES****

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

"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; 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;

"**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, at all times during the operation of the Development, ensure that a high standard of equipment maintenance and operational practices are implemented.
3. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
4. 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.
5. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction or operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.

6. The Licencee shall not cause or permit an odour nuisance to be created as a result of the construction or operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.
7. 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.
8. The Licencee shall, unless otherwise specified in this Licence, ensure that all analytical determinations are undertaken by an accredited laboratory for any of the following analytes as may be specified by the Director:
 - a) Total phosphorus;
 - b) Dissolved phosphorus;
 - c) Ortho phosphorus;
 - d) Total Kjeldhal nitrogen;
 - e) Nitrate / nitrite nitrogen;
 - f) Metal Scan (ICP MS); and
 - g) Particulate Matter (in air).
9. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 7 and 8 of this Licence, to the Director within 60 days of the completion of the sampling program.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

I - LIQUID EMISSIONS

10. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.
11. The Licencee shall contain and clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
12. The Licencee shall keep spill prevention and clean-up equipment and supplies in stock at the location of the Development at all times.

II - REMEDIAL ACTION

13. 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

14. 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, including spill response equipment and supplies; security; personnel training; fire and other response arrangements. The plan must be available at the location of the Development at all times.
15. 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) 944-4888, 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.

IV - FERTILIZER PRODUCTS

16. 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.
17. 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.
18. The Licencee shall construct and maintain concrete floors with a minimum 10 cm retention curbing around the perimeter of all chemical structure(s) so as to prevent spilled liquids from leaking into the soil.
19. 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.
20. The Licencee shall provide containment within any curbed chemical tank farm storage area for a volume of liquid equal to 110% of the volume of the largest storage tank located therein.


21. The Licencee shall maintain the containment area volume capacity in Clause 20 of this Licence by the immediate removal and disposal, in a manner approved by the Director, of all accumulated fluids.

VII - SITE DECOMMISSIONING

22. The Licensee shall submit within ninety (90) of the date of this Licence, for the approval of the Director, a detailed plan respecting the decommissioning of the existing lagoon component of the facility. The plan shall address the removal and disposal of liquid and sludge.
23. 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.
24. 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

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