

Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5613.00

December 10, 2012

James A. Ferguson
Siculus Canada Inc.
c/o Aikins, MacAulay & Thorvaldson LLP
30th Floor, 360 Main St.
Winnipeg MB R3C 4G1

Dear Mr. Ferguson:

Enclosed is **Environment Act Licence No. 3029** dated December 10, 2012 issued to **Siculus Canada Inc.** for the construction and operation of a 230 to 12.47 kV transformer substation located at 5975 Portage Avenue in the Rural Municipality of Headingley, with associated construction and permanent access roads from the north service road of the Trans Canada Highway ("the Development"), in accordance with the Proposal filed under *The Environment Act*, dated November 5, 2012.

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 feel free to contact Donna Smiley, Environment Officer @ 204-945-7072.

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,

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3029 (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by December 21, 2012.

On behalf of Siculus Canada Inc.

Date

Licence No. / Licence n°

3029

Issue Date / Date de délivrance

December 10, 2012

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 11(1) / Conformément au Paragraphe 11(1)

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

SICULUS CANADA LTD.;
"the Licencee"

for the construction and operation of a 230 to 12.47 kV transformer substation located at 5975 Portage Avenue in the Rural Municipality of Headingley, with associated construction and permanent access roads from the north service road of the Trans Canada Highway ("the Development"), in accordance with the Proposal filed under *The Environment Act*, dated November 5, 2012, 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 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;

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

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

"Standard Methods for the Examination of Water and Wastewater" means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

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

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. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, 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, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development; or
 - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.

2. 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) have all analytical determinations undertaken by an accredited laboratory; and
 - d) report the results to the Director within 60 days of the samples being taken.

3. 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 labelled with the Licence Number and Client File Number associated with this Licence.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

4. The Licencee shall, prior to construction, provide a copy of this Licence to each contractor involved in the construction of the Development.

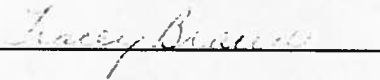
5. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development:
 - a) a minimum distance of 100 metres from any waterbody;

- b) in compliance with the requirements of *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*, and;
 - c) incorporate secondary containment satisfactory to an Environment Officer.
6. The Licencee shall, at all times during the construction of the Development, have materials available at the construction sites to contain and recover spills of fuel and other fluids associated with construction machinery.
7. The Licencee shall ensure that non-reusable demolition and construction debris from the Development is disposed of at a waste disposal ground operating under the authority of a permit pursuant to *Manitoba Regulation 150/91* or any future amendment thereof, respecting *Waste Disposal Grounds*, or a Licence pursuant to *The Environment Act*.
8. The Licencee shall, during construction, dispose of all sewage and septage from on-site sanitary facilities in accordance with *Manitoba Regulation 83/2003*, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.
9. 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 *The Environment Act*, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, during construction and operation of the Development immediately report any reportable spills to Manitoba Conservation and Water Stewardship's Accident Reporting Line at (204) 944-4888 pursuant to *Manitoba Regulation 439/87* or any future amendment thereof, respecting *Environmental Accident Reporting*.
10. The Licencee shall, during construction of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, etc.) from entering any waterbodies, and have an emergency spill kit for in-water use available on site during construction.
11. The Licencee shall adhere to the policies and procedures for pesticide applications pursuant to *Manitoba Regulation 94/88*, or any future amendment thereof, respecting *Pesticides*, so as to minimize the exposure of its employees and the public, as well as non-target biota, to herbicides.
12. The Licencee shall restrict construction related traffic to approved access locations.
13. The Licencee shall, prior to commencement of construction activities for the oil containment facilities at the Development, submit to the Director the results of an Oil Containment Assessment. Oil containment plans and specifications, as recommended in the Oil Containment Assessment, shall be provided to the Director prior to the commencement of construction of the oil containment facilities at the Development.

14. The Licencee shall construct and install the oil containment equipment as described in the plans and specifications required by Clause 13 of this Licence.
15. The Licencee shall, during construction of the Development, undertake periodic environmental monitoring at the site of the Development. A monitoring report shall be provided to the Director following the conclusion of construction activities.
16. The Licencee 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 guidelines acceptable to the Director.
17. The Licencee shall, prior to the decommissioning of the Development, submit a decommissioning plan for the approval of the Director.

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 has 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 11 of *The Environment Act*.



Tracey Braun, M.Sc.
Director
Environment Act